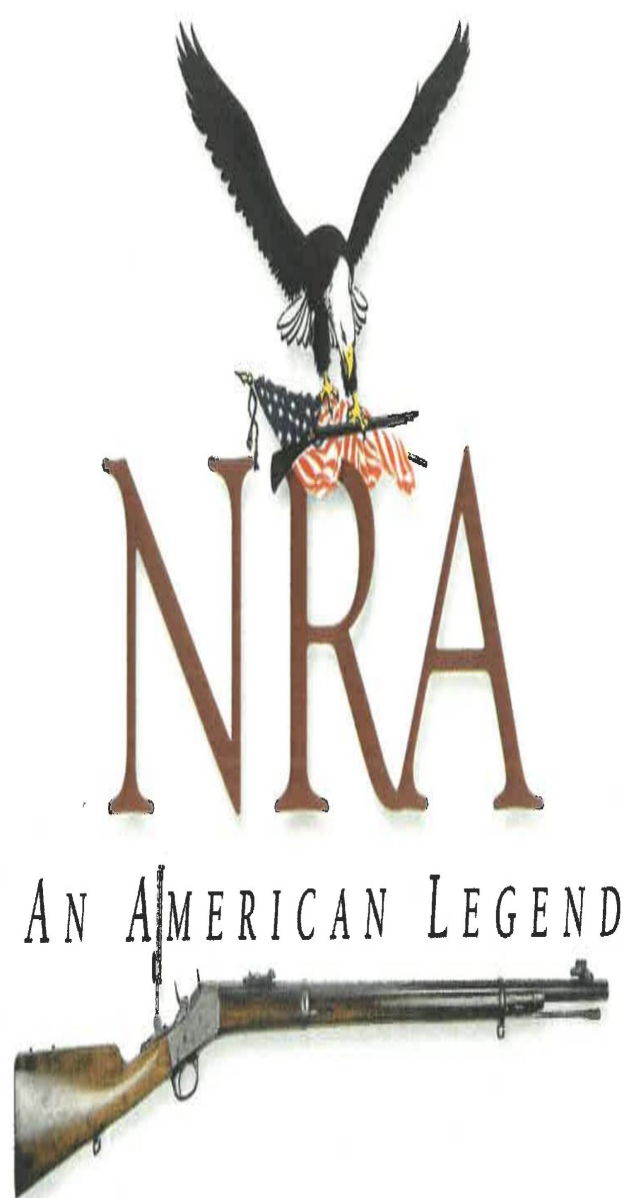


# **EXHIBIT A**



Painting courtesy Army Art Collection/Robert Bruce Military Photos



JEFFREY L. RODENGEN

Edited by Melody Maysonet  
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<i>The Legend of Mercury Marine</i>	
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<i>Inter-Tel—The First 30 Years</i>	

# TABLE OF CONTENTS

Foreword by Tom Clancy	vi
Acknowledgments	X

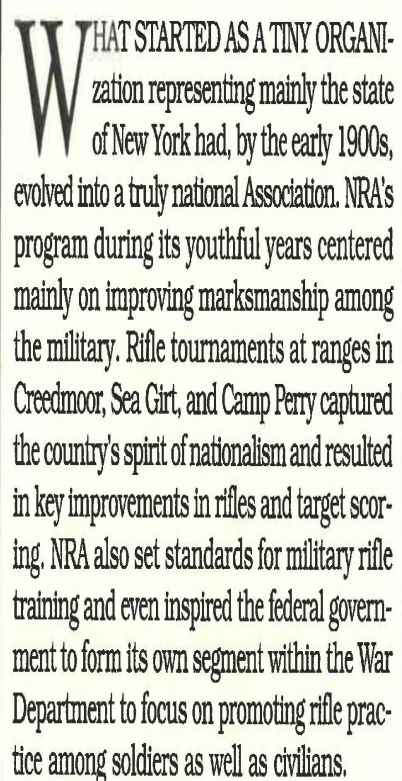
<b>PART ONE: EARLY FOUNDATION AND DEVELOPMENT</b>	<b>12</b>
Chapter I Birth of NRA	14
Chapter II International Fame	22
Chapter III Tumultuous Times	30
Chapter IV National Scope and Federal Recognition	36
Chapter V New Horizons: From Soldiers to Civilians	44
Chapter VI Bigger and Better	52

<b>PART TWO: SUPPORTING SOLDIERS AND CIVILIANS</b>	<b>60</b>
Chapter VII Patriotism and Preparedness	62
Chapter VIII The Soaring Twenties	70
Chapter IX Strong Leadership, Strong Support	84
Chapter X From Depression to War	94
Chapter XI The World at War	104
Chapter XII Postwar Penetration	114
Chapter XIII A Diverse Organization	126

<b>PART THREE: PROTECTING FREEDOM</b>	<b>144</b>
Chapter XIV NRA's Darkest Days	146
Chapter XV Countdown to Crisis	156
Chapter XVI Revolution and Reform	172
Chapter XVII A Focused Organization	186
Chapter XVIII Living the Great Role	200
Chapter XIX Staying Power	212
Chapter XX Another Threshold	230
Chapter XXI Coming Out on Top	254

Appendix	292
Index	296





**1903:** In what would become a long-term agenda for NRA, the organization begins working with America's youth.





President: William C. Church.  
Vice President: Alexander Spalen.  
Secretary: Geo. W. Wingate.  
Corresponding Secretary: Fred. M. Park.  
Treasurer: John Powell Jr.

New York, 1st October 1873  
Dear Sir:

The Officers and Directors of The National Rifle Association must be pleased to have you honor them with your presence at their First Annual Prize Meeting at Creedmoor, L.I. on Wednesday, Oct. 8th; the first day of the meeting which concluded October 11th.

The boat leaves James Slip at nine thirty a.m., and the foot of Thirty Fours St. East River, at nine forty five a.m., to connect with the Ten o'clock train from Hunter's Point, L.I.

Very Respectfully Yours

Wm. C. Church President N.R.A.

Colonel William C. Church, one of the founders of NRA and later its President, wrote personal letters of invitation for NRA's "First Annual Prize Meeting" at Creedmoor, which began on October 8, 1873.

## CHAPTER ONE

# BIRTH OF NRA

1870-1873

... [T]he general ignorance concerning marksmanship which I found among our soldiers during the Civil War appalled me, and I hoped that I might better the situation. I believed that if I could help to dispel the prevalent ignorance about rifle shooting I might bring our American Rifleman nearer in actuality to his legendary stature.

—General George W. Wingate, circa 1901



NOT OFTEN WILL WORDS PUBLISHED in a newspaper actually change the course of history, but that is exactly what happened in 1870 and 1871, when William C. Church, Editor of the *Army and Navy Journal*, published a series of editorials about the need for better rifle marksmanship to support national defense. Those editorials and the subsequent *Manual for Rifle Practice* written by George W. Wingate inspired a group of National Guard officers to realize the dire need for Americans to improve their marksmanship. In November 1871, these men created history with the formation of one of America's finest, most productive, and most necessary organizations—the National Rifle Association.

### The Instigators

The group of National Guard officers who formed NRA had firsthand knowledge of how far American marksmanship had declined during the Civil War, but it was Lieutenant Colonel William Conant Church and Captain George Wood Wingate who were most responsible for bringing that knowledge to the public. Church and Wingate, in fact, shouldered most of the organizational groundwork for the National Rifle Association.

Church was born in Boston in 1836 of a generally literary family and gravitated naturally to a

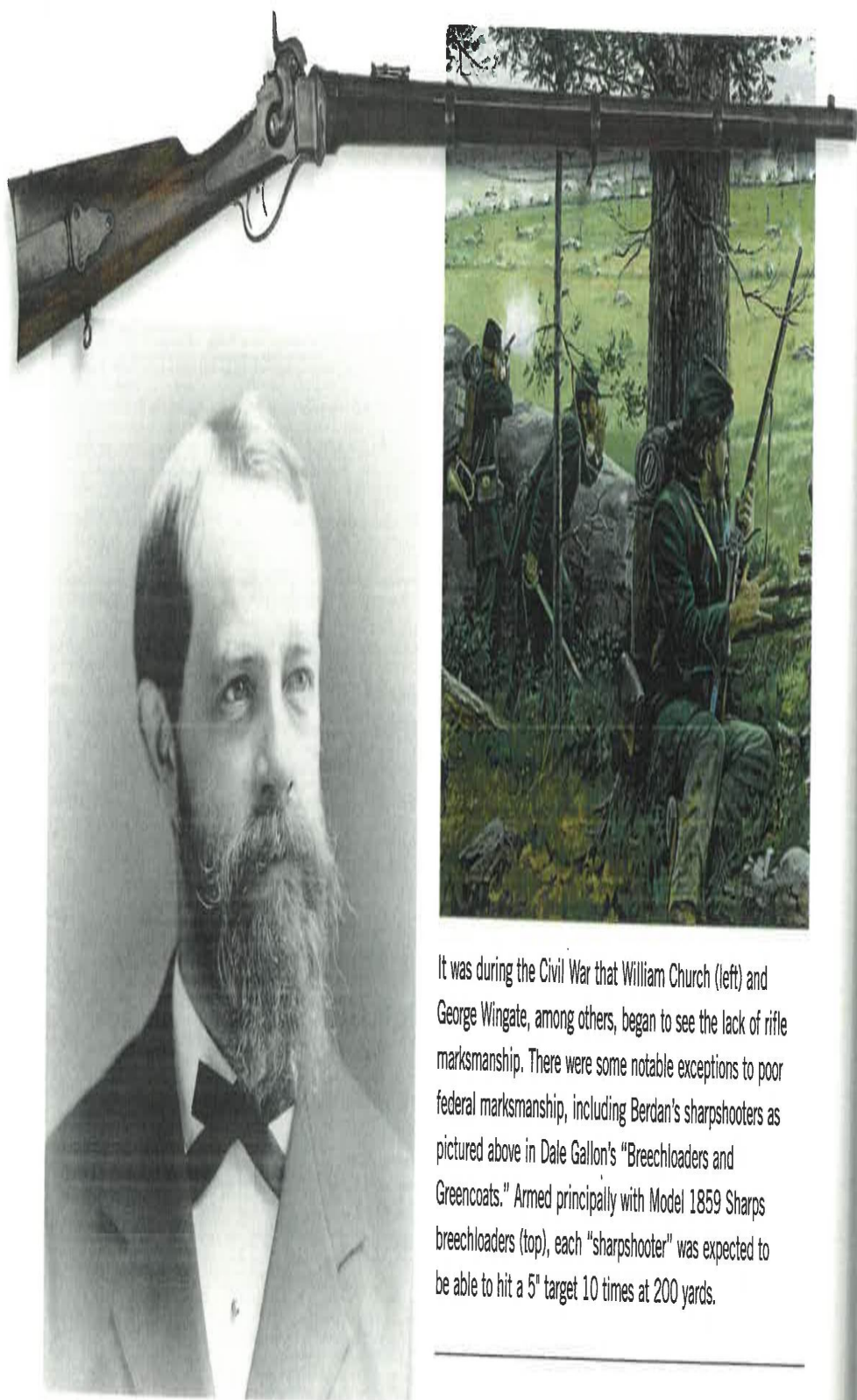
career in journalism. In 1860, he became acting publisher of the *New York Sun*, then the largest daily newspaper in the United States.

During the Civil War, Church was a freelance war correspondent covering activities of the Army of the Potomac. No rear-echelon reporter, he was wounded at Fair Oaks while gathering material on the Peninsula Campaign. In 1862, he accepted a commission as Captain of Volunteers on the staff of General Silas Casey.

During the early years of the war, prominent citizens of the North were alarmed over what they considered a disloyal and subversive press. They determined to sponsor a newspaper for servicemen "to diffuse knowledge and stimulate a broad national patriotism." To guide this enterprise, launched on June 18, 1863, they selected young Captain William Church, who resigned his commission to accept the assignment. The first edition of the *United States Army and Navy*

Church's editorials concerning the need for better marksmanship were published in the *Army and Navy Journal*. Later, after Church cofounded NRA, the publication donated on his behalf the Regimental Trophy, awarded to "the regiment making the best shooting of any in the United States at the range of the National Rifle Association."





It was during the Civil War that William Church (left) and George Wingate, among others, began to see the lack of rifle marksmanship. There were some notable exceptions to poor federal marksmanship, including Berdan's sharpshooters as pictured above in Dale Gallon's "Breechloaders and Greencoats." Armed principally with Model 1859 Sharps breechloaders (top), each "sharpshooter" was expected to be able to hit a 5" target 10 times at 200 yards.

*Journal and Gazette of the Regular and Volunteer Services* appeared on August 29, 1863. Under Church's guidance, the paper prospered and soon became a running encyclopedia of contemporary military affairs. By the end of the war, Church was known by name or personally to practically every officer and enlisted man in the Union Army and Navy.

In nearly every issue of his newspaper up to 1871, Church published articles on rifles and editorials decrying the lack of marksmanship training in America's volunteer militia units. After watching a parade of the New York National Guard, he commented on the precision with which the troops ran through their manual of arms. They were far better than the British volunteers, he said, who had impressed him as sloppy marchers. Then he observed that every member of the British volunteers was expected to be able to place bullets on a

six-foot target at 1,000 yards, and he questioned how many of the well-drilled New Yorkers could do the same. This, and a running barrage of similar editorials, helped point out the need for organizing a National Rifle Association.

George Wingate was born in New York City on July 1, 1840, and received his education in the city's public schools. After graduation, he worked his way into a supervisory position in the building of Brooklyn's elevated railway. Soon after the war began, he enlisted in New York's Twenty-second Regiment and saw action in the campaigns in Pennsylvania and northern Virginia. Later he became the regimental historian. At the end of the war, with the rank of Captain, Wingate retained his affiliation with the Twenty-second and studied law. He was admitted to the bar in New York state shortly before the National Rifle Association was founded.

## FROM THE OLD WORLD TO THE NEW

TWENTY-YEAR-OLD JOHN ALDEN, SEEKING freedom in a new world, brought his wheellock carbine to Plymouth Colony on the *Mayflower* in 1620. Like most of the able-bodied men in the new colony, Alden was a member of Captain Miles Standish's Militia unit and carried his own musket to the regular drills.

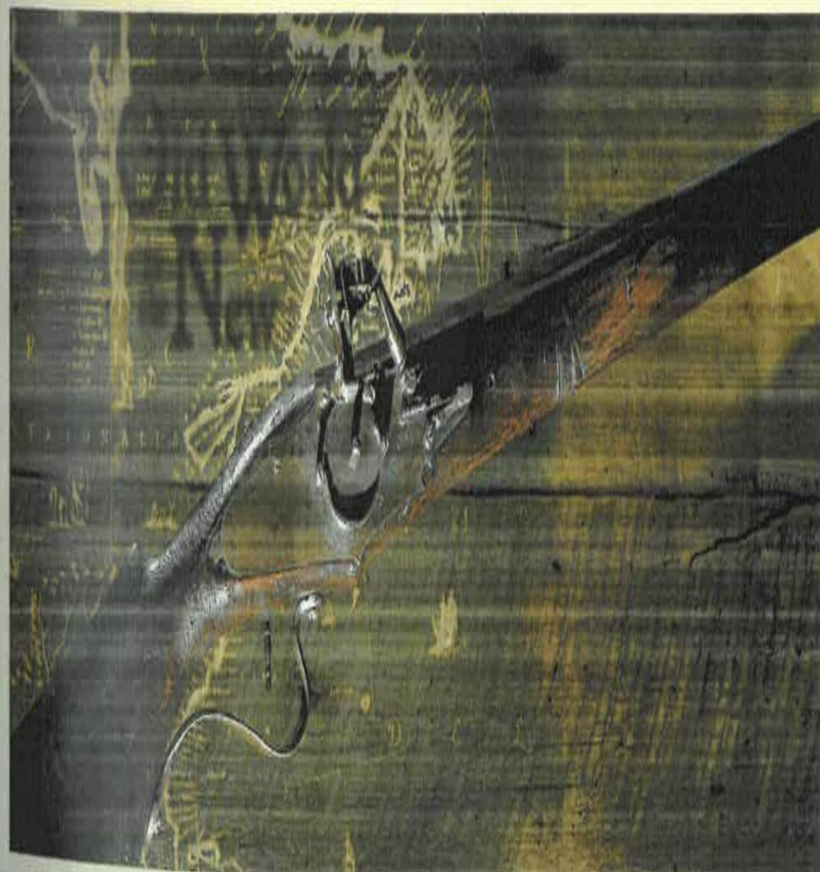
The manifest of the *Mayflower* and Alden's will both show that he owned a number of firearms. One, a wheellock of Italian origin, was found during a restoration of Alden's home in Duxbury, Massachusetts, in 1924. It is a short, smoothbore carbine and of a finely made Italian wheellock design. The few markings on the gun have not yet yielded further clues as to its origins. According to the few written records available for this gun, it is thought to have been restocked with American walnut at some point in the New England area.

It was not uncommon for early settlers to keep their potential enemies at arms length while remaining cordial to them to their faces. It was not uncommon for firearms to be hidden

amongst the wall boards and in closets to hide them from view but where they were handy in case of a raid by Indians or other hostiles. The Aldens were particularly blessed with the fact that their home was one of very few to survive nearly 350 years without being ravaged by fire. It was in the Aldens' second home (the one built in Duxbury in 1653), where the now famous wheellock was discovered.

Records kept by the Pilgrim Society indicate that the Alden home was occupied by members of the Alden family from 1653 through 1896—a remarkable feat in and of itself. Additional records also indicate the transfer of numerous firearms in the wills of John Alden and his subsequent heirs.

The Alden wheellock can be found in a special exhibition in the NRA's National Firearms Museum. It symbolizes the transition from the firearms of old Europe to the new freedoms and heritages that were found in the New World. (Rifle courtesy National Firearms Museum)





Wingate was deeply impressed by Church's editorials. Since boyhood, Wingate had taken a keen interest in shooting, both as a hunter and as a target shooter, and he had been appalled by the poor marksmanship of the average American soldier that he had seen in battle. As a conscientious officer, he felt that his duties included preparing his unit for possible combat rather than merely making an impression on the parade ground. But when he began to search for published material that might help teach his men to shoot, he discovered that neither the War Department nor any other logical sources could provide anything of value.

Lieutenant Colonel Church was one of the men Wingate contacted. Church suggested that Wingate prepare a manual on target practice for publication by the *Army and Navy Journal*. The result was Wingate's *Manual for Rifle Practice*, which appeared serially in six installments in the *Journal* in late 1870 and early 1871 and in expanded booklet form in 1872; it was the first full treatise on rifle practice published in the United States.

#### The Founding Members

Many other American Army and militia officers recognized the need for improving the marksmanship of their men, and Wingate's *Manual for Rifle Practice* helped fill that need. Church's running barrage of editorials pricked the conscience of many officers, and Wingate's manual received immediate acceptance and its author national recognition as the leading authority on military marksmanship.

Capitalizing on the interest in rifle practice that his editorials and the publication of Wingate's manual had stimulated, Church, on August 12, 1871, wrote in the *Army and Navy Journal*:

*An association should be organized in this city to promote and encourage rifle shooting on a scientific basis. . . . It only requires hearty cooperation and an actual start to make the organization successful. . . .*

On August 19, 1871, one week after the release of his editorial, Lieutenant Colonel Church invited



General George Wingate, who cofounded NRA and later served as its President, became the leading authority on military marksmanship after writing his *Manual for Rifle Practice*, first published in 1870. By 1879, it was in its sixth printing and remained the United States' only official handbook on individual and team shooting.

all officers of the New York National Guard who were interested in forming an association to improve marksmanship of state troops to meet informally at his office at 192 Broadway, on the first Monday in September. Including Church, 15 men, almost all of them officers of the First and Second divisions of the New York National Guard, crowded into the editorial office of the *Army and Navy Journal*.

Colonel Frederick E. Mason of the Thirteenth Infantry was elected Chairman of a 10-man

Committee on Organization whose members included Major General John B. Woodward; Brigadier Generals Augustus Funk and Thomas S. Dakin; Colonels Church, Harry Rockafellar, and Henry G. Shaw; Major George Moore Smith; Captains Bird W. Spencer and George Wingate; and Adjutant William J. Harding.

The men also discussed the need to establish a rifle range, which would be essential to the proposed organization. Several of those present had visited ranges in Canada and Great Britain or had studied the British National Rifle Association and were well informed on suitable ranges, targets, and rifles. These men were organized under Colonel Church as a committee to draw up rules for the proposed range and to obtain any further information on target shooting that they could find.

On September 12, 1871, the Committee on Organization met again in the offices of the *Army and Navy Journal*. The entire meeting was devoted to the reading, section by section, by Church of the tentative constitution and bylaws. These documents, with a few verbal amendments, were adopted by the full committee. The original bylaws specified a 15-member Board of Directors. Annual dues were two dollars with an admission fee of three dollars for each new member. A special rate was given to military units who joined *en masse*. Range rules were established, including a rule that "No betting shall be allowed on the grounds of the Association."

The committee drew up a certificate of incorporation as required by the state of New York. On November 17, 1871, the certificate was approved and the charter issued for the fledgling National Rifle Association "to promote rifle practice, and for this purpose to provide a suitable range or ranges in the vicinity of New York, and a suitable place for the meetings of the association in the city itself, and to promote the introduction of a system of aiming drill and target firing among the National Guard of New York and the militia of other states."

General Ambrose Burnside, who gained fame as a great leader during the Civil War, served as NRA's first President from 1871 to 1872. The prestige of his name lent credence to the Association's mission.

#### The First President

Even before NRA's incorporation was approved, the Committee on Organization invited Major General Ambrose Everett Burnside to serve as the first President of the National Rifle Association. Burnside, who then lived in New York City, was a logical choice, as many members of NRA had served under him during the recent war, and Church knew him well.

Burnside had emerged from the war as a national hero. While modern historians are inclined to remember only his two major defeats, his contemporaries knew the big, handsome Hoosier with the distinctive whiskers (from which the term "sideburn" originated) as a gallant and brave soldier and as a modest, forthright, and impeccably honest man.

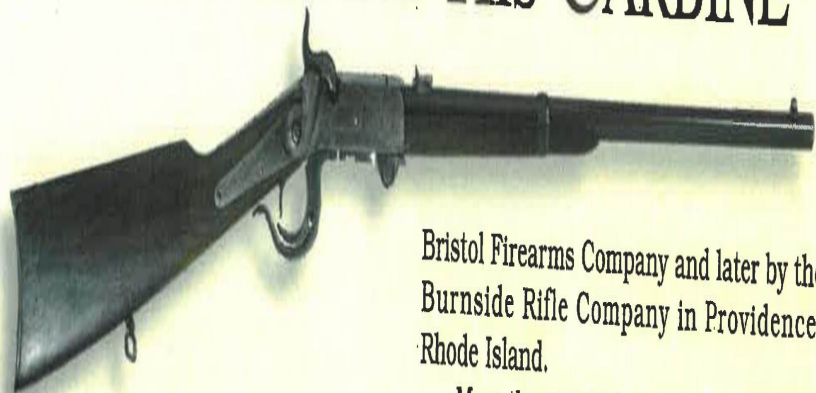
Burnside became President of the Association on November 24, 1871. On the same day, Colonel Church was elected Vice President; Captain Wingate Secretary; Frederick M. Peck Corresponding Secretary; and Major General John Woodward, Commanding General of the Second Division, New York National Guard, was elected Treasurer.

Burnside served just long enough to see the new organization smoothly launched. At the spe-





## BURNSIDE AND HIS CARBINE



Bristol Firearms Company and later by the Burnside Rifle Company in Providence, Rhode Island.

More than 50,000 Burnside carbines of various models were accepted for service with Union troops during the Civil War, and they featured a breechblock that swings down with the under lever to allow access to the block's chamber for loading.

**I**N ADDITION TO BEING NRA'S FIRST PRESIDENT, Ambrose E. Burnside was the inventor of a .54 caliber, breechloading percussion carbine made first by the

cial meeting called on July 22, 1872, the Board of Directors elected Church to fill the vacated office, and Major General Alexander Shaler became Vice President.

### NRA's First Range

NRA's leaders knew that the future of the Association hinged largely on finding a rifle range where members could practice marksmanship. At that time, however, NRA's total monetary assets comprised only \$485, mostly in pledges for Life Memberships made by the first members themselves. Such funds were inadequate to buy the needed land, so the men decided to seek public funds.

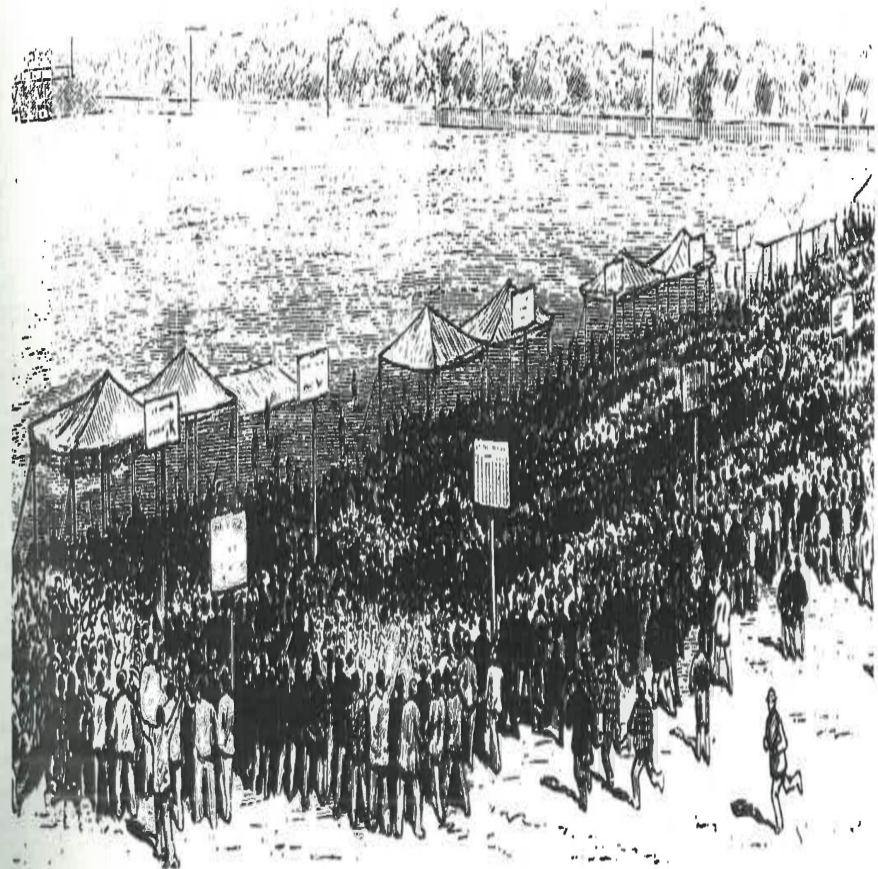
On February 7, 1872, the Board of Directors drafted a bill that proposed state assistance without endangering the private nonpolitical status of the Association. The state was asked to appropriate \$25,000 for the purchase of land on the condition that NRA would raise \$5,000 and assume its ownership, development, maintenance, and management. The state also was obligated to contribute prizes to stimulate competition among the members of the National Guard.

Church immediately publicized the bill in the pages of his *Journal* and encouraged his military friends and acquaintances to write letters of support. The bill passed the lower house by an overwhelming 84-19 vote, and just before adjourn-

ment, with the help of Senator James O'Brien, the bill was squeezed through the State Senate.

The NRA Range Committee's search for affordable land that would be suitable for a rifle range was not easy, but at last Colonel Church found what NRA had been looking for. The President of the Central and North Side Railroad of Long Island, a man named Hermann C. Poppenhusen, had acquired a 70-acre farm that adjoined the right of way of a railroad line that was being built the length of Long Island. Poppenhusen was willing to sell the land known as Creed's Farm at low cost to any group that might stimulate travel into that part of the island. His price was \$375 an acre, where neighboring landowners were asking at least \$500. In late July, Creed's Farm was deeded to the National Rifle Association for the price of \$26,250.

The name Creed's Farm didn't last long, thanks to Colonel Henry Shaw, one of the members of the Range Committee. Shaw was also a member of the Board of Directors, Editor of the *New York Sun*, and a much-traveled man with a gift for words. Stepping from the special railroad train that Poppenhusen had put at the committee's disposal, Shaw surveyed the brushy fields with the morning mists sifting across them. "Just like the moors of southern England," he observed. "Perhaps we should call it Creed's Moor, rather than the Creed Farm." And so Creedmoor, one of the most famous names in



The first formal matches at Creedmoor were widely anticipated, as evidenced by this artist's rendering of enthusiastic spectators who would gather at the Long Island range to witness NRA's hosting of the historical shooting events.

of the year, a number of military companies and nearly all of the officers of the local National Guard divisions had become members.

### Creedmoor Marks Improvement

The inaugural Creedmoor match on June 21, 1873, in addition to providing scores against which future improvement could be measured, was a perfect proving ground for Colonel Church and George Wingate's theories about marksmanship training. The teams finished almost in the exact order of the time they had spent in aiming drill. Shooters of the Twenty-second Regiment, which had practiced most religiously, made almost a clean sweep of the match. In addition to the team prize of \$50, its members walked away with seven of the individual prizes offered, including a gold-mounted Model 1866 Winchester rifle valued at \$100.

As soon as construction on the range began, NRA ordered 50 targets, with necessary accessories, from England, for no American manufacturer then produced such equipment. It also ordered marking equipment like that developed at England's Wimbledon range. When NRA adopted targets and scoring procedures already in use by the National Rifle Association of Great Britain and its subsidiaries throughout the British Empire, target shooting throughout the English-speaking world became a standardized sport.

NRA grew quickly during its first months. In January 1872, it had fewer than 100 members and little more than \$1,000 in assets. By the end

After that, the men began to practice. During August and September, the range was filled with tents and wagons of encamped military units, all preparing for NRA's first full-scale Annual Matches on October 8, 1873.



## CHAPTER TEN

## FROM DEPRESSION TO WAR

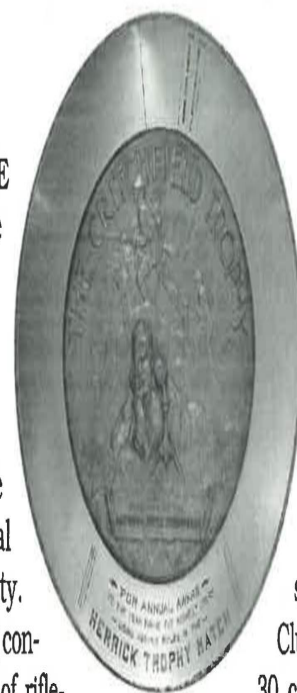
1932-1939

*[We emphatically condemn all efforts to place upon the ballot, or to secure the enactment of . . . drastic anti-firearm laws and denounce such legislation as impractical and un-American. . . ]*

—California State Peace Officers Association, 1935

THE FULL IMPACT OF THE Great Depression hit the National Rifle Association of America in the early 1930s. By 1932, there was little room in the federal budget for more than the barest essentials, and the appropriations for the National Matches were an early casualty. NRA, which had been collecting contributions to help send a team of riflemen to England in an effort to retrieve the Pershing Trophy, deposited \$1,500 in a savings account to send a team to Bisley in better times.

NRA's program suffered further in 1933, when, by coincidence, the federal government leased office space for its National Industrial Recovery Administration in the Barr Building, which already housed the offices of the National Rifle Association. Then the administration abbreviated its name to the National Recovery Administration and emblazoned its blue eagle and the initials "NRA" on placards, posters, and stationery. The National Rifle Association, which for more than half a century had been the NRA, strongly protested the infringement of its trademark. More seriously, the identity of initials and addresses often caused delays in the delivery of mail. The problem was not fully solved until May 12, 1935, when the Supreme Court voided the National Industry Recovery Act.



## Smallbore Success

The Great Depression didn't affect smallbore shooting as seriously as it did NRA's .30 caliber program. Riflemen who could not afford the 10-cents-a-shot luxury of .30 caliber shooting could still scrape up a penny a shot for the .22. Clubs that found the construction of a .30 caliber range beyond their means could still improvise a 50- or 100-yard smallbore range.

In 1932, largely through interest in .22 caliber shooting, 361 clubs became newly affiliated with NRA. Many of these clubs were in public schools, but a substantial number were in Boy Scout troops, boys' clubs, and local YMCA organizations. The American Legion was extremely active in promoting school clubs.

The success of the smallbore program permitted NRA to expand into other fields. In 1933, it initiated a new outdoor pistol league, and in 1934 it issued the first of its 16-millimeter films designed to promote shooting safety. The next year, it launched an all-risk insurance policy program for

NRA presented the first Critchfield-Herrick Trophy in 1938 to the team with the highest score in the Herrick Trophy Match.

In 1939, NRA moved into its new headquarters, a townhouse at 1600 Rhode Island Avenue, NW, in Washington, D.C.

## **EXHIBIT B**



# Americans and Their Guns



The National Rifle Association Story  
through nearly a century  
of service to the nation

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*Compiled by* JAMES B. TREFETHEN

*Edited by* JAMES E. SERVEN

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RIFLE ASSOCIATION  
OF AMERICA

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# Dedicated

To those American citizens  
who came before  
and won freedom,  
those now here  
who fight to preserve it,  
and to those yet to come  
who will perpetuate it.

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# Response to a National Need

1

When considering anniversaries of events that have led to outstanding national service, November 17 is a day worthy of remembrance. On this day in 1871 a charter was granted by the State of New York. Its language was not sensational but its purpose has remained vital to this day. The charter authorized efforts "to promote rifle practice, and for this purpose to provide a suitable range or ranges in the vicinity of New York, and a suitable place for the meetings of the association in the city itself, and to promote the introduction of a system of aiming drill and target firing among the National Guard of New York and the militia of other states." The charter was granted to the National Rifle Association.

Of the several objectives stated above, the last was especially important. Defense-conscious Americans were then giving serious second thoughts to the lessons taught during the War of Independence, the War of 1812, the Mexican War, the War between the States, and more recently the Franco-Prussian War. Positive steps to improve the defense efficiency of the United States were overdue.

The initial undertakings of the newly-formed National Rifle Association will be better understood if we review briefly the background of events which had demonstrated a clear need for an organization of this nature.

Records for the century prior to 1871 provide lessons which

expose both the strength and the weaknesses of our society in that period. These records are crystal clear for those who might care to look deep enough but, as in the evaluation of many national events, the true significance of old lessons learned has a way of fading into obscurity with the mists of time. There were many hard lessons which had come from the crucible of wars.

During the War of Independence (the American Revolution) 2000 citizen-soldiers at Bunker Hill had shown to the world that they could stand up to a trained force of 2500 redcoats which included five of the crack foot regiments of the British Army, among them the famed Welsh Fusiliers, the King's own regiment. A few days earlier the members of that stalwart American force had been farmers, mechanics, shipwrights, lawyers, students and teachers, shopkeepers and blacksmiths. The example shown by these citizen-soldiers hardened the resolution throughout the colonies and converted what might have been an abortive rebellion into a full-scale war for independence.

The example shown by citizen-soldiers at Bunker Hill hardened the resolution throughout the colonies and converted what might have been an abortive revolution into a full-scale war for independence.





\$9.95



Col. William C. Church, NRA president (1873-1875), whose enthusiasm and influence were major factors in bringing the Association to life.

## Dedicated Men

3

Two men who played vital roles in shouldering the organizational groundwork for the National Rifle Association were Col. William Conant Church and Capt. George Wood Wingate. In civilian life these two men had little in common except relative youth. Neither, in spite of his military title, was a professional soldier, although both had seen action in the Civil War. Church was a member of a socially prominent family and at thirty-five was considered the "boy wonder" of American journalism; Wingate was a struggling thirty-one-year-old New York lawyer only approaching the threshold of success.

Colonel Church had been born in Boston in 1836 of a generally literary family and had gravitated naturally into a career in journalism. In 1860, he became acting publisher of the *New York Sun*, then the largest daily newspaper in the United States. Because of disagreements which arose with the owners of the *Sun*, he elected to serve out the remaining months of his contract as European correspondent. During this roving assignment, he had an excellent opportunity to observe military training methods in France, Germany, and Great Britain.

The outbreak of the Civil War found Church operating as a free-lance war correspondent covering activities of the Army of the Potomac. No rear-echelon reporter, he was wounded at Fair Oaks while gathering material on the Peninsula Campaign. In 1862, he accepted a commission as Captain of Volunteers on the staff of Gen. Silas Casey.

During the early years of the war, prominent citizens of the Northern states had become alarmed over what they considered a disloyal and subversive press. They determined to sponsor the establishment of a newspaper for servicemen, national in scope, "to diffuse knowledge and stimulate a broad national patriotism." To guide this enterprise, which was launched on June 18, 1863, they selected young Capt. William C. Church, who resigned his commission to accept the assignment. The first edition of the *United States Army and Navy Journal and Gazette of the Regular*



Gen. George Wingate, one of the founders and NRA president (1886-1902).

## Go to Work

and *Volunteer Services* appeared on August 29, 1863. Under Church's guidance, the paper prospered from the start and soon became a running encyclopedia of contemporary military affairs. By the end of the war Church was known by name or personally to practically every officer and enlisted man in the Union Army and Navy. Although his military career had been short, he was brevetted at the end of the war to the rank of lieutenant colonel.

In nearly every issue of his newspaper up to 1871, Church published articles on rifles and editorials decrying the lack of marksmanship training in America's volunteer militia units. Most of these editorials compared American training methods, usually unfavorably, with those he had seen in Europe. After watching a parade of the New York National Guard, he commented on the precision with which the troops ran through their manual of arms, far better than the British Volunteers, he said, who had impressed him as sloppy marchers. Then, deftly pricking this balloon, he observed that every member of the British Volunteers was expected to be able to place bullets on a six-foot target at 1000 yards; and he wondered, editorially, how many of the well-drilled New Yorkers could do the same! This, and a running barrage of similar editorials, helped point out the need for organizing a National Rifle Association.

One who was deeply impressed by Church's editorials was George W. Wingate, a captain in the Twenty-second Regiment, New York National Guard, and, like Church, a veteran of the Army of the Potomac. Since boyhood, Wingate had taken a keen interest in shooting, both as a hunter and as a target shooter, and he had been appalled by the poor marksmanship of the average American soldier that he had seen in battle. As a conscientious officer, he felt that his duties included preparing his unit for possible combat rather than merely making an impression on the parade ground. But when he began to search for published material that might help teach his men to shoot, he discovered that neither the War Department nor any other logical sources could provide anything of value.



# ARMY NAVY

## JOURNAL.

GAZETTE OF THE REGULAR

NEW YORK, SATURDAY, SEPTEMBER 16, 1871.

SIX DOLLARS PER YEAR.  
SINGLE COPIES, FIFTEEN CENTS.

Masthead of *Army and Navy Journal*, edited by Colonel Church, and a vehicle through which much support for the National Rifle Association was gained.

Among those whom he contacted was Colonel Church. In the course of their discussion, Church suggested that Wingate prepare a manual on target practice for publication by the *Army and Navy Journal*. The result was Wingate's *Manual of Rifle Practice*, which appeared serially in six installments in the *Journal* in late 1870 and early 1871 and in expanded booklet form in 1872; it was the first full treatise on rifle practice published in the United States.

While doing the research for his manual, Wingate wrote to the War Ministry of Great Britain, which, in addition to sending him the official British service handbooks, referred him to the National Rifle Association of Great Britain. He gave this information to Colonel Church, who conducted additional research of his own.

The British Association had been founded in 1859, when Napoleon III had begun to expand his armed forces and to hint at a possible attack on France's traditional enemy across the English Channel. In the face of this threat, the British War Ministry had organized a Volunteer Force of citizen-soldiers similar to the volunteer militia units of our various states. With hostile armies eyeing English shores from less than twenty miles away, the lack of combat readiness of these militia men was much more apparent than that of their counterparts in America. If the Volunteers were to be of any use in repelling an invasion they had first to learn to shoot. Under the urgency of the threat of imminent invasion, close-order drill and precision in marching assumed secondary importance to

skill in marksmanship. Costly lessons learned in the American Revolution and the War of 1812 had not been forgotten in Great Britain.

In July and August, 1859, a number of high-ranking officers of the new Volunteer Force attended the School of Musketry at Hythe. Comparing notes, they decided that a national organization, with affiliated clubs throughout the islands, should be formed to provide facilities for target practice among the Volunteers. They then organized themselves into a committee with the purpose of founding such an organization. Almost simultaneously, the London Rifle Brigade, the largest unit of the Volunteer Force, had formed another committee to develop an annual "rifle meeting," or match, open to members of the Brigade. A joint meeting of the leaders of these two groups incorporated both proposals into a single plan, with the proposed rifle match of the London Volunteers expanded to a national competition open to any member of the Volunteer Force.

Out of this meeting came the National Rifle Association of Great Britain, formally established on November 16, 1859 "for the encouragement of Volunteer Rifle Corps and the promotion of rifle shooting throughout Great Britain." Part of its program consisted of regular competition under standardized rules, with the winners of regimental matches competing annually in a national match. As an incentive to participate the Association offered prizes, cups, and other trophies to the winners in the various classes.

To assist this new organization, the British War Office placed at its disposal 1000

Long Enfield rifles, which were issued on a loan basis for one month before each match. The 1853 Enfield, comparable to our Model 1855 Springfield and used by many Americans in the Civil War, had proven effective at ranges over 600 yards, although it had been supplanted as the regular British Infantry arm by the more accurate Whitworth. To provide suitable facilities for the national championship matches, the British National Rifle Association next built a rifle range with firing lines out to 1000 yards from the targets at Wimbledon Common in Surrey. On July 2, 1860, the Wimbledon Rifle Range was formally opened by Queen Victoria, who scored a pinwheel bullseye at 600 yards—by pulling a lanyard attached to the trigger of a fixed and carefully presighted Whitworth rifle!

By 1870, as a result of the efforts of its National Rifle Association, Great Britain, with almost no tradition for skill with the rifle, had thousands of marksmen who could score on the 1000-yard target with monotonous regularity. In the United States, traditionally "a nation of riflemen," there were few shooters who would not have considered the three-foot-square bullseye at this range an impossible mark. Even the best American marksmen considered 600 yards the maximum range for practical rifle work. By contrast, until 1871, all competitors in British Volunteer matches were required to shoot standing or kneeling at all distances out to 600 yards, and many ran up high scores using regulation fixed military sights.

The success of the National Rifle Association of Great Britain created a sharp increase in rifle practice throughout the Empire. By 1870, the United States was one of the few, and certainly the largest of the English-speaking nations, where soldiers and militia-men were not being trained formally in marks-

manship. No ammunition was allocated for rifle practice in the United States Army. This was in sharp contrast to the situation in the British and Canadian armies. Whenever any ten or more enlisted men asked permission to practice on the range, the officer was required by regulation to accompany them and supervise their practice. The government supplied almost unlimited amounts of practice ammunition to all units of the Army and the Volunteers.

It was a comparison between the smartly-uniformed New York National Guardsmen and the straight-shooting, but mediocre-marching British Volunteers that had inspired Colonel Church's acid editorial comment. But many other American army and militia officers recognized the need for improving the marksmanship of their men, and Wingate's *Manual of Rifle Practice* helped fill a recognized need. Church's running barrage of editorials pricked the conscience of many officers, and Wingate's manual received immediate acceptance and its author national recognition as the leading authority on military marksmanship.

Wingate's manual and Church's editorials also appeared at an ideal time in which to capture public interest. In 1870, Napoleon III was still rattling the saber in Europe but, discouraged by the British show of strength, had turned his eyes eastward. On July 19, 1870, France had sent a declaration of war against Prussia to Count Bismarck, Chancellor of the North German Federation. As has been mentioned earlier, the ensuing Franco-Prussian War had been quickly ended with the surprising defeat of France by Prussian riflemen.

The ease with which the German armies overran France jolted military leaders around the world. In America, many officers of militia regiments, burned by Church's acid edi-



Officer's Model of the British Long Enfield rifle, used on the range at Wimbledon.



torials, began to look more critically at their part-time soldiers briskly and proudly running through the manual of arms in armories and on parade grounds throughout the country with rifles that they had never fired. The comparison between Napoleon's ill-fated legions and American militiamen was inescapable. Although Wingate's manual was shrugged off by some professional military men as the work of an amateur, his *Manual of Rifle Practice* received prompt acceptance by most leaders of the organized militia and enjoyed a brisk and widespread sale.

Wingate's training technique was novel in that it emphasized a long course of aiming drill with unloaded weapons preparatory to actual firing. This emphasis on dry firing was arrived at for a sound reason. In the larger cities, especially in New York City, the militia regiments had no place to shoot. The traditional parade grounds of colonial times had been large enough to be used for actual shooting with short-range smoothbore muskets, but those that remained were now surrounded by residential and business developments, and many had disappeared entirely. The surrounding countryside was a patchwork of villages and farms whose owners objected to having armed troops marching and shooting on their lands. Many of the units that used Wingate's manual had to content themselves with dry firing in their armories. But the effectiveness and soundness of the training prescribed was proven when they finally had a chance to fire their weapons at targets. Once they had an opportunity to shoot on a rifle range, most of the men so trained found that they could do reasonably well with their first shots, even though they

had never fired a rifle before.

But to round out the training of these citizen troops, facilities had to be provided so that they could engage in actual shooting. The National Rifle Association of Great Britain had managed to provide such facilities close to London under even more difficult problems of urbanization. Why could not a similar organization accomplish the same thing near New York City or any other large metropolitan center in America? Capitalizing on the interest in rifle practice that his editorials and the publication of Wingate's manual had stimulated, Church, on August 12, 1871, wrote in the *Army and Navy Journal*:

An association should be organized in this city to promote and encourage rifle shooting on a scientific basis. The National Guard is today too slow in getting about this reform. Private enterprise must take up the matter and push it into life. We would suggest that a meeting of those favorable to such a project be called, and should be only too happy to hear from representatives of the different commands of the First and Second Divisions relative to this subject. The subject already has been presented to several enterprising officers and ex-officers of the National Guard, and they have been found enthusiastic in the matter. It only requires hearty cooperation and an actual start to make the organization successful.

Let us have our rifle practice association, also a Wimbledon on American principles.

Thus the great national need was brought to public attention and the blueprint was drawn for an American "National Rifle Association." All that remained was to put effective plans in motion.

Once a promising plan had been formulated to improve the training of America's citizen-soldiers, developments piled swiftly one upon another. On August 19, 1871, one week after the release of his editorial, Colonel Church invited all officers of the New York National Guard who were in-

terested in forming an association to improve marksmanship of state troops to meet informally at his office at 192 Broadway, on the first Monday in September. Including Church, fifteen men, almost all of them officers of the First and Second Divisions of the New York National Guard from New York City and Brooklyn, crowded into the editorial office of the *Army and Navy Journal*.

Colonel Church opened the meeting by reading letters from civic leaders and military officers endorsing his proposal and offering their encouragement and support. Included among this correspondence was a letter of congratulations from Governor John T. Hoffman offering the full cooperation of his office in any movement designed to increase the efficiency of the state's National Guard. Church's editorials also had been widely endorsed by newspapers in New York City, Albany, and other metropolitan centers.

With this encouragement, the meeting got down to cases. Col. Frederick E. Mason of the Thirteenth Infantry was elected chairman of a ten-man Committee on Organization whose members included Maj. Gen. John B. Woodward, Brigadier Generals Augustus Funk and Thomas S. Dakin, Colonels Church, Harry Rockafellar and Henry G. Shaw, Maj. George Moore Smith, Captains Bird W. Spencer and George W. Wingate, and Adjutant William J. Harding. The discussion that followed these committee assignments centered on the possibility of establishing a rifle range, which would be essential to the proposed organization. Several of those present had visited ranges in Canada and Great Britain or had studied the British National Rifle Association and were well informed on suitable ranges, targets, and rifles. These men were organized under Colonel Church as a committee to draw up rules for the proposed range and to obtain any further information on target shooting that they could find.

"It is plain," Church wrote in another



An old label typical of that found on powder cans in the muzzle-loading era.

editorial in the *Journal* of September 9, 1871, "that it needs only united effort, and a little energetic action to secure the establishment of our American Wimbledon. . . . We hear from both Connecticut and Maryland that the subject of rifle practice is arousing great attention among their National Guards. The success of the movement in New York will undoubtedly incite other states to similar action, and by another season, thousands of National Guards all over the country will be competing before the target."

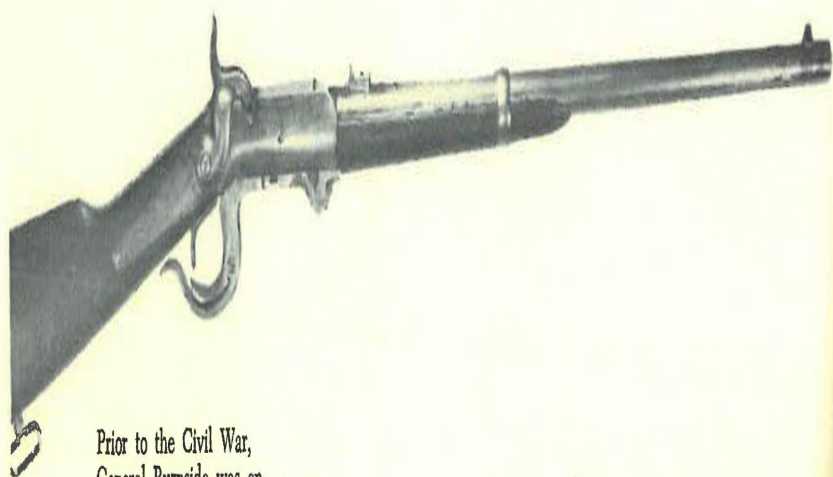
On the following Monday, September 12, the Committee on Organization met again in the offices of the *Army and Navy Journal*. This entire meeting was devoted to the reading, section by section, by Colonel Church, of the tentative constitution and bylaws. These documents, with a few verbal amendments, were adopted by the full committee.

The original Bylaws specified a directorate of fifteen members. Annual dues were \$2.00 with an admission fee of \$3.00 for each new member. A special rate was given to military units who joined *en masse*. Range rules were established, and among them, on the lighter side, that "No betting shall be allowed on the grounds of the Association."

A Certificate of Incorporation was drawn up by the Committee on Organization, as required by the state of New York. On November 17, 1871, the certificate was approved and the charter issued by the Secretary of State of New York. The National Rifle Association, long in conception and overdue in operation, was now ready to proceed with its mission.

Pulling a string attached to the trigger, Queen Victoria fired the first shot at a meeting of the National Rifle Association of Great Britain on Wimbledon Common, July 2, 1860.





Prior to the Civil War, General Burnside was engaged in the manufacture of a breech-loading carbine of his own invention.

## Important People Give a Helping Hand

Maj. Gen. Ambrose E. Burnside was invited by the Committee on Organization to become the Association's first president. General Burnside, who then lived in New York City, was a logical choice for this office. Many of the National Guard officers among the founders of the National Rifle Association had served under him during the recent war. Colonel Church knew him well.

Burnside had emerged from the war as a national hero. While modern historians are inclined to remember only his two major defeats, his contemporaries knew the big, handsome Hoosier with the distinctive whiskers as a gallant and brave soldier and as a modest, forthright, and impeccably honest man.

He had graduated from West Point in 1847 but had retired from the Army in 1853 to manufacture a breech-loading carbine of his own invention in Bristol, Rhode Island. His familiarity with firearms and interest in their development was perhaps a secondary reason for selecting him as the first president of the National Rifle Association.

Burnside attained national prominence early in the Civil War when, as a colonel, he led Rhode Island's Volunteers to the defense of Washington in response to Lincoln's first call. At First Manassas, he commanded a brigade of New England troops and distinguished himself in leading an assault on enemy batteries. After the war Burnside was elected governor of Rhode Island and later a member of the U. S. Senate.

Except for the prestige of his name, which was a major asset in itself, General Burnside's contribution to the program of the National Rifle Association was largely in the Association's formative stages. He appeared

as one of the thirty-six incorporators of the NRA before William J. Bell, a notary public in New York City, to be sworn and to sign the Certificate of Incorporation. He also attended the meeting of the incorporators on November 24, 1871, seven days after the certificate was approved and the charter issued by the Secretary of State of New York on November 17. General Burnside also helped obtain key legislation that the organization needed for its survival, and his prestige probably helped attract other military men of high rank to its membership rolls.

Burnside became president of the Association on November 24, 1871. On the same day, Colonel Church was elected vice-president, Capt. Wingate secretary, Frederick M. Peck corresponding secretary, and Maj. Gen. John B. Woodward, Commanding General of the Second Division, New York National Guard, was elected treasurer. Burnside served only until July 22, 1872, just long enough to see the new organization smoothly launched. He resigned when the press of personal affairs made it impossible for him to take an active part in the Association's direction, but he remained a member for many years.

The original Board of Directors and officers of the National Rifle Association, for the greater part, were serious, dedicated, and hard-working men, and the Board or Executive Committee met at least once a month throughout the last months of 1871 and all of 1872. These meetings usually took place in the offices of the *Army and Navy Journal* or in the officers' rooms of various divisional or regimental armories. Since General Burnside found it impossible to attend the meetings of the Board, Colonel Church, as vice-president, presided at nearly all. At the special meeting called on



July 22, 1872, to consider Burnside's resignation, the Board of Directors elected Colonel Church to fill the vacated office and Maj. Gen. Alexander Shaler as vice-president. The members of the first Board of Directors, in addition to Burnside, Church, Woodward, Wingate, Peck, Shaw, Funk, Mason, Smith, and Harding from the Committee on Organization and the original panel of officers, included Joshua M. Varian, Alfred W. Craven, Anthony W. Dimock, and John Powell, Jr. Shaler replaced Burnside on the Board after the latter's resignation.

The guiding force behind the organization in its founding years unquestionably was William Conant Church. If the founding members of the National Rifle Association had been forced to search for a man to get their program moving, they could never have found a better qualified leader. He possessed the necessary contacts in the State Legislature, in Congress, and among the military services to cut swiftly through the heaviest red tape, and he could get a "good press" for any important matter merely by contacting his newspaper friends as well as through the pages of his own publication. In spite of the brilliant career behind him, Church at the time of the founding of the NRA had scarcely passed his thirty-fifth birthday.

George Wingate was the agent who carried out many of Church's ideas, and in later years his contributions to the continuing existence of the National Rifle Association were to prove vital. Wingate was born in New York City on July 1, 1840, and received his education in the city's public schools. On graduation, he worked in the building of Brooklyn's elevated railway, apparently working his way up to a supervisory position. Soon after the outbreak of the war, he enlisted in New York's Twenty-second Regiment and saw action in the campaigns in Pennsylvania and northern Virginia. Later he

became the regimental historian. At the end of the war, with the rank of captain, Wingate retained his affiliation with the Twenty-second and studied law. He was admitted to the bar in New York State shortly before the founding of the National Rifle Association. Unlike Church, Wingate had a lifelong interest in target shooting.

Much of the work of the new organization fell on Wingate's shoulders, as secretary of the National Rifle Association, and he devoted himself unstintingly to its program and advancement. His office, next door to Church's, was in Room 7, 194 Broadway, New York City. This was the first official address of the National Rifle Association. Throughout the early history of the Association until well after the turn of the century, George W. Wingate was never far in the background.

Another key figure in the early organization was Maj. Gen. Alexander Shaler, who succeeded Church as vice-president in July, 1872, when Church became president of the NRA.

Shaler was forty-four at the time of the founding of the National Rifle Association and was born in Haddam, Connecticut, in 1827. At eighteen, he enlisted as a private in the Seventh Regiment but soon became a commissioned officer. He attained the rank of major on December 13, 1860 and, with the outbreak of war, was transferred to the newly organized Sixty-fifth Regiment of New York Volunteers with the rank of lieutenant colonel. Shaler served with distinction at Manassas, in the Peninsula Campaign, and in nearly all of the major battles of the Army of the Potomac until 1863. In that year, he was transferred to the Department of the Ohio under General Burnside. Returning east in 1864 to fight under General Grant, he was captured in the Battle of the Wilderness, released in an exchange of prisoners, and finished

the war as a major general in command of the Seventh Corps in the Southwest.

At the end of the Civil War, Shaler continued his association with local National Guard organizations and became commanding general of the First Division in 1867, a post that he held until retirement in 1886. Shaler was a man of great prestige and considerable political power, since he was president of the New York Fire Department, originally organized as a coordinating body for the numerous volunteer fire-fighting companies unaffiliated with any political party. In 1870 he became City Fire Commissioner and held that position until 1873.

At the time of the first meetings, the future of the National Rifle Association hinged largely upon its ability to produce a rifle range on which its program could be carried out. In the beginning its total assets were only \$485, mostly in pledges for life memberships made by the first members themselves. Since these funds were inadequate to buy the needed land, the only recourse was to follow the lead of the British National Rifle Association and seek public funds. Such a request was appropriate since the Association, as originally conceived, was almost exclusively geared to the program of the New York State National Guard.

On February 7, 1872, the Board of Directors met at the headquarters of the First Division and formed themselves into a committee to draft a proposed bill that would provide the needed state assistance without endangering the private non-political status of the Association. The result was "An Act to Establish a Rifle Range and Promote Skill in Marksmanship." Under the terms of this bill, the state was asked to appropriate \$25,000 for the purchase of land on the condition that the National Rifle Association would raise \$5000 and assume its ownership, development, maintenance, and management.



Gen. A. E. Burnside, NRA president (1871-1872).

ment. The state also was obligated to contribute prizes to stimulate competition among the members of the National Guard. Further, the bill authorized, but did not require, the supervisors of the cities of New York and Brooklyn to appropriate \$5000 each to help defray expenses.

Among Church's many personal friends was a young New York attorney, David W. Judd, who had just been elected to the State Assembly from Richmond County. Church, accompanied by Wingate, who also knew the assemblyman, called upon Judd to explain the nature and importance of the bill and asked him to serve as its sponsor. Judd agreed and, after making a few minor changes to improve its clarity, carried the bill with him to Albany. With the bill in the legislative hopper, Church immediately went to work to build support for it, publicizing it in the pages of his *Journal* and encouraging his military friends and acquaintances to write letters in its support. General Burnside, as president of the Association, wrote many letters to friends in the Assembly and obtained a letter of endorsement for the bill



from Gen. Joseph Hooker, who had succeeded him as Commander of the Army of the Potomac. Generals Shaler and Woodward used their own not inconsiderable influence. As a result of this concerted effort, the bill passed the lower house by an overwhelming 84-19 vote.

Just before adjournment, with the help of Senator James O'Brien, the bill was squeezed through the State Senate. Thus the Judd Bill was approved and the National Rifle Association was given the monetary support necessary to launch its program.

With their range now approaching reality, the founders of the National Rifle Association went to work on the project with renewed energy. General Shaler used his influence at City Hall to obtain the authorized appropriations from the supervisors of New York City and Brooklyn. A Range Committee, which had been organized within the Board of Directors under Colonel Church as chairman in December, 1871, in anticipation of the enactment of the law, began advertising for appropriate land and canvassing real estate agents.

Col. Harry Rockafellar, soon before the passage of the Judd Bill, was called to Great Britain on personal business, and he was named a committee of one to contact the National Rifle Association of Great Britain for suggestions that might be useful in the American organization. Wingate, in 1872, visited Canada in company with John A. Church, a prominent engineer and a member of the editorial staff of the *Engineering and Mining Journal*. John A. Church (not to be confused with Col. William C. Church) had been engaged by the Association as a super-

vising engineer to lay out the range. On his return to the United States, Rockafellar reported that he had found the British "reticent" and failed to provide any useful information. In view of the warm reception accorded Americans shortly after this time, Rockafellar appears to have made only a token effort to gain the facts. Wingate and Church, however, were shown every possible courtesy by the Canadians and returned to New York with many valuable suggestions on the layout, organization, and management of rifle ranges. At the suggestion of the Canadians, Wingate wrote to the engineering firm of Hugh McCulloch and Co., Ltd., of London for further information on the plans and engineering features of the Wimbledon Range.

The search of the Range Committee for suitable land had been limited from the start to New Jersey, Staten Island, and Long Island, but the enactment of the Judd law, which brought the state of New York into the program, ruled out New Jersey even though flat land ideally suited for use as a rifle range was being offered for sale there at low prices. Staten Island was eliminated as a possibility because it was less accessible at that time than Long Island. On Long Island the major stumbling block was land prices. At Little Neck the owners were asking \$1000 an acre, at Pearsall's Corner \$500, at Westerly \$300, near Flushing \$325, and at Mineola \$215 an acre. The accessible lands were too expensive and those priced within reason could not easily be reached under the existing transportation system.

Just as matters seemed to be reaching an impasse, Colonel Church learned that Her-

mann C. Poppenhusen, president of the Central and North Side Railroad of Long Island, which was then building a line the length of the island, had acquired a seventy-acre farm adjoining the right of way. He was willing to sell it at low cost to any group that might stimulate travel into that still little-developed part of the island. His price was \$375 an acre, where neighboring landowners were asking at least \$500. An inspection of the site in July by the Range Committee and John A. Church showed the land known as Creed's Farm to be admirably adapted to the proposed use as a rifle range. It was almost perfectly level, with an even slope of only 1 foot in 150 feet. It was readily accessible, being only a half-hour's run from the slip of New York's Thirty-fourth Street Ferry and was situated twelve miles from Hunter's Point. In late July, the contract for the purchase was approved (as required by the Judd law) by the Adjutant General and the commanding officers of the First and Second Divisions, all of whom were members of the NRA. The land was deeded to the National Rifle Association for the price of \$26,250.

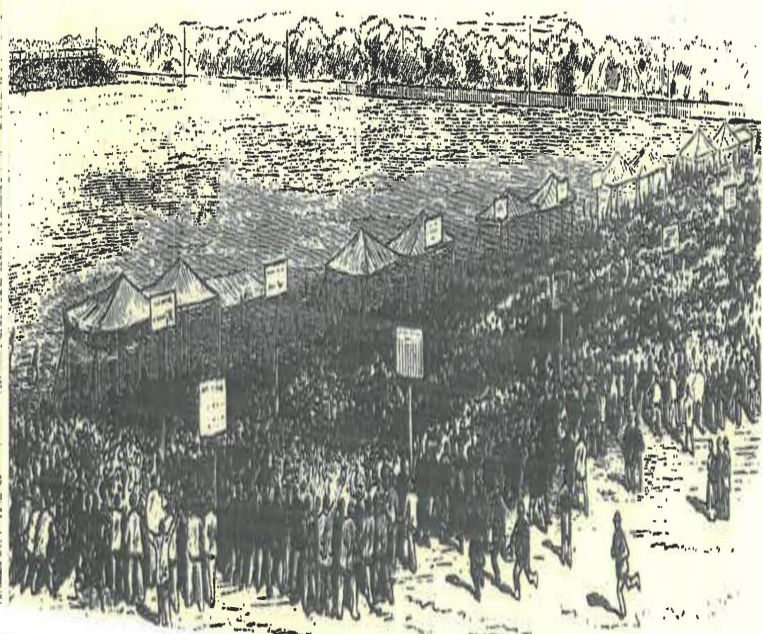
The passage of the Judd Act and the acquisition of land for its rifle range turned the National Rifle Association from a small, if purposeful, society into an action organization with a functioning program. Its changing status was reflected in rapid growth and expansion in its first year of existence. In January, 1872, it had fewer than one hundred members and little more than \$1000 in assets. The treasurer's report at its annual meeting of January 15, 1873, at the Seventh Regiment Armory, its first full-scale annual meeting, showed a gross income for the calendar year 1872 of \$37,234.75. Nearly all of the officers of the local National Guard divisions had become members, and a number of companies of the Seventh, Twenty-second, and Twenty-third Regiments had joined *en masse*. Included among its twenty-five Life Members were



Gen. Alexander Shaler, one of the founders of the NRA, a man of great influence, NRA president (1875-1877).

such dignitaries as Gen. Franz Sigel, Gen. H. G. Sharp, Gen. Samuel W. Johnson, and Gen. E. L. Molineux. At the time of the meeting, the development of the range at Creed's Farm was already under way, and the property was estimated to be worth more than \$42,000. In addition, during the previous year, the Association had raised more than \$6000 in donations from individuals and firms that were interested in stimulating traffic on the new railway. Many other organizations, individuals, and business firms had donated valuable prizes to be used in future rifle matches. During the same twelve months it had spent \$32,295.71, leaving a cash balance in its treasury of \$4938.94, a good beginning for an organization that was still less than fifteen months old!

The National Rifle Association now had a desirable chunk of real estate, a few thousand dollars in the bank, and a very ambitious program. Much hard work remained to be done. First on the program was the development of that Long Island real estate which was to become famous as Creedmoor, our first suitable range for national and international rifle matches.



Crowds of enthusiastic spectators were anticipated at the Long Island range when all was ready for the first formal matches.



5

## Creedmoor - Attainment of a Primary Goal

A member of the first NRA Range Committee, which selected the Long Island property, was Colonel Henry G. Shaw, a member of the Board of Directors, editor of the *New York Sun*, and a much-traveled man with a gift for words. As the Range Committee stepped from the special railroad train that Poppenhusen had put at its disposal, the members surveyed the brushy fields with the morning mists sifting across them. "Just like the moors of southern England," Shaw observed. "Perhaps we should call it Creed's Moor, rather than the Creed Farm." And so Creedmoor, one of the most famous names in shooting history, became the official name of the range before the first spade of earth had been moved to develop it.

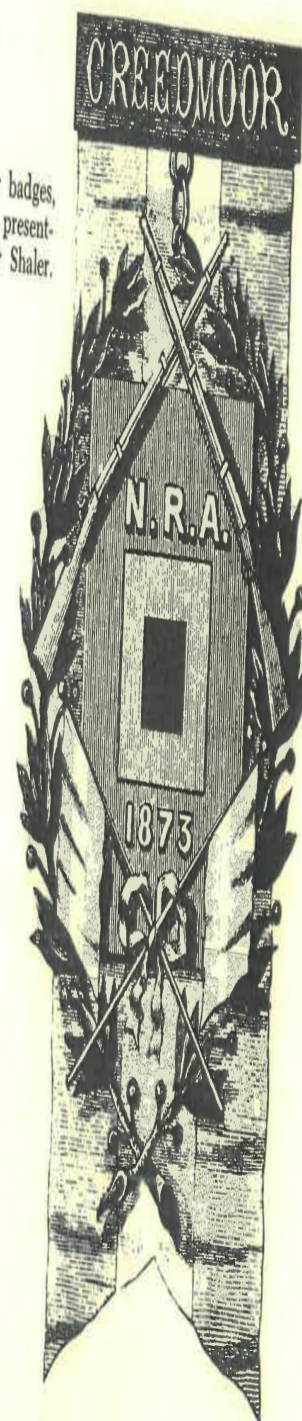
The Creed farm in 1872 was an unprepossessing bit of real estate. The last of the Creeds, who had worked its sandy Long Island soils since Colonial times, had moved on after selling their land to the Central Railroad. Little is known of the Creeds except that they had been farmers and they had probably been more than willing to sell. The soil of their isolated homestead, never rich, was about worn out, and the buildings threatened to collapse every time a northeaster roared down past Montauk Point. By the time their seventy acres passed into the hands of the National Rifle Association little trace of the Creeds remained except their name, which was retained in the deed to describe the farm only because it possessed no other distinguishing characteristics. Yet, before the decade was over, it was a name that would ring in shooting circles around the world.

When the National Rifle Association acquired the property in late July, 1872, the Creed farm was an almost unrelieved tangle of weeds and scrubby brush clothing land as flat as a tabletop. Neither lakes, streams, nor hills lent it beauty. Scrub oaks, pitch pines, gray birches, and greenbriers were invading its abandoned garden plots and pastures, defined only by tumbled walls and broken fences. Scraggly lilacs and a few shade trees marked the sites of its former buildings, which had been

converted into firewood by the railroad workers. Along the southern boundary, the railroad construction work had created an unsightly jumble of litter, stacks of ties, and mounds of ballast. In spite of its rough appearance, however, it was exactly the sort of tract the Association had been seeking.

From the standpoint of the National Rifle Association, the property was near-ideal. It was more suitable in many ways than most of the Canadian ranges that Wingate and John A. Church had inspected and even better situated than the world-famous Wimbledon Range in England. Wimbledon and most of the Canadian ranges were built on rolling land with undesirable humps and hollows that made necessary the use of platforms and elevated ramps on the firing lines. The shape, size, and orientation of the Creed property were almost perfect, lying as it did in a 1200-yard-long narrow oblong that ran almost due north and south. With the firing lines running across the 570-foot breadth facing the butts at its northern end, shooters would never have to fire into the sun. The east-west orientation of the Wimbledon Range made morning shooting difficult on sunny days.

Although that part of Queens County near the Creed farm was sparsely settled, there were scattered farms and villages near enough to cause concern for safety. A public road skirted the north boundary. With the completion of the railroad, the development of nearby lands was certain to follow. At Wimbledon the British were plagued by complaints from neighboring farmers when occasional stray shots whizzed over backyards. Since Creedmoor lacked any natural backstop, an artificial barrier was needed before it could be used. Again Hermann C. Poppenhusen and his railroad company came to the aid of the National Rifle Association. When John



One of the first Creedmoor badges, made by Tiffany & Co. and presented by Maj. Gen. Alexander Shaler.



Church approached the railroad president to obtain an estimate of the cost of hauling fill dirt to the site, Poppenhusen replied that the company was about to cut through a hill two miles away and had been looking for a place to dump the spoil. If the National Rifle Association could use the material for building an embankment they were welcome to it at the cost of hauling and incidental expenses.

The Association, in August, 1872, signed a contract for the construction of the embankment with the understanding that the railroad company would complete it by late September, in time for an opening match. A series of problems arose almost as soon as the contract was signed, however, and the timetable had to be set back almost a year. First, difficulty with its roadbed near the proposed cut forced the railroad to postpone the start of excavation. The first carload of fill did not reach Creedmoor until October. This alone killed any chance of opening the range in 1872. To make matters worse, the winter of 1872-73 was unusually severe and work often had to be halted for weeks. The officers and members of the Association, watching this snail's-pace progress, gave up talk of a spring opening and began to plan for an opening match sometime in the next summer.

Only one small patch of silver lined the dark cloud that the delays cast over the eager young organization. Plans for the range called for an embankment twenty-five feet high across the entire north boundary; because of a shortage of funds, however, the NRA had decided to leave a gap and to build only two sections, one 300 and the other 150 feet long, and to fill the 120-foot gap between them at a later date. Because its contract contained a penalty clause, the railroad company offered to extend the embankment across the entire back boundary at an additional cost of only \$500 over the \$4000 that

it had asked to build the split structure. The cost of the entire project, including two small embankments for proposed Running Man and pool ranges was far below the expected cost.

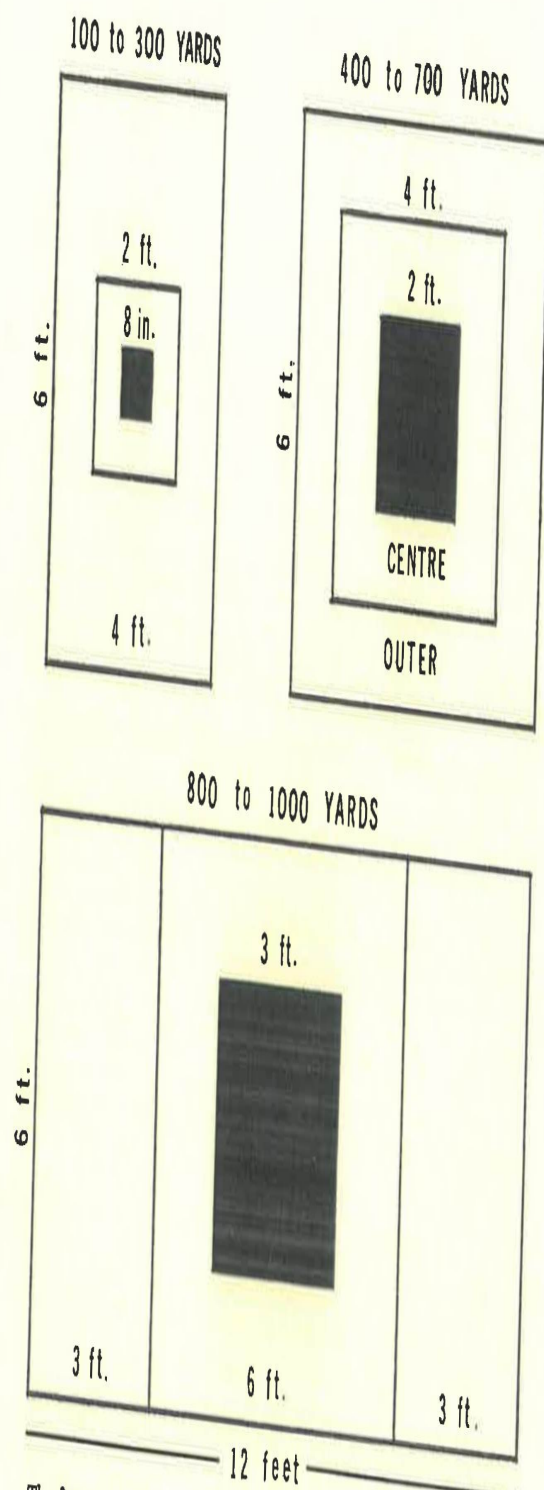
Before the railroad company started work on the embankment at Creedmoor, the task of clearing the range began. To assist in this work, the Association asked help of Maj. Gen. Henry L. Abbot, who commanded a detachment of Army engineers stationed at Willett's Point, Long Island, a few miles north of Creedmoor. Not only did Abbot supply skilled manpower and construction equipment at minimum cost, but he provided invaluable technical advice. Abbot, a graduate of the Military Academy in the class of 1854, had entered the Civil War as a first lieutenant and emerged with the brevetted rank of major general for gallantry in action. As recognition for his services, he was voted an honorary member of the Board of Directors at the annual meeting in January, 1873.

Far from resenting their involuntary part in the construction of the Creedmoor Range, Abbot's men became so interested in the project that they built a smaller range of their own at their base where they practiced regularly and held formal matches under the NRA rules. They were the first Regular Army troops to hold matches under standardized rules. These engineers participated in the Creedmoor matches, formed a rifle club that was among the first associated with the NRA, and supplied paid volunteers who served as markers at most of the early NRA matches.

As soon as construction had started the Association wrote to England to order 50 targets, with necessary accessories, like those used at Wimbledon. No American manufacturer then produced such equipment.

The targets of that period were entirely different from those in use today. The basic target was a thick slab of iron, 6 feet high by 2 feet wide weighing more than 400

## DIAGRAM OF TARGETS



The first targets used at Creedmoor were of this style and dimensions.

pounds. Several of these slabs could be bolted together in combinations to increase the width of the target area at various ranges. Bolted to the face of the target were "centers" of tempered steel, which rang like bells when struck by bullets. The target was divided in squares or rectangles rather than the concentric circles of modern targets. At ranges of from 100 to 300 yards, the bullseye was a black 8-inch square on a white 24-inch square "inner," or center. Any shot falling outside the center but in a rectangle 6 feet high and 4 feet broad was scored as an "outer." At ranges of from 400 out to 700 yards, the bullseye was 2 feet square, the center 4 feet square and the outer 6 feet square. For long-range shooting, at 800 yards and beyond, the target was 12 feet wide by 6 feet high, the inner 6 feet square, and the bullseye 3 feet square. At these longer ranges outers could be scored only by placing bullets on either of the two wing slabs



that flanked the inner.

Under the scoring system, a bullseye counted 4, an inner 3, and an outer 2 points. In the long-range matches, beyond 700 yards, a shot that missed the inner by several feet to right or left would still score 2 points; but if the shooter was over or below the center by as little as half an inch it counted as a miss. This was a logical application of target shooting to military reality. Since most long-range combat rifle shooting was expected to be against troops in formation or against enemy gun batteries, a rifleman could miss the individual soldier at whom he was aiming and still score against another in the group, provided he gauged elevation properly. But if he shot high or low, the shot would pass harmlessly over the heads of the enemy or into the earth at their feet.

In addition to targets, the National Rifle Association obtained from England marking equipment like that developed at Wimbledon. The British, in their early matches, had used flags of various colors to signal the score from the butts to the firing line. In 1863, however, they had discarded this crude system in favor of a disc system developed by the Swiss.

Instead of flags, discs mounted on long poles were used to signal hits. They were a vast improvement, since the disc could show the exact position of the hit on the target. A white disc indicated a bullseye, red a center, and black an outer. Erasing the marks of previous hits on the painted iron targets presented problems that had been overcome by the British. Originally the marker had to climb out of his shelter and paint out the bullet splashes, a system that exposed him to danger. Long-handled brushes had been tried but these proved to be awkward. Then some genius at Wimbledon conceived the idea of combining the disc and the brush, mounting the latter on the back of the disc.

During shooting, the marking poles rested on racks in the butts with the brush hanging in paint of the appropriate color. When the marker raised the disc to indicate the position of a hit, the paint-laden brush automatically erased the bullet mark. This sort of equipment was used at Creedmoor until the iron target was replaced with fabric.

The adoption by the National Rifle Association of targets and scoring procedures already in use by the National Rifle Association of Great Britain and its subsidiaries throughout the British Empire standardized target shooting throughout the English-speaking world. Before that time there were no standards against which American marksmen could measure their skill, even against other Americans, unless they shot shoulder-to-shoulder.

Informal shooting matches were being held all over the country but, for each match, rules were made on the spot. Distances were paced off and the usual target was a cross painted on a plank. The common method of scoring was by "string length," the aggregate distance of all shots from a common center, but there was no standardization of the number of shots that might be fired. When the National Rifle Association adopted the British system, the performance of American shooters could be measured against that of Scot Highlanders or of Sikh warriors guarding the Khyber Pass.

The plans for the Creedmoor range—patterned after Wimbledon by John A. Church with help from Capt. William A. Prince of the Department of Ordnance, United States Army—called for twenty individual ranges, nearly all of which could be used for shooting at distances up to 1000 yards. Nine were built on the Scoble, or sunken-pit system, and eleven on the side-hill system. In the former, the markers were protected by a trench or connected pits shielded from the splash of bullets against the iron targets



by trap doors of heavy planks. In the latter, the markers were housed above ground in shelters protected by an earthen embankment. The Americans, like the British, found that the side-hill system had disadvantages and soon discarded it in favor of the Scoble system.

The first shots on the Creedmoor range were fired on April 25, 1873, by NRA secretary George W. Wingate, while Gen. John B. Woodward, the treasurer, marked the shots with his hat. At that time, in spite of the efforts of the railroad, which was running seven carloads of fill a day into the embankment, the range was far from complete. Heavy rains in mid-January had caused a landslide over the entire face of the dirt fill, flooding the drains and burying the service roads with tons of mud. Several of the butts had been filled or damaged, and some of the 500-yard targets, each consisting of three heavy iron slabs, had been knocked down or forced out of position.

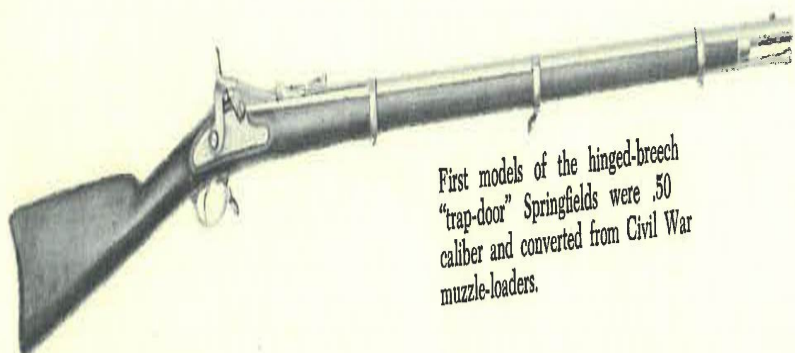
It cost \$2000 to repair the damage, and the additional expense made it necessary to delay installation of the Running Man and pool ranges that the Association hoped to have operating at its inaugural meet. The pool match was a popular money-making

Creedmoor turned from a weed-covered farm to a colorful, flag-draped range where men in sporty shooting jackets and soldiers in dress uniform mingled with top-hatted civilians and their ladies.

device developed at Wimbledon. In this match, shooters paid a stipulated fee to shoot at a 4-inch bullseye at 200 yards. Anyone who scored in the black collected a percentage of the gross receipts and the Association kept the rest.

In the spring of 1873 Wingate travelled to great Britain on professional business. While there he availed himself of the chance to study British shooting methods and range procedure. Contacting the British National Rifle Association, he was given a conducted tour of Wimbledon by Capt. Charles Costin, executive officer of the range, and Capt. E. H. St. John Mildmay, secretary of the British Association. Wingate was shown every courtesy and provided with much useful information based on the long experience of the English. His reception was in marked contrast to the "reticence" that Colonel Rockafellar had reported a year before. Wingate made excellent use of this information on his return to New York where he found the NRA preparing to open Creedmoor with a one-day inaugural meet in June.





First models of the hinged-breech "trap-door" Springfields were .50 caliber and converted from Civil War muzzle-loaders.

On the day before the inaugural meet, heavy rains swept Long Island, leaving the unsodded range a sea of mud and the markers' pit filled with muck and water. The day of the meet, however, dawned bright and clear, a foreshadowing of better things to come. Enough water had drained off or had been bailed from the pits during the night to make the range usable before the first units of the National Guard detrained at the temporary station at Creedmoor. By 10 A.M. the muddy terrain of the unfinished installation was gayly decorated with the massed colors of the regiments and by orderly lines of tents behind a bunting-draped speakers' platform. Hundreds of soldiers in dress uniform mingled with top-hatted civilians and their ladies.

The dedication ceremonies were brief. The brass band of the Army engineers from Willett's Point played a few patriotic numbers. Colonel Church, as president of the National Rifle Association, introduced Adjutant General John F. Rathbun, Commissary General Kilburn Knox of New York State and General Joseph R. Hawley, the former governor of Connecticut and a target-shooting enthusiast himself. Nathaniel Niles, Speaker of the New Jersey State Assembly, congratulated the National Rifle Association on its contribution to national defense. The British National Rifle Association extended its encouragements to its American counterpart through the naval attaché of the British Embassy. A delegation of Canada's best marksmen were on hand to appraise the performance of the Americans with a view toward future international competition.

With these formalities out of the way, the opening gun boomed, and the shooters trooped to the 200-yard firing line to christen Creedmoor properly with gunpowder and lead.

There were four separate matches in the dedicatory meet at Creedmoor on June 21. The first was an individual competition open to any member of the National Guard with each competitor shooting five rounds in a standing position at the 200-yard target.

The second competition, another individual match, was shot at the same range and under the same rules, except that the shooters were allowed to use "any rifle." By definition under the range regulations, "any rifle" matches were limited to weapons weighing less than ten pounds with a minimum trigger pull of three pounds and not equipped with set triggers or telescopic sights.

The third match was the feature event, the regimental team competition. Participating were teams of twelve from eight regiments of the First Division from New York City; five regiments from Brooklyn's Second Division; the Nineteenth Regiment from Newburg and the Fourth and Ninth Regiments and Second Battalion of New Jersey's National Guard. The Regular Army was represented by two teams, one from General Abbot's engineer detachment and the second of troopers from the Sixth U. S. Cavalry, who had come from Governor's Island to show the part-time soldiers how to shoot.

The shooting in the regimental competition started at 200 yards, with contestants in the standing position. After all had fired

five shots, the contestants moved to the 500-yard line where they were permitted to fire from any position. Under the rules, anyone who failed to score eight points at the 200-yard distance was ineligible to shoot at the longer range. The cavalrymen were full of confidence as many of the competing guardsmen were eliminated, but when it came time for the regulars to shoot, the red flag, signalling a miss, was raised as often as a marking disc. At the end of the 200-yard phase, the cavalry team had been reduced by eliminations to four men. And when the four survivors dropped back with the other teams to the 500-yard line, they squinted in disbelief at the tiny fleck of black on the stamp-sized white target. Not one of them had ever thought of shooting at so small a mark at such a long range. As the first cavalryman stepped up to shoot, Wingate, who was on the line as a member of the Range Committee, noticed that the man had not elevated the rear sight of his breech-loading Springfield. None of the cavalrymen had been instructed in this simple procedure. Even after Wingate showed them how to adjust their sights, two of the men missed all five of their shots at 500 yards. The cavalrymen finished with a score of 83. And these were first-line combat troops, and presumably better shots than the average since they had been selected to represent the Army in the match!

By contrast, the team of engineers, who were not combat troops at all, scored 161 to take second place. The Twenty-second Regiment, New York National Guard, which Wingate had subjected to heavy doses of "aiming and position drill," was the walk-away winner, with a score of 263. The Ninth

New Jersey, which had had no training at all and which was still armed with muzzle-loading Springfields, shot almost as well as the Sixth U. S. Cavalry team.

The fourth and final event of the day was sponsored by Gen. William G. Ward as an incentive to National Guardsmen to gain skill in rapid fire with their new breechloaders. Open to all comers shooting any military rifle, the match was shot at 100 yards from a standing position. On the command of "Fire," each competitor shot as many times as possible within one minute at a 2 by 6 foot slab, loading from a standard belt cartridge box. The greatest number of hits anywhere on the slab determined the winner. The results provided an excellent comparison of rates of fire of the military rifles of the day.

Two men from the Army Engineers using Springfield breechloaders, the standard weapon of the United States Army, scored four and two hits respectively. Four members of the National Guard shooting Remington breechloaders averaged ten hits each. The match, however, was won by a man from the Twenty-second New York shooting a Ward-Burton. This was a single-shot breech-loading rifle and probably one of the first bolt-action cartridge models manufactured in the United States. A relatively small number were produced at Springfield Armory from 1871.

The inaugural Creedmoor meet, in addition



Remington .50 caliber "rolling block" breechloaders were the most prominent military rifles in the early days of the Creedmoor range.



to providing scores against which future improvement could be measured, was a perfect proving ground for theories that had been advanced by Colonel Church and George Wingate. The teams finished almost in the exact order of the time they had spent in aiming drill, although few had actually fired their pieces. Shooters of the Twenty-second Regiment, which had practiced most religiously, made almost a clean sweep of the match. In addition to the team prize of \$50, its members walked away with seven of the twelve individual prizes offered, including a gold-mounted Model 1866 Winchester rifle valued at \$100.

The NRA inaugural matches at Creedmoor were apparently gratifying to all involved, and probably few others than the Canadian visitors knew how bad most of the shooting had been. Only the Twenty-second New York team had shown enough skill to put it in a class with any low-ranking Canadian or British rifle team. The surprising thing was that the winning scores were as good as they were and that the affair went as smoothly as it did.

This inaugural meet at Creedmoor on June 21 was a "special" event, and the first full-scale annual meet was not held until October. Subsequent to the June matches, Creedmoor was used almost daily by units of the National Guard or by groups of Association members. During August and September, more than 5000 men practiced on the range, and on every weekend the available space was filled with tents and wagons of encamped military units.

In contrast with the inexperience that characterized much of the June competition, the first annual meet was conducted with precision and a degree of professionalism that would have brought admiration from the range officers at Wimbledon. And if ever the value of practice was demonstrated, it was abundantly evident in comparing the scores of the shooters in October with their poor performance in June. Only a few units had been unable to practice at Creedmoor, and the majority conducted themselves with the discipline of veterans.

The first "Annual Matches" of the National Rifle Association were held on October 8, 1873, and consisted of twelve separate events. The opening match was a 200-yard event open to any member of the Association using any military rifle, the contestants shooting in the standing position, and each firing five rounds. This was the "Judd Match," shot in honor of David W. Judd for his services in securing the enabling act that had made Creedmoor possible. The Judd Match became the standard opening event of all of the annual meetings at Creedmoor. In 1873, it was won by W. Robertson of the Seventy-ninth Regiment.

The second event was another individual match open to any shooter using any rifle of less than ten pounds weight. Set triggers and telescopic sights were banned for all prize events at Creedmoor. Otherwise the "Sportsman's Match" was shot under rules identical to those applying in the Judd Match. The first prize in this event was a Metford rifle with case and accessories donated by Schuyler, Hartley and Graham, the importers of



The famous Regimental Trophy presented by the proprietors of the Army & Navy Journal.

500 yards from any position. The first prize was a handsome silver cup, donated to the National Rifle Association by Colonel William C. Church on behalf of the *Army and Navy Journal*. Under his terms the cup was to become the property of any military unit whose rifle team won it three times. The cup was won, as expected, by the Twenty-second Regiment. This was the only event of the day in which a team from the Regular Army shot against the National Guardsmen.

The sixth, or "All-Corner's Match," was shot at 500 yards and 600 yards from any position with approved "any rifles." This was an individual match in which the prize was an F. Wesson combination rifle with case and accessories.

The eighth, or "Gatling Match," was another match open to teams of twelve from any regiment or battalion of the National Guard of New York, with each competitor shooting seven rounds at 500 yards. The first prize and the most valuable one offered in any event was a Gatling gun, complete with carriage, valued at \$3000.

The ninth match was open only to teams of the New Jersey National Guard, with each man firing five rounds at the 200-yard and at the 400-yard distances. It was apparent that the New Jersey guardsmen had not neglected their practice. In the June opening, the team of the Fourth New Jersey Regiment had scored a pathetic 35 of a possible 480. Only one of its members had qualified to shoot at 500 yards and his total score for the longer range had consisted of a lone bulls-eye and four clean misses. In the October match, the New Jersey team scored a respectable 179.

The tenth event, known as the "Railroad Match," offered nine prizes provided by Hermann C. Poppenhusen on behalf of the Central Railroad of Long Island. It consisted of seven rounds at 500 yards.

The eleventh competition of the day was the first long-range match held at Creedmoor

the Creedmoor targets.

In the third and fourth competitions regimental twelve-man teams in each of the two New York National Guard divisions competed against one another. Each man fired five shots standing at 200 yards and five shots from any position at 500 yards with the Remington rifle.

The fifth competition was the *Army and Navy Journal* Match open to teams of twelve from any organized unit of the Armed Forces with each competitor firing seven shots at

Ward-Burton bolt-action Army rifle.



under the direct auspices of the NRA. Sponsored by the Association, it was open to all comers with any rifle, with seven rounds being shot at 800 and 1000 yards by each competitor. With a possible score of 56, the match was won by J. Adam of the Canadian Volunteers, who used a Metford rifle, then the favorite target arm of the British and Canadians. American shooters trailed the Canadians badly with scores of 41 and 39 in taking the second and third positions. Most of the Americans in this match used the Remington rifle, although there were Metfords, Winchesters, Sharps, Ward-Burtens, Ballards, and a scattering of other makes.

The twelfth and final match of the meet was a press match, open only to employees of newspapers and periodicals. Each entrant was required to shoot five rounds at 400 and 500 yards. Of the ten entrants in this match, Gen. J. R. Hawley, the former governor of Connecticut, who also was publisher of the *Hartford Courant*, won easily with a score of 36 of a possible 40, overshadowing most of the younger military officers who had competed in the earlier matches.

The seventh match of the day had been the most important event, and the one of the most interest to the spectators; this was the State Match, in which teams of twelve representing the various regiments competed against one another for the championship of the New York State National Guard. The

winning team was to become custodian for the next year of a magnificent trophy donated by the state of New York. As a prize for the highest individual score E. Remington & Sons contributed a fine gold-and-silver-mounted rifle.

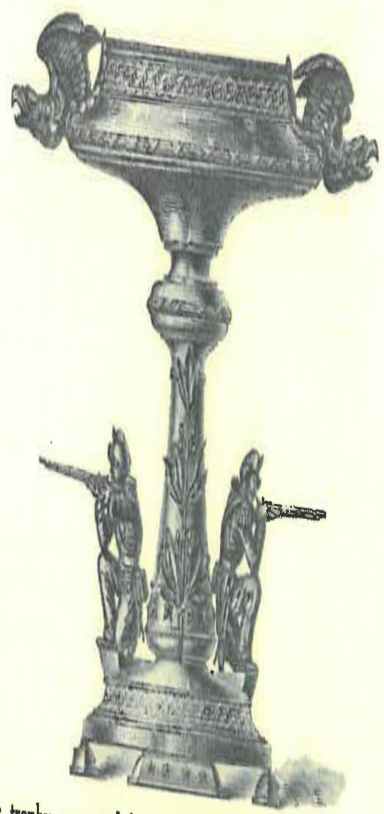
The State Match, again, was dominated by the Twenty-second Regiment. In the match that had opened the range in June in which the same teams had competed under practically identical conditions, the team of the Twenty-second Regiment had scored 263. In this match it scored 280. The improvement of seventeen points by the winning team, however, was insignificant compared with the improved scores made by most of the other regimental teams. The Twelfth New York, which had felt so uncertain of its skill when Creedmoor opened that it had not entered a team, placed second in October with a solid 235. The Seventy-ninth, whose team had placed ninth in the opening match with a score of 85, placed third in the annual match with 252; the Ninth, which had placed eighteenth in June with a score of 42, placed fourth in October with 225. Most of the other teams that had had an opportunity to practice at Creedmoor showed equally spectacular improvement. Thus, the immediate mission of the National Rifle Association was showing good progress much earlier and much more impressively than even the most optimistic of its founders had thought possible.

Although the 1873 annual matches set the general pattern for those that followed in subsequent years, they were not the only matches that were held at Creedmoor in the

first year of its operation. The proprietors of *Turf, Field and Farm*, a popular sportsman's magazine of the day, had donated to the Association a challenge badge to be shot for once a month by members of the National Rifle Association.

Nearly all of the participants in the *Turf, Field and Farm* Matches were members of the Amateur Rifle Club, an organization devoted to long-range shooting. It had been formed within the National Rifle Association and was the first club to be affiliated with it. Organized in October, 1872 by George W. Wingate, who became its first president, and Judge Henry A. Gildersleeve, who was its first vice-president, it was made up entirely of members of the NRA. By October, 1873, its program had become geared to non-military target shooting. The formation of the Amateur Rifle Club, therefore, was the first slight deviation in the NRA program away from purely military shooting.

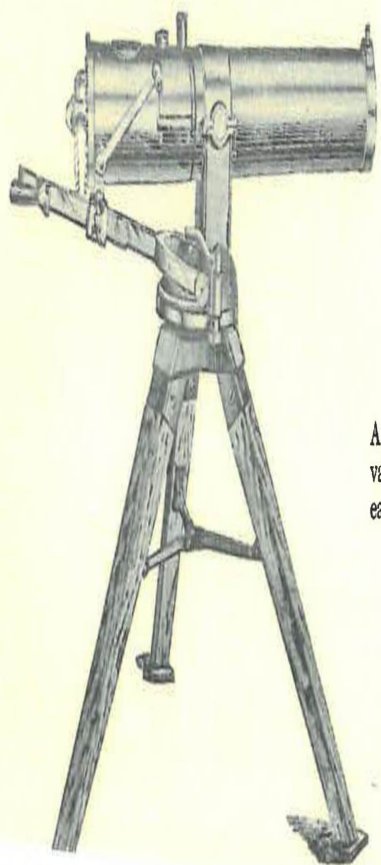
The Amateur Rifle Club was, in every sense of the word, a well-organized shooting club. George Wingate, its president, had drafted the regulations for local and state clubs that desired affiliation with the National Rifle As-



Silver trophy presented by the State of New York to the Regiment whose team made the highest score in the State Match.

sociation, and the club followed these rules to the letter. Because of this it provided a perfect pattern for any similar club that might be planned elsewhere. This club contained the most enthusiastic marksmen in the ranks of the Association, and before another year had passed, it would make shooting history.

By the end of 1873 Wingate's office was being bombarded with letters from many other states asking how they might enter the NRA program or become associated with it. The acceptance by officers and officials of the National Guard of principles advanced by the NRA had already become widespread. A bill had been drafted for introduction in the New York State Assembly calling for the appointment of an inspector of rifle practice to promote rifle training throughout the state militia organization. The Regular Forces, the Army in particular, had begun to look with a critical eye at their own training methods and were taking steps to adopt systems developed at Creedmoor. At Creedmoor the National Rifle Association had generated an enthusiastic response to its drive for improved American marksmanship.



A Gatling Gun was one of the most valuable prizes offered during the early matches at Creedmoor.





# **EXHIBIT C**



**CHAP. 559 OF 1895.**

AN ACT relating to membership corporations, constituting chapter forty-three of the general laws.

BECAME a law May 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**CHAPTER XLIII OF THE GENERAL LAWS.****THE MEMBERSHIP CORPORATIONS LAW.**

- ARTICLE 1.** General provisions relating to membership corporations. (§§ 1-17.)
2. Corporations for purposes not elsewhere authorized. (§§ 30-31.)
  3. Cemetary corporations. (§§ 40-57.)
  4. Fire corporations. (§§ 65-66.)
  5. Corporations for the prevention of cruelty. (§§ 70-72.)
  6. Hospital corporations. (§ 80.)
  7. Christian associations. (§§ 90-91.)
  8. Bar associations. (§ 100.)
  9. Veteran soldiers and sailors' associations. (§§ 110-112.)
  10. Soldiers' monument corporations. (§§ 120-122.)
  11. Boards of trade. (§§ 130-131.)
  12. Agricultural and horticultural corporations. (§§ 140-148.)

**ARTICLE I.****GENERAL PROVISIONS RELATING TO MEMBERSHIP CORPORATIONS.**

- SECTION 1.** Short title.
2. Definitions.
  3. Relation of article one to the other articles of this chapter.
  4. Extension of corporate purposes by supplemental certificates.
  5. Incorporation of unincorporated associations.
  6. Re-incorporation of membership corporations.
  7. Consolidation.
  8. By-laws.
  9. Members.
  10. Directors and trustees.
  11. Powers, duties and liabilities of directors.
  12. Prohibitions on officers.
  13. Purchase, sale, mortgage and lease of real property.
  14. Changing number of directors.
  15. Changing time of annual meetings.
  16. Visitation of supreme court.
  17. Reports to comptroller by corporations receiving state moneys.

**SECTION 1. Short title.**—This chapter shall be known as the membership corporations law.



## MEMBERSHIP CORPORATION LAW.

§ 2. **Definition.**— Neither the term membership corporation, nor the term membership corporation created by special law, includes a stock corporation, or a corporation organized for pecuniary profit or a corporation subject to any of the provisions of the insurance law. Subject to such exceptions, the term membership corporation means a corporation hereafter incorporated under this chapter, or heretofore incorporated under any law repealed by this chapter; but does not include a membership corporation created by special law; and the term membership corporation created by special law means a corporation created by special law for purposes for all of which a corporation might be created under this chapter.

§ 3. **Relation of article one to the other articles of this chapter.**— If in any other article of this chapter, there be a provision in conflict with any provisions of this article, such provisions of such other article shall prevail. If in any other articles of this chapter, there be a provision relating to a matter embraced in this article, but not in conflict therewith, such provision in such other article shall be deemed to be additional to the provision in this article relating to the same subject matter, and both provisions shall, in such case, be applicable.

§ 4. **Extension of corporate purposes by supplemental certificates.**— A membership corporation, created under or by a general or special law, for purposes for which a corporation may be created under article two of this chapter, may from time to time, extend its corporate purposes so as to include any other purpose for which a corporation may be created under such article, by filing in the offices in which its original certificates of incorporation, if any, are filed, or otherwise in the offices in which original certificates of incorporation for such purposes are required to be filed, a copy of a resolution in favor of such extension, certified by the president and secretary of the corporation to have been duly adopted by the concurring vote of a majority of the members of the corporation present at an annual meeting, or a special meeting duly called for that purpose; and a certificate signed and acknowledged by a majority of the directors of the corporation, in pursuance of such resolution, with the approval, indorsed thereupon or annexed thereto, of a justice of the supreme court and, if the care of orphan, pauper or destitute children be included among such corporate purposes, with the additional approval, indorsed thereupon or annexed thereto, of the state board of charities.

§ 5. **Incorporation of unincorporated associations.**— An unincorporated club, society or association organized for purposes for which a corporation may be created under any article of this chapter, may, by the unanimous vote of all its members present and voting at



## MEMBERSHIP CORPORATION LAW.

its certificate of incorporation, from which final order an appeal may be taken by any party aggrieved to the appellate division of the supreme court, and to the court of appeals; but no corporation shall be required to make and file more than one inventory and account in any one year, nor to make a second account and inventory, while proceedings are pending for the statement of an account under this section.

§ 17. **Reports to comptroller by corporations receiving state moneys.**—No moneys appropriated by the legislature from the treasury of the state to a membership corporation, created under or by a general or special law, except a corporation subject to the visitation of the regents of the university of the state of New York, shall be paid to it or to any institution under its care, control or management, until its president and secretary, or a majority of its directors, make a sworn report to the comptroller of its purposes, operations, financial condition, expenditures and management, and particularly of the disposition of moneys appropriated by the legislature for the maintenance of such institution, for the year ending with the last preceding thirtieth day of September. The comptroller shall transmit such report to the legislature with his annual report.

## ARTICLE II.

## CORPORATIONS FOR PURPOSES NOT ELSEWHERE AUTHORIZED.

SECTION 80. Purposes for which a corporation may be created under this article.

81. Certificate of incorporation.

§ 30. **Purposes for which corporations may be formed under this article.**—A membership corporation may be created under this article for any lawful purpose, except a purpose for which a corporation may be created under any other article of this chapter, or any other general law than this chapter.

§ 31. **Certificates of incorporation.**—Five or more persons may become a membership corporation for any one of the purposes for which a corporation may be formed under this article or for any two or more of such purposes of a kindred nature, by making, acknowledging and filing a certificate, stating the particular objects for which the corporation is to be formed, each of which must be such as is authorized by this article; the name of the proposed corporation; the territory in which its operations are to be principally conducted; the town, village or city in which its principal office is to be located, if it be then practicable to fix such location; the num-

200 Ante 55



## MEMBERSHIP CORPORATION LAW

ber of its directors, not less than three or more than thirty; and the names and places of residence of the persons to be its directors until its first annual meeting. Such certificate shall not be filed without the written approval, indorsed thereupon or annexed thereto, of a justice of the supreme court. If such certificate specify among such purposes the care of orphan, pauper or destitute children, the establishment or maintenance of a maternity hospital or lying-in asylum where women may be received, cared for or treated during pregnancy or during or after delivery, or for boarding or keeping nursing children, the written approval of the state board of charities shall be indorsed thereupon or annexed thereto, before the filing thereof. On filing such certificate, in pursuance of law, the signers thereof, their associates and successors, shall be a corporation in accordance with the provisions of such certificate.

[Am'd, ch. 205 of 1897. Took effect April 7, 1897.]

## ARTICLE III.

## CEMETERY CORPORATIONS.\*

## SECTION 40. Definitions.

41. Certificates of incorporation
42. Cemeteries in Kings, Queens, Rockland and Westchester counties.
43. Corporate meetings.
44. Directors.
45. Acquisition of property.
46. Surveys and maps of cemetery.
47. Rules and regulations.
48. Record of burials.
49. Title and rights of lot owners.
50. Application of proceeds of sales of lots.
51. Burials and removals.
52. Taxation of lot owners by corporation.
53. Expenses of improving vacated lot.
54. Certificates of indebtedness.
55. Certificates of stock heretofore issued.
56. Private cemetery corporations.
57. Family cemetery corporations.

§ 40. Definitions.— In this article, the term 'burial includes the act of placing a dead human body in a mausoleum, vault or other proper receptacle for the dead, as well as in the earth; the term lot owner or owner of a lot means any person having a lawful title to the use of a lot, plat or part of either in a cemetery; and the term cemetery corporation, means any corporation heretofore created for cemetery purposes under a law repealed by this chapter, or hereafter created under this article, but the general term cemetery corporation does not include a family cemetery corporation or a private cemetery

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\*See page 34.



# **EXHIBIT D**



# MEMBERSHIP CORPORATIONS LAW.

## CHAPTER 35 OF THE CONSOLIDATED LAWS.

- ARTICLE 1.** Short title and definitions (§§ 1, 2).
2. General provisions relating to membership corporations (§§ 3-24).
  3. Corporations for purposes not elsewhere authorized (§§ 40-47).
  4. Cemetery corporations (§§ 60-84).
  5. Fire corporations (§§ 100-105).
  6. Corporations for the prevention of cruelty (§§ 120-123).
  7. Hospital corporations (§ 130).
  8. Christian associations (§§ 140-143).
  9. Bar associations (§§ 150, 151).
  10. Veteran soldiers' and sailors' associations (§§ 160-162).
  11. Soldiers' monument corporations (§§ 170-173).
  12. Boards of trade (§§ 180-182).
  13. Agricultural and horticultural corporations (§§ 190-197).
  14. Medical societies (§§ 210-215).
  15. Alumni corporations (§§ 220-227).
  16. Historical societies (§§ 230, 231).
  17. Veterinary associations (§§ 240-244).
  18. Consolidation of library corporations in New York city (§§ 260-265).
  19. Agricultural, fair and other corporations authorized to construct tunnels and bridges (§§ 270-273).
  20. Corporations for raising and breeding and improving the breed of horses (§§ 280-298).
  21. Laws repealed; when to take effect (§§ 310, 311).

## ARTICLE 1.

### SHORT TITLE AND DEFINITIONS.

- SECTION 1.** Short title.
2. Definitions.



**§ 1. Short title.**

This chapter shall be known as the "Membership Corporations Law."

**§ 2. Definitions.**

Neither the term "membership corporations," nor the term "membership corporation created by special law," includes a stock corporation, or a corporation organized for pecuniary profit, or a corporation subject to any of the provisions of the insurance law. Subject to such exceptions, the term "membership corporation" means a corporation hereafter incorporated under this chapter, or heretofore incorporated under any law repealed by this chapter, but does not include a "membership corporation created by special law"; and the term "membership corporation created by special law" means a corporation created by special law for purposes for all of which a corporation might be created under this chapter.

**ARTICLE 2.****GENERAL PROVISIONS RELATING TO MEMBERSHIP CORPORATIONS.****SECTION 3. Relation of article two to the other articles of this chapter.**

4. Extension of corporate purposes by supplemental certificates.
5. Incorporation of unincorporated associations.
6. Re-incorporation of membership corporations.
7. Consolidation.
8. By-laws.
9. Members.
10. Directors and trustees.
11. Powers, duties and liabilities of directors.
12. Prohibitions on officers.
13. Purchase, sale, mortgage and lease of real property.
14. Changing number of directors.
15. Changing time of annual meetings.
16. Visitation of supreme court.
17. Report to comptroller by corporations receiving state moneys.
18. Societies and clubs taking property by will.
19. Societies taking property by will.
20. Appointment of special policemen.



- SECTION 21. Trespass punished.  
22. Oath of policemen.  
23. Shield.  
24. Compensation.

**§ 3. Relation of article two to the other articles of this chapter.**

If in any other article of this chapter, there be a provision in conflict with any provisions of this article, such provisions of such other article shall prevail. If in any other article of this chapter, there be a provision relating to a matter embraced in this article, but not in conflict therewith, such provision in such other article shall be deemed to be additional to the provision in this article relating to the same subject matter, and both provisions shall, in such case, be applicable.

**§ 4. Extension of corporate purposes by supplemental certificates.**

A membership corporation, created under or by a general or special law for purposes for which a corporation may be created under any article of this chapter may, from time to time extend its corporate purposes so as to include any other purpose for which a corporation may be created under such article by filing in the offices in which its original certificates of incorporation, if any, are filed, or otherwise in the offices in which original certificates of incorporation for such purposes are required to be filed, a copy of a resolution in favor of such extension, certified by the president and secretary of the corporation to have been duly adopted by the concurring vote of a majority of the members of the corporation present at an annual meeting, or a special meeting duly called for that purpose; and a certificate signed and acknowledged by a majority of the directors of the corporation, in pursuance of such resolution, with the approval, indorsed thereupon or annexed thereto, of a justice of the supreme court, and if the care of an orphan, pauper or destitute children be included among such corporate purposes, with the additional approval indorsed thereupon or annexed thereto, of the state board of charities.

As amended by L. 1902, ch. 341, sec. 1.

IN GENERAL.—On the alteration or extension of the business of a stock corporation, see Stock Corp. Law, sec. 18.

**§ 5. Incorporation of unincorporated associations.**

An unincorporated club, society or association organized for purposes for which a corporation may be created under any article of this chapter, may, by the unanimous vote of all its members present and voting at a regular or regularly called meeting thereof, authorize its directors to incorporate for the same purposes, under such article,



appointment and before entering upon the duties of his office, take and subscribe the oath of office prescribed in the thirteenth article of the constitution of the state of New York, which said oath shall be filed in the office of the county clerk of the county where such grounds are situated.

**§ 23. Shield.**

Each policeman shall, when on duty, wear a metallic shield with the word "policeman," and the name of the corporation which appointed him inscribed thereon, and said shield shall always be worn in plain view.

**§ 24. Compensation.**

The compensation of such policemen shall be paid by the corporation by which they are respectively appointed in the form and manner agreed upon between them.

**ARTICLE 3.**

**CORPORATIONS FOR PURPOSES NOT ELSEWHERE AUTHORIZED.**

**SECTION 40.** Purposes for which corporations may be formed under this article.

41. Certificates of incorporation.
42. Incorporation of associations of more than five thousand members.
43. Effect of incorporation.
44. Annual assembly or convention.
45. Board of directors.
46. Special powers.
47. Special police.

**§ 40. Purposes for which corporations may be formed under this article.**

A membership corporation may be created under this article for any lawful purpose, except a purpose for which a corporation may be created under any other article of this chapter, or any other general law than this chapter.

**§ 41. Certificates of incorporation.**

Five or more persons may become a membership corporation for any one of the purposes for which a corporation may be formed under this article or for any two or more of such purposes of a kindred nature,



by making, acknowledging and filing a certificate, stating the particular objects for which the corporation is to be formed, each of which must be such as is authorized by this article; the name of the proposed corporation; the territory in which its operations are to be principally conducted; the town, village or city in which its principal office is to be located, if it be then practicable to fix such location; the number of its directors, not less than three nor more than thirty; and the names and places of residence of the persons to be its directors until its first annual meeting. Such certificate shall not be filed without the written approval, indorsed thereupon or annexed thereto, of a justice of the supreme court. If such certificate specify among such purposes the care of orphan, pauper or destitute children, the establishment or maintenance of a maternity hospital or lying-in asylum where women may be received, cared for or treated during pregnancy or during or after delivery, or for boarding or keeping nursing children, the written approval of the state board of charities shall also be indorsed thereupon or annexed thereto, before the filing thereof. On filing such certificate, in pursuance of law, the signers thereof, their associates and successors, shall be a corporation in accordance with the provisions of such certificate. Any corporation heretofore or hereafter organized under this article for the purpose of gathering, obtaining and procuring information and intelligence, telegraphic or otherwise, for the use and benefit of its members, and to furnish and supply the same to its members for publication in newspapers owned or represented by them may admit as members thereof, other corporations, limited liability companies, joint-stock and other associations, partnerships and individuals engaged in the same business or in the publication of newspapers, periodicals or other publications, upon such terms and conditions, not inconsistent with law or with its certificate of incorporation, as may be prescribed in its by-laws.

As amended by L. 1901, ch. 436, sec. 1. This was sec. 31 of the former law.

IN GENERAL.—With reference to the preparation, filing, and recording of certificates of incorporation, see Gen. Corp. Law, sec. 5, and annotation.

And with reference to the fees of the Secretary of State and County Clerk, see annotation under Business Corp. Law, sec. 2. No organization tax is imposed. See Tax Law, sec. 180, post.

#### **§ 42. Incorporation of associations of more than five thousand members.**

Any association, society or league, having no capital stock and not organized for pecuniary profit, composed of more than five thousand members and governed by a representative body may incorporate under the provisions of this article for the purposes for which it was organized, if such purpose is one for which a corporation may be formed



# **EXHIBIT E**



**MEMBERSHIP CORPORATIONS LAW**

"An acting relating to membership corporations, constituting chapter thirty-five of the consolidated laws," as amended by chapter 722, Laws 1926, except as indicated under the individual sections.

- Article
1. Short title, definition and application (§§ 1-3).
  2. Formation of membership corporations (§§ 10-13).
  3. Powers and safeguards (§§ 20-26).
  4. Changes and amendments (§ 30).
  5. Members and meetings (§§ 40-44).
  6. Officers and directors (§§ 45-47).
  7. Consolidation (§§ 50, 51).
  8. Dissolution without judicial proceedings (§§ 55, 56).
  9. Cemetery associations (§§ 70-105).
  10. Fire corporations (§§ 110-114).
  11. Corporations for prevention of cruelty (§§ 120, 121).
  12. Christian associations' (§§ 140-142).
  13. Soldiers' monument corporations (§§ 160-164).
  14. Medical societies (§§ 170-175).
  15. Alumni corporations (§§ 180-183).
  16. Historical societies (§§ 190, 191).
  17. Agricultural and horticultural associations (§§ 200-209).\*

**ARTICLE 1****Short Title, Definitions and Application**

- Section 1.
1. Short title.
  2. Definitions.
  3. Application.

§ 1. **Short title.** This chapter shall be known as the membership corporations law.

§ 2. **Definitions.** The term "membership corporation" means a corporation not organized for pecuniary profit, incorporated under this chapter, or under any law repealed by this chapter; but unless hereinafter specifically provided does not include a membership corporation created by a special law or a corporation subject to any of the provisions of the insurance law.

The term "membership corporation created by special law" means a corporation created by special law for all of whose purposes a corporation might be created under this chapter.

A membership corporation as herein defined which agrees with its members to render aid within the amounts specified in subdivision "c" of section two hundred and forty-five of article

\* So in original. [Does not conform to schedule heading.]



## MEMBERSHIP CORPORATIONS LAW

117

seven of the insurance law, shall not by reason of such agreement be deemed to violate the provisions of the insurance law.

**§ 3. Application.** If any provision of articles two to eight inclusive of this chapter conflict with a provision of any subsequent article, the latter shall prevail. A provision of any article of this chapter subsequent to article eight dealing with any matter embraced in articles two to eight inclusive and not in conflict therewith shall be deemed to be additional, and both shall apply.

If any provision of this chapter conflict with any provision of the general corporation law, the provision of this chapter shall prevail.

## ARTICLE 2

## Formation of Membership Corporations

## Section 10. Incorporation.

11. Special provisions for incorporation.
12. Incorporation of unincorporated associations.
13. Re-incorporation of membership corporations created by special law.

**§ 10. Incorporation.** Five or more persons may become a membership corporation for any lawful purpose, or for two or more such purposes of a kindred or incidental nature, except a purpose for which a corporation may be created under any general law other than this chapter, by making, subscribing, acknowledging and filing<sup>1</sup> a certificate which shall be entitled and endorsed "Certificate of incorporation of.....pursuant to the membership corporations law" (the blank space being filled with the name of the corporation) and shall state:

1. The name<sup>2</sup> of the proposed corporation.
2. The purpose or purposes for which it is to be formed.
3. The territory in which its operations are principally to be conducted.
4. The city, village, or town and the county in which its office is to be located.
5. The number of its directors, not less than three.
6. The names and residences of the directors until the first annual meeting, and if any such director shall reside in a city, the street and number or other particular description of his residence. The number of directors named must be the number stated pursuant to the last preceding subdivision.
7. That all of the subscribers to the certificate are of full age; that at least two-thirds of them are citizens of the United States; that at least one of them is a resident of the State of

<sup>1</sup>Fee of Department of State for filing, \$30 and \$2 additional for certificate of filing for framing purposes, if desired.

<sup>2</sup>Name, unless it is a charitable corporation, must have some word or words, abbreviation, affix or prefix, as will clearly indicate that it is a corporation.

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New York, and that of the persons named as directors, at least one is a citizen of the United States and a resident of the state of New York.

Every certificate of incorporation filed under this chapter shall have indorsed thereon or annexed thereto the approval of a justice of the supreme court of the judicial district in which the office of the corporation is to be located.

**§ 11. Special provisions for incorporation.** The following shall be complied with in the cases specified below:

1. If the certificate of incorporation specify among the purposes the care of destitute, delinquent, abandoned, neglected or dependent children; the establishment or maintenance of one or more hospitals, infirmaries, dispensaries, homes for invalids, aged or indigent persons, or lying in asylums where women may be received, cared for or treated during pregnancy or during or after delivery, or for boarding or keeping nursing children, the approval of the state board of charities shall be endorsed thereon or annexed thereto.

2. If the certificate of incorporation specify a purpose for which a corporation may be chartered by the regents of the university, the secretary of state shall refer the same to the commissioner of education, and shall not file such certificate containing such provision until the consent of the commissioner of education to such filing shall have been endorsed thereon.

3. The certificate of incorporation of a cemetery corporation shall be filed in the office of the clerk of each county in which any part of the cemetery is situated, as well as in the offices specified in the general corporation law, and shall state:

(a) Each city, village or town and county in which any part of the cemetery is situated;

(b) The time of the annual meeting;

(c) The percentage, if any, of the surplus proceeds of sales of lots, after payment of the purchase price of the real property of the corporation, to be invested as a permanent fund, the income of which shall be used only for the improvement, preservation and embellishment of the cemetery.

4. The certificate of incorporation of a fire corporation shall state the precise boundaries of the territory in which the corporation intends to operate and have indorsed thereon or annexed thereto a consent to the formation of the corporation, signed and acknowledged by the authorities of each city, village, town or fire district in which it proposes to act. Such authorities shall be: in a city, the mayor; in a village, a majority of the trustees; in a town, a majority of the members of the town board; in a fire district, a majority of the fire commissioners.

5. The certificate of incorporation of a corporation for the prevention of cruelty to children or animals shall have indorsed thereon or annexed thereto the approval of the New York Society for the Prevention of Cruelty to Children, or of the

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## MEMBERSHIP CORPORATIONS LAW

119

American Society for the Prevention of Cruelty to Animals, as the case may be, or, if such approval be withheld thirty days after application therefor, a certified copy of an order of a justice of the supreme court of the judicial district in which the office of the corporation is to be located, dispensing with such approval, granted upon eight days' notice to the proper society.

6. The certificate of incorporation of a Young Men's or a Young Women's Christian Association shall:

a. State the qualifications of active membership;

b. Name in addition to the directors six trustees, each of whom shall be a member of some Protestant Evangelical denomination, not more than two of whom shall be members of any one denomination, and shall divide such trustees into three classes to hold office for one, two and three years respectively or until their successors are elected by the board of directors; and if a Young Men's Christian Association, have annexed thereto the certificate of the chairman of the state executive committee of Young Men's Christian Association of the State of New York, approving the corporate purposes and the qualifications of active members.

7. The corporate purposes of a bar association shall be cultivating the science of jurisprudence, promoting reforms in the law, facilitating the administration of justice, elevating the standard of integrity, honor and courtesy in the legal profession, cherishing the spirit of brotherhood among the members thereof, and such kindred purposes as may be stated in the certificate. The incorporators shall be members of the bar in active practice.

8. The corporate purposes of a soldiers' monument corporation shall be erecting and maintaining monuments or memorials, including memorial halls or other buildings, to perpetuate the memory of soldiers, sailors or marines who served in the army or navy of the United Colonies or of the United States in the Revolutionary war, the Civil war, or in any other war in which the United States has been engaged.

9. The certificate of incorporation of an existing unincorporated association, society, league or club, shall have annexed thereto an affidavit of at least five of the subscribers of such certificate stating (a) that the purposes set forth in such certificate are the same as those of the unincorporated association, (b) that the subscribers of such certificate constitute a majority of the members of a committee authorized to incorporate such association, society, league or club, by vote as required by the organic law of the association, society, league or club for the amendment of such organic law.

**§ 12. Incorporation of unincorporated associations.** An unincorporated association, society, league or club, not organized for pecuniary profit, may be incorporated under this chapter for the purposes for which it was organized, if all of such purposes are purposes for which a corporation may be formed under

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this chapter, and thereupon the members of such association, society, league or club shall be members of the corporation so created, and all property owned by or held for it shall belong to and vest in the corporation, subject to all existing incumbrances and claims as if incorporation had not taken place.

**§ 13. Reincorporation of membership corporations created by special law.** A membership corporation created by special law for purposes for which a corporation may be created under this chapter, may, by a two-thirds vote of its members present at a regular or regularly called meeting, authorize its directors to reincorporate under this chapter with the same corporate name and for the same corporate purposes.

Such reincorporation shall not effect a dissolution of the corporation, but shall be deemed a continuation of its corporate existence, without affecting its then existing property rights or liabilities, or the liabilities of its members or officers as such, but thereafter it shall have only such rights, powers and privileges, and be subject only to such other duties and liabilities, as a corporation created for the same purposes under this chapter.

## ARTICLE 3

### Powers and Safeguards

#### Section 20. By-laws.

21. Purchase, sale, mortgage and lease of real property.
22. Conveyance of real property to members for dwelling houses.
23. Appointment of special policemen.
24. Trespass punished.
25. Reports to comptroller.
26. Visitation of supreme court.

**§ 20. By-laws.** A membership corporation, created by or under a general or special law, may have a constitution, by-laws and rules, which shall be collectively known as by-laws and may provide different methods for the amendment and repeal thereof.

The by-laws of any such corporation may make provisions, not inconsistent with law or with its certificate of incorporation, regulating the admission, voluntary withdrawal, censure, suspension and expulsion of members; the fees and dues of members and the termination of membership on non-payment thereof or otherwise; the number, times and manner of choosing, qualifications, terms of office, official designations, powers, duties and compensation of its officers; defining a vacancy in the board of directors or in any office and the manner of filling it; the number of members, not less than one-third, or if one-third be nine or more, not less than nine, to constitute a quorum at its meetings; the qualifications of voters, individually or by groups; the qualifications of directors: the classification of directors into

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## MEMBERSHIP CORPORATIONS LAW

123

purpose of its incorporation, or that the corporation has acquired property in excess of the amount, which it is authorized by law to hold, or has engaged in any business other than that stated in its certificate or act of incorporation, the court may order that notice of at least eight days, with a copy of the petition, be served on the corporation and the persons charged with misconduct, requiring them to show cause at a time and place specified, why they should not be required to make and file an inventory and account of the property, effects and liabilities of such corporation with a detailed statement of its transactions during the twelve months next preceding the granting of such order. On the hearing of such application, the court may make an order requiring such inventory, account and statement to be filed, and proceed to take and state an account of the property and liabilities of the corporation, or may appoint a referee for that purpose. When such account is taken and stated, after hearing all the parties to the application, the court may enter a final order determining the amount of property so held by the corporation, its annual income, whether any of the property or funds of the corporation have been misappropriated or diverted to any other purpose than that for which such corporation was incorporated, and whether such corporation has been engaged in any other business than that specified in its certificate or act of incorporation. An appeal may be taken from the order by any party aggrieved to the appellate division of the supreme court, and to the court of appeals, in accordance with the civil practice act. No corporation shall be required to make and file more than one inventory and account in any one year, nor to make a second account and inventory, while proceedings are pending for the statement of an account under this section.

## ARTICLE 4

## Changes and Amendments

Section 30. Change of purposes, powers or provisions; territory; number of directors; time of annual meeting; location of office.\*

**§ 30. Change of purposes, powers or provisions, number of directors, time of annual meeting or location of office.** A membership corporation created under or by a general or special law may effect one or more of the following changes:

A. To extend, limit or otherwise change its purposes and powers or other provisions of its certificate or act of incorporation;

B. To increase or reduce the number of directors, but not below the minimum prescribed by law;

C. To change the time of holding its annual meeting, if the time of holding such meeting is fixed otherwise than by its by-laws;

\* So in original. [Does not conform to section heading.]

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D. To change the location of its office;

By filing<sup>1</sup> a certificate which shall be entitled and endorsed "certificate of (stating the nature of each change to be accomplished) of (name of corporation) pursuant to section thirty of the membership corporations law" and state:

1. The name of the corporation, and, if it has been changed, the name under which it was originally incorporated;

2. The date of filing the certificate of incorporation in each state office where filed, or, if the corporation was created by special law, the chapter number and year of passage of such law;

3. The purposes, powers or provisions, if any, to be amended or eliminated, and the purposes, powers or provisions, if any, to be added or substituted;

4. If the territory wherein the operations of the corporation are principally to be conducted is to be changed, the territory in which its operations are thereafter to be conducted;

5. If the number of directors is to be changed, the number previously authorized and the number as increased or reduced;

6. If the time of the annual meeting is to be changed, the time previously fixed and the time when it is thereafter to be held;

7. If the location of the office is to be changed, the city, town or village and the county in which it is located and the city, town or village and the county to which it is to be removed.

Provided: (a) that no change shall be made under this section which can be made under any other general law; (b) that no corporation shall amend its certificate of incorporation hereunder to embody therein any purpose, power or provision which would not be authorized if its original certificate including such additional purpose, power, or provision, were offered for filing at the time the certificate under this section is so offered; (c) that no corporation organized by or under a special law shall change the general character of its business as authorized by such special law; (d) that if a purpose, power or provision amended, eliminated, added or substituted is one for which a corporation could be created under this chapter only upon the approval of a state or local board or body, the approval of the proposed change, by that board or body shall be endorsed on or annexed to the certificate; (e) that if the corporate purposes are to be changed, the approval of a justice of the supreme court in the judicial district in which the office of the corporation is located, shall be endorsed on or annexed to the certificate.

The number of directors may be increased, notwithstanding the maximum number prescribed by law.

The certificate shall be subscribed and acknowledged<sup>2</sup> by the president or a vice-president and by the secretary or an assistant secretary, who shall make an affidavit stating that they have been authorized to execute and file such certificate by the con-

<sup>1</sup> Fee of Department of State for filing, \$20.

<sup>2</sup> See Form No. 1.



## MEMBERSHIP CORPORATIONS LAW

125

curing vote of a majority of the members of the corporation present at an annual or special meeting held upon notice pursuant to section forty-three of this chapter, and the date of such annual or special meeting.

Such certificate shall be filed in each public office in which the certificate of incorporation is filed, and if the location of the principal office is to be changed a duplicate original or certified copy thereof shall be filed in the office of the clerk of the county to which the office of the corporation is to be removed. If the corporation was created by special law and has no certificate of incorporation, the certificate shall be filed in the public offices in which certificates of incorporation under this chapter are required to be filed.

Where the number of directors of a corporation is reduced pursuant to a certificate filed hereunder, each director in office shall serve until his term expires.

## ARTICLE 5

## Members and Meetings

## Section 40. Members.

41. Qualifications of members as voters.
42. Meetings.
43. Notice of meetings for special purposes.
44. Annual assembly or convention.

**§ 40. Members.** Each person signing the certificate of incorporation of a membership corporation and each person admitted to membership therein pursuant to law or its by-laws, shall be a member of the corporation until his membership shall terminate by death, resignation, or otherwise.

Unless otherwise provided by law or by the by-laws the right of a member of a membership corporation created under or by general or special law to vote, and all his right, title and interest in or to the corporation, or its property, shall cease on the termination of his membership.

Such a membership corporation may issue to its members certificates of membership. Certificates of stock heretofore issued by such membership corporations not organized for pecuniary profit shall be deemed to be certificates of membership.

Corporations, joint-stock associations and partnerships may be members of membership corporations.

**§ 41. Qualifications of members as voters.** Unless otherwise provided by law or by the by-laws, at every meeting of a membership corporation created by general or special law every member shall be entitled to one vote.

No member shall sell his vote or issue a proxy to vote for money or anything of value. Upon request of a member the books or records of membership shall be produced at any general or special meeting of a membership corporation. If at any meeting the right of a person to vote be challenged, the inspec-

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# **EXHIBIT F**



## PROVISIONS OF THE MEMBERSHIP CORPORATIONS LAW

### Laws 1909, Chapter 40, constituting Chapter Thirty-five of the Consolidated Laws, as amended.

(The Membership Corporations Law being too voluminous in its entirety, the articles of general application are herewith presented, with reference to the contents of the omitted articles. The articles included contain the information most sought by those engaged in the formation and the operation of Membership Corporations.)

Article 1. Short title, definitions and application (§§ 1-3).

Article 2. Formation of membership corporations (§§ 10-13).

Article 3. Powers and safeguards (§§ 20-27.)

Article 4. Changes and amendments (§ 30.)

Article 5. Members and meetings (§§ 40-44).

Article 6. Officers and directors (§§ 45-47).

Article 7. Consolidation (§§ 50, 51).

Article 8. Dissolution without judicial proceedings (§§ 55, 56).

Article 9. Cemetery associations (§§ 70-105). (Omitted.)

Article 10. Fire corporations (§§ 110-114). (Omitted.)

Article 11. Corporations for prevention of cruelty (§§ 120, 121). (Omitted.)

Article 12. Christian associations (§§ 140-142). (Omitted.)

Article 13. Soldiers' monument corporations (§§ 160-164). (Omitted.)

Article 14. Medical societies (§§ 170-175). (Omitted.)

Article 15. Alumni corporations (§§ 180-183). (Omitted.)

Article 16. Historical societies (§§ 190, 191). (Omitted.)

Article 17. Agricultural and horticultural associations (§§ 200-209). (Omitted.)

Article 18. Boards of trade (§§ 220-221). (Added by L. 1932, Ch. 624—Omitted.)



**ARTICLE 1****Short Title, Definitions and Application****Section 1. Short title.****2. Definitions.****3. Application.**

§ 1. **Short title.**—This chapter shall be known as the membership corporations law.

§ 2. **Definitions.**—The term “membership corporation” means a corporation not organized for pecuniary profit, incorporated under this chapter, or under any law repealed by this chapter; but unless hereinafter specifically provided does not include a membership corporation created by a special law or a corporation subject to any of the provisions of the insurance law.

The term “membership corporation created by special law” means a corporation created by special law for all of whose purposes a corporation might be created under this chapter.

A membership corporation as herein defined which agrees with its members to render aid within the limitations specified in section four hundred and sixty-six of article fourteen of the insurance law, shall not by reason of such agreement be deemed to violate the provisions of the insurance law. (Amended by L. 1935, Ch. 691; L. 1939, Ch. 893; L. 1940, Ch. 630.)

§ 3. **Application.**—If any provision of articles two to eight inclusive of this chapter conflict with a provision of any subsequent article, the latter shall prevail. A provision of any article of this chapter subsequent to article eight dealing with any matter embraced in articles two to eight inclusive and not in conflict therewith shall be deemed to be additional, and both shall apply.

If any provision of this chapter conflict with any provision of the general corporation law, the provision of this chapter shall prevail.

**ARTICLE 2****Formation of Membership Corporations****Section 10. Incorporation.****11. Special provisions for incorporation.**



**§10****Membership Corporations Law****337****12. Incorporation of unincorporated associations.****13. Re-incorporation of membership corporations created by special law.**

**§10. Incorporation.**—Five or more persons may become a membership corporation for any lawful purpose, or for two or more such purposes of a kindred or incidental nature, except a purpose for which a corporation may be created under any general law other than this chapter, by making, subscribing, acknowledging and filing a certificate which shall be entitled and endorsed "Certificate of incorporation of ..... pursuant to the membership corporations law" (the blank space being filled with the name of the corporation) and shall state:

1. The name of the proposed corporation.
2. The purpose or purposes for which it is to be formed.
3. The territory in which its operations are principally to be conducted.
4. The city, village, or town and the county in which its office is to be located.

**5. The number of its directors, or that the number of directors shall be not less than a stated minimum nor more than a stated maximum. In either case the number of directors shall be not less than three.**

6. The names and residences of the directors until the first annual meeting, and if any such director shall reside in a city, the street and number or other particular description of his residence. The number of directors named must be the number stated pursuant to the last preceding subdivision.

7. That all of the subscribers to the certificate are of full age; that at least two-thirds of them are citizens of the United States; that at least one of them is a resident of the State of New York, and that of the persons named as directors, at least one is a citizen of the United States and a resident of the state of New York.

Every certificate of incorporation filed under this chapter shall have indorsed thereon or annexed thereto the approval of a justice of the supreme court of the judicial district in which the office of the corporation is to be located. If the name of the proposed corporation includes the name of a political party, the consent of the chairman of the county committee of such political



party of the county in which the office of the corporation is to be located, shall be endorsed on such certificate, except in cases where the supreme court finds that the withholding of such consent of the county chairman is unreasonable. The justice to whom such certificate is presented for approval may, in his discretion, withhold such approval if the name of the proposed corporation includes all or part of the name of a living person who has not executed such certificate and whose right to the proper use of such name should be protected or if it includes a name so nearly resembling the name of such a person as to be likely to deceive or cause confusion or such justice may, as a condition precedent to his approval of such certificate, require the consent to the use of the name of such person, duly acknowledged by such person, to be annexed to or indorsed upon such certificate. Notwithstanding the approval by a justice of the supreme court of a certificate of incorporation of a corporation, the name of which includes all or part of the name of a living person who has not executed such certificate and whose consent to the use thereof is not annexed to or indorsed upon such certificate such person or someone in his behalf may, at any time, upon such notice to such parties as the supreme court or a justice thereof shall direct, make an application for an order expunging such certificate of incorporation from the records in the department of state, and if the court, upon the hearing of such application, be satisfied from the testimony adduced or the proofs submitted by such person, that the use by such corporation of such name, or of such part thereof, is unauthorized or has damaged or affected or is damaging or affecting or is likely to damage or affect the reputation of such person or is or may be otherwise injurious to the interests of such person, it shall make an order granting the relief prayed for and it shall be unlawful, following the filing of a certified copy of such order with the secretary of state, for such corporation to continue using such name or to continue to exercise any of the powers conferred upon it by its certificate of incorporation or by any certificate amending or supplementing the same. (As amended by L. 1934, Ch. 111, § 1; L. 1937, Ch. 424.)

**§ 11. Special provisions for incorporation.**—The following shall be complied with in the cases specified below:



chapter. If the certificate of incorporation of any proposed corporation indicates that the corporation is to solicit funds for or otherwise benefit members of the military, naval or marine services, or their auxiliaries, of the United States or of any foreign country, or of this or any other state or any territory, the consent of the adjutant general to the filing of such certificate shall be endorsed thereon. (This ¶ added by L. 1942, Ch. 192.)

§ 12. Incorporation of unincorporated associations.—An unincorporated association, society, league or club, not organized for pecuniary profit, may be incorporated under this chapter for the purposes for which it was organized, if all of such purposes are purposes for which a corporation may be formed under this chapter, and thereupon the members of such association, society, league or club shall be members of the corporation so created, and all property owned by or held for it shall belong to and vest in the corporation, subject to all existing incumbrances and claims as if incorporation had not taken place.

§ 13. Reincorporation of membership corporations created by special law.—A membership corporation created by special law for purposes for which a corporation may be created under this chapter, may, by the two-thirds vote of its members present at a regular or regularly called meeting, authorize its directors to reincorporate under this chapter with the same corporate name and for the same corporate purposes.

Such reincorporation shall not effect a dissolution of the corporation, but shall be deemed a continuation of its corporate existence, without affecting its then existing property rights or liabilities, or the liabilities of its members or officers as such, but thereafter it shall have only such rights, powers and privileges, and be subject only to such other duties and liabilities, as a corporation created for the same purposes under this chapter

## ARTICLE 3

### Powers and Safeguards

Section 20. By-laws.

21. Purchase, sale, mortgage and lease of real property.
22. Conveyance of real property to members for dwelling houses.



§30

## Membership Corporations Law

347

have been misappropriated or diverted to any other purpose than that for which such corporation was incorporated, and whether such corporation has been engaged in any other business than that specified in its certificate or act of incorporation. An appeal may be taken from the order by any party aggrieved to the appellate division of the supreme court, and to the court of appeals, in accordance with the civil practice act. No corporation shall be required to make and file more than one inventory and account in any one year, nor to make a second account and inventory, while proceedings are pending for the statement of an account under this section.

§ 27. Investment of funds.—Subject to the limitations and conditions contained in any gift, devise or bequest, a membership corporation, created by or under a general or special law, may invest its funds in such mortgages, bonds, debentures, shares of preferred and common stock and other securities as its directors shall deem advisable. (Added by L. 1945, Ch. 710.)

**Libel—Maintenance of suit without allegation or proof of special damage.**

In *New York Society for the Suppression of Vice v. Macfadden*, Pub., 260 N. Y. 167, affirming 235 App. Div. 678, the syllabus is as follows: "A domestic corporation, organized to enforce laws for the suppression of the trade in and circulation of obscene literature and articles of indecent and immoral use, which is authorized to take and hold real and personal property and is dependent upon voluntary contributions for its support, may maintain an action for libel without alleging and proving special damage, where the publications complained of were libelous on their face."

## ARTICLE 4

## Changes and Amendments

§ 30. Change of purposes, powers or provisions, number of directors, time of annual meeting or location of office.—A membership corporation created under or by a general or special law may effect one or more of the following changes:

(A) To extend, limit or otherwise change its purposes and powers or other provisions of its certificate or act of incorporation;

(B) To increase or reduce the number of directors, or to provide that the number of directors shall be not less than a stated minimum nor more than a stated maximum; but in neither case below the minimum prescribed by law; (Amended by L. 1934, Ch. 111, § 3.)



348

## Membership Corporations Law

§30

(C) To change the time of holding its annual meeting, if the time of holding such meeting is fixed otherwise than by its by-laws;

(D) To change the location of its office;

By filing a certificate which shall be entitled and endorsed "certificate of (stating the nature of each change to be accomplished) of (name of corporation) pursuant to section thirty of the membership corporations law" and state:

1. The name of the corporation, and, if it has been changed the name under which it was originally incorporated;

2. The date of filing the certificate of incorporation in each state office where filed, or, if the corporation was created by special law, the chapter number and year of passage of such law;

3. The purposes, powers or provisions, if any, to be amended or eliminated, and the purposes, powers or provisions, if any, to be added or substituted;

4. If the territory wherein the operations of the corporation are principally to be conducted is to be changed, the territory in which its operations are thereafter to be conducted;

5. If the number of directors is to be changed, the number previously authorized and the number as increased or reduced;

6. If the time of the annual meeting is to be changed, the time previously fixed and the time when it is thereafter to be held;

7. If the location of the office is to be changed, the city, town or village and the county in which it is located and the city, town or village and the county to which it is to be removed.

Provided (a) that no change shall be made under this section which can be made under any other general law; (b) that no corporation shall amend its certificate of incorporation hereunder to embody therein any purpose, power or provision which would not be authorized if its original certificate including such additional purpose, power, or provision, were offered for filing at the time the certificate under this section is so offered, (c) that no corporation organized by or under a special law shall change the general character of its business as authorized by such special law; (d) that if a purpose, power or provision amended, eliminated, added or substituted is one for which a corporation



## §30

## Membership Corporations Law

349

could be created under this chapter only upon the approval of a state or local board or body, the approval of the proposed change, by that board or body shall be endorsed on or annexed to the certificate; (e) that if the corporate purposes are to be changed, the approval of a justice of the supreme court in the judicial district in which the office of the corporation is located, shall be endorsed on or annexed to the certificate.

The number of directors may be increased, notwithstanding the maximum number prescribed by law.

The certificate shall be subscribed and acknowledged by the president or a vice-president and by the secretary or an assistant secretary, who shall make an affidavit stating that they have been authorized to execute and file such certificate by the concurring vote of a majority of the members of the corporation present at an annual or special meeting held upon notice pursuant to section forty-three of this chapter, and the date of such annual or special meeting.

Such certificate shall be filed in each public office in which the certificate of incorporation is filed, and if the location of the principal office is to be changed a duplicate original or certified copy thereof shall be filed in the office of the clerk of the county to which the office of the corporation is to be removed. If the corporation was created by special law and has no certificate of incorporation, the certificate shall be filed in the public offices in which certificates of incorporation under this chapter are required to be filed.

Where the number of directors of a corporation is reduced pursuant to a certificate filed hereunder, each director in office shall serve until his term expires.

In *re Walker v. Commodity Exchange, Inc.*, 251 App. Div. 28, affirmed in 276 N. Y. without separate opinion, held: "Petitioner is not entitled to an order vacating the approval heretofore given to the certificate of amendment of the certificate of incorporation of Commodity Exchange, Inc. where it appears that the amendment, which related not to a particular group but concerned the members of the corporation as a whole, involved a procedural matter of government of the exchange, did not curtail or take away the rights of the trade group members, and was passed as prescribed by the by-laws.

"The ex parte approval given to the amendment of the consolidation agreement was proper, where it appears that the amendment was properly made pursuant to section 30 of the Membership Corporation Law. The agreement is considered tantamount to a certificate of incorporation.

"The control originally given to the trade groups over amendments to the by-laws affecting their particular commodity did not become a vested right so that such power of amendment could not thereafter be transferred to the membership of the exchange as a whole."