

AT A

GENERAL ASSEMBLY

BEGUN AND HELD

At the Public Buildings in the City of Richmond, on Monday the seventeenth day of October in the year of our Lord one thousand seven hundred and eighty-five, and in the tenth year of the commonwealth.*

Patrick Henry, esq Governor.

CHAP. I.

An act to amend and reduce into one act, the several laws for regulating and disciplining the militia, and guarding against invasions and insurrections.

I. WHEREAS the defence and safety of the commonwealth depend upon having its citizens properly armed and taught the knowledge of military duty, and the different laws heretofore enacted being found inadequate to such purposes, and in order that the same may be formed into one plain and regular system;

Preamble.

* From the adoption of the constitution, until the present session, there had never been less than two sessions of the General Assembly, in each year, sometimes more, according to the exigencies of the government. By an act of May 1784, chap. XX. (See Vol. 11, p. 387) the meeting of the General assembly was fixed for the third Monday in October, annually — Ever since that period, the sessions have been annual, except, in a few instances, when the assembly has been convened, for special purposes, under the tenth article of the constitution.

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LAWS OF VIRGINIA,

- Officers displaced by a former act restored.** **II. *Be it enacted by the General Assembly,*** That the officers of the militia who were displaced and removed from office, by virtue of an act "For amending the several laws for regulating and disciplining the militia, and guarding against invasions and insurrections," are hereby reinstated, and shall take precedence of rank agreeable to the dates of the commissions they severally held prior to the passing of the said act; and vacancies supplied by appointment of the governor, with the advice of the privy council, or recommendation from the respective county courts.
- Vacancies how supplied**
- Militia men & exempts described.** **III. *And be it further enacted,*** That all free male persons between the ages of eighteen and fifty years, except the members of the council of state, members of the American congress, judges of the superior courts, speakers of the two houses of assembly, treasurer, attorney-general, auditors and their clerks, solicitor-general and his clerks, clerks of the council of state, and treasury, register of the land-office, his deputy and clerks, custom-house officers, all inspectors of tobacco, all professors, and tutors at the *University of William and Mary*, and other public seminaries of learning, all ministers of the Gospel, licensed to preach according to the rules of their sect, who shall have previously taken before the court of their county, an oath of fidelity to the commonwealth, post-masters, keepers of the public gaol and public hospital, millers, persons concerned at iron or lead works, or persons solely employed in repairing or manufacturing fire-arms, all of whom are exempted from the obligations of this act, shall be inrolled or formed into companies, of three serjeants, three corporals, a drummer and fifer, and not less than forty, nor more than sixty-five, rank and file; and these companies shall again be formed into regiments of not more than one thousand, nor less than five hundred men, if there be so many in the county. Each company shall be commanded by a captain, lieutenant, and an ensign; each regiment by a colonel, lieutenant-colonel, and major; and the whole by a county-lieutenant. These officers shall be resident within their county; and before they enter on the execution of their respective offices, shall take the following oath: "I
- Companies how to be formed.**
- Militia how to be officered.**
- Officers' oath.** do swear that I will be faithful and true to the commonwealth of Virginia, of which I profess myself to be a citizen; and that I will faithfully and justly execute the

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office of a _____, in the militia of the county of _____, according to the best of my skill and judgment. So help me God." There shall be a private muster of every company once in two months, except December and January, at such convenient time and place as the captain or next commanding officer shall appoint; a muster of each regiment on some day in the month of March or April, in every year, to be appointed by the commanding officer thereof, at a convenient place near the centre of the regiment; and a general muster of the whole on some day in the month of October or November, in every year, to be appointed by the county-lieutenant, or commanding officer, at a convenient place near the centre of the county: For the times and places of the said musters, the county-lieutenant or commanding officer for the time being, shall give notice to the commanding officers of regiments; for the general muster, the commanding officers of regiments shall give notice to the commanding officers of their respective companies of such general muster and of his regimental muster; and the commanding officers of companies shall give notice of the general, regimental, and private musters, to every person of their respective companies, and to that end the commanding officers of companies shall have power to order so many of their serjeants as they shall think fit, to give such notice, which may be done by personal summons by the said commanding officer, or serjeant so ordered, or by either of them, leaving notice in writing at the usual place of abode of the person to be summoned: The notices to be given by the commanding officer of the county, and commanding officers of regiments, shall be in writing, delivered in person, or left at the usual place of abode of each person, to be notified either by such commanding officers themselves, or by such officer or officers of their respective commands as they may think fit to order; the said notices shall be given by the commanding officer of the county, to the commanding officers of regiments at least thirty days; by the commanding officers of regiments at least fifteen days; and by the commanding officers of companies at least five days, before such general, regimental, or private musters (as the case may be) shall be appointed to be had. Any officer ordered as aforesaid to give such notices, failing therein, shall for every offence for-

Private muster.

Regimental muster.

General muster.

Notices of musters how and when to be given.

Penalties on failure to give notice.

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Equipments
of officers &
soldiers.

feit and pay five pounds; and every serjeant so failing shall forfeit and pay one pound for every such failure; to be recovered as other fines hereafter to be established. Every officer and soldier shall appear at his respective muster-field on the day appointed, by eleven o'clock in the forenoon, armed, equipped, and accoutred, as follows: The county-lieutenants, colonels, lieutenant-colonels, and majors, with a sword, the captains, lieutenants and ensigns, with a sword and espoutoon, every non-commissioned officer and private with a good, clean musket carrying an ounce ball, and three feet eight inches long in the barrel, with a good bayonet and iron ramrod well fitted thereto, a cartridge box properly made, to contain and secure twenty cartridges fitted to his musket, a good knapsack and canteen, and moreover, each non-commissioned officer and private shall have at every muster one pound of good powder, and four pounds of lead, including twenty blind cartridges; and each serjeant shall have a pair of moulds fit to cast balls for their respective companies, to be purchased by the commanding officer out of the monies arising on delinquencies. *Provided*, That the militia of the counties westward of the Blue Ridge, and the counties below adjoining thereto, shall not be obliged to be armed with muskets, but may have good rifles with proper accoutrements, in lieu thereof. And every of the said officers, non-commissioned officers, and privates, shall constantly keep the aforesaid arms, accoutrements, and ammunition, ready to be produced whenever called for by his commanding officer. If any private shall make it appear to the satisfaction of the court hereafter to be appointed for trying delinquencies under this act that he is so poor that he cannot purchase the arms herein required, such court shall cause them to be purchased out of the money arising from delinquents. The arms so purchased, shall by the commanding officer of the county, be delivered to the captain of the company to which such poor private may belong, who shall deliver such arms to the private, but they shall continue the property of the county; and if any private shall sell or conceal the same, the seller, concealer, and purchaser, shall each forfeit and pay four pounds, to be recovered by the commanding officer in any court of record, on ten days notice. And on the death, disability, or exemption of such poor pri-

Exception as
to those be-
yond the Blue
Ridge.

Poor privates
how to be
armed.

Penalty on
him for sell-
ing, &c. his
arms.

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vate, or his removal out of the county, such arms shall be delivered to the commanding officer of the company, who shall make report thereof to the next court to be held, as aforesaid, and deliver the same to such other poor private, as they shall direct. And if any poor private shall remove out of the county, and carry such arms with him, he shall incur the same penalty as if he had sold them. And if any person concerned in selling, purchasing, concealing or removing such arms, shall be prosecuted for the penalty, and upon conviction, shall fail to make instant payment, or give security to pay the same in such time as the court shall deem reasonable, he shall suffer such punishment as the court before whom the recovery shall be made may think fit. And the lieutenant or commanding officer for the time being, of any county, may recover any arms so sold, concealed, or removed, by action or petition, in detinue or trover, with costs. And to the end that such arms may be known, the commanding officer shall cause to be stamped or engraved on them, the name of the county, together with the number of the regiment to which they may belong. At every muster, each captain or commanding officer of a company, shall call his roll, examine every person belonging thereto, and note down all delinquencies occurring therein, and make return thereof at the next regimental or general muster, to the colonel or commanding officer of his regiment, including those which may occur on that day. Every colonel or commanding officer of a regiment, shall in like manner call his roll, examine and note down all delinquencies in his regiment, and make return thereof, together with those reported from commanding officers of companies, to the county lieutenant or commanding officer, within ten days after every general and regimental muster, who shall lay the whole, together with the delinquencies occurring to him on the like examination, before the court hereafter appointed to take cognizance of and determine on them; provided that the commanding officer of a county, or of a regiment, shall not be obliged to extend their roll calls, or individual examinations, beyond the officers, unless they observe some apparent necessity therefor. And to each of the said returns shall be annexed the following certificate, to wit: "I —— do certify that the returns hereunto annexed, contain all delinquencies which have occurred

Duty of officers at musters.

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in the militia of my county, the ——— regiment, or ——— company of ——— regiment (as the case may be) since the last return, having examined the same as the law directs;" and to the county and regimental return shall be added "And that the reports which accompany them are all which have been made by the commanding officers of regiments or companies (as the case may be.)" Every captain or commanding officer of a company shall, within ten days after every regimental and general muster, make up and report to the commanding officer of his regiment, a return of his company, including all arms, ammunition, and accoutrements, by this act directed, distinguishing effective and good, from non-effective and bad, noting therein such as have died, removed, been exempted, or added, and all persons within the bounds of his company not on his roll, who ought to be inrolled. The commanding officer of each regiment shall, within fifteen days after every general muster, make the like return to the commanding officer of the county, who shall, within forty days thereafter, make the like return of the whole of his militia to the governor. Each captain or commanding officer of a company, shall, within ten days after receiving his commission and qualifying, as aforesaid, inroll all persons within his district, directed by this act to be inrolled, and shall appoint to his company, three serjeants, three corporals, a drummer and fifer, to be approved by the commanding officer of his regiment, and all vacancies which may thereafter happen, shall be filled up by appointments in like manner. In all cases of death, absence, or resignation of any county-lieutenant, colonel, or captain, the next officer in rank in his respective command shall be considered as the commanding officer during the vacancy, and liable to perform the duties required by this act, and for neglect therein, shall incur the penalties annexed thereto. And whereas, it will be of great utility and advantage in establishing a well disciplined militia, to annex to each regiment a light company to be formed of young men, from eighteen to twenty-five years old, whose activity and domestic circumstances will admit of a frequency of training, and strictness of discipline, not practicable for the militia in general, and returning to the main body, on their arrival at the latter period, will be constantly giv-

Duty of captains as to returns.

Of the commanding officer of a regiment.

Of a county.

Captains duty as to enrollments.

As to appointments.

Next officers duty on vacancy.

Establishment of a light company.

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ing thereto a military pride and experience, from which the best of consequences will result:

IV. *Be it therefore enacted*, That the governor, with the advice of council, shall issue commissions for a captain, lieutenant, and ensign to each regiment, in the same manner as is herein directed in this act; and the said companies shall be distinguished by the following words, "*Light Company of———Regiment of———Militia*," filling up the blanks with the number of the regiment and name of the county. Every person belonging to the said light companies, shall wear while on duty, such caps and uniforms as the executive shall direct, to be purchased by the commanding officer of the county, out of the monies arising on delinquents. The captain thereof shall, after qualifying as is directed for other officers, proceed to enlist by voluntary enlistments, in his company, a sufficient number of young men, as before described, and shall have a private muster twice in every three months. And as the men of such light company shall from time to time arrive at the age of twenty-five years, the captain shall make report thereof to the county-lieutenant, who shall order them to be enrolled in the company whose districts they may respectively live in; and deficiencies shall be supplied by new enlistments. And the said companies shall in all respects be subject to the same regulations and orders as the rest of the militia.

V. *And be it further enacted*, That the plan of major-general Baron Steuben, established in congress by their act bearing date the twenty ninth day of March, one thousand seven hundred and seventy-nine, for forming and disciplining the troops of the United States, shall be the guide for the militia of this commonwealth. It shall be the duty of every commander of a county, regiment, and company, at every of their respective musters, to cause the militia to be exercised and trained agreeable to the said plan, under pain of being arrested and tried for breach of their duty; and for this purpose, the said officers are hereby authorized to order the most expert and fit officer in their respective companies, to perform that duty. And to the end, that a general knowledge thereof may be diffused, the executive is hereby authorized and required, to have a sufficient number of copies of the said plan printed and bound in boards, to afford to every commissioned offi-

Steuben's discipline adopted.

Captains duty in training.

Steuben to be delivered to each commissioned officer

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cer of the militia, one, and to deliver them to the commanders of counties, to be by them distributed; and upon the death, resignation, or removal of any officer, the plan delivered him shall revert to the public; and the commanding officer for the time being, shall deliver the same to a new appointed officer who may not have received one; and for defraying the expence of so doing, shall draw on the contingent fund.

Time for procuring arms.

VI. *And be it further enacted,* That two years after the commencement of this act, shall be allowed for providing the arms and accoutrements herein directed; but in the mean time, the militia shall appear at musters with, and keep by them, the best arms and accoutrements they can get.

Officer when to be arrested.

Any officer who shall be guilty of disobedience, or other misbehaviour when on duty, or shall at any time be guilty of any conduct unbecoming the character of an officer, shall be put under an arrest by his commanding officer, and tried as hereafter shall be directed.

Non-commissioned officer and soldier how to be punished.

If any non-commissioned officer or soldier shall behave himself disobediently or mutinously when on duty, on, or before any court or board directed by this act to be held, the commanding officer, court, or board, may either confine him for the day, or cause him to be bound neck and heels for any time not exceeding five minutes. If any bystander shall interrupt, molest, or insult any officer or soldier while on duty at any muster, or shall be guilty of the like conduct before any court or board, as aforesaid, the commanding officer, or such court or board may cause him to be confined for the day.

By-stander how to be punished.

Colours, &c. how to be procured.

The lieutenant or commanding officer of a county, shall cause to be purchased, out of the money arising from the fines, for every regiment in his county, the usual sets of colours, with such devices thereon as the executive shall direct; also a drum and fife for each company; and on the colours and drum shall be marked, the name of the county, with the number of the regiment and company to which they belong.

Executive empowered to call forth the militia.

And whereas it is necessary that adequate powers be vested in the executive for calling forth the militia and resources of the state, in cases of invasion or insurrection, or upon any probable prospect of such invasion or insurrection:

When.

VII. *Be it further enacted,* That the governor with the advice of the council, be authorized and empowered,

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on any such invasion or insurrection, or probable prospect thereof, to call forth such a number of militia and, from such counties, as they may deem proper. And for the accommodation, equipment, and support of the forces, so at any time to be called forth, the governor, with the advice aforesaid, may appoint such quartermasters, commissaries, and other staff, as to them shall seem proper, and to fix their pay and allowances, and shall also take such measures for procuring, transporting, and issuing all stores which may be necessary, as to them shall seem best. Orders for the militia to be called forth, as aforesaid, shall be sent to; the county lieutenant or commanding officer, with a notification of the place or places of rendezvous, who shall immediately take measures for detaching the same, with the necessary number and ranks of officers by detail and rotation of duty. If such detachment shall amount to one-third of a regiment, he shall send one field officer with it; if two-thirds of a regiment, two field officers; and if more than two-thirds, three field officers. The county lieutenant or commanding officer shall cause to be procured by impressment or otherwise, for each company, a waggon, team, and driver, six axes, and six camp-kettles or pots of convenient size, all which shall be delivered to the commanding officer of the company, who shall be accountable for returning the same when his tour is over: and the articles aforesaid shall be returned to the owners, who shall be allowed for the use of the same whatever may be adjudged by the court hereinafter appointed for enquiring into delinquencies. And to the end, that if any article impressed, be lost, the owner may be paid for the same, the county lieutenant or commanding officer shall cause all property by him impressed by virtue of this act, to be valued by two or more disinterested freeholders, on oath, before the same shall be sent away: and upon proof being made to the said court of any article being lost, the valuation thereof shall be allowed, without any allowance for the use, and the said allowance shall be certified to the auditors of public accounts. The said court shall make enquiry into the cause of such loss, and if it shall appear that the said loss was occasioned by the misconduct or inattention of any officer, the county lieutenant or commanding officer is hereby authorized to prosecute a suit against such of-

To appoint staff.

How to call forth.

County-lieutenant's duty in sending officers.

In impressments.

Hire to be paid for impressed articles.

Lost articles how to be paid for.

Executive when to appoint field officers. officer for the recovery of damages for the use of the commonwealth. If it shall appear to the executive, upon calling forth the militia, as aforesaid, that the necessary number and ranks of officers will not attend the detachments for regimenting and officering them at the places of rendezvous, the governor, with advice of the council, is hereby authorized to appoint such field officers as may be necessary, from the counties called upon, as they may think proper, to join the forces so raised; and the senior officer shall arrange, and command the whole, and appoint the usual regimental staff.

When to appoint a brigadier. And if a general officer, or officers, shall, in the opinion of the executive, be necessary, either on account of the number of troops or importance of the service, the governor, with advice of the council, shall appoint and commission, one or more brigadiers general, for the then existing occasion, who are hereby authorized to appoint, each, an aid-de-camp, brigade major, and brigade quarter-master. If a sudden invasion shall be made into any county in this commonwealth, or in case of an insurrection in any county, the county lieutenant is hereby authorized and required to order out the whole, or such part of his militia as he may think necessary, and in such manner as he may think best for repelling or suppressing such invasion or insurrection; and shall call on the lieutenants or commanding officers of the adjacent counties, for such aid as he may think necessary, who shall forthwith in like manner furnish the same. And for assembling the militia required upon such occasions, or by orders of the executive, the same measures shall be taken to summon them, as is directed in the case of musters. Whenever any militia shall be called forth into actual service, as aforesaid, they shall be governed by the articles of war which were last in force in the continental army during the last war; and courts-martial shall be held as are therein directed; but to the cashiering of any officer, or capital punishment of any person, the approbation of the executive shall be necessary. And whenever any militia shall be in actual service, they shall be allowed pay and rations, as follows, to commence from the time of rendezvousing in their counties, and to end, on being discharged, to wit: A brigadier general, one hundred dollars per month, and twelve rations of provisions and five rations of forage for himself and family, per day; an aid-

County lieutenant's duty on invasion & insurrection.

Militia in actual service, how to be governed.

Pay and rations of militia.

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de-camp, thirty dollars per month; a colonel, seventy five dollars per month, and six rations of provisions and two rations of forage, per day; a brigade major, thirty dollars per month, four rations of provisions and two rations of forage, per day; a brigade quartermaster, thirty dollars per month, and three rations of provisions and one ration of forage per day; a lieutenant colonel, sixty dollars per month, and five rations of provisions and two rations of forage per day; a major, fifty dollars per month, and four rations of provisions and two rations of forage, per day; a captain, forty dollars per month, and three rations of provisions, per day; a lieutenant, twenty-seven dollars and two-thirds per month, and two rations of provisions, per day; an ensign, twenty dollars per month, and two rations of provisions, per day; a surgeon, sixty dollars per month, and three rations of provisions and two rations of forage, per day; a quarter-master, twenty dollars per month, and two rations of provisions and one ration of forage, per day; a pay-master, forty dollars per month, and two rations of provisions and one ration of forage, per day; an adjutant, twenty-four dollars per month, and two rations of provisions and one ration of forage, per day; a quarter-master serjeant, eight dollars per month, and one ration per day; a serjeant, eight dollars per month, and one ration per day; a corporal, seven dollars per month, and one ration per day; a private, five dollars and one half dollar per month, and one ration per day. And should any of the staff be of the line, the allowances herein given shall include what they may receive in the line. A ration of provisions shall consist of one pound of fresh beef or pork, or three quarters of a pound of salt pork, one pound of wheat bread or flour, or one pound and a quarter of corn meal; one gill of rum, when to be had, and one quart of salt, one quart of vinegar, two pounds of soap, and one pound of candles, to every hundred rations; but in case salt meat be issued, the salt to be withheld; and a ration of forage, of ten quarts of corn or oats, and fourteen pounds of hay or sodder. And moreover, every militia-man, upon his discharge from actual service, shall be entitled to and receive one day's pay for each twenty miles such place of discharge shall be distant from his place of abode. And should the executive at any time find it expedient to retain the

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whole or any part of the rations of provisions or forage herein allowed to officers, and to allow a composition in money, they are hereby empowered to do so.

Patrollers.

VIII. *And be it further enacted*, That the commanding officer of the militia in every county, shall from time to time, as he shall deem it necessary, appoint an officer, and so many men of the militia as to him shall appear necessary, not exceeding four, once in every month, or oftener, if thereto required by such officer, to patrol and visit all negro quarters and other places suspected of entertaining unlawful assemblies of slaves, servants, or other disorderly persons, as aforesaid, unlawfully assembled, or any others strolling about from one plantation to another, without a pass from his or her master, mistress, or owner, and carry them before the next justice of the peace, who, if he shall see cause, is to order every such slave, servant, stroller, or other disorderly person, as aforesaid, to receive any number of lashes, not exceeding twenty, on his or her back; and in case one company of patrollers shall not be sufficient, to order more companies for the same service. And after every patrol, the officer of each party shall return to the captain of the company to which he belongs, a report in writing upon oath (which oath such captain is hereby empowered to administer) of the names of those of his party who were upon duty, and of the proceedings in such patrol; and such captain shall once in every month deliver such patrol-returns to the commanding officer of the militia, by whom they shall be certified and delivered to the next court-martial; and if they shall adjudge the patrollers to have performed their duty according to law, the chief officers shall certify the same to the county court, who are thereupon empowered and required to levy twenty pounds of tobacco, or three shillings for every twelve hours each of them shall so patrol. And every commanding officer failing to appoint patrollers according to the directions of this act, shall forfeit and pay ten pounds; and every person appointed to patrol, failing to do his duty, shall forfeit and pay twenty shillings for every such failure; which fines shall be laid, collected, accounted for, and appropriated, as is herein directed, for laying, accounting for, and appropriating the several fines and penalties by this act directed. And whereas it is necessary that cer-

Courts for
magistrates

of offences, as they are to be viewed in a military light, as well as for enquiring into delinquencies and assessing fines thereon.

IX. *Be it therefore enacted,* That the governor, with the advice of council, shall have power to arrest the county-lieutenant, or commanding officer of a county, and all other officers, for any misconduct whatever, and upon trial and conviction, may censure or cashier them. All officers under the county-lieutenant, or commanding officer of a county, may also be arrested by such commanding officer, and reported to the governor for trial, or at the option of such commanding officer, a general court-martial, to consist of thirteen officers, may, by his order, be held in the county for trial of such as shall be under the rank of a field-officer. The president of the said court shall be a field-officer, and six at least of the members shall be captains; and where there is not a sufficient number of officers in any county to constitute a court, where the arrest is made, the commanding officer of such county may call upon as many officers from the adjacent counties as will be sufficient to make up a court, and such court may, on conviction, censure or cashier any officer so tried, and their sentence shall be final; saving to such officer an appeal to the executive if he shall think proper, in which case the commanding officer shall furnish him with a copy of the proceedings of the said court. Any non-commissioned officer or soldier offending, shall be tried by a like general court-martial, and may, on conviction, be censured or fined, at the discretion of the court. For obtaining the necessary evidence for the trials aforesaid, the governor, or commanding officer of the county (as the case may be) shall issue his summons, and any person so summoned, failing to attend, shall forfeit and pay, upon a summons from the governor, ten pounds, and upon a summons of the commander of a county, five pounds; to be reported by the commanding officer amongst other delinquencies, to the court aforesaid.

X. *And be it further enacted,* That the commander of a county shall, on some day in the months of May and November (his general muster being over) summon all his field-officers and captains, a majority of whom, one being a field-officer, shall form a court of enquiry and assessment of fines. The said court shall take the following oath, to be administered by any one

Governors
power over
county lie-
tenant.

County-lieu-
tenants pow-
er over offi-
cers.

Courts marti-
al how to be
constituted

Court of en-
quiry and as-
sessment of
fines, how to
be constitu-
ted.

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of the field-officers to the other members, and afterwards by any one of them to him, to wit: "I — do swear that I will truly and faithfully enquire into all delinquencies which appear on the returns to be laid before me; and will assess the fines thereon as shall seem just, without favour, partiality, or affection. So help me God."— The county lieutenant shall then lay before the said court, all the delinquencies as directed by this act, whereupon they shall proceed to hear and determine on them. All fines to be assessed by virtue of this act, shall be collected by the sheriff of the county, upon a list thereof certified by the commanding officer, and delivered to the sheriff on or before the first day of January, in every year, who shall account for the same to the county-lieutenant or his successor, in the manner directed, and be allowed the same commission as for other public monies, on or before the first day of November in the same year, and on failure, the commanding officer, or his successor, shall, on ten days previous notice, obtain judgment for the same in the county court, with costs. And should any person so charged with fines, fail to make payment on or before the first day of May, in any year, the sheriff is hereby authorized to make distress and sale therefor, in the same manner as is directed in the collection of the taxes.—

Fines, how to be collected; The commanding officer of every county shall, on or before the thirty-first day of December, in every year, render to the executive an account upon oath, of all monies which have come into his hands by virtue of his office, and of his disbursements; and if there shall remain any money in his hands, the same shall be paid into the treasury, in aid of the contingent fund. And for enforcing obedience to this act,

When dis- XI. *Be it enacted,* That the following forfeitures and penalties shall be incurred for delinquencies, viz. By the county-lieutenant or commanding officer of a county, for failing to take any oath, to summon any court or board, to attend any court or board, to transmit any recommendation of an officer or officers to the governor, to deliver any commission or commissions, to appoint a general muster, to attend such muster armed as required, to report delinquencies, to make a general return of his militia to the governor, as is directed by this act, shall for each and every such offence or neglect, forfeit and pay twenty pounds; failing to send into actual service any militia called for by the

how to be accounted for.

When dis-

When accounted for with the executive.

Forfeitures and delinquencies. County lieutenant.

OCTOBER 1785—10th of COMMONWEALTH.

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governor, or to turn out his militia upon an invasion or insurrection of his county, fifty pounds: By a colonel, for failing to take any oath, to attend any court or board, to appoint a regimental muster, or give notice of any general muster, to examine his regiment, to report delinquencies, or to make any return, as directed by this act, he shall forfeit and pay for each and every offence or neglect, ten pounds; failing to call forth from his regiment, with due dispatch, any detachment of men and officers, armed and equipped, as shall from time to time be required by the commanding officer on any call from the governor, invasion of, or insurrection in his county, or requisition of any neighbouring county, twenty-five pounds: Lieutenant-colonel or major, for failing to take any oath, to attend any court or board, to attend any muster armed as is herein directed, they shall respectively for each and every such offence or neglect, forfeit and pay eight pounds; failing to repair to their rendezvous when summoned upon any call of the governor, invasion of, or insurrection in the county, or requisition of the commander of a neighbouring county, they shall each forfeit and pay sixteen pounds: By a captain, for failing to take an oath, to attend any court, to inroll his company, to appoint private musters, to give notice of a general or regimental muster, to attend any muster armed, to call his roll, examine his company, and report delinquencies, to make any return, as directed by this act, he shall forfeit and pay for each and every such offence and neglect, six pounds; failing to call forth such officers and men, as the commanding officer from time to time shall order from his company, upon any call from the governor, invasion of, or insurrection in the county, or requisition from an adjacent county, or failing on any such occasion to repair to the place of rendezvous, he shall forfeit and pay twelve pounds: By a subaltern officer, for failing to take any oath, to attend any court or muster, armed as directed, for each of the said offences he shall forfeit and pay three pounds; failing to repair to the place of rendezvous, armed as required, when ordered upon any call from the governor, invasion of, or insurrection in the county, or requisition from a neighbouring county, he shall forfeit and pay six pounds: And moreover; the said officers for any of the said offences, shall be liable to be arrested and

Colonel.

Captain.

Subaltern.

LAWS OF VIRGINIA,

- Non commis-
ed officers
and soldiers. tried for the same as military offenders: By a non-commissioned officer or soldier, for failing to attend at any muster with the arms, ammunition and equipments, as directed by this act, he shall forfeit and pay ten shillings; failing to repair to his rendezvous when ordered upon any call from the governor, invasion of, or insurrection in the county, or requisition from a neighbouring county, he shall forfeit and pay two pounds.
- Arms ex-
empted from
execution;
& men when
from arrest. All arms, ammunition, and equipments, of the militia, shall be exempted from executions and distresses at all times, and their persons from arrests in civil cases, while going to, continuing at, or returning from musters, and while in actual service. Each court or board, by this act directed to be held, are empowered to appoint a clerk and provost-martial; such clerk shall keep a fair record of their proceedings, and together with the said provost-martial, receive such allowance, to be paid out of the fines arising from delinquencies, as the said court or board shall think reasonable. No arms or accoutrements, which may hereafter be lost in service, shall be paid for by the public, unless the loser shall be killed, wounded, or otherwise incapacitated in the opinion of a court-martial, from preserving his arms. The militia of the city of Williamsburg and borough of Norfolk, shall have their officers appointed, and be under the same rules and regulations as the different counties.
- Officers of
court. XII. *And be it further enacted*, That the county-lieutenant or commanding officer of each county, is hereby empowered to receive the commission of any captain, or other inferior officer in his county, who may think proper to resign, and shall notify such resignation to the next succeeding court, in order that such vacancies may be then supplied: *Provided*, That nothing herein contained shall be construed or taken to deprive the people called quakers or memonists, of any privilege granted them by any former law. *Provided also*, That the governor, with advice of the council, is hereby empowered to suspend the operation of this act in the counties on the western waters, so long as they may think proper.
- Lost arms,
when to be
paid for.
- Williams-
burg and
Norfolk.
- Resignation
of officers.
- Quakers and
menonists.
- Power to
suspend.
- Repealing
clause. XIII. All and every act and acts heretofore made for regulating and disciplining the militia, and guarding against invasions and insurrections, shall be, and the same are hereby repealed.



ROBB
ELEMENTARY
SCHOOL

Texas House of Representatives
Investigative Committee
on the **Robb Elementary Shooting**

Representative Dustin Burrows, Chair
Representative Joe Moody, Vice Chair
The Honorable Eva Guzman, Member



July 17, 2022

**HOUSE INVESTIGATIVE COMMITTEE
ON THE ROBB ELEMENTARY SHOOTING
TEXAS HOUSE OF REPRESENTATIVES
INTERIM REPORT 2022**

**A REPORT TO THE
HOUSE OF REPRESENTATIVES
88TH TEXAS LEGISLATURE**

**DUSTIN BURROWS
CHAIR**

**COMMITTEE CLERK
PAIGE HIGERD**



Investigative Committee On
the Robb Elementary Shooting

July 17, 2022

Dustin Burrows
Chair

P.O. Box 2910
Austin, Texas 78768-2910

The Honorable Dade Phelan
Speaker, Texas House of Representatives
Members of the Texas House of Representatives
Texas State Capitol, Rm. 2W.13
Austin, Texas 78701

Dear Mr. Speaker and Fellow Members:

The Investigative Committee on the Robb Elementary Shooting of the Eighty-seventh Legislature hereby submits its interim report for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dustin Burrows", written over a horizontal line.

Rep. Dustin Burrows

A handwritten signature in black ink, appearing to read "Joe Moody", written over a horizontal line.

Rep. Joe Moody

A handwritten signature in black ink, appearing to read "Eva M. Guzman", written over a horizontal line.

Justice Eva Guzman

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P R E F A C E

This is the interim report of the Investigative Committee on the Robb Elementary Shooting of the Texas House of Representatives.

Conscious of the desire of the Uvalde community and the public at large to receive an accurate account of the tragedy at Robb Elementary School, the Committee has worked diligently and with care to issue this interim report of its factual findings. The Committee's work is not complete. We do not have access to all material witnesses. Medical examiners have not yet issued any reports about their findings, and multiple other investigations remain ongoing. The Committee believes this interim report constitutes the most complete telling to date of the events of and leading to the May 24, 2022, tragedy.

This Committee has prioritized factual accuracy, as will be evident from our attention to conducting our own interviews and documenting our sources of information. Still, based on the experiences of past mass-shooting events, we understand some aspects of these interim findings may be disputed or disproven in the future.

The Committee issues this interim report now, believing the victims, their families, and the entire Uvalde community have already waited too long for answers and transparency.

A C K N O W L E D G M E N T S

The Committee gratefully acknowledges the assistance of all who helped with its investigation and the preparation of this interim report, including Clement Abbondandolo, Margo Cardwell, Courtney Chaplin, Matthew Crow, Casey Garrett, Harrison Garrett, Paige Higerd, Ted Liggett, Michael Massengale, Kolton McDougald, and Ellic Sahualla.

D E D I C A T I O N

The Committee submits this report with great humility and the deepest respect for the victims and their families. It is the Committee's sincere hope that this brings some clarity for them as to the facts that happened. This report is meant to honor them.

You will notice the name of the attacker is not mentioned. We also will not use his image, so as not to glorify him.

Nevaeh Alyssa Bravo

Nevaeh is remembered as a playful girl who put a smile on the faces of everyone around her. Her family meant the world to her, and she often helped her father around the house. Nevaeh loved the colors pink and purple and enjoyed playing softball and riding her bike.

Jacklyn "Jackie" Jaylen Cazares

Jackie is remembered as a caring girl who enjoyed singing and making TikTok videos. Jackie loved animals (especially her four dogs) and wanted to become a veterinarian; she also dreamt of visiting Paris. Jackie was known as someone who would go out of her way to help anyone.

Makenna Lee Elrod

Makenna is remembered as the light in the lives of those who knew her. She loved the color purple, softball and gymnastics, and spending time with her family—especially time on the ranch with her dad. Her smile lit up rooms, and she liked to leave hidden notes for her family to find.

Jose Manuel Flores, Jr.

Jose is remembered as loving and kind. He was an honor roll student who wanted to be a police officer when he grew up to help protect other people. Jose was an amazing big brother who looked out for his siblings, and his parents called him "a helper" because he was always pitching in at home.

Eliahna "Ellie" Amyah Garcia

Ellie is remembered as a gentle, kindhearted girl who loved spending time with her family and was very close with her grandparents. She enjoyed playing basketball and wanted to be a cheerleader one day. Ellie adored the colors pink and purple and loved a nice bowl of ramen noodles. She was a long-term planner who was already picking dresses and dances for her quinceañera five years away.

Irma Garcia

Irma is remembered as courageous and selfless—a wife and mother of four who was always willing to lend a helping hand to anyone who needed one. She was a 23-year teacher. Irma died protecting her students, and her heroism will be remembered forever.

Uziah Sergio Garcia

Uziah is remembered as an outgoing boy who loved his family as well as his "cousins and brothers from another mother." He was always fair and full of life, and he enjoyed running, swimming, football, and playing his Nintendo Switch and Oculus.

Amerie Jo Garza

Amerie is remembered as considerate and fun-loving. She was protective of her three-year-old brother and would kiss him every morning before she went to school. Amerie loved swimming, drawing, and vanilla bean frappés from Starbucks. She dreamt of becoming an art teacher one day.

Xavier James Lopez

Xavier is remembered as an active boy who loved swimming and playing little league baseball for his team, the Blue Jays. He was lively, energetic, and always eager to dance, especially the cumbia with his grandmother. Xavier was known for wearing stylish clothes and had a smile that could cheer anyone up.

Jayce Carmelo Luevanos

Jayce is remembered as a happy, thoughtful boy with many friends who always seemed to be running around his yard with him. He made his grandparents a pot of coffee every morning and would leave notes saying that he loved them. Dinosaurs were one of his favorite things.

Tess Marie Mata

Tess is remembered as a natural athlete who enjoyed softball, soccer, and gymnastics—she especially loved doing backbends in gymnastics. Tess was a fan of the Houston Astros and even played the same position as her favorite player, José Altuve, in softball. She was saving up money for a family vacation to Disney World.

Maranda Gail Mathis

Maranda is remembered as smart and nice, a shy tomboy who loved the color purple, especially when it was on unicorns and mermaids. Maranda also enjoyed spending time outdoors and had an incredible imagination.

Eva Mireles

Eva is remembered as dedicated and vibrant. She enjoyed CrossFit, hiking, spending time with her dog, Kane, and being with her family. Her smile was bright and her commitment to her students was still unwavering after 17 years as an educator. She was a hero who never gave up throughout an impossible ordeal.

Alithia Haven Ramirez

Alithia is remembered as talented and bighearted. She was a gifted artist who wanted to go to art school in Paris one day. She was also a mature role model to her siblings and was always thoughtful about helping those in need.

Annabell Guadalupe Rodriguez

Annabell is remembered as empathetic and loyal. She enjoyed spending time with her sisters and watching TikToks. Her favorite color was blue—especially blue found on butterflies. Annabell was on the honor roll and known for being a sharp student.

Maite Yuleana Rodriguez

Maite is remembered as sweet and competitive. She loved learning about animals and the ocean, especially dolphins, whales, and dogs. She was an honor student who dreamt of attending Texas A&M to become a marine biologist. Her favorite color was green, and she enjoyed a #13 from Whataburger—always with a side of sliced jalapenos.

Alexandria "Lexi" Aniyah Rubio

Lexi is remembered as intelligent and driven. She had a contagious smile and enjoyed playing softball and basketball, which she excelled at. Lexi was an all-A student who wanted to become a lawyer one day, and she was interested in social and political issues because she wanted to make a difference.

Layla Marie Salazar

Layla is remembered as witty and lively. She loved singing with her parents while coming to and from school and going with her grandparents for tacos. She was also an avid swimmer, dancer, and runner who'd won six races at a recent field day.

Jailah Nicole Silguero

Jailah is remembered as a joy to be around, a pure delight who enjoyed making TikToks to show off to her family and friends. Jailah was always dancing and liked to spend time outdoors as well.

Eliahna Torres

Eliahna is remembered as loving and compassionate. She enjoyed making other people laugh and was a "master of jests." She was also an amazing softball player up for a spot on the city's all-star team. Eliahna was a natural leader who was also known for her warmth and selflessness.

Rojelio Fernandez Torres

Rojelio is remembered as a clever, positive boy who enjoyed being outdoors in his free time as well as playing football and videogames like Pokémon. Rojelio was always eager to help others and had a real love for life.

1 | INTRODUCTION & EXECUTIVE SUMMARY

There is nothing we can do to heal the wounds suffered by the Uvalde community, nothing that can redress the loss of 21 souls stolen from their families and friends. We must critically examine the contributing factors to the horrific massacre at Robb Elementary School to try to provide answers and prevent similar tragedies in the future. A safer environment for all Texas children is one of the ways we can honor the memory of the students and teachers murdered in Uvalde.

Across our state, men and women who work in the fields of education and law enforcement exemplify both service and sacrifice. Teachers dedicate themselves to the betterment of society through the promise of a new generation. Police officers see danger and run to meet it, knowing the cost and stepping forward to pay it. In pursuing these high callings, teachers and police officers live in the public square—nurturing, encouraging, protecting, preserving. They render this service on behalf of us all, but especially for children, who are the most innocent and vulnerable among us. Like the rest of us, educators and law enforcement officers sometimes fail at crucial moments. When they do, that does not diminish the good work and sacrificial service of their professions as a whole.

Of necessity, this report will describe shortcomings and failures of the Uvalde Consolidated Independent School District and of various agencies and officers of law enforcement. At the outset, we acknowledge that those same shortcomings could be found throughout the State of Texas. We must not delude ourselves into a false sense of security by believing that “this would not happen where we live.” The people of Uvalde undoubtedly felt the same way. We must all take seriously the threats to security in our schools and the need to be properly prepared to confront active shooter scenarios.

Other than the attacker, the Committee did not find any “villains” in the course of its investigation. There is no one to whom we can attribute malice or ill motives. Instead, we found systemic failures and egregiously poor decision making. We recognize that the impact of this tragedy is felt most profoundly by the people of Uvalde in ways we cannot fully comprehend.

The School

With hindsight we can say that Robb Elementary did not adequately prepare for the risk of an armed intruder on campus.

The school’s five-foot tall exterior fence was inadequate to meaningfully impede an intruder. While the school had adopted security policies to lock exterior doors and internal classroom

doors, there was a regrettable culture of noncompliance by school personnel who frequently propped doors open and deliberately circumvented locks. At a minimum, school administrators and school district police tacitly condoned this behavior as they were aware of these unsafe practices and did not treat them as serious infractions requiring immediate correction. In fact, the school actually suggested circumventing the locks as a solution for the convenience of substitute teachers and others who lacked their own keys.

The school district did not treat the maintenance of doors and locks with appropriate urgency. In particular, staff and students widely knew the door to one of the victimized classrooms, Room 111, was ordinarily unsecured and accessible. Room 111 could be locked, but an extra effort was required to make sure the latch engaged. Many knew Room 111's door had a faulty lock, and school district police had specifically warned the teacher about it. The problem with locking the door had been reported to school administration, yet no one placed a written work order for a repair.

Another factor contributing to relaxed vigilance on campus was the frequency of security alerts and campus lockdowns resulting from a recent rise of "bailouts"—the term used in border communities for the increasingly frequent occurrence of human traffickers trying to outrun the police, usually ending with the smuggler crashing the vehicle and the passengers fleeing in all directions. The frequency of these "bailout"-related alarms—around 50 of them between February and May of 2022—contributed to a diminished sense of vigilance about responding to security alerts.

Other factors delayed the reporting of the threat to the campus and to law enforcement. Low-quality internet service, poor mobile phone coverage, and varying habits of mobile phone usage at the school all led to inconsistent receipt of the lockdown notice by teachers. If the alert had reached more teachers sooner, it is likely that more could have been done to protect them and their students.

In violation of school policy, no one had locked any of the three exterior doors to the west building of Robb Elementary. As a result, the attacker had unimpeded access to enter. Once inside, the attacker continued into the adjoining Rooms 111 and 112, probably through the door to Room 111, and apparently completely unimpeded. Locking the exterior and interior doors ultimately may not have been enough to stop the attacker from entering the building and classrooms. But had school personnel locked the doors as the school's policy required, that could have slowed his progress for a few precious minutes—long enough to receive alerts, hide children, and lock doors; and long enough to give police more opportunity to engage and stop the attacker before he could massacre 19 students and two teachers.

Because of these failures of facilities maintenance and advance preparation, the attacker fired most of his shots and likely murdered most of his innocent victims before any responder set foot in the building. Of the approximately 142 rounds the attacker fired inside the building, it is almost certain that he rapidly fired over 100 of those rounds before any officer entered.

T h e R e s p o n d e r s

Since the 1999 Columbine tragedy, the law enforcement community has recognized the critical importance of implementing active shooter training for all officers, regardless of specialty. Also, all officers must now acknowledge that stopping the killing of innocent lives is the highest priority in active shooter response, and all officers must be willing to risk their lives without hesitation.

At Robb Elementary, law enforcement responders failed to adhere to their active shooter training, and they failed to prioritize saving the lives of innocent victims over their own safety.

The first wave of responders to arrive included the chief of the school district police and the commander of the Uvalde Police Department SWAT team. Despite the immediate presence of local law enforcement leaders, there was an unacceptably long period of time before officers breached the classroom, neutralized the attacker, and began rescue efforts. We do not know at this time whether responders could have saved more lives by shortening that delay. Regardless, law enforcement committed numerous mistakes in violation of current active shooter training, and there are important lessons to be learned from each faulty assumption and poor decision made that day.

The Uvalde CISD's written active shooter plan directed its police chief to assume command and control of the response to an active shooter. The chief of police was one of the first responders on the scene. But as events unfolded, he failed to perform or to transfer to another person the role of incident commander. This was an essential duty he had assigned to himself in the plan mentioned above, yet it was not effectively performed by anyone. The void of leadership could have contributed to the loss of life as injured victims waited over an hour for help, and the attacker continued to sporadically fire his weapon.

A command post could have transformed chaos into order, including the deliberate assignment of tasks and the flow of the information necessary to inform critical decision making. Notably, nobody ensured that responders making key decisions inside the building received information that students and teachers had survived the initial burst of gunfire, were trapped in Rooms 111 and 112, and had called out for help. Some responders outside and inside the building knew that information through radio communications. But nobody in

command analyzed this information to recognize that the attacker was preventing critically injured victims from obtaining medical care. Instead of continuing to act as if they were addressing a barricaded subject scenario in which responders had time on their side, they should have reassessed the scenario as one involving an active shooter. Correcting this error should have sparked greater urgency to immediately breach the classroom by any possible means, to subdue the attacker, and to deliver immediate aid to surviving victims. Recognition of an active shooter scenario also should have prompted responders to prioritize the rescue of innocent victims over the precious time wasted in a search for door keys and shields to enhance the safety of law enforcement responders.

An effective incident commander located away from the drama unfolding inside the building would have realized that radios were mostly ineffective, and that responders needed other lines of communication to communicate important information like the victims' phone calls from inside the classrooms. An offsite overall incident commander likely could have located a master key more quickly—several people on campus had one. An offsite overall incident commander may have suggested checking to see if officers could open the door without a key—in hindsight, they probably could have. An offsite overall incident commander who properly categorized the crisis as an active shooter scenario should have urged using other secondary means to breach the classroom, such as using a sledgehammer as suggested in active shooter training or entering through the exterior windows.

Uvalde CISD and its police department failed to implement their active shooter plan and failed to exercise command and control of law enforcement responding to the tragedy. But these local officials were not the only ones expected to supply the leadership needed during this tragedy.

Hundreds of responders from numerous law enforcement agencies—many of whom were better trained and better equipped than the school district police—quickly arrived on the scene. Those other responders, who also had received training on active shooter response and the interrelation of law enforcement agencies, could have helped to address the unfolding chaos.

Yet in this crisis, no responder seized the initiative to establish an incident command post. Despite an obvious atmosphere of chaos, the ranking officers of other responding agencies did not approach the Uvalde CISD chief of police or anyone else perceived to be in command to point out the lack of and need for a command post, or to offer that specific assistance. Several will suggest they were misled by false or misleading information they received as they arrived; however, the “chaos” described by almost all of them demonstrates that at a

minimum, responders should have asked more questions. This suggests a training deficiency, in that responding officers failed to adequately question the absence of command. Other responders failed to be sufficiently assertive by identifying the incident commander and offering their assistance or guidance, or by assuming command in the absence of any other responder having expressly done so. In this sense, the entirety of law enforcement and its training, preparation, and response shares systemic responsibility for many missed opportunities on that tragic day.

2 | BACKGROUND & HISTORY OF INVESTIGATION

On June 3, 2022, Speaker of the Texas House of Representatives Dade Phelan created by proclamation the Investigative Committee on the Robb Elementary Shooting, pursuant to Rule 1, Section 17, and Rule 4, Sections 57 and 58, of the Rules of the House of Representatives. Three members were appointed to the Committee: Representative Dustin Burrows, Chair; Representative Joe Moody, Vice-Chair; and the Honorable Eva Guzman, Public Member. The Speaker gave the Committee the same authority and duties conferred on standing committees under the rules, and the Committee is set to expire on the date the 88th Legislature convenes.

Speaker Phelan charged the Committee with the duty to “conduct all inquiries into the actions of any State or local officer, employee, department, agency, institution, or instrumentality and any political subdivision needed to make a complete and thorough examination of the facts and circumstances of the events relating to the violent acts, shootings, and murders at Robb Elementary School in Uvalde.” In the conduct of its investigation, the Speaker charged the Committee to “examine the evidence developed by all law enforcement authorities” and to “acquire and analyze additional evidence as needed to make comprehensive findings.” The Committee has the additional duty of providing assistance to the Select Committee on Youth Health and Safety and the Committee on Homeland Security and Public Safety in the consideration of their joint charges on mass violence prevention and community safety. This Committee “shall submit a final report in the same manner as an interim study committee under Rule 4, Section 61, Rules of the House of Representatives.”

Put more simply, this is a fact-finding committee. The Speaker has tasked other legislative committees with the difficult but critical responsibility of proposing policy in response to the tragedy at Robb Elementary School.

The Committee held its first meeting on June 9, 2022, in Austin, Texas. In an extensive briefing in executive session, Col. Steven C. McCraw, Director of the Texas Department of Public Safety, provided the Committee an overview of the status of the ongoing DPS investigation, including the attacker’s background, the incident timeline, and the response by law enforcement. The Committee reviewed a composite video recording of the attacker’s approach to the school and law enforcement’s response. The meeting concluded with DPS agreeing to provide its evidence to the Committee.

The Committee then heard three days of testimony on June 16th, 17th, and 20th in Uvalde, Texas. Testifying witnesses included employees of the Uvalde CISD (including Robb

Elementary School staff), the Uvalde CISD Police Department, the Uvalde Police Department, the Department of Public Safety, and members of the attacker's family. On June 17th, all three members of the Committee visited the Robb Elementary School campus accompanied by Uvalde CISD Superintendent Dr. Hal Harrell, and the Committee paid its respects to the victims and to the community by laying a floral wreath at the school memorial.

Uvalde CISD Police Chief Pete Arredondo testified before the Committee in Austin, Texas, on June 21st followed by Sgt. Thomas Calabro with the Houston Police Department, who provided information about training and standard practices for law enforcement responses to active shooter scenarios and for the command and coordination of multiple responding law enforcement agencies.

The Committee returned to Uvalde on June 29th and 30th. On June 29th, the Committee interviewed Uvalde Mayor Don McLaughlin, four Robb Elementary School fourth grade teachers, and five employees of the Uvalde Police Department, including a dispatcher. The next day, June 30th, the Committee interviewed Uvalde CISD employee Becky Reinhardt, Uvalde County Precinct One Constable Johnny Field (by videoconference), and two peace officers who responded to the incident from the Department of Public Safety (a special agent and a lieutenant). That day, the Committee's investigators also interviewed Robb Elementary School teacher Arnulfo Reyes, the teacher in Room 111 who is still recovering from his injuries. The Committee received a report and an audio recording of the interview of Mr. Reyes.

On July 11th, the Committee reconvened in Austin to interview ALERRT Assistant Director John Curnutt and Uvalde County Sheriff Ruben Nolasco, both by videoconference. The Committee also conducted a follow-up interview of DPS Director McCraw.

The Committee interviewed all 35 witnesses in executive session, meaning that the sessions were closed to the public. Despite public expressions of frustration and even criticism that these meetings were conducted behind closed doors, the Committee is confident that its method served the goal of an objective fact-finding process. The Committee was able to engage witnesses in candid discussions that may not have been possible in public hearings or other settings.

In addition to the witnesses who appeared before the Committee in executive session, the Committee's investigators conducted at least 39 independent informal interviews. The Committee and its investigators have reviewed hundreds of crime-scene photos and dozens of audio and video recordings from the incident, including surveillance camera footage, mobile-phone video, 911 calls, radio transmissions, and body-worn camera footage. They reviewed recordings and summaries of witness interviews conducted and recorded by law

enforcement agencies. Documentation received from the Department of Public Safety and reviewed by the Committee included an enormous trove of digital evidence, including data from mobile phones, cloud storage, and social media messages. The Committee received and reviewed thousands of pages of documents received from numerous agencies including ALERRT, ATF, Texas DPS, FBI, Texas School Safety Center, and Uvalde CISD. These documents included school audits and safety plans, school disciplinary records, employment records, criminal-history reports, dispatch logs, ballistics reports, firearms traces, gun store records, information about the victims, and various diagrams, sketches, and timelines. The Committee also invited and received suggestions from witnesses about how to improve policies relating to school safety, firearm safety, law enforcement training and resources, and active shooter response. The Committee genuinely appreciates the input from all witnesses, and it will be shared with the House committees formed to evaluate and propose policies to address mass violence prevention and community safety.

3 | ROBB ELEMENTARY SCHOOL SECURITY & FACILITIES OVERVIEW

The Committee has great respect for teachers and all who dedicate their lives to the education of children.

As of the fall of 2020, there were 5,371,586 students in Texas schools. There are 1,204 school systems, most of which are independent school districts. The largest independent school district in Texas is in Houston, with 196,943 students enrolled for the 2020–21 school year. The smallest district is San Vicente ISD, which had five students for 2020–21.¹

Most school districts have multiple campuses with multiple buildings. It is estimated that there could be as many as 80,000 buildings in the State of Texas that house children at various times during the school year. These are important facts to remember in the context of discussing policy related to school-hardening measures.

Uvalde CISD serves a rural community of 15,217 citizens.² The district's schools include Uvalde High School, Morales Junior High, Anthon, Flores, Robb, and Dalton elementary schools, and several alternative education programs.³ The campus buildings range from over 100 years in age to the newest school, Uvalde High School, which was opened nearly four decades ago in 1983.⁴ Uvalde CISD constructed many of those older buildings during times when the potential threats to students were much different than those faced today.⁵ While no school could ever be built to prevent every conceivable threat, they can be built and operated in ways to better mitigate risk and impede potential threats from outside attackers.

U v a l d e C I S D P o l i c e D e p a r t m e n t

Until recently, the Uvalde Police Department was responsible for security in the Uvalde public schools. In 2018, Uvalde CISD established its own police department, headquartered at Uvalde High School. With nine different schools and a budget for six police officers, Uvalde CISD oversees more campuses than it has officers, and it has assigned no officer specifically to Robb Elementary. Instead, officers would regularly visit the Robb campus for a walk-through several

¹ Source: Texas Education Agency.

² 2020 Census, <https://data.census.gov/cedsci/all?q=Uvalde%20city,%20Texas>.

³ See generally www.ucisd.net.

⁴ Committee testimony of Rodney Harrison, UCISD Maintenance and Operations Director (June 16, 2022).

⁵ Committee testimony of Dr. Hal Harrell, Uvalde CISD superintendent (June 16, 2022).

times per week, usually lasting from 15–45 minutes.⁶ Uvalde CISD Police Chief Pete Arredondo and his second-in-command, Lt. Mike Hernandez, also testified that they visited campuses and walked halls to “rattle doors” to confirm they were locked.⁷

Uvalde CISD police officers commonly carried two radios: one for the school district, and another “police radio” which transmitted communications from various local law enforcement agencies. While the school district radios tended to work reliably, the police radios worked more intermittently depending on where they were used.⁸

A c t i v e S h o o t e r P l a n

As directed by state legislation enacted in 2019,⁹ Uvalde CISD adopted a policy for responding to an active shooter emergency. And Uvalde CISD deserves credit for having done so—they are one of the few Texas school districts recognized by the School Safety Center as having submitted a viable active shooter policy.¹⁰

Uvalde CISD Police Chief Arredondo and Director of Student Services Kenneth Mueller prepared a document titled “Annex 1 Active Shooter” and adopted it on April 15, 2020.¹¹ The document identified its purpose as seeking to “outline the local organization, operational concepts, responsibilities, and procedures to accomplish coordinated Administration,

⁶ Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022) (couple times per week, approximately 15 minutes per visit); *see also* Committee testimony of Adrian Gonzalez, Uvalde CISD police officer (June 20, 2022) (usually took 30–45 minutes to walk Robb Elementary); Committee testimony of Jaime Perez, Robb Elementary head custodian (June 16, 2022) (about once per day, usually for less than an hour unless dealing with a problem); Committee testimony of Kenneth Mueller (June 16, 2022) (officers would float, visiting all elementary-school campuses). Uvalde CISD police officer Ruby Gonzalez described how she and her colleagues would rotate shifts based at the high school. The 7:00 a.m.–4:00 p.m. shift would begin with traffic control and watching the courtyard at the high school, followed by rounds to check in at other campuses, walk halls, and check doors. Similarly, the officer working the 9:00 a.m.–6:00 p.m. shift would visit various campuses in the afternoon. Committee testimony of Ruby Gonzalez, Uvalde CISD police officer (June 17, 2022).

⁷ Testimony of Pete Arredondo, USCID police chief (June 21, 2022); Testimony of Lt. Mike Hernandez, Uvalde CISD Police (June 17, 2022).

⁸ Committee testimony of Adrian Gonzalez, UCISD police officer (June 20, 2022).

⁹ Tex. H.B. 2195, § 1, 86th Leg., R.S. (2019) (“A school district shall include in its multihazard emergency operations plan a policy for responding to an active shooter emergency. The school district may use any available community resources in developing the policy described by this subsection.”), codified as Tex. Educ. Code § 37.108.

¹⁰ *Cf.* Texas School Safety Center, 2017-2020 DAR Report: Findings on Safety and Security in Texas School Districts, *available* at <https://txssc.txstate.edu/research/technical-reports/dar-2020/> (“[T]he EOP review indicated that of the 1,022 districts reviewed, only 200 had a viable active shooter policy. Of the remaining 822 districts, 626 districts did not have a policy in place and 196 districts had an insufficient policy.”).

¹¹ *See* Uvalde Consolidated ISD, *Annex 1: Active Shooter* ¶ I (“The Uvalde CISD police department along with the Director of Student Services makes recommendations and creates plans to develop a safe environment and to lead the District to Mitigate, Prevent, Prepare, Respond, and Recover from potential active shooter situations.”).

Teachers, District police officers, local law enforcement and first responders to Prevent, Prepare, Respond, and Recover from the possibility of an active shooter entering any of the District campuses.”¹²

The plan called for utilization of “the National Incident Management System (NIMS) during an emergency to coordinate response efforts.”¹³ It further stated that “[t]he District’s police officers, administrators, and teachers and support staff, along with the students have the daily responsibility to mitigate and prevent an active shooter situation,” and that “[a]ll staff members and student[s] will know the proper procedures to follow if a suspected shooter is on the campus.”¹⁴

With respect to securing doors, the active shooter policy stated:

Staff will conduct inspections of classrooms to make sure doors and windows can be securedDoors to all classrooms will remain locked during instruction and the campuses will have one main entry point to the school. *Each staff member will know the procedures to follow in order to have any door or window repaired that will not lock.*¹⁵

The active shooter policy outlined a series of preventative safety measures that served as the “primary preventative strategy” to address “problems of violence, vandalism, disruptions and fear.”¹⁶ As applicable to Robb Elementary, these preventative measures included:

POLICE OFFICERS – The district employs 4 officers. This includes a Chief, a detective, and two officers.¹⁷

PARTNERSHIPS WITH LOCAL LAW ENFORCEMENT. Local law enforcement agencies are invited to come to any of our campuses while they are on patrol. UCISD provides free breakfast or lunch to any law enforcement personnel visiting our campuses.¹⁸

THREAT ASSESSMENT TEAMS – Every campus employs an interdisciplinary team of trained professionals that convene to identify, evaluate, classify and address threats or potential threats to school security. Following assessment, this team determines

¹² *Id.* ¶ II.

¹³ *Id.* ¶ IV.A.1; *see also id.* ¶ V.B (“All personnel assigned responsibilities in this plan are trained on NIMS concepts, procedures and protocols.”). Regarding NIMS, the, training that defines operational systems that guide how personnel work together to prevent, protect against, mitigate, respond to and recover from incidents see generally <https://training.fema.gov/nims/>.

¹⁴ Uvalde Consolidated ISD, *Annex 1: Active Shooter* ¶ IV.A.2.

¹⁵ *Id.* ¶ IV.B.1.b (emphasis supplied).

¹⁶ *Id.* ¶ IV.B.2.a.

¹⁷ *Id.* ¶ IV.B.2.b. Uvalde CISD later hired two additional officers to bring its total force to six, though at the time of the attack on Robb Elementary there were only five officers employed.

¹⁸ *Id.* ¶ IV.B.2.c.

appropriate response and intervention. This includes notification and involvement of parents, a suicide risk assessment, and the development of a written safety plan.¹⁹

SOCIAL MEDIA THREATS – UCISD utilizes Social Sentinel to monitor all social media with a connection to Uvalde as a measure to identify any possible threats that might be made against students and or staff within the school district.²⁰

PERIMETER FENCING – Dalton, Anthon, and Robb have fencing that encloses the campus is designed to limit *[sic]* and/or restrict access to individuals without a need to be on the campus.²¹

RADIOS – Key staff have been provided radios to support campus communication processes.²²

LOCKED CLASSROOM DOOR POLICY – Teachers are instructed to keep their classroom doors closed and locked at all times. Barriers are not to be used. Substitutes shall follow the same policy, with campuses ensuring they have access to the classrooms they need throughout the day. The Standard Response Protocol procedures are on the back of all of our badges issued to substitute teachers.²³

STAFF TRAINING – All staff members are trained annually in emergency protocols for the campus. Key campus personnel are CPI-trained.²⁴

STUDENT TRAINING & DRILLS – Students receive training on the Standard Response Protocol for lockout, lockdown, evacuate, shelter, and hold. In addition, drills are held for each of these emergency actions on a regular basis ...²⁵

THREAT REPORTING SYSTEM – Students, parents, staff, and community members are encouraged to share information with us that is deemed troubling, so that we may take appropriate action. This includes information about weapons, threats, fights, drugs, self-harm, suicide or disclosures made that are concerning. Reports may be made online at ucisd.net, by contacting any campus administrator, district administrator or UCISD Police Officers.²⁶

In the event of an active shooter incident, the policy expressly provided that upon verification of an active shooter, “the District police department Chief will become the person in control of the efforts of all law enforcement and first responders that arrive at the scene.”²⁷ The response was to include, if possible, “secur[ing] the administration office as a command post

¹⁹ *Id.* ¶ IV.B.2.g.

²⁰ *Id.* ¶ IV.B.2.g.

²¹ *Id.* ¶ IV.B.2.l. The Uvalde CISD director of maintenance and operations, Rodney Harrison, confirmed for the Committee that the fence around Robb Elementary was five feet high.

²² *Id.* ¶ IV.B.2.p.

²³ *Id.* ¶ IV.B.2.r.

²⁴ *Id.* ¶ IV.B.2.s. “CPI” refers to the Crisis Prevention Institute, an international training organization that specializes in the safe management of disruptive and assaultive behavior. *See* <https://www.crisisprevention.com/About-Us>.

²⁵ *Id.* ¶ IV.B.2.t.

²⁶ *Id.* ¶ IV.B.2.v.

²⁷ *Id.* ¶ IV.B.4.b.

and retriev[ing] the critical information and data about the school’s emergency systems, including communications, staff and student’s locations, detailed floor plans and other important information, documents, items, and supplies that are prepared and readily available for use during the incident.”²⁸

The active shooter policy recognized that “[t]he district has primary responsibility for the health and safety of students, staff, substitute teachers, and visitors while on district property,” and that “[d]uring an emergency *the district should coordinate law enforcement, health and medical services with other local first responders.*”²⁹ The school district’s police department was assigned the responsibility for “the Incident Command Center” and for being “first on scene to prevent or stop an active shooter,”³⁰ while the policy assigned to other “[l]ocal law enforcement and first responders” the function and responsibility to “follow the direction of the ICS leader to ensure proper procedures are followed” and to “[a]ccept assigned roles of ICS leader.”³¹

Under a section titled “Direction and Control,” the policy laid out a specific “line of succession”:

1. Uvalde CISD police department – Chief Pete Arredondo
2. Uvalde CISD police department – Lt. Mike Hernandez
3. Director of Student Services – Kenneth Mueller³²

The policy calls for the district to conduct a “post incident review ... to analyze the process and make any corrective action as determined.”³³

A L E R R T S t a n d a r d f o r A c t i v e S h o o t e r T r a i n i n g

Before joining the Uvalde CISD Police Department, Chief Arredondo received active shooter training from the ALERRT Center,³⁴ which the FBI has recognized as “the National Standard

²⁸ *Id.* ¶ IV.B.4.f.

²⁹ *Id.* ¶ V.A.1 (emphasis supplied).

³⁰ *Id.* ¶ V.B.

³¹ *Id.* ¶ V.B. “ICS” is not defined in Uvalde CISD’s active shooter plan, but it refers to “Incident Command System.” *See, e.g.,* Federal Bureau of Investigation & ALERRT, *Active Shooter Response – Level 1*, at STU 2-27 (v. 7.2, 2020) (noting that “[a] list of incident command courses can be found on the FEMA training web page at <https://training.fema.gov/emiweb/is/icsresource/trainingmaterials.htm>”).

³² Uvalde Consolidated ISD, *Annex 1: Active Shooter* ¶ VI.C.

³³ *Id.* ¶ VIII.C.

³⁴ Committee testimony of Pete Arredondo, UCISD Chief of Police (June 21, 2022). Chief Arredondo received the ALERRT training while working for the Laredo ISD police department, between his retirement from the Webb County Sheriff’s Office in 2017 and his hiring as chief of the Uvalde CISD police in March 2020. *See id.* Uvalde Police Sgt. Daniel Coronado, who responded to Robb Elementary as well, also acknowledged receiving ALERRT training. Committee testimony of Sgt. Daniel Coronado, Uvalde Police Department (June 20, 2022).

in Active Shooter Response Training.”³⁵ Every school district peace officer in Texas must be trained on how to respond in active shooter scenarios.³⁶ Not all of them get ALERRT training, but Chief Arredondo and other responders at Robb Elementary did.

ALERRT’s training program identifies the challenge for law enforcement responders of possibly having to work “with a small ad hoc team of individuals they may have never trained with before,” such that “the only way to swing the tactical advantage back in favor of the [law enforcement] responder is through the use of effective teamwork and tactics.”³⁷ The training identifies lessons to be learned from past active shooter incidents. From the Columbine tragedy in 1999, one lesson was that responders must have tools and training to immediately make entry and neutralize an active shooter threat.³⁸ Another Columbine lesson was the “Priority of Life Scale”: innocent civilians come before law enforcement and other responders.³⁹ After Columbine, “[w]hile protecting the lives of officers remained a high priority, Stopping the Killing of innocent civilians took first priority. From that moment forward, every law enforcement officer was expected to be willing to risk his or her life without hesitation.”⁴⁰ “Law enforcement officers were expected to distract, isolate, and neutralize the threat, even in tactically complex situations and when they lacked special training.”⁴¹

A lesson from the Navy Yard Building 197 incident in 2013 was that “[t]he earlier an Incident Command structure can be established, the better,” and this tragedy prompted an “Initial Incident Command” block to be added to the ALERRT Level 1 course.⁴² The Pulse Nightclub

But not all law enforcement officers receive this training, and several other law enforcement officers interviewed by the Committee stated they had not received ALERRT training. *E.g.*, Testimony of Sgt. Eduardo Canales, Uvalde Police Department (June 29, 2022) (none of UPD SWAT team has received ALERRT training); Committee testimony of Constable Johnny Field, Uvalde County Pct. 1 (June 30, 2022).

³⁵ See generally <https://alertrt.org/about> (“The ALERRT Center at Texas State University was created in 2002 as a partnership between Texas State University, the San Marcos, Texas Police Department and the Hays County, Texas Sheriff’s Office to address the need for active shooter response training for first responders.”).

³⁶ Tex. H.B. 2195, § 2, 86th Leg., R.S. (2019) (“A school district peace officer or school resource officer shall complete an active shooter response training program approved by the Texas Commission on Law Enforcement.”), codified as Tex. Educ. Code § 37.0812.

³⁷ Federal Bureau of Investigation & ALERRT, *Active Shooter Response – Level 1*, at STU 1-9 (version 7.2, 2020).

³⁸ *Id.* at STU 2-6.

³⁹ *Id.*

⁴⁰ *Id.* at STU 2-7.

⁴¹ *Id.*

⁴² *Id.* at STU 2-10; see also *id.* at STU 2-13 (Rt. 91 Harvest Music Festival incident in 2017 taught lesson of establishing unified command early on). The Incident Command module teaches: “Ideally, Incident Command will be established as the first [law enforcement] responder arrives on-scene, provides dispatch with a brief LCAN [i.e. Location, Condition, Actions, and Needs] size-up report, and assumes command.” *Id.* at STU 7-6. The

incident from 2016 taught the importance of awareness of the distinction between hostage/barricade and active shooter scenarios.⁴³ The Marjory Stoneman Douglas High School incident in 2018 taught the importance of incident command structure for appropriate management of resources and that law enforcement responders must be prepared to use word-of-mouth communication when radio communications are overloaded.⁴⁴

On the subject of communicating effectively, the ALERRT course teaches that effective communication is necessary for successful teamwork.⁴⁵ “Regional law enforcement agencies should continually train together to establish radio protocols for use during multi-agency active shooter response.”⁴⁶ “Law Enforcement responders should be familiar with their regional communications plan but also be prepared to respond effectively without reliable radio communications.”⁴⁷ “After giving a message, [law enforcement] responders should look for confirmation that the intended party received and understood the message.”⁴⁸ “If radio communications are unreliable, it may be necessary to use runners to deliver messages.”⁴⁹

With respect to establishing incident command, law enforcement responders are encouraged to complete Incident Command System (ICS) and National Incident Management System (NIMS) courses as early as possible in their careers.⁵⁰ The ALERRT training advises that “[t]he initial [law enforcement] responder to arrive at an active shooter scene becomes the Initial Incident Commander by default...”⁵¹ Further, “[a]s soon as [a law enforcement] responder notices that there appears to be sufficient officers hunting for the attacker, that responder

training acknowledges that “sometimes this is difficult because the first [law enforcement] responder to arrive on-scene may find him or herself immediately involved in a gunfight,” and “[s]urviving and winning the gunfight should always take priority over considering Incident Command matters.” *Id.* But “[a]s soon as immediate threats have been neutralized,” law enforcement responders need to ensure that they communicate critical information to dispatch, including the assumption of command. *Id.*

⁴³ *Id.* at STU 2-12.

⁴⁴ *Id.* at STU 2-14.

⁴⁵ *Id.* at STU 2-23.

⁴⁶ *Id.*

⁴⁷ *Id.*

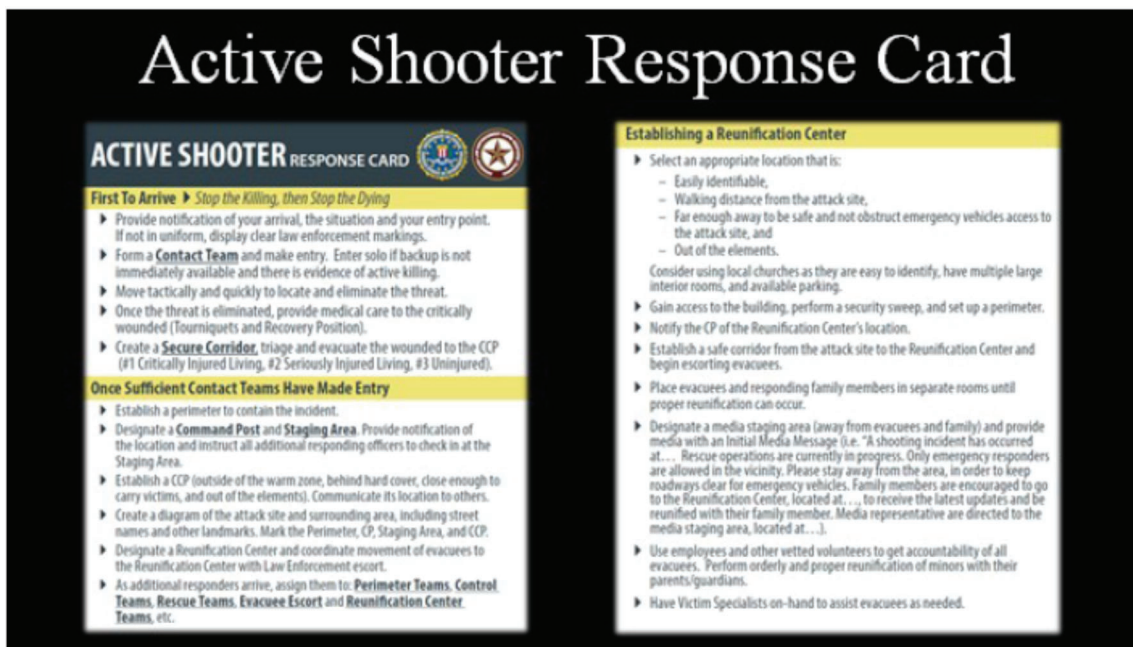
⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.* at STU 2-27.

⁵¹ *Id.* at STU 2-28.

should find a secure location, take out their Active Shooter Response Card, assume Initial Incident Command, and begin completing tasks listed on the card.”⁵²



Slide 2-32. Active Shooter Response Card

Excerpt from ALERRT, Active Shooter Response—Level 1.

A later, more in-depth module on incident command describes the ICS process:

Take Command

The first step in the ICS process is for the first [law enforcement] responder who arrives on the scene ... to simply take command. Command is passed up the chain as the scene or situation grows larger. As more officers arrive on-scene, command is passed on and assumed by higher levels, building the ICS tree. All active shooter Incident Command structures will grow. This is a fact, and they will continue to grow for the next several days after the shooter is down.

Taking command is as simple as saying “I have command.” ... This allows all oncoming resources to receive information and report to one person. Taking command is important because it will help stop freelancing and possible blue-on-blue scenarios.

Provide an LCAN Report

Next, the first [law enforcement] responder in should give a size-up report, or LCAN report. This is simply a Location, Condition, Actions, and Needs report telling follow-on units where the officer is at, what he or she sees on arrival, what he or she is doing or plans on doing, and what he or she needs to complete the mission ... LCAN reports

⁵² *Id.* ALERRT training teaches that every law enforcement responder, “even those recently hired, should carry the Active Shooter Response Card with them at all times,” and “[t]hey should be prepared to assume command and start completing the tasks listed on the card within the first few minutes.” *Id.* at STU 7-7; *see also id.* at STU 8-2 – 8-4(module 8.1, Incident Command System Instructor Walk-Throughs).

should be updated as more actions are needed to give follow-on responders updated information as they are coming in. This will help with overconvergence and allow the ICS system to begin to set up ... The LCAN report should continue to be updated as the situation changes.

Assume Command

As more [law enforcement] responders arrive on the scene, someone should assume command of the outside of the building. This person could be a higher-ranking officer or any responder who sees enough personnel are inside and realizes that things need to be taken care of on the outside of the building (e.g., perimeter control, ambulance exchange areas, staging for all to set up, more contact teams).

Command will be passed from the interior commander ... to the command person outside who can begin getting control of the chaos of the emergency. Eventually, this person will be relieved of his or her position and an overall commander will take charge of the situation during the next several stages of the event. As the incident stabilizes, command will downsize and the situation will move into an investigative phase. Units will be released to service and cut loose.

The main points to remember about ICS are that the first [law enforcement] responder must take command. This [law enforcement] responder must also give an LCAN report for oncoming units. Someone else on the outside of the building must then assume command from the first [law enforcement] responder and begin to help gain control of the chaos.⁵³

The ALERRT training includes a module on “Entering Locked Buildings Quickly, Discreetly, and Safely,” advising that “[r]esponders should be creative and make use of improvised tools to get inside the building however they can.”⁵⁴ With respect to using keys, ALERRT teaches that “[o]ften, the quickest, most discreet, and safest method of entering a locked building is to locate a key—as long as keys can be located immediately,” but “if a key cannot be located quickly, [law enforcement] responders should use another technique to enter the area without delay.”⁵⁵ The training also suggests sledgehammers and pry tools as reliable, practical, and affordable breaching tools,⁵⁶ and a separate module anticipates the challenge of breaching closed and locked outward-opening interior doors, noting that “[m]any public buildings are required by law to have outward-opening doors with self-closing mechanisms for all high-occupancy rooms,” and that law enforcement responders “should be prepared to encounter this type of door during an active response.”⁵⁷

⁵³ *Id.* at STU 8-2 – 8-3 (emphasis in original).

⁵⁴ *Id.* at STU 3-8.

⁵⁵ *Id.* at STU 3-9.

⁵⁶ *Id.* at STU 3-11 – 3-12.

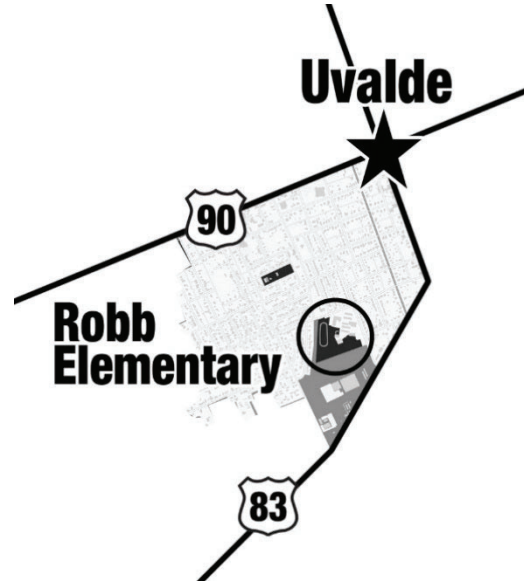
⁵⁷ *Id.* at STU 4-22.

Rise of "Bailout" Security Incidents

Uvalde CISD police officers visit school campuses in the event of lockdowns, which occurred relatively frequently at Robb Elementary due to its proximity to the intersection of Highway 83 and Highway 90. Chief Arredondo described a rise in bailouts: to avoid being stopped by law enforcement, vehicles loaded with undocumented immigrants traveling along highways leading from the border towns of Del Rio and Eagle Pass lead officers on high-speed chases that often end by crashing the vehicle and allowing the occupants to scatter.⁵⁸



Uvalde, at the intersection of Hwy. 83 & Hwy. 90.



Robb Elementary, near intersection of Hwy. 83 & Hwy. 90.

Numerous witnesses testified to the Committee that there has been an increase in bailout activity over the past 18 months.⁵⁹ Uvalde CISD Director of Student Services Kenneth Mueller testified that since February 2021, high-speed chases have been a daily event in the Uvalde area, causing Uvalde CISD schools to be secured or locked down frequently, with 47 “secure” or “lockdown” events happening since late February 2022, and approximately 90% of those

⁵⁸ Committee testimony of Chief Pete Arredondo, Uvalde CISD Police, at 29-30 (June 21, 2022).

⁵⁹ See, e.g., Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022); see also Committee testimony of Lt. Mike Hernandez, Uvalde CISD Police (June 17, 2022) (confirming the frequency of bailouts in the neighborhood surrounding Robb Elementary). Regarding the impacts of bailouts on the Uvalde community, see, e.g., Carine Hajjar, National Review, *Human-Smuggler ‘Bailouts’ Are Endangering Border Communities* (Apr. 12, 2022), available at <https://www.nationalreview.com/corner/human-smuggler-bailouts-are-endangering-border-communities/> (featuring pre-tragedy interview of Uvalde Mayor Don McLaughlin, specifically identifying the risk to school-age residents of Uvalde).

being attributed to bailouts.⁶⁰ Uvalde CISD parents became so concerned about the number of bailouts occurring near the elementary-school campuses that they offered to hire off-duty police to supplement the Uvalde CISD police presence.⁶¹

Raptor Alert System

School district witnesses also testified to another effect of the rising prevalence of bailouts. The alert system does not differentiate its signals between bailouts and other kinds of alerts, such as an active shooter situation. The series of bailout-related alerts led teachers and administrators to respond to all alerts with less urgency—when they heard the sound of an alert, many assumed that it was another bailout.



Raptor Alert application.

Raptor Technologies supplied the alert system Uvalde CISD used. Uvalde CISD had used Raptor’s software to screen campus visitors for approximately 10 years. In the fall of 2021, Mueller viewed a presentation on Raptor’s emergency management alert system, and he gathered the Uvalde CISD principals, who agreed that they needed it. Uvalde CISD purchased the software in October 2021, and the first Raptor alert occurred on February 8, 2022.⁶²

By March 2022, as Uvalde CISD was implementing the Raptor alert system, there was a high volume of alerts. By utilizing the Raptor mobile phone application,⁶³ any Uvalde CISD employee could activate an alert. Staff at a school campus typically would first learn about a bailout from an external source. Then they would decide, depending on the proximity of the threat to the school, whether to initiate a “secure” alert or a “lockdown” alert.⁶⁴

⁶⁰ Committee testimony of Kenneth Mueller (June 16, 2022); *see also* Committee testimony of Lynn Deming, Robb Elementary fourth-grade teacher (June 29, 2022) (describing how most Raptor alerts have been for bailouts, and one happened on the Robb Elementary campus near the bus lane).

⁶¹ Committee testimony of Kenneth Mueller (June 16, 2022).

⁶² *Id.*; *see* <https://raptortech.com/raptor-alert/>.

⁶³ Raptor Emergency Management Brochure, available at <https://raptortech.com/wp-content/uploads/2021/09/Raptor-EmergencyManagement-Brochure.pdf?emergency-management-software-for-schools>.

⁶⁴ Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022).

Chief Arredondo explained it was important to notify schools in the vicinity of the highways about bailouts because the passengers would scatter everywhere, and the school district police did not want them coming on campus. While there have been no incidents of bailout-related violence on Uvalde CISD school grounds, there have been examples of high-speed driving that sometimes crossed school parking lots and reports of some bailout incidents involving firearms in the surrounding neighborhoods.⁶⁵

The Committee received evidence that Uvalde CISD employees did not always reliably receive the Raptor alerts. Reasons included poor wi-fi coverage, phones that were turned off or not always carried,⁶⁶ and employees who had to log-in on a computer to receive a message.

U v a l d e C I S D F a c i l i t i e s & M a i n t e n a n c e

Uvalde CISD has a Maintenance & Operations Department overseen by director Rodney Harrison, who testified before the Committee. Harrison expressed his view that Uvalde CISD's buildings are in fairly good shape. To facilitate taking care of each campus, the Maintenance & Operations Department employs 14 full-time employees supplemented by six students employed to help move furniture. Harrison stated that it is difficult to keep his department staffed, and he has recently lost employees to two retirements during the COVID pandemic, one death, and another employee moving away.⁶⁷

R o b b E l e m e n t a r y F a c i l i t i e s & M a n a g e m e n t

Robb Elementary School was built in 1955. Most recently, it served as the primary Uvalde CISD school for students in second through fourth grades.⁶⁸ “New” buildings were constructed at the elementary schools, including the west building at Robb, 22 years ago.⁶⁹

Robb Elementary had a new principal beginning with the 2021–22 school year. Principal Mandy Gutierrez has worked for Uvalde CISD for over two decades, starting as a fourth grade

⁶⁵ Committee testimony of Chief Pete Arredondo, Uvalde CISD Police, at 30 (June 21, 2022); Committee testimony of Kenneth Mueller (June 16, 2022).

⁶⁶ Committee testimony of Kenneth Mueller (June 16, 2022).

⁶⁷ Committee testimony of Rodney Harrison, Uvalde CISD Maintenance & Operations Director (June 16, 2022).

⁶⁸ The only other option for second to fourth grades is the Uvalde Dual Language Academy. Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022). Uvalde CISD informed the Investigatory Committee that it intends to turn the former Robb Elementary School campus into a park dedicated to the memory of the students and teachers killed in the shooting tragedy. Committee testimony of Dr. Hal Harrell, Uvalde CISD superintendent (June 16, 2022).

⁶⁹ Committee testimony of Rodney Harrison, Uvalde CISD Maintenance & Operations Director (June 16, 2022); Committee testimony of Dr. Hal Harrell, Uvalde CISD superintendent (June 16, 2022).

teacher at Robb in 2008. In 2018, she became assistant principal, and she served in that position until becoming the principal in 2021.⁷⁰

Uvalde CISD had assigned two full-time custodians to Robb Elementary.⁷¹ The lead custodian was Jaime Perez.

In 2019, Uvalde CISD received a state-funded grant to upgrade school security. The school district used its funds to add video cameras to various campuses, build a fence surrounding Flores Elementary School, and install magnetic entryways at some campuses.⁷²

P o l i c i e s f o r L o c k i n g D o o r s

Robb Elementary's principal testified that the school's west building has three exterior doors, two of which policy required to remain locked. Each classroom in the west building had a door to a hallway, which policy required to remain locked at all times.⁷³ The interior classroom doors also were required to remain closed and locked at all times.⁷⁴ The interior doors were solid metal with a small pane of glass and could only be locked from the outside using a key.⁷⁵

The school district's police officers conducted walk-throughs, during which they would check for locked doors.⁷⁶ When they found doors unlocked the officers would remind teachers to keep the doors locked, and in the event of repeat offenders, they would document the violations.⁷⁷

Multiple witnesses reported to the Committee that people at Robb Elementary commonly left doors unlocked—as did people at all the other Uvalde CISD schools as well.⁷⁸ Teachers would use rocks to prop open exterior doors,⁷⁹ and they used door stops, wedges, and magnets to

⁷⁰ Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022).

⁷¹ Committee testimony of Rodney Harrison, Uvalde CISD Maintenance & Operations Director (June 16, 2022).

⁷² *Id.*

⁷³ Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022); *see also* Committee testimony of Pete Arredondo, Chief of Uvalde CISD Police Department (June 21, 2022) (assumed Rooms 111 and 112 were locked because the policy was for them to be locked at all times, particularly during a lockdown).

⁷⁴ Uvalde Consolidated ISD, *Annex 1: Active Shooter* ¶ IV.B.2.r. (“Teachers are instructed to keep their classroom doors closed and locked at all times.”).

⁷⁵ Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022).

⁷⁶ *Id.*; Committee testimony of Ruby Gonzalez, Uvalde CISD police officer (June 17, 2022).

⁷⁷ Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022).

⁷⁸ *E.g.*, Committee testimony of Ruby Gonzalez, Uvalde CISD police officer (June 17, 2022).

⁷⁹ Committee testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

prevent interior door locks from latching.⁸⁰ Due to a key shortage, Robb Elementary School substitute teachers often were instructed to use the “magnet system” to circumvent the locks in violation of school district policy.⁸¹

Uvalde CISD Police Officer Adrian Gonzalez testified that when an officer was walking the floors and checking doors, the teachers would notify each other, and they would lock their doors.⁸² The officers would speak to the teachers and to their supervisors, and they tried to discourage the use of magnets.⁸³ Common responses from teachers would include that they did not have a key (particularly in the case of substitute teachers) and that it was just temporary while a child was using the restroom.⁸⁴ For some teachers, the inconveniences of keeping up with a key outweighed their perception of the risk of leaving doors unlocked. Other teachers were “rule followers,” always locking their doors.

At the time of the incident, all the doors in the building had been recently painted.⁸⁵ In March 2022, around spring break, school administrators received a report from the teacher in Room 111 that his classroom door was not always locking.⁸⁶ According to numerous witnesses who testified before the Committee, the door to Room 111 could lock, although it took some extra effort, and if the door closed softly it might not lock. But the head custodian at Robb Elementary testified that he never heard about any problems with the doors for Rooms 111 or 112, and if he had, he would have created a work order.⁸⁷ Robb Elementary maintenance records confirm the lack of any written work order to repair the door for Rooms 111 or 112 during the 2021–22 school year. Although Uvalde CISD policy required each staff member to

⁸⁰ Committee testimony of Ruby Gonzalez, Uvalde CISD police officer (June 17, 2022); Testimony of Rodney Harrison, Uvalde CISD Maintenance and Operations Director (June 16, 2022). Assistant principal Shawna Wolbert, who was not present on campus during the incident, told the Department of Public Safety that there was a “magnet system” with magnets provided to substitutes to keep doors from locking. DPS interview of Robb Elementary Assistant Principal Shawna Wolbert (May 28, 2022). Principal Gutierrez said the same thing in her statement to DPS. DPS interview of Robb Elementary Principal Mandy Gutierrez (May 28, 2022).

⁸¹ See DPS interviews of Robb Elementary administrators (May 28, 2022); see also Uvalde Consolidated ISD, *Annex 1: Active Shooter* ¶ IV.B.2.r. (“Teachers are instructed to keep their classroom doors closed and locked at all times. Barriers are not to be used. Substitutes shall follow the same policy, with campuses ensuring they have access to the classrooms they need throughout the day.” (emphasis supplied)).

⁸² Committee testimony of Adrian Gonzalez, Uvalde CISD police officer (June 20, 2022).

⁸³ Committee testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022); Committee testimony of Ruby Gonzalez, Uvalde CISD police officer (June 17, 2022).

⁸⁴ Committee testimony of Ruby Gonzalez, Uvalde CISD police officer (June 17, 2022).

⁸⁵ Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022); see also DPS interview of Arnulfo Reyes, Robb Elementary teacher (June 8, 2022).

⁸⁶ See, e.g., Committee investigators’ interview of Arnulfo Reyes, Robb Elementary teacher (June 30, 2022).

⁸⁷ Committee testimony of Jaime Perez, Robb Elementary head custodian (June 16, 2022).

know the procedures to follow to request repairs for a door that would not lock,⁸⁸ Robb Elementary teachers testified to the Committee that instead of requesting a work order themselves, they would call school administrators who were responsible for making the requests.

M a i n t e n a n c e o f D o o r s & K e y s

Considering the district's policies about keeping doors locked, it was important that doors and locks be properly maintained. The manufacturer discontinued production of the door locks used at Robb Elementary. While the school district had acquired a supply of key blanks at the time the locks were purchased, that supply was gone by May 2022.⁸⁹

The director of maintenance and operations, Mr. Harrison, testified that people frequently lose, forget, or simply do not want to carry school keys. As a result, the custodians spend a lot of time opening doors. The maintenance and operations department has one employee who specializes in door repairs, but it relies on YouTube instruction videos, online diagrams, and the help of a local locksmith to work on locks. Harrison testified that unless there is a work order notifying his department of a problem, his employees do not regularly check doors.⁹⁰

There were numerous different master keys that worked with different sets of locks at the Robb Elementary School campus. People who had master keys included Harrison, Principal Gutierrez, Assistant Principal Shawna Wolbert, Robb Instructional Coach Rebecca Guzman, Principal Gutierrez's secretary, Janette Martinez, and lead custodian Jaime Perez.⁹¹ Both Uvalde CISD Police Chief Arredondo and Lt. Mike Hernandez possessed a large number of keys to Uvalde CISD buildings. Chief Arredondo kept a number of keys in his car, but he was not sure whether he had master keys for Robb Elementary. He knew he did not have a key to every building, though he testified that he had requested a complete set for himself.⁹² Of the over 50 keys that he carried with him, Lt. Hernandez testified that he had a Robb Elementary master

⁸⁸ Uvalde CISD, *Annex 1: Active Shooter* ¶ IV.B.1.b (“Doors to all classrooms will remain locked during instruction Each staff member will know the procedures to follow in order to have any door or window repaired that will not lock.”).

⁸⁹ Committee testimony of Rodney Harrison, Uvalde CISD Maintenance & Operations Director (June 16, 2022).

⁹⁰ *Id.*

⁹¹ Committee testimony of Rodney Harrison, Uvalde CISD Maintenance & Operations Director (June 16, 2022); Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022).

⁹² Committee testimony of Pete Arredondo, USCID police chief (June 21, 2022).

key that had worked, although sometimes he had to jiggle keys to make them work. Additionally, sometimes staff would change locks without notice to him.⁹³

Arnulfo Reyes, the fourth grade teacher in Room 111 stated in an interview that teachers and students in his building widely knew that the door to his classroom frequently did not lock, and he had gotten in “trouble” several times when Uvalde CISD police officers found the door unlocked. He stated that, on multiple occasions, he reported the malfunctioning lock to school administrators, who stated that the request had been turned in. As was the apparent practice among Robb Elementary teachers, Reyes never submitted a work order to repair the door lock for Room 111 himself.⁹⁴ Principal Gutierrez, in her testimony, confirmed that school administration knew about the issues with that door, stating that it was reported around spring break of 2022.⁹⁵

⁹³ Committee testimony of Lt. Mike Hernandez, Uvalde CISD Police (June 17, 2022). Lt. Hernandez’s keys were sent into the west building in response to the request for a master key during the May 24, 2022, incident, but officers inside the building were unable to identify the correct key from among the dozens of keys on his key rings.

⁹⁴ DPS interview of Arnulfo Reyes, Robb Elementary teacher (June 8, 2022).

⁹⁵ Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022).

4 | THE ATTACKER

One motive that drove the man behind the massacre at Robb Elementary School was a desire for notoriety and fame. The Committee refuses to perpetuate his memory in that way; our focus is to ensure that Texas never forgets the children and beloved teachers who have been lost and the lessons this tragedy can teach. So, instead of naming him, we call him by a generic term used in active shooter training: “the attacker.” In consultation with the local community in Uvalde, the Committee arranged to show victims’ families, in advance of public release, a prudently edited version of Robb Elementary’s hallway surveillance video that did not include images of him.⁹⁶ We regret that others, under cover of anonymity and for their own motives, have sensationalized evidence of this horrible tragedy at the risk of glorifying a monster.⁹⁷

Family & Early Life

The attacker was born in Fargo, North Dakota on May 16, 2004, the second child born to the mother, Uvalde native A.R., and her then-boyfriend, S.R. The couple split shortly after the attacker’s birth, and A.R. returned to Uvalde with the two children. The father had limited and inconsistent involvement in his children’s lives from that point onward.⁹⁸

Mother A.R. was known to several witnesses who testified before the Committee from her work as a server at local Uvalde restaurants. A.R. was involved in the attacker’s early life, but over time, her relationship with both her children became strained.⁹⁹ A.R. struggled with a long history of drug use and other personal issues, though her only criminal history was a 2005 misdemeanor theft that ended in probation and a dismissed 2007 charge of misdemeanor family-violence assault.¹⁰⁰ The FBI interviewed a former girlfriend of the attacker who

⁹⁶ The Committee incorporates into its report, by reference, the edited videorecording of the May 24, 2022, law enforcement response at Robb Elementary uploaded at <https://www.youtube.com/watch?v=vYjDc5sDZyU>. This video is considered part of this report.

⁹⁷ Tragically, there is evidence that national media coverage of mass shootings has played a role in increasing their frequency. *See generally* <https://www.dontnamethem.org/>.

⁹⁸ The evidence shared by other law enforcement agencies includes the attacker’s birth certificate and school records as well as notes from interviews of both of his parents.

⁹⁹ In addition to various interviews of family members conducted by law enforcement agencies in the wake of the Robb Elementary tragedy, the Committee heard testimony from an aunt and a cousin of the attacker. Also, the Committee learned many details in this section from a review of the attacker’s mobile phones and cloud-based data storage, which were imaged by law enforcement and provided to the Committee.

¹⁰⁰ Records of the mother’s criminal history were provided to the Committee.

believed one of A.R.'s boyfriends sexually assaulted him at an early age, but that A.R. didn't believe his outcry.¹⁰¹

The attacker and his family had some support from extended family, most notably A.R.'s mother, C.G. Testimony before the Committee portrayed C.G. as well-known and well-regarded in the Uvalde community, particularly within the local school district, from which she retired after twenty-seven years. C.G. took on the role of a maternal figure in the lives of both the attacker and his sister, especially as they grew older.

Relatives described the attacker as shy and quiet. The Committee heard testimony that he was reluctant to interact with peers because of a speech impediment. Poverty is not an unfamiliar circumstance in Uvalde—86% of the children in the school district may be economically disadvantaged.¹⁰² The attacker often wore the same clothing day after day.

S c h o o l

Records from the attacker's early school years reveal varied accounts of his character and school performance. His pre-K teacher's report described him as "a pleasure to have ... a wonderful student ... always ready to learn," and it praised his "hard work and positive attitude in the classroom." Yet early assessments showed he was behind other students academically, and by third grade, school officials already had identified him as "at-risk" due to consistently poor test results. School records reveal that someone may have requested speech therapy for the attacker, and his later internet searches show he himself sought information on dyslexia. Ultimately, he received no special education services.¹⁰³

The attacker's fourth grade year at Robb Elementary School was significant to him. The shooting took place in his former fourth grade classroom, and he discussed bad memories of fourth grade with an acquaintance just weeks beforehand. In testimony before the Committee, two different narratives have emerged.

The attacker's fourth grade teacher testified before the Committee. Not only did she know the attacker from having been his teacher, but she was also in Robb Elementary's fourth grade building, in a different classroom, at the time of the attack. This teacher told the Committee she knew the attacker needed extra help in her class because he claimed to be a victim of bullying. She testified that she met with the attacker's mother, A.R., over the mother's concerns about bullying, and that she had promised A.R. that her son would have a good fourth grade

¹⁰¹ FBI San Antonio, Situational Report (May 30, 2022) (SITREP #11, final SITREP).

¹⁰² Committee testimony of Dr. Becky Reinhardt, Uvalde CISD (June 30, 2022).

¹⁰³ *Id.*

year. According to the teacher, it was a good year for the attacker. She said she believed her classroom was a safe place for him and that he made friends there.

Members of the attacker's family, however, reported to the Committee their belief that other students still bullied the attacker throughout his fourth grade school year over his stutter, clothing, and short haircut. A cousin of the attacker said she was in the same fourth grade class with him, and she corroborated this version of his experience that year. She reported an incident in which another girl in the class tied the attacker's shoelaces together, resulting in him falling over and injuring his face. The family also reported their belief that some teachers also picked on the attacker and his cousin.

Despite the accounts that suggest bullying of the attacker had become a concern by the fourth grade, in notes found on his phone, he described them as beginning in middle school. It is not known to the Committee whether the attacker ever shared these notes with anybody.

Records show the attacker had declining attendance, with more than one hundred absences annually beginning in 2018, along with failing grades and increasingly dismal performance on standardized and end-of-course exams. While Uvalde CISD "school success officers" do try to bring truant children back to school, many Uvalde students have spotty attendance, and the local judicial system reportedly does not consistently enforce truancy rules.¹⁰⁴ It is unclear whether any school resource officers ever visited the home of the attacker.

Despite his absences, or perhaps because of them, the attacker had almost no disciplinary history at school. The single infraction on his school record is for "mutual combat" with another student in a hallway in late 2018, resulting in a three-day suspension.

By 2021, at age seventeen, the attacker had only completed the ninth grade. On October 28, 2021, Uvalde High School involuntarily withdrew him, citing poor academic performance and lack of attendance.¹⁰⁵

¹⁰⁴ *Id.*

¹⁰⁵ There has been some public reference to a Uvalde High School teacher, identified in FBI investigative reports as Rhiannon Bates, who was identified by yet another teacher as having purportedly stated in the past that the attacker was the one student of whom she was afraid, and that "if any student was going to become a school shooter, it would be him." FBI San Antonio, Situational Report (May 30, 2022) (SITREP #11, final SITREP). The Committee's investigators interviewed Ms. Bates, and she categorically denies this account, specifically denying any knowledge about the attacker. In her testimony to the Committee, Uvalde CISD administrator Dr. Becky Reinhardt confirmed that the attacker had not been one of Bates's students, and there is no indication that she ever had any interaction with him. Committee testimony of Dr. Becky Reinhardt, Uvalde CISD (June 30, 2022).

T h e Y e a r B e f o r e

In a year distinguished by the general school-age population's return to school in Uvalde and elsewhere after the COVID pandemic, the attacker dropped out of school and turned down a dark path. While in earlier years, notes in his phone reflect that he unsuccessfully sought to fit in (including a fixation with weight and fitness that resulted in an eating disorder), in 2021 he appears to have increasingly withdrew and isolated himself.

An ex-boyfriend of his mother A.R. described the attacker to an investigating Texas Ranger as a loner who punched holes in the walls of his room after arguments with her. By this time the attacker's sister already had graduated and left home, and his best (perhaps only) friend was living in San Antonio. The attacker had no driver's license or vehicle. Family members told the Committee and other investigators that a group of the attacker's former friends "jumped" him early in the year. The attacker began trying to teach himself boxing and mixed martial arts with a punching bag in his room at home.

In mid-2021, his relationship with the girlfriend later interviewed by the FBI ended. She described the attacker as lonely and depressed, constantly teased by friends who called him a "school shooter." She said he told her repeatedly that he wouldn't live past eighteen, either because he would commit suicide or simply because he "wouldn't live long."¹⁰⁶ The attacker responded to the breakup by harassing the girl and her friends.

The attacker began wearing black clothes, combat boots, and long, unkempt hair. He was active on several social media platforms, including TikTok, Instagram, YouTube, and the French livestreaming platform Yubo. He networked with local peers in ongoing group chats on Snapchat, and he played a range of videogames, including the Call of Duty and Grand Theft Auto series. Most of his usernames and even his email address reflected themes of confrontation and revenge.

The attacker began to demonstrate interest in gore and violent sex, watching and sometimes sharing gruesome videos and images of suicides, beheadings, accidents, and the like, as well as sending unexpected explicit messages to others online. Those with whom he played videogames reported that he became enraged when he lost. He made over-the-top threats, especially towards female players, whom he would terrorize with graphic descriptions of violence and rape.

His online interactions grew more manipulative and controlling as the year wore on, and he presented a more commanding personality online than he did in person. He pretended to a

¹⁰⁶ FBI San Antonio, Situational Report (May 30, 2022) (SITREP #11, final SITREP).

greater level of maturity than he had, searching the internet for information on sexual practices mentioned by others in conversation. The attacker wrote about his difficulty connecting to other people or feeling empathy for them; he said he was “not human,” and he called others “humans,” apparently intending it as an insult. Later internet usage suggests he may have wondered if he was a sociopath and sought out information on the condition. His internet research resulted in him receiving an email about obtaining psychological treatment for sociopathy.

The attacker became focused on achieving notoriety. He believed his TikTok and YouTube channels would be successful. The small number of views he received led him to tell those with whom he interacted that he was “famous,” that they were mere “randoms” by comparison, and that they were lucky to interact with him.

On Yubo, the attacker spoke enviously of publicity given to a murderer and animal abuser whose story became widely known after a Netflix documentary. In late 2021, he shared a video online that showed him driving around with “someone he met on the internet” holding a clear plastic bag that contained a dead cat, which he discarded in the street and spit on while his driver laughed. The video then showed the attacker wearing a tactical plate carrier, went on to show him dryfiring BB guns at people, and ended with footage of emergency services responding to a serious car accident, which he claimed his driver had caused.

The attacker got a job in late 2021. He first worked at Whataburger, where a friend’s grandmother saw him. She snapped a picture and sent it to her grandson, warning that it was “an example of what your life will be if you quit school”—a sentiment some of his peers expressed to him directly. His employer fired him after a month for threatening a female coworker, and he fared similarly at his next job at Wendy’s. A coworker there described him as “not a good person” and “troubled,” someone who “put himself in a box and would not talk or associate with anyone he worked with.” An exception to that approach was when he tried discussing guns with another employee. When the other employee received the discussion negatively, the attacker challenged him to a fight. The attacker also occasionally worked with his grandfather, who had an air conditioning business and paid him in cash.

Living at home, the attacker had no real expenses and hoarded money, telling acquaintances that he was “saving for something big” and that they would all see him in the news one day. Family members believed he was saving money for his own apartment or car, but clues to his real plans surfaced near the end of 2021. That is when he ordered rifle slings, a red dot sight, and shin guards, as well as the body armor carrier worn in both the video he shared and on the day of the Robb Elementary massacre. Still seventeen at the time, the attacker asked at

least two different people to buy guns for him,¹⁰⁷ which they both refused to do. Interviews conducted by other investigators indicate that family members and friends were aware of his efforts to buy guns before he was legally permitted to do so.

Finally, the attacker developed a fascination with school shootings, of which he made no secret. His comments about them coupled with his wild threats of violence and rape earned him the nickname “Yubo’s school shooter” on that platform. Those with whom he played games taunted him with a similar nickname so often that it became a running joke. Even those he personally knew in his local chat group began calling him “the school shooter” after he shared pictures of himself wearing the plate carrier he’d bought and posing with a BB gun he tried to convince them was real. None of his online behavior was ever reported to law enforcement, and if it was reported by other users to any social media platform, it does not appear that actions were taken to restrict his access or to report him to authorities as a threat.

T h e L a s t D a y s

While a vague idea for a school shooting appears to have been in the attacker’s mind as early as late 2021, he began to pursue his evil plan in early 2022 after a falling-out with his mother. A blowout argument between them was livestreamed on Instagram, and several members of their family viewed it. Although sheriff’s deputies responded to a call, they made no arrests. Soon afterwards, the attacker left home and moved in with his grandmother, just blocks away from Robb Elementary School.

His relationship with his mother never improved. He retained similar antipathy toward his father, who last saw him about a month before the shooting. The father felt his son had no love left for him. He noticed that the attacker had cuts on his own face that appeared to be self-inflicted (something other witnesses had observed on prior occasions), and he claimed he was “doing something” soon.

The attacker had moved into his grandmother’s small home, where he had no room of his own and slept on the living-room floor. A few days before the shooting, he confided in an older cousin who was also staying there, telling her that he did not want to live anymore. After

¹⁰⁷ The straw purchase of a firearm as proposed by the attacker would violate federal law. *See* 18 U.S.C. § 922(a)(6) (“It shall be unlawful— for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a ... licensed manufacturer, [or] licensed dealer ... knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such ... manufacturer, [or] dealer ... with respect to any fact material to the lawfulness of the sale ... under the provisions of this chapter”). Additionally, Texas law provides that “A person commits an offense if the person ... intentionally or knowingly sells, rents, leases, or gives or offers to sell, rent, lease, or give to any child younger than 18 years of age any firearm” Tex. Pen. Code § 46.06(a)(2).

a lengthy heart-to-heart, the cousin believed she'd gotten through to him. The attacker's uncle also recalled having similar discussions with him.

Meanwhile, the attacker's planning and preparation became more focused. The Committee received extensive documentation compiled and created by the Bureau of Alcohol, Tobacco, Firearms and Explosives in the course of its investigation of the attacker's purchases. He began buying more firearms accessories beginning in February 2022, including 60 30-round magazines, a holographic weapon sight, and a Hellfire Gen 2 snap-on trigger system.

On March 23, 2022, a suspicious person dressed in all black with a backpack was seen canvassing Robb Elementary, but no one ever identified the person.

As soon as the attacker turned eighteen on May 16, 2022—just one week before the shooting on May 24, 2022—he was finally able to purchase guns and ammunition. An online retailer shipped 1,740 rounds of 5.56mm 75-grain boat tail hollow point to his doorstep, at a cost of \$1,761.50. He ordered a Daniel Defense DDM4 V7 (an AR-15-style rifle) for shipment to a gun store in Uvalde, at a cost of \$2,054.28 (including tax and transfer fee). On May 17, 2022, he bought a Smith and Wesson M&P15 (also an AR-15-style rifle) at the same store in Uvalde, at a cost of \$1,081.42. He returned the next day for 375 rounds of M193, a 5.56mm 55-grain round with a full metal jacket, which has a soft core surrounded by a harder metal. He returned again to pick up his other rifle when it arrived on May 20, 2022, and he had store staff install the holographic sight on it after the transfer was completed.¹⁰⁸



The attacker's rifles; the leftmost was used at Robb.

The owner of the gun store described the attacker as an “average customer with no ‘red flags’ or suspicious conditions”—just that he was always alone and quiet. The owner of the store remembered asking how an 18-year-old could afford such purchases (the rifles alone were over \$3,000), and the attacker simply said he had saved up. Patrons of the store who saw him told

¹⁰⁸ The exact cost of all magazines, sights, and other accessories in addition to the amounts listed above likely ranged from \$1,500–2,000 based on market value and the amounts the attacker reported to those he told about the purchases.

a different story in FBI interviews, saying after the tragedy that the attacker was “very nervous looking” and that he “appeared odd and looked like one of those school shooters”; another described his all-black clothing as simply giving off “bad vibes.”

A background check was conducted, and the attacker qualified for the purchases. While multiple gun sales within such a short period are and were reported to the ATF, the law only requires purchases of handguns to be reported to the local sheriff. Here, the information about the attacker’s gun purchases remained in federal hands.

The attacker’s uncle drove him to the gun store twice. He said he did not know they were going to pick up a rifle the first time; the store is connected to a popular restaurant, and the attacker said he was hungry. When he returned with a long box and no food, it was obvious he had purchased a rifle. The Committee has not learned who took the attacker to the gun store on May 18th, but the uncle drove him back on May 20th after the attacker falsely told him he needed to pick up ammunition purchased online. The uncle said he did not see what was in the attacker’s package, and he was too unfamiliar with firearms to know what might have been inside. It is now known that the package contained the second, more expensive rifle used in the shooting.

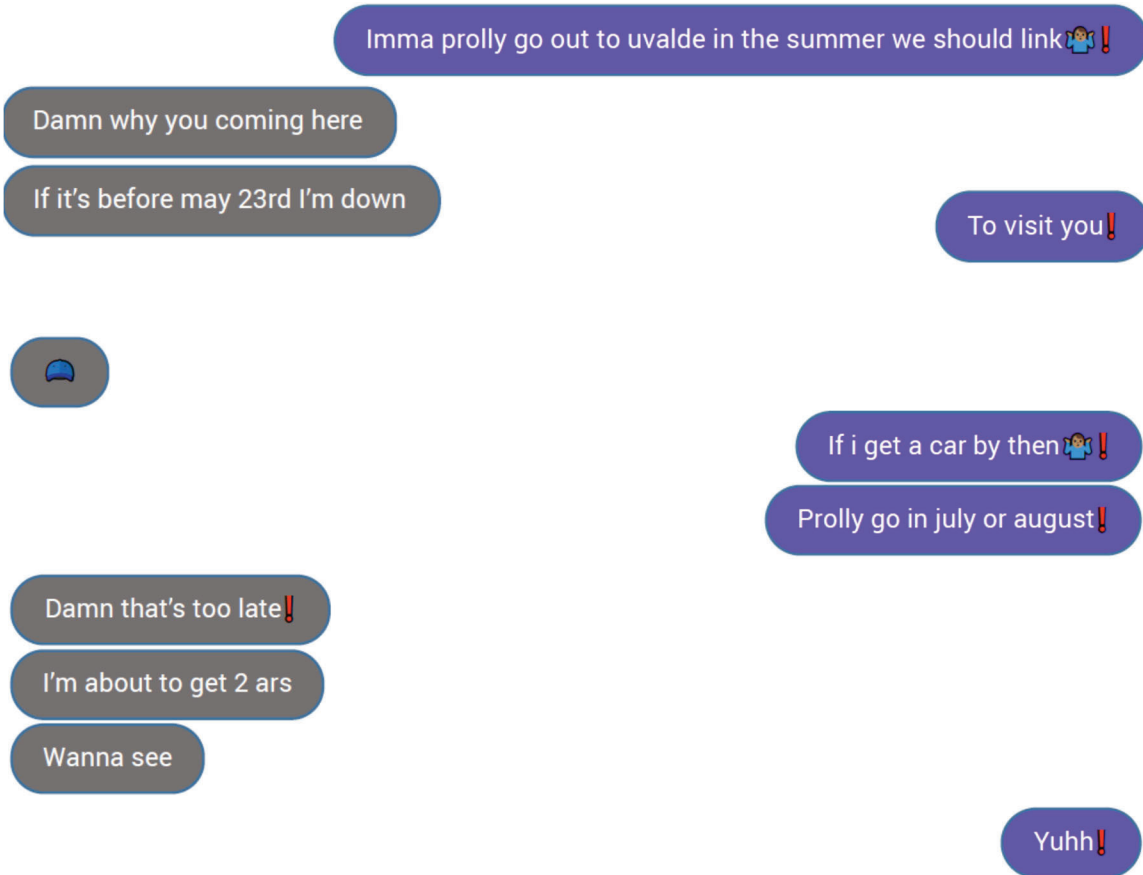
The attacker’s grandmother and cousin both told him he could not have a gun in the home, so the uncle agreed to store the first rifle at his house. He believes the attacker snuck it out after staying the night a few days later. The attacker apparently hid the second rifle outside his grandmother’s house until he brought it in the night before the shooting, as he related to an acquaintance by text messages.

The attacker had no experience with firearms, and based on other investigators’ interviews of friends and family, the shooting was likely the first time he fired one. The uncle recalled the attacker attempting to seat a magazine in the rifle and the magazine repeatedly falling out onto the floor. Internet search history shows the attacker sought out ranges but was unable to get to one that allowed long guns before the shooting. He also searched the internet for basic information such as what kind of ammunition an AR-15 fires and whether a magazine can be reused after being emptied, and he looked for information on how to buy “juggernaut armor,” a fictional armor system depicted in videogames.

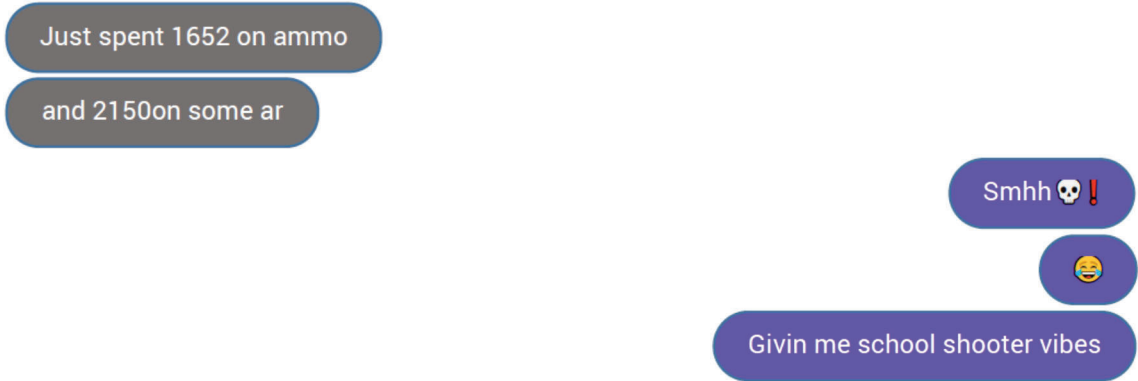
Online interactions involving the attacker continued to foreshadow a tragedy. In March 2022, in an Instagram group conversation, a student told him that “people at school talk [expletive] about you and call you school shooter.” Later, the attacker began referencing a timeline. On April 2nd, he asked in a direct message on Instagram, “Are you still gonna remember me in 50 something days?” After the answer, “probably not 🤖,” he retorted with, “Hmm alright

we'll see in may 👍.” The attacker often connected those dates with doing something that would make him famous and put him “all over the news,” and many of those with whom he chatted suspected his cryptic deadlines meant violence. For example, in a May 14th conversation he simply wrote “10 more days,” leading to immediate speculation that he meant he'd “shoot up a school or something” or commit “mass murder” on that date. On May 17th, a friend told him that an acquaintance of theirs was “telling everyone u shooting up the school.”

The attacker also began sharing photos of his rifles, including with total strangers. Those in his Snapchat group claimed they believed the guns were fake (despite the attacker posting the receipt) because he had tried to pass off a BB gun as real the year before. For those with no reason for doubts, the context often made the shared images disturbing, such in late April when a friend proposed visiting the attacker in Uvalde:



After the attacker sent a picture of the rifle he intended to buy—to great approval—their discussion continued just after his birthday when he made his first gun and ammo purchases:



In the last days before the shooting, the attacker saved news stories and other information about the mass shooting in a Buffalo, N.Y. supermarket on May 19, 2022. He also spent time with his cousin’s son, who attended Robb Elementary. After playing the children’s videogame Roblox, the attacker elicited from him details about his schedule and how lunch periods worked at the school.

On the eve of the shooting, the attacker began contacting numerous people with vague but ominous messages about doing something the next day. In one Snapchat exchange with a German teenager he had befriended, he commented: “I got a lil secret 🤫🤫.” When she became curious, he told her it was “impossible for today” because he was still waiting for something “being delivered Monday 23 by 7 pm.” His order of 1,740 hollow points arrived later that day.

Prior to the shooting, the attacker had no criminal history and had never been arrested. He is not known to have espoused any ideology or political views of any kind. Private individuals alone knew the many warning signals.

5 | MAY 24 INCIDENT & LAW ENFORCEMENT RESPONSE

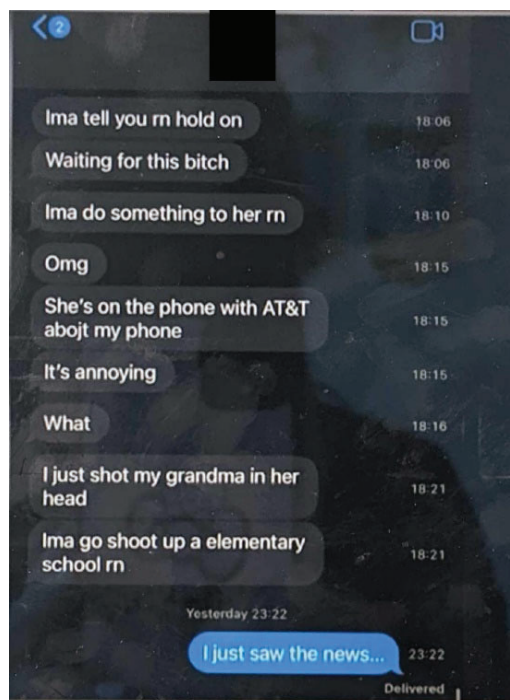
May 24, 2022, marked the beginning of the end of the 2022 school year at Robb Elementary School. Parents, teachers, and students came to school that day ready to celebrate the students' accomplishments and awards and to look forward to another peaceful Uvalde summer. The students had completed all their tests and school instruction was over for the year. It was awards day, and parents were coming to school to see their children's ceremonies. Many students anticipated going home early or remaining with their classmates to watch a movie.

In a nearby neighborhood, a former Robb Elementary student and Uvalde High School dropout had made other grim plans for that now-fateful day. In private messages, the Robb Elementary School attacker had indicated to acquaintances that he had chosen this date in advance for a significant event. Some in the Uvalde community have speculated that the attacker intended to choose the date when, carrying out a local tradition, the Class of 2022 seniors would return to Robb Elementary to walk the halls at lunchtime. If the attacker's former classmates were his intended targets, they were spared because the seniors' visit occurred on May 23, 2022, the day before the tragic attack.

The attacker was at home with his grandparents on the morning of May 24th when he sent eerie online messages, including to an Instagram model he'd never met whom he had tagged in pictures of his guns the week before. "I'll text you in an hour," he wrote, "But you HAVE TO RESPOND. I got a lil secret. I wanna tell u 🤔."

Evidence shows that the attacker had been getting in increasing conflicts with his grandmother, and she had threatened to remove him from her mobile phone plan. On the morning of May 24th, she called customer service to do just that. After a nearly hour-long FaceTime conversation with his online acquaintance in Germany, the attacker began texting her live updates:

While these text messages have been circulated in media reports, those reports do not include a message deleted by the attacker's correspondent before the screenshot was taken. Just twenty-eight seconds after the attacker informed her that he



had shot his grandmother and intended to “shoot up” an elementary school, the German teenager replied with a single word: “Cool.”¹⁰⁹

The attacker actually did shoot his grandmother in her face. Despite not having a driver’s license, he then proceeded to steal her truck, abandoning her to seek help from a neighbor as he set out to complete his plan.

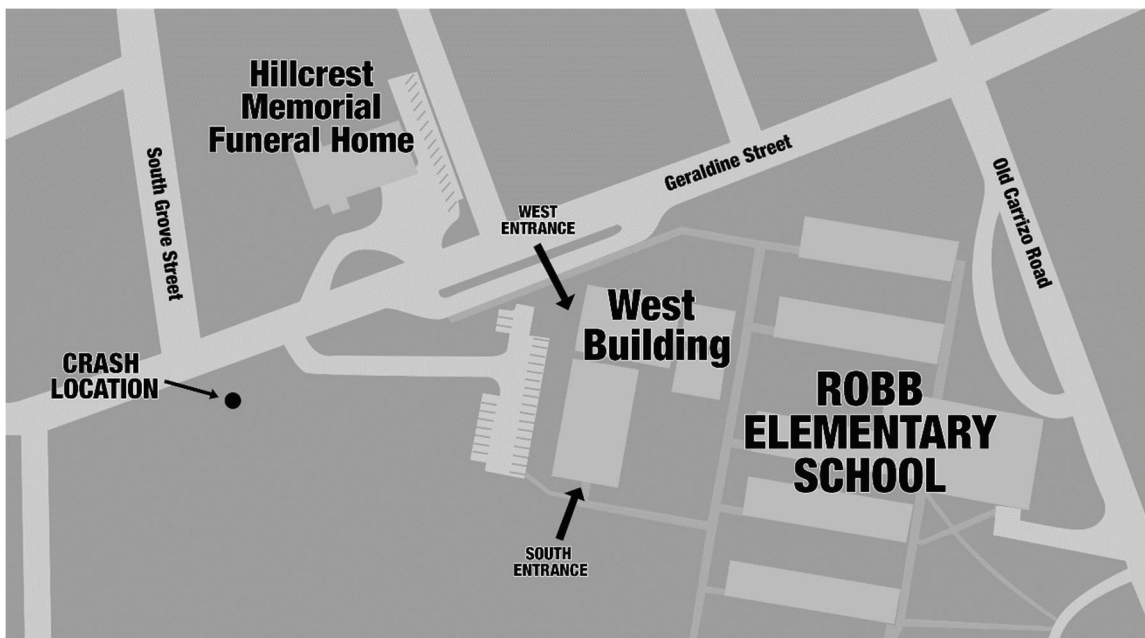
Driving toward Robb Elementary on South Grove Street, the attacker apparently lost control of the truck while approaching Geraldine Street, crashing the vehicle into a ditch.



Truck crashed by attacker near Robb Elementary.

Surveillance cameras at the nearby Hillcrest Memorial Funeral Home captured the crash on video at approximately 11:28 a.m. Two men saw the crash and began to walk from the funeral home, across Geraldine Street, to the location of the truck. The attacker emerged from the wreckage and began shooting toward the two men, who turned and fled back toward the funeral home. Immediately, a report was made to 911 about a man at that location shooting a gun.

¹⁰⁹ The above depiction of the text messages is one that has been posted by news outlets—an image of the teenager’s phone taken after the shooting. The Committee reviewed data from the attacker’s phones, which contained an additional message that appears to have been deleted in the image shared by the teenager.



Robb elementary and surroundings.

The attacker proceeded to advance toward Robb Elementary School. There was a five-foot fence around the perimeter of the school property. The attacker tossed a backpack over the fence, then he climbed over it, as documented on the funeral home’s surveillance camera.

C o a c h S i l v a A l e r t s t h e S c h o o l

Robb Elementary Coach Yvette Silva was outdoors at that time with a group of third graders, and she spotted the backpack being tossed over the fence followed by a person dressed in black climbing over it. She then saw the person raise a gun and begin to shoot. Coach Silva thought the attacker was shooting at her, and she ran from the field toward her classroom. She used her school radio to report: “Coach Silva to office, somebody just jumped over the fence and he’s shooting.” She ran toward a group of third graders on the school playground to tell them to lock down. She expected to then hear an announcement of a lockdown, but she did not hear one right away.¹¹⁰ Meanwhile, the attacker proceeded to the fourth grade teachers’ parking lot, continuing to fire his gun.

L a w E n f o r c e m e n t R e s p o n d s t o R o b b E l e m e n t a r y

While this was unfolding, Uvalde Police Department dispatch communicated to local law enforcement the initial 911 report from the funeral home about the vehicle crash. Numerous officers immediately began to respond in the direction of Robb Elementary School.

¹¹⁰ Committee testimony of Coach Yvette Silva, Robb Elementary (June 16, 2022).

Uvalde Police SSgt. Eduardo Canales, commander of the SWAT team, had been at Robb Elementary just an hour before for his son's end-of-year school ceremonies. While working at his office, other officers ran down the hallway and said there had been a vehicle accident with shots fired. He followed Lt. Mariano Pargas, the acting chief of the Uvalde Police. (Uvalde Police Chief Daniel Rodriguez was out of town that day, and on this occasion, Lt. Pargas had been designated as acting chief.) On arrival at the school, SSgt. Canales saw cars stopped and a man shooting a gun. He grabbed his rifle, put a magazine into it, and grabbed an extra magazine. He saw people at the funeral home pointing in the direction of the school, and he heard somebody say the attacker was in or near the building. SSgt. Canales entered an open gate where he met Lt. Javier Martinez, also of the Uvalde Police.¹¹¹

Lt. Martinez also heard the report of a vehicle accident with shots fired. He drove toward the intersection of Geraldine and South Grove, and as he arrived, he saw a man on the side of the road pointing. He jumped out of his car, popped the trunk to get his vest, then proceeded toward the west side of the school's west building.¹¹²

At around the same time, another Uvalde Police officer, Sgt. Daniel Coronado, also arrived on the scene. He wore his uniform and a vest, but he had no rifle plates for protection. Sgt. Coronado first stopped his patrol vehicle at the south end of South Grove Street where it dead-ends into Geraldine Street. He saw two Uvalde Police officers at the intersection who had arrived before him. Sgt. Coronado exited his vehicle, heard gunfire, and asked where the shooting was occurring. At first, the other officers said they did not know, and they could not see the attacker.¹¹³

One of those officers testified to the Committee that, based on the sound of echoes, he believed the shooter had fired in their direction.¹¹⁴ That officer saw children dressed in bright colors in the playground, all running away. Then, at a distance exceeding 100 yards, he saw a person dressed in black, also running away. Thinking that the person dressed in black was the attacker, he raised his rifle and asked Sgt. Coronado for permission to shoot.¹¹⁵

¹¹¹ Committee testimony of SSgt. Eduardo Canales, Uvalde Police (June 29, 2022).

¹¹² Committee testimony of Lt. Javier Martinez, Uvalde Police (June 29, 2022).

¹¹³ Committee testimony of Sgt. Daniel Coronado, Uvalde Police (June 20, 2022).

¹¹⁴ The Committee is unaware of any public reporting about this episode that has identified the police officer by name. The officer testified before the Committee. In light of the Committee's determination that the description of this episode by ALERRT—then widely reported by the media—is likely incorrect, we likewise decline to identify him by name for purposes of this report.

¹¹⁵ *See, e.g.*, Committee testimony of Sgt. Daniel Coronado, Uvalde Police (June 20, 2022).

Sgt. Coronado testified he heard the request, and he hesitated. He knew there were children present. He considered the risk of shooting a child, and he quickly recalled his training that officers are responsible for every round that goes downrange.¹¹⁶

According to the officer who made the request, there was no opportunity for Sgt. Coronado to respond before they heard on the radio that the attacker was running toward the school. The officers testified to the Committee that it turned out that the person they had seen dressed in black was not the attacker, but instead it was Robb Elementary Coach Abraham Gonzales.¹¹⁷ Coach Gonzales had been on his way to the parking lot to leave the school after his lunch duty when he heard a gunshot and then Coach Garcia's report about the attacker over the radio. He told the children around him to run away.¹¹⁸ Robb Elementary fourth grade teachers Lynn

¹¹⁶ *Id.*

¹¹⁷ Part 1 of the ALERRT report, included the following narrative in its timeline:

Prior to the suspect's entry into the building at 11:33:00, according to statements, a Uvalde Police Officer on scene at the crash site observed the suspect carrying a rifle outside the west hall entry. The officer, armed with a rifle, asked his supervisor for permission to shoot the suspect. However, the supervisor either did not hear or responded too late. The officer turned to get confirmation from his supervisor and when he turned back to address the suspect, he had entered the west hallway unabated. (OS per investigating officer interview).

ALERRT, *Robb Elementary School Attack Response Assessment and Recommendations*, at 4 (July 6, 2022). The ALERRT report appears to rely on an interview conducted by Texas Ranger Michael Schraub, who interviewed the officer in question on May 27, 2022. That report stated:

While in route to the scene Officer [A] advised Officer [B] located the shooter. However, the shooter was located a couple blocks away from the dispatch location. Officer [A] advised upon arrival, the shooter was shooting at Officer [B]. Officer [A] advised he positioned his patrol vehicle while ducking down and grabbing his rifle between the shooter and Officer [B]. Officer [A] advised the purpose was to protect Officer [B] while he exited his patrol vehicle. Officer [A] advised his vehicle was not struck by any projectiles.

Officer [A] advised upon exiting his patrol vehicle he observed the shooter in the distance. When he observed the shooter, Officer [A] advised there were kids in the background. Therefore, Officer [A] advised he hesitated shooting at the suspect. Officer [A] advised he requested permission to shoot, looked back very briefly at Sergeant Coronado, but never received a response. Upon looking back the direction of the shooter Officer [A] advised the shooter was gone.

DPS interview (May 27, 2022). In a subsequent DPS interview, the officer in question described the person he saw not as "the shooter" but as "a person in black toward the back of the school, but kids were behind that individual." DPS interview (June 13, 2022). These DPS interview reports do not include or support the detail suggested in the ALERRT report that a Uvalde police officer "observed the suspect carrying a rifle *outside the west hall entry.*" Based on its review of evidence to date, this Committee concludes that it is more likely that the officer saw Coach Gonzales dressed in black near a group of schoolchildren than that there was an actual opportunity to shoot the attacker from over 100 yards away, as assumed by ALERRT's partial report.

¹¹⁸ DPS interview of Coach Abraham Gonzales (May 28, 2022).

Deming and Sasha Martinez each testified that Coach Gonzales yelled at their children to lock down as the attacker approached.¹¹⁹

Sgt. Coronado saw people at the funeral home also indicating the attacker was running toward the school. He returned to his car and drove east down Geraldine Street to attempt to flank and engage the attacker. He parked his car on the northeast corner of the campus and saw Uvalde CISD Police Chief Pete Arredondo arrive.¹²⁰

Just minutes before, Chief Arredondo had been in his office at Uvalde High School when he heard “shots fired” on the radio. He rushed out, heard something about Robb Elementary School, and drove toward the school. He arrived with his radios, but as he exited his vehicle, he was fumbling with them and they bothered him, so he dropped them by the school fence knowing that Sgt. Coronado, the sergeant on patrol, was there and “fully uniformed” with his radio.¹²¹

R o b b E l e m e n t a r y S c h o o l L o c k s D o w n

As the attacker approached the school and as law enforcement responders were arriving, staff at Robb Elementary were beginning to lock down, based mostly on word-of-mouth reports of an armed man on campus.

Principal Mandy Gutierrez had just finished an awards ceremony and was in her office when she heard Coach Silva’s report over the radio. She attempted to initiate a lockdown on the Raptor application, but she had difficulty making the alert because of a bad wi-fi signal.¹²² She did not attempt to communicate the lockdown alert over the school’s intercom. By phone, she called and spoke with Chief Arredondo, who told her, “shut it down Mandy, shut it down.”¹²³ She told head custodian Jaime Perez to ensure that all the doors were locked. She initially locked down in her own office, but she later moved to the cafeteria.¹²⁴

¹¹⁹ Committee testimony of Lynn Deming, Robb Elementary teacher (June 29, 2022); Committee testimony of Sasha Martinez, Robb Elementary teacher (June 29, 2022).

¹²⁰ Committee testimony of Sgt. Daniel Coronado, Uvalde Police (June 20, 2022).

¹²¹ Committee testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

¹²² DPS interview of Mandy Gutierrez, Robb Elementary Principal (May 27, 2022).

¹²³ Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022). Chief Arredondo told the Committee he had no recollection of talking to Principal Gutierrez. Committee testimony of Chief Pete Arredondo, Uvalde CISD Police, at 161 (June 21, 2022).

¹²⁴ Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022).

Perez was in the cafeteria when he also heard Coach Silva's report on the radio. He immediately started to implement a lockdown, starting to lock doors from the outside. He heard shots and returned to the cafeteria where he remained for the duration of the incident.¹²⁵

In the west building, the fourth grade teachers in and around the building also started to initiate lockdown procedures upon hearing about the approaching attacker. Sasha Martinez taught a fourth grade class in Room 110. She and her class had left their classroom ahead of schedule for recess. They were on their way to the playground when they heard a coach yelling, pointing at the roof, and telling them to run. Martinez started to hear gunshots, and her students started running, some toward the cafeteria, others joining her toward the direction of their classroom in the west building. She then decided to take them to another open classroom in another building instead.¹²⁶

Lynn Deming in Room 104 was getting her class ready to go early to recess. She was standing at the south door of the west building waiting for a child to get a water bottle when her students heading out the south door reported that a coach was yelling at them. She heard "pow pow" and told her kids to get back into the classroom.¹²⁷

Elsa Avila taught fourth grade in Room 109. She had lined-up her students at 11:30 a.m. to go to recess. Some of the children reported to her that students from Deming's classroom were returning screaming and crying. She opened the door and did not see anybody, but she heard a female voice saying, "get in your rooms." She returned to her classroom and slammed the door shut, because otherwise the lock would not latch. She turned off the lights and closed the door. Her students knew what to do—they positioned themselves away from the windows and the doors.¹²⁸

Nicole Ogburn, the fourth grade teacher in Room 102 at the southwest corner of the west building, heard a sound like metal on brick from the outside. She looked out her window and saw a man in dark clothes with a gun and a bag walking up the sidewalk. She told her students to get down. She heard shots coming from the outside into the window, and she hid underneath a curtain in the room.¹²⁹

¹²⁵ Committee testimony of Jaime Perez, Robb Elementary head custodian (June 16, 2022).

¹²⁶ Committee testimony of Sasha Martinez, Robb Elementary teacher (June 29, 2022). Martinez commented that she thought a lot of time passed between hearing gunshots and then later receiving the Raptor alert. *Id.*

¹²⁷ Committee testimony of Lynn Deming, Robb Elementary teacher (June 29, 2022).

¹²⁸ Committee testimony of Elsa Avila, Robb Elementary teacher (June 30, 2022).

¹²⁹ Committee testimony of Nicole Ogburn, Robb Elementary teacher (June 29, 2022).

In Room 105, fourth grade teacher Jennieka Rodriguez received a Raptor alert of a lockdown at 11:32 a.m. Her students knew what to do and where to hide. She stepped outside and checked her classroom door to ensure it was locked. As she did so, she looked across the hall and locked eyes with another fourth grade teacher, Ms. Garcia, who was locking the door to her classroom, Room 112.¹³⁰

The Attacker Enters the West Building

After walking north along the west side of the west building, as observed by Ms. Ogburn,¹³¹ the attacker entered the unlocked west door of the west building.¹³² The exterior doors on the east and south sides of the building also were unlocked, such that even if the west door had been locked, the attacker still would have had the ability to enter the building, but his progress likely would have been slowed.

After passing through the west door, the attacker walked east into the building, then turned to his right, south into a hallway. He proceeded down to the vestibule for Rooms 111 and 112 and turned left to face those classroom doors.

The Attacker Enters Rooms 111 & 112

The surveillance video in the hallway shows that the attacker fired his gun toward Rooms 111 and 112 at approximately 11:33 a.m. He walked forward toward the doors and could be seen stepping back into the hallway before proceeding again into one of the classrooms.

We cannot be certain which of the doors the attacker entered. But, based on the evidence available to the Committee, it is most likely that the attacker found the door to Room 111 unlocked or unsecured and entered through that door.¹³³ There is no evidence that the attacker

¹³⁰ Committee testimony of Jennieka Rodriguez, Robb Elementary teacher (June 29, 2022).

¹³¹ Committee testimony of Nicole Ogburn, Robb Elementary teacher (June 29, 2022).

¹³² The Committee received some evidence that this door was usually kept locked, as it was supposed to be. Committee investigator interview of Arnulfo Reyes, Robb Elementary teacher (June 30, 2022). The Committee also heard some evidence that staff often propped open the door with a rock so that teachers could run out and come back in. *See, e.g.*, Committee testimony of Nicole Ogburn, Robb Elementary teacher (June 29, 2022). The surveillance camera inside the west building recorded that someone had propped open the west door with a rock earlier on May 24. *See* Robb Elementary surveillance video. Apparently in response to the lockdown alert, a teacher came into the hallway and removed the rock. *Id.* When the attacker arrived, the door was not propped open by a rock—but because the door was unlocked, he was still able to open the door and enter the building. *Id.*

¹³³ As discussed later in this report, responding officers assumed, but did not verify, that the doors to Rooms 111 and 112 were locked because of school policies and door designs intended to ensure locked classroom doors. Acting on that assumption, officers spent a great amount of time seeking a master key that could open a door they presumed to be locked. Other information described in this report casts doubt on the suggestion the door

made a forced entry through either door. As noted previously, there is evidence that Ms. Garcia, a teacher in Room 112, locked her classroom door as witnessed by the teacher in Room 105 across the hall, Ms. Rodriguez.¹³⁴

As for Room 111, there was substantial evidence that door did not secure properly, The teacher in Room 111, Arnulfo Reyes, knew this, and on several occasions reported the condition of the door to the school.¹³⁵ There was also evidence that teachers and students throughout the fourth grade knew the condition of Room 111's door, as they regularly would enter the door to access the printer in that room.¹³⁶ Reyes has no recollection of ever receiving a lockdown alert¹³⁷ or any memory that he undertook the special effort needed to get his classroom door to lock before the arrival of the attacker.¹³⁸

According to an analysis provided to the Committee, after entering the attacker spent about 2½ minutes rapidly firing over 100 rounds between the two rooms,¹³⁹ ultimately killing many innocent victims.¹⁴⁰ Law enforcement discovered a Hellfire trigger system in the room with the attacker, but based on the evidence provided to date, the Committee is unable to determine whether it was used to increase the weapon's rate of firing. The Department of Public Safety

was actually locked. The Committee has been advised that none of the Border Patrol agents who used a key and ultimately opened the door were wearing body cameras which might have shed additional light on this question.

¹³⁴ Committee testimony of Jennicka Rodriguez, Robb Elementary teacher (June 29, 2022). One of the surviving students in Room 112 also reported that she saw Ms. Garcia lock the door. DPS interview of Khloie Torres (June 2, 2022).

¹³⁵ Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022); *see also* interview of Arnulfo Reyes, Robb Elementary teacher (June 30, 2022).

¹³⁶ Committee testimony of Nicole Ogburn, Robb Elementary teacher (June 29, 2022); *see also* interview of Arnulfo Reyes, Robb Elementary teacher (June 30, 2022).

¹³⁷ DPS (Elizondo) interview of Arnulfo Reyes, Robb Elementary teacher (June 8, 2022).

¹³⁸ *E.g.*, DPS (Williamson/Benitez) interview of Arnulfo Reyes, Robb Elementary teacher (May 27, 2022). Reyes told the Committee's investigators that he believes the attacker entered through Room 112 and from there shot through the wall into Room 111. Interview of Arnulfo Reyes, Robb Elementary teacher (June 30, 2022). The Committee finds that suggestion to be unlikely for the reasons previously explained about why Room 112 likely was locked and Room 111 likely was unlocked. It is more likely, and otherwise consistent with his account, that Reyes heard bullets fired by the attacker from outside in the hallway, through the doors, and into Room 111.

¹³⁹ *Cf.* Texas Department of Public Safety (@TexasDPS), <https://twitter.com/TxDPS/status/1539256179234332673> (June 21, 2022) (reference materials for testimony before Texas Senate Special Committee to Protect All Texans).

¹⁴⁰ *See also* Committee interview of DPS Director Col. Steven C. McCraw (June 9, 2022) (incident timeline). The analysis provided to the Committee strongly suggests that of approximately 142 total rounds fired by the attacker in the building, approximately 21 of those rounds can be identified as being fired after officers entered the building. The first 11 officers to enter the building did so over the course of approximately 6 seconds. It thus appears to be virtually certain that over 100 rounds were fired before the arrival of the first responders.

has advised the Committee there is no indication that the Hellfire device was used by the attacker. It is also possible that it was used.¹⁴¹

Terrified teachers and students throughout the west building heard this extended burst of gunfire, as did law enforcement officers who were arriving on the campus and closing in on the west building.¹⁴² Responders heard the tail end of this gunfire as they entered the building through the south and west doors.¹⁴³ During those two and a half minutes of gunfire, it is likely that one of the bullets passed through the walls and struck Ms. Avila, the teacher in Room 109.¹⁴⁴

Also during this time, at approximately 11:36 a.m., Uvalde Police Department dispatch received a call reporting a woman “shot in the head on Diaz Street.”¹⁴⁵

F I R S T L A W E N F O R C E M E N T A P P R O A C H E S & E N T E R S

After the attacker already had fired over 100 shots in Robb Elementary’s west building, two separate groups of officers converged on the building at the same time from different directions. From the time of their initial entry and over the course of the next five minutes, the attacker fired approximately 16 additional rounds.

On the south side of the building, Chief Arredondo and Officer Adrian Gonzalez of the Uvalde CISD Police and Uvalde Police Officer Page and Sgt. Coronado approached. Officers Page and Gonzalez were the first to enter,¹⁴⁶ followed by Chief Arredondo, then by Sgt.

¹⁴¹ U.S. Dep’t of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, Report of Investigation #13 (June 2, 2022).

¹⁴² *E.g.*, Committee testimony of Sgt. Daniel Coronado, Uvalde Police (June 20, 2022).

¹⁴³ *E.g.*, Committee testimony of Lt. Javier Martinez, Uvalde Police (June 29, 2022); *see also* Robb Elementary surveillance video.

¹⁴⁴ *See* Committee testimony of Elsa Avila, Robb Elementary teacher (June 30, 2022).

¹⁴⁵ Uvalde County Sheriff Ruben Nolasco testified to the Committee that while he was on his way to respond to the report of shots fired in the vicinity of Robb Elementary, he learned about the shooting of a woman on Diaz Street (who turned out to be the attacker’s grandmother) from a man in a vehicle who flagged him down in the street. *See* Uvalde Police Department Call Sheet Report (May 24, 2022); Committee testimony of Uvalde County Sheriff Ruben Nolasco (July 11, 2022). Other information provided to the Committee has suggested that Sheriff Nolasco learned about the shooting on Diaz Street by other means, and perhaps earlier than he has acknowledged. In a desire to put this issue to rest, and to foreclose the suggestion that earlier reporting of the attacker’s assault on his grandmother could have led to an earlier law enforcement intervention, the Committee has requested records from Sheriff Nolasco’s mobile phones to confirm that he was not contacted directly for assistance on Diaz Street. The Committee has not yet received these records. The issue is important if a more timely report of the Diaz Street shooting could have prompted an earlier call from dispatch for law enforcement response to the area or an earlier Raptor alert at the school.

¹⁴⁶ *E.g.*, Committee testimony of Officer Adrian Gonzalez, Uvalde CISD Police (June 20, 2022); DPS interview of Officer Donald Page, Uvalde Police (May 25, 2022).

Coronado. Officers Page and Gonzales both heard rounds as they were approaching.¹⁴⁷ So did Sgt. Coronado, who yelled “shots fired.”¹⁴⁸

Meanwhile, on the north side of the building, Lt. Martinez and Ssgt. Canales of the Uvalde Police entered the building first, followed by Uvalde Police Officer Louis Landry.¹⁴⁹ Lt. Martinez told a DPS investigator that he heard gunfire from inside the building, then he entered.¹⁵⁰ He testified to the Committee that he suspected the attacker was inside shooting,



West Building, Robb Elementary.

¹⁴⁷ E.g., Committee testimony of Officer Adrian Gonzalez, Uvalde CISD Police (June 20, 2022); DPS interview of Officer Donald Page, Uvalde Police (May 25, 2022).

¹⁴⁸ E.g., Committee testimony of Sgt. Daniel Coronado, Uvalde Police (June 20, 2022); see also Sgt. Coronado’s body-worn camera footage (11:36).

¹⁴⁹ DPS interview of Officer Louis Landry, Uvalde Police (May 26, 2022); see also Robb Elementary surveillance video.

¹⁵⁰ DPS interview of Lt. Javier Martinez, Uvalde Police (May 25, 2022); see also Robb Elementary surveillance video.

but that as he entered the building it was definitely quiet, with no screaming or crying. He said that on arrival inside the building, he heard “a few muffled shots.”¹⁵¹

The evidence establishes that as they arrived at the west building, the initial responders knew there had been gunfire inside the building. They heard it as they were approaching. When they entered, they could see a cloud of debris in the hallway from drywall, as well as bullet holes in the walls and spent rifle casings on the floor. Yet the testimony received by the Committee also indicated that none of these initial responders recalled hearing screams or having any contemporaneous understanding, as they arrived in the building, that teachers and students just then had been shot inside the classrooms.



Uvalde Police officers enter from north end of hallway.

¹⁵¹ *E.g.*, Committee testimony of Lt. Javier Martinez, Uvalde Police (June 29, 2022); *see also* Robb Elementary surveillance video.

After entering the west building, the two separate groups of officers converged on Rooms 111 and 112. Coming from the south, Officer Page saw smoke and fog and observed that both classrooms were dark. Officer Gonzales remembers smelling gunpowder, saying that it looked smoky or cloudy, like someone set off a fire extinguisher.¹⁵² Chief Arredondo made similar observations of smoke, and he also saw spent casings on the ground.¹⁵³ As Sgt. Coronado followed this group and Chief Arredondo from the south, he heard no more active gunfire as recorded on his body camera. It was quiet, and he could see bullet holes through the sheetrock.¹⁵⁴ On Sgt. Coronado's body camera footage, another officer can be heard saying, "it's an AR."¹⁵⁵ Upon entering the building, the officers tried but were unable to communicate on their radios. Officer Page stopped near Rooms 111 and 112,¹⁵⁶ and the school surveillance video suggests that the officers coming north from the south door were the first to reach the near vicinity of Rooms 111 and 112.

Simultaneously, Lt. Martinez followed by SSgt. Canales entered the hallway and approached Rooms 111 and 112, with Lt. Martinez approaching along the east wall and SSgt. Canales following along the west wall, as recorded on SSgt. Canales's body camera and the school surveillance video. Immediately behind them, four additional officers entered the building and remained in the north hallway.

At approximately 11:37 a.m., the officers converged from both sides of the hallway on Rooms 111 and 112. Coming from the north, Lt. Martinez peered into the vestibule for Rooms 111 and 112, and he faced gunfire, getting grazed by fragments of building material on the top of his head.¹⁵⁷ He immediately retreated to the north end of the hallway.¹⁵⁸ On the opposite side

¹⁵² *E.g.*, Committee testimony of Officer Adrian Gonzalez, Uvalde CISD Police (June 20, 2022).

¹⁵³ Committee testimony of Chief Pete Arredondo, Uvalde CISD Police, at 87 (June 21, 2022). Chief Arredondo testified that he recalled seeing "the locking mechanism" for the door to Room 111, or what he calls "a thumb, the locking mechanism that goes in the throw." He explained, "there's a small gap in between the door and the frame, and you could see, you know, a fraction of an inch. I have an image in my head of seeing that—that throw." *Id.* at 97. For the reasons explained above, the Committee finds it is most likely that the door to Room 111 was not properly or effectively locked.

¹⁵⁴ *E.g.*, Committee testimony of Sgt. Daniel Coronado, Uvalde Police (June 20, 2022).

¹⁵⁵ Sgt. Coronado's body-worn camera footage (11:36).

¹⁵⁶ DPS interview of Uvalde Police Department Officer Donald Page (May 25, 2022).

¹⁵⁷ ALERRT, *Robb Elementary School Attack Response Assessment and Recommendations* (July 6, 2022) (stating that Lt. Martinez and Ssgt. Canales were hit by "building material fragments caused by the suspect's rounds passing through the walls," citing "Investigating Officer Interview" and "Internal School Surveillance").

¹⁵⁸ *See* Robb Elementary surveillance video (11:36). The recent ALERRT report states that "[o]nce the officers retreated, they should have quickly made a plan to stop the attacker and gain access to the wounded," noting "[t]here were several possible plans that could have been implemented." "Perhaps the simplest plan," according to ALERRT, "would have been to push the team back down the hallway and attempt to control the classrooms

of the hall, fragments also hit SSgt. Canales on his ear. He likewise retreated and exited the building on the west side. No shots were fired at that time toward the attacker by the law enforcement responders.

What Happened for the Next 73 Minutes?

Like the initial approach into the west building, the remainder of law enforcement actions at Robb Elementary School until the ultimate breach of the classroom and neutralization of the attacker was a tale of two separate responses on the north and south sides of the hallway.

On the South ...

After the attacker fired on the responders, Chief Arredondo noticed the light on in Room 110—the room immediately south of Room 111 which was used by Ms. Martinez, who had taken her class out of the building early for recess. Chief Arredondo wondered if there could be a threat in Room 110. The door was either open or unlocked. He entered to clear the room, and he saw holes in the wall. The room was vacant. He told the Committee he thought, “There’s no babies in here. It’s awards day.”¹⁵⁹ He testified that he prayed that if Room 110 was empty, the children might be gone from the rooms occupied by the attacker as well.

Although the encounter had begun as an “active shooter” scenario, Chief Arredondo testified that he immediately began to think of the attacker as being “cornered” and the situation as being one of a “barricaded subject” where his priority was to protect people in the other classrooms from being victimized by the attacker.¹⁶⁰

With the benefit of hindsight, we now know this was a terrible, tragic mistake.

Testifying before the Committee, Chief Arredondo explained his thinking on this subject at the time as follows:

We have this guy cornered. We have a group of officers on ... the north side, a group of officers on the south side, and we have children now that we know in these other rooms. My thought was: We’re a barrier; get these kids out -- not the hallway, because the bullets

from the windows in the doors.” The report explains the purported simplicity of the plan by noting: “Any officer wearing rifle-rated body armor (e.g., plates) would have assumed the lead as they had an additional level of protection.” ALERRT, *Robb Elementary School Attack Response Assessment and Recommendations* (July 6, 2022). A problem with ALERRT’s depiction of its “simplest plan” is that no officer present was wearing “rifle-rated body armor (e.g., plates).” The Committee agrees the officers should have attempted to breach the classrooms even without armor, but it is inflammatory and misleading to release to the public a report describing “plans that could have been implemented” that assume the presence of protective equipment that the officers did not have.

¹⁵⁹ Committee testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

¹⁶⁰ *Id.*

are flying through the walls, but get them out the wall – out the windows, because I know, on the outside, it's brick.

[T]o me ... once he's ... in a room, you know, to me, he's barricaded in a room. Our thought was: "If he comes out, you know, you eliminate the threat," correct? And just the thought of other children being in other classrooms, my thought was: "We can't let him come back out. If he comes back out, we take him out, or we eliminate the threat. Let's get these children out."

It goes back to the categorizing, ... I couldn't tell you when -- if there was any different kind of categorizing, I just knew that he was cornered. And my thought was: "... We're a wall for these kids." That's the way I looked at it. "We're a wall for these kids. We're not going to let him get to these kids in these classrooms" where ... we saw the children.¹⁶¹

Chief Arredondo's testimony about his immediate perception of the circumstances is consistent with that of the other responders to the extent they uniformly testified that they were unaware of what was taking place behind the doors of Rooms 111 and 112. They obviously were in a school building, during school hours, and the attacker had fired a large number of rounds from inside those rooms. But the responders testified that they heard no screams or cries from within the rooms, and they did not know whether anyone was trapped inside needing rescue or medical attention. Not seeing any injured students during their initial foray into the hallway, Sgt. Coronado testified that he thought that it was probably a "bailout" situation.¹⁶²

Chief Arredondo and other officers contended they were justified in treating the attacker as a "barricaded subject" rather than an "active shooter" because of lack of visual confirmation of injuries or other information. Chief Arredondo explained his reasoning for not continuing an active shooter-style response, telling the Committee:

[W]hen there's a threat ... you have to visibly be able to see the threat. You have to have a target before you engage your firearm. That was just something that's gone through my head a million times ... [G]etting fired at through the wall ... coming from a blind wall, I had no idea what was on the other side of that wall. But ... you eliminate the threat when you could see it. ... I never saw a threat. I never got to ... physically see the threat or the shooter.¹⁶³

This "barricaded subject" approach never changed over the course of the incident despite evidence that Chief Arredondo's perspective evolved to a later understanding that fatalities

¹⁶¹ *Id.* at 122, 125-25.

¹⁶² *E.g.*, Committee testimony of Sgt. Daniel Coronado, Uvalde Police (June 20, 2022). Chief Arredondo also testified that the possibility of a bailout "came over my mind at some point ... because they happen so often, and there's been a few that were armed." Committee testimony of Chief Pete Arredondo, Uvalde CISD Police, at 49 (June 21, 2022).

¹⁶³ Committee testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

and injuries within the classrooms were a very strong probability.¹⁶⁴ He effectively conceded his error when asked what he would have done differently had he known injured victims were in the classroom. Chief Arredondo responded to the Committee: “I guess, if I knew there was somebody in there, I would have—we probably would have rallied a little more, to say, ‘Okay, someone is in there.’”¹⁶⁵

Chief Arredondo went to Room 109, found it locked and dark, saw a child’s head, and realized there were students in that room.¹⁶⁶ Officer Gonzales asked Chief Arredondo if he wanted to activate the SWAT team, which he confirmed, so Gonzales then stepped out and made the call.¹⁶⁷ As mentioned earlier, however, the head of the Uvalde Police SWAT team already was in the building.

Chief Arredondo then used his mobile phone to call the Uvalde Police. The Department of Public Safety supplied the following transcription of that call:

Hey..hey it’s Arredondo..it’s Arredondo can you hear me? No I have to tell you where we’re at..it’s an emergency right now. I’m inside the building, I’m

dispatcher can be heard talking in the background asking what room number

Is the teacher with him? Is the teacher with him? Is the teacher with him? Is she in the same room as him? Can you hear me? Ma’am?

dispatcher: I’m right here

Ma’am, is the teacher with him? In his classroom?

dispatcher: She’s in another classroom she’s in room 102. Another person possible shot across from her.

Okay, we have him in the room. he’s got an AR15, he’s shot a lot. He’s in the room, he hasn’t come out yet. We’re surrounded, but I don’t have a radio

dispatcher confirms SWAT location

Yes and they need to be outside of this building prepared. Because we don’t have enough fire power right now it’s all pistol and he has an AR15. If you

dispatcher asked if you can stay on the phone with me as long as you can

I am but I’m gonna drop it when he comes out of that door. Alright.

dispatcher advises over the radio that 401 has the shooter in 111 or 112. He’s going to be armed with a rifle. He’s requesting SWAT by the funeral home.

¹⁶⁴ For example, later in the incident, Sgt. Coronado’s body-worn camera footage recorded that somebody asked, at 12:34 p.m., “we don’t know if he has anyone in the room with him, do we?” Chief Arredondo responded, “I think he does. There’s probably some casualties.” Sgt. Coronado agreed, saying “yeah, he does ... casualties.” Then at 12:41 p.m.: “Just so you understand, we think there are some injuries in there.”

¹⁶⁵ Committee testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

¹⁶⁶ *Id.*

¹⁶⁷ Committee testimony of Officer Adrian Gonzalez, Uvalde CISD Police (June 20, 2022); *see also* Committee testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

So. So I need you to bring a radio for me, and give me my radio for me. I need to get one rifle. Hold on. I'm trying to set him, I'm trying to set him up.

By 11:42 a.m., Constable Johnny Field had arrived on the north end of the hallway.¹⁶⁸ Constable Field saw Chief Arredondo on the other end and held up his phone. Chief Arredondo called and began communicating with him by phone as his primary contact on the north end.¹⁶⁹ They discussed the need to evacuate children from the building,¹⁷⁰ and Chief Arredondo decided to accomplish that by breaking windows.¹⁷¹ Officers Gonzales and Page proceeded to start breaking classroom windows and helping to evacuate students from classrooms.¹⁷² Chief Arredondo found another unlocked classroom on the east side of the hallway with a teacher and students locked down inside, and he told them to stay down.¹⁷³

Meanwhile, Sgt. Coronado had exited the building through the south door and made his own report by radio.¹⁷⁴ He requested shields and flashbangs from the police department, and he asked for helicopter support and ballistic shields from the Department of Public Safety. Agreeing with Chief Arredondo's assessment, he reported the shooter was "contained" inside the building and "barricaded in one of the offices." Dispatch asked Sgt. Coronado if the classroom door was locked. He responded he was not sure, but that they had a Halligan tool to break it. Radio traffic indicated the attacker was in Ms. Mireles's classroom (Room 112) and asked whether her students were inside. In response, Sgt. Coronado requested a mirror to look around corners. A voice on the radio stated that "the class should be in session."¹⁷⁵

After the initial responders took fire from the attacker, Sgt. Coronado remained outside the building on the south and west sides for a total of approximately 30 minutes,¹⁷⁶ regularly

¹⁶⁸ See Robb Elementary surveillance video.

¹⁶⁹ Testimony of Constable Johnny Field, Uvalde County Pct. 1 (June 30, 2022); Testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

¹⁷⁰ Testimony of Constable Johnny Field, Uvalde County Pct. 1 (June 30, 2022).

¹⁷¹ Testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

¹⁷² Testimony of Officer Adrian Gonzalez, UCISD Police (June 20, 2022) (stating that after calling for SWAT, he began to help evacuating children on his own initiative and received no further orders from Chief Arredondo).

¹⁷³ Testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

¹⁷⁴ Sgt. Coronado's body-worn camera footage (11:38).

¹⁷⁵ Sgt. Coronado's body-worn camera footage (11:43).

¹⁷⁶ Sgt. Coronado's body-worn camera documented his activity. At 11:44 a.m., a responder asked by radio where he was needed, and received direction to head to the south side of the school. The responder then stated that a lot of people were pulling up by the funeral home. Sgt. Coronado responded to have some officers available to keep everybody back. At 11:48 am he suggested locking down the high school and all the other schools. At 11:49 a.m., a little more than 10 minutes after their initial encounter with the attacker, Sgt. Coronado warned arriving officers about a doorway and a "fatal funnel." He asked them to prop open the south door.

advising other officers to be careful about potential crossfire or a “fatal funnel” in the hallway and assisting the evacuation of students and teachers through windows on the west side of the building. When some newly arrived responders appeared to suggest that the officers should clear out of the south side of the hallway because United States Border Patrol Tactical Unit (BORTAC) responders were operating on the opposite end, Sgt. Coronado responded, “Chief is in there, Chief is in charge right now,”¹⁷⁷ suggesting both that Chief Arredondo was in control and in communication with the other side of the building.

While Sgt. Coronado was outside, his body camera recorded several people commenting on the need to find a master key to the classrooms. Once Sgt. Coronado returned inside the south side of the hallway, he found Chief Arredondo on his phone also asking for a key, which was a primary focus of his attention for the next 40 minutes. Chief Arredondo personally tried all of one large set of keys brought to him,¹⁷⁸ and when Sgt. Coronado cautioned him to stay clear of the hallway and the “fatal funnel,” Chief Arredondo responded, “just tell them to f***ing wait.”¹⁷⁹

Much of this time was spent by Chief Arredondo on the phone with Constable Field. He issued a series of additional requests for equipment and support, including snipers,¹⁸⁰ a master key,¹⁸¹ and breaching tools,¹⁸² repeatedly referencing the need for a key and breaching tools before they could attempt to enter the classrooms with the attacker. While waiting, he also periodically attempted to communicate with the attacker in English and Spanish, including immediately after four shots were fired inside the classroom at 12:21 p.m.

Despite all of the discussion of breaching tools, Chief Arredondo testified no one made him aware when one arrived at the building.¹⁸³

Chief Arredondo prioritized making certain all other classrooms in the building were cleared of teachers and students, including the evacuation of Room 109, where the attacker had shot Ms. Avila through the walls.¹⁸⁴ In the context of this evacuation, Chief Arredondo commented

¹⁷⁷ Sgt. Coronado’s body-worn camera footage.

¹⁷⁸ Sgt. Coronado’s body-worn camera footage (12:17 p.m.).

¹⁷⁹ *Id.* (12:17 p.m.).

¹⁸⁰ *Id.* (12:14 p.m.).

¹⁸¹ *Id.* (12:16 p.m.).

¹⁸² *Id.* (12:21 p.m.); *see also* Committee testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

¹⁸³ Committee testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

¹⁸⁴ *See* Sgt. Coronado’s body-worn camera footage (12:26 p.m.).

that “people are going to ask why we’re taking so long,” and, in an apparent reference to the ongoing evacuations, that they were trying to care of “the rest of the lives first.”¹⁸⁵

In addition to seeking keys and a breaching tool, the other predominant theme on the south side of the building was waiting for BORTAC to breach the classrooms. Chief Arredondo discussed with Constable Field various means of assisting the breach, such as by using a sniper or flashbangs to kill or distract the attacker.¹⁸⁶

Beginning around 12:30 p.m., various officers entered through the south door and walked by Chief Arredondo and Sgt. Coronado, stacking up south of Rooms 111 and 112 and on the west side of the hallway, anticipating a move to breach the classrooms.¹⁸⁷



Responders stack in hallway south of Rooms 111 & 112.

At 12:45 p.m., somebody commented that a Ranger had a set of keys that was being tested. And finally, at 12:50 p.m., a team of officers made entry into the classrooms and killed the attacker, with officers stationed in the south part of the hallway quickly falling in behind them and entering Rooms 111 and 112.

¹⁸⁵ Other public reports about this particular quote appear to be inaccurate.

¹⁸⁶ Sgt. Coronado’s body-worn camera footage (12:17 p.m.).

¹⁸⁷ Sgt. Coronado’s body-worn camera footage; *see also* Committee testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022); Committee testimony of Trooper Joshua Bordovsky, Tex. Dep’t of Public Safety (June 20, 2022).

Chief Arredondo testified that the only direction he gave to the north side of the building, through Constable Field, was for them to evacuate the kids and to test the keys before trying to go into the room with the attacker. He said he did not make any decision for BORTAC to breach the classrooms.¹⁸⁸

O n t h e N o r t h ...

Rewinding the clock to the point at which the attacker shot at the initial responders in the building, there were three Uvalde Police officers who led the way down the hallway from the north side of the building: Lt. Martinez, followed by SSgt. Canales, followed by Officer Landry. Building fragments hit Lt. Martinez and SSgt. Canales as the attacker shot into the hallway, and all three officers retreated to the north end.

As Ssgt. Canales ran out, his body camera documented the presence of multiple officers in the north hallway and a Department of Public Safety trooper stationed at the door as he exited to the west. Ssgt. Canales stated “we got to get in there,” and he made a phone call requesting more help.¹⁸⁹ Uvalde Police Officer Landry, who had been third in line on the north side behind Lt. Martinez and Ssgt. Canales, also exited the building on the west side, then moved to the south side of the building where he began helping to clear classrooms and waiting for specialized teams to arrive.¹⁹⁰ After the initial shock of taking gunfire, Lt. Martinez returned south back down the hallway. Following active shooter training, he began to advance again toward Rooms 111 and 112 in an evident desire to maintain momentum and to “stop the killing,” but this time no other officers followed him. Several law enforcement officers suggested to the Committee that if others had followed him as backup, Lt. Martinez might have made it back to the classroom doors and engaged. Later, he helped to evacuate children from classrooms and moved to the south side of the building, and ultimately he was part of the stack of officers on that side of the hallway when BORTAC finally breached the classrooms.

The school surveillance camera installed where the north-south hallway intersects the east-west hallway at the north end of the building captured the movement and activity of law enforcement officers on the north side of the building. From that perspective, the period from 11:37 a.m., when Lt. Martinez, Ssgt. Canales, and Officer Landry made their retreat from the attacker’s gunfire, to 12:50 p.m., when a BORTAC-led stack finally made entry into the

¹⁸⁸ Committee testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

¹⁸⁹ See Ssgt. Canales’s body-worn camera footage.

¹⁹⁰ DPS interview of Uvalde Police Department Officer Louis Landry (May 26, 2022).

classrooms, saw the movement of dozens of officers from a variety of law enforcement agencies in and out of the north hallway, positioning and preparing themselves for the eventual breaching effort.

At first, responders from the Uvalde Police Department, including the acting chief of police on that day, Lt. Mariano Pargas, dominated the north end of the building. Lt. Pargas, who was one of the earliest responders, testified that he was never in communication with Chief Arredondo, and that he was unaware of any communication with law enforcement officers on the south side of the building. He told the Committee he figured that Chief Arredondo had jurisdiction over the incident and that he must have been coordinating the law enforcement response—and that the Uvalde Police were there to assist. He did not coordinate with any of the other agencies that responded, such as the Uvalde Sheriff's Office and the Department of Public Safety. Lt. Pargas did receive a phone call from the chief of the Uvalde Police, who was out of town on vacation, who called to tell him to set up a command post right away. Lt. Pargas testified that he went to the back of the funeral home to start a command post, that the funeral home provided an office, and that then he went back outside to try to keep up with what was going on.¹⁹¹ This did not result in the establishment of an effective command post.

Lt. Pargas was present when a Uvalde CISD officer, Ruben Ruiz, entered through the west door and stated, “she says she is shot.” Officer Ruiz was referring to his wife, Ms. Mireles, who was one of the teachers in Room 112. Officer Ruiz was escorted away from the building. Lt. Pargas also testified he heard on the radio about 911 calls that had come from inside the classrooms, and he told the Committee that it was his understanding that officers on the north side of the building understood there were victims trapped inside the classroom with the attacker. According to Lt. Pargas, while nobody said it, the officers on the north side of the building were waiting for other personnel to arrive from Department of Public Safety or BORTAC, with better equipment like rifle-rated shields.¹⁹²

As responders continued to arrive on the scene, officers stationed outside the building directed them to assist on the perimeter. Special Agent Luke Williams of the Department of Public Safety testified that upon his arrival he disregarded a request that he assist at the perimeter, and instead he proceeded into the east door on the north side of the building. He began to clear rooms along the north hallway, and he found a student hiding in the boys' restroom. The student had his legs up so as not to be seen, and as he had been trained to do, he demanded

¹⁹¹ Committee testimony of Lt. Mariano Pargas, Jr., Uvalde Police (June 29, 2022).

¹⁹² *Id.*

that Special Agent Williams confirm he was with law enforcement, which he did by showing his badge under the stall.

As Special Agent Williams then approached the intersection of the hallways from the east where a group of officers was positioned at the west side of the intersection with weapons pointed south, he heard somebody ask, “y’all don’t know if there’s kids in there?” Special Agent Williams interjected, “if there’s kids in there we need to go in there.”



Responders positioned in north end of hallway (Special Agent Williams's body camera).

An officer who had been positioned in the hallway responded to Special Agent Williams that whoever was in charge would figure that out. Another officer pointed out to him that his position on the east side of the intersection was creating a crossfire situation relative to the group of officers pointing their weapons toward Rooms 111 and 112 from the south. Special Agent Williams departed to continue clearing other classrooms.¹⁹³

Between 11:52 a.m. and 12:21 p.m., the surveillance video shows four different ballistic shields arriving in the building. Importantly, however, only the last shield, furnished by the U.S. Marshals, was rifle-rated. The Committee heard evidence that the rifle-rated shield was the only one that would have provided meaningful protection to officers against the attacker’s AR-15 rifle. The Committee received no evidence that anyone told Chief Arredondo or anyone else on the south side of the building about the arrival of the rifle-rated shield.

Just before 12:30 p.m., there was a burst of activity on the north side. A group of officers moved past the position previously established at the north hallway intersection, and they began to establish a stack close to the north side of Rooms 111 and 112. Viewed from the south, Sgt. Coronado announced the arrival of BORTAC.¹⁹⁴ Another group of officers began to stage medical triage equipment in the east side of the north hallway. This indicates that BORTAC likely assumed tactical command of the incident at this time.

¹⁹³ See Special Agent Williams’s body-worn camera footage.

¹⁹⁴ Sgt. Coronado’s body-worn camera footage (12:29 p.m.).

BORTAC Acting Commander Paul Guerrero came to the north side of the building upon his arrival at Robb Elementary. In a post-incident statement, he said he was advised “that the subject had possibly shot multiple children and was still in the classroom.” He requested surveillance through the back windows of Rooms 111 and 112 to possibly deploy gas as they made entry. He then went to retrieve a Halligan tool from his car.¹⁹⁵ The school’s surveillance camera shows the arrival of a Halligan breaching tool at 12:35 p.m..¹⁹⁶ The Committee received no evidence that the arrival of the breaching tool ever was communicated to Chief Arredondo or anyone else on the south side of the building.

According to his statement, Cdr. Guerrero attempted to pry open a door in the hallway to see if the Halligan tool would work. He determined it would take too long and dangerously expose an officer to gunfire coming from inside the classroom. He observed that the classroom doorway had multiple holes consistent with bullet holes, and he did not want to expose or jeopardize the safety and lives of any officers by trying to pry the door open.¹⁹⁷

Cdr. Guerrero then obtained a master key from an officer at the scene. As he made his way to the classroom door, an officer advised him to try it on another door first. He attempted to open another door along the hallway, and it did not work. He saw a few Border Patrol agents and advised them to start setting up for a triage situation of mass casualties. He then received a second master key, which he successfully used to open another door.¹⁹⁸

Working with the BORTAC team, Cdr. Guerrero had another agent use the rifle-rated ballistic shield to give him cover as he opened the classroom door. Cdr. Guerrero placed the key in the door to Room 111 and opened the door. (Cdr. Guerrero’s contemporaneous report stated that he unlocked the door,¹⁹⁹ but as explained above, there is reason to question whether the door was actually locked.)

¹⁹⁵ Statement of Agent Paul Guerrero (undated, taken by Ranger Ricardo Guajardo).

¹⁹⁶ See Special Agent Williams’s body-worn camera footage.

¹⁹⁷ *Id.*

¹⁹⁸ *Id.*

¹⁹⁹ In his statement, Commander Guerrero said “I placed the key into the keyhole. The key worked and I was able to unlock and open the door.” *Id.*; see also Statement of Agent Warren John Becker (undated, taken by Ranger Tyler Williamson) (“The door was locked, and I utilized the shield to provide cover for Acting BORTAC Commander Guerrero as he opened the door with the master key.”).

The attacker was standing in front of a closet in the corner of Room 111, and he fired his rifle at the stack of officers coming through the classroom door. The officers fired on the attacker, killing him.²⁰⁰

The Committee has been advised that none of the Border Patrol agents involved in opening the door were wearing activated body cameras.

O n t h e O u t s i d e ...

As mentioned in the narratives above, there were important events happening outside the north and south ends of the west building. In part due to the difficulty of maintaining radio communications within the building, not everybody inside the building received all of this information.

A police radio communication of unknown origin stated at 11:56 a.m.: “[I]t is critical for everybody to let PD take point on this.”²⁰¹ None of the witnesses interviewed by the Committee indicated any knowledge of this communication or what it meant by “PD” taking “point on this.” The general consensus of witnesses interviewed by the Committee was that officers on the scene either assumed that Chief Arredondo was in charge, or that they could not tell that anybody was in charge of a scene described by several witnesses as “chaos” or a “cluster.”

There was a series of phone calls with a student inside Room 112, initiated by the student calling 911 at 12:03 p.m.. Radio traffic communicated to those officers who could hear it the fact that a student had called from within the classroom. Several witnesses indicated that they were aware of this, but not Chief Arredondo. The Committee has received no evidence that any officer who did learn about phone calls coming from inside Rooms 111 and 112 acted on it to advocate shifting to an active shooter-style response or otherwise acting more urgently to breach the classrooms.

W h a t D i d n ' t H a p p e n i n T h o s e 7 3 M i n u t e s ?

A major error in the law enforcement response at Robb Elementary School was the failure of any officers to assume and exercise effective incident command. Uvalde Police officers responding to a vehicle wreck and shots fired appear to have arrived first on the scene, which would make one of them the initial incident commander. Uvalde CISD Police Chief Arredondo quickly arrived as the incident moved to school property and the law enforcement

²⁰⁰ Statement of Agent Paul Guerrero (undated, taken by Ranger Ricardo Guajardo).

²⁰¹ Source: DPS timeline.

response evolved. This made him a natural person to assume command over an incident as it developed. But Chief Arredondo does not consider himself to have assumed incident command. He explained to the Committee:

[W]hile you're in there, you don't title yourself ... I know our policy states you're the incident commander. My approach and thought was responding as a police officer. And so I didn't title myself. But once I got in there and we took that fire, back then, I realized, we need some things. We've got to get in that door. We need an extraction tool. We need those keys. As far as ... I'm talking about the command part ... the people that went in, there was a big group of them outside that door. I have no idea who they were and how they walked in or anything, I kind of – I wasn't given that direction.

you can always hope and pray that there's an incident command post outside. I just didn't have access to that. I didn't know anything about that.²⁰²

Other people could have assumed command, including the next people in Uvalde CISD's preassigned line of command for active shooter response or others on the scene with more experience or training. ALERRT training teaches that any law enforcement officer can assume command, that somebody must assume command, and that an incident commander can transfer responsibility as an incident develops. That did not happen at Robb Elementary, and the lack of effective incident command is a major factor that caused other vital measures to be left undone. Also, the misinformation reported to officers on the outside likely prevented some of them from taking a more assertive role. For example, many officers were told to stay out of the building because Chief Arredondo was inside a room with the attacker actively negotiating.

Responders did not remain focused on the task of "stopping the killing" as instructed by active shooter training.²⁰³ They never attempted to breach the classroom before BORTAC accomplished entry. Chief Arredondo explained:

I knew those doors ... Those doors opened outward. ... They're thick, heavy doors with a metal frame. Most people are used -- as police officers, used to going to a residence and you kick in doors. That's just such a common thing in our business. You didn't have that option here. I knew a ramrod, which I call a buddy, which is ... a heavy pipe with two handles, that wasn't going to work ... and that's why I called for that extraction tool and keys.²⁰⁴

²⁰² Committee testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

²⁰³ *E.g., id.*

²⁰⁴ *Id.*

But nobody ever checked the doors of Rooms 111 or 112 to confirm they were actually locked or secured.²⁰⁵ Room 111 probably was not. Chief Arredondo’s search for a key consumed his attention and wasted precious time, delaying the breach of the classrooms.²⁰⁶

Nobody called Principal Gutierrez to ask about the location of a master key.²⁰⁷ She had a key, and the head custodian had a key. Yet despite all the effort to find a key, nobody called her.

Although discussed on both the south and north sides of the building, nobody ever created a diversion on the east side of the building, where Rooms 111 and 112 had windows.²⁰⁸

And although it should not have proved necessary had responders remained focused on “stopping the killing” as soon as possible, as the incident dragged on, nobody tasked any law enforcement responder to establish reliable communications between the south and north sides of the building and with resources outside the building. Radio communication was ineffective, so something else was needed for decisionmakers to receive critical information, such as the fact that victims had called from inside the rooms with the attacker.²⁰⁹ To the extent there was confusion among officers about whether the scenario was an “active shooter” or “barricaded subject,” information that there were wounded victims in the rooms would have clarified the existence of an active shooter scenario.

L a w E n f o r c e m e n t R e s p o n d e r H e a d c o u n t

In total, 376 law enforcement officers responded to the tragedy at Robb Elementary School.

²⁰⁵ *E.g.*, Testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

²⁰⁶ ALERRT has noted the failure to check the lock in its criticisms. *See* ALERRT, *Robb Elementary School Attack Response Assessment and Recommendations* at 18-19 (July 6, 2022). A representative of ALERRT testified before the Committee that the “first rule of breaching” is to check the lock. *See* Testimony of John Curnutt, ALERRT (July 11, 2022). Unfortunately, ALERRT apparently has neglected to include that “first rule of breaching” in its active-shooter training materials, which includes modules entitled “Closed and Locked Interior Doors” and “Entering Locked Buildings Quickly, Discreetly, and Safely.” *See* Federal Bureau of Investigation & ALERRT, *Active Shooter Response – Level 1*, at STU 3-8 – 3-10, 4-20 – 4-25.

²⁰⁷ *E.g.*, Testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022) (no recollection of communicating with Principal Gutierrez).

²⁰⁸ *E.g.*, Testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

²⁰⁹ *See* Testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022) (did not recall tasking anyone, commented “it would be fantastic” to have the most up-to-date information and that his “priority was to get into that classroom,” and “I didn’t have communication with ... what was going on outside. My big thing was getting through that door.”).

The breakdown of responders, by agency, is as follows:²¹⁰

| | |
|-----|---|
| 149 | United States Border Patrol |
| 91 | Texas Department of Public Safety |
| 25 | Uvalde Police Department |
| 16 | San Antonio Police Department (SWAT) |
| 16 | Uvalde County Sheriff's Office |
| 14 | Department of Homeland Security – HIS |
| 13 | United States Marshals |
| 8 | Drug Enforcement Agency |
| 7 | Frio County Sheriff's Office |
| 5 | Kinney County Sheriff's Office |
| 5 | Uvalde Consolidated Independent School District |
| 4 | Dilley Police Department |
| 4 | Zavala County Sheriff's Office |
| 3 | Medina County Sheriff's Office |
| 3 | Sabinal Police Department |
| 2 | City of Uvalde Fire Marshals |
| 2 | Pearsall Police Department |
| 2 | Texas Parks and Wildlife |
| 2 | Uvalde County Constables |
| 2 | Val Verde County Sheriff's Office |
| 1 | Frio County Constables |
| 1 | Southwest Texas Junior College |
| 1 | Zavala County Constables |

²¹⁰ Source: Texas Department of Public Safety.

6 | I N F O R M A T I O N F L O W

This Committee’s chief goal from the very beginning has been to provide accurate information from dependable sources. The public’s need for accurate information only has intensified as we have investigated the facts surrounding the tragedy. Problems with the flow of information have plagued government, media, and public discussion about what happened at Robb Elementary from the outset—damaging public trust, inflicting a very real toll on the people of Uvalde, and creating an imperative to provide a reliable set of facts.

T h e F i r s t R e p o r t s

Shortly after the shooting, authorities first reported to the public that the shooter killed fourteen students and one teacher, and the attacker was reported dead at that time.²¹¹

The next day, state leaders looked to law enforcement for more information in preparation for a broader press conference. The briefing was planned to be led by a Uvalde police lieutenant who had been at the scene, but that officer literally passed out while waiting in the hallway beforehand. In his place, the DPS Regional Director for South Texas, Victor Escalon, agreed to conduct the briefing.²¹² Director Escalon, who is not based in Uvalde, had arrived on the scene shortly before the attacker was killed. He did not personally witness the bulk of the day’s events, leaving him to depend on secondhand knowledge acquired from other law enforcement officers who had been part of the response.²¹³

That briefing was the basis for the press conference the day after the shooting, in which Governor Abbott and other leaders relied on the information law enforcement gave them. After correcting the death toll to nineteen students and two teachers, they made statements based upon Director Escalon’s briefing (which itself was based entirely on secondhand knowledge). These statements repeated a false narrative that the entire incident lasted as little as forty minutes thanks to officers who rapidly devised a plan, stacked up, and neutralized the attacker. The general sentiments shared that day were that law enforcement responders were courageous in keeping the attacker pinned down while children were evacuated.

²¹¹ All press conferences referenced in this report were recorded.

²¹² Committee testimony of DPS Director Col. Steven C. McCraw (July 11, 2022).

²¹³ Uvalde CISD Police Chief Pete Arredondo said he approached Regional Director Escalon after the briefing because he was surprised and frustrated after hearing his comments that a school district officer had engaged the attacker. “Y’all haven’t even gotten our statements yet,” he told Escalon. “We were all the first ones there.” Chief Arredondo testified: “he corrected that. But during the press conference, it still came out that way.” Committee testimony of Chief Pete Arredondo, Uvalde CISD Police, at 180-81 (June 21, 2022).

Another press conference was held the next day outside of Robb Elementary School, and new details emerged. One was: “The back door was propped open. It wasn’t supposed to be . . . a teacher . . . propped it open [and] that was an access point that the subject used.” The idea that the door was propped open led to public outcry, and even a teacher who was not implicated was devastated as she wondered whether she had accidentally left a door open.²¹⁴ The truth—confirmed by video—is that while a teacher had propped open the west exterior door, she actually saw the attacker approaching and slammed that door shut as she called 911 for help. The door was closed; it simply was either already unlocked or the lock failed to engage, which she could not have known because the doors lock from the outside.²¹⁵ On May 31, it was confirmed that her account was correct.²¹⁶

The media repeated the communication failures of relevant authorities, supplemented by leaks released uncritically. The Committee certainly does not question the role or value of reporting by the press, but it is unfortunate that caution and context have been so uncommon. Various people commenting publicly perpetually have taken information at face value, presenting it as definitive when provided as tentative, and they rarely have characterized it as one small part of a vastly larger body of evidence. (To their credit, some outlets did produce original investigative pieces questioning many of the inconsistencies documented earlier.)

The Committee recognizes the natural tension between providing the public with immediate information and the need for accuracy. A complete and thorough investigation can take months or even years to confirm every detail, especially when this many law enforcement officers are involved. However, one would expect law enforcement during a briefing would be very careful to state what facts are verifiable, and which ones are not.

While this is by no means an exhaustive list, the Committee draws attention to two instances to make its broader points.

A L E R R T R e p o r t

The first instance is based upon the report, and subsequent media coverage, of the report released by the Advanced Law Enforcement Rapid Response Training (ALERT) Center. The report was “based on an incident briefing held for select ALERT staff . . . for approximately

²¹⁴ One teacher emotionally testified to the Committee that she had spent several distraught days thinking it was her fault the attacker had entered the building, and she had gone as far as apologizing to people.

²¹⁵ Like virtually all schools, Robb Elementary made use of “Columbine” doors that can only be locked from the outside; from the inside, exterior doors are opened with a push bar.

²¹⁶ Travis Considine, chief communications officer for DPS, confirmed this for the Associated Press as one of their reporters explored the story.

1 hour” along with some unspecified “additional information” staff later received from DPS.²¹⁷ ALERRT conducted no investigation of its own and spoke to no witnesses, relying instead on a snapshot of an evolving investigation. One of its conclusions was a bombshell: a “UPD officer was armed with a rifle and sighted in to shoot the attacker; however, he asked his supervisor for permission to shoot.”²¹⁸ He failed to get a response, and the attacker quickly slipped into the school.

During testimony before the Committee, an ALERRT representative admitted he had learned that DPS had received an additional statement from the officer, stating he no longer believed he had seen the attacker when he sought permission to shoot. In fact, and as the Committee has concluded, that officer saw a coach ushering kids inside—something the Texas Rangers, under the purview of DPS, had discussed with the officer during a later interview. Uvalde Mayor McLaughlin issued a statement explaining as much, and ALERRT quickly caveated its findings, saying it did not know “the officer gave a third statement to investigators that was different from the first two statements.”

V i d e o E v i d e n c e

The Committee fought hard to make sure the public could see the hallway video (although, as previously stated, the Committee would not have shown the images of the attacker and would have let the families of the victims see it first). Our justification was that we could tell people all day long what we saw, but everyone needed to see it for themselves.

After the leak of part of a composite video prepared by the FBI, images began circulating condemning some shown on it. “Cellphone cop” was said to be standing around checking his phone, indifferent. What those sharing it did not know was that it was an image of Eva Mireles’s husband. She had been in contact with him already, and when he moved off camera later, she told him she was dying. After receiving this call, he was naturally devastated and was not permitted to return by other law enforcement officers. While this report has cited numerous failures by law enforcement, the actions of this man were not among them.

The problem, of course, is the power, speed, and unaccountable nature of social media. While it allows the truth to spread, it has done far more to amplify incorrect or incomplete information. This is an example of how a picture without context can lead to an incomplete or false impression that is repeated even by respected news organizations. Mark Twain said it best: “A lie can travel halfway around the world before the truth puts on its shoes.”

²¹⁷ See ALERRT, *Robb Elementary School Attack Response Assessment and Recommendations* at 3 (July 6, 2022).

²¹⁸ *Id.* at 15.

C o m p r o m i s e d T r u s t

This report has addressed many of the discrepancies and loose threads related to the Robb Elementary shooting, and the Committee focused on research and documentation to support its findings, in part because we expected to be met with rightful skepticism after everything that has happened. The results of the information issues surrounding the shooting are wide ranging and will be felt for a long time to come.

An uncertain narrative also opens the door much wider for conspiracy theories, many of which have been harmful. The fear of a coverup is palpable here, and while most see it as simply part of an intragovernmental “blame game,” others have made wild accusations that authorities are sweeping some major scandal under the rug.²¹⁹ Comments on social media have repeated and shared specific false allegations about the attacker’s identity and associations. And predictably, some have promoted the disgusting Sandy Hook-style claim that Robb Elementary was home to a hoax or “false flag” operation.²²⁰ While this and similar claims might seem obviously beneath our dignifying with a response, it does become harder to proclaim the truth when it is so opaque.

Most fundamentally, there has been a loss of trust in government. As peace officers’ union CLEAT said in a recent release, the “great deal of false and misleading information” means that sources “Texans once saw as iron-clad and completely reliable have now been proven false.”²²¹ The Committee certainly has felt the distrust and doubt about its work from those who have cynically but justifiably worried about the way we conducted our investigation.

We tried at every turn to elevate and respect the needs of Uvalde, because nowhere has unreliable information more impacted a community. We saw wounds continuously ripped open and agonizing disillusionment grow there among the people who most deserve swift, sure answers about the tragedy that shook their community. Uvalde itself has paid a terrible price as it has waited for the truth and waded through the shaky narrative given instead.

²¹⁹ In fact, #uvaldecoverup is a popular hashtag for tweets related to the Robb Elementary School shooting, and those are the kinds of claims regularly associated with it.

²²⁰ Some coverage can be found at the *Houston Chronicle* (<https://www.houstonchronicle.com/politics/texas/politifact/article/fact-check-uvalde-false-flag-17214816.php>), among other outlets.

²²¹ CLEAT’s release is at <https://www.cleat.org/cleat-response-to-uvalde-mass-shooting/>.

7 | FACTUAL CONCLUSIONS

Based on the foregoing information developed through its investigation, the Committee has drawn the following preliminary conclusions:

1. Uvalde CISD and Robb Elementary

a. *Communications and lockdown alerts:*

- i. Poor wi-fi connectivity in Robb Elementary likely delayed the lockdown alert through the Raptor application.
- ii. Once the alert was sent, not all teachers received it immediately for a variety of reasons including wi-fi coverage, whether the teacher used the Raptor phone application (as opposed to logging in through a web browser), and whether the teacher was carrying a phone at the time.
- iii. No one used the school intercom as another means to communicate the lockdown.
- iv. As a result, not all teachers received timely notice of the lockdown, including the teacher in Room 111.

b. *Effect of bailouts:*

- i. The frequency of less-serious bailout-related alerts in Uvalde diluted the significance of alerts and dampened everyone's readiness to act on alerts.
- ii. In response to the May 24, 2022, lockdown alert at Robb Elementary, the initial reaction of many administrators, teachers, and law enforcement responders was that it likely was a less-dangerous bailout.

c. *Doors and locks:*

- i. Robb Elementary had recurring problems with maintaining its doors and locks.
- ii. In particular, the locking mechanism to Room 111 was widely known to be faulty, yet it was not repaired.
 1. The Robb Elementary principal, her assistant responsible for entering maintenance work orders, the teacher in Room 111, other teachers in the fourth grade building, and even many fourth grade students widely knew of the problem with the lock to Room 111.

2. Nevertheless, no one placed a work order to repair the lock—not the principal, her secretary, the teacher to Room 111, or anyone else.
- iii. Robb Elementary had a culture of noncompliance with safety policies requiring doors to be kept locked, which turned out to be fatal.
 1. Exterior doors.
 - a. Teachers at Robb Elementary often used rocks to prop open exterior doors.
 - b. The west door to the west building was supposed to be continuously locked. When the attacker approached on May 24, 2022, it was unlocked, and he was able to enter the building there.
 - c. If the door had been locked as policy required, the attacker likely would have been slowed for some period of time as he either circumvented the lock or moved to another point of entry into the building.
 2. Interior classroom doors.
 - a. Teachers at Robb Elementary commonly left interior doors unlocked for convenience, and they also used magnets and other methods to circumvent door locks.
 - b. The doors to Rooms 111 and 112 were required to be locked at all times, and in a lockdown, the teachers were supposed to check that they were locked.
 - i. A teacher in Room 112 was seen locking her classroom door after the lockdown alert.
 - ii. The door to Room 111 probably was not locked. The teacher in Room 111 does not recall hearing the lockdown alert. The door required special effort to lock it, and the teacher has no memory of having done so. The attacker apparently did not have to take any actions to overcome a locked door before entering the classrooms.
 - c. If the door to Room 111 had been locked, the attacker likely would have been slowed for some time as he either circumvented the lock or took some other alternative course of action.

2. Information that was known or knowable about the attacker

a. *Home and family:*

- i. The attacker had an unstable home life with no father figure and a mother struggling with a substance abuse disorder.
- ii. The attacker's family moved often and lived in relative poverty.
- iii. The attacker developed sociopathic and violent tendencies, but he received no mental health assistance
- iv. Various members of the attacker's family were aware during the time leading up to the attacker's 18th birthday that he was estranged from his mother and that he had asked for help in buying guns through straw purchases that would have been illegal. Family members uniformly refused to buy guns for him.
- v. During the week between his 18th birthday and the events of May 24, 2022, the attacker expressed suicidal ideation to a cousin, who talked to him and did not believe he was an imminent suicide risk.
- vi. During the week between his 18th birthday and the events of May 24, 2022, the attacker's grandparents and other family members became aware that the attacker had bought guns. The grandparents demanded that the guns be removed from their home.

b. *School:*

- i. The attacker struggled academically throughout his time in school.
- ii. The school made no meaningful intervention with the attacker before he was involuntarily withdrawn for poor academic performance and excessive absences.
- iii. The attacker had few disciplinary issues at school, but he was suspended once for a fight.
- iv. Due to his excessive absences, there apparently was no information actually known to the school district that should have identified this attacker as a threat to any school campus.

c. *Law enforcement:* There apparently was no information actually known to local Uvalde law enforcement that should have identified this attacker as a threat to any school campus before May 24, 2022.

d. *Friends and acquaintances:* Some of attacker's social media contacts received messages from the attacker related to guns, suggesting that he was going to do

something they would hear about in the news, and even referring to attacking a school.

- e. *Social media:*
 - i. Reports suggest that some social-media users may have reported the attacker's threatening behavior to the relevant social media platforms. The social media platforms appear to have not done anything in response to restrict the attacker's social media access or report his behavior to law enforcement authorities.
 - ii. The services used by Uvalde CISD to monitor social media for threats did not provide any alert of threatening behavior by the attacker.
- f. *Firearms and ammunition sellers:* There was no legal impediment to the attacker buying two AR-15-style rifles, 60 magazines, and over 2,000 rounds of ammunition when he turned 18. The ATF was not required to notify the local sheriff of the multiple purchases.

3. Law enforcement response on May 24, 2022

- a. There was no law enforcement officer on the Robb Elementary campus when the attacker came over the fence and toward the school.
- b. Citizens at the scene quickly alerted local law enforcement about a vehicle accident, a man with a gun, and shots fired near the Robb Elementary campus.
- c. As initially reported by Uvalde Police dispatch and as understood by most initial responders, the incident began off-campus and as one that would have been in the jurisdiction of the Uvalde Police Department. Uvalde Police officers were among the first, if not the first, law enforcement responders on the scene as a man firing a gun moved toward Robb Elementary School.
- d. As the situation developed and responders received more information, it became apparent that the threat moved on to the school campus and within the jurisdiction of the Uvalde CISD Police Department.
- e. Multiple law enforcement officers arrived at Robb Elementary within a few minutes of the attacker coming over the fence.
- f. A Uvalde Police Department officer saw a person dressed in black and thought it might have been the attacker. From a distance of over 100 yards, that officer requested permission to shoot. Subsequent analysis suggests that the person in black was a school coach, and the officer did not have an opportunity to stop the attacker by shooting him before he entered the west building.
- g. Robb Elementary School Coach Yvette Silva acted heroically and almost certainly saved lives by alerting the school to the attacker's advance. Most fourth grade classes successfully locked down as a result of her quick response.

- h. After entering through the unlocked west door, the attacker had about three minutes in the west building before first responders arrived at the building, including approximately two and a half minutes during which the attacker is estimated to have fired over 100 rounds.
- i. The initial responders to the west building heard gunfire and encountered a hallway with a fog of drywall debris, bullet holes, and empty rifle casings. They converged on Rooms 111 and 112, which they identified as the location of the attacker. They acted appropriately by attempting to breach the classrooms and stop the attacker. The attacker immediately repelled them with a burst of rifle fire from inside the classrooms.
- j. The responders immediately began to assess options to breach the classroom, but they lost critical momentum by treating the scenario as a “barricaded subject” instead of with the greater urgency attached to an “active shooter” scenario.
- k. It actually was an “active shooter” scenario because the attacker was preventing critically injured victims from getting medical attention.
 - i. An active shooter scenario differs from a barricaded-subject scenario in that law enforcement officers responding to an active shooter are trained to prioritize the safety of innocent victims over the safety of law enforcement responders.
 - ii. At first, the first responders did not have “reliable evidence” about whether there were injured victims inside Rooms 111 and 112, although circumstantial evidence strongly suggested that possibility, including the fact that the attacker had fired many rounds inside classrooms at a time when students were in attendance.
 - iii. The ALERRT training “reliable evidence” standard does not align with the “reasonable officer” standard applied by ALERRT in its preliminary and partial report.
- l. Uvalde CISD’s active shooter policy called for Uvalde CISD Police Chief Arredondo to be the incident commander in any active shooter response.
 - i. Chief Arredondo was one of the first responders to arrive at the west building.
 - ii. In the initial response to the incident, Chief Arredondo was actively engaged in the effort to “stop the killing” up to the point when the attacker was located in Rooms 111 and 112, and the attacker fired on responding officers.
 - iii. By this time, there were dozens of officers on the scene, but Chief Arredondo did not assume his preassigned responsibility of incident command, which would have entailed informing other officers that he

was in command and also leaving the building to exercise command, beginning with establishing an incident command post.

- iv. Instead, he remained in the hallway where he lacked reliable communication with other elements of law enforcement, and he was unable to effectively implement staging or command and control of the situation.
- m. Over the course of the next hour, hundreds of law enforcement officers arrived at the scene.
 - i. The scene was chaotic, without any person obviously in charge or directing the law enforcement response.
 - ii. To the extent any officers considered Chief Arredondo to be the overall incident commander, they also should have recognized that was inconsistent with him remaining inside the building.
 - iii. There was an overall lackadaisical approach by law enforcement at the scene. For many, that was because they were given and relied upon inaccurate information. For others, they had enough information to know better.
- n. Despite obvious deficiencies in command and control at the scene which should have been recognized by other law enforcement responders, none approached Chief Arredondo or any of the officers around him or subordinate to him to affirmatively offer assistance with incident command.
- o. Chief Arredondo and the officers around him at the south end of the building were focused on gaining access to the classrooms (through use of a breaching tool, a key, or other means) and protective equipment for officers (through rifle-rated ballistic shields, flashbangs, etc.).
- p. Meanwhile, dozens of law enforcement officers were assembling in the hallway on the north side of the building, stacking up for an assault on the classrooms, and mostly waiting for further instructions pending the arrival of protective gear and breaching equipment.
- q. While 911 received communications from victims inside Rooms 111 and 112, Chief Arredondo did not learn about it because of his failure to establish a reliable method of receiving critical information from outside the building.
- r. Eventually, Chief Arredondo came to understand there probably were casualties inside Rooms 111 and 112. Even if he had received information of surviving injured victims in the classrooms, it is unclear that he would have done anything differently to act “more urgently.”
- s. U.S. Marshals provided a rifle-rated shield and it arrived around 12:20 p.m., approximately 30 minutes before the classroom was finally breached.

- t. While officers acted on the assumption that the doors to Rooms 111 and 112 were locked, as they were designed to be, nobody tested that assumption.
- u. Room 111's door probably was not effectively locked shut.
- v. Chief Arredondo did not actually exercise tactical incident command over the BORTAC team, nor did the BORTAC team seek instruction from Chief Arredondo.
- w. By the time the BORTAC team breached the classrooms, the tactical command inside the building had been de facto assumed by BORTAC.
- x. Acting on effectively the same information available to Chief Arredondo, including an assumption of injured victims in the room, the BORTAC commander on scene waited until arranging a rifle-rated shield and obtaining a working master key before attempting to breach the classrooms.
- y. The Committee has not received medical evidence that would inform a judgment about whether breaching the classroom sooner than the approximately 73 minutes that passed between the first responders' initial arrival at the west building and their eventual breach of the classrooms could have been saved lives or mitigated injuries.
 - i. As described above, it is likely that most of the deceased victims perished immediately during the attacker's initial barrage of gunfire.
 - ii. However, given the information known about victims who survived through the time of the breach and who later died on the way to the hospital, it is plausible that some victims could have survived if they had not had to wait 73 additional minutes for rescue.

I N M E M O R Y O F

Nevaeh Bravo
Jacklyn Cazares
Makenna Elrod
Jose Flores, Jr.
Eliahna Garcia
Irma Garcia
Uziyah Garcia
Amerie Jo Garza
Xavier Lopez
Jayce Luevanos
Tess Mata
Maranda Mathis
Eva Mireles
Alithia Ramirez
Annabell Rodriguez
Maite Rodriguez
Alexandria Rubio
Layla Salazar
Jailah Silguero
Eliahna Torres
Rojelio Torres

GENERAL LAWS
OF THE
TWELFTH LEGISLATURE,
OF THE
STATE OF TEXAS.

CALLED SESSION.

BY AUTHORITY.



AUSTIN:
PRINTED BY TRACY, SIEMERING & CO.
1870.

GENERAL LAWS.

68

CHAPTER XLVI.

AN ACT REGULATING THE RIGHT TO KEEP AND BEAR ARMS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That if any person shall go into any church or religious assembly, any school room or other place where persons are assembled for educational, literary or scientific purposes, or into a ball room, social party or other social gathering composed of ladies and gentlemen, or to any election precinct on the day or days of any election, where any portion of the people of this State are collected to vote at any election, or to any other place where people may be assembled to muster or to perform any other public duty, or any other public assembly, and shall have about his person a bowie-knife, dirk or butcher-knife, or fire-arms, whether known as a six shooter, gun or pistol of any kind, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than fifty or more than five hundred dollars, at the discretion of the court or jury trying the same; provided, that nothing contained in this section shall apply to locations subject to Indian depredations; and provided further, that this act shall not apply to any person or persons whose duty it is to bear arms on such occasions in discharge of duties imposed by law.

SEC. 2. That this act take effect and be in force in sixty days from the passage thereof.

Approved August 12, 1870.

CHAPTER XLVII.

AN ACT AUTHORIZING THE GOVERNOR TO ORDER AN ELECTION TO BE HELD IN HILL COUNTY FOR THE PERMANENT LOCATION OF THEIR COUNTY SEAT.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Governor of the State of Texas be, and is hereby authorized to order an election to be held in the county of Hill, on the second Monday in September, A. D. 1870, (or as soon thereafter as possible), for the permanent location of the county seat of the

GENERAL LAWS.

county of Hill; said election shall be held at such places and under such rules and regulations as the Governor may prescribe.

SEC. 2. That the returns of said election shall be made to the Secretary of State, within twenty days after said election shall have been held, and the town receiving two-thirds of the votes cast shall be the permanent county seat of the county of Hill, but should no place receive two-thirds of the votes cast, the present county seat shall remain the permanent one.

SEC. 3. That the Governor shall, within twenty days after the returns of said election shall have been received, notify the Police Court of the county of Hill of the result of said election.

SEC. 4. That this act be in force from and after passage.
Approved August 12, 1870.

CHAPTER XLVIII.

AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF THE EXPENSES OF MAINTAINING RANGING COMPANIES ON THE FRONTIER.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the sum of seven hundred and fifty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any moneys in the State Treasury (derived from the sale or hypothecation of the bonds of the State issued for frontier protection), for the purpose of paying all expenses connected with the organization, arming and maintenance of the ranging companies on the frontier, called into service under the provisions of the act approved June 13, 1870.

SEC. 2. That this appropriation shall be expended under the direction of the Governor; and the Comptroller of Public Accounts shall, under the special direction of the Governor, audit all claims and accounts incurred for the purposes hereinbefore mentioned, and shall draw his warrant on the Treasurer for the payment of the same.

SEC. 3. That this act shall take effect from and after its passage.
Approved August 12, 1870.

A C T S

OF THE

STATE OF TENNESSEE,

PASSED BY THE FIRST SESSION OF

THE THIRTY-SIXTH GENERAL ASSEMBLY

FOR THE YEARS 1869-70.

PUBLISHED BY AUTHORITY.

NASHVILLE, TENN.:
JONES, PURVIS & CO., PRINTERS TO THE STATE.

1870.

CHAPTER XXI.

AN ACT to Amend An Act, passed on the 13th of March, 1868, entitled "An Act to amend the revenue laws of the State."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That An Act to amend the revenue laws of the State, passed on the 13th day of March, 1868, be so amended as to impose a tax of fifty cents on each room except two in a hotel or tavern, and a tax of fifty cents on each stall in a livery stable, or stable kept by hotel or tavern keepers, instead of one dollar, as now imposed by law. ^{Hotels and Livery Stable}

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage.

W. O'N. PERKINS,
Speaker of the House of Representatives.
D. B. THOMAS,
Speaker of the Senate.

Passed November 27, 1869.

CHAPTER XXII.

AN ACT to Amend the Criminal Laws of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all voters in this State shall be required to vote in the civil district or ward in which they may reside. Any person violating this Act shall be guilty of a misdemeanor, and upon conviction thereof shall not be fined less than twenty nor more than fifty dollars; *Provided,* that sheriffs and other officers holding elections shall be permitted to vote at any ward or precinct in which they may hold an election. ^{To vote in Civil District or Ward.}

SEC. 2. *Be it further enacted,* That it shall not be lawful for any qualified voter or other person attending any election in this State, or for any person attending any fair, race course, or other public assembly of the people, to carry about his person, concealed or otherwise, any pistol, dirk, bowie-knife, Arkansas tooth-pick, or weapon in form, shape ^{Deadly Weapons.}

or size, resembling a bowie-knife, or Arkansas tooth-pick, or other deadly or dangerous weapon.

Penalty. SEC. 3. *Be it further enacted,* That all persons convicted under the second section of this Act shall be punished by fine of not less than fifty dollars, and by imprisonment, or both, at the discretion of the Court.

Liquor Shops. SEC. 4. *Be it further enacted,* That no liquor shop in this State, shall be kept open on election days, nor shall any person, on said days, give or sell intoxicating liquors to any person for any purpose at or near an election ground.

Grand Juries. SEC. 5. *Be it further enacted,* That the grand juries of this State shall have inquisitorial powers concerning the commission of the offenses created by these Acts, and may send for witnesses, as in cases of gaming, illegal voting, tippling and offenses now prescribed by law.

Judges. SEC. 6. *Be it further enacted,* That it shall be the duty of the Circuit and Criminal Judges of this State to give the above in special charge to the several grand juries of the courts.

Proviso. SEC. 7. *Be it further enacted,* That there shall be no property exempt from execution for fines and costs for this offense; *Provided,* That, if from any cause, there should be a failure to hold an election in any civil district or ward, then nothing in this Act shall be so construed as to prevent any voter from voting in any other civil district or ward in his county or town, for State or county officers, at the time prescribed by law.

SEC. 8. *Be it further enacted,* That this Act shall take effect from and after its passage.

W. O'N. PERKINS.

Speaker of the House of Representatives.

D. B. THOMAS,

Speaker of the Senate.

Passed December 1, 1869.

ACTS AND RESOLUTIONS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF GEORGIA,

PASSED IN ATLANTA, GEORGIA,

AT THE

SESSION OF 1870.

COMPILED AND PUBLISHED BY AUTHORITY.

ATLANTA, GEORGIA:
PRINTED BY THE PUBLIC PRINTER.
1870.

To preserve the peace and harmony of the people of this State, etc.

TITLE XVI.

PENAL CODE—AMENDMENTS TO.

SECTIONS.

1. Carrying deadly weapons to certain places prohibited.
2. Violation—misdemeanor—penalty.
3. Chain-gang punishment prohibited.
4. Punishment in lieu of chain-gang.

SECTIONS.

5. Section 415 of the Code changed—*nolle prosequi*.
6. All indictments, etc., submitted to a jury.

(No. 285.)

An Act to preserve the peace and harmony of the people of this State, and for other purposes.

SECTION 1. *Be it enacted, etc.,* That, from and immediately after the passage of this act, no person in said State of Georgia be permitted or allowed to carry about his or her person any dirk, bowie-knife, pistol or revolver, or any kind of deadly weapon, to any court of justice, or any election ground or precinct, or any place of public worship, or any other public gathering in this State, except militia muster-grounds. Carrying deadly weapons to certain places prohibited.

SEC. 2. *Be it further enacted,* That if any person or persons shall violate any portion of the above recited section of this act, he, she or they shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty nor more than fifty dollars for each and every such offense, or imprisonment in the common jail of the county not less than ten nor more than twenty days, or both, at the discretion of the court. Violation a misdemeanor—penalty

SEC. 3. All laws and parts of laws militating against this act are hereby repealed.

Approved October 18, 1870.

(No. 286.)

An Act to alter and amend section 4245 of Irwin's Revised Code, by striking out of said section the words "to work in a chain-gang on the public works," and for other purposes.

SECTION 1. *Be it enacted, etc.,* That the words "to work in a chain-gang on the public works," which occur in fourth and fifth lines of section 4245 of Irwin's Code, be, and the same are hereby, Chain-gang punishment prohibited.

To repeal Section 415 of the Revised Code.

stricken from said section, and chain-gangs shall no longer exist, or be tolerated in the State of Georgia, for persons convicted of misdemeanors.

Punishment in lieu of chain-gang. SEC. 2. *Be it further enacted*, That said section be further amended, by substituting for the words herein stricken out, the words "to work on the city or town streets, or county roads, not longer than six months; but in no case shall such prisoners be chained or otherwise confined in a gang, but shall be guarded."

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with this act be, and they are hereby, repealed.

Approved October 27, 1870.

(No. 287.)

An Act to repeal section four hundred and fifteen (415) of Irwin's Revised Code, in relation to entering nolle prosequis, and to prescribe the mode of settlement in criminal cases.

Section 415 of Code, as to nolle prosequi, repealed. SECTION 1. *Be it enacted, etc.*, That section four hundred and fifteen (415) of Irwin's Revised Code of Georgia, which said section authorizes Solicitors-General in this State to enter a *nolle prosequi* on indictments, be, and the same is hereby repealed, and no *nolle prosequi* shall be allowed, except it be in open court, for some fatal defect in the bill of indictment, to be judged of by the court, in which case the presiding Judge shall order another bill of indictment to be forthwith submitted to the grand jury.

Judge shall order second bill. SEC. 2. *And be it further enacted by the authority aforesaid*, That all cases of indictments, or special presentments, shall be submitted to and passed upon by the jury, under the direction of the presiding Judge, unless there is a settlement thereof between the prosecutor and defendant, which settlement shall be good and valid only by the approval and order of the court on examination into the merits of the case.

All indictments submitted to jury. SEC. 3. *And be it further enacted, etc.*, That all laws and parts of laws conflicting with this act be, and the same are hereby, repealed.

Settlement—when good. Approved October 28, 1870.

LAWS OF MISSOURI,

PASSED AT THE SESSION OF THE

THIRTY-SECOND GENERAL ASSEMBLY,

BEGUN AND HELD AT THE CITY OF JEFFERSON,

WEDNESDAY, JANUARY 3, 1883.

(REGULAR SESSION.)

BY AUTHORITY.



JEFFERSON CITY:
STATE JOURNAL COMPANY, STATE PRINTERS.
1883.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. Any person or persons doing a commission business in this state who shall receive cattle, hogs, sheep, grain, cotton or other commodities consigned or shipped to him or them for sale on commission, and who shall wilfully make a false return to his or their consignor or shipper, in an account of sale or sales of any such cattle, hogs, sheep, grain, cotton or other commodities made and rendered by such person or persons for and to such consignor or shipper, either as to weights or prices, shall be guilty of a misdemeanor and shall, on conviction, be punished by imprisonment in the county jail not exceeding one year, or by a fine not exceeding five hundred dollars nor less than two hundred dollars, or by fine not less than one hundred dollars and imprisonment in the county jail not less than three months.

Approved April 2, 1883.

CRIMES AND CRIMINAL PROCEDURE: CONCEALED WEAPONS.

AN ACT to amend section 1274, article 2, chapter 24 of the Revised Statutes of Missouri, entitled "Of Crimes and Criminal Procedure."

SECTION 1. Carrying concealed weapon, etc., penalty for increased.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. That section 1274 of the Revised Statutes of Missouri be and the same is hereby amended by inserting the word "twenty" before the word "five" in the sixteenth line of said section, and by striking out the word "one" in the same line and inserting in lieu thereof the word "two," and by striking out the word "three" in the seventeenth line of said section and inserting in lieu thereof the word "six," so that said section, as amended, shall read as follows: Section 1274. If any person shall carry concealed, upon or about his person, any deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people are assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill or meetings called under the militia law of this state, having upon or about his person any kind of fire arms, bowie knife, dirk, dagger, slung-shot or other deadly weapon, or shall in the presence of one or more persons exhibit any such weapon in a rude, angry or threatening manner, or shall have or carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall directly or indirectly sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Approved March 5, 1883.

PENAL CODE
OF
STATE OF IDAHO,
1901.

Press of
Capital News Printing Co.,
Boise, Idaho.

person of F. a bodily injury, as while being prosecuted in the magistrate's court for displaying a deadly weapon in a rude, angry and threatening manner in the presence of others, the defendant

was never in any danger of being convicted of an assault with a deadly weapon with intent to inflict bodily harm.—Territory v. Stocker, 9 Mont. 6. 22 Pac. 496.

Section 4781. Persons Other than Officers Carrying Certain Weapons:

It is unlawful for any person, except United States officials, officials of the State of Idaho, county officials, peace officers, guards of any jail, and officers or employees of any express company on duty, to carry, exhibit or flourish any dirk, dirk-knife, sword, sword-cane, pistol, gun or other deadly weapons, within the limits or confines of any city, town or village or in any public assembly of the State of Idaho. Every person so doing is guilty of a misdemeanor and is punishable by fine not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not less than twenty days nor more than fifty days, or by both such fine and imprisonment.

1889, 15th Ses. p. 23, Sec. 1.

Section 4782. Fines Provided in Preceding Section To Whom Paid:

One half of all fines collected under the preceding Section shall be paid to the officer making the arrest, which amount shall be payment in full for his services. The other one half shall be paid into the common School Fund of the county, after deducting the necessary costs of the prosecution of the case.

1889, 15th Ses. p. 23, Sec. 2.

Section 4783. Forcible Entry: Every person using or procuring, encouraging or assisting another to use, any force or violence in entering upon or detaining any lands or other possessions of another, except in the cases and in the manner allowed by law, is guilty of a misdemeanor.

1887 R. S. Sec. 6962; 1874-5 p. 209, Sec. 570.

Forcible entry: See Sec. 3974 C. Civ. Proc.

Section 4784. Taking Repossession of Land: Every person who has been removed from any lands by process of law, or who has removed from any lands pursuant to the lawful adjudication or direction of any court, tribunal, or officer, and who afterwards unlawfully returns to settle, reside upon, or take possession of such lands, is guilty of a misdemeanor.

1887 R. S. Sec. 6963.

CHAPTER CCXVIII.

CRIMES AGAINST THE REVENUE AND PROPERTY OF THE STATE.

Section.
4785. Embezzlement and falsification of accounts by public officers.
4786. Officers neglecting to pay over public moneys.
4787. Public moneys defined.

Section.
4788. Certain officers refusing to pay over fine or forfeiture according to law.
4789. Refusing to give assessor list of property,

SESSION LAWS

OF THE

FIFTEENTH

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF ARIZONA.

SESSION BEGUN ON THE TWENTY-FIRST DAY
OF JANUARY, A. D. 1889.

SEC. 3. This Act shall take effect from and after its passage.

Approved March 18, 1889.

No. 12.

AN ACT

Concerning the Transaction of Judicial Business on Legal Holidays.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. No Court of Justice shall be open, nor shall any Judicial business be transacted on any Legal Holiday, except for the following purposes:

1. To give, upon their request, instructions to a Jury when deliberating on their verdict.
2. To receive a verdict or discharge a Jury.
3. For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature; provided, that the Supreme Court shall always be open for the transaction of business; and provided further, that injunctions, attachments, claim and delivery and writs of prohibition may be issued and served on any day.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in force and effect from and after its passage.

Approved March 18, 1889.

No. 13.

AN ACT

Defining and Punishing Certain Offenses Against the Public Peace.

Be it Enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. If any person within any settlement, town, village or city within this Territory shall carry on or about his person, saddle, or in his saddlebags, any pistol, dirk, dagger, slung shot, sword cane, spear, brass knuckles, bowie knife, or any other kind of knife manufactured or sold for purposes of offense or defense, he shall be punished by a fine of not less than twenty-five nor more than one hundred dollars; and in addition thereto, shall forfeit to the County in which he is convicted, the weapon or weapons so carried.

SEC. 2. The preceding article shall not apply to a person in actual service as a militiaman, nor as a peace officer

LAWS OF ARIZONA.

17

or policeman, or person summoned to his aid, nor to a revenue or other civil officer engaged in the discharge of official duty, nor to the carrying of arms on one's own premises or place of business, nor to persons traveling, nor to one who has reasonable ground for fearing an unlawful attack upon his person, and the danger is so imminent and threatening as not to admit of the arrest of the party about to make such attack upon legal process.

SEC. 3. If any person shall go into any church or religious assembly, any school room, or other place where persons are assembled for amusement or for educational or scientific purposes, or into any circus, show or public exhibition of any kind, or into a ball room, social party or social gathering, or to any election precinct on the day or days of any election, where any portion of the people of this Territory are collected to vote at any election, or to any other place where people may be assembled to minister or to perform any other public duty, or to any other public assembly, and shall have or carry about his person a pistol or other firearm, dirk, dagger, slung shot, sword cane, spear, brass knuckles, bowie knife, or any other kind of a knife manufactured and sold for the purposes of offense or defense, he shall be punished by a fine not less than fifty nor more than five hundred dollars, and shall forfeit to the County the weapon or weapons so found on his person.

SEC. 4. The preceding article shall not apply to peace officers, or other persons authorized or permitted by law to carry arms at the places therein designated.

SEC. 5. Any person violating any of the provisions of Articles 1 and 3, may be arrested without warrant by any peace officer and carried before the nearest Justice of the Peace for trial; and any peace officer who shall fail or refuse to arrest such person on his own knowledge, or upon information from some credible person, shall be punished by a fine not exceeding three hundred dollars.

SEC. 6. Persons traveling may be permitted to carry arms within settlements or towns of the Territory for one-half hour after arriving in such settlements or town, and while going out of such towns or settlements; and Sheriffs and Constables of the various Counties of this Territory and their lawfully appointed deputies may carry weapons in the legal discharge of the duties of their respective offices.

SEC. 7. It shall be the duty of the keeper of each and every hotel, boarding house and drinking saloon, to keep posted up in a conspicuous place in his bar room, or reception room if there be no bar in the house, a plain notice to travelers to divest themselves of their weapons in accordance with Section 9 of this Act, and the Sheriffs of the various Counties

shall notify the keepers of hotels, boarding houses and drinking saloons in their respective Counties of their duties under this law, and if after such notification any keeper of a hotel, boarding house or drinking saloon, shall fail to keep notices posted as required by this Act, he shall, on conviction thereof before a Justice of the Peace, be fined in the sum of five dollars to go to the County Treasury.

SEC. 8. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 9. This Act shall take effect upon the first day of Apr 1, 1889.

Approved March 18, 1889.

No. 14. AN ACT

To Amend Paragraph 492, Revised Statutes.

Be it Enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Paragraph 492, Chapter 5, Title 13, of the Revised Statutes, be amended so as to read as follows: "If he fail to attend in person or by deputy any term of the District Court, the Court may designate some other person to perform the duties of District Attorney during his absence from Court, who shall receive a reasonable compensation to be certified by the Court, and paid out of the County Treasury, which the Court shall by order direct to be deducted from the salary of the District Attorney, if the absence of such Attorney is not excused by such Court."

SEC. 2. That all Acts and parts of Acts in conflict with this Act be, and the same are, hereby repealed.

SEC. 3. That this Act shall take effect and be in force from and after its passage.

Approved March 19, 1889.

No. 15. AN ACT

To Provide for the Payment of Boards of Supervisors of the Counties within the Territory of Arizona.

Be it Enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Each member of the Board of Supervisors within this Territory shall be allowed as compensation for their services Five Dollars per day for each day's actual attendance at the sitting of said Board, at which sitting any County business is transacted; and twenty cents per mile actually traveled

THE

STATUTES OF OKLAHOMA

1890.

Compiled under the supervision and direction of Robert Martin,
Secretary of the Territory,

—BY—

WILL T. LITTLE, L. G. PITMAN and R. J. BARKER,

—FROM—

The Laws Passed by the First Legislative Assembly of this Territory.

GUTHRIE, OKLAHOMA:
THE STATE CAPITAL PRINTING CO.,
PUBLISHERS.
1891.

(2430) § 6. Every person who, with intent to extort any money or other property from another, sends to any person any letter or other writing, whether subscribed or not, expressing or implying, or adapted to imply, any threat, such as is specified in the second section of this article, is punishable in the same manner as if such money or property were actually obtained by means of such threat. Chap. 25.
Sending threatening letter.

(2431) § 7. Every person who unsuccessfully attempts by means of any verbal threat such as is specified in the second section of this article, to extort money or other property from another is guilty of a misdemeanor. Attempting to export money.

ARTICLE 47.—CONCEALED WEAPONS.

SECTION.

1. Prohibited weapons enumerated.
2. Same.
3. Minors.
4. Public officials, when privileged.
5. Arms, when lawful to carry.

SECTION.

6. Degree of punishment.
7. Public buildings and gatherings.
8. Intent of persons carrying weapons.
9. Pointing weapon at another.
10. Violation of certain sections.

(2432) § 1. It shall be unlawful for any person in the Territory of Oklahoma to carry concealed on or about his person, saddle, or saddle bags, any pistol, revolver, bowie knife, dirk, dagger, slung-shot, sword cane, spear, metal knuckles, or any other kind of knife or instrument manufactured or sold for the purpose of defense except as in this article provided. Prohibited weapons enumerated.

(2433) § 2. It shall be unlawful for any person in the Territory of Oklahoma, to carry upon or about his person any pistol, revolver, bowie knife, dirk knife, loaded cane, billy, metal knuckles, or any other offensive or defensive weapon, except as in this article provided. Same.

(2434) § 3. It shall be unlawful for any person within this Territory, to sell or give to any minor any of the arms or weapons designated in sections one and two of this article. Minors.

(2435) § 4. Public officers while in the discharge of their duties or while going from their homes to their place of duty, or returning therefrom, shall be permitted to carry arms, but at no other time and under no other circumstances: *Provided, however,* That if any public officer be found carrying such arms while under the influence of intoxicating drinks, he shall be deemed guilty of a violation of this article as though he were a private person. Public officials, when privileged.

(2436) § 5. Persons shall be permitted to carry shot-guns or rifles for the purpose of hunting, having them repaired, or for killing animals, or for the purpose of using the same in public muster or military drills, or while travelling or removing from one place to another, and not otherwise. Arms, when lawful to carry.

(2437) § 6. Any person violating the provisions of any one of the foregoing sections, shall on the first conviction be adjudged guilty of a misdemeanor and be punished by a fine of not less than twenty-five dollars nor more than fifty dollars, or by imprisonment in the county jail not to exceed thirty days or both at the discretion of the court. On the second and every subsequent con- Degree of punishment.

Chap. 25. viction, the party offending shall on conviction be fined¹ not less than fifty dollars nor more than two hundred and fifty dollars or be imprisoned in the county jail not less than thirty days nor more than three months or both, at the discretion of the court.

Public build-
ings and gather-
ings.

(2438) § 7. It shall be unlawful for any person, except a peace officer, to carry into any church or religious assembly, any school room or other place where persons are assembled for public worship, for amusement, or for educational or scientific purposes, or into any circus, show or public exhibition of any kind, or into any ball room, or to any social party or social gathering, or to any election, or to any place where intoxicating liquors are sold, or to any political convention, or to any other public assembly, any of the weapons designated in sections one and two of this article.

Intent of per-
sons carrying
weapons.

(2439) § 8. It shall be unlawful for any person in this Territory to carry or wear any deadly weapons or dangerous instrument whatsoever, openly or secretly, with the intent or for the avowed purpose of injuring his fellow man.

Pointing
weapons at an-
other.

(2440) § 9. It shall be unlawful for any person to point any pistol or any other deadly weapon whether loaded or not, at any other person or persons either in anger or otherwise.

Violation of
section seven.

(2441) § 10. Any person violating the provisions of section seven, eight or nine of this article; shall on conviction, be punished by a fine of not less than fifty dollars, nor more than five hundred and shall be imprisoned in the county jail for not less than three not more than twelve months.

ARTICLE 48.—FALSE PERSONATION AND CHEATS.

SECTION.

1. False impersonation, punishment for.
2. False impersonation and receiving money.
3. Personating officers and others.
4. Unlawful wearing of grand army badge.
5. Fines, how paid.
6. Obtaining property under false pretenses.

SECTION.

7. False representation of charitable purposes.
8. Falsely representing banking corporations.
9. Using false check.
10. Holding mock auction.

Punishment
for false imper-
sonation.

(2442) § 1. Every person who falsely personates another, and in such assumed character, either:

First. Marries or pretends to marry, or to sustain the marriage relation toward another, with or without the connivance of such other person; or,

Second. Becomes bail or surety for any party, in any proceeding whatever, before any court or officer authorized to take such bail or surety; or,

Third. Subscribes, verifies, publishes, acknowledges or proves, in the name of another person, any written instrument, with intent that the same may be delivered or used as true; or,

Fourth. Does any other act whereby, if it were done by the person falsely personated, he might in any event become liable to any suit or prosecution, or to pay any sum of money, or to incur any charge, forfeiture or penalty, or whereby any benefit might accrue to the party personating, or to any other person.

A. D.
1776.



chosen to that office until the first day of October in the year of our Lord One Thousand Seven Hundred and Seventy-eight, provided the freemen think proper to re-elect them at every general election; and the present Sheriffs and Coroners respectively shall continue to exercise their offices as heretofore until the Sheriffs and Coroners to be elected on the said twenty-first day of October shall be commissioned and sworn into office. The Members of the Legislative Council and Assembly shall meet for transacting the business of the state on the twenty-eighth day of October next, and continue in office until the first day of October which will be in the year One Thousand Seven Hundred and Seventy-seven; on which day, and on the first day of October in each year forever after, the Legislative Council, Assembly, Sheriffs and Coroners, shall be chosen by ballot in manner directed by the several laws of this state for regulating elections of Members of Assembly and Sheriffs and Coroners; and the General Assembly shall meet on the twentieth day of the same month for the transacting the business of the state; and if any of the said first and twentieth days of October should be Sunday, then and in such case the elections shall be held and the General Assembly meet the next day following.

and meeting of
the Legislature
under this con-
stitution.

of the freedom
of election.

ART. 28. To prevent any violence or force being used at the said elections, no persons shall come armed to any of them; and no muster of the militia shall be made on that day, nor shall any battalion or company give in their votes immediately succeeding each other, if any other voter who offers to vote objects thereto; nor shall any battalion or company in the pay of the Continent, or of this or any other state, be suffered to remain at the time and place of holding the said elections, nor within one mile of the said places respectively for twenty-four hours before the opening said elections, nor within twenty-four hours after the same are closed, so as in any manner to impede the freely and conveniently carrying on the said election: *Provided always*, That every elector may in a peaceable and orderly manner give in his vote on the said day of election.

ART. 29. There shall be no establishment of any
one

L A W S

OF THE

STATE OF NEW-YORK,

PASSED BY THE

LEGISLATURE AT THEIR TENTH SESSION.

CHAP. I.

AN ACT concerning the rights of the citizens of this State.

PASSED the 26th of January, 1787.

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted and declared by the authority of the same.

All author-
ity derived
from State

First, That no authority shall, on any pretence whatsoever be exercised over the citizens of this State but such as is or shall be derived from and granted by the people of this State.

Right of
property
and per-
sonal lib-
erty.

Second, That no citizen of this State shall be taken or imprisoned or be disseised of his or her freehold or liberties of free customs or outlawed or exiled or condemned or otherwise destroyed, but by lawful judgment of his or her peers or by due process of law.

Third That no citizen of this State shall be taken or imprisoned for any offence upon petition or suggestion unless it be by indictment or presentment of good and lawful men of the same neighbourhood where such deeds be done, in due manner or by due process of law.

Id.

Fourth That no person shall be put to answer without presentment before justices, or matter of record, or due process of law according to the law of the land and if any thing be done to the contrary it shall be void in law and holden for error.

Id.

Fifth That no person, of what estate or condition soever shall be taken or imprisoned, or disinherited or put to death without being brought to answer by due process of law, and that no person shall be put out of his or her franchise or freehold or lose his or her life or limb, or goods and chattels, unless he or she be duly brought to answer and be forejudged of the same by due course of law and if any thing be done contrary to the same it shall be void in law and holden for none.

Sixth That neither justice, nor right shall be sold to any person, nor denied nor deferred; and that writs and process shall be granted freely and without delay to all persons requiring the same and nothing from henceforth shall be paid or taken for any writ or process but the accustomed fee for writing and for the seal of the same writ or process and all fines duties and impositions whatsoever heretofore taken or demanded under what name or description soever, for or upon granting any writs, inquests, commissions or process to suitors in their causes shall be and hereby are abolished.

Justice to be free.

Seventh That no citizens of this State shall be fined or amerced without reasonable cause and such fine or americiament shall always be according to the quantity of his or her trespass or offence and saving to him or her, his or her contenment; That is to say every freeholder saving his freehold, a merchant saving his merchandize and a mechanick saving the implements of his trade.

Fines to be proportioned to offense; contements.

Eighth That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Excessive bail prohibited.

Ninth That all elections shall be free and that no person by force of arms nor by malice or menacing or otherwise presume to disturb or hinder any citizen of this State to make free election upon pain of fine and imprisonment and treble damages to the party grieved.

Elections to be free.

Tenth That it is the right of the citizens of this State to petition the person administering the government of this State for the time being, or either house of the legislature and all commitments and prosecutions for such petitioning are illegal.

Right of petition.

Eleventh That the freedom of speech and debates and proceedings in the senate and assembly shall not be impeached or questioned in any court or place out of the senate or assembly.

Freedom of speech in legislature.

Twelfth That no tax duty aid or imposition whatsoever shall be taken or levied within this State without the grant and assent of the people of this State by their representatives in senate and assembly and that no citizen of this State shall be by any means compelled to contribute to any gift loan tax or other like charge not set laid or imposed by the legislature of this State; *And further*, that no citizen of this State shall be constrained to arm himself or to go out of this State or to find soldiers or men of arms either horsemen or footmen, if it be not by assent and grant of the people of this State by their representatives in senate and assembly.

Taxes to be laid only by authority of legislature.

Thirteenth That by the laws and customs of this State the citizens and inhabitants thereof cannot be compelled against their wills to receive soldiers into their houses and to sojourn them there and therefore no officer military or civil nor any other person whatsoever shall from henceforth presume to place, quarter or billet any soldier or soldiers upon any citizen or inhabitant of this State of any degree or profession whatever without his or her consent and that it shall and may be lawful for every such citizen and inhabitant to refuse to sojourn or quarter any soldier or soldiers notwithstanding any command order warrant or billeting whatever.

Billeting of soldiers prohibited.

LAWS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF PENNSYLVANIA,

PASSED AT THE

SESSION OF 1873,

In the Ninety-seventh year of Independence.

WITH AN APPENDIX.

BY AUTHORITY.

HARRISBURG:
BENJAMIN SINGERLY, STATE PRINTER.
1873.

No. 808.

An Act

Authorizing the electors of the borough of Lykens, in the county of Dauphin, to elect one supervisor for said borough, et cetera.

SECTION 1. *Be it enacted, &c.,* That the qualified electors of the borough of Lykens, in the county of Dauphin, on the third Friday of March, one thousand eight hundred and seventy-three, and every succeeding March election thereafter, elect but one supervisor for said borough instead of two supervisors; and that all laws heretofore enacted in relation thereto be and the same are hereby repealed.

APPROVED—The 10th day of April, A. D. 1873.

J. F. HARTRANFT.

No. 809.

An Act

To repeal an act for the appointment of an auctioneer for the county of Westmoreland, approved twentieth March, one thousand eight hundred and sixty-nine.

SECTION 1. *Be it enacted, &c.,* That the act providing for the appointment of an auctioneer for the county of Westmoreland, approved the twentieth day of March, Anno Domini one thousand eight hundred and sixty-nine, be and the same is hereby repealed.

APPROVED—The 10th day of April, A. D. 1873.

J. F. HARTRANFT.

No. 810.

An Act

To prevent the carrying of deadly weapons within the city of Harrisburg.

SECTION 1. *Be it enacted, &c.,* That any person who shall carry any pistol, dirk-knife, slung-shot or deadly weapon

within the city limits of Harrisburg, except police officers, shall be deemed guilty of misdemeanor, and being convicted thereof, shall be sentenced to undergo an imprisonment or be fined in any sum of not less than fifty dollars, or both, at the discretion of the court, and in case of non payment of the fine so imposed, shall be imprisoned for a period of not less than three months, and be required to give security for future good behavior. The fines collected shall be paid into the city treasury for the use of said city.

APPROVED—The 12th day of April, A. D. 1873.

J. F. HARTRANFT.

No. 811.

An Act

To incorporate the Mountain Grove Camp-Meeting Association of the Methodist Episcopal Church.

Corporators

SECTION 1. *Be it enacted, &c.,* That Reverends Samuel Barnes and Samuel Creighton, Messrs. J. M. Shoop, N. P. John, M. W. Jackson, B. G. Welch, Stephen Turnbaugh, E. M. Wartin, A. J. Amerman, J. R. Cleaver and Joseph Smith, with such other person or persons, citizens of this state and of any other state, as may associate with them, and their successors, be and they hereby are created a body politic and corporate in law by the name, style and title of the Mountain Grove Camp-Meeting Association of the Methodist Episcopal Church, for the purpose of providing and maintaining for the members and friends of the Methodist Episcopal church a proper, convenient, desirable and permanent camp-meeting ground and christian family resort; and by the name of the Mountain Grove Camp-Meeting Association of the Methodist Episcopal Church, shall have perpetual succession, and be able to sue and be sued in any court of law or equity, and may have and use a common seal, and the same at their pleasure alter and renew; and shall have power to purchase and hold such real and personal estate, and erect such buildings and improvements thereon as they may deem necessary, proper or desirable for the purposes and objects of the corporation, and the same, or any part thereof, to dispose of in parcels or otherwise, by lease, or in fee simple, or otherwise, on such terms, conditions and restrictions, not repugnant to the laws of this state or the United States, as they may see fit; and the said corporation shall have authority to receive gifts or bequests, by will or otherwise, for the purpose of ornamenting, improving and maintaining the camp-ground of said association. The managers of the said corporation shall have power to borrow money to any amount, not ex-

Title.

Purpose.

Powers and privileges.

Managers may borrow money.

ACTS

AND

JOINT RESOLUTIONS

PASSED BY

THE GENERAL ASSEMBLY

OF THE

STATE OF VIRGINIA

DURING THE

SESSION OF 1877-78.

RICHMOND:

R. F. WALKER, SUPERINTENDENT PUBLIC PRINTING.

1878.

ACTS OF ASSEMBLY.

Penalty ished by a fine not exceeding one hundred dollars, or by imprisonment in jail not exceeding six months.

Cruelty to animals; profanity and drunkenness.

Cruelty to animals 15. If a person cruelly beat or torture any horse, animal or other beast, whether his own or that of another, he shall be fined not exceeding fifty dollars.

Profanity and drunkenness 16. If any person, arrived at the age of discretion, profanely curse or swear, or get drunk, he shall be fined by a justice one dollar for each offence.

Penalty

Violation of the Sabbath.

Violation of Sabbath 17. If a person, on a Sabbath day, be found laboring at any trade or calling, or employ his apprentices or servants in labor or other business, except in household or other work of necessity or charity, he shall forfeit two dollars for each offence; every day any servant or apprentice is so employed constituting a distinct offence.

Penalty

Exceptions as to the mail, and as to certain persons.

Transportation of mail excepted 18. No forfeiture shall be incurred under the preceding section for the transportation on Sunday of the mail, or of passengers and their baggage. And the said forfeiture shall not be incurred by any person who conscientiously believes that the seventh day of the week ought to be observed as a Sabbath, and actually refrains from all secular business and labor on that day: provided he does not compel an apprentice or servant, not of his belief, to do secular work or business on Sunday, and does not on that day disturb any other person.

Exception as to certain religionists

Proviso

Sale of intoxicating liquors prohibited between certain hours 19. No bar-room, saloon, or other place for the sale of intoxicating liquors, shall be opened, and no intoxicating bitters or other drink shall be sold in any bar-room, restaurant, saloon, store, or other place, from twelve o'clock on each and every Saturday night of the week, until sunrise of the succeeding Monday morning; and any person violating the provisions of this section, shall be deemed guilty of a misdemeanor, and, if convicted, shall be punished by fine not less than ten nor more than five hundred dollars; and shall, moreover, at the discretion of the court, forfeit his license: provided that this law shall not apply to any city having police regulations on this subject, and an ordinance inflicting a penalty equal to the penalty inflicted by this section.

Penalty

Proviso

Disturbance of religious worship 20. If a person willfully interrupt or disturb any assembly met for the worship of God, or being intoxicated, if he disturb the same, whether willfully or not, he shall be confined in jail not more than six months, and fined not exceeding one hundred dollars, and a justice may put him under restraint during religious worship, and bind him for not more than one year to be of good behavior.

Penalty

ACTS OF ASSEMBLY.

21. If any person carrying any gun, pistol, bowie-knife, dagger, or other dangerous weapon, to any place of worship while a meeting for religious purposes is being held at such place, or without good and sufficient cause therefor, shall carry any such weapon on Sunday at any place other than his own premises, shall be fined not less than twenty dollars. If any offence under this section be committed at a place of religious worship, the offender may be arrested on the order of a conservator of the peace, without warrant, and held until warrant can be obtained, but not exceeding three hours. It shall be the duty of justices of the peace, upon their own knowledge, or upon the affidavit of any person, that an offence under this section has been committed, to issue a warrant for the arrest of the offender.

Carrying dangerous weapons at a place of worship or on Sunday

Penalty

Offenders subject to arrest without warrant

Duty of justice where he knows of offence under this section

Protection of religious assemblies; prohibition against sale of liquors or other things near such meetings; proviso.

22. If any person shall erect, place, or have any booth, stall, tent, carriage, boat, vessel, vehicle, or other contrivance whatever, for the purpose or use of selling, giving, or otherwise disposing of any kind of spirituous and fermented liquors, or any other articles of traffic; or shall sell, give, barter, or otherwise dispose of any spirituous or fermented liquors, or any other articles of traffic within three miles of any camp-meeting, or other place of religious worship, during the time of holding any meeting for religious worship at such place, such person, on conviction before a justice of the peace, for the first offence, shall be fined not less than ten dollars, nor more than twenty dollars, and stand committed to jail until the fine and costs are paid; and for the second offence, shall be fined as aforesaid, and be imprisoned not less than ten nor more than thirty days.

Sale of liquors, &c., prohibited

Penalty

Penalty for second offence

23. If any person shall commit any offence against the provisions of the preceding section, he shall, in addition to the penalties therein mentioned, forfeit all such spirituous or fermented liquors, and other articles of traffic, and all the chests and other things containing the same, belonging to and in the possession of the person so offending, together with such booth, stall, tent, carriage, boat, vessel, vehicle, or other contrivance or thing prepared and used in violation of said section; and it shall be the duty of any sheriff, deputy sheriff, or constable, if he sees any person violating the preceding section, to arrest the offender and carry him before a justice of the peace. The sheriff, deputy sheriff, or constable, when he arrests the offender, shall seize the property hereby declared to be forfeited, or shall seize the same on a warrant against the offender, if such offender cannot be found; and the justice of the peace before whom such offender is convicted, or before whom the warrant is returned that the offender cannot be found, shall enter judgment of condemnation against such property, and issue a fieri facias for the

Additional penalty

Duty of sheriffs, &c., to arrest offender and seize the property

Judgment of condemnation

ACTS OF ASSEMBLY.

Pl. fa. to issue Proviso sale thereof: provided the person who has been returned not found, and whose property has been condemned in his absence, may appear at any time before the sale of the property and have the case tried as if he had appeared at the return of the warrant.

To whom provisions not to apply Proviso 24. The provisions of the two preceding sections shall not apply to any licensed tavern-keeper, merchant, shop-keeper, farmer, or other person in the usual and lawful transaction of his ordinary business, in the usual place of transacting such business, or to any person having permission, in writing from the superintendent of such meeting, to sell such articles as may be named in such permission: provided this permission shall not extend to the sale of any spirituous or fermented liquors.

Right of appeal.

Right of appeal preserved Proviso Persons proceeded against not subject to answer before grand jury 25. Nothing in this chapter shall prevent the courts of record from exercising their common law or statutory jurisdiction in all cases for disturbing public worship: provided that the party convicted under the twenty-second or twenty-third sections of this chapter shall have the right to appeal to the next county court for the county where the conviction is had, upon giving bail for his appearance at court, and upon such appeal shall be entitled to a trial by jury: and provided further, that when any person or persons are proceeded against under the twenty-second or twenty-third sections of this chapter, he or they shall not be held to answer for the same offence before any grand jury or court of record, except as herein provided.

Temporary police force for religious meetings.

Temporary police authorized 26. The supervisor, or any justice of the magisterial district where the meeting is held, shall have power to appoint a temporary police to enforce the provisions of this chapter.

CHAPTER VIII.

OF OFFENCES AGAINST PUBLIC HEALTH.

Selling unsound provisions.

Sale of unsound provisions Penalty 1. If a person knowingly sell any diseased, corrupted, or unwholesome provisions, whether meat or drink, without making the same known to the buyer, he shall be confined in jail not more than six months, and fined not exceeding one hundred dollars.

L A W S .
OF THE
STATE OF MISSISSIPPI,
PASSED AT A REGULAR SESSION
OF THE
MISSISSIPPI LEGISLATURE,
HELD IN THE
CITY OF JACKSON.

Commencing Jan. 8th, 1878, and Ending March 5th, 1878.

PRINTED BY AUTHORITY.

JACKSON, MISS.
POWER & BARKSDALE, STATE PRINTERS.
1878.

CHAPTER XLVI.

AN ACT to prevent the carrying of concealed weapons,
and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi.* That any person, not being threatened with, or having good and sufficient reason to apprehend an attack, or traveling (not being a tramp) or setting out on a journey, or peace officers, or deputies in discharge of their duties, who carries concealed, in whole or in part, any bowie knife, pistol, brass knuckles, slung shot or other deadly weapon of like kind or description, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished for the first offence by a fine of not less than five dollars nor more than one hundred dollars, and in the event the fine and cost are not paid shall be required to work at hard labor under the direction of the board of supervisors or of the court, not exceeding two months, and for the second or any subsequent offence, shall, on conviction, be fined not less than fifty nor more than two hundred dollars, and if the fine and costs are not paid, be condemned to hard labor not exceeding six months under the direction of the board of supervisors, or of the court. That in any proceeding under this section, it shall not be necessary for the State to allege or prove any of the exceptions herein contained, but the burden of proving such exception shall be on the accused.

When concealed weapons may be carried.

Penalty for carrying weapons.

Burden of proof on accused.

SEC. 2. *Be it further enacted,* That it shall not be lawful for any person to sell to any minor or person intoxicated, knowing him to be a minor or in a state of intoxication, any weapon of the kind or description in the first section of this Act described, or any pistol cartridge, and on conviction shall be punished by a fine not exceeding two hundred dollars, and if the fine and costs are not paid, be condemned to hard labor under the direction of the board of supervisors or of the court, not exceeding six months.

Minors, or persons intoxicated.

Minor under 16 years.

SEC. 3. *Be it further enacted*, That any father, who shall knowingly suffer or permit any minor son under the age of sixteen years to carry concealed, in whole or in part, any weapon of the kind or description in the first section of this Act described, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than twenty dollars, nor more than two hundred dollars, and if the fine and costs are not paid, shall be condemned to hard labor under the direction of the board of supervisors or of the court.

Students.

SEC. 4. *Be it further enacted*, That any student of any university, college or school, who shall carry concealed, in whole or in part, any weapon of the kind or description in the first section of this Act described, or any teacher, instructor, or professor who shall, knowingly, suffer or permit any such weapon to be carried by any student or pupil, shall be deemed guilty of a misdemeanor, and, on conviction, be fined not exceeding three hundred dollars, and if the fine and costs are not paid, condemned to hard labor under the direction of the board of supervisors or of the court.

Tax fee of justice.

SEC. 5. *Be it further enacted*, That each justice of the peace before whom a conviction is had, shall, in addition to the costs now allowed by law, be entitled to a tax fee of two dollars and a half.

Act to be read in courts

SEC. 6. *Be it further enacted*, That immediately after the passage of this Act, the Secretary of State shall transmit a copy to each circuit judge in the State, who shall cause the same to be read in open court on the day for the calling of the State docket of the court.

SEC. 7. *Be it further enacted*, That this Act take effect from and after its passage.

APPROVED, February 28, 1878.

THE
GENERAL LAWS
 OF THE
Commonwealth of Massachusetts
 PASSED AT THE
JANUARY SESSION, 1837.

NOTE. [The omitted chapters are those which contain the Special Statutes.]

CHAPTER 1.

AN ACT CONCERNING THE SURPLUS REVENUE OF THE UNITED STATES.

Treasurer authorized to receive, &c., Commonwealth's proportion of public money.

THE treasurer and receiver general of this Commonwealth is hereby authorized to receive, on the terms prescribed in the thirteenth section of the act of Congress, entitled, "an act to regulate the deposits of the public money," approved the twenty-third day of June, eighteen hundred and thirty-six, the proportion of the moneys thereby directed to be deposited with the several states, which may according to the provisions of that section be deposited with this state; and to sign, and deliver to the secretary of the treasury of the United States, such certificates of deposit therefor as may be required under the provisions of that section; and to pledge the faith of this state for the safe keeping and repayment thereof, in such manner as may be necessary to entitle the treasurer and receiver general to receive, for and in behalf of this state, said proportion of the moneys before mentioned. [January 19, 1837.]

Treasurer authorized to receive, &c., Commonwealth's proportion of public money.

And to sign certificates of deposit, &c.

CHAPTER 13.

AN ACT RELATING TO THE SALARY OF THE SERGEANT AT ARMS.

Salary of Sergeant at Arms increased.

FROM and after the first day of January, one thousand eight hundred and thirty-seven, the sergeant at arms shall receive an annual salary of one thousand dollars, instead of eight hundred and fifty dollars, as provided in the sixty-fifth section of the thirteenth chapter of the Revised Statutes. [February 14, 1837.]

Salary \$1,000.

CHAPTER 240.

AN ACT CONCERNING THE MILITIA.

SECTION

1. Who shall be enrolled in the militia, and included in military returns.
2. Who shall appoint division inspectors, &c.
3. When commissions of staff officers expire.
4. Adjutant general to present his account to governor and council in February.
5. How military returns shall be made; penalties for neglect; by whom penalties sued for.
6. Certain yearly returns dispensed with; majority of voters present may elect

SECTION

- company officers.
7. On what terms members of voluntary companies exempted from duty in standing company.
8. Division inspector to keep roster, &c.; his compensation.
9. How fines, &c. of members of volunteer companies may be collected and disposed of.
10. When towns required to provide powder, &c.: forfeiture for not providing.
11. Sections of former statute repealed.

Who shall be enrolled in the militia, and included in military returns.

SECT. 1. Every able-bodied white male citizen resident within this Commonwealth, who is, or shall be, of the age of eighteen, and under the age of forty five years, excepting idiots, lunatics, common drunkards, vagabonds, paupers, and persons convicted of any infamous crime, shall be enrolled in the militia, and included in the military returns: *provided*, that nothing herein contained shall be so construed as to render any of the exemptions mentioned in the first, second and third sections of the twelfth chapter of the Revised Statutes, liable to do military duty otherwise than is therein provided.

Who shall appoint division inspectors, &c.

SECT. 2. Division inspectors and division quarter masters shall hereafter be appointed by the respective major generals, and approved by the commander in chief.

When commissions of staff officers expire.

SECT. 3. The commissions of all staff officers, appointed by any commanding officer, shall expire after the commanding officer shall be discharged or vacate his commission, as soon as his successor is commissioned.

Adjutant general to present his account to governor and council in February.

SECT. 4. The adjutant general shall annually, in the month of February, lay before the governor and council, for adjustment, an account of all expenditures of money made by him as adjutant general and acting quarter master general, with vouchers to support the same; and such accounts shall be settled by the governor and council.

How military returns shall be made; penalties for neglect; by whom penalties sued for.

SECT. 5. The military returns shall continue to be made, as provided in the thirty first and thirty second sections of the twelfth chapter of the Revised Statutes, excepting, that every commanding officer of a brigade shall make and transmit returns of the state of his brigade, to the commanding officer of the division to which he belongs, in the month of July annually; and every commanding officer of such division shall make and transmit returns of the state of his division to the adjutant general in the month of August annually. And the penalty for neglecting to make the returns as provided for in the thirty first and thirty second sections of the twelfth chapter of the Revised Statutes, and in this section, shall be as follows:

Every captain or commanding officer of a company, who shall

neglect to make returns, for each instance of such neglect, ten dollars.

Every commanding officer of a regiment or separate battalion, who shall neglect to make returns, for each instance of such neglect, twenty-five dollars.

Every commanding officer of a brigade, who shall neglect to make returns, for each instance of such neglect, fifty dollars.

Every commanding officer of a division, who shall neglect to make returns, for each instance of such neglect, seventy-five dollars.

Every brigade major and inspector who shall neglect to make returns, for each instance of such neglect, fifty dollars.

The above fines and forfeitures to be prosecuted for by the officer to whom the respective returns should be made, in any court of competent jurisdiction, and paid into the treasury of the Commonwealth.

SECT. 6. So much of the one hundred and fourteenth section of the twelfth chapter of the Revised Statutes as requires clerks of companies to make annual returns to the brigade majors, and the brigade majors to the commander-in-chief; and so much of the fifty-eighth section of the twelfth chapter of the Revised Statutes as requires a majority of the qualified voters of the company to be present at an election of officers, is hereby repealed; and a majority of the legal voters present at any company election, duly notified, may elect company officers.

Certain yearly returns dispensed with; majority of voters present may elect company officers.

SECT. 7. No non-commissioned officer or private of any company raised at large, shall be required to perform military duty in the standing company within whose limits he resides: *provided*, that when notified of his enrolment in such standing company, or otherwise requested, he shall produce within ten days, to the commanding officer of such standing company, a certificate from the commanding officer of his own company, that he is a member thereof; and if any such non-commissioned officer or private remove out of the limits within which his company is raised, he shall continue to be a member thereof.

On what terms members of volunteer companies exempted from duty in standing company.

SECT. 8. The division inspector of each division shall constantly keep a correct roster of the division to which he belongs, and an orderly book, in which he shall record all orders received and issued; and he shall receive annually the same compensation which is now by law allowed to the oldest aid-de-camp of each major general; and so much of the twenty-seventh section of the twelfth chapter of the Revised Statutes as provides that the oldest aid-de-camp of each major general shall keep such roster and orderly book, is hereby repealed.

Division inspector to keep roster, &c.; his compensation.

SECT. 9. All fines and forfeitures, incurred by the members of volunteer companies, may be collected by such persons and disposed of in such manner, for the benefit of said companies, as a majority of the members thereof may determine.

How fines, &c. of members of volunteer companies may be collected and disposed of.

SECT. 10. Whenever in the opinion of the commander-in-chief it shall be necessary, he shall issue his proclamation, requiring all towns to provide, and deposit in some suitable and convenient place therein, sixty-four pounds of good powder; one hundred pounds of musket balls, each of the eighteenth

When towns required to provide powder, &c.; forfeiture for not providing.

part of a pound; one hundred and twenty-eight flints suitable for muskets; three copper, iron, or tin camp kettles, for every sixty-four soldiers enrolled in said town; and the same proportion of the aforesaid articles for a greater or less number, and so to keep the same, until he shall by proclamation declare the same no longer necessary.

Any town which shall neglect to provide and keep deposited all or any of the aforesaid articles, as above required, shall forfeit the sum provided in the one hundred and sixth section of the twelfth chapter of the Revised Statutes.

Sections of former statute repealed.

SECT. 11. The forty-sixth and forty-seventh sections of the twelfth chapter, and all other provisions of the Revised Statutes which are inconsistent with this act, are hereby repealed. [April 20, 1837.]

CHAPTER 241.

AN ACT RELATING TO COMMON SCHOOLS.

| SECTION | SECTION |
|--|---|
| 1. Board of education, how constituted; term of office, &c. | 3. Board to make yearly report of its doings, with suggestions, &c. |
| 2. Board to make yearly abstract of school returns: May appoint a secretary; his duty, &c. | 4. Governor may draw for secretary's salary. |

Board of education, how constituted; term of office, &c.

SECT. 1. His excellency the governor, with the advice and consent of the council, is hereby authorized to appoint eight persons, who, together with the governor and lieutenant governor ex officio, shall constitute and be denominated the board of education; and the persons so appointed shall hold their offices for the term of eight years: *provided*, the first person named in said board shall go out of office at the end of one year, the person next named shall go out of office at the end of two years, and so of the remaining members, one retiring each year, and in the order in which they are named, till the whole board be changed; and the governor, with the advice and consent of the council as aforesaid, shall fill all vacancies in said board, which may occur from death, resignation or otherwise.

Board to make yearly abstract of school returns.

SECT. 2. The board of education shall prepare and lay before the Legislature, in a printed form, on or before the second Wednesday of January, annually, an abstract of the school returns received by the secretary of the Commonwealth, and the said board of education may appoint their own secretary, who shall receive a reasonable compensation for his services, not exceeding one thousand dollars per annum, and who shall, under the direction of the board, collect information of the actual condition and efficiency of the common schools, and other means of popular education, and diffuse as widely as possible throughout every part of the Commonwealth, information of the most approved and successful methods of arranging the studies and conducting the education of the young, to the end that all children in this Commonwealth, who depend upon common schools for instruction, may have the best education which those schools can be made to impart.

May appoint a secretary; his duty, &c.

PUBLIC LAWS

OF THE

STATE OF MAINE.

Chapter 252.

AN ACT providing for the acceptance of the public money, apportioned to the State of Maine, on deposit, by the Government of the United States.

Be it enacted by the Senate and House of Representatives in Legislature assembled, That the Treasurer of this State is hereby authorized to receive on the terms prescribed in the thirteenth section of the Act of Congress, entitled "An Act to regulate the deposits of the public money," approved the twenty-third day of June, eighteen hundred and thirty-six, the proportion of the moneys thereby directed to be deposited with the several States which may, according to the provisions of that section, be deposited with this State, and to sign and deliver to the Secretary of the Treasury of the United States such certificates of deposits therefor as may be required under the provisions of that section, and to pledge the faith of this State for the safe keeping and repayment thereof in such manner as may be necessary to entitle the Treasurer to receive, for and in behalf of this State, said proportion of the monies before mentioned.

Treasurer of State to receive the proportion of surplus funds belonging to Maine.

[Approved by the Governor January 26, 1837.]

MILITIA.

missioned Officer or private so appointed, shall refuse or neglect to perform all or any of the duties of said office during said term, (except keeping the records,) he shall forfeit and pay not less than ten nor more than twenty dollars. And in case of the absence, sickness, or other inability of the Clerk of any Company, the commanding Officer thereof may appoint a Clerk pro tempore; or upon satisfactory evidence that no member of the Company will accept the office pro tempore, he may order any non-commissioned Officer or private in like manner to perform all the duties of the office of Clerk (except keeping the records,) until the Clerk shall be able to perform the same, or some other person be appointed, not exceeding the term of three months; and any person so ordered, refusing or neglecting to perform all the duties of said office (except keeping the records,) shall forfeit and pay not less than ten nor more than twenty dollars. In all such cases the records of the Company shall be kept by the commanding Officer as long as such vacancy, absence, sickness or other inability shall continue; and the records so kept shall be competent evidence of such orders and temporary appointments, as well as of all other matters of which such records would be evidence if kept by the Clerk.

Penalty for their refusing to perform said duty.

—Clerk pro tempore may be appointed in case of absence or sickness of Clerk.

Penalty for refusing to perform said duty.

Records to be kept by commanding Officer, and to be competent evidence.

SECT. 4. *Be it further enacted,* That all fines and forfeitures incurred in neglecting military duty, by members of any Company without Officers, (except forfeitures for refusing to give notice when ordered by the Officer detailed to command such Company, as provided in the second section of this Act or by the commanding Officer of the Regiment; and except forfeitures incurred by Clerks in neglecting to return the roll as required by the first section of this Act,) shall be prosecuted and collected by the Officer detailed to command said Company as provided in the second section of this Act, substantially in the manner that Clerks of Companies are

How fines are to be collected and how to be disposed of.

authorized and required to do by "An Act to organize, govern and discipline the Militia of this State," passed March 5, A. D. 1834, to which this is additional; one half of the amount recovered to be to the use of the Regiment, and the other half to the use of the Officer; and the Officer so prosecuting shall be a competent witness in the case. All fines and forfeitures incurred under the first, second and third sections of this Act, shall be recovered by indictment, or by action on the case, by any person whatever, one half of the sum recovered to be to the use of the State, and the other half to the use of the prosecutor.

No idiot, lunatic, common drunkard, vagabond, pauper, or person convicted of any infamous crime to be eligible for office,—nor unless able bodied, &c., &c.

Persons ineligible not to be commissioned.

—vacancy to be filled.

Students in Colleges made liable to do military duty.

Verbal notice to appear on a future day may be given on parade.

SECT. 5. *Be it further enacted,* That no idiot, lunatic, common drunkard, vagabond, pauper, nor any person convicted of any infamous crime, nor any other than white, able-bodied, male citizens, shall be eligible to any office in the Militia; and whenever it shall appear to the Commander-in-Chief, that any person thus ineligible has received a majority of votes cast at any election of Officers, he shall not commission him, but, with the advice and consent of the Council, shall declare said election null and void, and appoint some person to fill the vacancy.

SECT. 6. *Be it further enacted,* That all students attending any of the several colleges, academies or seminaries of this State, shall be holden and compelled to do military duty as other persons, in the town where said colleges, academies or seminaries are established.

SECT. 7. *Be it further enacted,* That whenever any Company shall be paraded, the commanding Officer thereof is hereby authorized verbally to notify the men so paraded, to appear on some future day not exceeding thirty days from the time of such notification, for any military duty required by law, and such notification shall be legal as it respects the men present.

MILITIA.

SECT. 8. *Be it further enacted,* That all commanding officers, subaltern Officers, and all Clerks of Companies be and they hereby are made competent witnesses in law, to testify to all or any facts within their knowledge, in any suit commenced by said Clerk or commanding Officer, for the collection of any fine or forfeiture named in this Act, or in the several Acts to which this is additional.

Officers and Clerks of Companies made witnesses.

SECT. 9. *Be it further enacted,* That whenever any action shall have been commenced, for any fine or forfeiture, by any Clerk of any Company, and said Clerk shall die, resign or refuse, or in any other way be disqualified to prosecute said suit so commenced, it shall be lawful and is hereby made the duty of the commanding Officer of the Company, to assume and prosecute said suit to final judgment and execution; and whenever any fine or forfeiture shall have been incurred by any private or non-commissioned Officer of any Company, and there shall be no Clerk, or the Clerk shall resign or die, or be disqualified, it shall be lawful for any Clerk appointed after said fine or forfeiture has been incurred, to sue for and recover the same; *Provided* said action shall be commenced within the time prescribed by law.

In case of death of Clerk, commanding Officer, to continue prosecution for fines to final judgment—and to commence them where there is no Clerk.

SECT. 10. *Be it further enacted,* That a copy of the record of any Court Martial, certified by the President of such Court, together with a duly authenticated copy of the order convening said Court, shall be conclusive and sufficient evidence to sustain in any Court, any action commenced for the recovery of any fine and costs, or part costs, or either, agreeably to the provisions of an Act to which this is additional.

Copy of records of Courts Martial made evidence in cases.

SECT. 11. *Be it further enacted,* That if any Captain or commanding Officer shall neglect or refuse to make, or cause to be made, a return of the state of his Company as it existed on the day of the annual inspection in May, to the command-

Fine imposed on commanding Officers who neglect to make returns of the May inspection.

JUNE, 1843.

At the General Assembly of the STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
 begun and holden by adjournment, at Newport, with-
 in and for said State, on the third Monday of June,
 in the year of our Lord one thousand eight hundred
 and forty-three, and of Independence the sixty-
 seventh.

PRESENT :

His Excellency JAMES FENNER, Governor :

His Honor BYRON DIMAN, Lieutenant Governor.

SENATORS FROM THE SEVERAL TOWNS :

| | |
|-------------------|-----------------------|
| Newport, | EDWARD W. LAWTON. |
| Providence, | ALBERT C. GREENE, |
| Portsmouth, | JOHN MANCHESTER. |
| Warwick, | JOHN BROWN FRANCIS. |
| Westerly, | |
| New-Shoreham, | SIMON R. SANDS. |
| North-Kingstown, | JEFFREY DAVIS. |
| South-Kingstown, | ELISHA R. POTTER. |
| East-Greenwich, | WILLIAM GREENE. |
| Jamestown, | GEORGE C. CARR. |
| Smithfield, | ISAAC WILKINSON. |
| Scituate, | JOB RANDALL. |
| Glocester, | SAMUEL STEERE. |
| Charlestown, | ASA CHURCH, Jun. |
| West-Greenwich, | GEORGE DAWLEY. |
| Coventry, | ELISHA HARRIS. |
| Exeter, | SAMUEL PHILLIPS. |
| Middletown, | JOSEPH I. BAILEY. |
| Bristol, | NATHANIEL BULLOCK. |
| Tiverton, | DAVID DURFEE. |
| Little-Compton, | NATHANIEL CHURCH. |
| Warren, | JOSEPH SMITH. |
| Cumberland, | OLNEY BALLOU. |
| Richmond, | ISRAEL ANTHONY. |
| Cranston, | ANSON POTTER. |
| Hopkinton, | JOSIAH W. LANGWORTHY. |
| Johnston, | CYRUS BROWN. |
| North-Providence, | LEVI C. EATON. |
| Barrington, | JAMES BOWEN. |
| Foster, | SAMUEL TILLINGHAST. |
| Burrillville, | OTIS WOOD. |

THE SECRETARY.

GEORGE RIVERS, Esq. Clerk.

MILITIA LAW.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

In General Assembly, June Session, A. D. 1843.

AN ACT TO REGULATE THE MILITIA.

It is enacted by the General Assembly as follows :

Of the Enrolled Militia.

Section 1. Every able bodied white male citizen, in this State, who is or shall be of the age of eighteen years, and not exceeding the age of forty-five years, excepting persons absolutely exempted by the provisions of this act, and idiots, lunatics, common drunkards, paupers, vagabonds, and persons convicted of any infamous crime, shall be enrolled in the militia, as hereinafter provided.

Sec. 2. In addition to the persons exempted from military duty by the act of Congress, there shall also be exempted from the performance of such duty, the following persons to wit: all persons who have holden the office of Governor, or Lieutenant Governor; all persons who, after the last day of February, A. D. 1796, shall have holden any military commission or commissions, or staff office, with the rank of an officer of the line, for the space of five years successively, and who shall have been engaged thereon according to law, and been honorably discharged; and also all persons who shall have holden any such military commission or commissions, or staff office aforesaid, for a less term than five years, and who have been superseded without their consent.

Sec. 3. Persons of the following descriptions, as long as they shall remain of said descriptions, shall be exempted from the performance of military duty, to wit: the justices and clerks of the supreme judicial court, the justices and clerks of

the courts of common pleas, the Secretary of State, the Attorney General, the General Treasurer, the sheriff of each county, one ferryman at each stated ferry, who usually navigates the boat, the keepers of light houses within this State, all settled or ordained ministers of the gospel, the president, professors, tutors, students, and steward of Brown University, the town councils of the several towns, the Mayor and Aldermen of the city of Providence, town and city treasurers, town and city clerks, practising physicians, practising surgeons—not including the pupils of either—preceptors and ushers of academics and schools, and engine men ; and provided that no engine shall have more than twenty men, unless otherwise provided by special enactment ; the members of fire hook and ladder companies, and chartered fire hose companies ; all persons belonging to the Society of Friends, commonly called Quakers, and the inhabitants of the towns of New-Shoreham and Jamestown, and of the island of Prudence, and such others as shall make oath or affirmation that they are conscientiously scrupulous against bearing arms, which fact shall appear to the commanding officer, by certificate of the magistrate before whom said oath or affirmation was given.

Sec. 4. It shall be the duty of the assessors of taxes in each town in this State, and in the city of Providence, annually to prepare a list or roll of all persons liable to be enrolled in the militia, as provided in the first section, together with all persons liable to do duty in case of invasion, insurrection, riot, and tumult, living within their respective limits, whether such persons be or be not attached to any chartered or regimental companies ; and to place the same in the hands of the town clerk of such town, and of the said city of Providence, and it shall be the duty of every such clerk to record such list or roll of names in a proper book of record, to be kept for that purpose, in every town in this State, and in the city of Providence. Annual returns of the militia, thus enrolled, shall be transmitted to the Adjutant General in the month of October, in each and every year, by the clerks aforesaid, and by him to the President of the United States. It shall also be the duty of said assessors to assess upon the persons liable to be enrolled in the militia as aforesaid, except in the towns of New Shoreham and Jamestown, and that portion of the town of Portsmouth forming the island of Prudence, a tax of fifty

cents each annually, distinguishing said tax in their assessment, as a tax in commutation of military duty, which tax shall be collected with the State taxes, on property of said person, if any; and if none, then with the town taxes, if any, in the same manner as by law is provided for the collection of State and town taxes; and if no property tax be assessed against him, then this tax shall be collected in manner aforesaid, by itself. The several collectors of taxes shall be entitled to retain five per cent. of the amount of this tax, so by them collected, in full compensation for their services for collection, and they are hereby required to keep by itself this tax assessed and collected for militia duty, and to pay over the same to the General Treasurer on or before the first day of January in each year. No such tax shall be collected of any person who holds a military commission, or who shall produce a certificate from the commanding officer of a regimental company, that he has been enrolled and done duty therein according to law for at least one day within a year preceding the assessment of said tax, or who, whether as a commissioned officer, non-commissioned officer or private, has, within the terms of this act, been superseded or honorably discharged.

Sec. 5. Every keeper of a tavern or boarding-house, and every master or mistress of a family or dwelling house, shall, upon application of the assessors of taxes of the town or city within which such tavern or house is situated, or on application of any person acting under the direction and authority of such assessors, give information of the names of all persons residing in such tavern or house, liable to enrollment, or to do military duty.

Sec. 6. If any non-commissioned officer or private shall become a pauper, vagabond or common drunkard, or be convicted of any infamous crime, he shall be forthwith disenrolled from the militia.

Of the Active Militia.

Sec. 7. The active militia of this State shall consist and be composed of the several chartered corps now existing, who shall within sixty days after the passage of this act, voluntarily accept by vote the provisions of this act, and communicate the same to the Adjutant General, which acceptance shall be irrevocable, and of all military companies which may be hereafter

chartered. Said companies shall be drilled and disciplined as battalions as well as companies, and as the peace establishment of the State, and as nurseries of officers, shall be called regimental companies, or reduced regiments. The active militia shall in all cases be first ordered into service in case of war or invasion, or to prevent invasion, or to suppress insurrection, riot or tumult, or to aid civil officers in the execution of the laws of the State.

Sec. 8. Whenever forty men shall have enrolled themselves as a corps of artillery or infantry, or thirty-two men as a corps of cavalry, and have been uniformed as hereinafter required, and it shall be made to appear to the General Assembly that they are desirous to serve the State, as a portion of the militia force thereof, they shall be entitled to a charter in conformity with the system by this act established; *Provided, however*, that the number of such companies shall not exceed thirty, and that hereafter they shall be formed in the proportion of one regimental company to five hundred enrolled militia in the several towns or districts where such companies may be located, including in such proportion, the existing companies: and *provided further*, that every such regimental company may admit members to the number of five hundred, any thing in the charters of said companies to the contrary notwithstanding.

Sec. 9. Whenever any corps of the active militia hereafter chartered, shall at any time be destitute of commissioned officers, and having been twice ordered to fill vacancies, shall neglect or refuse to fill them, or shall be reduced to a less number than twenty privates in a corps of cavalry, or thirty in a corps of infantry or artillery, and remain so reduced for three months, such corps may be disbanded by the General Assembly.

Organization.

Sec. 10. The whole militia of this State shall be arranged in one division; the militia of the county of Newport shall form the first brigade: the militia of the county of Providence the second: the militia of the county of Washington the third: the militia of the county of Kent the fourth: and the militia of the county of Bristol the fifth brigade.

Sec. 11. The brigades shall consist of the several regimental companies or reduced regiments, in their respective limits, now existing, or hereafter to be raised. The said regimental companies or regiments shall be numbered through the divis-

ion according to the dates of their respective charters. In compensation for their services, every member of the active militia who shall be returned to the General Treasurer, as hereinafter provided, as having done military duty four times in the year next preceding the return, in any regimental company in this State, shall be entitled to an equal proportional part of the tax for militia duty collected and paid into the General Treasury as aforesaid, not exceeding the sum of five dollars a year to each man. In the month of January of each year the General Treasurer shall apportion the sum received as a tax for militia duty, as aforesaid, amongst the active militia, and issue certificates to the members of the several regimental companies returned as hereinafter provided, payable to their individual order, for their proportional part of the whole amount of said tax by him received, not exceeding five dollars per man as aforesaid, *Provided however*, the members of no existing chartered company of this State, who shall not accept the provisions of this act, and conform thereto, shall be entitled to receive the compensation aforesaid.

Sec. 12. Every non-commissioned officer and soldier, of any regimental company who shall have done duty therein, according to law for the term of seven years, from the time of his enlistment, and shall have received an honorable discharge, shall not be compelled to do duty in the militia, except in time of war or invasion, or to prevent an invasion, or of insurrection, riot or tumult. Such discharge upon the completion of the term of service aforesaid, shall be given by the commanding officer of the brigade, upon the application of the commanding officer of the regimental company to which such private or non-commissioned officer may belong.

How Officered.

Sec. 13. The officers and non-commissioned officers of the militia shall be as follows, to wit: the Governor, for the time being, shall be Captain-General and Commander-in-Chief; and he shall command, except when the militia shall be called into the service of the United States; and he shall be entitled to appoint his own aids, with the rank of Colonel. There shall be one Major General, two aids of the Major General, with the rank of Major, and a Military Secretary, with the rank of Captain; one Division Inspector with the rank of Lieutenant

Colonel; one Adjutant General, with the rank of Brigadier General; one Quarter-master General, with the rank of Brigadier General: The Adjutant General and the Quarter-master General, with the assent of the Commander-in-Chief, to appoint a sufficient number of assistants with the rank of Captain; one Commissary General, with the rank of Colonel; one Paymaster General, with the rank of Colonel; one Surgeon General, to appoint, with the assent of the Commander-in-Chief, a sufficient number of assistants; one Purveyor General of Hospitals. To each Brigade there shall be one Brigadier General; one Aid, with the rank of Captain; one Brigade Inspector, who is also to serve as Brigade Major, with the rank of Major; one Brigade-Quarter Master, with the rank of Captain. To each regimental company or regiment, there shall be one Colonel, one Lieutenant Colonel, one Major, one Adjutant, with the rank of Captain, one Quarter-master, one Paymaster, each with the rank of Lieutenant; one Surgeon, one Chaplain, one Sergeant Major and one Sergeant-Quarter-Master, one Drum Major, and one Fife Major, and the necessary number of non-commissioned officers. In time of war or insurrection, when new levies are drafted into said regimental companies or regiments, as hereinafter provided, to each company of infantry, light infantry, and riflemen, there shall be one Captain, one first Lieutenant, one second Lieutenant, and one third Lieutenant, five Sergeants and four Corporals; to each company of artillery there shall be one Captain, one first Lieutenant, one second Lieutenant, and one third Lieutenant, five Sergeants, four Corporals, and three Drivers; to each company of cavalry there shall be one Captain, one first Lieutenant, one second Lieutenant, one third Lieutenant, five Sergeants, four Corporals, one Saddler, one Farrier, and one or more Trumpeters.

Sec. 14. Whenever the office of Major General, Brigadier General, Colonel, Lieutenant Colonel, Major-commandant, or Captain, shall be vacant, or such officer be sick or absent, the officer next in rank shall command the division, brigade, regiment, battalion or company, as the case may be, until the vacancy be supplied; and whenever the office of Adjutant General and Quarter-master General shall be vacant, the duties thereof shall be performed by the senior Assistant Adjutant,

and senior Assistant Quarter-master General, until the same be filled.

Sec. 15. Whenever a company belonging to a regiment or regimental company, filled up by drafts or levies shall have neither commissioned nor non-commissioned officers, the commanding officer of the regiment to which such company belongs, shall appoint suitable persons of said company to be non-commissioned officers of the same; and the senior non-commissioned officer of a company without officers shall command the same, except upon parade, and except as provided in the following section.

Sec. 16. Whenever any such company shall, from any cause, be without officers, the commanding officer of the regiment to which such company belongs, may detail some officer of the staff, or of the line of the regiment, to train and discipline said company, until some officer shall be elected or appointed by the Commander-in-Chief, as provided in the nineteenth section, and such officer, so detailed, shall have the same power and authority, and be subject to the same liabilities, as if he were Captain in said company; and he shall keep the records of the Company.

Of Elections and Appointments of Commissioned and Non-commissioned Officers.

Sec. 17. The officers of the line and general staff of the militia shall be elected as follows, to wit: Division Inspector, Adjutant General, Quarter-master General, Commissary General, Pay-master General, Surgeon General, Purveyor General of Hospitals, by the General Assembly: the officers of regimental companies, as by their charters is or may be provided; Brigadier Generals upon the nominations of the Colonels, Lieutenants Colonels and Majors of their respective brigades, by the General Assembly; the Major General, upon the nomination of the several Brigadier Generals, by the General Assembly; Brigade Inspectors and Brigade Quarter-masters by the General Assembly, upon the nomination of their respective Brigade Generals; or, if there be no such nominations, or improper nominations, the above offices shall be filled by the General Assembly; aids to the Commander-in-Chief shall be appointed by the Commander-in-Chief; aids and military secretary of the Major General, by the Major General; aids to

the Brigadier Generals, by the respective Brigadier Generals; Adjutants, Pay-masters, Quarter-masters, and Chaplains of regiments, by the respective Colonels; Surgeons and Assistant-surgeons of regiments, by the respective Colonels, with the approval of the Surgeon General. *Provided, however,* that the General Assembly shall, for the year 1843, elect the Major General and the Brigadier Generals, who shall hold their commissions until the first Tuesday of May, 1844, and until their successors are qualified to act. *And provided further,* that the Commander-in-Chief shall issue commissions agreeably to the provisions of this act, to all the officers of such chartered companies now existing, who may accept the provisions of this act as aforesaid.

Sec. 18. Any person elected Major General, shall be forthwith notified of his election by the Secretary of State; and shall, within twenty days after such notice, signify to the Secretary his acceptance of said office, or shall be considered as having declined.

Sec. 19. Whenever any regimental company is filled up by drafts or otherwise to a regiment, it shall consist of eight companies of sixty men each, and the Commander-in-Chief shall have power to appoint a sufficient number of commissioned officers therefor, from such regimental companies; and in case of such filling up of regimental companies, the Captains of the respective companies therein shall have power to appoint a sufficient number of non-commissioned officers for their respective companies.

Sec. 20. No officer, non-commissioned officer, or private shall be arrested on any civil process, while going to, or returning from, or remaining at any place which he shall have been ordered to attend, for the election of any military officer, or the performance of any military duty.

Of Commissions.

Sec. 21. All commissions for officers shall be signed by the Commander-in-Chief, and countersigned by the Secretary of State, and shall be for the term of five years, except in case of regimental companies already chartered, who shall be governed as to the returns of their officers elected, and terms of the commissions of their officers by their charters; warrants for regimental, staff, and non-commissioned officers, shall be

signed and issued by the Colonels of the regimental companies or the regiments respectively; and of non-commissioned officers of companies, by the commander thereof.

Sec. 22. All commissioned officers of the same grade shall take rank according to the respective dates of their commissions; and when two or more of the same grade bear an equal date, their rank shall be determined by lot, to be drawn by them before the commanding officer of the division, brigade, regimental company or regiment, company or detachment, or the President of a court martial, as the case may be. The day of election or appointment of any officer shall be the date of his commission; and whenever he shall be transferred to another corps or station of the same grade, the date of his original commission or appointment shall be the date of his commission: *Provided, however,* that the first commissions issued under this act to officers of companies who shall within sixty days from and after the rising of this General Assembly voluntarily accept the provisions of the same, shall, for the purpose of rank and command, bear date on the same day.

Sec. 23. Whenever any officer shall lose his commission, he shall be entitled to a duplicate commission of the same grade and date, on his affidavit made before a justice of any court in this State, on application to the Commander-in-Chief.

Sec. 24. All commissions shall be delivered to the Adjutant General, and by him to the persons for whom they are intended.

Sec. 25. All brigade or field officers to whom commissions shall be sent or delivered, by the Adjutant General, shall signify to him their acceptance or refusal of such office, within thirty days after the receipt of the commissions. In case the person elected shall refuse his commission, or neglect to return any answer, that office shall be deemed vacant, and a new election may take place.

Officers, how qualified.

Sec. 26. Each commissioned officer, before he shall enter on the discharge of the duties of his office, shall take and subscribe the following oath and declarations, before some Justice of the Peace, or other magistrate, or town clerk: on the back of each commission the following form of the oath shall be printed, to

wit: "I, do solemnly swear, (or affirm,) that I will bear true faith and allegiance to the State of Rhode-Island and Providence Plantations; that I will support the Constitution and laws thereof, and the Constitution and laws of the United States; and that I will faithfully and impartially discharge all the duties incumbent upon me as to the best of my abilities and understanding, according to the laws of this State, and of the United States; so help me God." (Or, "this I promise on the pains and penalties of perjury:") On the back of each commission, the following form of certificate shall be printed, and signed by the person before whom such officer shall be qualified, to wit: "This may certify, that commissioned within named, appeared before me this day of A. D. , and took and subscribed the oath and declarations prescribed by the laws of this State, before me." (Signed, &c.)

Officers, how discharged.

Sec. 27. Any officer who shall have holden any commission or commissions in the militia of this State during the term of five years in succession, and faithfully performed the duties of the same, shall be honorably discharged, on his application, to the Commander-in-Chief, and shall forever after be exempt from the performance of military duty, except in time of war, invasion of, or insurrection, riot or tumult within this State: and no officer shall be discharged, unless on his own application, or unless in cases hereinafter provided.

Sec. 28. All resignations shall be in writing, and shall be approved and certified as follows: the resignation of the Major General shall be made to, and approved by the Commander-in-Chief; the resignation of a Brigadier General, shall be approved by the Major General; the resignation of a field officer shall be approved by the Brigadier General of the brigade to which such field officer belongs; and the resignation of a Captain or subaltern officer, shall be approved by the commanding officer of the regimental company or regiment to which such Captain or subaltern shall belong. And the Major General, Brigadier General, or commanding officer of a regimental company or regiment who shall approve of any resignation aforesaid, shall certify the same to the Commander-in-Chief, who shall have the power to allow or disallow thereof, at his discretion. And no officer shall be considered as having resigned

his commission, unless the same shall have been approved and certified as aforesaid, and allowed by the Commander-in-Chief.

How Armed and Equipped.

Sec. 29. Each chartered regimental company of light infantry, grenadiers, and riflemen, raised at large, shall be furnished with muskets or rifles, and every such company of cavalry, with sabres, belts, and pistols, and every such company of artillery with muskets, if applied for, and with swords and belts, on application to the Quarter-master General, and on delivering to him a sufficient bond, signed by the officers of such company, for the safe keeping and return of the same when required by the Commander-in-Chief, and producing to him satisfactory evidence that a suitable armory or place of deposite for such muskets or rifles has been provided in the town or city within which said company is situated; which arms so furnished shall be carefully kept for the use of such company for military purposes only. The Commander-in-Chief may, from time to time, require any officer to examine the armory or place of deposite provided as aforesaid, and report to him the condition thereof, and of the arms therein deposited. Whenever any arms are furnished as aforesaid, to any regimental company formed from different towns, the same shall be deposited in the town within which the greatest number of said company may vote to establish their armory, or place of deposite.

Sec. 30. Each regimental company of artillery shall be provided by the Quarter-master General or officer acting as such, with two good brass field pieces, of such calibre as the Commander-in-Chief shall direct, with carriages and apparatus complete; with an ammunition cart, forty round shot, forty rounds of cannister shot, tumbrils, harness, implements, laboratory and ordnance stores, which may, from time to time, be necessary for their complete equipment for the field; and a quantity of powder, annually, not exceeding one hundred pounds, to be expended on days of inspection and review, and in experimental gunnery: and the commanding officer of each regimental company shall be accountable for the preservation of the pieces, apparatus and ammunition aforesaid, and for the proper expenditure of the ammunition.

Sec. 31. In case of new levies in time of war or insurrec-

tion, the Commander-in-Chief shall arm, equip and furnish them out of the States Arsenal.

Discipline, Inspection, Training and Review.

Sec. 32. The system of discipline and field exercise, from time to time ordered for the army of the United States, shall be the system of discipline and field exercise for the militia of this State.

Sec. 33. Each commanding officer of a regimental company shall order out his company on the third Monday of May, annually, at nine o'clock in the forenoon, for inspection and drill, and shall keep his company under orders at least until four o'clock, P. M., and longer if he deems it necessary; and he shall inspect, examine, and take an exact account of the equipments of his men, note all delinquencies of appearance and deficiencies of equipments, and correct his roll, in order that a thorough inspection may be made of all the militia in this State: and every commanding officer of a regimental company shall faithfully train and discipline his company on said day, as well as inspect them.

Sec. 34. The active militia of this State shall in the month of September or October of each year, meet by brigade, for the purpose of training, disciplining and improving them in martial exercises; the places of brigade rendezvous shall be appointed by the brigadier general, and the days of the brigade rendezvous by the Major General. The trainings above mentioned are to be included in the number of trainings prescribed by the charters of the regimental companies: *Provided, however,* that the Major General shall have power to divide any brigade, for the purpose of the brigade training, in such manner as from their position the convenience of the regimental companies therein may from time to time require.

Sec. 35. Each brigade, when in the field, shall take rank according to its number, beginning at the lowest number as highest in rank; and each regimental company shall form according to the rank of the officers present commanding them, having due regard to the arm of the service to which said corps belong, and when such regiment is filled up by drafts or levies, according to the number of each regiment; and when distinct corps shall parade, join, or do duty together, the senior officer present shall command, without regard to corps.

Sec. 36. Every commanding officer when on duty is hereby authorised to ascertain and fix necessary bounds and limits to his parade, not including any road on which people travel, so as to obstruct the same or prevent their passing, within which no spectator shall have a right to pass or enter, without leave from such commanding officer, and the commanding officer of any battalion or regimental company may put under guard every person who shall encroach upon the parade ground ; and also any spectator or bystander who shall abuse, molest, or strike any one when on parade or under arms.

Sec. 37. The brigadier generals, brigade inspectors, and brigade quartermasters, shall attend the inspections and reviews of their respective brigades ; shall inspect their arms, ammunition, and equipments ; superintend their exercises and evolutions, and introduce and enforce the system of discipline required by law and by the orders of the commander-in-chief.

Sec. 38. No non-commissioned officer or private, shall unnecessarily, or without orders from his superior officer, come on to any place of parade, with his musket, rifle, or pistol loaded with balls, slugs, shot, or other dangerous substance, or shall so load the same while on parade.

Sec. 39. No officer, non-commissioned officer, or private, shall be compelled to do military duty on any day appointed for town, city or ward meetings, or for the election of any civil officer, in the town or city in which he shall reside, except on the third Monday in May, unless it be in case of invasion, insurrection, riot or tumult threatened ; and no doings of any town, city, or ward meeting, and no election of civil officers, holden on the third Monday in May, shall be valid, or of any legal force.

Sec. 40. Nothing herein contained shall prevent any company from meeting at any time for drill, funeral, or any other voluntary duty, nor to impair the corporate privileges of any chartered company, nor any lawful articles of agreement adopted by any company so far as relates to those who have voluntarily signed the same, not inconsistent herewith.

Sec. 41. All general orders shall be distributed by the Adjutant General ; all division orders by one of the aids of the Major General ; all brigade orders, by the Brigade Major ; all regimental orders, by the Adjutant ; and company orders, by any non-commissioned officer, or private, when required by the

commanding officer. *Provided however*, that if the Adjutant General or Brigade Major shall be sick, absent or unable to distribute such orders, or either of such offices shall be vacant, the orders may be distributed by any other officer detailed for that purpose by the officer issuing the orders.

Sec. 42. The commander-in-chief shall have power to order out the whole or any part of the militia, as may seem to him expedient, for review, the performance of escort, and other duties.

Rolls and Returns.

Sec. 43. A fair and correct roll of each regimental company shall be kept by the adjutant, with the state of the arms and equipments belonging to each man ; and said officer shall keep an orderly book of all orders received or issued, and all accounts of all fines, from whom received, and when and for what cause.

Sec. 44. Each commanding officer of a regimental company, shall, on or before the fifteenth day of November, in each and every year, make out a fair and correct roll of his company, containing the christian and surname of all the men belonging thereto, alphabetically arranged, and place opposite the name of each, the equipments and the quality of equipments of each, whether good or bad, and which of said men had done military duty within the year, for one or more days, and on what days, and at what trainings ; and shall on or before said first day of November, deliver the same to the Brigade Inspector. The brigade majors and inspectors shall make a like return of the state of their respective brigades to the Adjutant General, annually, on and before the 20th day of December. And the Adjutant General shall make duplicate abstracts of the active militia, one to be delivered to the commander-in-chief, who shall present the same to the General Assembly, and the other to be delivered in the month of January, to the Major General. Each commanding officer of a regimental company shall make a like return under oath to the General Treasurer, on or before the first day of January in each year, of all the members of his company, who have been duly equipped and have done military duty according to law for at least four days in the year preceding the time of such return.

Sec. 45. The Adjutant General shall furnish blank forms of rolls and of the various returns that may be required, at the expense of the State ; and explain the principles on which

they are to be made out ; and the roll shall be kept up as prescribed.

Sec. 46. Every regimental company shall have an appropriate uniform. Every officer of the line, and every staff officer, shall provide himself with a uniform complete, which shall be such as the commander-in-chief shall prescribe, and subject to such limitations, restrictions, and limits, and alterations as he may order.

Sec. 47. Every officer, non-commissioned officer and private, shall hold his uniform, arms, ammunition, and equipments free from all suits, distresses, executions, or sales for debt or taxes.

Of Drafts, and calling the Militia into service.

Sec. 48. Whenever in case of war, invasion, threatened invasion, or insurrection, the commander-in-chief shall deem it necessary to increase the active militia of this State, he shall have power to order a draft or levy to be made from the enrolled militia in any town or city, into any or all of the regimental companies thereof, of such number of men as he may judge the exigency of the case requires, or if there be no regimental company in such town or city, may order them into any of the regimental companies of the brigade in the limits of which such town or city may be situated, directing his order therefor to the town council of the town, or to the mayor and aldermen of the city, in which such draft is to be made.— Whenever such order is made and directed as aforesaid, it shall be the duty of the town council, or mayor and aldermen, to appoint a time and place of parade for the enrolled militia in each town or city, and to order them to appear at the time and place, either leaving a written notice or orally, and then and there proceed to draft as many thereof, or to accept as many volunteers, as is required by the commander-in-chief ; and the mayor and aldermen or town council shall notify the commander-in-chief forthwith that they have performed the aforesaid duty. Whenever the said regimental companies shall be filled up by drafts or levy as aforesaid, the commander-in-chief may arrange the regiment so filled up into companies as he may think fit, and commission the officers of the same as provided in the 19th section.

Sec. 49. Whenever any invasion of the State, or any in-

surrection, riot, or tumult shall be made in any part of the State, the commander-in-chief shall call out the militia or any part thereof, as he may deem expedient or necessary, to suppress or repel the same; and he may order out the division or any brigade, brigades, regimental companies, regiments, companies or company, or any portions of the same, or cause any number of men to be detached or drafted from them, and cause officers to be detailed, which with those attached to the troops, shall be sufficient to organize the forces; and if such invasion or insurrection, or any imminent danger thereof, be so sudden in any part of the State, that the commander-in-chief cannot be informed, and his orders received and executed in season to suppress or repel the same, the Major General may order out the division or any part thereof, as the commander-in-chief might do; and when any troops are in the field for such purposes, the senior officer of said troops, present, shall command until the commander-in-chief, or some officer detailed by him, shall appear to take the command.

Sec. 50. Whenever any draft from the militia into the service of the United States, shall be ordered, the non-commissioned officers and privates, except so many as shall voluntarily offer to serve, shall be drafted by lot, from the company, and the officers detailed from the roll.

Sec. 51. If any company without officers be ordered to march, or any draft or detachment therefrom ordered, the commanding officer of the regiment to which said company belongs, shall detail some officer to command them, who shall have the same authority to command them to appear, and to command them in the field, and to make any draft or detachment therefrom, as though he were captain of said company, and shall have the same responsibility.

Sec. 52. Every officer who, when ordered to march to the place of rendezvous, shall unnecessarily neglect to do so, or who shall otherwise disobey any lawful order, shall be punished as is hereinafter provided; and every soldier ordered out, drafted or detached, who shall not appear at the time and place appointed, armed and equipped as commanded, shall be punished as hereinafter provided; and each non-commissioned officer and private shall take with him provisions for at least three days, when so ordered.

Sec. 53. When in any county in this State, there shall be

any tumult, riot, mob, or any body of men acting together, with intent to commit felony, to offer violence to persons or property, or in any other way to resist the laws of the State by force of arms, or by violence, or when any of said acts shall be threatened, and the fact made to appear to the commander-in-chief, or to the sheriff of said county, or to either of the justices of the court of common pleas in such county, or, if in the city of Providence, to the mayor of said city in the first instance, or in his absence, to the board of aldermen, the commander-in-chief shall issue his order, or such justice, sheriff, mayor, or board of aldermen, shall issue his or their precept, properly signed, directing the commanding officer of the division, brigade, regimental company or company, as the cause may be, to order out his command, or any part of the same, to suppress such riot, tumult or mob, and to prevent the perpetration of any such felony, or act of unlawful violence.

Sec. 54. The officer to whom any such order or precept shall be directed, as named in the foregoing section, shall forthwith order out the troops therein required, to parade at the time and place appointed; and if he shall refuse to obey such order or precept, or if any officer under his command shall refuse to obey an order issued under such order or precept, he shall be punishable as hereinafter provided; and any non-commissioned officer or private, who shall neglect or refuse to appear at the time and place of parade, or to obey any lawful order issued in such case, shall suffer the penalty hereinafter provided.

Surgeons and Assistant Surgeons.

Sec. 55. No surgeon, or assistant surgeon, nor any physician, shall take any gratuity whatsoever from any person, for a certificate for inability to perform military duty on account of bodily infirmity; and it shall be the duty of such, to examine critically, the cases of all applicants for such certificates, and not to grant any certificate for bodily infirmity or inability unless such infirmity or inability be, beyond all doubt, such as to render the applicant unable to perform military duty; and any surgeon, assistant surgeon, or physician who shall violate the provisions of this section, shall be liable to be punished as hereinafter provided.

Sec. 56. Whenever any regiment may be without a surgeon,

or assistant surgeon, or when any person may claim to be exempt from military duty by reason of bodily infirmity or disability, and shall not reside within ten miles of the surgeon or assistant surgeon of the regiment, any respectable physician within said distance, may grant him a certificate, subject to the restrictions contained in the preceding section ; and the commanding officer of any regimental company is authorised to exempt any person of his company from military duty, on the presentation of such certificate from the surgeon or assistant surgeon, or a physician as aforesaid, either for a longer or shorter period, not exceeding one year, as in the judgment of the commanding officer, the case may demand.

Of Fines and Penalties of Officers, and of the Manner of Enforcing the same.

Sec. 57. All offences committed by general, field, commission, and staff officers, and surgeons, whether consisting in disobedience of orders, or unofficer-like conduct while on duty or during any day appropriated to military exercise, inspection or review, or in neglect or violation of any duty imposed upon them by law as officers of the militia, and whether committed in times of quiet, or of invasion, insurrection, riot or tumult, shall be punished by courts martial, according to the usage and practice of war, by a fine not exceeding five hundred, nor less than twenty dollars ; by imprisonment not exceeding six months ; cashiering, with or without disability of ever after holding any military office in the State ; or reprimand ; either or all with costs at the discretion of the court ; said fines and costs to be collected for the use of the State by warrant of distress, under the hand and seal of the president of the court martial imposing the same, directed to the sheriff of the county in which the convicted officer shall reside, who shall pay over the fine so collected to the general treasurer. The president of the court martial which shall impose upon any officer the penalty of imprisonment, shall by a mitimus in common form, under his hand and seal, have power to commit the convicted officer to the jail of the county in which he shall reside, for the term of his sentence ; and all sheriffs, deputy sheriffs and jailors, are directed to govern themselves accordingly.

Other Fines and Penalties.

Sec. 58. The ordinary fines and penalties of non-commis-

sioned officers and privates in every regimental company, will be regulated by the charter of such company: And the fines for non-attendance at any brigade training, shall be six dollars, to be recovered in the manner prescribed in the charter of the regimental company to which such non-commissioned officer or private belongs, for non-attendance at a company training.

Sec. 59. In case of war, invasion, threatened invasion, insurrection, mobs, riot or tumult, any militia soldier below the rank of a commissioned officer ordered out, volunteered, detached or drafted, who shall neglect to appear at the time and place designated by his commanding officer, or in case of the enrolled militia, at the time and place designated by the town council or mayor and aldermen, or to place himself under the command of the officers of the regimental company into which he may have been drafted or have volunteered, shall forfeit the sum of one hundred dollars, or be imprisoned three months, either or both, at the discretion of the court who shall try such offender; said punishment to be enforced by indictment in the supreme court, or court of common pleas of the county in which the offender may reside; or in time of actual war may be otherwise dealt with as the articles of war then established may direct.

Sec. 60. Any assessor of taxes who shall neglect or refuse to perform the duty of preparing a list or roll of all persons liable to be enrolled in the militia within the limits of the town or city of which he is an assessor, or of placing the same in due time in the hands of the town or city clerk of such town or city for record and return, shall be individually liable for every such refusal or neglect to the penalty of fifty dollars, to be recovered by indictment in the supreme court, or court of common pleas, in the county in which the offence may be committed. Any town or city clerk who shall refuse or neglect to record said list or roll of names, or to make due return of the same to the Adjutant General, shall for every such refusal or neglect, be liable to the penalty of fifty dollars, to be recovered by indictment as aforesaid.

Sec. 61. When information is required by persons lawfully ordered or authorised to make enrollment of those liable to do military duty, or by those acting under them, any person refusing to give information of his name or age, or giving false information concerning the same; and also any keeper of a tav-

ern or boarding house, any parent, master or mistress of a family refusing to give the required information, or giving false information, shall forfeit and pay the sum of twenty-five dollars, to be recovered by indictment for the use of the State, before the supreme court, or the court of common pleas of the county in which such offence may be committed.

Sec. 62. Any spectator or bystander who shall abuse, molest, or strike any commissioned or non-commissioned officer, or private, when on parade or under arms, shall in addition to all other remedies or penalties by law provided, forfeit and pay the sum of twenty dollars; to be recovered, if a field or staff officer, upon the complaint, and to the use of such field or staff officer; and if a company officer, whether commissioned or non-commissioned, or a private, upon the complaint of the commanding officer of the company and to the use of the company to which such officer or private belongs, by ordinary complaint and warrant before a justice of the peace. Every spectator or bystander who shall intrude upon the bounds and limits of parades, shall pay the sum of ten dollars, to be recovered upon complaint of the officer in command at the time of such intrusion, in like manner as last aforesaid, to and for the use of the State.

Sec. 63. Any physician or assistant surgeon who shall take any gratuity whatsoever, from any person for a certificate for inability to perform military duty on account of bodily infirmities, or shall grant any such certificate unless after critical examination, and unless such infirmity or inability be beyond all doubt such as to render the applicant unable to perform military duty, shall be liable to the penalty of fifty dollars, to be recovered by indictment in the supreme court, or court of common pleas for the county in which such offence may be committed.

Courts Martial.

Sec. 64. General, field, commission and staff officers, shall be subject to trial by court martial, according to the usage and practice of war, for disobedience of orders, unofficer-like conduct while on duty, or during any day appropriated to military exercise, inspection or review and for neglect or violation of any duty imposed upon them by law, as officers of the militia; which court martial shall consist of not less than five, nor more than seven members; and the senior officer, who

shall always be of a rank superior to that of the officer on trial, shall preside. The court martial for the trial of an officer under the grade of a field officer, shall be appointed by the commanding officer of the brigade to which he belongs; for the trial of an officer of the grade of field officer, by the commanding officer of the division; and for the trial of a general officer, by the commander-in-chief. In every court martial there shall be a judge-advocate, who shall discharge the duties of that office according to the usage and practice of courts martial; and no other person shall be admitted to prosecute or defend an arrested officer. Whenever a court martial shall be ordered, the order shall designate the time and place of holding the same, the name of the officer to preside, and the names and ranks of the other officers, of which the court is to be composed. *Provided*, that no court martial shall be called without the approval of the commander-in-chief, and no expense of any court martial shall be paid unless allowed by the general assembly. If the court shall be ordered by the commander-in-chief, the orders shall be as follows to wit :

State of Rhode-Island, sc.

GENERAL ORDERS.

“ A general court martial is ordered to assemble at on the day of A. D. for the trial of such persons as may be brought before them, to consist of members to be taken from the division to wit; the Major General, Brigadier General or Generals, Colonel or Colonels Lieutenant Colonel or Colonels. Major General will preside. The Adjutant of the regimental company or regiment will furnish an Orderly Sergeant, to attend and execute the orders of the court.” (To be signed by the commander-in-chief, or by the Adjutant General by his order.) If a court martial be ordered by the Major General the orders shall be as follows to wit :

State of Rhode-Island, sc.

DIVISION ORDERS.

A general court martial of the division will assemble at on the day of A. D. for the trial of such persons as may be brought before them, to consist of members, to wit: Brigadier-General or Generals, Colonel or Colonels Lieutenant-Colonel or Colonels

Major or Majors. Brigadier-General will preside. The Adjutant of the regimental company or regiment will furnish an orderly sergeant to attend and execute the orders of the court. (To be signed by the Major-General, or by the division-inspector by his orders.) If the court be ordered by a Brigadier-General, the orders shall be as follows, to wit:

State of Rhode-Island sc.

**BRIGADE ORDERS FOR THE BRIGADE
OF RHODE-ISLAND MILITIA.**

A general court martial for the brigade will assemble at on the day of A. D. for the trial of such persons as shall be brought before them, to consist of members, so wit: Colonels, Lieutenant-Colonels Majors, (and if any) Captains, Subalterns. Colonel will preside. The Adjutant of regimental company or regiment will furnish an orderly sergeant to attend and execute the orders of the court. (To be signed by the Brigadier-General, or the Brigade-Major, by his order.) For a general court martial, the Adjutant General shall notify all general officers, and give notice of the other officers detailed, to the division-inspector or brigade-majors, who shall notify said officers, and make return thereof to the Adjutant-General. In a division court martial, the division-inspector or an aid-de-camp under the direction of the Major-General, shall notify the general officers, and give notice of the other officers detailed, to the respective Brigade-Majors, who shall notify the field officers required of their brigades, and make return thereof to the Major-General. For a brigade court martial, the Brigade-Major shall notify the field officers required to serve on said court martial, and notify the respective adjutants of the other officers detailed; and the adjutant of each regimental company or regiment shall notify them, and make return thereof to the Brigade-Major; and if the officer to be tried be a general officer, he shall be furnished with a copy of the order for said court, and a copy of the charges against him by the Adjutant-General, or by the division-inspector, or by a brigade-inspector, as the Commander-in-Chief shall direct, thirty days before the sitting of said court, who shall make return thereof, with the names of the officers composing said court; and the officer to be tried, if under the

rank of a field officer, shall be furnished with like copies, twenty days before the sitting of the said court, by a Brigade-Major, or inspector, or by the adjutant of the regimental company or regiment to which he belongs, as the officer ordering the court martial shall direct; who shall return the same, and the names of the officers composing the court, to the judge-advocate of the court; and it shall be the duty of the said judge-advocate to summon, or cause to be summoned, such witnesses on the part of the State, as may be necessary, by subpoena signed by the officer ordering the court, or by the president thereof, or by said judge-advocate; and the accused shall be entitled to like process, to procure the attendance of his witnesses; which process shall be served by the judge-advocate, or by any disinterested person deputed by him. All charges shall be made out in due form, by way of complaint, and signed by the party complaining, and addressed to the officer whose duty it is to order the court, specifying the act or neglect of which the accused is supposed to be guilty, and praying due process, before said officer shall order a court martial for the trial of the officer accused. The members of the court shall appear in full uniform, and before they enter upon the trial of any person accused, shall take the following oath, to wit: "You swear [or affirm] that you will truly try and determine according to the evidence given in court, the matter depending between this State, and the officer [or officers] now to be tried; and that you will not divulge the sentence of the court, until the same has been approved or disapproved pursuant to law; and that you will not, at any time, disclose the vote or opinion of any member of this court, unless required to do so in due course of law. So help you God." Or this affirmation you make and give upon the peril of the penalty of perjury. And the foregoing oath shall be administered by the judge-advocate; but all other oaths which it may be necessary to administer, during the continuance of the court, may be administered either by him, or any general or field officer.

Sec. 65. There shall be appointed by the officer ordering the court-martial, a judge-advocate for each court-martial, who shall perform all the duties of that office, and who shall take the following oath, to wit: "You swear [or affirm] that you will not, at any time whatever, disclose the vote or opinion of any member of this court-martial, unless required by due

course of law, nor divulge the sentence of the court, till the same has been approved or disapproved according to law; and that you will faithfully and impartially discharge the duty of Judge-Advocate, according to the best of your abilities, so help you God." Or, this affirmation you make and give upon the peril of the penalty of perjury. And said oath may be administered by a judge of any court, or any justice of the peace in the State; and a certificate thereof shall be made on the warrant of the Judge-Advocate, by the person administering the oath.

Sec. 66. If, on trial, the accused shall object to any one, or more members of the court, he shall state the ground of his objection, and if it appear to the court sufficient, the member or members objected to, shall leave their seats; and if the numbers remaining be less than five, the court shall be adjourned for a reasonable time, that the officer ordering the court may detail others to supply the place or places vacated by such member or members. No sentence of a court-martial shall be carried into effect, unless passed by the concurrent vote of two thirds of the court, and approved by the Commander-in-Chief. In case an officer under arrest, shall refuse or neglect to attend a court-martial, according to orders and notice given him, he shall, by said court, be sentenced to pay a fine not exceeding two hundred dollars, and be cashiered; with disability of ever after holding any military office in the State; unless he be prevented from attending such court-martial by reason of sickness, or some other reasonable cause; in which case the court shall have power to adjourn; and notice thereof shall be given to the arrested officer, by the Judge-Advocate, at least ten days before the day to which the court shall have been adjourned. In all cases in which a fine and costs or imprisonment shall be awarded by a court-martial, and the sentence of such court shall be approved by the Commander-in-Chief, and the President of such court shall die, be discharged or promoted, without having issued a warrant of distress or mittimus for such fine and costs or imprisonment, it shall be the duty of the member of said court next in rank to said President, to issue said warrant or mittimus.

Sec. 67. If any witness duly summoned shall refuse to obey such summons, he shall be committed to the jail in the county in which he resides, by a warrant from the president

of the court, directed to the sheriff, or a deputy-sheriff of said county, there to be held at his own expense, until he will conform, and give evidence in the case, or until discharged by due course of law. All witnesses summoned on the part of the State, and the Judge-Advocate or other person for summoning them shall, for travel and attendance, have the same fees that are allowed in civil causes, to be taxed by the President of the court; expenses shall be paid to the Judge-Advocate by the State, and when received by him, be paid over to the persons to whom they are due. If the sentence of the court be against the accused, and the same shall be approved by the Commander-in-Chief, the said expenses shall, by warrant under the hand and seal of the President of the court, directed in manner aforesaid, be collected of the delinquent, and paid into the general treasury. The members and officers of said court shall be allowed nine cents per mile travel to and from the place of holding said court, and one dollar for each day during its sitting; and there shall be allowed to the person in whose house said court shall be held, not exceeding two dollars per day, in full of all expenses for room-rent, fuel and lights; and which shall be paid from the State treasury, after the same shall have been allowed by the General Assembly. The Judge-Advocate shall be allowed twenty-five cents for each legal page of the copy of the proceedings and records of the court martial, to be taxed and paid in the same manner. The Commander-in-Chief shall have power to approve or disapprove all sentences passed by courts martial, and mitigate or remit any punishment or punishments awarded by them or any part thereof; and the record of all proceedings and sentences of courts martial, and of the approval, mitigation or remission by the commander-in-chief, shall be deposited by the respective judge-advocates, in the office of the Adjutant General.

Board of Officers and Courts of Enquiry.

Sec. 68. The commander-in-chief, whenever in his opinion it shall be necessary, may call boards of officers, for settling military questions, or for other purposes relative to good order and discipline.

Sec. 69. General, division, and brigade courts of enquiry, shall consist of three officers, and a judge-advocate, to be appointed by the commander-in-chief; and they may be ordered and organized in the like manner, as courts martial, and under

the same regulations, may examine into the nature of any transaction, or any imputation, or accusation against any officer, made by an inferior.

All vacancies shall be filled as in courts martial.

The judge-advocate shall administer to each of the officers composing a court of enquiry the following oaths or affirmations ;

You, A. B., do swear, or affirm, that you will well and truly examine, and enquire into the matter now before you, without fear, favor, partiality, prejudice, or hope of reward. So help you God. Or, this affirmation you make and give upon the penalty of perjury.

After which, the president shall administer to the judge-advocate the following oath :

You, A. B., do swear that you will impartially record the proceedings of the court, and the evidence to be given in the case now in hearing. So help you God. Or, this affirmation you make and give upon the penalty of perjury.

Witnesses shall be summoned in the same manner, take the same oath, and be examined, and cross examined, by the parties in the same way, as on trials before courts martial ; but the court shall not give their opinions on the merits of the case unless specially required so to do. All the proceedings therein shall be recorded, and with the papers and documents used therein, authenticated and transmitted, by the judge-advocate, to the officer who ordered the court.

Sec. 70. The pay and fees of boards of officers and courts of enquiry shall be the same as in courts martial.

Sec. 71. All acts heretofore passed in relation to the militia of this State, which are inconsistent with the provisions of this act, shall be and the same are hereby repealed. *Provided however*, that the charters and corporate rights of the existing chartered companies of this State, who shall not accept the provisions of this act, shall be wholly unimpaired thereby ; and *provided further* that the rights of property of the existing chartered companies, who do accept the provisions of this act, shall in no court be impaired or affected thereby, and the corporate name of such company shall be retained in business transactions therewith, and that upon the repeal of this act, they shall be remitted to all the corporate rights and privileges heretofore by them enjoyed.

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same offenders come not as afore is said, and the proclamation made and returned, they shall be convict and attainted of the riot, assembly, or rout aforesaid: And moreover the Justices of Peace in every county or corporation, where such riot, assembly, or rout of people shall be made, in case the same be made in their presence, or if none be present, then the justices having notice thereof, together with the sheriff, under sheriff, or serjeant, of the same county or corporation, shall do execution of this act, every one upon pain of twenty pounds, to be paid to the Commonwealth, as often as they shall be found in default of the execution of the said act; and on such default of the justices and sheriff, under sheriff, or serjeant, a commission shall go from the General Court at the instance of the party grieved, to enquire as well of the truth of the case, and of the original matter for the party complainant, as of the default or defaults of the said justices, sheriff, under sheriff, or serjeant, in this behalf supposed, to be directed to sufficient and indifferent persons at the nomination of the Judges; and the said commissioners presently shall return into the General Court the inquests and matters before them in this behalf taken and found: But no persons convicted of a riot, rout, and unlawful assembly, shall be imprisoned for such offence by a longer space of time than one year. Persons legally convicted of a riot, rout, or unlawful assembly, otherwise than in the manner directed by this act, shall be punished by imprisonment and amercement, at the discretion of a jury, under the like limitation.

C H A P. XLIX.

An ACT forbidding and punishing AFFRAYS.

BE it enacted by the General Assembly, That no man, great nor small, of what condition soever he be, except the Ministers of Justice in executing the precepts of the courts of justice, or in executing of their office, and such as be in their company assisting them, be so hardy to come before the justices of any court, or either of their Ministers of Justice, doing their office, with force and arms, on pain; to forfeit their armour to the Commonwealth, and their bodies to prison, at the pleasure of a court; nor go nor ride armed by night nor by day, in fairs or markets, or in other places, in terror of the county, upon pain of being arrested and committed to prison by any Justice on his own view, or proof by others, there to abide for so long a time as a jury, to be sworn for that purpose by the said Justice, shall direct, and in like manner to forfeit his armour to the Commonwealth; but no person shall be imprisoned for such offence by a longer space of time than one month.

C H A P. L.

An ACT against CONSPIRATORS.

BE it declared and enacted by the General Assembly, That conspirators be they that do confederate and bind themselves by oath, covenant, or other alliance, that every of them shall aid and bear the other falsely and maliciously, to move or cause to be moved any enticement or information against another on the part of the Commonwealth, and those who are convicted thereof at the suit of the Commonwealth, shall be punished by imprisonment and amercement, at the discretion of a jury.

C H A P. LI.

An ACT against conveying or taking PRETENSED TITLES.

BE it enacted by the General Assembly, That no person shall convey or take; or bargain to convey or take, any pretended title to any lands or tenements, unless the person conveying or bargaining to convey, or those under whom he claims shall have been in possession of the same, or of the reversion or remainder thereof one whole year next before; and he who offendeth herein knowingly, shall forfeit the whole value of the lands or tenements; the one moiety to the Commonwealth, and the other to him who will sue as well for himself as for the Commonwealth: But any person lawfully possessed of lands or tenements, or of the reversion or remainder thereof, may nevertheless take or bargain to take the pretended title of any other person, so far and so far only as it may confirm his former estate.

C H A P. LII.

An ACT to punish BRIBERY and EXTORTION.

BE it enacted by the General Assembly, That no Treasurer, Keeper of any Public Seal, Councillor of State, Counsel for the Commonwealth, Judge, or Attornies at law, practising either in the General Court, High Court of Chancery, Court of Appeals, Court of Admiralty, or Inferior Courts, Clerk of the Peace, Sheriff, Coroner, Escheator, nor any officer of the Commonwealth, shall, in time to come, take, in any form, any manner of gift, brokage, or reward for doing his office, other than is, or shall be allowed by some act of General Assembly, passed after the institution of the Commonwealth; that is to say, after the fifteenth day of May, in the year of our Lord, one thousand seven hundred and seventy six; and he that doth, shall pay unto the party grieved, the treble value of that he hath received, shall be amerced and imprisoned at the discretion of a jury, and shall be discharged from his office forever; and he who will sue in the said matter, shall have suit as well for the Commonwealth as for himself, and the third part of the amercement.

CHAP.

FOURTH ANNUAL REPORT

OF THE

BOARD OF COMMISSIONERS

OF THE

CENTRAL PARK.

JANUARY, 1861.



NEW YORK:
WM. C. BRYANT & CO., PRINTERS, 41 NASSAU STREET, CORNER LIBERTY.

1861.

APPENDIX.

A.

ORDINANCES OF THE CENTRAL PARK.

The Board of Commissioners of the Central Park do ordain as follows:

All persons are forbidden—

To enter or leave the Park except by the gateways.

To climb or walk upon the wall.

To turn cattle, horses, goats, or swine into the Park.

To carry firearms or to throw stones or other missiles within it.

To cut, break, or in any way injure or deface the trees, shrubs, plants, turf, or any of the buildings, fences, or other constructions upon the Park ;

Or to converse with, or in any way to hinder those engaged in its construction.

Two pounds are hereby established within the Central Park, for the impounding of horses, cattle, sheep, goats, dogs, swine, and geese found trespassing upon said Park. All such animals found at large upon the Park may be taken by any person or persons, and driven or carried to one of the said pounds, and may be kept enclosed therein during five days, at the end of which time, if not previously claimed, they may be sold at public auction; provided that within two days after they shall have been impounded, notice of the sale shall have been conspicuously posted in the pound.

Any person claiming property in such impounded animals before the day of sale, may recover the same after suitable proof of his or her right thereto, upon payment for each animal

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FIRST

ANNUAL REPORT

OF THE

Philadelphia
Commissioners of Fairmount Park.

PHILADELPHIA :

KING & BAIRD, PRINTERS, No. 607 SANSOM STREET.

1869.

A SUPPLEMENT

To an Act, entitled "An Act appropriating ground for public purposes, in the City of Philadelphia," approved the twenty-sixth day of March, Anno Domini one thousand eight hundred and sixty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the boundaries of the Fairmount Park in the City of Philadelphia shall be the following, to wit: Beginning at a point in the northeasterly line of property owned and occupied by the Reading Railroad Company, near the City bridge over the river Schuylkill at the Falls, where said northeasterly line* [is intersected by the line dividing property of H. Duhring from that of F. Stoever and T. Johnson; extending] from thence in a southwesterly direction upon said dividing line and its prolongation to the middle of the Ford road; from thence by a line passing through the southeast corner of Forty-ninth and Lebanon streets to George's run; thence along the several courses of said run to a point fourteen hundred and eighty-seven and a half feet from the middle of the Pennsylvania Railroad, measured at right angles thereto; thence by a straight line through the northeast corner of Forty-third and Hancock

* Amended by Act of April 21, 1869, Sec. 8, page 27.

SECT. 19. The said Park Commissioners shall have the power to govern, manage, lay out, plant and ornament the said Fairmount Park, and to maintain the same in good order and repair; and to construct all proper bridges, buildings, railways, and other improvements therein, and to repress all disorders therein under the provisions hereinafter contained.

SECT. 20. That the said Park Commissioners shall have authority to license the laying down, and the use for a term of years, from time to time, of such passenger railways as they may think will comport with the use and enjoyment of the said Park by the public, upon such terms as said Commissioners may agree; all emoluments from which shall be paid into the City Treasury.

SECT. 21. The said Park shall be under the following rules and regulations, and such others as the Park Commissioners may from time to time ordain:

I. No persons shall turn cattle, goats, swine or horses or other animals loose into the Park.

II. No persons shall carry fire-arms, or shoot birds in the Park, or within fifty yards thereof, or throw stones or other missiles therein.

III. No one shall cut, break, or in anywise injure or deface the trees, shrubs, plants, turf, or any of the buildings, fences, structures or statuary, or foul any fountains or springs within the Park.

IV. No person shall drive or ride therein at a rate exceeding seven miles an hour.

V. No one shall ride or drive therein, upon any other than upon the avenues and roads.

VI. No coach or vehicle used for hire, shall stand upon any part of the Park for the purpose of hire, nor except in waiting for persons taken by it into the Park, unless in either case at points designated by the Commission.

VII. No wagon or vehicle of burden or traffic shall pass through the Park, except upon such road or avenue as shall be designated by the Park Commissioners for burden transportation.

VIII. No street railroad car shall come within the lines of the Park without the license of the Park Commission.

IX. No person shall expose any article for sale within the Park without the previous license of the Park Commission.

X. No person shall take ice from the Schuylkill within the Park without the license of the said Commission first had, upon such terms as they may think proper.

XI. No threatening, abusive, insulting, or indecent language shall be allowed in the Park.

XII. No gaming shall be allowed therein, nor any obscene or indecent act therein.

XIII. No person shall go in to bathe within the Park.

XIV. No person shall fish or disturb the water-fowl in the pool, or any pond, or birds in any part of the Park, nor discharge any fire-works therein, nor affix any bills or notices therein.

XV. No person shall have any musical, theatrical, or other entertainment therein, without the license of the Park Commissioners.

XVI. No person shall enter or leave the Park except by such gates or avenues as may be for such purpose arranged.

XVII. No gathering or meeting of any kind, assembled through advertisement, shall be permitted in the Park without the previous permission of the Commission; nor shall any gathering or meeting for political purposes in the Park be permitted under any circumstances.

XVIII. That no intoxicating liquors shall be allowed to be sold within said Park.

SECT. 22. Any person who shall violate any of said rules and regulations, and any others which shall be ordained by the said Park Commissioners, for the government of said Park, not inconsistent with this act, or the laws and constitutions of this State and United States—the power to ordain which rules and regulations is hereby expressly given to said Commissioners

—shall be guilty of a misdemeanor, and shall pay such fine as may be prescribed by said Park Commissioners, not to exceed five dollars for each and every violation thereof, to be recovered before any alderman of said City, as debts of that amount are recoverable, which fines shall be paid into the City treasury: *Provided*, That if said Park Commissioners should license the taking of ice in said Park, or the entry of any street or railroad therein, or articles for sale, or musical entertainments, it may be with such compensation as they may think proper, to be paid into the City treasury; *And provided*, That any person violating any of said rules and regulations shall be further liable to the full extent of any damage by him or her committed, in trespass or other action; and any tenant or licensed party who shall violate the said rules, or any of them, or consent to or permit the same to be violated on his or her or their premises, shall forfeit his or her or their lease or license, and shall be liable to be forthwith removed by a vote of the Park Commission; and every lease and license shall contain a clause making it cause of forfeiture thereof for the lessee or party licensed to violate or permit or suffer any violation of said rules and regulations or any of them. It shall be the duty of the police appointed to duty in the Park, without warrant, forthwith to arrest any offender against the preceding rules and regulations, whom they may detect in the commission of such offence, and to take the person or persons so arrested forthwith before a magistrate having competent jurisdiction.

ANNUAL REPORTS

OF THE

CITY OFFICERS AND CITY BOARDS

OF THE

CITY OF SAINT PAUL,

FOR THE FISCAL YEAR ENDING DECEMBER 31, 1888.

GLOBE JOB OFFICE,
D. RAMALEY & SON, PRINTERS,
1889.

RULES AND REGULATIONS OF THE PUBLIC PARKS AND GROUNDS
OF THE CITY OF SAINT PAUL.

1. No person shall drive or ride in any Park in the City of Saint Paul at a rate exceeding seven (7) miles per hour.

2. No person shall ride or drive upon any other part of any Park than the avenues and roads.

3. No coach or vehicle used for hire shall stand upon any part of any Park for the purpose of hire, unless licensed by the Board of Park Commissioners.

4. No person shall indulge in any threatening or abusive, insulting or indecent language in any Park.

5. No person shall engage in any gaming nor commit any obscene or indecent act in any Park.

6. No person shall carry firearms or shoot birds in any Park or within fifty yards thereof, or throw stones or other missiles therein.

7. No person shall disturb the fish or water fowl in any pool or pond or birds in any part of any Park, or annoy, strike, injure, maim or kill any animal kept by direction of the Board of Park Commissioners, either running at large or confined in a close; nor discharge any fireworks, nor affix any bills or notices therein.

8. No person shall cut, break or in anywise injure or deface the trees, shrubs, plants, turf, or any of the buildings, fences, bridges, structures or statuary, or foul any fountain, well or spring within any Park.

9. No person shall throw any dead animal or offensive matter, or substance of any kind into any lake, stream or pool, within the limits of any Park.

10. No person shall go in to bathe within the limits of any Park.

11. No person shall turn cattle, goats, swine, horses, dogs or other animals loose in any Park, nor shall any animals be permitted to run at large therein.

12. No person shall injure, deface or destroy any notices, rules or regulations for the government of any Park, posted or in any other way fixed by order or permission of the Board of Park Commissioners within the limits of any Park.

13. Complaints against any employe of any Park may be made at the office of the Superintendent of Parks.

14. No person shall use any Park drive for business purposes, or for the transportation of farm products, dirt or any like material, or for the passage of teams employed for such purposes.

Any person who shall violate any of the foregoing rules and regulations shall be guilty of a misdemeanor, and for each and every offense shall be fined not less than the sum of Five Dollars (\$5), nor more than Fifty Dollars (\$50), which sum shall be paid into the city treasury for park purposes.

JOHN D. ESTABROOK,

Superintendent.

LOCAL ACTS
OF
THE LEGISLATURE

OF THE
STATE OF MICHIGAN

PASSED AT THE
REGULAR SESSION OF 1895

WITH AN APPENDIX



BY AUTHORITY

LANSING
ROBERT SMITH & CO., STATE PRINTERS AND BINDERS
1895

tion (so called), and also all that part of said city lying and being east of the east bank of the Au Sable river, be and the same is hereby detached from the city of Au Sable, in said county of Iosco, State of Michigan, and the same shall be, and is hereby attached to the township of Au Sable in said county and State aforesaid. But the territory hereby detached shall not be relieved in any manner from its just share and proportion of the present legal bonded indebtedness of said city of Au Sable, together with interest thereon, and said indebtedness shall be apportioned in accordance with the provisions of act number thirty-eight of the session laws of eighteen hundred and eighty-three, approved April twenty-first, eighteen hundred and eighty-three, entitled "An act to provide for the adjustment of rights and liabilities on division of territory of cities and townships," and acts amendatory thereof.

Territory detached shall not be relieved of its share of legal bonded indebtedness.

SEC. 2. This act shall not be construed as nullifying or repealing an act entitled "An act to incorporate the board of education of the city of Au Sable," being act number two hundred and eighty-five of the local acts of eighteen hundred and ninety-one, and the persons elected as members of such board of education under the provisions thereof shall continue to have and exercise all the duties, powers and jurisdictions conferred upon them by the provisions thereof, within the territory and district in which their jurisdiction now extends.

This act not to repeal the act incorporating the board of education.

SEC. 3. The matter of procedure in the matter of apportioning, levying and collecting taxes for the support of the schools within said district, and for altering the boundaries thereof, shall be the same as near as may be as is provided by law in the case of fractional school districts.

Procedure in the matter of taxes.

Approved May 24, 1895.

[No. 436.]

AN ACT to amend an act entitled "An act supplemental to the charter of the city of Detroit, and relating to parks, boulevards and other public grounds in said city, and to repeal act number three hundred and seventy-four of the local acts of eighteen hundred and seventy-nine, entitled 'An act to provide for the establishment and maintenance of a broad street or boulevard about the limits of the city of Detroit and through portions of the townships of Hamtramck, Greenfield and Springwells, in the county of Wayne,' approved May twenty-one, eighteen hundred and seventy-nine," as amended by act number four hundred and fifteen of the local acts of eighteen hundred and ninety-three, approved May twenty-ninth, eighteen hundred and ninety-three, by amending sections six, seven and fourteen thereof, and to add to said act twenty new sections to stand as sections thirty-two, thirty-three, thirty-four, thirty-five, thirty-

six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty and fifty-one of said act.

Act amended
and sections
added.

SECTION 1. *The People of the State of Michigan enact,* That an act entitled "An act supplemental to the charter of the city of Detroit, and relating to parks, boulevards and public grounds in said city, and to repeal act number three hundred and seventy-four of the local acts of eighteen hundred and seventy-nine, entitled 'An act to provide for the establishment and maintenance of a broad street or boulevard about the limits of the city of Detroit and through portions of the townships of Hamtramck, Greenfield and Springwells, in the county of Wayne,' approved May twenty-one, eighteen hundred and seventy-nine," as amended by act number four hundred and fifteen of the local acts of eighteen hundred and ninety-three, approved May twenty-nine, eighteen hundred and ninety-three, be amended by amending sections six, seven and fourteen thereof, and by adding twenty new sections to stand as sections thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty and fifty-one, to read as follows:

Commissioners
to have control,
management,
and charge of
improvements of
all parks and
public grounds.

SEC. 6. The commissioners shall have the control and management, and shall have charge of the improvement of all the parks and public grounds of said city, including the island park (known as "Belle Isle park"), and of such parks or public grounds as may hereafter be acquired, laid out, purchased or dedicated for public use in said city. And they shall likewise have control, management and charge of the improvement and maintenance of the boulevard, which was laid out and established as provided by the (said) act creating said board of boulevard commissioners, and of any other boulevard which may at any time be hereafter acquired, laid out, established or located by said city. The authority hereby conferred shall not be construed as giving charge or control to said commissioners over and to the improvement of any ordinary public street or alley. When the estimated cost of any work or improvement ordered by said commissioners shall exceed the sum of one thousand dollars, the same shall be done by contract, after advertisements for bids in at least two daily papers, printed in said city, for at least seven days.

When improve-
ments to be
done by con-
tract.

May make rules
and regulations
for maintenance
and care of.

SEC. 7. The said commissioners may make all needful rules and regulations for the management, maintenance and care of the said parks, public grounds and boulevard or boulevards, and for the regulation thereof, and the common council of said city may provide by ordinance for the observance of the same, and may also in like manner provide for the observance and enforcement of any other rules and regulations duly made by said commissioners under any of the provisions of this act. And said common council may by ordinance further provide for the preservation and protection of the parks, public grounds

Protection of.

and boulevards, and any of the property in charge of said commissioners against any destruction or injury, and prevent the destruction or injury to or the taking of any trees, shrubs, plants, flowers or other things set out, planted or used by said commissioners in beautifying, improving or ornamenting said parks, public grounds or boulevards, and to prevent any disorder or disturbance on or about said parks, public grounds or boulevards, or any encroachment thereon or interference with the quiet and peaceable use and enjoyment of the same for the purpose for which the same are established and maintained. Said ordinances may provide for the punishment for any breach or violation of any of their provisions by like penalties provided for violation of ordinances of said city. The commissioners of metropolitan police for the city of Detroit, upon the request of said commissioners of parks and boulevards, shall detail for service in any of the grounds under the charge of said park and boulevard commissioners, so many of the police force as may be necessary to maintain order and protect the property thereon, and any policeman on duty on said grounds may remove therefrom any person who may violate any of the rules and regulations of said commissioners, or any of the ordinances of said city, adopted as aforesaid, relating to said parks, public grounds or boulevards: *Provided*, That said commissioners of parks and boulevards, may in lieu of such detail by said commissioners of metropolitan police, appoint as many persons as may be necessary to maintain order and protect the property on any of the grounds, under the charge of the said park and boulevard commissioners, and such persons so appointed shall have all the powers of regularly appointed policemen of said city in and upon said grounds, but not elsewhere.

Police commissioner to detail police to maintain order and protect property on request.

Proviso.

SEC. 14. The grounds of which said commissioners may have control shall be used and enjoyed solely for the purposes for which they were established: *Provided*, That privileges for the hiring of boats and vehicles and other like purposes such as are usual in public parks may be let by the commissioners for a period not exceeding three years, but the same shall be exercised and permitted only upon the same being subject to their supervision and direction, and to such orders, rules and regulations as the said commissioners may make at any time: *Provided further*, That said commissioners may prohibit the construction, use and maintenance of any and all railway or tramway cars, tracks, engines or motors on Belle Isle park, or other city park or boulevard.

To be used for purpose for which they were established.

Proviso.

Further proviso.

SEC. 32. No person shall bring, drive or lead any swine, goat, cattle or any other animal other than horses or other beasts of burden in, on or along the boulevard, Belle Isle or any other parks or public grounds in charge of the commissioners of parks and boulevards; and no person shall lead any horse, mule or other animal on said boulevard or the driveways of either of said parks, or draw a second carriage, wagon or other vehicle with any horse or other motive power, nor drive thereon any

Driving or leading any swine, goat or cattle on or along boulevard or parks prohibited.

horse, before any sleigh or sled, unless there shall be a sufficient number of bells attached to harness of such horse, or to such sleigh or sled to warn persons of their approach.

Driving or speeding.

SEC. 33. No person shall ride or drive in said park or along said boulevard at a rate of speed exceeding eight miles per hour, excepting that horses may be speeded on such parts of said boulevard or Belle Isle park as may be set apart by said commissioners for that purpose, and then only under such regulations as the commissioners may prescribe.

Riding, driving, or drawing any velocipede, bicycle, hand-cart, horse or animal on the walks, etc., prohibited.

SEC. 34. No person shall ride, drive or draw any velocipede, bicycle, tricycle, wheelbarrow, handcart or any other vehicle, or any horse or other animal on the footwalks or sidewalk, grass plots or planting places of said parks or boulevard, or upon any other part or portion thereof, excepting upon the carriage drives; and no person shall permit any vehicle or animal to stand upon such roadways or carriage drives to the obstruction of the way or inconvenience of travel, and no person shall solicit passengers for hire on either of said park or boulevard, excepting by direction or permission of said commissioners.

Not to tie any animal to trees, shrubs, electric light tower or lamp post.

SEC. 35. No person shall tie any animal to any tree or shrub, electric light tower, lamp post, fire hydrant, or dock or building in said park or boulevard, nor pluck, break, trample upon or interfere with any grass, flower, plant or shrub in any of said parks or boulevards, or climb, peel, cut, deface, remove, injure or destroy any tree or shrub in any public park or boulevard, or pasture any animal on the grass in any of said parks or boulevards, and no person shall stand, walk or lie upon any part of any public park or boulevard laid out and appropriated for shrubbery or for grass when there shall have been placed thereon a sign having the words, "Keep off the grass," or other similar words thereon.

No heavy traffic permitted.

SEC. 36. No heavy traffic shall be permitted on said boulevard or any of said parks, and no person shall drive any wagon, cart, dray, truck or other vehicle for the carrying of or laden with merchandise, manure, coal, wood or building material of any kind: *Provided*, That where there is no alley or side street by which premises fronting on the boulevard can be reached, trucks and such heavy vehicles carrying goods, merchandise or other articles to or from any house or premises abutting on the boulevard shall be permitted to enter thereon at the cross street nearest said house or premises in a direction in which the same are moving, and deliver or receive such goods, merchandise or articles, but shall not proceed thereon further than the nearest cross street thereafter: *Provided further*, That nothing in this section shall prevent the driving of milk wagons and ordinary light grocery or meat delivery wagons, along the boulevard for the accommodation of residents thereon.

Proviso.

Further proviso.

Not to cut, break or injure any property, or post notices.

SEC. 37. No person shall cut, break or in any way injure any electric light tower, lamp post, fence, bridge, dock, building, fountain or other structure or property in or upon any of said parks or boulevards, and no person shall post or fix any

notice or bill or other writing or printing on any tree, tower, lamp post, hydrant, curbstone, coping, flagstone, fence, dock, bridge, wall, building or other place under the charge or control of said commissioners.

SEC. 38. No person shall drive any vehicle displaying any placard or advertisement of any kind along said boulevard or on or along the driveway of any of said parks, nor shall any person display any placard or any advertisement of any kind on or upon or along the said boulevard or any of the said parks for advertising only.

Not to drive any display advertisement or placards along the parks or boulevards.

SEC. 39. No person shall dig, remove or carry away any sward, sand, turf or earth in or from any public park, or boulevard, and no person shall open or dig up or tunnel under any part or portion of the boulevard without a permit from the commissioners of parks and boulevards, and before granting any such permit the applicant therefor shall be required to deposit with the secretary of said commissioners such sum of money as the superintendent of the boulevard or such other officer as the commissioners may designate for that purpose, shall estimate, will fully cover any expense to be incurred by the commissioners in connection with such opening or tunneling, and the commissioners may make suitable regulations and conditions with respect to issuing said permits. And said commissioners may retain the actual expense, which shall be certified by the superintendent, which may be incurred by the commissioners in connection with any work done by them, for the purpose of restoring any roadway, sidewalk, planting place or other portion of said boulevard, and the secretary shall refund to the person to whom said permit shall be issued the difference, if any, between the amount deposited and the amount so certified by the superintendent. Carriage or driveways and footwalks connecting with any premises adjoining the boulevard, or hitching posts thereon, shall be allowed only on a permit issued under this section, and the material used in making such ways, walks or posts shall be determined by the said commissioners.

Not to dig, remove or carry away any sward, sand or turf from parks.

SEC. 40. No person shall place or deposit any dead carcass, ordure, filth, dirt, stone, ashes, garbage or rubbish of any kind, or other matter or substance on the said boulevard, or of any of said public parks, and no person shall wade into or throw any wood, sand, stone, or other substance into any basin, pool, lake or fountain in any public park, or bathe or fish in any of the waters thereon, except on Belle Isle park, where persons may bathe and swim, but only under such restrictions and conditions as may be prescribed by the commissioners of parks and boulevards; and no person shall send or ride any animal into same, nor shall any person kill, molest or disturb any fish, fowl or animals kept thereon.

Not to deposit dead carcasses, filth, dirt, stones, etc., on the boulevard or parks.

SEC. 41. No person shall build or place any fence, or other barrier around any grass plot or planting place on said boulevard or public park, or place any building or obstruction of any kind thereon.

Not to build any fence or barrier around grass plots or planting place.

SEC. 42. No person shall play at any game whatever in or upon said boulevard, or on any of the said parks, under the

Not to play certain games.

- Proviso.** charge of the said commissioners: *Provided, however,* That ball, cricket, lawn tennis and other like games of recreation may be played upon such portions of said parks as may be designated from time to time by the commissioners and under such rules and regulations as may be prescribed by them.
- Not to engage in sport liable to frighten horses.** SEC. 43. No person shall engage in any sport or exercise upon said boulevard or park as shall be liable to frighten horses, injure travelers, or embarrass the passage of vehicles thereon.
- Not to discharge firearms or fireworks.** SEC. 44. No person shall fire or discharge any gun or pistol or carry firearms, or throw stones or other missiles within said park or boulevard, nor shall any person fire, discharge or set off any rocket, cracker, torpedo, squib or other fireworks or things containing any substance of any explosive character on said park or boulevard, without the permission of said commissioners, and then only under such regulations as they shall prescribe.
- No person shall expose or offer any article or thing for sale, play any musical instrument, etc., without permission of commissioners.** SEC. 45. No person shall expose any article or thing for sale or do any hawking or peddling in or upon said parks or boulevard, and no person, without the consent of said commissioners, shall play upon any musical instrument, or carry or display any flag, banner, target or transparency, nor shall any military or target company, or band or procession parade, march, drill or perform any evolution, movement or ceremony within any of said parks, or upon or along said boulevard, without the permission of said commissioners, and no person shall do or perform any act tending to the congregating of persons on said boulevard or in said parks.
- Gambling and disorderly conduct.** SEC. 46. No person shall gamble, nor make any indecent exposure of himself or herself, nor use any obscene language, or be guilty of disorderly conduct, or make, aid, countenance or assist in making any disorderly noise, riot, or breach of the peace, within the limits of the said parks or boulevards; and no person shall sell or dispose of any intoxicating liquors in or upon any public park without the consent of the said commissioners.
- Intoxicating liquors.** SEC. 47. All boats and vessels, carriages, railroad cars and other vehicles running for hire to and from said Belle Isle park, or any other park, shall be duly licensed and shall be subject to all the rules and regulations that may be established by said commissioners or by the common council from time to time, and no person shall carry on the business of carrying passengers to and from either of said parks unless their vehicles shall be so licensed. And no person commanding or having charge of any boat, carrying passengers for hire shall land or permit any passengers therefrom to land at any dock on Belle Isle park, excepting such as may be designated for that purpose by the commissioners, and no person having charge of any vessel shall fasten or tie the same at any wharf or dock in Belle Isle park, excepting for the purpose of receiving or discharging passengers as permitted by this section.
- All boats, carriages, railroad cars, and vehicles running for hire to be licensed.** SEC. 48. No person shall place or deposit or allow to be placed or keep or deposit on any part of said boulevard any

building material without the written permission of said commissioners, which permit shall state the space to be occupied and the length of time during which said permit shall be in force, and every person having use of any portion of said boulevard for the purpose of erecting or repairing any building or for placing or keeping any building material or any other article or thing thereon which shall cause any obstruction to travel thereon or render the same in any respect dangerous to travelers thereon, shall cause two red lights to be placed in conspicuous places, one at the end of said obstruction, from sunset until sunrise in the morning of each day during the time such obstruction shall remain, and shall also construct and maintain proper safeguards, and a good and safe plank sidewalk around such obstruction, which sidewalk shall be at least two feet wide, and no such permit shall be granted under this section unless in the application therefor the party applying shall agree to indemnify the city against all liability from injury to any person or property arising from such obstruction.

Not to deposit building material on any part of boulevard without written permission of commissioners.

Red lights to be placed in conspicuous places.

SEC. 49. No person shall conduct or permit any funeral procession or hearse to be driven upon the boulevard: *Provided*, That nothing herein contained shall be construed to prevent the removal of any corpse from any house abutting upon said boulevard, and the forming of the funeral procession thereon, but the hearse or procession shall not proceed further thereon than the nearest paved cross street in the direction in which said hearse shall move.

Funeral processions not to drive on boulevard. Proviso.

SEC. 50. No person shall remove any house or building on, along or across the boulevard, except on the written permission of said commissioners, which shall be issued only upon such terms and conditions, and under such regulations as they may prescribe, and upon a deposit with the secretary of said commissioners of such sum as may be fixed by said commissioners, and as they shall estimate will fully cover all damages to walks, roadways, grass plots, trees and other property and improvements of said boulevard, and said permit shall be issued only upon the express condition that said moving shall be commenced and completed between the hours of one and six o'clock in the forenoon, and the occupancy of the said boulevard shall continue only between said hours and after said moving shall have been completed, the roadway, grass plot, walks and other property and improvements shall be restored to their former condition by the said commissioners or under the supervision of their superintendent, and their superintendent shall thereupon certify to the secretary the actual expense incurred in such restoration, and the secretary shall refund to the person to whom said permit shall be issued the difference, if any, between the amount deposited and the amount so certified by the superintendent.

Not to remove any house or building on or along the boulevard without written permission of commissioner.

SEC. 51. Any violation of the provisions of this act shall be punished in the recorder's court by a fine not to exceed one hundred dollars and costs, and, in the imposition of any fine and costs, the court may make a further sentence, that the offender be imprisoned in the Detroit House of Correction

Penalty for violation.

until the payment of such fine, for any period of time not exceeding six months.

This act is ordered to take immediate effect.

Approved May 24, 1895.

[No. 437.]

AN ACT to amend sections two, five, seven and eleven of act number three hundred eighty-three of the local acts of eighteen hundred ninety-three, entitled "An act to provide for the election of two justices of the peace and for the appointment of a justice clerk in and for the city of Saginaw, and to define their jurisdiction and to fix their compensation; and to abolish and discontinue the five offices of justice of the peace of said city, upon the expiration of the terms of the present incumbents thereof; and to provide for the filing of the files, records and dockets belonging to or appertaining to the offices abolished and discontinued, and for the issuance of executions upon judgments appearing on said dockets and to repeal all provisions of the charter of the city of Saginaw and of all other acts or parts of acts in any wise contravening the provisions of this act," approved May thirteenth, eighteen hundred ninety-three.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections two, five, seven and eleven of act number three hundred eighty-three of the local acts of eighteen hundred ninety-three, entitled "An act to provide for the election of two justices of the peace, and for the appointment of a justice clerk in and for the city of Saginaw, and to define their jurisdiction and to fix their compensation, and to abolish and discontinue the five offices of justices of the peace of said city, upon the expiration of the terms of the present incumbents thereof, and to provide for the filing of the files, records and dockets belonging to or appertaining to the offices abolished and discontinued, and for the issuance of executions upon judgments on said dockets, and to repeal all provisions of the charter of the city of Saginaw and of all other acts or parts of acts in any wise contravening the provisions of this act," approved May thirteenth, eighteen hundred ninety-three, be amended so as to read as follows:

Justices to have
same jurisdic-
tion as justices
of townships.

Jurisdiction of
civil cases.

SEC. 2. The said justices of the peace for the city of Saginaw shall have the same jurisdiction and powers and perform the same duties as are now exercised and performed, or may at any time hereafter be conferred by law upon justices of the peace for townships, together with jurisdiction in civil cases, where either of the parties to any such action reside in the county of Saginaw, and such further jurisdiction as may be provided by statute. In cases of examination of offenders by either of said justices, for offenses committed against the crim-

L A W S O F K A N S A S .



CHAPTER I.

ACCOUNTS IN RELATION TO PENITENTIARY.

SENATE RESOLUTION providing for Inquiry into Accounts of Penitentiary.

Resolved by the Legislature of the State of Kansas:

That the Auditor of State be and he is hereby directed to institute a rigid inquiry as to labor performed by state convicts confined in the jails of Leavenworth and Douglas counties, as to labor performed for the counties, before he draws any order upon the Treasurer of State, for money appropriated at this session of the Legislature, in favor of either Douglas or Leavenworth counties, or the Sheriffs of the same, or either of the Penitentiary Commissioners, he shall be satisfied from investigation that the State has been and is credited for all labor performed by convicts for any party or parties as above.

Auditor to
institute in-
quiry.

CHAPTER XII.

ARMS.—PREVENT CARRYING OF.

AN ACT to prevent the carrying of Deadly Weapons.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. Any person who is not engaged in any legitimate business, any person under the influence of intoxicating drink, and any person who has ever borne arms against the Government of the United States, who shall be found within the limits of this State, carrying on his person a pistol, bowie-knife, dirk or other deadly weapon, shall be subject to arrest upon charge of misdemeanor; and upon conviction shall be fined in a sum not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or both, at the discretion of the court.

Conviction for carrying deadly weapons.

SEC. 2. Justices of the Peace shall have original jurisdiction of all cases arising under this Act, and on complaint being made, shall proceed to hear and determine the same in a summary manner, and shall have full authority to enforce both fine and imprisonment as provided in this Act, *Provided*, that nothing in this Act shall conflict with the ordinance of any incorporated city of the State.

Complaint made before Justice of the Peace.

SEC. 3. In all cases arising under this Act, the accused shall be entitled to a jury of six men, possessing the qualifications of electors, who, if they find the defendant guilty, shall assess the fine to be paid by him, and fix the term of his imprisonment; and if convicted, may appeal to the District Court of the proper county as in other cases provided by law.

Fine to be assessed.

SEC. 4. This Act to take effect and be in force from and after its publication.

Approved, February 23d, 1867.

S. J. CRAWFORD,
Governor.

ANNOTATED STATUTES

OF

WISCONSIN,

CONTAINING THE

GENERAL LAWS IN FORCE OCTOBER 1, 1889,

ALSO

THE REVISERS' NOTES TO THE REVISED STATUTES OF 1858 AND 1878,
NOTES OF CASES CONSTRUING AND APPLYING THE CONSTITU-
TION AND STATUTES, AND THE RULES OF THE COUNTY
AND CIRCUIT COURTS AND OF THE SUPREME COURT.

BY

ARTHUR L. SANBORN AND JOHN R. BERRYMAN.

BY AUTHORITY OF CHAPTER 222, LAWS OF 1889.

VOL. II.

CHICAGO, ILL.:
CALLAGHAN AND COMPANY.
LAW BOOK PUBLISHERS.
1889.

PART IV.

CRIMES AND THE PUNISHMENT THEREOF; PROCEEDINGS IN CRIMINAL CASES; AND PRISONS, THEIR MANAGEMENT AND DISCIPLINE.

TITLE XXXII.

CRIMES AND THE PUNISHMENT THEREOF.

- CHAP.** 181. Of offenses against the lives and persons of individuals.
182. Of offenses against property.
183. Of offenses against public justice.
184. Of offenses against the public peace.
185. Of offenses against public policy.
186. Of offenses against chastity, morality and decency.
187. Of offenses against the public health.
188. General provisions concerning crimes and punishments.

CHAPTER CLXXXI.

OF OFFENSES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

Homicide. SECTION 4337. The killing of a human being, without the authority of law, by poison, shooting, stabbing, or any other means, or in any other manner, is either murder, manslaughter, or excusable or justifiable homicide, according to the facts and circumstances of each case.

[Sec. 1, ch. 133, R. S. 1849.] Sec. 1, ch. 164, R. S. 1858.

Revisers' note to this title — Sections and provisions omitted and the reasons therefor. Sec. 26, ch. 164, R. S. 1858. This section is clearly in conflict with the constitution, art. 3. No one can be disfranchised for crime except on conviction. This section disfranchises for an act committed in another state, which may or may not be a crime in some states; and in no case necessarily upon conviction. The constitution authorizes the legislature to extend suffrage, but not restrict it, except in cases mentioned therein.

Sec. 30, ch. 164, R. S. 1858. This section prescribes the punishment of manslaughter, generally in conflict with the punishments provided for its different degrees.

Sec. 48, ch. 64, R. S. 1858. This section creates a very uncertain and loose offense in conflict with other provisions. Malicious killing is a higher crime than this is made, and wilful carelessness is punished by other provisions.

Secs. 49 and 50, ch. 164, R. S. 1858. Same provisions made elsewhere in this revision.

Sec. 17, ch. 165, R. S. 1858. Same provision elsewhere.

Sec. 26, ch. 125, R. S. 1858, and sec. 1, ch. 14, 1868. All these sections covered by the definition of the crime of "false pretenses."

Sec. 2, ch. 36, 1869. This and all other provisions specially requiring public officers to do their duty in certain cases, unnecessary, and leave the inference that they need not do it, in other cases.

persons passing over or near the same, shall be punished by fine not exceeding fifty dollars, nor less than two dollars.

Ch. 103, 1871. The substance retained, but leaving responsibility with persons using machine to protect it from dangerous use.

This section does not apply to an agricultural machinery at a fair: *Phillips v. Agricultural Society*, 60 Wis., 401.

Carrying concealed weapons. SECTION 4397. Any person who shall go armed with any concealed and dangerous weapon, shall be punished by imprisonment in the county jail not more than six months, or by fine not exceeding one hundred dollars: provided, this section shall not apply to any policeman or officer authorized to serve process.

Sec. 1, ch. 7, 1872.

Dangerous weapon. See note to sec. 4354. See, as to minors and intoxicated persons, sec. 4397b.

Toy fire-arms, sale or use of prohibited. SECTION 4397a. [*Ch. 116, 1882.*] 1. It shall be unlawful for any person to sell or use, or have in his possession, for the purpose of exposing for sale or use, any toy pistol, toy revolver, or other toy fire-arm.

2. Any person violating any of the provisions of this act, on conviction thereof, shall be punished by imprisonment in the county jail not exceeding six months, or by fine not exceeding one hundred dollars, or by both fine and imprisonment, in the discretion of the court.

Minors not to go armed. SECTION 4397b. [*Ch. 329, 1883.*] 1. It shall be unlawful for any minor, within this state, to go armed with any pistol or revolver, and it shall be the duty of all sheriffs, constables, or other public police officers, to take from any minor any pistol or revolver, found in his possession.

Revolvers, etc., not to be sold to minors. 2. It shall be unlawful for any dealer in pistols or revolvers, or any other person, to sell, loan or give any pistol or revolver to any minor in this state.

Intoxicated persons not to go armed. 3. It shall be unlawful for any person in a state of intoxication to go armed with any pistol or revolver. Any person violating the provisions of this act shall be punished by imprisonment in the county jail not exceeding six months, or by fine not exceeding one hundred dollars.

Penalty for assault and for using abusive language. SECTION 4398. [*As amended by ch. 189, 1882.*] Any person who shall assault another, when not excusable or justifiable, or who shall use in reference to and in the presence of another, or in reference to and in the presence of any member of his family, abusive or obscene language, intended or naturally tending to provoke an assault or any breach of the peace, shall be punished by imprisonment in the county jail not more than three months, or by fine not exceeding one hundred dollars. The provisions of this section shall not be applicable to any city or village which has enacted an ordinance under its charter for the punishment of the same or similar offense.

New section. Laws of Indiana and Ohio.

A complaint under this section must set forth the language used: *Steuer v. State*, 59 Wis., 472. And allege that it was used in the presence of the complainant or of some member of his family: *Peters v. State*, 68 id., 339. And the name, if it is known, of the person in reference to and in whose presence the language was used: *State v. Clarke*, 31 Minn., 207.

The words "wanton or obscene language," as used in a city ordinance, held equivalent to lewd or lascivious language: *Sutton v. McConnell*, 46 Wis., 269.

The manufacture, sale and transportation of articles for unlawful purposes prohibited. SECTION 4398a. [*Sec. 1, ch. 342, 1885.*] Any per-

THE
Statutes at Large
OF
PENNSYLVANIA

FROM
1682 to 1801

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five shillings, one-half to the use of the poor of the said city, and the other half to the use of him or them who shall prosecute and cause such offender to be as aforesaid convicted: which forfeitures shall be levied by distress and sale of the offender's goods as aforesaid; and for want of such distress, if the offender refuse to pay the said forfeiture, he shall be committed to prison for every such offense the space of two days, without bail or mainprise.

Provided, That such conviction be made within ten days after such offense committed. And if such offender be a negro or Indian slave, he shall, instead of imprisonment, be publicly whipped, at the discretion of the magistrate.

Passed August 26, 1721. Apparently never considered by the Crown, but allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix IV, Section II, and Hill's letter and Fane's opinion in Appendix V, Section I, and the Acts of Assembly passed August 14, 1725, Chapter 237; February 6, 1730-31, Chapter 322; March 29, 1735-36, Chapter 338; February 9, 1750-51, Chapter 388; March 26, 1762, Chapter 481; March 9, 1771, Chapter 624; March 21, 1772, Chapter 648; December 24, 1774, Chapter 705; November 25, 1779, Chapter 867; March 28, 1787, Chapter 1279; September 29, 1787, Chapter 1318; April 13, 1791, Chapter 1573; April 11, 1793, Chapter 1698; April 18, 1794, Chapter 1743; April 18, 1795, Chapter 1857; March 29, 1802, P. L. 127; March 29, 1803, P. L. 542; April 4, 1807, P. L. 132; March 30, 1812, P. L. 182; March 14, 1818, P. L. 189; March 29, 1824, P. L. 152; February 10, 1832, P. L. 64; June 13, 1836, P. L. 551; March 16, 1847, P. L. 473; April 11, 1848, P. L. 504; April 8, 1851, P. L. 382; April 14, 1851, P. J. 549; March 20, 1856, P. L. 137; May 5, 1864, P. L. 841; March 23, 1865, P. L. 744; March 12, 1866, P. L. 160; June 2, 1870, P. L. 1316; April 17, 1878, P. L. 23; June 10, 1881, P. L. 111; June 11, 1885, P. L. 111.

CHAPTER CCXLVI.

AN ACT TO PREVENT THE KILLING OF DEER OUT OF SEASON, AND AGAINST CARRYING OF GUNS OR HUNTING BY PERSONS NOT QUALIFIED.

[Section I.] Be it enacted by Sir William Keith, Baronet, Governor of the Province of Pennsylvania, &c., by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That if

any person or persons, after the publication hereof, shall kill or destroy any buck, doe, fawn, or any other sort of deer whatsoever, at any other time or season except only betwixt the first day of July and first day of January, he shall forfeit and pay for every such buck, doe, fawn, or other deer so killed or destroyed as aforesaid, the sum of twenty shillings; one-half thereof to the poor of the township where the offense is committed, and the other half to him who shall inform or sue for the same, before any justice of the peace of this province, who is hereby empowered and authorized to hear and determine the same, and to convict the offender, by the oath or affirmation of one or more witnesses.

Provided, That such conviction be made within two months after such offense is committed.

And for the better conviction of offenders against this act:

[Section II.] Be it enacted, That every person in whose custody shall be found, or who shall expose to sale any green deer skins, fresh venison, or deer's flesh, at any other time of the year than what is before excepted, and shall be convicted thereof as aforesaid, shall be deemed guilty of the said offense. And that the same green deer skins, fresh venison or deer's flesh so found as aforesaid shall be held to be good evidence in the cases aforesaid.

Provided always, That nothing contained in this act shall be deemed or construed to extend to any free native Indians carrying guns, hunting, killing, and having in their custody any skins or deer's flesh for their own use, anything in this act to the contrary notwithstanding.

And whereas divers abuses, damages and inconveniencies have arose by persons carrying guns and presuming to hunt on other people's lands, for remedy whereof for the future:

[Section III.] Be it enacted by the authority aforesaid, That if any person or persons shall presume, at any time after the sixteenth day of November, in this present year one thousand seven hundred and twenty-one, to carry any gun or hunt on the improved or inclosed lands of any plantation other than his own, unless he have license or permission from the owner of such lands or plantation, and shall be thereof convicted, either

upon view of any justice of the peace within this province, or by the oath or affirmation of any one or more witnesses, before any justice of the peace, he shall for every such offense forfeit the sum of ten shillings. And if any person whatsoever, who is not owner of fifty acres of land and otherwise qualified in the same manner as persons are or ought to be by the laws of this province for electing of members to serve in assembly, shall, at any time after the said sixteenth day of November, carry any gun, or hunt in the woods or uninclosed lands, without license or permission obtained from the owner or owners of such lands, and shall be thereof convicted in manner aforesaid, such offender shall forfeit and pay the sum of five shillings for every such offense.

[Section IV.] And be it further enacted by the authority aforesaid, That no person whatsoever shall presume to shoot at or kill with a firearm any pigeon, dove, partridge, or other fowl in the open streets of the city of Philadelphia, or in the gardens, orchards and inclosures adjoining upon and belonging to any of the dwelling houses within the limits of the said city, upon the forfeiture of five shillings for every such offense, to be convicted in manner aforesaid.

All which penalties and forfeitures shall go, one moiety to the informer, and the other to the poor of the township where such offense is committed. But if convicted upon view of a justice of the peace, the whole forfeiture shall be to the use of the poor. And if the offender refuse to pay, the same shall be levied by distress and sale of the offender's goods, by warrant under the hand and seal of the justice before whom such offender shall be convicted, returning the overplus, if any be, the charge of distraining being first deducted. And for want of such distress he shall be committed to prison, where the forfeiture is twenty shillings, for the space of ten days; and, where the forfeiture is ten shillings, for the space of five days; and, if the forfeiture is five shillings, for the space of two days, without bail or mainprise.

Passed August 26, 1721. Apparently never considered by the Crown, but allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix IV, Section II, and Hill's letter and Fane's opinion in Appendix V, Section I, and

the Acts of Assembly passed February 6, 1730-31, Chapter 323; January 27, 1749-50, Chapter 383. Repealed by Act passed April 9, 1760, Chapter 456.

CHAPTER CCXLVII.

AN ACT FOR THE WELL TANNING AND CURRYING OF LEATHER, AND REGULATING OF CORDWAINERS, AND OTHER ARTIFICERS, USING AND OCCUPYING LEATHER WITHIN THIS PROVINCE.

Whereas very great abuses have been committed by tanners, cutters and other persons, using and working of leather within this government, and the prices of leather become very exorbitant and burdensome to the people of this province: To the intent therefore that a reasonable and indifferent course for the true and well tanning, currying and working of leather, may be from henceforth established and appointed, and yet the persons using the several crafts and mysteries aforesaid may not be more strictly bound or limited than the necessary regard of the welfare and general commodity of all His Majesty's subjects within the said province requireth:

[Section I.] Be it enacted by Sir William Keith, Baronet, Governor of the Province of Pennsylvania, &c., by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That from and after the twenty-fifth day of November next, in this present year of our Lord one thousand seven hundred and twenty-one, if any person or persons using, or which shall use, the mystery or faculty of tanning, or any person or persons importing, or who shall import, any leather into this province, shall at any time or times hereafter offer or put to sale any kind of leather which shall be insufficiently and not thoroughly tanned, so that the same, by the triers of leather lawfully appointed by virtue of this present act, for the time being, shall be found to be insufficiently not thoroughly tanned, that then all and every such person and persons so offending shall forfeit such leather, as shall be found insufficiently and not thoroughly tanned, unless the party importing the same will give

CHAP. XXVI.

April,
1715.



An ACT for the speedy trial of criminals, and ascertaining their punishment in the county courts when prosecuted there, and for payment of fees due from criminal persons.

A Supplementary act, May 1766, ch. 6.

Preamble.

WHEREAS many acts of assembly have been heretofore made against thieving and stealing, which at this present are not sufficient to prevent the committing those crimes, or to punish them when committed ;

Justices of the county courts, of what crimes they may hold plea.

II. BE IT THEREFORE ENACTED, by the King's most excellent majesty, by and with the advice and consent of his majesty's Governor, Council and Assembly of this province, and the authority of the same, That it shall and may be lawful to and for the several justices of the county courts of this province to hold plea of, adjudge, and in lawful manner determine, all thieving and stealing of any goods or chattels whatsoever, not being above the value of one thousand pounds of tobacco (robbery, burglary, and house-breaking excepted,) (a) and every person or persons legally convicted of any such thieving and stealing (except before excepted,) by testimony of one sufficient evidence, not being the party grieved, before any such county court as aforesaid, shall and may cause to be punished, by paying fourfold of the value of the goods so thieved or stolen as aforesaid, and the stolen goods returned to the party or parties grieved thereby, and by putting in the pillory, and whipping so many stripes as the court before whom such matter is tried, shall adjudge, not exceeding forty ; which court shall always adjudge the value of the goods so thieved and stolen as aforesaid ; and if any such person, so convicted, have not sufficient goods and chattels, or be a servant, whereby he is incapable to have goods and chattels to satisfy and pay the said fourfold, in every such case, such person or persons shall receive the corporal punishment as aforesaid, and satisfy the fourfold, and fees of conviction, by servitude.

Time of service, when to commence.

III. AND BE IT HEREBY ENACTED AND DECLARED, by the authority, advice and consent aforesaid, That the time of service of a free person convict as aforesaid, not having goods and chattels as aforesaid, shall commence from the time of his conviction as aforesaid ; and the time of service of a servant, convict as aforesaid, shall commence at the expiration of such time of servitude, to which, at the time of his conviction, he stood bound, which time of servitude, for satisfaction for the

(a) By 1785, ch. 87, section 7, the justices of the county courts are empowered, (unless in cases particularly directed by law to be tried in the general court) to try all persons who have committed any manner of offence, although it may subject such person to the pains of death.

JOHN HART, Esq. GOVERNOR.

stolen goods, and fees accrued as aforesaid, shall be adjudged by such county court, either to the party grieved, or any other person the court shall order such convict to, that will then and there pay, or secure to be paid, the fourfold and costs aforesaid, at the discretion of the court; and if any person or persons shall receive or take part of such stolen goods, or assist the person so stealing as aforesaid to make away or conceal them, being legally convicted as aforesaid, shall suffer the same corporal pains with the party stealing as aforesaid, any law, statute, usage or custom to the contrary notwithstanding.

April,
1715.

IV. AND, If any person or persons have been once convicted of any such thieving and stealing, (except before excepted,) and shall after be again presented for thieving and stealing of any goods or chattels, laid to be above the value of twelve-pence, it shall not be tried and determined by any county court, but the party presented, upon such presentment, shall be proceeded against in the provincial court as a felon for simple felony, but shall not be punished by death, but only paying the fourfold, branding with a hot iron, or such other corporal punishment as the court shall adjudge, saving life; and such presentment shall be, by the clerk of every such county court, immediately sent to the then next provincial court, together with a transcript of his former conviction, if such conviction was in the same court where the presentment aforesaid shall be, or otherwise, made known to the attorney-general in what other court such former conviction was, if to him known, under the penalty of five hundred pounds of tobacco to our sovereign lord the king, his heirs and successors, for the support of government; and the parties witnesses against such felons, if in court at the time of such presentment, shall be bound over to give evidence as aforesaid, or otherwise, if not in court, an account of their names and places of dwelling to be sent to the attorney-general, to be summoned against the then next provincial court, in order to such trial; and the party presented, if in court, to be bound over also, by due course of law, to answer such presentment, or, if not in court, proceeded against by due course of law as aforesaid.

Persons again prosecuted must be tried in the provincial court, if the presentment charges them with stealing above the value of 12 pence.

V. AND BE IT FURTHER ENACTED, *by the authority, advice and consent aforesaid,* That any person or persons whatsoever that shall kill any unmarked swine above three months old, if not upon his or their own land, or not in company with his or their own stock, shall and is hereby adjudged an hog stealer, and shall be liable to restore fourfold, and suffer such corporal pains as against the first offence in this act mentioned.

Penalty for killing unmarked swine.

VI. AND, to prevent any person or persons concealing or disfiguring the mark of any swine killed as aforesaid, BE IT FURTHER ENACTED, *by the authority advice and consent aforesaid,* That if any person or persons killing any such unmarked swine in the woods, or elsewhere, and shall wilfully disfigure the mark, or cut off the ears of such swine, so as to con-

For disfiguring their mark, &c.

April,
1715.

And on
persons con-
victed for
hunting, &c.

ceal the true and real mark, or whether it were marked or not, shall be deemed and adjudged a hog stealer within the purview of this act, and shall suffer accordingly.

VII. AND, to prevent the abusing, hurting or worrying of any stock of hogs, cattle or horses, with dogs, or otherwise, **BE IT ENACTED**, That if any person or persons whatsoever, that have been convicted of any of the crimes aforesaid, or other crimes, or that shall be of evil fame, or a vagrant, or dissolute liver, that shall shoot, kill or hunt, or be seen to carry a gun, upon any person's land, whereon there shall be a seated plantation, without the owner's leave, having been once before warned, shall forfeit and pay one thousand pounds of tobacco, one half to our sovereign lord the king, his heirs and successors, the other half to the party grieved, or those who shall sue for the same, to be recovered in any county court of this province by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law to be allowed.

Criminals to
pay their
own fees, by
servitude, if
not other-
wise capa-
ble.

VIII. AND BE IT FURTHER ENACTED, *by the authority, advice and consent aforesaid*, That from henceforth no sheriff, gaoler, clerk, crier, or other officer, shall charge either their own county, to which they belong, or the public, with any fees for any criminal committed to the charge of the said sheriff or gaoler, having sufficient estate in this province wherewith to pay the same, or being capable to pay the same by servitude, but that such criminals, being discharged by order and due course of law, shall pay their own fees to the sheriff, gaoler, clerk and crier, and other officers, being such as they may demand according to law, either out of his estate, or by servitude, or otherwise.

Vide 1781, ch 11.

Proviso.

IX. PROVIDED ALWAYS, That this act shall not extend to malefactors that are executed, or to such other persons who are banished, having no estate in this province, or to servants criminals, for whom the county shall pay such fees as are due by the acts of assembly to the sheriff, gaoler, clerk, crier, or other officers of such court where such criminal shall be convicted.

Officers fees,
how to be
paid.

X. AND BE IT FURTHER ENACTED, *by the authority aforesaid*, That all officers' fees due by law from (a) criminal servants, shall be paid by the county where the facts shall be committed; and that all and every such criminal servants for

(a) By the act of 1727, ch. 2, all fees due on the prosecution of imported servants, were to be paid by the masters, &c. of such servants, and not by the public or county; and the owners (unless in case of conviction and execution for capital offences,) to have recompence for such fees, by such servitude of the servants (not exceeding three years) as should be thought reasonable by the county court, &c. By May, 1766, ch. 6, the legal fees on the prosecution of any negro, or other slave, in any county court, (whether convicted or acquitted,) shall be paid by and assessed in the levy of the respective counties where prosecuted.

whom the county shall pay the fees due by law to such officers as aforesaid, shall, after the end and expiration of their time of servitude to their master or mistress, satisfy and pay unto the commissioners of the county who paid such fees for them to the sheriff, and other officers as aforesaid, for the use of the county, such sums as they have paid as aforesaid: and the several commissioners of the several counties shall, and are hereby empowered to make inquisition after all such servants, criminals, for whom the county hath defrayed the said fees to the sheriff, and other officers as aforesaid; and they, the said commissioners, according to their best discretion, shall cause to be entered rules for the servants to make such reasonable satisfaction to the county as they shall think fit, and in such manner as they shall find convenient.

April,
1715.



XI. AND, for the better security of the county which shall pay such fees for such criminal servants as aforesaid, BE IT ENACTED, by the authority aforesaid, That the master, mistress or dame of all such servants, be and are hereby enjoined and required, at the expiration of the time of such servant's servitude to such master, or mistress or dame, to render and deliver up to the sheriff of the county, for the use of the county aforesaid, such servants criminals as aforesaid, under the penalties to such master, mistress or dame, refusing or neglecting to deliver up such servants as aforesaid, of making satisfaction to the county for all such fees as by the county aforesaid have been paid for such criminal as aforesaid; and such sheriff to whom such criminal servant shall be delivered as aforesaid, is hereby required to receive and secure such servants criminals as aforesaid, so that he be and appear at the then next county court to be held for the said county, to be disposed of as the said court shall consider.

Masters, &c. to deliver up servants, criminals under penalty of paying the fees, paid for the criminal by the county.

Vide list of acts respecting crimes and punishments, 1692, ch. 16.

CHAP. XXVII.

An ACT for the punishing the offences of adultery and fornication.

Other acts: 1749, ch. 12.—Nov. 1781, ch. 13.—1785, ch. 47.—1796, ch. 34.

BE IT ENACTED, by the King's most excellent majesty, by and with the advice and consent of his majesty's Governor, Council and Assembly of this province, and the authority of the same, That after the end of this session of assembly, whosoever shall, directly or indirectly, entertain, provide for, or cause to be entertained or provided for, any lewd woman or women, or that shall frequent her or their company, after that admonition to him or them be given by the minister, or the vestry, or the churchwarden or churchwardens of the parish where such person or persons shall inhabit, shall be adjudged

Certain persons to be adjudged fornicators, &c.

L A W S

O F

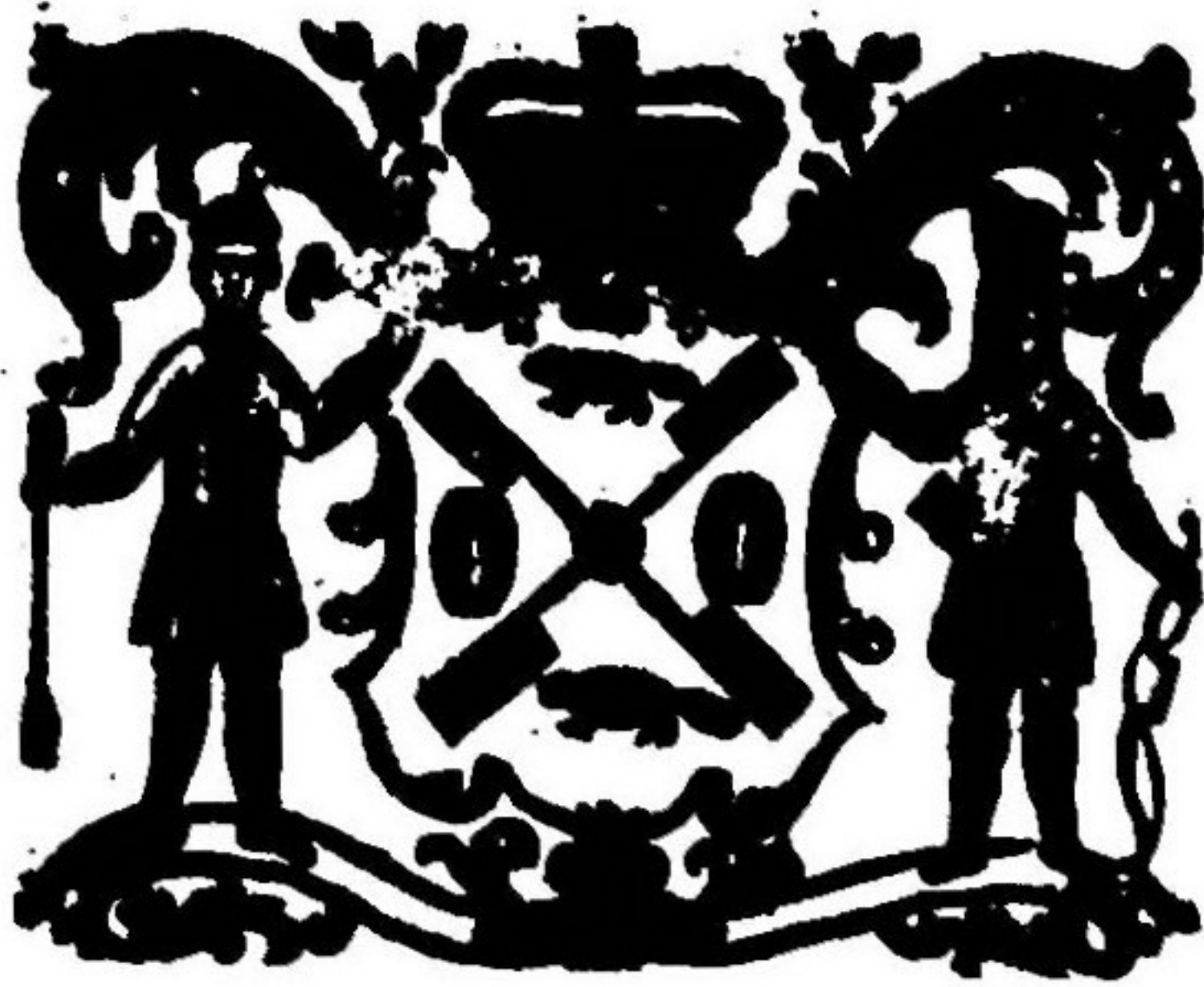
N E W - Y O R K,

F R O M

The Year 1691, to 1773 inclusive.

PUBLISHED ACCORDING TO AN ACT OF THE
G E N E R A L A S S E M B L Y.

V O L U M E T H E S E C O N D.



QUUM LEGES ALIÆ SUPER ALIAS ACCUMULATÆ, EAS DE INTEGRO
RETRACTARE, ET IN CORPUS SANUM ET HABILE REDIGERE, EX
USU SIT.

BACON.

N E W - Y O R K :

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Province of New-York,
MDCCLXXIV.

also be necessary to annex to the said Certificate, an Affidavit of the following Tenor, sworn to before any Magistrate in the City of *New-York*:
A. B. being duly sworn, deposes and saith, That he certainly knows [or has Affidavits to prove, as the Case may be] that the Hemp mentioned in the above, or the annexed Certificate, was all raised after the first of March, One thousand seven hundred and sixty-four, in the Colony of New-York, in the County of [here mentioning the County] and that no Bounty has yet been paid for it, or any Part of it, to the best of his Knowledge and Belief: And further saith not. The Inspectors above mentioned, before they enter on the Execution of their Office, shall take an Oath, faithfully to discharge the Duty of Inspectors, according to the Meaning of this Act.

4th GEORGE III.
 A. D. 1763.

Form of Affidavit to be sworn to before the Bounty shall be paid.

[The Rest of this Act is OBSOLETE.]

C H A P. MCCXXIX.

An ACT to regulate the guaging of Wine, Rum, and other Spirituous Liquors, Molasses, and other Purposes therein mentioned.
 Pass'd the 20th December, 1763.

Expired 1st January, 1771.

C H A P. MCCXXX.

An ACT to lay a Duty of Tonnage on Vessels for defraying the Expence of the Light-House on Sandy-Hook.
 Pass'd the 20th December, 1763.

Continued Chap. 1277:
 Expired 1st January, 1772.
 Provided for Ch. 1515.

C H A P. MCCXXXI.

An ACT empowering John Cruger, Robert R. Livingston, Philip Livingston, Leonard Lispenard, and William Bayard, Esquires, to receive from the Colony of Pennsylvania, the Sum of Four Thousand Three Hundred and Sixty-eight Pounds Two Shillings and Six-pence, Sterling, overpaid to the said Colony, out of the Parliamentary Grant for the Service of the Year One thousand seven hundred and sixty.
 Pass'd the 20th December, 1763.

This Money being received and paid into the Treasury, the Act is therefore Obsolete.

C H A P. MCCXXXII.

An ACT to continue an Act, entitled, An Act for the Relief of Insolvent Debtors, and for repealing the Acts therein mentioned, with an Addition thereto.
 Pass'd the 20th December, 1763.

See Chap. 1148.
 Continued Ch. 1309.

C H A P. MCCXXXIII.

An ACT to prevent hunting with Fire-Arms in the City of New-York, and the Liberties thereof.
 Pass'd the 20th December, 1763.

WHEREAS it has long been the Practice of great Numbers of idle and disorderly Persons in and about the City of *New-York*, and the Liberties thereof, to hunt with Fire-Arms, and to tread down the Grass, and Corn and other Grain standing and growing in the Fields and Inclosures there, to the great Danger of the Lives of his Majesty's Subjects, the Ruin and Destruction of the most valuable Improvements, the grievous Injury of the Proprietors, and the great Discouragement of their Industry.

Preamble.

4th GEORGE III.
A. D. 1763.

Penalty for entering with Fire-Arms into any inclosed Land within this City or its Liberties.

Or passing thro' Orchards, &c. without Arms.

Before whom Offenders to be convicted.

Forfeitures how to be recovered and applied.

Offenders to be imprisoned if the Fines are not paid,

Proviso.

Expired 1st January, 1770.
Provided for Ch. 1441.

Obsolete.

I. In order therefore the more effectually to punish and prevent such Abuses as foresaid, **Be it Enacted by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same,** That if any Person or Persons whatsoever, other than the Owner, Proprietor, or Possessor, or his or her white Servant or Servants, do and shall, at any Time or Times from and after the Publication of this Act, carry, shoot, or discharge any Musket, Fowling-Piece, or other Fire-Arm whatsoever, into, upon, or through any Orchard, Garden, Corn-Field, or other inclosed Land whatsoever, within the City of *New-York*, or the Liberties thereof, without Licence in Writing first had and obtained for that Purpose from such Owner, Proprietor, or Possessor of such Orchard, Garden, Corn-Field, or other inclosed Land; or shall enter into, or pass through any Orchard, Garden, Corn-Field or Mowing-Ground, in any of the aforesaid Places without Fire-Arms, and thereof shall be convicted before any Member of his Majesty's Council, either of the Justices of the Supreme Court, or the Mayor, Recorder, or any one of the Aldermen of the City of *New-York*, for the Time being, by the Oath of one credible Witness, or by Confession of the Party offending, he, she, or they so offending, shall severally forfeit and pay for every such Offence, the Sum of *Twenty Shillings*; to be recovered and applied in the Manner herein after directed.

II. **And be it further Enacted by the Authority aforesaid,** That every Fine and Forfeiture, which shall accrue upon or by Virtue of this Act, shall be recovered, with reasonable Costs, not exceeding *Ten Shillings*, by any Person or Persons who shall and will sue, and prosecute for the same; One Half of such Fine and Forfeiture when recovered and received, to be applied to his, her, or their own Use; and the other Half thereof to be paid by him, her, or them, to the Church Wardens of the said City for the Time being, for the Use of the Poor thereof.

III. **And be it further Enacted by the Authority aforesaid,** That every Offender, who shall incur any such Fine or Forfeiture as aforesaid, shall, by Warrant under the Hand and Seal of any Member of his Majesty's Council, Justice of the Supreme Court, or the Mayor, Recorder, or Aldermen before whom he or they shall be convicted, stand and be committed to the Common Goal of the said City, there to remain for the Space of three Months, unless the Fine or Forfeiture, with Costs, be sooner paid. **Provided always,** That the Members of his Majesty's Council, and the Justices of the Supreme Court, shall be at Liberty to act in the Execution of this Law or not, as to them shall seem fitting.

C H A P. MCCXXXIV.

An ACT to establish the Rates to be taken for Wharfage of Ships and other Vessels using the Wharfs within the Limits therein mentioned,
Pass'd the 20th December, 1763.

C H A P. MCCXXXV.

An ACT to raise, levy, and collect, the Sum of Sixty-one Pounds Nineteen Shillings, in the City and County of New-York, for Services performed by the Coroner of the said City and County.
Pass'd the 20th December, 1763.

C H A P.

Laws Of New-York, From The Year 1691, To 1773 Inclusive. Vol. 2, Hugh Gaine, MDCCLXXIV. The Making of Modern Law: Primary Sources, link.gale.com/apps/doc/DT0103403799/MMLP?u=efgssf&sid=bookmark-MMLP&xid=d8a580f7&pg=22. Accessed 12 Oct. 2022.

A C T S passed by the General Assembly of the Province of *New-Jersey*, at *Perth Amboy* in 1722, being the Eighth Year of His Majesty's Reign.

C H A P. XXXIII.

An A C T for the Security of His Majesty's Government of New-Jersey.

Preamble.

Sect. 1. **W** H E R E A S some Persons in this Province, disaffected to His Majesty's Person and Government, propogate their pernicious Principles, to the great Hurt of His Majesty's faithful and loyal Subjects inhabiting within the same. And by Reason of their Intermeddling in publick Affairs, in Contempt of His Majesty's legal and just Authority, obstruct the publick Administration, and will, if not prevented, prove Dangerous to the Government of this Province.

Two or more
Justices, or any
Person special-
ly appointed by

B E I T T H E R E F O R E E N A C T E D by the Governor, Council and General Assembly, and it is hereby

CHAP. XXXV.

An ACT to prevent Killing of Deer out of Season, and against Carrying of Guns and Hunting by Persons not Qualified.

Any Person killing Deer in the Time by this Act disallowed, to forfeit 30s. &c.

SECT. I. **B**E IT ENACTED by the Governor, Council and General Assembly, AND IT IS HEREBY ENACTED by the Authority of the same, That if any Person or Persons, after the Publication hereof, shall kill or destroy any wild Buck, Doe or Fawn, or any other Sort of Deer whatsoever, at any Time in the Months of *January, February, March, April, May or June*, every such Person shall, for every such Offence, forfeit and pay the Sum of *Thirty Shillings*, for every such Buck, Doe or Fawn, or other Deer, so killed or destroyed as aforesaid, contrary to the true Intent and Meaning of this Act; one half thereof to the Poor of the Township or Precinct where the Offence is committed, and the other half to him who shall Inform or Sue for the same before any Justice of the Peace of this Province, who is hereby empowered and authorized to hear and determine the same, and to convict the Offender by the Oath or Affirmation of one or more Witnesses. Provided That such Conviction be made within two Months after the Offence committed.

Sale of green Skins to amount to a Conviction, &c.

2. AND for the better Convicting of Offenders against this Act, BE IT ENACTED by the Authority aforesaid, That every Person in whose Custody shall be found, or who shall expose to Sale, any green Deer Skins, fresh Venison or Deer's Flesh, at any Time in any of the Months of *January, February, March, April, May or June*, aforesaid, and shall be convicted thereof, as aforesaid, shall be deemed Guilty of the said Offence.

Not to extend to hinder killing them in Corn Fields, or by Indians

3. PROVIDED ALWAYS, That nothing contained in this Act, shall be deemed or construed to hinder any Person from killing any kind of Deer, within his Fields where Corn is growing, at any Time in the Month of *January*, nor to extend to any Free Native Indians carrying Guns, hunting, killing or having in their Custody any Skins or Deer's Flesh for their own Use; any Thing in this Act to the contrary notwithstanding.

4. And

The Eighth of GEORGE I.

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4. And whereas divers abuses have been committed, and great Damages and Inconveniencies arisen by Persons carrying of Guns and presuming to hunt on other Peoples Land; for Remedy whereof for the future, **BE IT ENACTED** by the Authority aforesaid, That if any Person or Persons shall presume, at any Time after the Publication hereof, to carry any Gun, or hunt on the improved or inclosed Lands in any Plantation, other than his own, unless he have Licence or Permission from the Owner of such Lands or Plantation, and shall be thereof convicted, either upon the View of any Justice of the Peace within this Province, or by the Oath or Affirmation of any one or more Witnesses, before any Justice of the Peace, he shall, for every such Offence forfeit the Sum of *Fifteen Shillings*, with Costs attending such Conviction. And if any Person whatsoever, who is not Owner of one Hundred Acres of Land, or otherwise qualified, in the same Manner as Persons are or ought to be for electing Representatives to serve in General Assembly, shall at any Time after the Publication hereof, carry any Gun, or hunt in the Woods or uninclosed Lands, without Licence or Permission obtained from the Owner or Owners of such Lands, and shall be thereof convicted, in Manner aforesaid, such Offender shall forfeit and pay the Sum of *Ten Shillings*, with Costs as aforesaid, for every such Offence. All which Penalties and Forfeitures shall go one Moiety to the Informer, and the other to the Poor of the Township or Precinct where such Offence is committed; but if convicted upon View of a Justice of the Peace, the whole Forfeiture shall be to the Use of the Poor. And if the Offender refuse to pay the same, with Costs, as aforesaid, shall be levied on by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal of the Justice before whom such Offender shall be convicted, returning the over-plus, if any be, the Charge of Distraining being first deducted. And for want of Effects whereon to make such Distress, every Person so Offending, contrary to the true Intent and Meaning of this Act, shall be committed to Prison, when the Forfeiture is *Thirty Shillings*, for the Space of Fifteen Days; and when the Forfeiture is *Fifteen Shillings*, for the Space of Eight Days; and when the Forfeiture is *Ten Shillings*, for the Space of Five Days, without Bail or Mainprize.

No Person to carry a Gun or Hunt on Land inclosed but by assent of Owners &c.

Not on Lands uninclosed, unless freeholders &c.

Forfeitures how to be applied, and how to be levied &c.

5. **AND BE IT ENACTED** by the Authority aforesaid, That every Justice of the Peace, before whom any Person or Persons is convicted of having committed any of the Offences in and by this Act prohibited, is hereby directed and required to issue his Warrants for the bringing such Offender

Want of Effects to be committed to Gaol.

C c

before

before him, and in Case of the want of Effects whereon to make Distress, to make out his Mittimus to commit such Offender to the Gaol of the County in which such Conviction is made; and the Sheriff, Under-Sheriff, or Gaol-keeper, is hereby directed and required to keep the said Offender in close Gaol, according to the Direction of this Act, and Tenor of such Mittimus to such Sheriff, Under-Sheriff, or Gaoler directed. And every Justice of the Peace neglecting or refusing to issue such Warrant, or make such Mittimus, and every Sheriff, or Under-Sheriff or Gaol-keeper, who shall not receive such Offender, and keep him in close Gaol, according to the true Intent and Meaning of this Act, shall, for every such neglect or refusal, or undue discharge of his Office in the Premises, forfeit the Sum of *Six Pounds*, to be recovered in any Court of Record within this Province, in which there shall be no Effloyn or Protection; the one half to such Person as shall sue for and prosecute the same to Effect, the other half to the King's Majesty, His Heirs and Successors, for and towards the Support of the Government of this Province.

Sheriff refusing
&c. to receive
the party, to
forfeit 6l. &c.

Not to extend
to Negros, &c.
but they to be
whipped if con-
victed, &c

6. AND IT IS ALSO FURTHER ENACTED by the Authority aforesaid, That this Act, nor any Part thereof, shall be construed to extend to Negro, Indian or Mulatto Slaves, so as to commit them to Prison; during the Time in this Act limited, in Case they should be guilty of any of the Offences in this Act prohibited; but that then, and in such Case, such Indian, Negro or Mulatto Slave, killing and destroying any Deer as aforesaid; or carrying or hunting with any Gun, without Licence from his Master, shall, at the publick Whipping-Post, on the bare back, be Whipp'd, not exceeding Twenty Lashes, for every such Offence, for which Whipping the Master shall pay to the Whipper the Sum of *Three Shillings*, and pay no greater or other Cost whatsoever; any Thing in this Act to the contrary hereof in any wise notwithstanding.

ing with Guns, Traps and Dogs, have, by Experience, been found insufficient to answer the salutary Purposes thereby intended ; Therefore,

No Person to carry a Gun on Lands not his own, except, &c.

Seçt. I. BE IT ENACTED by the Governor, Council and General Assembly of this Colony of New-Jersey, and it is hereby Enacted by the Authority of the same, That if any Person or Persons shall presume, at any Time after the Publication hereof, to carry any Gun on any Lands not his own, and for which the Owner pays Taxes, or is in his lawful Possession, unless he hath License or Permission in Writing from the Owner or Owners or legal Possessor, every such Person so offending, and convicted thereof, either upon the View of any Justice of the Peace within this Colony, or by the Oath or Affirmation of one or more Witnesses, before any Justice of the Peace of either of the Counties, Cities or Towns-corporate of this Colony, in which the Offender or Offenders may be taken or reside, he, she or they, shall, for every such Offence, forfeit and pay to the Owner of the Soil, or his Tenant in Possession, the Sum of *Forty Shillings*, with Costs of Suit ; which Forfeiture shall and may be sued for and recovered by the Owner of the Soil, or Tenant in Possession, before any Justice of the Peace in this Colony, for the Use of such Owner or Tenant in Possession.

Penalty.

No Person to drive Deer or other Game, except, &c.

2. AND BE IT ENACTED by the Authority aforesaid, That if any Person shall presume, at any Time after the Publication of this Act, to hunt or watch for Deer with a Gun, or set in any Dog or Dogs to drive Deer, or any other Game, on any Lands not his own, and for which the Owner or Possessor pays Taxes, or is in his lawful Possession, unless he hath License or Permission in Writing from such Owner or Owners or legal Possessor ; every such Person so offending, and being convicted thereof in Manner aforesaid, shall, for every such Offence, forfeit and pay to the Owner of the Soil, or Tenant in Possession, the Sum of *Forty Shillings*, with Costs of Suit ; provided, that nothing herein contained shall be construed to extend to prevent any Person carrying a Gun upon the King's Highway in this Colony.

Penalty.

Penalty on Non-Residents.

3. AND BE IT FURTHER ENACTED by the Authority aforesaid, That if the Person or Persons offending against this Act be Non-Residents of this Colony, he or they shall forfeit and pay for every such Offence *Five Pounds*, and shall forfeit his or their Gun or Guns to any Person or Persons who shall inform and prosecute the same to Effect, before any Justice of the Peace in any County of this Colony, wherein the Offender or Offenders may be taken or apprehended.

Penalty for killing, &c. Deer out of Season.

4. AND BE IT ENACTED by the Authority aforesaid, That if any Person or Persons shall kill, destroy, hunt or take any Doe, Buck, Fawn, or any Sort of Deer whatsoever, at any other Time or Season, except only between the first Day of *September* and the first Day of *January* yearly and every Year, he, she or they so offending, shall forfeit and pay the Sum of *Forty Shillings* for each and every Offence ; to be sued for, recovered and applied as hereafter is directed.

What shall be Evidence of such Killing, &c.

5. AND, for the better and more effectual convicting of Offenders against this Act, BE IT ENACTED by the Authority aforesaid, That any and every Person or Persons in whose Custody shall be found, or who shall

shall expose to Sale, any green Deerkins, or fresh Venison killed at any Time after the first Day of *January*, and before the first Day of *September* aforesaid, and shall be thereof convicted by the Oath or Affirmation of one or more credible Witneffes, shall be deemed guilty of offending against this Act, and be subjected to the Penalties of killing Deer out of Seafon.

6. AND WHEREAS great Numbers of idle and disorderly Persons make a Practice of hunting on the waste and unimproved Lands in this Colony, whereby their Families are neglected, and the Publick is prejudiced by the Los of their Labour, BE IT THEREFORE ENACTED by the Authority aforesaid, That, from and after the first Day of *January* next, no Person or Persons whatsoever (except such Persons as are by the Laws of this Colony qualified to vote for Representatives in General Assembly, in Right of their Freeholds, and their Sons being of the Age of eighteen Years or upwards, and living with their Parent or Parents, or being Freeholders) shall, on any Pretence whatever, hunt on the waste and unimproved Lands in this Colony ; and if any Person or Persons, not qualified as aforesaid, shall presume to hunt as aforesaid, he or they so offending shall forfeit and pay, for every such Offence; the Sum of *Twenty Shillings* ; to be recovered by Action of Debt, with Costs, by any Person who shall sue for the same ; to be applied one Half to the Profecutor, and the other Half to the Use of the Poor of the Township or Precinct where the Fact was committed.

Who may hunt on unimproved Lands.

Penalty on Offenders.

7. AND BE IT ENACTED by the Authority aforesaid, That if any Person or Persons within this Colony shall set any Trap or other Device whatsoever, larger than what is usually and commonly set for Foxes and Muskrats, such Person, setting such Trap or other Device, shall pay the Sum of *Five Pounds*, and forfeit the Trap or other Device, shall suffer three Months Imprisonment, and shall also be liable to make good all Damages any Person shall sustain by setting such Trap or other Device, and the Owner of such Trap or other Device, or Person to whom it was lent, shall be esteemed the Setter thereof, unless it shall be proved, on Oath or Affirmation, what other Person set the same, or that such Trap or other Device was lost by said Owner or Person to whom it was lent, and absolutely out of his Power ; and if the Setter of the Trap or other Device be a Slave, and it be his own voluntary Act, he shall (unless the Master or Mistrefs shall pay the Fine) in Lieu of such Fine, be publickly whipped with thirty Lashes, and committed till the Costs are paid ; and that the said Trap or other Device shall be broken and destroyed in the View and Prefence of the Justice of the Peace before whom they are brought : And if any Person or Persons shall have Possession of, or there shall be found in his or their House, any Trap or Traps, Device or Devices whatsoever, for taking of Deer, such Person or Persons shall be subjected to the same Penalty as if he or they were convicted of setting such Trap or Traps, or other Device.

Penalty on setting Traps, &c.

Penalty on a Slave setting such Trap, &c.

Penalty on keeping such Trap, &c.

8. AND, for encouraging the Destruction of such Traps and Devices, BE IT ENACTED by the Authority aforesaid, That if any Person shall seize any Trap or other Device for the taking Deer, and shall carry such Trap or other Device to any Magistrate of the County where such Trap or Device was seized, such Person shall be entitled to

Reward for seizing a Trap, &c.

an Order from the said Magistrate to the Collector of such County, to pay him the Sum of *Ten Shillings*, out of any Money in his Hands raised for the Use of the County; which Sums shall be allowed to such Collector on the Settlement of his Accounts.

Penalty on a Smith making or mending such Trap, &c.

9. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That every Smith or other Artificer, who shall hereafter make or mend any such Trap or other Device aforesaid, he shall forfeit and pay the Sum of *Forty Shillings*; and the Person carrying such Trap or other Device to the Artificer aforesaid, shall forfeit and pay the Sum of *Twenty Shillings*. And every Person who shall bring into this Colony any such Trap or Device as aforesaid shall forfeit and pay the Sum of *Forty Shillings*. And if the Person who shall carry the same to the Smith or Artificer shall be so poor as that he shall not be able to pay the Forfeiture aforesaid, he shall be committed to the common Gaol, until he shall prove who is Owner of such Trap or Device, or who delivered the same to him; and in such Case the Forfeiture aforesaid shall be levied on the Goods, or in Failure of Goods, on the Body of the Owner of such Trap or Device, or the Person who delivered the same to the Pauper, and the Trap or Device shall be forfeited and destroyed.

Penalty on bringing such Trap, &c. into the Colony.

Penalty for setting loaded Guns.

10. AND WHEREAS a most dangerous Method of setting Guns has too much prevailed in this Province, BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons within this Colony shall presume to set any loaded Gun in such Manner as that the same shall be intended to go off or discharge itself, or be discharged by any String, Rope, or other Contrivance, such Person or Persons shall forfeit and pay the Sum of *Six Pounds*; and on Non-payment thereof shall be committed to the common Gaol of the County for six Months.

Application of Penalties.

11. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Fines and Forfeitures in this Act expressed, and not particularly appropriated, shall be paid, one Half to the Prosecutor, and the other Half to and for the Use of the Poor of the Town, Precinct or District, where the Offence is committed; and that the Execution of this Act, and every Part thereof, shall be within the Cognizance and Jurisdiction of any one Magistrate or Justice of the Peace, without any Reference to the Act for Trial of small Causes in this Colony.

Jurisdiction given to one Magistrate.

This Act not to affect Parks.

12. AND BE IT ENACTED, That nothing in this Law shall be construed to extend to restrain the Owners of Parks, or of tame Deer, from killing, hunting or driving their own Deer.

Penalty on Magistrate neglecting his Duty.

13. AND BE IT ALSO ENACTED *by the Authority aforesaid*, That if any Justice of the Peace or other Magistrate, within this Province, shall have Information of any Persons offending against this Act, in killing Deer out of Season, setting and making Traps, Non-Residents killing Deer, and Persons setting of Guns, and shall not prosecute the same to Effect within two Months after such Information, he shall forfeit and pay the Sum or Sums to which the Offender against this Act would have been liable.

14. AND

14. AND BE IT ENACTED *by the Authority aforesaid*, That the Justices at every Quarter-Sessions of the Peace shall cause this Act to be publickly read ; and give in Charge to the Grand-Jury to particularly inquire and present all Persons for killing Deer out of Season, setting or making Traps, and all Non-Residents killing, destroying, hunting and taking any Sort of Deer, and all Persons setting of Guns ; and, upon Conviction for either of the said Offences, the said Justices shall set and impose the Fines and Penalties herein before-mentioned, with Costs of Suit.

This Act to be published and executed.

15. AND BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons whatsoever, whether the Accused or Accuser, Plaintiff or Defendant, shall think themselves aggrieved by any of the Judgments given by the said Justices or other Magistrates, for any Suit commenced by Virtue of this Act ; then it shall and may be lawful for such Person or Persons to appeal, on giving sufficient Security for the Forfeitures and Costs, to the next Court of General Quarter-Sessions, held for such County where such Judgment shall be given ; which Court is hereby empowered to hear and determine all and every such Appeal or Appeals.

Appeal given to next Sessions.

16. AND BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons, within this Colony, shall, after the Publication of this Act, watch with a Gun, on any uninclosed Land within two Hundred Yards of any Road or Path, in the Night Time, whether the said Road is laid out by Law or not, or shall stand or station him or themselves upon or within two Hundred Yards of any Road as aforesaid, for shooting at Deer driven by Dogs, he or they so offending, shall, on Conviction, forfeit and pay the Sum of *Five Pounds* for every such Offence ; to be recovered by Action of Debt, or Presentment of the Grand-Jury as aforesaid, and pay all Damages.

Penalty for watching in the Night near a Road.

17. PROVIDED ALWAYS, That the sixth Section of this Act shall not be construed to affect any Native *Indian* ; and that nothing in this Act shall be construed to prevent the Inhabitants of *Essex, Bergen, Morris* and *Suffex*, from making, having in their Houses, or setting Traps of five Pounds Weight or more for Bears, Wolves, Foxes, or any other wild Beasts, Deer only excepted.

Not to affect *Indians*, nor *Essex, Bergen, Morris* or *Suffex*.

18. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That all former Laws made in this Colony for the Preservation of Deer and other Game, and to prevent trespassing with Guns, and regulating the Size of Traps, shall be, and they are hereby repealed.

Repeal of Former Laws.

C H A P. DXLI.

An ACT declaring the River Delaware a common Highway, and for improving the Navigation in the said River.

Passed Dec. 21, 1771.

WHEREAS the improving the Navigation in Rivers is of great Importance to Trade and Commerce ; AND WHEREAS the River *Delaware*

Preamble.

Delaware may be rendered much more navigable than it now is ; AND WHEREAS many Persons desirous to promote the publick Welfare have subscribed large Sums of Money for the Purpose aforesaid ; and it is represented that others will subscribe considerable Sums, if Commissioners are appointed by Law to receive the Subscriptions, and apply the same ; Therefore,

Delaware a publick Highway.

Sect. 1. BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by Authority of the same, That the River Delaware shall be, and it is hereby declared to be a common Highway, for the Purposes of Navigation up and down the same.

Commissioners appointed.

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That *Joseph Galloway, Joseph Fox, Michael Hillegas, Abel James, Samuel Rhoads, James Allen, Peter Knight, Esquires, Daniel Williams, Henry Drinker, Clement Biddle, Jeremiah Warder the Younger, Jacob Bright, John Baldwin, Richard Wells, Gentlemen, Thomas Yardley, Jacob Orndt, Peter Kecline, Henry Kooker, Esquires, William Ledley, Nicholas Depui, Son of Samuel, Jacob Stroud and John Arbo, Gentlemen, the Honourable, John Stevens, James Parker and Daniel Coxe, Esquires, Samuel Meredith and Robert Field, Esquires, Doctor William Bryant, Abraham Hunt, Timothy Smith, Thomas Lowry, Ashur Mott, John Emley of Kingwood, Andrew Melick, Robert Hoops and Matthew Lowry, Gentlemen,* be, and they are hereby appointed and constituted Commissioners for improving the Navigation in the said River *Delaware* ; who, or any twelve of them, the Survivors, or any twelve of them, shall have full Power and Authority, by Virtue hereof, to collect, recover and receive from any Person or Persons whatsoever, all such Sums of Money, which have been, or shall be given or subscribed for rendering the said River more navigable ; and so much of the said Monies as may be necessary for that Purpose, to lay out and apply for and towards improving the Navigation in the said River *Delaware*, from the lower Part of the Falls near *Trenton*, to the River *Lehigh* at *Easton* ; and the Residue thereof to lay out and apply for and towards improving the Navigation in that Part of the said River above the said River *Lehigh*. PROVIDED ALWAYS, That such Sums of Money as have been or shall be given or subscribed for the improving the Navigation of the said River, above the *Lehigh* aforesaid, separately, shall be laid out and applied for and towards that Purpose, and no other.

To collect Subscriptions

and apply them.

To clear, straighten, &c.

3. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Commissioners, or any twelve of them, their Survivors, or any twelve of them, shall have full Power and Authority, by themselves, their Agents, Servants and Workmen, to clear, scour, open, enlarge, straighten or deepen, the said River where-ever it shall to them appear useful for improving the Channels ; and also to remove any Obstructions whatsoever, either natural or artificial, which may or can in any Manner hinder or impede the Navigation in the said River ; and to make and set up in the said River any Dams, Pens for Water Locks, or any other Works whatsoever, and the same to alter or repair as they shall think fit ; and also to appoint, set out, and make near the said River, Paths or Ways, which shall be free and open for all Persons having Occasion to use the same for towing, hauling or drawing any Vessels, Boats, small Craft and Rafts

Rafts, of any Kind whatsoever ; and from Time to Time to do and execute every other Matter or Thing necessary or convenient for improving the Navigation in the said River. PROVIDED ALWAYS, That no Dam, Pen, Lock or other Work, made or set up by the said Commissioners, shall be appropriated to the private Use or Benefit of any Person or Persons whatsoever, contrary to the true Intent and Meaning of this Act.

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That no Person or Persons whatsoever shall presume to divert, lead or draw at any Time or Times, by any Race or other Device, any Water of the said River out of or from the natural Course or Channel, for the Use of any Mill or Waterwork.

Watercourse not to be diverted.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons shall presume to oppose or hinder the said Commissioners, or any of them, their Agents, Servants and Workmen, or any of them, from doing any Act which they are hereby authorized and empowered to do, or shall make, erect, set up, repair or maintain, or shall be aiding, assisting or abetting in making, erecting, setting up, repairing or maintaining, any Dam or Obstruction which may or can in any Manner hinder or impede the Navigation in the said River ; or shall remove, destroy, throw down, alter, injure or impair, any Dam, Pen, Lock or other Work, made or set up by the said Commissioners, or by Order of them, or any twelve of them, their Survivors, or any twelve of them ; every Person so offending, being legally convicted thereof by Verdict of a Jury, or by his own Confession, before the Justices of the Peace in their Court of General Quarter-Sessions, shall forfeit and pay *Fifty Pounds* Proclamation Money of this Colony, for every such Offence, or shall suffer Imprisonment for twelve Months without Bail or Mainprize ; one Moiety of which Forfeiture shall be paid to the Informer, and the other Moiety to the Commissioners herein appointed, or the Survivors of them as aforesaid, to be applied for and towards improving the Navigation in the said River.

Penalty on hindering the Commissioners, &c. or obstructing the Navigation.

Application.

6. AND WHEREAS Doubts may arise in what Counties Offences committed in the said River *Delaware* against this Act ought to be tried ; for removing thereof, BE IT ENACTED *by the Authority aforesaid*, That every Offence committed in or on the said River, against this Act, shall be laid to be committed, and may be tried and determined as aforesaid, in any of the Counties within this Colony opposite to or joining on that Part of the said River in which such Offence shall be committed.

Offences where triable.

7. PROVIDED ALWAYS, AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That Nothing herein contained shall give any Power or Authority to the Commissioners herein appointed, or any of them, to remove, throw down, lower, impair, or in any Manner to alter a Mill-Dam erected by *Adam Hoops*, Esquire, late deceased, in the said River *Delaware*, between his Plantation and an Island in the said River nearly opposite to *Trenton*, or any Mill-Dam erected by any other Person or Persons in the said River, before the Passing of this Act ; nor to obstruct, or in any Manner to hinder the Heirs or Executors

Not to injure Mill-Dams already erected.

of the said *Adam Hoops*, or such other Person or Persons, his or their Heirs and Assigns, from maintaining, raising or repairing, the said Dams respectively, or from taking Water out of the said River, for the Use of the said Mills and Waterworks, erected as aforesaid, and none other.

Commissioners to keep Minutes and report.

8. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Commissioners shall keep Minutes of their Proceedings, in Pursuance of the Power hereby given to them, fairly entered in a Book; and shall once in every Year make Report of their Transactions in improving the Navigation in the said River to the Council and Assembly of this Colony for the Time being, and shall lay before them a just and faithful Account of all Sums of Money by them received for the aforesaid Purposes, and in what Manner they shall be expended, that the same may be adjusted and settled.

C H A P. DXLII.

*An ACT for the more effectual maintaining, and keeping above the Flow of the Tide, that Part of the Road or Causeway between the Toll-Bridge over Newton Creek and the fast Land of Keziah Tonkin.**

Passed Dec. 21. 1771.

Preamble.

WHEREAS *Thomas Attmore, Isaac Burrough, Benjamin Thackray, Jacob Stokes, Hannah Cooper, Keziah Tonkin, Elizabeth Thackray and Job Haines*, Owners and Proprietors of the Meadows lying on the easterly Side of *Newton Creek*, in the County of *Gloucester*, have, by their Petition, set forth, That they have suffered, and are daily exposed to very considerable Damage by Reason of the Causeway and Road between the Toll-Bridge, called *William Gerrard's*, and the fast Land of *Keziah Tonkin*, not being raised above the Flowing of the Tides;

Possessors of the Toll-Bridge neglecting three Months.

Sect. 1. BE IT THEREFORE ENACTED by the Governor, Council and General Assembly, That if the Owner or Owners, Possessor or Possessors, of the Toll-Bridge erected over *Newton Creek*, shall neglect or refuse, for three Months after Publication hereof, to repair and raise, above the Flowing of the Tides, such Part of the Causeway and Road, leading from the Town of *Gloucester* to the *Coopers Ferries*, as lays on the East Side of *Newton Creek* aforesaid, from the End of said Toll-Bridge to the fast Land of *Keziah Tonkin*; then, and in such Case, it shall and may be lawful for the Managers, or the Survivors of them already appointed, or that shall be hereafter appointed, in Pursuance of an Act passed in the third Year of His present Majesty's Reign, entitled, *An Act to enable the Owners and Possessors of the Meadows lying on a Branch of Newton Creek, in the County of Gloucester, commonly called the Back Creek, to erect and maintain a Bank, Dam, and other Waterworks across the said Creek, in order to prevent the Tide from overflowing the same, and to keep the former Watercourse of said Creek open and clear,*† to repair, amend and raise the said Causeway and Road, from the Bridge aforesaid,

Managers of Back Creek Meadows to repair and raise the Causeway.

* This Act, though strictly private, being of a very publick Import, is admitted in this Collection.

† Chap. CCCLV.

ACTS

PASSED BY THE GENERAL ASSEMBLY

OF THE

STATE OF LOUISIANA,

AT THE

EXTRA SESSION,

HELD AND BEGUN IN THE CITY OF NEW ORLEANS,

ON THE 23d OF NOVEMBER, 1865.

PUBLISHED BY AUTHORITY.

NEW ORLEANS:
J. O. NIXON, STATE PRINTER,
1866.

ACTES

PASSÉS PAR L'ASSEMBLÉE GÉNÉRALE

DE

L'ÉTAT DE LA LOUISIANE,

A LA

SESSION EXTRA,

TENUE ET COMMENCÉE DANS LA VILLE DE LA NÈLE-ORLÉANS.

LE 23^{me} JOUR DE NOVEMBRE 1865.

PUBLIÉS PAR AUTORITÉ.

NOUVELLE-ORLÉANS:

J. O. NIXON, IMPRIMEUR D'ÉTAT.

1866.

incurred by his Excellency, J. Madison Wells, Governor of the State of Louisiana, in fitting up the Mechanics' Institute for the use of the General Assembly, the said amount to be paid on the warrant of the Auditor of Public Accounts, to the following persons, and as follows:

| | |
|---|------------|
| C. W. Grandjean, two thousand three hundred and twenty-seven dollars and eighteen cents..... | \$2,327 18 |
| Allen Hill, two thousand and seventy-six dollars and fifty cents..... | 2,076 50 |
| A. Brosseau & Co., one thousand six hundred and thirty-nine dollars and ninety-two cents..... | 1,639 92 |
| Selby & Donlan, two hundred and eighty-four dollars and thirty-five cents..... | 284 35 |
| J. P. Coulon, three hundred and seventy-one dollars and sixty-five cents..... | 371 65 |
| P. Ward, one hundred dollars..... | 100 00 |
| John Gauche, twenty dollars and fifty cents..... | 20 50 |
| Sampson & Kean, thirty dollars..... | 30 00 |
| G. W. R. Bailey, two hundred dollars..... | 200 00 |
| Total..... | \$7,050 10 |

SEC. 2. Be it enacted, &c., That this act shall take effect from and after its passage.

DUNCAN S. CAGE,
Speaker of the House of Representatives.
ALBERT VOORHIES,

Lieutenant Governor and President of the Senate.

Approved December 18, 1865.

J. MADISON WELLS,
Governor of the State of Louisiana.

A true copy:

J. H. HARDY,
Secretary of State.

No. 10.]

AN ACT

To prohibit the carrying of fire-arms on premises or plantations of any citizen, without the consent of the owner.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That it shall not be lawful for any person or persons to carry fire-arms on the premises or plantations of any citizen, without the consent of the owner or proprietor, other than in lawful discharge of a civil or military order; and any person or persons so offending shall be fined a sum not less than one dollar nor more than ten dollars, or imprisoned not less than one day nor more than ten days in the parish jail, or both, at the discretion of any court of competent jurisdiction.

Penalty.

préparer, pour l'usage de l'Assemblée Générale, les salles de l'Institut des Artisans. Le susdit montant sera payé sur le mandat de l'Auditeur des Comptes Publics, aux personnes ci-après désignées, ainsi que suit:

| | |
|---|------------|
| C. W. Grandjean, deux mille trois cent vingt-sept piastres et dix-huit cents..... | \$2,327 18 |
| Allen Hill, deux mille soixante-seize piastres et cinquante cents..... | 2,076 50 |
| A. Brousseau & Cie., mille six cent trente-neuf piastres et quatre-vingt-douze cents..... | 1,639 92 |
| Selby & Donlaw, deux cent quatrevingt-quatre piastres et trente-cinq cents..... | 284 35 |
| J. P. Coulon, trois cent soixante-onze piastres et soixante-cinq cents..... | 371 65 |
| P. Ward, cent piastres..... | 100 00 |
| John Gauche, vingt piastres et cinquante cents..... | 20 50 |
| Sampson & Keen, trente piastres..... | 30 00 |
| G. W. R. Bailey, deux cents piastres..... | 200 00 |

Total \$7,050 10

Sec. 2. Décrètent de plus: Cet acte sortira son effet à compter de son adoption.

DUNCAN S. CAGE,
Orateur de la Chambre des Représentants.
ALBERT VOORHIES,

Lieutenant-Gouverneur et Président du Sénat.

Approuvé le 18 décembre 1865.

J. MADISON WELLS,
Gouverneur de l'Etat de la Louisiane.

Pour copie conforme:

J. H. HARDY,
Secrétaire d'Etat.

No. 10.]

ACTE

Défendant le port d'armes à feu dans le domaine ou l'habitation de tout citoyen sans le consentement du propriétaire.

SECTION 1. Le Sénat et la Chambre des Représentants de l'Etat de la Louisiane, réunis en Assemblée Générale, décrètent: La loi défend à toute personne de porter des armes à feu dans le domaine ou l'habitation de tout citoyen, sans le consentement du propriétaire, excepté dans l'accomplissement légitime d'un ordre civil ou militaire; toute contravention à cette loi sera punie d'une amende d'au moins une piastre et de dix au plus, ou d'un emprisonnement d'un jour au moins, et qui n'en excèdera pas dix, dans la prison de paroisse; les deux peines pourront être infligées à la fois, à la discrétion de toute cour de juridiction compétente.

Peine contre le port illégal d'armes à feu.

Repealing clause.

SEC. 2. Be it further enacted, &c., That all laws, or parts of laws, to the contrary notwithstanding, be and the same are hereby repealed.

DUNCAN S. CAGE,
Speaker of the House of Representatives.
ALBERT VOORHIES,

Lieutenant Governor and President of the Senate.

Approved December 20, 1865.

J. MADISON WELLS,
Governor of the State of Louisiana.

A true copy:

J. H. HARDY,
Secretary of State.

No. 11.]

AN ACT

To Prevent Trespassing.

Persons offend-
ing against this
Act, before
whom tried.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That whosoever shall enter upon any plantation without the permission of the owner or agent, shall be deemed guilty of a misdemeanor, and shall be liable to be arrested and brought before any court of competent jurisdiction, and upon proof of the fact shall be fined in a sum not exceeding one hundred dollars, or imprisoned for a term not exceeding one month, and may, moreover, be required to give bond for good behavior during six months.

Fine.

Repealing clause.

SEC. 2. Be it further enacted, &c., That all laws, or parts of laws, contrary to the provisions of this act, be and the same are hereby repealed.

SEC. 3. Be it further enacted, &c., That this act shall take effect from and after its passage.

DUNCAN S. CAGE,
Speaker of the House of Representatives.
ALBERT VOORHIES,

Lieutenant Governor and President of the Senate.

Approved December 20, 1865.

J. MADISON WELLS,
Governor of the State of Louisiana.

A true copy:

J. H. HARDY,
Secretary of State.

No. 12.]

AN ACT

To amend and re-enact the one hundred and twenty-first section of an act entitled "An Act relative to crimes and offences," approved March 14, 1855.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That

SEC. 2. Décrètent de plus: Toutes lois ou dispositions contraires à cet acte, sont et demeurent abrogées par les présentes. Clause d'abrogation.

DUNCAN S. CAGE,
Orateur de la Chambre des Représentants.
ALBERT VOORHIES,

Lieutenant-Gouverneur et Président du Sénat.

Approuvé le 20 décembre 1865.

J. MADISON WELLS,
Gouverneur de l'Etat de la Louisiane.

Pour copie conforme:

J. H. HARDY,
Secrétaire d'Etat.

No. 11.]

ACTE

Empêchant la violation du droit de propriété.

SECTION 1. Le Sénat et la Chambre des Représentants de l'Etat de la Louisiane, réunis en Assemblée Générale, décrètent: Quiconque entrera dans une habitation sans le consentement du propriétaire ou de son agent, sera considéré coupable d'un délit, et sera sujet à être arrêté et traduit devant toute cour de juridiction compétente; la preuve du fait susdit entraînera une condamnation à une amende qui n'excèdera pas cent piastres, ou à un emprisonnement qui ne durera pas plus d'un mois, et l'on pourra de plus exiger du coupable un cautionnement qui répondra de sa bonne conduite pendant six mois. Devant quel juge sera traduite toute personne contrevenant au présent acte. Amende.

SEC. 2. Décrètent de plus: Toutes lois ou dispositions contraires, sont par le présent abrogées. Clause d'abrogation.

SEC. 3. Décrètent de plus: Cet acte sortira son effet à compter de son adoption. Mise à effet.

DUNCAN S. CAGE,
Orateur de la Chambre des Représentants.
ALBERT VOORHIES,

Lieutenant-Gouverneur et Président du Sénat.

Approuvé le 20 décembre 1865.

J. MADISON WELLS,
Gouverneur de l'Etat de la Louisiane.

Pour copie conforme:

J. H. HARDY,
Secrétaire d'Etat.

No. 12.]

ACTE

Amendant et réédicant la cent vingt-et-unième section de l'acte intitulé: "Acte relatif aux Crimes et Délits," approuvé le 14 mars 1865.

SECTION 1. Le Sénat et la Chambre des Représentants de l'Etat de la Louisiane, réunis en Assemblée Générale, décrètent :

A DIGEST
OF THE
LAWS OF TEXAS:
CONTAINING THE LAWS IN FORCE,
AND
THE REPEALED LAWS
ON WHICH RIGHTS REST,
FROM 1754 TO 1874,
CAREFULLY ANNOTATED.

BY GEORGE W. PASCHAL,
OF AUSTIN, TEXAS,
LATE REPORTER OF THE SUPREME COURT OF TEXAS, AUTHOR OF PASCHAL'S ANNOTATED
CONSTITUTION, PASCHAL'S DIGEST OF DECISIONS, ETC., ETC.

Fourth Edition—Volume II

WASHINGTON, D. C.:
W. H. & O. H. MORRISON,
HOUSTON, TEXAS: E. H. CUSHING.
NEW YORK: BAKER, VOORHIS & CO.
1874.

Entered according to Act of Congress, in the year 1874, by
GEORGE W. PASCHAL,
In the Office of the Librarian of Congress, at Washington, D. C.

STEREOTYPED AND PRINTED BY
M'GILL & WITHEROW,
WASHINGTON, D. C.

CRIMINAL CODE.

1321

TITLE XI.—OF OFFENSES AGAINST THE PUBLIC PEACE.

Arts. 1984-1995.

CHAPTER I.—UNLAWFUL ASSEMBLIES.

AN ACT TO AMEND THE PENAL CODE FOR THE STATE OF TEXAS.

6 Nov., 1871; took effect from passage. Vol. 21, part 3, p. 10. Art. 1993.

ART. 6508. [1] The penal code for the state of Texas [shall] be amended as follows, by inserting after article 363 the following: [363a] If the purpose of the unlawful assembly be to alarm and frighten any person or persons, by appearing in disguise, so that the real persons so acting and assembling cannot be readily known, and by using language or gestures calculated to produce in such person or persons the fear of bodily harm, all persons engaged therein shall be punished by fine not less than one hundred dollars nor more than one thousand dollars each; and if such unlawful assembly shall take place at any time of the night, that is, between sunset and sunrise, the fine shall be doubled; and if three or more persons are found together disguised, and armed with deadly weapons, the same shall be *prima facie* evidence of the guilty purpose of such persons, as above described; and if any other unlawful assembly mentioned in this chapter consist in whole or in part of persons disguised and armed with deadly weapons, the fine to be assessed upon each person so offending shall be double the penalty hereinbefore prescribed.

Unlawfully appearing in disguise as Ku-klux, White Camelias, and other deviltry, punished. Arts. 7030-7036.

If at night, double punishment.

Three or more together. Prima facie evidence.

CHAPTER III.—AFFRAYS AND DISTURBANCES OF THE PEACE.

Arts. 2011-2013.

AN ACT TO PROHIBIT THE DISCHARGING OF FIREARMS IN CERTAIN PLACES THEREIN NAMED.

12 Nov., 1866; took effect 13 Jan., 1867. Vol. 20, p. 210.

ART. 6508a. [1] It shall not be lawful for any person to discharge any gun, pistol, or firearms of any description whatever, on, or across any public square, street, or alley, in any city or town in this state: *Provided*, This act shall not be so construed as to apply to the "outer town," or suburbs, of any city or town.

Discharging firearms within municipal limits made unlawful;

ART. 6508b. [2] Any person who shall discharge any firearms, in violation of the provisions of the first section of this act, shall be deemed guilty of disturbing the public peace, and on conviction thereof, before any court having competent jurisdiction, shall be fined in any sum not exceeding one hundred dollars, to be recovered as other fines and penalties.

and punished, as disturbance of the peace, by fine not exceeding \$100.

AN ACT TO AMEND ARTICLE 382, TITLE XI, CHAPTER 3, OF THE PENAL CODE.

26 Oct., 1866; took effect from passage. Vol. 20, p. 62.

ART. 6509. [1] Article 382, title XI, chapter III, of the penal code, shall hereafter read as follows: If any one or more persons shall, in any public place, by loud and vociferous talking, swearing, or rudely displaying any pistol, or other deadly weapon, so as to disturb the inhabitants of the place in the prosecution of their lawful business, any person engaged in such disturbance shall be fined in any sum not exceeding fifty dollars.*

Disturbance of the peace, &c., by quarreling. Art. 2012.

Fine not to exceed \$50.

AN ACT TO PROHIBIT THE CARRYING OF FIREARMS ON PREMISES OR PLANTATIONS OF ANY CITIZEN WITHOUT THE CONSENT OF THE OWNER.

6 Nov., 1866; took effect 13 Jan., 1867. Vol. 20, p. 90.

ART. 6510. [1] It shall not be lawful for any person or persons to carry firearms on the inclosed premises or plantation of any citizen, without the consent of the owner or proprietor, other than in the lawful discharge of a civil or military duty, and any person or persons so offending shall be fined a sum not less than one nor more than ten dollars, or imprisonment in the county

Carrying firearms an offense.

\$10 fine, or ten

* 1330a. This is sufficiently certain and complete. *Sisk v. The State*, 35 Tex., 496.

1322

CRIMINAL CODE.

days' imprisonment.

jail nor less than one day nor more than ten days, or both, in the discretion of the court or jury before whom the trial is had.

12 Aug., 1870; took effect 12 Oct., 1870. Vol. 21, part 1, p. 63. Persons not to bear arms at public assemblies. Social intercourse and elections not to be made dangerous.

AN ACT REGULATING THE RIGHT TO KEEP AND BEAR ARMS.

Art. 6512.

Kinds of weapons prohibited.

Fine \$50 to \$500. Notes, 111, 167.

Scalp-lifting country excepted.

Armed officials.

ART. 6511. [1] If any person shall go into any church or religious assembly, any school-room or other place where persons are assembled for educational, literary, or scientific purposes, or into a ball-room, social party, or other social gathering, composed of ladies and gentlemen, or to any election precinct on the day or days of any election, where any portion of the people of this state are collected to vote at any election, or to any other place where people may be assembled to muster or to perform any other public duty, or any other public assembly, and shall have about his person a bowie-knife, dirk, or butcher-knife, or firearms, whether known as a six-shooter, gun, or pistol of any kind, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than fifty or more than five hundred dollars, at the discretion of the court or jury trying the same: *Provided*, That nothing contained in this section shall apply to locations subject to Indian depredations: *And provided further*, That this act shall not apply to any person or persons whose duty it is to bear arms on such occasions in discharge of duties imposed by law.

12 April, 1871; took effect 12 June, 1871. Vol. 21, part 2, p. 25. Carrying arms a misdemeanor, punishable by fine and forfeiture, unless, &c. Patriots and militiamen excepted. Art. 6511.

[This section is constitutional. *English v. The State*, 35 Tex., 474.]

Fine \$25 to \$100 for first offense.

Imprisonment for second offense. Notes 111, 167.

People at home and officials excepted.

[Carrying weapons to and from market is within the proviso. *Waddell v. The State*, 37 Tex., 356. But carrying a pistol hog hunting in the woods is not within the exception. *Baird v. The State*, 39 Tex., 609.]

Art. 6512. Justification must be immedi-

AN ACT TO REGULATE THE KEEPING AND BEARING OF DEADLY WEAPONS.

ART. 6512. [1] Any person carrying on or about his person, saddle, or in his saddle-bags, any pistol, dirk, dagger, slung-shot, sword-cane, spear, brass-knuckles, bowie-knife, or any other kind of knife manufactured or sold for the purpose of offense or defense, unless he has reasonable grounds for fearing an unlawful attack on his person, and that such ground of attack shall be immediate and pressing; or unless having or carrying the same on or about his person for the lawful defense of the state, as a militiaman in actual service, or as a peace officer or policeman, shall be guilty of a misdemeanor, and, on conviction thereof, shall, for the first offense, be punished by fine of not less than twenty-five nor more than one hundred dollars, and shall forfeit to the county the weapon or weapons so found on or about his person; and for every subsequent offense may, in addition to such fine and forfeiture, be imprisoned in the county jail for a term not exceeding sixty days; and in every case of fine under this section the fines imposed and collected shall go into the treasury of the county in which they may have been imposed: *Provided*, That this section shall not be so construed as to prohibit any person from keeping or bearing arms on his or her own premises, or at his or her own place of business, nor to prohibit sheriffs or other revenue officers, and other civil officers, from keeping or bearing arms while engaged in the discharge of their official duties, nor to prohibit persons traveling in the state from keeping or carrying arms with their baggage: *Provided further*, That members of the legislature shall not be included under the term "civil officers" as used in this act.

ART. 6513. [2] Any person charged under the first section of this act, who may offer to prove, by way of defense, that he was

GENERAL LAWS.

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shall have power to grant a "leave of absence" to all inmates of the institution who shall prove by their diligence and upright behavior that they are entitled to the same; *provided*, that such "leave of absence" shall be given only upon the condition that such youth shall continue to lead a useful and honorable life; and the board shall have full power to recall all such absentees who may lapse into their former vicious habits.

Section 18. Any boy or girl committed to the state reform school shall be there kept, disciplined, instructed, employed, and governed until he or she arrives at the age of majority, or is bound out, reformed, or legally discharged under the direction and discretion of the said board. The binding out or discharge of a boy or girl as reformed, or having arrived at the age of majority, shall be a complete release from all penalties incurred by conviction of the offense for which he or she was committed, except as provided for in section 17 of this act.

Section 19. If any boy or girl convicted of any misdemeanor, committed to the reform school, shall prove unruly or incorrigible, or if the board of trustees shall decide that his or her presence is dangerous to the welfare of the school, the board shall have power to order his or her return to the county from which he or she came and deliver to the sheriff of the said county, and proceedings against him or her shall be resumed as if no warrant or order committing him or her to the reform school had been made; and the said sheriff shall be notified of such order by the superintendent of the school, and shall immediately, or at the earliest practicable day thereafter, visit the said school and receive such youth from the authorities of said institution.

Section 20. When any youth are committed to the reform school all expenses occurring in such cases, including the cost of transportation, both going and coming, shall be borne by the county from which such youth are committed. Commitments to said reform school shall be made in accordance with the provisions of this act; *provided, however*, that upon the application to the proper court by any religious society or body to which said youth or the parents of said youth may belong for the custody of such youth, when such religious society or body has provided a suitable institution for the care and reform of delinquent children or minors, the court, upon satisfactory showing by such religious society or body of such fact, may commit such minor to such religious institution.

Section 21. Upon the temporary or permanent discharge of any person committed to the reform school, the superintendent shall provide him with suitable clothing and procure transportation for him to his home, if resident in this state, or to the county in which

he may have been convicted; *provided*, that such discharge shall be approved by the said board of trustees; *and provided further*, that all expenses of transportation occurring in such cases shall be paid by the counties from which such youth were committed.

Section 22. If any parent or guardian or master to whom a youth has been apprenticed, or any person occupying the position of a parent, protector, or guardian in fact or in reality by blood or marriage, shall feel aggrieved by such commitment to such institution, he [may] make written application to the board of trustees of the institution for the discharge of such youth, which application shall be filed with the superintendent, who shall inform the board thereof, and the same shall be heard and determined by such board at such time and place as they shall appoint for that purpose, not later than the next regular meeting of the board. Such application shall state the grounds of the applicant's claim to the custody of the youth, and the reasons for claiming such custody. Within ten days after hearing said application, the board shall make and announce their opinion thereon, and if they shall be of the opinion that the welfare of such youth would be promoted by granting the application, they shall make an order to that effect; otherwise they shall deny the application; *provided*, that all expenses occurring in such cases shall be paid by said parents, guardians, or masters.

Section 23. Whenever the number of boys committed to the reform school shall exceed the accommodations thereof, it shall be the duty of the board of trustees to notify all the proper courts of the same, and no more commitments to the school shall be made until due proclamation shall have been made by the board of trustees that additional room has been provided.

Section 24. If any person shall procure the escape of any youth committed to the reform school, or devise, or connive at, aid or assist in such escape, or conceal any such youth so committed after such escape, he shall, upon conviction thereof in any court of competent jurisdiction, be punished by a fine of not less than one hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than two months nor more than one year, or by both such fine and imprisonment; or if such youth so convicted be under the age of sixteen years, then he shall be committed to the reform school, as in this act provided.

Section 25. So much of the acts entitled "An act to establish a reform school for juvenile offenders, and erect necessary buildings therefor," approved February 18, 1889, and "An act to provide for the further establishment, advancement, and development of the state reform school," approved February 20, 1891, as is in conflict with the provisions of this act, is hereby repealed.

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Section 26. Inasmuch as there is urgent need for the application of the amendments herein made, this act shall be in force from and after its approval by the governor.

Filed in the office of the secretary of state, February 20, 1893.

AN ACT

[s. B. 164].

To Amend an Act entitled "An Act to Protect Hotel Keepers, Inn-keepers, and Boarding-house Keepers," approved February 25, 1889.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. That section 1 of an act entitled "An act to protect hotel keepers, inn-keepers, and boarding-house keepers," approved February 25, 1889, be and the same is hereby amended so as to read as follows:—

Sec. 1. Hotel keepers, inn-keepers, lodging-house keepers, and boarding-house keepers shall have a lien upon the baggage, clothing, jewelry, and other valuables of their guests, lodgers, or boarders brought into such hotel, inn, lodging-house, or boarding-house by such guest, lodger, or boarder for the reasonable charges due from such guests, lodgers, or boarders for their accommodation, board, or lodging, and such extras as are furnished at the request of such guest, lodger, or boarder; and such hotel keeper, inn-keeper, lodging-house keeper, or boarding-house keeper may retain and hold possession of such baggage, clothing, jewelry, and other valuables until such charges be paid.

Filed in the office of the secretary of state, February 20, 1893.

AN ACT

[s. B. 179.]

To Amend Section 1 of an Act entitled "An Act to Amend Sections 2246 and 2247 of the Laws of Oregon, as Compiled and Annotated by W. Lair Hill, Relating to the Boundaries of Clatsop County, and the Line of Boundary between the Counties of Clatsop and Tillamook," approved February 20, 1891.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. That section 1 of an act entitled "An act to amend sections 2246 and 2247 of the laws of Oregon, as compiled and annotated by W. Lair Hill, relating to the boundaries of Clatsop county and the line of boundary between the counties of Clatsop and Tillamook," be and the same is hereby amended so as to read as follows:—

Sec. 1. That section 2246 of the general laws of Oregon, as compiled and annotated by W. Lair Hill, relating to the boundaries of the county of Clatsop, be and is hereby amended so as to read as follows:

§ 2246. The boundaries of the county of Clatsop shall be as follows: Commencing at a point where the west boundary line of Columbia county intersects the line of low tide on the south shore of the Columbia river, and thence southerly along the west boundary line of Columbia county to and along the line between ranges five and six west of the Willamette meridian to an intersection with the line dividing townships numbered three and four north; and thence west along the line dividing townships numbered three and four north to the shore of the Pacific ocean; and thence west to the west boundary line of the state of Oregon; and thence northerly along said west boundary line of said state to a point due west of and opposite the middle of the north ship channel of the Columbia river; thence easterly to and up the middle channel of said river along the north boundary line of the state of Oregon to a point due north of the point of beginning, and thence south to the point of beginning. And said Clatsop county and the courts in and for the said county are hereby vested with jurisdiction in civil and criminal cases upon the Columbia river to the north shore thereof opposite the said county of Clatsop.

Filed in the office of the secretary of state, February 20, 1893.

AN ACT

[S. B. 207.]

To Change the Boundary Line of Multnomah and Clackamas Counties in the State of Oregon.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. That portion of Clackamas county, Oregon, lying within the present boundary lines of the city of Sellwood, and described as follows: Commencing at a point at the $\frac{1}{4}$ post between sections 23 and 26, township 1 south, range 1 east; thence east to the east line of said city of Sellwood; thence south along the east line of said city of Sellwood to the southeast corner of said city; thence west and westerly along the south line of said city to the center of the Willamette river; thence down the center of said river to the line between sections 22 and 27, township 1 south, range 1 east; thence east along the line between sections 22, 27, 23, and 26 to the place of beginning,—be and the same is hereby detached from the county of Clackamas and annexed to the county

GENERAL LAWS,

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of Multnomah. All acts and parts of acts in conflict with this act are hereby repealed.

Section 2. The county court of Multnomah county, Oregon, shall procure or cause to be procured properly attested copies of the records of Clackamas county, Oregon, affecting the title to real estate situated in the territory described in section one of this act, and have the same recorded in the records of Multnomah county, Oregon, and thereafter such records shall be recognized and become a part of the official records of said Multnomah county, Oregon.

Filed in the office of the secretary of state, February 20, 1893.

AN ACT

[s. B. 15.]

To Prevent a Person from Trespassing upon any Enclosed Premises or Lands not His Own Being Armed with a Gun, Pistol, or other Firearm, and to Prevent Shooting upon or from the Public Highway.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. It shall be unlawful for any person, other than an officer on lawful business, being armed with a gun, pistol, or other firearm, to go or trespass upon any enclosed premises or lands without the consent of the owner or possessor thereof.

Section 2. It shall be unlawful for any person to shoot upon or from the public highways.

Section 3. It shall be unlawful for any person, being armed with a gun or other firearm, to cause, permit, or suffer any dog, accompanying such person, to go or enter upon any enclosed premises without the consent of the owner or possessor thereof; *provided*; that this section shall not apply to dogs in pursuit of deer or var-mints.

Section 4. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than fifteen dollars nor more than fifty dollars, and in default of the payment of the fine imposed shall be committed to the county jail of the county in which the offense is committed, one day for every two dollars of the said fine.

Section 5. Justices of the peace for the proper county shall have jurisdiction of the trial of offenses herein defined.

Filed in the office of the secretary of state, February 20, 1893.

AN ACT

[H. B. 318.]

To Reimburse Certain Counties in this State, entitled to Rebate on Account of Overpaid Taxes.

Whereas under a decision of the supreme court of the state of Oregon, filed June 18, 1892, certain taxes levied by the governor, the secretary of state, and state treasurer, acting jointly as a state board of levy, were declared illegal; and whereas prior to the rendition of the decision referred to, sundry amounts were paid into the state treasury and the official receipt of the state treasurer issued therefor to the treasurers of the counties hereinafter named, thus overpaying the amount due from said counties for the year 1891; therefore,

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. That the state treasurer be and hereby is authorized and directed to credit the counties hereinafter named with the amounts overpaid by them on account of state taxes for the year 1891, upon any taxes now due, or that may become due from such counties, as follows:—

| | |
|--------------------------------|----------------|
| To Columbia county— | |
| Current expense tax, 1891..... | \$152 54 |
| Militia tax, 1891..... | 6 55 |
| University tax, 1891..... | 4 68—\$163 77 |
| To Grant county— | |
| Militia tax, 1891..... | \$ 2 56 |
| University tax, 1891..... | 1 83—\$ 4 39 |
| To Harney county— | |
| Militia tax, 1891..... | \$ 34 95 |
| University tax, 1891..... | 24 96—\$ 59 91 |
| To Josephine county— | |
| Current expense tax, 1891..... | \$483 81 |
| Militia tax, 1891..... | 21 77 |
| University tax, 1891..... | 14 83—\$520 41 |
| To Klamath county— | |
| Militia tax, 1891..... | \$ 34 58 |
| University tax, 1891..... | 24 68—\$ 59 26 |
| To Lake county— | |
| Militia tax, 1891..... | \$ 67 94 |
| University tax, 1891..... | 48 54—\$116 48 |
| To Lane county— | |
| Militia tax, 1891..... | \$ 14 53 |
| University tax, 1891..... | 10 37—\$ 24 90 |

GENERAL LAWS.

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To Sherman county—

| | |
|--------------------------------|-------------|
| Current expense tax, 1891..... | \$ 19 29 |
| Militia tax, 1891..... | 82 |
| University tax, 1891..... | 59—\$ 20 70 |

Section 2. That the state treasurer be and is hereby authorized and directed to credit to Umatilla county on account of the current expense and the special state taxes for 1891, the sum of \$224.05, on account of errors in the assessment roll of said county of 1891, as shown by a statement on file in the office of the secretary of state.

Section 3. Inasmuch as the counties named have been for several months deprived of the use of the several amounts named, this act shall take effect and be in force from and after its approval by the governor.

Approved February 21, 1893.

[NOTE.—See note respecting H. B. 318 under head of "Certificate of Secretary of State," *post.*]

AN ACT

[S. B. 159.]

To Provide for the Satisfaction of Mortgages when Foreclosed.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. That it shall be the duty of all clerks of the circuit court in the counties where there is a recorder, whenever a decree of foreclosure shall be returned in such court foreclosing a mortgage on real estate, to make out a certificate stating that such mortgage has been foreclosed, and the date of such foreclosure, and the number of the journal and page thereof in which such decree is entered, and deliver the same to the recorder, and thereupon such recorder shall enter upon the margin of the record of such mortgage the word "foreclosed," and the date of such foreclosure with the number and page of the journal of such decree.

Section 2. In counties where the county clerk acts as recorder of conveyances, he shall, upon the entry of any decree foreclosing a mortgage on real estate, make on the margin of the record of such mortgage the record provided for in section 1 of this act.

Section 3. Whenever any person shall present to the recorder of conveyances, or county clerk acting as such, a certificate from the clerk of the United States circuit court of the foreclosure of any mortgage on real estate, as provided in section 1 of this act, such recorder shall make the record so provided in such section.

Approved February 21, 1893.

AN ACT

[S. B. 145.]

To Authorize County Courts to Offer Rewards for the Apprehension of Criminals and Fugitives from Justice.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. If any person or persons charged with or convicted of any felony within this state, shall break prison, escape, or flee from justice, or abscond, or secrete himself, in such cases it shall be lawful for the county court of such county where said crime has been committed, if the said court shall deem necessary, to offer a reward not to exceed the sum of one thousand (\$1,000) dollars for the apprehension and delivery of each of the bodies of said person or persons to the custody of such officer as the said court shall direct.

Section 2. Any person apprehending and delivering the body or bodies of such person or persons to the proper officer and producing to the county court the receipt of such officer, shall be entitled to and shall be paid the reward offered by the county court.

Section 3. The county court shall on the presentation of the duly certified claim of the applicant for reward and accompanied by the proper orders and receipts, shall certify the amount offered in such reward to the county clerk of such county under the seal of such county court, and the county clerk of such county shall draw a warrant on the treasurer of such county for the amount so authorized.

Section 4. If the sheriff of any other county than the one where said crime was committed apprehend the said criminal, he shall elect to receive either the reward offered or the regular fees allowed him by law for such service.

Approved February 21, 1893.

AN ACT

[S. B. 59.]

To Amend an Act entitled "An Act to Provide Times and Places of Holding the Terms of Court in the Sixth Judicial District of the State of Oregon, and to Repeal all Acts and Parts of Acts in Conflict with this Act," and to Increase the Salaries of the Judges therein.

Be it enacted by the Legislative Assembly of the State of Oregon:

That an act entitled an act to provide the time and places of holding the circuit court in the sixth judicial district in the state of Oregon, and to repeal all acts and parts of acts in conflict with this

act, which act was approved February 20, 1891, be and the same is hereby amended so as to read as follows:—

Section 1. That the circuit court of the state of Oregon in and for the sixth judicial district of said state, shall be held each year at the county seat of the respective counties of said district as follows, to wit:—

In the county of Umatilla, on the third Monday in January, the first Monday in June, and the second Monday in October.

In the county of Union, on the fourth Monday in February, the second Monday in July, and the fourth Monday in October.

In the county of Wallowa, on the third Monday in April and the third Monday in September.

In the county of Baker, on the third Monday in June, the second Monday in November, and the second Monday in February.

In the county of Malheur, on the first Monday in June and the fourth Monday in November.

In the county of Grant, the fourth Monday in May and the second Monday in October.

In the county of Harney, on the third Monday in May and the fourth Monday in October.

Section 2. Inasmuch as there exists at the present, in order to dispatch the business of said district, a necessity for the passage of this act, it is further provided that the same shall be in force and effect from and after its approval by the governor.

Approved February 21, 1893.

AN ACT

[S. B. 45.]

To Amend Section 951 of Title I. of Chapter XII. of the Code of Civil Procedure, as Compiled and Annotated by W. Lair Hill, and Section 954 of Title II. of Chapter XII. of the Above-mentioned Code, and Sections 958 and 968 of Title III. of Chapter XII. of the Above-mentioned Code.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. That section 951 of title I. of chapter XII. of the code of civil procedure, as compiled and annotated by W. Lair Hill, be and the same is hereby amended so as to read as follows:—

§ 951. A person may be excused from acting as a juror when his own health or the death or sickness of a member of his family requires his absence; but no person shall be required to serve as a petit juror at any one term of the court for more than four weeks, and shall upon application be entitled to be discharged from further attendance upon the court as such juror at such term, after he has served for such period of four weeks as aforesaid.

Section 2. That section 954 of title II. of chapter XII. of the code of civil procedure, as compiled and annotated by W. Lair Hill, be and the same is hereby amended so as to read as follows:—

§ 954. The jury list shall contain the names of at least two hundred persons, if there be that number of qualified jurors upon the assessment roll, and not more than six hundred persons. They shall be selected from the different portions of the county in proportion to the number qualified upon the assessment roll as much as practicable.

Section 3. That section 958 of title III. of chapter XII. of the above-mentioned code, be and the same is hereby amended so as to read as follows:—

§ 958. For the circuit court, thirty-one names shall be drawn, from which number the grand and trial jurors for the term are selected, as elsewhere provided in this code; *provided*, that in districts composed of no more than one county and having more than one judge of that circuit court in said district, a large number of jurors shall be drawn when ordered by the oldest judge in commission of such circuit court, in his discretion; or, in case of his absence or inability to act, the next oldest in commission. For the county court, twelve names shall be drawn, from which number the trial juries are selected in like manner.

Section 4. That section 968 of title III. of chapter XII. of the above-mentioned code, be and the same is hereby amended so as to read as follows:—

§ 968. Whenever, for any reason, the number of jurors, either in whole or in part, required by this code, do not attend a term of the court, or when they have served the full time required by this code as jurors, and have been discharged, as elsewhere provided, the court has power to order an additional number of jurors drawn from the jury box to fill up the regular panel in the same manner as the original panel is required to be drawn, which jurors shall be summoned and required to attend as jurors in the same manner and with like effect as if drawn on the original panel; *provided*, that whenever the regular panel becomes exhausted for any reason, the court may in its discretion direct the sheriff to summons forthwith from the body of the county, persons whose names are upon the tax roll and having the qualifications of jurors to serve in said cause, but persons so summoned from the body of the county shall not be disqualified by reason thereof from being drawn and serving as jurors upon the regular panel as hereinbefore provided and shall not be subject to challenge for that cause.

Approved February 21, 1893.

GENERAL LAWS.

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AN ACT

[S. B. 22.]

To Define and Punish Obstruction to Railroads, Railroad Trains, Railroad Tracks, Street Cars and Street-Car Tracks in the State of Oregon, and to Protect the Passengers and Employés Riding upon any Train or Car in said State.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. Any person who shall wilfully or maliciously place any obstruction on any railroad track or roadbed, or street-car track in the state of Oregon, or who shall, without the right so to do, loosen, tear up, remove, or misplace any rail, switch, frog, guard-rail, cattle-guard, or any part of such railroad track or roadbed or street-car track, or who shall, in any manner so as to endanger the safety of any train, car, or engine, or so as to endanger or injure any passenger or person riding thereon, tamper with or molest any such road, roadbed, track, signal flag or signal torpedo, shall, upon conviction thereof, be punished by imprisonment in the penitentiary not exceeding ten years or by imprisonment in the county jail not exceeding one year.

Section 2. Any person who shall, within the state of Oregon, wilfully or maliciously place any obstruction upon any railroad track or roadbed, or street-car track, or shall misplace, remove, obstruct, detach, damage, or destroy any rail, switch, frog, guard-rail, cattle-guard, or any other part of such railroad track or roadbed or street-car track, thereby causing the death of any passenger or employé of such railroad or street railway, shall, upon conviction thereof, be deemed guilty of murder and punished accordingly.

Section 3. Whereas the public safety is imperiled on account of attempted train wrecks by evil-minded persons, and there is no adequate protection against the same under existing law, this act shall take effect and be in force from and after its approval by the governor.

Approved February 21, 1893.

AN ACT

[H. B. 379.]

To Provide for the Collection of Taxes.

Whereas the act known as house bill No. 125, passed at the present session of the legislature, appears to repeal the method now provided for the collection of taxes on mortgages for the year 1892 as same are now assessed and have been equalized on the assessment rolls for said year; and whereas it was not intended that

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THE
L A W S

OF

M A R Y L A N D, - *General*

WITH *assembly*

THE CHARTER,

THE BILL OF RIGHTS,

THE CONSTITUTION OF THE STATE,

AND ITS ALTERATIONS,

THE DECLARATION OF INDEPENDENCE,

AND

THE CONSTITUTION OF THE UNITED STATES,

AND ITS AMENDMENTS;

WITH A GENERAL

I N D E X.

IN THREE VOLUMES.

REVISED BY
VIRGIL MAXCY.

VOLUME I.

Baltimore,
PUBLISHED BY PHILIP H. NICKLIN & CO.
1811.

October,
1728.

Proceedings to be the same.

the act of 1715, and in the 2d and 3d sections of this act, were repealed by 1796, ch. 67, with a saving of the rights of any persons to such issue before acquired.

IV. AND BE IT FURTHER ENACTED, *by the authority aforesaid, by and with the advice and consent aforesaid,* That the same method of proceeding to judgment, upon any matter within this act, be the same as is prescribed by the act, entitled, An act relating to servants and slaves.

Vide list of acts relating to negroes and slaves, 1715, ch. 44.

CHAP. VII.

An ACT to encourage the destroying of wolves, crows and squirrels.

Three squirrels scalps or crows heads to be produced for each taxable yearly, before laying the levies, to some county magistrate, who shall destroy the same, and give certificates.

BE IT ENACTED, *by the right honourable the Lord Proprietary, by and with the advice and consent of his lordship's Governor, and the Upper and Lower Houses of Assembly, and the authority of the same,* That from and after the commencement of this act, every master, mistress, owner of a family, or single taxable, in the several and respective counties within this province, shall be, and are by this act obliged, yearly, (at some time before the laying their county levies,) to produce to some one of the justices of their county, three squirrel scalps, or crows heads, for every taxable person they shall pay levy for that year, and the justices of the peace, before whom such squirrels scalps, or crows heads, shall be brought, shall be, and is hereby obliged to destroy such squirrels scalps, and crows heads, as shall be so produced to him, to prevent their being produced a second time, and give such person a certificate under his hand, certifying the number of squirrels scalps and crows heads such persons brought before him, which certificate, the person obtaining the same shall lay before the justices of their county, at the time of the laying their county levy; and the justices shall then cause a list of the taxables of their county to be laid before them, in order from thence to compare the number of taxables each person pays in the county, with the certificates produced, that thereby it may be found what persons have complied with this act, and who have failed therein.

Penalty for not producing, the three scalps &c. required.

II. AND BE IT FURTHER ENACTED, *by the authority, advice and consent aforesaid,* That every person that shall fall short of producing a certificate of squirrels scalps or crows heads, in proportion to their taxables, according to the directions of this act, the justices of the several and respective county courts within this province, at the time of laying the county levy, are hereby empowered and required, for each squirrel scalp, or crows head, such person shall fall short, in manner aforesaid, to levy upon such person the sum of two

pounds of tobacco, to be upon execution, and collected by the sheriff of the county in the same manner as the public and county levies are, to be applied towards defraying the county charge.

October,
1728.

III. AND BE IT FURTHER ENACTED, *by the authority, advice and consent aforesaid*, That every person that shall bring to any justice of the peace within this province the heads or scalps of any more squirrels or crows than the three for each taxable by this act required, shall, for every such head or scalp, be allowed in the county lvy where such squirrel or crow was killed, the sum of two pounds of tobacco, and the justice of the peace before whom such heads or scalps shall be brought, is hereby required to give the person bringing the same a certificate thereof, and cause the said heads and scalps to be burnt, or otherwise destroyed ; provided always, that no person whatsoever shall be entitled to any allowance for any squirrels or crows heads or scalps, without first making oath (or affirmation, if a quaker,) or otherwise make appear, that such squirrels or crows were killed after the commencement of this act, and in the county where the allowance is prayed.

Allowance for scalps, over and above the three per taxable;

The three preceding sections are repealed as far as they relate to squirrels, as to all the counties, except Montgomery, Allegany, Caroline, Harford and Washington, by 1769, ch. 16, 1770, ch. 14, and 1774, ch. 5.

The two first are repealed as far as they relate to crows, as to all the counties except Harford, Washington and Allegany, and the third so far as it relates to crows, has no operation except in Allegany. Vide 1769, ch. 16. 1770, ch. 14. 1774, ch. 5. 1795, ch. 3. 1796, ch. 39. 1797, ch. 22. 1803, ch. 96. 1804, ch. 35. and 1807, ch. 71.

IV. & V. These sections related to wolves, but as other acts have since been passed upon the subject, they have now no operation, and are therefore omitted. Vide 1788, ch. 4. 1790, ch. 8. 1797, ch. 6. 1798 ch. 4. 23.

VI. AND BE IT FURTHER ENACTED, *by the authority, advice and consent aforesaid*, That this act shall commence from the fifteenth day of December next after the end of this session of assembly, and that thenceforth all laws heretofore made, in relation to wolves, squirrels and crows, be and are hereby repealed, abrogated, and made null and void.

Commencement of this act, and repeal of former laws.

VII. AND BE IT FURTHER ENACTED, *by the authority, advice and consent aforesaid*, That every person that shall, during the continuance of this act, presume upon any pretence whatsoever, to come to hunt with guns or dogs within any enclosed grounds, islands, peninsulas or necks, fenced across from water to water, without leave or licence from the proprietors thereof first had and obtained, shall, for every such offence, forfeit and pay to the party grieved the sum of two hundred pounds of tobacco, to be recovered before a single magistrate, in the same manner as small debts now are recoverable, any law, statute or usage to the contrary notwithstanding.

Penalty on persons hunting within inclosures, islands &c. without leave.

Vide list of acts relating to crows, 1807, ch. 71.

A C T S

OF

THE STATE OF TENNESSEE,

PASSED BY THE

THIRTY-NINTH GENERAL ASSEMBLY.

1875.

PUBLISHED BY AUTHORITY.

NASHVILLE:

TAVEL, EASTMAN & HOWELL, PRINTERS TO THE STATE.

1875.

CHAPTER CXXVI.

AN ACT to provide for the changing of County Lines, and vesting the power in the County Courts, and to repeal Section 4 of an Act entitled "An Act to change the county line between the counties of Hawkins and Hamblen, between Monroe and Loudon, between Warren and Van Buren, and between Hawkins and Hamblen.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all of an Act entitled "An Act to provide for the changing of County Lines, and vesting the power in the County Courts," passed March 25th, 1873, be, and the same is hereby repealed.

Passed March 23, 1875.

LEWIS BOND,
Speaker of the House of Representatives.
THOMAS H. PAINE,
Speaker of the Senate.

Approved March 24, 1875.

JAMES D. PORTER,
Governor.

CHAPTER CXXVII.

AN ACT for the preservation of game and birds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter it shall not be lawful for any person to hunt or kill any deer in any county hereinafter designated, from the first day of March to the first day of September in each year. Not lawful to hunt deer, when.

SEC. 2. *Be it further enacted,* That it shall not be lawful for any person to hunt, kill, or capture, from the 1st day of March until 15th day of September in each year, any game bird, as pheasant, grouse, quail, partridge, lark, woodcock, or snipe, nor wild turkey, from 1st of May until 15th of September, nor at any time to kill or capture any of the birds of song, as the mocking-bird, thrush, robin, or oriole, or any birds known to destroy insects, as the sparrow, blue bird, woodpecker, or yellow hammer; Game birds & birds' nests.

nor shall it be lawful for any person at any time to destroy the nests or eggs of any of the above named birds.

Penalty for violation of above.

SEC. 3. *Be it further enacted*, That any person found guilty of violating any of the provisions in the foregoing Sections of this Act, he, she, or they, shall be subject to be fined as follows: For each deer hunted or killed, \$10; for each wild turkey killed, \$5; for every pheasant, quail, partridge, or other of the above named birds, \$2.50, and the same for every bird's nest robbed or destroyed, or any animal or bird captured, bought, or sold, or offered for sale, or for any turkey or partridge caught in a pen or net, at any season of the year.

Justices have jurisdiction.

SEC. 4. *Be it further enacted*, That Justices of the Peace shall have full jurisdiction to try all cases arising under this Act, provided nothing herein contained shall be so construed as to prohibit appeals, under the usual requirements, in such cases.

Fines, how paid and disposed of.

SEC. 5. *Be it further enacted*, That all prosecutions for any of these offenses shall be in the name of the State, and in all cases of conviction and recovery the fine shall be equally divided between the prosecutor, who, in all cases, shall be the owner or person occupying the land at the time whereon the violation may occur, and the county, and the part due the county, shall be paid over to the County Trustee, and held as a part of the school fund of said county; and upon failure to secure said fine, the person so offending shall be imprisoned in the county jail or work-house, as provided in other cases of misdemeanor, until he, or she, or they, may have worked out said fine and costs; *Provided, however*, that any Justice of the Peace, or other court trying the cause, who may have good and satisfactory reason to believe that the prosecution is frivolous or malicious, they are hereby authorized and directed to tax such prosecutors with the costs.

Counties to which applicable.

SEC. 6. *Be it further enacted*, That the provisions of the foregoing Section of this Act shall apply to the counties of Henry, Dyer, Giles, Maury, Davidson, Madison, Hamilton, Bedford, and Wilson.

Unlawful to hunt or trap game without permission of owner of land.

SEC. 7. *Be it further enacted*, That it shall be unlawful for any person in this State to hunt, trap, or net game of any kind, or birds, or destroy the nests thereof on the land of another, except by express permission of the owner or agent first had and obtained, where such owner, by himself or agent, shall have posted notices in one or more conspicuous places on the north, south, east, and west boundaries of his or their lands, which notices shall

be painted or printed on boards or planks, securely nailed to trees or posts; and any person violating the provisions of this Section, either by hunting or killing game or birds, or trapping, or netting, or destroying the nests of the same, or shall deface, or knock or pull down said notices, or any of them, shall, for each offense, be fined ^{Fine.} not less than \$2.50 nor more than \$5, the same to be recovered and distributed as provided in the fourth and fifth Sections of this Act.

SEC. 8. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1875.

LEWIS BOND,
Speaker of the House of Representatives.
THOMAS H. PAINE,
Speaker of the Senate.

Approved March 24, 1875.

JAMES D. PORTER,
Governor.

CHAPTER CXXVIII.

AN ACT for the benefit of Emily L. Herron.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the marriage solemnized between George H. Herron, late private in Company G, 62d Illinois Volunteers, and Mrs. Emily L. Millsworth, of Obion county, on the 25th day of October, 1862, be, and the same is hereby declared to have been legal and valid.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1875.

LEWIS BOND,
Speaker of the House of Representatives.
THOMAS H. PAINE,
Speaker of the Senate.

Approved March 24, 1875.

JAMES D. PORTER,
Governor.

of the States Attorneys to see that the provisions of this act are enforced in their respective counties, and they shall prosecute all offenders on receiving information of the violation of any of the provisions of this act; and it is made the duty of sheriffs, deputy sheriffs, constables and police officers to inform against and prosecute all persons whom there is probable cause to believe are guilty of violating any of the provisions of this act, one-half the amount recovered in any penal action under the provisions of this act shall be paid to the person filing the complaint in such action, and the remaining one-half to the school fund of the township in which this act has been violated.

9. LIMITATION.] § 9. All prosecutions under this act shall be commenced within three months from the time such offense was committed and not afterwards.

10. REPEAL.] § 10. All acts and parts of acts in conflict herewith are hereby repealed.

*549]

HUNTING ON INCLOSURES OF OTHERS.

AN ACT to prohibit persons from hunting within the inclosures of others, without leave. [Approved April 15, 1871. In force July 1, 1871. L. 1871-2, p. 483.]

11. NOT TO HUNT WITHOUT CONSENT.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be unlawful for any person or persons to hunt with gun, dog or net, within the inclosed grounds or lands of another, without first obtaining from the owner, agent or occupant of such inclosed grounds or lands, his, her or their permission so to do.

12. PENALTY—SUIT.] § 2. Any person or persons violating section one of this act shall be deemed guilty of a misdemeanor, and may be prosecuted in the name of the People, before any justice of the peace, or by indictment or information in any court in the county where said misdemeanor was committed; and in all such prosecutions the owner or owners, or persons in possession of said inclosures, shall not be required to prove title to the inclosures in controversy.

13. FINES.] § 3. Any person convicted of violating section one of this act shall be fined in a sum not less than \$3, and not exceeding \$100. All fines collected by virtue of this act shall be paid into the common school fund of the township in which the offense is committed.

AN ACT to provide for an additional remedy for the protection of game, and for the protection of deer, wild fowl and birds, and for the appointment of game wardens and defining the powers and duties of the same. Approved June 27, 1885. In force July 1, 1885. L. 1885, Legal News Ed. p. 164.

14. APPOINTMENT OF WARDENS—SALARY.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the governor of the State shall appoint three game wardens, one from each of the three largest cities in the State, whose term of office shall be for two years from the time of taking effect of this act or until their successor or successors are appointed; said game wardens shall receive no salary from the State for their services, but shall receive a portion of the fines and proceeds of sale as hereinafter provided.

15. DUTY OF GAME WARDENS—PROSECUTIONS.] § 2. It shall be the duty of such game wardens to prosecute persons and corporations having in their possession game, deer, wild fowl and birds contrary to law, as hereinafter provided, and also to enforce the game laws of this State.

16. GAME IN POSSESSION CONTRARY TO LAW MAY BE SEIZED—WARRANT.] § 3. If said game wardens or either of them has reason to believe or does believe, that any person or corporation has in his or their possession, contrary to law, any game, deer, wild fowl, or bird, it shall be the duty of such game wardens to go before any justice of the peace in the county and make affidavit of that fact; said justice shall thereupon issue a search warrant against the person or corporation so complained of, directed to any constable of the county, commanding him to proceed at once and search for said game, deer, wild fowl, or bird, and upon finding the same, to seize and take possession of the same and keep it until further ordered by the justice; said constable shall also read said warrant to the owner or person in whose possession said game, deer, wild fowl or bird is found.

Said warrant shall be substantially as follows:

THE

MUNICIPAL CODE

OF

CHICAGO:

COMPRISING THE

LAWS OF ILLINOIS RELATING TO THE CITY OF CHICAGO,

AND THE

ORDINANCES OF THE CITY COUNCIL;

CODIFIED AND REVISED

BY

EGBERT JAMIESON AND FRANCIS ADAMS.

PUBLISHED BY AUTHORITY OF THE CITY COUNCIL.

CHICAGO:

BEACH, BARNARD & Co., LEGAL PRINTERS.

1881.

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person who shall be convicted of any such breach shall be adjudged to pay a fine of not less than three dollars nor more than one hundred dollars.

1683. In every prosecution brought for a violation of any ordinance of the city of Chicago, where the offense charged is one punishable under the laws of the State of Illinois as a misdemeanor, the court or magistrate trying the cause may upon conviction in lieu of the fine imposed by the ordinance or in addition thereto, cause the offender to be imprisoned in the house of correction for a period not exceeding three months.

1684. All the printed books containing the revised ordinances shall be deposited with the city comptroller. He shall deliver one copy thereof to each officer of the city, and to such other persons as the city council may direct.

1685. The mayor shall have power to extend to or reciprocate courtesies of other cities, by presenting to them a copy of the revised ordinances bound at the expense of the city in such manner as to him may seem suitable.

ARTICLE XLIII.

Parks and Public Grounds.

1686. The several public parks, squares and grounds in the city of Chicago, shall be known and designated by the names applied thereto respectively on the map of the city of Chicago published by J. Van Vechten and Snyder in the year 1877.

1687. It shall be the duty of the commissioner of public works to superintend all inclosed public grounds and keep the fences thereof in repair, the walks in order and the trees properly trimmed and improve the same according to plans approved by the city council. He shall likewise cause printed or written copies of prohibitions of this article to be posted in the said grounds or parks.

1688. No person shall enter or leave any of the public parks of the city of Chicago except by their gateways; no person shall climb or walk upon their walls or fences.

1689. Neither cattle, horses, goats, swine or other animals, except as herein provided, shall be turned into any one of the said parks by any person.

1690. All persons are forbidden to carry firearms or to throw stones or other missiles within any one of the public parks. All persons are forbidden to cut, break or in any way injure or deface

the trees, shrubs, plants, turf or any of the buildings, fences, bridges or other construction or property within or upon any of the said parks.

1691. No person shall converse with or in any way hinder those engaged in their construction.

1692. No person shall expose any article or thing for sale upon any of said parks, except such person shall have been previously licensed by the commissioner of public works, nor shall any hawking or peddling be allowed therein.

1693. No threatening, abusive, insulting or indecent language shall be allowed in any part of either of the said parks whereby a breach of the peace may be occasioned. No person shall be allowed to tell fortunes or play at any game of chance at or with any table or instrument of gaming, nor to do therein any obscene or indecent act.

1694. In case of any emergency where life or property is endangered, all persons if required so to do by the superintendent or any of his assistants, shall remove from the portion of either of said parks specified by the superintendent or his assistants and remain off the same until permission is given to return.

1695. The commissioner of public works may direct that any of the entrances to the public parks be closed at any time.

1696. No person shall bathe or fish in, or go or send or ride any animal in any of the waters of either of the said public parks, nor disturb any of the fish, water fowl or other birds in any of said parks, or any deer, sheep or other animal belonging to and preserved therein, nor throw or place any article or thing in the waters within either of said parks.

1697. No person shall post or otherwise affix any bills, notice or other paper upon any structure or thing within either of said parks nor upon any of the gates or inclosures thereof.

1698. No person shall without the consent of the commissioner of public works, play upon any musical instrument nor shall any person take into or carry or display in the said public parks any flag, banner, target or transparency. No military or target company civic or other shall be permitted to parade, drill or perform therein any military or other evolutions or movements. Nor shall any fire engine, hook and ladder truck, hose cart or other machine on wheels commonly used for the extinguishing of fires be allowed on any part of said parks without the previous consent of the commissioner of public works.

1699. No person other than employes shall light, make or use any fire thereon.

1700. No person shall go upon the grass, lawn or turf of the parks except when and where the word "common" is posted, indicating that persons are at liberty at that time and place to go on the grass.

1701. Any member of the city police shall have power to arrest any person who shall not desist from any violation hereof when directed, and cause him to be committed for examination.

1702. The foregoing sections of this article so far as applicable shall apply to all the public squares of the city of Chicago.

1703. Any person who shall violate any or either of the provisions of this or any section or clause or any provision of any section thereof, or who shall neglect or fail or refuse to comply with any or either of the requirements thereof, shall on conviction pay a fine of not less than five dollars nor more than one hundred dollars.

ARTICLE XLIV.

Pawnbrokers and Loanbrokers or Keepers of Loan Offices.

1704. The mayor may from time to time grant licenses to such persons as shall produce to him satisfactory evidence of their good character to exercise or carry on the business of a pawnbroker, or of a loanbroker or keeper of a loan office; and no person shall exercise or carry on the business of a pawnbroker, loanbroker or keeper of a loan office without being duly licensed, under the penalty of one hundred dollars for each day he or she shall exercise or carry on said business without such license.

1705. Any person who loans money on deposit or pledge of personal property or other valuable thing, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price, is hereby defined and declared to be a pawnbroker.

1706. Every person receiving such license shall pay therefor the sum of one hundred and fifty dollars for the use of the city.

1707. Every person so licensed shall at the time of receiving such license, enter with two sufficient sureties into a joint and several bond to the city of Chicago in the penalty of five hundred dollars, conditioned for the due observance of all such ordinances of the city council as may be passed or in force respecting pawnbrokers and loanbrokers or keepers of loan offices, at any time during the continuance of such license.

[PUBLISHED BY AUTHORITY.]

THE
REVISED ORDINANCES

OF

SALT LAKE CITY,
_M *Ordinances, etc.*

WITH THE

CITY CHARTER AND AMENDMENTS THERETO.

FEBRUARY 14, 1888.

SALT LAKE CITY, UTAH:
PRINTED BY THE STAR PRINTING COMPANY.

1888.

CC
Salt Lake City
3
1888

44-158
Judah P. Benjamin

CHAPTER XXVII.

OF LIBERTY PARK.

1. Mayor to control Park and appoint Keepers. Keepers given police powers.
2. When gates to be closed.
3. Drays, trucks, etc., not to travel upon drives.
4. Rate of speed. Racing prohibited.
5. Venling in Park prohibited.
6. Injuring property. Disturbance. Animals trespassing, etc. Firearms.
7. Rule in meeting vehicles.
8. Associations, etc., to get permit.
9. Penalty.

SECTION 1. The Mayor shall have the control and charge of Liberty Park, and shall have power to appoint one or more Park Keepers, whose duties shall be to have charge of the Park, under the Mayor's direction, and to see that the provisions of this chapter are carried into effect; and for that purpose they are hereby given police powers and authorized to arrest any person violating any of the provisions of this chapter.

Mayor to control Park and appoint Keepers.

Keepers given police powers.

SEC. 2. All the gates of Liberty Park shall be closed at nine o'clock each evening; and all travel on the roads of said Park, or other use of the grounds between nine o'clock P. M. and five o'clock A. M., shall be unlawful except by permission of the Mayor.

When gates to be closed.

SEC. 3. No dray, truck, wagon, cart or other vehicle carrying, or if not carrying, employed regularly in carrying goods, merchandise, manure, soil or other article of commerce or trade, shall be allowed to travel upon the drives of said Park.

Drays, trucks, etc., not to travel upon drives.

SEC. 4. All persons are hereby prohibited from riding or driving upon the roads within said

Rate of speed.

Racing
prohibited.

Park at a rate of speed exceeding eight miles per hour, and it shall be unlawful for two or more persons to engage in racing with animals in said Park except by consent of the Keeper thereof.

Vending in
Park pro-
hibited.

SEC. 5. No person shall vend or sell, or offer to vend or sell any article or thing whatever within said Park without the consent of the City Council.

Injuring prop-
erty.

SEC. 6. No person shall, within Liberty Park, cut, break, or in any way injure or deface any trees, shrubs, plants, buildings, fences or property of any kind; or indulge in noisy, boisterous, riotous, or indecent behavior, or use any boisterous or offensive language; or, except authorized by the Mayor: 1—Let loose any cattle, horses, goats, sheep or swine. 2—Drive a herd of said animals through the grounds. 3—Carry or discharge firearms. 4—Camp, lodge or tarry over night. 5—Ride or drive any horse or other animal, with or without vehicle, elsewhere than on the roads or drives for such purposes provided. 6—Catch or kill any birds or fish of any kind.

Disturbance.

Animals tres-
passing, etc.

Firearms.

Rule in meet-
ing vehicles.

SEC. 7. All persons in riding or driving in said Park, when meeting other animals or vehicles, shall pass to the right.

Associations,
etc., to get
permit.

SEC. 8. When any company or association of persons exceeding fifty in number desire to resort to the Park for any lawful purpose, they, or one representing them, shall first get the permission of the Mayor.

Penalty.

SEC. 9. Any person violating any of the provisions of this chapter shall, upon conviction, be liable to a fine of not to exceed fifty dollars.

From Camp Shaw to

Gen. Asa Gray

Cambridge

April 1884

TOWER GROVE PARK

— OF THE —

CITY OF ST. LOUIS.

REVIEW OF ITS ORIGIN AND HISTORY, PLAN OF IMPROVEMENT, ORNAMENTAL FEATURES, ETC.

WITH ILLUSTRATIONS.

PREPARED BY ORDER OF THE BOARD OF COMMISSIONERS.

BY DAVID H. MACADAM.

1883:

R. P. STUDLEY & CO., PRINTERS.
ST. LOUIS, MO.

RULES AND REGULATIONS.

In accordance with the authority conferred by the Act creating Tower Grove Park, the Board of Commissioners have adopted the following rules and regulations:

All persons are forbidden —

1. To enter or leave the park except by the gateways.
2. To climb the fences.
3. To turn cattle, horses, goats or swine into the park or the avenues surrounding the park.
4. To carry firearms or to throw stones or other missiles within it.
5. To cut, break, or in any way injure or deface the trees, shrubs, plants, turf, or any of the buildings, fences, bridges, or other constructions upon the park;
6. Or to converse with, or in any way hinder, those engaged on the work of the park.
7. A pound is hereby established within the Tower Grove Park for the impounding of horses, cattle, sheep, goats, dogs and swine found trespassing upon said park or the adjacent avenues. All such animals found at large may be taken by any person or persons and driven or carried to the pound, and may be kept enclosed therein during five days, at the end of which time, if not previously claimed, they may be sold at public auction; provided, that, within two days after they shall have been impounded, notice of the sale shall have been conspicuously posted in the pound or vicinity.

Any person claiming property in such impounded animals before the day of sale, may recover the same, after suitable proof of his or her right thereto, upon payment for each animal of the sum of two dollars and the expenses of keeping; the expenses of keeping to be reckoned as follows:

For each horse, dog, or head of neat stock, sixty cents per day;

For each goat, swine, or sheep, twenty-five cents per day.

These charges shall be paid to the chief park keeper of Tower Grove Park, and the money thus collected shall by him be handed over within one week to the comptroller of the board.

If within one month after the sale of any impounded animals their former owner shall appear and claim the same, the treasurer shall, after deducting the full amount of the charges provided for above, pay over to him the proceeds of their sale; otherwise the amount shall be added to the funds of the board.

8. No animal shall travel on any part of the Tower Grove Park, except upon the drive or carriage road, at a rate exceeding six miles per hour. Persons on horseback shall not travel on the drive or equestrian road at a rate exceeding seven miles per hour.

9. No vehicle or riding shall be permitted on the walks, the same being devoted exclusively to pedestrians; nor shall any vehicle, horse, or burden, go

upon any part of the park except upon the "drive," and upon such places as are appropriated for carriages at rest.

10. No animal or vehicle shall be permitted to stand upon the "drive" or carriage roads of the park, or any part thereof, to the obstruction of the way or to the inconvenience of travel, nor shall any person upon the park solicit or invite passengers.

11. No hackney coach, carriage, or other vehicle for hire, shall stand upon any part of the park for the purpose of taking in any other passengers or persons than those carried to the park by said coach, carriage, or vehicle, unless invited by the persons having said vehicle.

12. No person shall expose any article or thing for sale upon the park except previously licensed by the Board of Commissioners of Tower Grove Park, nor shall any hawking or peddling be allowed on the park.

13. No omnibus or express wagon, with or without passengers, nor any cart, dray, wagon, truck, or other vehicle carrying goods, merchandise, manure, soil or other article, or solely used for the carriage of goods, merchandise, manure, or other articles, shall be allowed to enter any part of Tower Grove Park, or any vehicle carrying more than six persons.

14. No threatening, abusive, insulting or indecent language shall be allowed on the park whereby a breach of the peace may be occasioned.

15. No person shall be allowed to tell fortunes or play at any game of chance at or with any table or instrument of gaming, nor to do any obscene or indecent act whatever in Tower Grove Park.

16. Tower Grove Park shall be open daily to the public during the months of December, January and February from seven o'clock in the morning until half an hour after sunset in the evening; during the months of March, April, May, June, October, and November, from six in the morning until half an hour after sunset, and during the months of July, August, and September, from five in the morning until half an hour after sunset in the evening.

17. The comptroller or superintendent may direct that the park or any of the entrances to the park be closed at any time, and may, on special occasions, also direct that the park or any portion thereof remain open at other times than those specified.

18. No person other than employees of the Board of Commissioners of Tower Grove Park shall enter or remain in the park except when it is open as above provided.

19. No person, except in the employ of the Board of Commissioners of the Tower Grove Park, shall bring upon the Tower Grove Park any tree, shrub, plant, or flower, nor any newly plucked branch or portion of a tree, shrub, plant, or flower.

20. No person shall fire, discharge or set off in Tower Grove Park any rocket, cracker, torpedo, squib, balloon, snake, chaser, or double-header, nor any fireworks or thing under any other name composed of the same or similar material, or of the same or similar character, as the fireworks above specified, except with consent of Board of Commissioners or comptroller.

21. No person shall place or propel any invalid chairs, perambulators,

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TOWER GROVE PARK.

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bicycles or velocipedes upon any portion of the Tower Grove Park except upon the walks.

22. No person shall post or otherwise affix any bill or notice, in paper or paint, upon any structure or thing within the park, nor upon any of the gates or surrounding avenues.

23. No person shall without the consent of the comptroller of the park play upon any musical instrument within Tower Grove Park, nor shall any person take into or carry or display in the park any flag, banner, target, or transparency.

24. No military or target company, or civic or other procession, shall be permitted to parade, drill or perform upon the park any military or other evolutions or movements without the written consent of the comptroller.

25. No fire-engine, hook or ladder, cart, hose, truck, or other machine on wheels commonly used for the extinguishing of fire, shall be allowed on any part of Tower Grove Park without the previous consent of the comptroller of the park.

26. No funeral procession or hearse, or other vehicle or person carrying the body of a deceased person, shall be allowed on any part of Tower Grove Park.

27. No person, except in the employ of the Board of Commissioners of Tower Grove Park, shall light, make or use any fire upon the Tower Grove Park.

A DIGEST
OF THE
ACTS OF ASSEMBLY

RELATING TO,

AND THE

GENERAL ORDINANCES.

OF THE

CITY OF PITTSBURGH

From 1804 to Jan. 1, 1897,

WITH REFERENCES TO DECISIONS THEREON.

SECOND EDITION.

PREPARED UNDER RESOLUTION OF COUNCILS

BY

W. W. THOMSON

OF THE PITTSBURGH BAR.

PITTSBURGH, PA.:

W. T. NICHOLSON SONS, PRINTERS AND BINDERS.

1897.

BUREAU OF PARKS.

July 31, 1893, § 1.
O. B. 9, 262.
Bureau of parks
created.

Officers and
employees.

1. There shall be and is hereby created a bureau to be known as the "bureau of parks," which bureau shall consist of one superintendent whose compensation shall be two hundred dollars per month, one superintendent, whose compensation shall be one hundred and fifty dollars per month, and one assistant superintendent whose compensation shall be one hundred and twenty-five dollars per month, one clerk whose compensation shall be eighty-three dollars and thirty-three cents per month, and such foremen and laborers as may be required from time to time, at the same pay as like labor in other departments of the city (a).

July 6, 1896.
O. B. 11, 139.
Preamble.

Preamble.

2. WHEREAS, The control, maintenance, supervision and preservation of the public parks is by law vested in the department of public works ; and

WHEREAS, It is essential to proper exercise of these powers that persons should be employed as watchmen in the public parks for the protection of the public property therein.

Ibid § 1.
Watchmen com-
pensation.

3. *Be it ordained, &c.,* That the director of the department of public works shall, and he is hereby authorized to employ such watchmen as may be necessary for the properly caring for, maintaining and protecting the public property in the public parks of this city at the daily compensation of two dollars and fifty cents each.

Ibid. § 2.

4. The compensation of such watchmen shall be paid out of appropriation No. 36, public parks.

July 27, 1893, § 1.
O. B. 9, 260.
Rules adopted.

5. Upon the passage and approval of this ordinance the following rules and regulations shall be and are hereby established for the management and protection of the parks and public grounds of the city of Pittsburgh, to wit :

First. No person shall injure, deface or destroy any notices, rules or regulations for the government of the parks, posted or in any other manner permanently fixed by order of the chief of department of public works.

Second. No person shall be allowed to turn any chickens, ducks, geese or other fowls, or any cattle, goats, swine, horses or other animals loose within the parks or to bring led horses or a horse that is not harnessed and attached to a vehicle or mounted by an equestrian.

Third. No person shall be allowed to carry firearms, or to shoot or throw stones at or to set snares for birds, rabbits, squirrels or fish, within the limits of the parks or within one hundred yards thereof.

Fourth. No person shall cut, break, pluck or in anywise injure or deface the trees, shrubs, plants, turf or any of the buildings, fences, structures or statuary, or place or throw anything whatever in any springs or streams within the parks, or fasten a horse to a tree, bush or shrub.

(a) As amended by ordinance of Nov. 23, 1893, O. B. 9, p. 320, and ordinance of March 31, 1896, O. B. 11, p. 49.

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Fifth. No military or other parade or procession, or funeral shall take place in or pass through the limits of the parks without permission from the chief of department of public works. July 27, 1893.
Park rules.

Sixth. No one shall ride or drive therein except on the avenues or roads, or at a rate of speed exceeding eight miles per hour.

Seventh. No gathering or meeting of any kind, assembled through advertisement, shall be permitted in the parks without previous permission of the chief of the department of public works, nor shall any gathering or meeting for political purposes in the park be permitted under any circumstances.

Eighth. No wagon or vehicle of burden or traffic shall pass through the park, except on such road or avenue as shall be designated by the chief of the department of public works for burden transportation.

Ninth. No coach or vehicle used for hire, shall stand upon any part of the parks for the purpose of hire, nor except in waiting for persons taken by it into the park, unless at points designated by the chief of the department of public works.

Tenth. No profane, indecent, abusive or insulting language, gambling or drunkenness shall be allowed within the parks, nor shall any one be allowed to introduce any spirituous liquors within the limits of the same, either for his own use or for sale.

Eleventh. No person shall climb any tree or attach any swing thereto, without the consent of the superintendent.

Twelfth. No picnic shall take place in the parks without a written permission for the purpose being obtained from the superintendent, in which shall be designated the spot where it shall be held, and parties holding picnics shall clean up the ground that has been occupied by them on quitting it, and not leave paper and other refuse on the ground.

Thirteenth. No person shall disturb any picnic in the parks, or intrude himself or herself on it without the consent of those composing it.

Fourteenth. No person shall stand, walk or sit on any fence, wall or embankment, or stand, slide, sit or roll upon any slope of the parks.

Fifteenth. No person shall set up any booth, table or stand for the sale of any article whatever, without the consent of the chief of the department of public works, previously obtained in writing.

Sixteenth. When carriages or equestrians meet, the parties respectively shall keep to the right as the law of the road.

Seventeenth. No person shall drive any vehicle displaying any placard or advertisement of any kind along any road or avenue in the parks, nor shall any person display any placards or advertisements of any kind, or post or fix any notice or bill or other writing or printing of any kind on any tree, lamp-post, hydrant, curbstone, coping, flagstone, fence, wall, building or other place within the parks.

Eighteenth. No benches or seats shall at any time be removed

July 27, 1893 or changed from their places in the parks, except by the order first obtained of the superintendent.

Nineteenth. Bicycles and tricycles shall be restricted to the use of the roadways, and be controlled by the same law which governs horses, vehicles and equestrians, and must pass to the right, when meeting the same or each other. When passing a carriage or equestrian from the rear to the front, it must be done to the left side and at a moderate rate of speed. Bicycles and tricycles must not travel more than two abreast.

Twentieth. All racing with horses, vehicles, tricycles and bicycles is prohibited at any time, and bicycles and tricycles must not be driven or propelled at greater speed than eight miles per hour.

Ibid. § 2.
Penalty.

6. Any violation of any of the foregoing rules shall subject the party so offending to a fine of twenty-five dollars, to be collected by summary process.

Aug. 28, 1871, § 1.
O. B. 3, 122.

Improvement of part of Bluff street as a park authorized.

7. The citizens of the Sixth and Fourteenth wards of the city of Pittsburgh, residing in the vicinity of Bluff street, shall be and are hereby authorized to enclose with a good substantial fence a portion of Bluff street, from Gist to Magee street, as follows, viz: Commencing at Gist street thirty feet south of the northern curb line, and thence running by a line preserving the same width to Magee street, said fence to be constructed with openings at the street crossings, and at such other points as may be deemed proper openings for the convenient access of foot passengers. Said citizens shall be further authorized to lay off the grounds south of said fence to the line of said street with walks, and within said enclosure, and on the outside thereof, to plant trees and shrubbery, erect fountains and make other improvements thereon suitable for a public promenade: *Provided*, That no trees or other improvements shall be placed upon said street within a distance of twenty feet from the north curb line of said street.

Ibid. § 2.
City not liable for expense.

8. Said improvements shall be made and maintained at the expense of the parties making the same, and the city shall not be liable for any expense contracted for or on account of the same.

Ibid. § 3.
City may grade and pave.

9. Said city reserves the right to direct the grading and paving of said street at any time hereafter, without compensation for the improvement which may be made thereon as fully as if this ordinance had not been adopted.

Ibid. § 4.

10. Said improvements and the maintenance and care of the same shall be under the charge of such persons as may be selected by subscribers to the fund for making the same.

Ibid. § 5.
Penalty for injuring improvements.

11. It shall be unlawful for any person to injure or destroy any fence, trees, shrubbery or other improvement upon said ground; and if any person shall wilfully injure or destroy the same, or any part thereof, he or she shall forfeit and pay the sum of ten dollars, in addition to a sum sufficient to repair or replace the damage, to be recovered by action in the name of the city of Pittsburgh, or by summary conviction before the mayor

PUBLIC WORKS—PARKS.

or any alderman of said city, and the sum so recovered shall be paid to the person having charge of said improvements, to be expended upon the same.

Aug. 28, 1871.

12. The superintendent of the water works shall be authorized to direct a supply of water, free of charge, for not more than two fountains upon said ground at all reasonable times and to reasonable amounts, from the first day of April to the fifteenth day of October in each year: *Provided*, That said superintendent shall be authorized to prevent the unnecessary waste of water, and to prohibit its use during times of short supply.

Ibid. § 6.
Supply of water for two fountains authorized.

13. WHEREAS, The public market-house on Second street is of no benefit to the city;

Sept. 27, 1858, O. B. 2, 125.

And whereas, The heirs and legal representatives of the estate of James O'Hara have, by deed dated the seventeenth day of May, one thousand eight hundred and twenty, and on the ninth of August, one thousand eight hundred and fifty-eight, consented that the ground dedicated by the late James O'Hara, on Second between Ross and Grant streets, may be used as a public square or area; therefore,

Preamble.

14. *Be it ordained, &c.*, That all that portion of Second street extending from Grant to Ross street, and used for the purpose of a market house, be and the same is hereby devoted to the purpose of a public park, to be ornamented in such manner as shall be directed by the mayor of the city and members of councils for the time being of the Second ward, who are hereby authorized to adopt such rules for the same as may, in their judgment, be proper, and to keep the same posted on the gateposts thereof: *Provided*, The whole expense of removing the market-house and of constructing said public park and keeping the same in repair, shall be provided by voluntary subscription, and shall in no case be a charge on the city treasury.

Ibid. § 1.
Second street market to be made a park.

Rules.

Proviso.

15. Any person that shall injure or destroy any tree, shrub or any other thing within said park, or the wall or fence that may surround it, shall, upon conviction before the mayor, be fined a sum not exceeding five dollars, in addition to the amount necessary to repair any injury so done, to be recovered as like penalties are by law recoverable.

Ibid. § 2.
Penalty for injuries.

16. It shall be lawful to erect within the said area or park one or more fountains, to be supplied from the public water pipes without any charge for the use of the water.

Ibid. § 3.
Fountains.

17. Before the work necessary for said improvement shall be commenced, the mayor and members of councils from the Second ward shall meet at the mayor's office and choose from among themselves one president, one secretary, and one treasurer, and shall proceed to agree upon a plan of the work, &c.

Ibid. § 4.

18. For the purpose of constructing and maintaining a public park, there shall be and is hereby set aside, dedicated and appropriated so much of the ground belonging to said city as is not indispensably necessary for the safe and proper use of the reservoir known as the Herron Hill Reservoir.

Sept. 14, 1889 § 1. O. B. 7, 134.
Dedication of Herron Hill Park.

ORDINANCES—EXECUTIVE DEPARTMENTS.

Sept. 14, 1889, § 2. 19. The chief of the department of public works of said city be and he is hereby authorized and directed to improve all said ground lying around, adjacent to and connected with said reservoir, and which shall not be found actually necessary for the operation of said reservoir, to be used and enjoyed as a public park, to be known as and by the name of the "Herron Hill Park."

Sept. 16, 1889, § 1. 20. For the purpose of constructing and maintaining a public park, there shall be and is hereby set aside, dedicated and appropriated so much of the ground belonging to said city as is not indispensably necessary for the safe and proper use of the reservoirs known as the Highland Reservoirs.

Dedication of Highland Park.
Ibid. § 2.
Improvements. 21. The chief of the department of public works of said city be and he is hereby authorized and directed to improve all said ground lying around, adjacent to and connected with said reservoirs or which may be added thereto, and which shall not be found actually necessary for the operation of said reservoirs, to be used and enjoyed as a public park, to be known as and by the name of "Highland Park."

BUREAU OF CITY PROPERTY.

Dec. 17, 1887, § 18. 1. There shall be and is hereby created a bureau to be known as the bureau of city property, the head of which shall be known as superintendent of city property, and who shall receive the sum of one hundred and fifty dollars per month as his compensation. The duties of this bureau shall be to take charge of all public property belonging to said city not otherwise conferred upon some other department, including markets, city buildings, wharves, and such other property of the city as is not specially conferred elsewhere: *Provided*, That the chief clerk of this bureau shall act as clerk of the Diamond markets without extra compensation.

Dec. 17, 1887, § 18. 2. From and after the date of the passage of this ordinance, the salary of the clerk to the bureau of city property (who also acts as clerk of markets) shall be and is hereby fixed at fifteen hundred dollars per annum, and the said clerk to the bureau of city property shall receive compensation for his services at the rate of fifteen hundred dollars per annum from and after the date of the approval or passage of this ordinance.

City Code, 24, § 1. 3. If any person shall destroy or injure in any way whatsoever any public property within this city, he shall forfeit and pay for every such offense a fine of not less than ten dollars and not exceeding fifty dollars, besides the amount of the costs and expenses of repairing the same: *Provided*, That when the injury is accidental no further fine shall be imposed than the amount of the cost and expense of repairing.

Ibid. § 2. 4. It shall be the duty of every city officer to report to the controller any damage or injury which may be done to any public property in his possession, that the same may be laid

Salary of clerk of bureau of city property.
City Code, 24, § 1.
Penalty for injuring.
Proviso.
City officers to report to controller.

Continuance. 22. AND IT IS HEREBY FURTHER ENACTED, That this Act shall continue in Force to the End of the next Sitting of the Legislature, and no longer.

Passed at Trenton, April 4, 1778.

C H A P. XXI.

An ACT for granting a Bounty upon Wool, Flax and Hemp, raised and sold within the State of New-Jersey.

Preamble. **W**HEREAS increasing the Quantity of Wool, Flax and Hemp in this State, may be of singular Advantage to the Inhabitants thereof.

Bounty. *Sec^t. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same, That from and after the Publication of this Act, any Person raising and selling, within this State, either Wool, Flax or Hemp, shall be entitled to receive from the Publick, as a Bounty on the same, the Sum of One Shilling per Pound for good merchantable Sheeps Wool; Nine-pence per Pound for good clean well dressed Flax; and Four-pence per Pound for like Hemp, so raised and sold by any Person residing within this State, to any Inhabitant of the same; which Bounty shall be paid to any Person who shall raise and sell any of the aforesaid Articles, over and above the Quantity sufficient for his or her Family's Use, upon his or her producing a Receipt for the same from the Purchaser, specifying the Seller's Name, the exact Weight of the Article sold, with the Time and Place of Sale; the Truth of which Receipt shall be attested on Oath or Affirmation, before any Justice of the Peace of the County in which he resides; and being exhibited to the Treasurer of the State, he is hereby authorized and directed to pay all such Sums of Money as shall be expressed in all Receipts so taken, attested and exhibited; and the same shall be his sufficient Voucher for the Payment of so much out of the State Treasury.*

Continuance. 2. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That this Act shall continue and be in Force for two Years after the Publication hereof, and from thence to the End of the next Sitting of General Assembly, and no longer.

Passed at Princeton, April 14, 1778.

C H A P. XXII.

An ACT for the Regulating, Training and Arraying of the Militia.

Preamble. **W**HEREAS a well ordered and well disciplined Militia is at all Times necessary to the Safety and Preservation of the State, and more especially when the Invasion and Hostilities of a powerful Fleet and Army

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Army call for every vigorous Means of Defence: AND WHEREAS the Laws now in Force for the Regulation and Government of the Militia are in many Respects ineffectual, and, from their Number and Diversity, difficult to be comprehended and executed ;

Sec̄t. 1. BE IT THEREFORE ENACTED *by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same,* That from and after the Publication hereof, the Militia of this State shall be divided into two Brigades, as follows, *to wit,* The Militia of the Counties of *Middlesex, Somerset, Essex, Bergen, Morris and Sussex,* shall form one Brigade. And the Militia of the Counties of *Hunterdon, Burlington, Monmouth, Gloucester, Salem, Cumberland and Cape-May,* shall form the other Brigade.

Militia to be divided into two Brigades.

2. AND BE IT ENACTED, That each Brigade shall be commanded by a Brigadier or Colonel-Commandant, who shall be empowered to appoint a Major of Brigade.

By whom commanded,

3. AND BE IT ENACTED, That each Regiment or Battalion shall be officered with a Colonel, a Lieutenant-Colonel and a Major ; and also with an Adjutant, a Quarter-Master, and, when Circumstances will admit, a Chaplain and a Surgeon ; which regimental Staff-Officers shall be appointed by the Field-Officers, or a Majority of them ; PROVIDED ALWAYS, That where two Majors have been heretofore appointed and commissioned in any Regiment or Battalion, both shall be continued ; but Vacancies happening in the Office of second Major, shall not henceforward be supplied.

And how officered.

4. AND BE IT ENACTED, That each Company of the Militia shall be officered with a Captain, a Lieutenant and an Ensign, and also provided with any Number not exceeding four Serjeants and four Corporals, to be elected by the Companies respectively ; and the Commission Officers of each Company shall appoint for the same a Drummer and a Fifer : PROVIDED ALWAYS, That where two Lieutenants have been heretofore appointed and commissioned in any Company, both shall be continued ; but Vacancies happening in the Office of second Lieutenant, shall not henceforward be supplied.

Companies, how officered.

5. AND BE IT ENACTED *by the Authority aforesaid,* That the said General, Field and other Commission Officers and Staff-Officers respectively, shall be commissioned by the Governor or Commander in Chief for the Time being, upon due Certification of their Election or Appointment from those who elect or appoint them respectively, or by their Order ; and the Non-commission Officers of Companies shall act under Warrants or Certificates from the Captains or commanding Officers of the Companies to which they severally belong.

Officers, by whom commissioned, &c.

6. AND BE IT ENACTED *by the Authority aforesaid,* That each and every Officer, duly elected and commissioned, shall, within two Weeks after receiving his Commission, repair to some Justice of the Peace, or other Person duly authorized by *Dedimus Potestatem* to administer the Oaths of Abjuration and Allegiance, as prescribed in an Act, intitled, *An Act for the Security of the Government of New-Jersey,* passed the nineteenth Day of September, One Thousand Seven Hundred and Seventy-

And to take the Oaths.

Penalty for Neglect.

fix, and there take and subscribe the said Oaths in due Form, a Certificate of which such Justice, or other Person authorized as aforesaid, shall give to the Officer taking the Oaths, who shall transmit it to the Clerk of the Peace of the County, to be entered in a Roll kept for that Purpose. And if any Officer shall neglect to apply and take and subscribe the said Oaths within the Term above limited, he shall, for such Default, forfeit and pay the Sum of *Six Pounds*, to be recovered before any Justice of the Peace of the County wherein such Officer may reside, by any Person who shall sue for the same, one Moiety to the Prosecutor, and the other to the Justice, to be by him paid to the Collector of the County, for the Use of the State; and shall moreover be disqualified and rendered incapable of executing his Office; and his Place shall be supplied by a new Election.

Vacancies of Commission Officers, how filled up.

7. AND BE IT ENACTED, That in every Case where a Vacancy or Vacancies shall happen, by Death, Resignation or otherwise, of any Commission Officer or Officers of any Company, the Captain or commanding Officer of such Company shall, within thirty Days thereafter, call a Meeting of the same; and the Officers and Privates who shall meet at the Time and Place appointed, shall nominate a Clerk to manage the Election, and certify the same when made; and shall, by Plurality of Voices, elect such Officer or Officers as may be wanting. And if the Captain or commanding Officer shall neglect or refuse to give Orders for assembling the Company as aforesaid, he shall forfeit for such Offence *Six Pounds*, to be recovered and applied as aforesaid. And if the Company, on due Notice given, shall neglect to assemble and elect as aforesaid, the Field-Officers of the Regiment or Battalion, or a Majority of them, shall appoint the Officer or Officers necessary to supply the Vacancy or Vacancies in the same, or annex the said Company to any adjacent Company or Companies in the Regiment or Battalion, as they may think proper: PROVIDED ALWAYS, That where no Commission Officer shall remain in any Company, the nearest Field-Officer of the Regiment or Battalion shall give the Orders for assembling the Company as aforesaid.

Proviso.

Vacancies of Non-commission Officers, how supplied.

8. AND BE IT ENACTED, That all Vacancies happening in the Non-commission Officers of any Company, shall be supplied as often as necessary by such Company, when assembled for Training; and if the Company refuse to elect such Non-commission Officers, they shall be appointed by the Commission Officers of the Company, or any two of them; and if any Person shall refuse to serve as a Serjeant, Corporal, Drummer or Fifer, when duly elected or appointed for that Effect, he shall be fined the Sum of *Three Pounds*, to be recovered and applied as aforesaid: PROVIDED ALWAYS, and it is hereby Enacted, That no Person shall be fined more than once in the Space of a Year for refusing to serve in any Office to which he may be elected or appointed.

Lists of effective Men to be kept, &c. and who not to be enrolled.

9. AND BE IT ENACTED by the Authority aforesaid, That the Captain or commanding Officer of each Company shall keep a true and perfect List or Roll of all effective Men between the Ages of sixteen and fifty Years residing within the Bounds of such Company: PROVIDED ALWAYS, That the Delegates representing this State in the Congress of the United States, the Members of the Legislative-Council and General Assembly, the Judges and Justices of the Supreme and Inferior Courts, the Judge of the Court of Admiralty, the Attorney-General, the Secre-

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tary, the Treasurer, the Clerks of the Council and General Assembly, the Clerks of the Courts of Record, the Governor's private Secretary, Ministers of the Gospel of every Denomination, the Presidents, Professors and Tutors of Colleges, Sheriffs and Coroners, one Constable for each Township, to be selected by the Court of Quarter-Sessions of the County, two Ferry-men for each publick Ferry on the *Delaware*, below the Falls at *Trenton*, and one for every other publick Ferry in this State, and Slaves, shall not be borne upon any such List or Roll, or be liable to military Duty.

10. AND BE IT ENACTED, That the Captain or commanding Officer of each Company shall make Return of the Commission and Non-commission Officers and Privates of his Company, and of the State of their Arms, Accoutrements and Ammunition, in the Months of *March* and *October* every Year, to the Colonel or commanding Officer of the Regiment or Battalion to which such Company may belong, under Penalty of *Three Pounds* for each Default; and the Colonel or commanding Officer of each Regiment or Battalion shall make Return of his Regiment or Battalion, and of the State of their Arms, Accoutrements and Ammunition, in the Months of *April* and *November* every Year, to the Brigadier or Colonel-Commandant of the Brigade to which such Regiment or Battalion may belong, under Penalty of *Six Pounds* for each Default; and the Brigadier or Colonel-Commandant of each Brigade shall make Return of his Brigade in the Months of *May* and *December* every Year, to the Commander in Chief of the State, under Penalty of *Ten Pounds* for each Default; which several Penalties shall be recovered from the Officer whose Duty it is to make the Return, by a Justice of the Peace of the County where the Offender may reside, at the Instance of the Officer to whom the Return is in any Case directed to be made, and paid to the Collector of the County where recovered, for the Use of the State.

Returns to be made.

11. AND BE IT ENACTED, That every Person enrolled shall constantly keep himself furnished with a good Musket, well fitted with a Bayonet, Steel Ramrod and Worm, a Cartridge-box, twenty-three Rounds of Cartridges sized to his Musket, a Priming-wire, Brush and twelve Flints, a Knap-sack and Canteen, under the Forfeiture of *Six Shillings* for the Want of a Musket, and *One Shilling* for the Want of any of the other Articles whenever called out to Training or Service, to be recovered and applied as herein after is directed: PROVIDED ALWAYS, That if any Person be furnished as aforesaid, with a good Rifle Gun, the Apparatus necessary for the same, and a Tomahawk, it shall be accepted in Lieu of a Musket and the Bayonet, and other Articles belonging thereto.

How to be equipped.

Proviso.

12. AND BE IT ENACTED, That each Person enrolled shall also keep at his Place of Abode one Pound of good merchantable Gun-Powder and three Pounds of Ball, sized to his Musket or Rifle; and for Want of either, shall forfeit the Sum of *Three Shillings*, to be recovered and applied as herein after is directed: PROVIDED ALWAYS, and it is hereby Enacted, That if any Person enrolled shall, by a Majority of the Commission Officers of the Company to which he may belong, be deemed and adjudged unable to purchase the Arms, Accoutrements and Ammunition above specified, he shall be exempted from Forfeiture for any Deficiency therein, until he can procure them, or they are provided for him.

And provided.

Proviso.

Examination
of Arms, &c.

Penalty for
Neglect.

13. AND BE IT FURTHER ENACTED, That the Captain or commanding Officer of each Company shall, once in every four Months, order a Serjeant to call at the Place of Abode of each Person enrolled as aforesaid, for the Purpose of examining the State of his Arms, Accoutrements and Ammunition; of which the said Serjeant shall make exact Report to the Officer issuing the Orders; and if any Captain or commanding Officer of any Company shall neglect his Duty in this Respect, he shall forfeit and pay the Sum of *Six Pounds* for each Offence, to be recovered and applied as herein after is directed; and if any Serjeant shall neglect his Duty in this Respect, he shall forfeit and pay for each Offence the Sum of *Forty Shillings*, to be recovered and applied as herein after is directed.

Time of Meeting, and Fines for Omission.

14. AND BE IT ENACTED by the Authority aforesaid, That each Company shall assemble, properly armed and accoutred, not later than one o'Clock in the Afternoon of the first *Monday* in the Months of *April, May, June, September, October, November* and *December* every Year, at such Place as the Captain or commanding Officer of the Company shall appoint, and there spend the Remainder of the Day in Training and Exercise; and that the Penalty, in case of Absence, shall be as follows: On a Captain, *Thirty Shillings*; on a Lieutenant or Ensign, *Twenty Shillings*; on a Non-commission Officer or Private any Sum not under *Seven Shillings and Six-pence*, nor above *Fifteen Shillings*, and in due Proportion for attending later than the Hour above limited.

Two Field-Days in a Year.

Penalty for
Absence.

Provido.

15. AND BE IT ENACTED, That each Regiment or Battalion shall assemble, properly armed and accoutred, twice in the Year, at such Times and Place or Places as the Field-Officers, or a Majority of them, shall direct for the Purpose of Training and Exercise; and that the Penalty, in case of Absence, shall be as follows: On a Colonel, *Five Pounds*; on a Lieutenant-Colonel, *Four Pounds*; on a Major, *Three Pounds*; on a Captain or any Staff-Officer, *Forty Shillings*; on a Lieutenant or Ensign, *Thirty Shillings*; on a Non-commission Officer or Private, any Sum not less than *Ten Shillings*, nor more than *Twenty Shillings*, and in due Proportion for attending later than the Hour specified in the Order for meeting: PROVIDED ALWAYS, That if the local Situation of the Companies composing any Regiment or Battalion be such as may render it inconvenient to assemble the Whole at the same Time and Place, it shall and may be lawful for the Field-Officers, or a Majority of them, to assemble such Regiment or Battalion by Parts, at different Times and in different Places, each Part being assembled twice in a Year.

Misbehaviour
on Duty, Penalty there-
for.

16. AND BE IT ENACTED, That if any Field or other Commission Officer or Staff-Officer, at any regimental Review or monthly Training, or on any other Occasion when the Regiment, Battalion or Company to which he may belong, or in which he holds Command, is paraded in Arms, shall misbehave or demean himself in an unofficer-like Manner, he shall, for such Offence, be cashiered or punished by Fine, at the Discretion of a General or Regimental Court-Martial, as the Case may require, in any Sum not exceeding *Ten Pounds*; and if any Non-commission Officer or Private shall, on any Occasion of parading the Company to which he belongs, appear with his Arms and Accoutrements in an unfit Condition, or be found drunk, or shall disobey Orders, or use any reproachful or abusive Language to his Officers, or any of them, or shall quarrel him-

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self, or promote any Quarrel among his Fellow-Soldiers, he shall be punished by Fine in any Sum not under *Four Shillings*, nor exceeding *Fifteen Shillings*, or be disarmed and put under Guard by Order of the commanding Officer present, until the Company is dismissed.

17. AND BE IT FURTHER ENACTED, That if the Colonel or commanding Officer of any Regiment or Battalion shall, on any Occasion when it may be necessary, neglect or refuse to give Orders for assembling his Regiment or Battalion at the Direction of the Brigadier or Colonel-Commandant of the Brigade, he shall be cashiered or punished by Fine at the Discretion of a General Court-Martial, not exceeding *Fifty Pounds*, to be recovered and applied as herein after is directed; and if the Captain or commanding Officer of any Company shall, on any Occasion where it may be necessary, neglect or refuse to give Orders for assembling his Company at the Direction of the Colonel or commanding Officer of the Regiment or Battalion to which such Company may belong, he shall be cashiered or punished by Fine at the Discretion of a Regimental Court-Martial, not exceeding *Fifteen Pounds*, to be recovered and applied as herein after is directed; and if any Serjeant or Corporal shall neglect or refuse to warn the Company to which he may belong, on any Occasion when it may be necessary, agreeably to the Orders of the Captain or commanding Officer thereof, he shall be subject to a Fine of any Sum not exceeding *Three Pounds*, to be recovered and applied as herein after is directed.

Penalty on Officers neglecting to assemble the Militia.

18. AND BE IT ENACTED, That the Captain or commanding Officer of each Company shall at all Times keep a true List of his Company, divided into eight Parts or Classes, as nearly equal as possible, and reckoned from one to eight numerically; a Copy of which he shall transmit to the Colonel or commanding Officer of the Regiment or Battalion on every Occasion of making a Return of the Company as aforesaid, under Penalty of the like Fine or Forfeiture for Non-Performance: PROVIDED ALWAYS, That the Artillery Companies shall be excepted from this Regulation.

Lists to be kept, &c.

Proviso.

19. AND BE IT ENACTED *by the Authority aforesaid*, That it shall and may be lawful for the Governor or Commander in Chief for the Time being, with the Consent of the Legislature, when sitting, and during their Recess, with the Advice and Consent of the Privy Council, on Requisition of the Congress of the United States, or upon Application of the Commander in Chief of the Army of the United States, or of any General Officer commanding a Division or Detachment thereof, or of the executive Power of any of the adjoining States, or on other similar Emergency, to order into actual Service in any of the said adjoining States, such and so many Classes of the Militia as may be necessary, not exceeding four at any one Time, to be drawn alike from the several Companies of such Regiments or Battalions as are to furnish the Detachment, and officered accordingly. And in case any Difficulty arise in officering such Detachment, the Brigadier or Colonel-Commandant of each Brigade shall determine the Tour of Duty of the Regimental Officers; the Colonel or commanding Officer of each Regiment or Battalion shall determine the Tour of Duty of the Commission Officers of the Companies; and that the Captain or commanding Officer of each Com-

Who empowered to call out the Militia,

And determine the Tour of Duty.

pany shall determine the Tour of Duty of the Non-commission Officers of his Company.

Four Classes may be kept out by Reliefs.

20. AND BE IT ENACTED, That it shall and may be lawful for the Governor or Commander in Chief for the Time being, with the Advice and Consent of the Privy Council, to call out, station and continue by Reliefs, as a Defence to the State within the same, such and so many Classes as may at any Time be necessary, not exceeding four, to be arrayed and officered as aforesaid.

The Whole may be called in case of sudden Invasion.

21. AND BE IT FURTHER ENACTED, That it shall and may be lawful for the Governor or Commander in Chief for the Time being, in case of sudden Invasion, Insurrection, Sedition or Alarm, to call out and array the whole of the Militia, or such and so many entire Regiments or Battalions, situated near to the Place where the Force is required, as he may think necessary to repel the Invasion, and restore the Peace of the State.

When Officers may act without Orders.

22. AND BE IT ENACTED, That it shall and may be lawful for the Captain or commanding Officer of any Company, and he is hereby required and commanded to assemble his Company in every such Case, and oppose the Invaders or Insurgents, without waiting for Orders from the Colonel or commanding Officer of the Regiment or Battalion to which such Company may belong; and for the Colonel or commanding Officer of each Regiment or Battalion to assemble his Regiment or Battalion for the same Purpose, without waiting for Orders from his superior Officer: PROVIDED ALWAYS, That every Officer so acting without Orders, shall make Report of his Proceedings in due Form, as soon as possible.

Proviso.

Term of Service.

23. AND BE IT ENACTED, That when not more than half the Militia is called out and embodied, no Detachment shall be continued in Service more than one Month at the same Time.

Officers, &c. refusing to serve in their Tour, how punished.

24. AND BE IT ENACTED, That if any Field or other Commission Officer or Staff-Officer shall neglect or refuse to serve in his proper Tour, when a Part only of the Militia is called, or to march immediately with his Regiment, Battalion or Company when the Whole are called, he shall, for each Default, be tried by a General or Regimental Court-Martial, as the Case may require; and if convicted, shall be cashiered and rendered incapable of holding any military Office for the Space of one Year, or shall be punished by Fine, not under *Ten Pounds*, nor above *Fifty Pounds*; and if any Non-commission Officer or Private shall neglect or refuse to serve in his Tour, or within the Space of one Day after Notice given find a sufficient Substitute to serve in his Stead, to be approved by the Captain or commanding Officer of the Company, or shall neglect or refuse to render personal Service when the Whole of the Militia are called, he shall, for each Default, be fined not less than *Five Pounds*, nor above *Fifty Pounds*.

Fines, by whom assessed.

25. AND BE IT ENACTED *by the Authority aforesaid*, That all Fines and Forfeitures herein before declared and imposed, for the Assessment, Recovery or Application of which no special Provision is made, shall be assessed by the military Officers, and recovered and applied in Manner herein

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herein after directed ; and all military Officers impowered to assess Fines and Forfeitures, are also impowered to judge of and admit reasonable Excuses in Discharge of the Whole or a Part thereof, always having strict Regard to the Rank, Condition and Estate of the Offender or Delinquent, and the Circumstances of the Offence.

26. AND BE IT ENACTED *by the Authority aforesaid*, That the Colonel or commanding Officer of each Regiment or Battalion shall hear and decide upon the Reasons assigned by any other Field-Officer thereof for military Default punishable by Fine ; provided such Reasons be offered within ten Days ; and the Field-Officers of each Regiment or Battalion, or a Majority of them, shall meet at some convenient Time, not exceeding fifteen Days after any regimental Training or Review, or after any Call of the Whole or a Part of such Regiment or Battalion into actual Service, if it may be necessary ; of the Time and Place of which Meeting Notice shall be conveyed by Direction of the Colonel or commanding Officer to all concerned ; and shall then and there hear and decide upon the Excuses of the Captains or commanding Officers of Companies and Staff-Officers. And the Captain or commanding Officer of each Company shall hear and determine upon the Reasons offered by any Subaltern Officer thereof, for military Default punishable by Fine ; provided such Reasons be offered within ten Days ; and the Commission Officers of each Company, or a Majority of them, shall meet at some convenient Time, not exceeding fifteen Days after any Training of the Company, or any Call of a Part or the Whole thereof into actual Service ; of the Time and Place of which Meeting due and seasonable Notice shall be given by Advertisement, ten Days before such Meeting, or otherwise, as the Captain or commanding Officer may think best, and shall then and there hear and decide upon the Excuses of the Non-commission Officers and Privates.

Excuses, who
to decide
upon them.

27. AND BE IT ENACTED, That the Colonel or commanding Officer of each Regiment or Battalion shall, within twenty Days after any Training, or Call of the Whole or a Part thereof into Service, make out or cause to be made out a List for the District of each Company of such Field-Officers, Captains, or commanding Officers of Companies, and Staff-Officers, residing within the Bounds thereof, as have incurred any Fine or Forfeiture, and remain liable to the Payment thereof, and for the Recovery of which no special Provision is herein made, with the Fine or Forfeiture annexed to each Name, which he shall transmit to some Justice of the Peace also residing within the Bounds of such Company, or to some Justice of the same County nearest thereto ; who, on Receipt thereof, shall issue his Warrant to the nearest Constable of the County, for the levying of the said Fines and Forfeitures, with Costs ; which, when recovered, shall be paid to the Collector of the County, for the Use of the State.

Lists of Officers incurring Fines, &c. to be made, &c.

28. AND BE IT FURTHER ENACTED, That the Captain or commanding Officer of each Company shall, within twenty Days after any Training of such Company, or Regimental Review, or after any Call of the Whole or a Part thereof into Service, make out or cause to be made out a List of the Subalterns, Non-commission Officers and Privates, from whom any Fines are due and payable, for the Recovery of which no special Provision is herein made, with the Fines or Forfeitures annexed

Subalterns and Privates.

annexed to the Names respectively, which he shall transmit to some Justice of the Peace residing within the Bounds of the Company, or to some Justice of the County who may be nearest thereto; who, upon Receipt thereof, shall proceed as in the last foregoing Section is directed: **PROVIDED ALWAYS, and it is hereby Enacted,** That if, by Reason of a general Call of the Militia, or a large Proportion thereof in any Part of the State, all the Field-Officers of any Regiment or Battalion, or so many of them, or all the Commission Officers of any Company, or so many of them, shall be absent that the Duties required in the four preceding Sections cannot be performed within the Times limited, the same shall be performed as soon thereafter as Circumstances will allow.

Proviso.

Fines of Officers, by whom recovered.

29. **AND BE IT ENACTED;** That the Fines and Forfeitures of the Colonel or commanding Officer of any Regiment or Battalion shall be demanded and recovered by any Justice of the Peace of the County in which he may reside, at the Instance of the Officer next in Command, or any other commissioned Officer, and paid to the Collector of such County, for the Use of the State.

Minors, &c.

30. **AND BE IT ENACTED,** That the Fines and Forfeitures of Minors living with their Parents, or others having the proper Care and Charge of them, and those of Apprentices and Servants, shall be paid by their respective Parents, Masters, Mistresses, or such as have the Care and Charge of them, or levied on their Goods and Chattels.

No Distress to be levied on Arms, &c.

31. **AND IT IS HEREBY FURTHER ENACTED,** That no Distress shall be levied on the Arms, Accoutrements or Ammunition of any Non-commission Officer or Private, unless he shall be possessed of more than are necessary for his own Use and Equipment. And in every Case where no Goods, other than Arms, Accoutrements and Ammunition can be found, or not sufficient whereon to levy Execution, the Offender shall be committed to Gaol till the Fine and Costs are fully paid.

Court of Appeal,

32. **AND BE IT ENACTED,** That on the Day of each regimental Training or Review, the Colonel or commanding Officer of each Regiment or Battalion shall nominate two Justices of the Peace residing within the Bounds of such Regiment or Battalion, who, together with any one of the Field-Officers of the same, shall constitute a Court for hearing and determining upon Appeals of such Persons as may think themselves aggrieved by any Fines imposed as aforesaid, to continue till the next regimental Training; and shall also fix the Times of their Meeting, which shall be set up in Writing, or declared to the Regiment or Battalion: **And the said Court, or any two of them, shall have Power to moderate or remit any Fine or Forfeiture, for just and equitable Reasons; and a Certificate from them, or any two of them, shall entitle the Appellant to receive from the Collector of the County the Sum so remitted: PROVIDED ALWAYS,** That no Appeal be allowed unless the Money be first paid, and the Appeal prosecuted at the next Meeting of the said Court.

Their Power.

Age disputed.

33. **AND BE IT ENACTED,** That in all Cases of Doubt respecting the Age of any Person enrolled or intended to be enrolled in the Militia, the Party questioned shall prove his Age, to the Satisfaction of the Officers of the Company within the Bounds of which he may reside, or a Majority of them.

34. **AND**

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34. AND BE IT ENACTED, That every Person enrolled as herein before is directed, intending to remove from the Company to which he may belong, into the Bounds of another within the State, shall, previous to such Removal, apply to the Captain or commanding Officer of the Company from which he is about to remove, who shall give him a Discharge and Certificate, specifying the Time when and how long he was last in Service, which he shall produce to the Captain or commanding Officer of the Company into the Bounds of which he shall so remove, within ten Days after such his Removal, and enrol himself accordingly; and if any Person shall neglect to apply for such Discharge and Certificate, or to produce it and enrol himself as aforesaid, he shall be subject to a Fine of *Five Pounds*, to be recovered before any Justice of the Peace of the County, by any Person who will sue, one Moiety to the Prosecutor, and the other to the Justice, to be by him paid to the Collector of the County, for the Use of the State; and every Person who may be enrolled agreeably to the Description of this Act, removing from any of the neighbouring States into this State, shall, within ten Days after his coming within the Bounds of the Company into which he shall so remove, be enrolled by the Captain or commanding Officer thereof.

Persons removing, to have Certificates.

35. AND, that Detachments of the Militia may on all Occasions be well armed, accoutred and provided; BE IT ENACTED, That the Commission Officers of each Company, or any of them, be, and they hereby are empowered and directed to take by Impressment from such of their Company as have Arms, Accoutrements and Ammunition, and are not at the Time called into Service, a Number and Quantity sufficient to equip and furnish such as are so called, and are destitute thereof, giving Receipts for, and taking Appraisements of the same; and if any Person entrusted with any such Arms, Accoutrements and Ammunition shall, by wilful Neglect or Misuse, lose, endamage or expend the same, the Value thereof shall be recovered from him by the Officer who impressed them, or other Officer of the Company, before any Justice of the Peace of the County, and paid to the Owner; but if the Person entrusted with such Arms, Accoutrements or Ammunition be not of Ability to make Payment, or if the said Arms, Accoutrements or Ammunition be lost, damaged or expended in Action, or by unavoidable Accident, they shall be paid for or made good by the State: PROVIDED ALWAYS, That in order to ascertain that any such Arms, Accoutrements or Ammunition were lost, damaged or expended in Action or by unavoidable Accident, a Certificate, signed by the commanding Officer of the Company or Party in which the Person served when they were so lost, damaged or expended, and setting forth the Fact, shall be produced.

Detachments of Militia, Mode of equipping them.

Proviso.

36. AND BE IT ENACTED, That the Colonel or commanding Officer of each Regiment or Battalion shall be, and he hereby is empowered to employ from Time to Time, when necessary, Workmen to repair and clean, and to take the Charge and Care of all publick Arms in the Regiment or Battalion, and to draw on the County Collector for the necessary Expence.

Workmen may be employed to repair Arms.

37. AND BE IT ENACTED, That the Colonel or commanding Officer of each Regiment or Battalion, and the Captain or commanding Officer of any Company be, and each of them hereby is empowered to administer

Oaths may be administered.

administer an Oath or Affirmation, on any necessary Occasion in the Execution of this Act.

Process, when
not to be
served.

38. AND BE IT ENACTED, That no civil Process shall be served on any Non-commission Officer or Private at any regimental Review or Training of any Company, or while going or returning from the Place of such Review or Training.

Ferriage.

39. AND BE IT ENACTED, That no Officer or Private shall, on the Way to or from the Place of regimental Review or Training of any Company, be obliged to pay more than one third the usual Rate of Ferriage, or be charged any Toll for passing over Toll-Bridges; and if any Ferryman or Keeper of a Toll-Bridge shall presume to refuse a Passage, or to make Demand contrary to the Direction of this Act, he shall, for each Offence, forfeit and pay the Sum of *Three Pounds*, to be recovered by any Person who will sue for the same, one Moiety to the Prosecutor, and the other to the Justice, to be by him paid to the Collector of the County, for the Use of the State.

Militia, how
governed.

40. AND BE IT FURTHER ENACTED, That the Militia of this State, when in actual Service, shall be subject to the Rules and Articles of War established for the Government of the regular Troops of the United States: PROVIDED ALWAYS, That the Militia shall be tried by Courts Martial composed of their own Officers only: AND PROVIDED ALSO, That the Pains and Penalties inflicted by any Court-Martial shall not extend to the taking of Life or Limb, or to any corporal Punishment, unless in the Cases following, *that is to say*, Any Officer or Private who shall hold a treacherous Correspondence with, or give Intelligence to the Enemy, or who shall desert to the Enemy, or who shall misbehave before the Enemy, or shamefully abandon any Post, or who shall speak Words inducing others to offend in any of these Instances, shall, on due Conviction, suffer Death, or such other Punishment as a General or Regimental Court-Martial shall direct.

Pay and Ra-
tions.

41. AND BE IT ENACTED, That the Militia, while in actual Service, shall be entitled to the same Pay and Rations as the regular Forces of the United States.

Bounty.

42. AND WHEREAS the Militia, when called into Service, are not entitled to any Bounty, Arms or Cloathing, at the publick Expence, and therefore their Reward is not equal to that of the regular Troops; BE IT THEREFORE ENACTED, That when the Militia, or any Detachment thereof, are called out on Duty, each Non-commission Officer and Private shall receive *Thirty Shillings* by the Month as a Bounty, over and above the stated Pay, to be drawn from the Treasury by the Paymasters of the Militia from Time to Time appointed; and the Officers whose Duty it may be, are hereby required to make out separate Pay-Rolls of the said Bounty.

Adjutants,
their Rank
&c.

43. AND WHEREAS the Adjutants of the several Regiments of Militia in this State have heretofore held a higher Rank than those in the regular Forces of the United States, which Arrangement may, on many Occasions, if continued, be productive of Difficulty and Inconvenience; BE IT ENACTED, That the Adjutants of each Regiment or Battalion shall

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shall henceforward hold the Rank of a Lieutenant, and be entitled to the Pay and Rations of a Captain.

44. AND BE IT ENACTED *by the Authority aforesaid*, That the Troops of Horse Militia already formed agreeably to Law in several Parts of this State, shall be completed and kept up, and that no Troop shall be formed in Addition, except by Act of the Legislature: PROVIDED ALWAYS, That the Officers of any Troop of Horse, who shall not within three Months from the Publication hereof complete the same, shall forfeit their Commissions, and such Troop shall accordingly be disbanded.

Troops of
Horse to be
kept up;

45. AND BE IT ENACTED, That the Establishment of each Troop of Horse shall be a Captain, a Lieutenant, a Cornet, four Serjeants, a Trumpeter and twenty-nine Privates; and that the Officers shall hold the same Rank respectively with the Officers of the Foot Militia having like Command.

Establishment
thereof;

46. AND BE IT ENACTED, That each Non-commission Officer and Private of every Troop of Horse shall at all Times keep himself provided with a good Horse, a Saddle properly furnished with Cloth, Breast-plate and Pad, a double reined Bridle, a Carbine, and Belt with a running Swivel, a Pair of Pistols and Holsters, a Cartridge-box, with twelve Rounds of Cartridges sized for his Carbine and Pistols, a Sword and Belt, Boots and Spurs, a Cloak which will cover all the Arms and Accoutrements, with such other Articles of Armour and Furniture, made in like Form and manner as are usual and accustomed in the Equipment of Cavalry; and shall also keep at his Place of Abode one Pound of good merchantable Gun-powder and three Pounds of Ball, sized to his Carbine and Pistols, under the Penalty of forfeiting *Six Pounds* for the Want of a Horse, *Thirty Shillings* for the Want of a Saddle and Bridle, *Twenty Shillings* for the Want of a Carbine or Pistols, and *Five Shillings* for the Want of any other necessary Article, whenever called out to Training or Service.

And how to
be equipped;

47. AND BE IT ENACTED, That each Troop of Horse shall be under the Command and Direction of the Colonel or commanding Officer of the Regiment or Battalion within the Bounds of which the Captain or commanding Officer of such Troop may reside, and shall assemble for Training and Exercise, and in case of Alarm or other Exigency, with such Regiment or Battalion, and in all other Respects, except as is before specified and declared, shall be under the same Regulations with the Companies of Foot Militia.

By whom
commanded.

48. AND BE IT ENACTED, That each Horseman, when in actual Service, shall be allowed *Two Shillings and Six-pence* by the Day, as a Compensation for the Use of his Horse.

Compensation
for Horses.

49. AND BE IT FURTHER ENACTED, That no Minor, Apprentice or Servant shall be allowed to enter himself into any Troop of Horse or Company of Artillery, without the Consent of those under whose Government, Care or Direction such Minor, Apprentice or Servant may be; and generally, no Person who is not able to provide himself with the Furniture and Equipment of a Horseman, shall be allowed to enter himself into any such Troop.

Apprentices
not suffered
to enter, un-
less, &c.

50. AND

Companies of
Artillery to
be kept up,

50. AND BE IT ENACTED *by the Authority aforesaid*, That the Companies of Artillery already formed agreeably to Law, in several Parts of the State, shall be completed and kept up; and their Establishment of Officers and Privates, and also their Equipment, shall be conformable to the Establishment and Equipment of Artillery Companies in the regular Forces of the United States; and the Officers shall hold the same Rank respectively with the Officers of the other Militia having like Command; and moreover the Fines and Forfeitures inflicted on the Officers and Privates for any Default, shall be similar to those inflicted on the regimented Militia.

By whom
commanded.

51. AND BE IT FURTHER ENACTED, That each Company of Artillery shall be under the Command and Direction of the Colonel or commanding Officer of the Regiment or Battalion within the Bounds of which the Captain or commanding Officer may reside, and shall assemble with the same, as is herein before provided, with respect to the Troops of Horse, and in all other respects, except as is herein before excepted and declared, shall be under the same Regulations with the Companies of the other Militia, as far as Circumstances will admit.

Justices re-
ceiving Fines,
to keep Ac-
counts, &c.

52. AND BE IT ENACTED *by the Authority aforesaid*, That every Justice of the Peace within this State, who shall receive any Fines or Forfeitures as aforesaid, shall keep an exact Account of the same, and shall, once in four Months at least, pay to the Collector of the County the Sums of Money so by him received, deducting as a Compensation for his Trouble *Six-pence* in the *Pound*; and any Justice of the Peace who shall neglect to keep such Account and make such Payment, or who shall neglect or refuse to do any Duty, Matter or Thing enjoined on him by this Act, shall, for each Offence, be liable to a Fine of *Twenty Pounds*, to be recovered by the Collector of the County, to and for the Use of the State, in any Court having Cognizance thereof, and shall also on every Default of Payment be subject to an Action of Debt at the Suit of the said Collector, on Behalf of the State, for Recovery of the Sum detained, with Costs.

County Col-
lector to
keep Ac-
counts, &c.

53. AND BE IT FURTHER ENACTED, That the Collector of each County shall keep a true and fair Account of all Monies by him received in Virtue of this Act, and, after Payment, of all Sums remitted on Appeal as aforesaid, and deducting *Three-pence* in the *Pound* for his Trouble, shall pay the Balance remaining in his Hands into the Treasury, on or before the first Day of *November*, yearly and every Year. And if the Collector of any County shall neglect to keep such Account and make such Payment, he shall be liable to a Fine of *Fifty Pounds*, to be recovered by the Treasurer, in any Court of Record, to and for the Use of the State, and shall moreover be subject to an Action of Debt at the Suit of the Treasurer, on Behalf of the State, for Recovery of the Sum detained, with Costs.

Justice's and
Constable's
Fees.

54. AND BE IT ENACTED, That a Justice of the Peace shall be entitled to *One Shilling* for each Warrant of Distress granted for any Purpose of this Act, and a Constable shall be entitled to *Five Shillings* for Execution thereof; which Fees shall be levied with the respective Fines and Forfeitures.

55. AND

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55. AND WHEREAS in some Townships, Precincts and Wards of this State, Constables may not have been regularly chosen, or having been chosen, may refuse to act, by which Means the Execution of this Law may be impeded and avoided; BE IT THEREFORE ENACTED, That where there is no Constable, or the Constable or Constables may refuse to act, it shall and may be lawful to and for any Justice of the Peace to direct his Warrant to any Non-commission Officer or Private of the Militia, who is hereby empowered and enjoined to execute the Office of a Constable for any Purpose of this Act; and the said Non-commission Officer or Private shall receive the like Fees, and be subject to the like Fines and Forfeitures for Refusal or Neglect of Duty, as a Constable in the like Case might and ought to receive and be subject to.

Constable refusing to act, &c. who to supply his Place.

56. AND WHEREAS Justice and Equity requires, that those who are exempted from actual Service in the Militia, should by pecuniary Means contribute in a full Proportion to render the Burden of the publick Service equal, and to provide for the Support and Defence of the State; BE IT FURTHER ENACTED, That upon and out of the Estates Real and Personal of those who are exempted from actual Service as aforesaid, on Account of Age, Inability of Body, Office or otherwise, there shall yearly and every Year, during the Continuance of this Act, be levied and collected, over and above all other Taxes, *Six-pence* in the *Pound* Value, with the like Sum on Certainties as was levied and collected in the Year wherein *Twelve Thousand Five Hundred Pounds* was raised, agreeably to and under the same Penalties as are expressed in an Act, intitled, *An Act to settle the Quotas of the several Counties in this Colony for the levying Taxes*, passed the sixth Day of *December*, One Thousand Seven Hundred and Sixty-nine: PROVIDED ALWAYS, That every Person exempted as aforesaid, who shall at his own Expence fit out and keep properly equipped and accoutred, as directed by this Act, two Sons, Apprentices or Servants, such Sons being under Age, and living in his Service, shall on that Account be released from this Tax; and every Person who shall so fit out and keep equipped and accoutred one Son, Apprentice or Servant, such Son being under Age, and living in his Service, shall be subject to the Payment of Half such Tax only.

Exempts to pay a Tax.

57. AND BE IT ENACTED by the Authority aforesaid, That the Monies passing into the Treasury by Virtue of the Directions of this Act, shall be appropriated as a Fund for the Benefit and Relief of such Officers and Privates of the Militia of this State as are wounded and disabled, and of the Widows and Children of such as fell in Battle, or otherwise lost their Lives in the Service of the State, and to such other Purposes as the Legislature may direct.

Appropriation of certain Monies.

58. AND WHEREAS several Persons have for necessary Purposes from Time to Time been exempted from Enrolment, military Duty, or the Tax levied on Exempts as aforesaid, by particular Acts of the Legislature; BE IT ENACTED by the Authority aforesaid, That the Persons so exempted shall continue to enjoy the Immunities granted to them respectively, as far and as long as the said Acts may extend and continue the same, any Thing in this Act contained to the contrary notwithstanding.

Exemption continued.

59. AND BE IT FURTHER ENACTED, That no Person, not being a Subject of this State, or of any of the United States, who already has deserted

Deserters, &c. not to be enrolled.

ferted or hereafter may desert from the Enemy in the Course of the present War, shall be enrolled in any Company of Militia of this State.

Act, &c. repealed.

60. AND IT IS HEREBY FURTHER ENACTED AND DECLARED, That the Act, intituled, *An Act for the better regulating of the Militia*, passed the fifteenth Day of *March*, One Thousand Seven Hundred and Seventy-seven, and the three several Acts supplementary thereto, be, and they hereby are repealed and made void.

Passed at Princeton, April 14, 1778.

C H A P. XXIII.

An ACT to raise a Fund by Taxation for discharging the Debts and defraying the necessary Expences of the State of New-Jersey.

Preamble.

WHEREAS Provision ought to be immediately made for supporting the Government of this State, and for discharging the Debts and necessary Expences thereof; the most proper and equitable Means of effecting which will be by a Tax on the Inhabitants: AND WHEREAS by the late Ravages and Devastations committed by the Enemy in the State, and their present Vicinity to many Parts of it, divers of the Counties are so depopulated and impoverished, that the Quotas formerly settled for each are disproportionate, and therefore laying a definite Rate on the *Pound Value* of Estates, and a fixed or limited Sum on sundry Articles usually called *Certainties*, is the best Mode at this Time of levying the said Tax;

Taxes, on whom and what levied.

SECT. I. BE IT THEREFORE ENACTED by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same, That the said Tax shall be assessed, levied and raised on the several Inhabitants of this State, their Lands and Tenements, Goods and Chattels, in Manner following, *that is to say*,

All Householders, the Tax of whose rateable Estate, exclusive of *Certainties*, does not amount to *Twenty Shillings*, shall be rated at the Discretion of the respective Assessors and chosen Freeholders, not under *Five Shillings* nor above *Five Pounds*.

All Merchants, Traders and Shopkeepers shall, for their Stores and Shops, exclusive of other Estate, be rated at the Discretion of the respective Assessors and chosen Freeholders, not under *Ten Shillings* nor above *Twenty Pounds*.

Every Ferry shall be rated at the Discretion of the respective Assessors and chosen Freeholders, not above *Ten Pounds*.

Every single Man, whether he lives with his Parents or otherwise, who keeps a Horse, Mare or Gelding, shall be rated at the Discretion of the respective Assessors, not under *Twenty-five Shillings* nor above *Fifty Shillings*.

Every single Man, whether he lives with his Parents or otherwise, who does not keep a Horse, Mare or Gelding, shall be rated at the Discretion of the respective Assessors, not under *Fifteen Shillings* nor above *Thirty Shillings* :

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ACTS AND LAWS,

Passed by the Great and General Court or Assembly of the Colony of the *Massachusetts-Bay*, in *New-England*: Begun at the Town of *Boston*, in the County of *Middlesex*, on Wednesday, the Nineteenth Day of July, Anno Domini, 1775. And from thence continued by Adjournments to Wednesday the Twenty-ninth Day of November following, and then met.

CHAPTER I.

An Act for forming and regulating the Militia within the Colony of the *Massachusetts-Bay*, in *New-England*, and for repealing all the Laws heretofore made for that Purpose.

WHEREAS it is not only the Interest, but the Duty of all Nations to defend their Lives, Liberties and Properties in that Land which the Supreme Ruler of the Universe has bestowed on them, against the unlawful Attacks and Depredations of all Enemies whatever; especially those who are moved by a Spirit of Avarice or Despotism:

And whereas the Honorable American Congress have recommended to the United Colonies to put the Militia into a proper State for the Defence of America:

And whereas the Laws now in Force, respecting the Regulation of the Militia, have been found insufficient for the Purposes aforesaid:

1. It is therefore enacted by the Council, and House of Representatives in General Court assembled, and by the Authority of the same, That the several Laws, and the several Paragraphs and Clauses of all and every the Laws of this Colony, enforcing, or any Ways relating to the Regulation of the Militia, be, and hereby are repealed, and declared null and void.

And be it further enacted by the Authority aforesaid, That that Part of the Militia of this Colony, commonly called the Training-Band, shall be constituted of all the able-bodied Male Persons therein, from sixteen Years old to fifty, excepting Members of the American Congress, Members of the Council, and of the House of Representatives for the Time being, the Secretary of the Colony, all Civil Officers that have been, or shall be appointed by the General Court, or either Branch of it, Officers and Students of Harvard-College, Ministers of the Gospel, Elders and Deacons of Churches, Church-Wardens, Grammar School-Masters, Masters of Arts, the Denomination of Christians called Quakers, Select-Men for the Time being, those who have by Commission under any Government or Congress, or by Election in Pursuance of the Vote of any Congress of the Continent, or of this, or any other Colony, held the Post of a Subaltern, or higher Officer, Persons while actually employed as Masters of Vessels of more than thirty Tons Burthen, other than Fishing Vessels, and Vessels coasting in this Colony, and to and from this Colony to the other New-England Governments, Constables, and Deputy-Sheriffs, Negroes, Indians and Mulattoes, and shall be under the Command of such Officers as shall be chosen, empowered and commissioned over them, as is by this Act provided; and the Select-Men, or the major Part of them of each Town, shall be, and hereby are empowered by

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Writing

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Writing under their Hands, to excuse from Time to Time such Physicians, Surgeons, Ferrymen and Millers in their respective Towns, from common and ordinary Trainings, as they shall judge it necessary to excuse: And the Council aforeaid shall from Time to Time, as may appear to them necessary, divide the Militia of each County into Regiments, and alter and divide such Regiments from Time to Time, as they shall judge expedient, after having taken the Opinion, during any Session of the General Court, of such Members of the House as belong to the County where the Division or Alteration is to be made, and as shall be present at the Time of such Consultation.

The Council
to divide the
Militia from
Time to Time

Three Major-
Generals to
be chosen by
Ballot of ei-
ther House.

Their Power.

To be under
the command
of the Coun-
cil.

One Brigadier
General
to be chosen
in each Coun-
ty, in the
same Manner.

His Power.

Col. Lt. Col.
& two Majors
to be chosen
in the same
Manner.

2. *And be it further enacted by the Authority aforeaid, That there shall be chosen by Ballot from Time to Time, as may be necessary, by either the Council, or House of Representatives of this Colony, with a Negative always resting in either House of Assembly, Three Major-Generals, to rank and command as first, second and third, over the whole Militia thereof; which Major-Generals when so chosen and concurred, shall be commissioned to said Office by the major Part of the Council aforeaid, and the Rank of each of said Generals shall be expressed in his Commission, and said first Major-General, and each of the other Major-Generals shall at all Times have Power in the Absence of their Superior (and not having Orders to the contrary) to draw forth the said Militia, or any Part of them, as the said Generals, or the first in Rank of them present shall judge expedient and necessary for the immediate Defence of this, or any of the United Colonies of America: And the Officers and Soldiers of said Militia, shall pay entire Obedience to their Commands accordingly, under the Penalties hereafter provided in this Act. Provided always, That the said Generals and all other Officers of said Militia, shall at all Times be under the Command of the major Part of the Council, and shall in drawing forth, or retaining in Service the said Militia, or any Part of them, be subject to such Orders and Instructions, as they may receive from the said major Part of the Council; unless when the said Militia, or any Part of them, shall be without the Limits of this Colony, they should receive Orders from the House of Representatives for the Time being, to return; and whenever the said Militia, or any Part of them, shall be without the Limits of this Colony, the said House of Representatives shall have full Power and Authority to give Orders for their Return; to which Orders the said Militia, and all the Officers thereof, are hereby required to yield strict Obedience, any Orders to the contrary notwithstanding.*

3. *And be it further enacted by the Authority aforeaid, That the Council or House of Representatives, shall from Time to Time as may be necessary, by Ballot, choose one good and able Brigadier in each County in this Colony, where there shall be more than one Regiment (and where there is but one Regiment in a County, the Council shall join such Regiment to the Militia of any other County as they shall see fit) and such Persons so chosen and concurred, shall be commissioned by the major Part of the Council, in which Commission the Rank of each Brigadier shall be expressed: And the said Brigadiers shall have the same Command over their respective Brigades, as the first Major-General has over the Militia of the whole Colony; and when two or more of said Brigades, or any Number of said Militia shall be together embodied upon any Alarm, the first Officer in Rank who shall be present, shall have the chief Command of the whole.*

4. *And be it further enacted by the Authority aforeaid, That there shall be chosen, appointed and commissioned, (as is provided and directed by, this Act for the Choice and Appointment of General Officers) over such Regiment in this Colony, one Colonel, one Lieutenant-Colonel, and two Majors; And the said Field Officers so appointed and commissioned, or the major Part of them, shall forthwith divide and set off the respective Regiments into Companies, as they shall judge expedient, to consist as near as conveniently can be, of sixty-eight Privates, exclusive of those of the Alarm List, and to determine the Rank of each and every Company. Provided nevertheless, That no Soldier shall be obliged,*

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obliged, without his Consent, to join a Company belonging to any Town in which he has not his usual Place of Abode, unless where there shall not be Privates enough to make a Company of thirty Soldiers, including Officers; in which Case, as also where there are any Persons belonging to a Place not incorporated, they shall be joined to such Company as the Field Officers of the Regiments within which they are, shall see fit. And the Inhabitants of every Town now in, or that shall be in the Continental Army, shall be deemed to belong to, and be a Part of the Companies in their respective Towns, and excused from Duty in the Militia, whilst they continue Part of the Army aforesaid; and each Company, when so formed and set off, shall, together with those of the Alarm List, within the Limits of the same, by Ballot, in the Presence of one of their Field Officers, who shall cause them to be duly notified for that Purpose, and shall preside as Moderator, choose one Captain, and two Lieutenants; which Choice shall immediately be certified to the Secretary by said Field-Officers; and the major Part of the Council thereupon, unless some material Objection against such Choice for any corrupt Practice or Irregularity, shall be made at or before the Time of receiving said Certificates, shall commissionate such Persons pursuant to their Election. And all the said Officers, when so commissioned by the Council, shall in the Absence of their Superiors, have the same Power in ordering, directing and marching their Regiments and Companies, as the first Major-General has over the whole of said Militia: And the Colonel, or commanding Officer of each Regiment, shall as soon as the Captains in his Regiment are commissioned, give them respectively under his Hand in Writing, the Limits of their respective Companies, their alarm Posts, and the Manner of mustering their Companies on all Occasions.

Persons in the Cont'l. Army to be considered as belonging to the Militia.

Each Company to choose their own Capt and two Lieut's, who are to be commissioned by the major Part of the Council.

5. *And be it further enacted by the Authority aforesaid, That the Field-Officers of each and every Regiment, or the major Part of them, shall recommend to the General Court a good able and skilful Person for Adjutant of their Regiment; and if either House shall by Ballot, elect such Person for that Office, then the major Part of the said Council, shall, when concurred, commissionate him thereto. And in all Cases determinable by Field-Officers of the several Regiments, where there shall be the four Field-Officers of any particular Regiment present; and they shall be equally divided in their Opinions respecting such Matter—the Determination shall be according to the Opinion of the first Colonel.*

An Adjutant to be recommended by the Field Officers of each Regiment, & chosen by Ballot of either House, & commissioned by the major Part of the Council.

6. *And be it further Enacted, That each Company, including the Alarm List, shall be called together by their Captain, or commanding Officer, as soon as may be, for the Purpose of choosing one Clerk, four Serjeants, four Corporals, one Drummer, and one Fifer; and when it shall appear to the Commission Officers of any Company, that either of said Non-commissioned Officers shall neglect his Duty, they may remove and dismiss him from his Office, and call upon their Company, including the Alarm List, to choose another in the Room of such Delinquent; and if the said Company, being called together for that Purpose, shall at any Time neglect, or refuse immediately to proceed to the Choice of one, or more Non-commissioned Officer or Officers, so ordered to be chosen—the Commission Officers of such Company, or the major Part of them, shall by Warrant under their Hands in Writing, appoint said Non-commissioned Officer or Officers, which the said Company shall have refused to choose as aforesaid.*

Non-commission'd Officers to be chosen by the Company.

7. *And be it further enacted by the Authority aforesaid, That each and every Officer, and private Soldier of said Militia, not under the Controul of Parents, Masters, or Guardians, and being of sufficient Ability therefor, in the Judgment of the Select-Men of the Town wherein he has his usual Place of Abode, shall equip himself, and be constantly provided with a good Fire-Arm, with a Steel or Iron Ramrod, and a Spring to retain the same, a Worm, Priming Wire and Brush, and a Bayonet fitted to his Gun, a Scabbard and Belt therefor, and a Cutting Sword, or a Tomhawk or Hatchet, a Pouch containing a Cartridge Box, that will hold fifteen Rounds of Cartridges at least, a Hundred Buck Shot, a Jack-Knife and*

Articles of Equipments.

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Tow for Wadding, six Flints, one Pound of Powder, forty Leaden-Balls fitted to his Gun, a Knapfack and Blanket, a Canteen or Wooden Bottle sufficient to hold one Quart. And all Parents, Masters and Guardians, shall furnish and equip those of the Militia which are under their Care and Command, with the Arms, Equipments, and Accoutrements aforesaid; And where the Selectmen of any Town shall adjudge any Person belonging to the Militia of their Town unable to equip, and arm himself as aforesaid, such Selectmen shall in Writing under their Hands certify the same to the Captain or commanding Officer in whose Company such Person may be, and shall at the Expence of such Town provide for, furnish, arm and equip such Person with such Arms and Equipments; which Arms so provided by such Selectmen, shall be the Property of the Town at whose Expence they shall be provided; and if any Non-commissioned Officer or Soldier, shall embezzle or destroy the same, he shall be punished at the Discretion of the Justice, or Court before whom he may be convicted thereof, by paying double the Value of the Arms or Accoutrements so wilfully destroyed or embezzled; and on Default thereof, to be publicly whipped not exceeding twenty Stripes: And the Selectmen of each and every Town shall provide at the Expence of the Colony, and deposit and keep in some safe Place for the Use of the Militia upon an Alarm — one sixteenth Part so many Spades, or Iron Shovels with Handles, and fitted for Service, as there are Rateable Polls in their Town; one half as many narrow Axes as Spades and Iron Shovels, and as many Pick-Axes, as narrow Axes, all fitted for Service, and at the Cost and Charge of their respective Towns; one Drum, and one Fife for each Company therein. And the Freeholders and Inhabitants of each and every Town in this Colony, qualified by Law to vote in Town-Meetings, are hereby impowered at a Meeting regularly warned for that Purpose, to raise Money by Tax on the Polls and Estates of the Inhabitants of their Towns, to defrey all Charges arising on said Towns in Consequence of this Act.

Poor Persons to be equipt at the Expence of their Town.

Penalties for Embezzlement of such Equipments.

Penalty for Commission Officers neglecting to equip themselves.

A Return of all the Equipments to be made every six Months.

Each Brigadier to review his Brigade twice a Year.

Each Company to be mustered 8 Times a Year.

8. *And be it further enacted by the Authority aforesaid,* That each and every Commission Officer of said Militia, who shall not within one Month next after receiving his Commission, provide for, arm and equip himself with such Arms and Accoutrements, as is by this Act directed, shall by Order of a Court Martial appointed, as by this Act is provided, be removed from his Office. And every commissioned Officer, who shall be deposed from his Office in the Militia for Neglect of Duty, or other Misdemeanor, as by this Act is provided, shall receive no Benefit from any Commission, which he shall be thus incapacitated to execute to exempt him from Military Duty.

9. *And be it further enacted,* That the Clerk of each and every Company of said Militia, shall once every six Months after the Time of his Choice or Appointment, take an exact List of his Company, and of each Man's Equipments respectively, and present the same to the Captain or commanding Officer thereof; a Copy whereof the Captain or commanding Officer of said Company, shall immediately deliver to the Colonel or commanding Officer of the Regiment he belongs to; and the Colonel shall, without Delay, return the Number therein contained to the Brigadier, and the Brigadier shall as soon as may be, return the same to the first Major-General, and he shall forthwith return the same to the Council.

10. *And be it further enacted by the Authority aforesaid,* That every Brigadier shall review each Regiment of his Brigade twice a Year, and oftner if the Council shall order it, and on Default thereof, shall be liable to be removed from his Office: And when the Captain or commanding Officer of any Company of such Militia shall choose to call his Company together, or shall be ordered by his superior Officer to do it, to examine their Arms, or instruct them in the Exercises, which from Time to Time shall by the General Court be ordered for them, he shall notify and warn them of the Time and Place of Meeting, in such Manner as his Colonel shall appoint therefor; and each and every Company shall be mustered eight Times a Year at least, including their Regimental-Musters.

11. *And*

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11. *And be it further enacted*, That if the commanding Officer of any Regiment, shall neglect to call his Regiment together at such Time and Place, and in such Manner as his Brigadier shall order, and be thereof convicted before a Court Martial appointed, as is in this Act provided, he shall be liable to be removed from his Office; and if any Captain or Subaltern, shall prove disobedient on a Training or Mustering-Day, or shall not draw out the Company he commands, being ordered by his superior Officer thereto, he shall be liable to be removed from his Office by a Court Martial appointed, as by this Act is provided: And when any Commission Officer shall be removed from his Office as aforesaid, he shall be held incapable of holding any Military Office in said Militia, for the Space of three Years next after Sentence declared against him; and when any Captain or Subaltern shall be removed from his Office as aforesaid, the commanding Officer of the Company wherein such incapacitated Person used last to command, shall call the Company together, including the Alarm List, and direct them in the Presence of one of the Field Officers of the Regiment, who shall preside as Moderator, to choose some other Person in his Room, and the Person so chosen, on his Choice being certified, as is in this Act provided for the Choice of Captains and Subalterns, shall by the Council be commissioned accordingly. And if the said Company at any Time shall neglect or refuse to choose one or more Commission Officer or Officers for the same, after being called together for that Purpose, as is directed by this Act, the Field Officers, or the major Part of them, shall recommend to the Council such Person or Persons within the Limits of said Company, as they shall think most capable of the said Office. And the Council shall commissionate them in the same Manner as if they had been chosen by the Company; and if any Non-commissioned Officer or private Soldier, being duly notified of the Time and Place appointed for the Company to which he belongs, to meet on a Training or Muster-Day, shall unnecessarily neglect to appear with such of the aforesaid Arms, Accoutrements and Equipments, as he shall be possessed of, being ordered by his Officer to bring the same, shall pay a Fine not exceeding the Sum of *twenty Shillings*, nor less than *five Shillings*, or if he shall be Disobedient, or Disorderly on a Training, or Muster Day, he shall pay a Fine not exceeding the Sum of *twenty*, nor less than *one Shilling*; and all Fines and Forfeitures of Money, arising by Breach of this Act for Disobedience or Failure of Appearance on a Training Day, shall be recovered by Complaint before a Justice of the Peace, by the Clerk of the Company to which the Delinquent belongs, an Appeal being allowed to either Party, to the Inferior Court of Common Pleas, as in other Actions: And if on such Complaint, Judgment shall be given in Favor of such Clerk, he shall have his legal Cost allowed him. *Provided nevertheless*, That when any Non-commissioned Officer or Soldier, shall neglect to appear as aforesaid on a Training or Muster Day, and shall within fifteen Days next after such Training or Muster, make his Application to the Officers of said Company, or the major Part of them, and pay such Fine as they shall order, not exceeding *twenty*, nor less than *five Shillings*, or shall obtain their Excuse, and present a Certificate of the same under their Hands to the Clerk, it shall be a Bar to any further Action or Complaint against him for such Offence.
12. *And be it further enacted by the Authority aforesaid*, That the said Militia, as well Officers, as private Soldiers, when drawn out, or ordered to be drawn out on an Alarm for the immediate Defence of this, or any other of the United Colonies of *America*, shall from Time to Time be under such Laws or Articles of War and Regulations, as shall be provided by the General Court.
13. *And be it further enacted*, That the Major-Generals and Brigadiers of said Militia, shall be amenable to, and triable before the Council of the Colony, for all Crimes and Misdemeanors in their Office, and for Treachery, Cowardice, Fraud, or Neglect of Duty, and lawless Exercise of Power, shall be liable to be removed from their Offices respectively. And if any Field Officer shall be

Penalty for Colonels neglecting to call their Regiments together.

Penalty for non-commissioned Officers and Soldiers neglecting to appear equipt

The mode of recovering Fines & Forfeitures arising by breach of this Act.

The Militia to be under such Laws as shall be provided by the General Court.

All the Generals to be amenable to and triable before the Council for all Crimes & Misdemeanor in their Office

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- Field Officers to be tried for Breach of Duty before a Court Martial of Field Officers.
- Captains and Subalterns by a Court Martial of commissioned Officers.
- Penalty for Bribery.
- Penalty for firing Guns unnecessarily on Training Days.
- Commanding Officer to affirm the Sentence of Courts Martial.
- Who constitute the Alarm List.
- Persons excepted.
- The Alarm List to serve in Time of Action in a separate Corps.
- guilty of any Misdemeanor, or Breach of Duty in Violation of this Act, the Brigadier, to whose Brigade he belongs, shall appoint a Court Martial, consisting of a Majority of the Field Officers of the same Brigade, to try him: And when any Captain, Adjutant or Subaltern, shall be guilty of Breach of Duty, or Misdemeanors against this Act, the Colonel, or commanding Officer of the Regiment he belongs to, shall order a Court Martial, to consist of a Majority of the commissioned Officers of the same Regiment, who live nearest to the Delinquent, to try him; which Court Martial shall respectively have full Power, for Treachery, Cowardice, Fraud, Failure of Duty, or wanton Exercise of Power, to remove from his Office such Commission Officer or Officers.
13. *And whereas Bribery and Corruption has been the Destruction of many great and opulent Nations, and therefore every Species thereof should be discountenanced by a virtuous and patriotic People: And whereas on treating the Election of Officers has a manifest Tendency to injure a free People, and does on Training Days, in a great Measure, subvert the Design of calling the Militia together:*
- It is therefore enacted by the Authority aforesaid, That if any Officer, on any Training or other Muster Days, shall give, or provide any Treat of Victuals or Drink, for the Company he commands, directly or indirectly, he shall be liable to be removed from his Office, by a Court Martial, as by this Act is provided for other Offences.*
15. *And be it further enacted, That no Soldier, or Non commissioned Officer, shall unnecessarily discharge or fire his Gun on a Training or Muster Day, without the express Order or Licence of his Superior Officer, under such Penalty, as is herein provided for Disobedience, or disorderly Behaviour on such Days.*
16. *Be it further enacted, That no Sentence of any Court Martial shall be put in Execution, without being affirmed by the Officer who shall have appointed the same.*
17. *And whereas by the first Section of this Act, certain Orders of Men are exempt from common and ordinary Trainings: And whereas the present Situation of this Colony calls loudly for the Aid of all its Inhabitants; and many of those Persons who are by said Section so exempted, and others not included in that Part of the Militia, called the Training Band, are able and willing to fight in Defence of their Country:*
- It is therefore enacted by the Authority aforesaid, That all the Male Persons from sixteen Years of Age to sixty-five, not included in that Part of the Militia called the Training Band, and exempted by the first Section of this Act, from common and ordinary Training, shall constitute an Alarm List in the Colony; excepting Members of the Council, of the House of Representatives, and American Congress, for the Time being, the Secretary of the Colony, Ministers of the Gospel, the Denomination of Christians called Quakers, Selectmen for the Time being, and Negroes, Indians and Molatoes; and if of sufficient Ability, in the Judgment of the Selectmen of the Town, where they have their usual Place of Abode, shall respectively provide for, and equip themselves with such Arms and Accoutrements, as by this Act is directed for those of the Training Band, in the Militia aforesaid; and shall, in case of an Alarm, be under the Command of such Officers of the Militia, as by this Act is directed, Provided, that no Person above sixty Years of Age, nor such Millers and Ferry-men, as the Selectmen of their Town shall judge necessary to excuse therefrom, shall be compelled to march out of the Town wherein they have their usual Place of Abode.*
- Provided also, and it is enacted by the Authority aforesaid, That all such Persons belonging to the Alarm List, who are by this Act liable, in case of an Alarm, to be called to march, and serve without the Limits of the Town where they have their usual Abode, shall not be obliged to march, or serve in the Ranks with such as belong to the Training Band List; but, if Necessity shall require,*

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require, shall march, and serve in a separate Body and Corps by themselves, under the immediate Command of some Field Officer or Officers; and shall not be subject to the Command of any Officer or Officers, inferior to a Field Officer; nor shall the Judges, Justices and Sheriffs, in actual Commission, who shall have taken the Oath required by Law to qualify them for the Execution of their respective Offices, be subject or liable to be called out of the Towns, where they shall have their usual Abode, by any Officer inferior to the Colonel of a Regiment to which they belong: And the Clerk of each Company shall, when he takes a List of the Training Band, take an exact List of the Persons belonging to the Alarm List in his Company, and shall present the same to his Captain, with that of the Training Band; and the Captains, and all Officers, shall make the same Return of them, as of the rest of the Militia. And an Alarm may be made by firing three Guns one after another, or by firing a Beacon, the Drums beating an Alarm, all Persons being called upon to arm: Upon which all the trained Soldiers, and others capable to bear Arms, who are then resident in any Town, shall forthwith appear compleat, with their Arms and Ammunition, at the usual Place of Rendezvous, or where the chief Officer shall appoint; there to attend such Command as shall be given for the common Defence, agreeable to this Act.

18. *And be it further enacted*, That the Captain, or commanding Officer of every Company in this Colony, shall once every six Months, on one of the Days that he shall muster those of his Company belonging to the Training Band, call those of the Alarm List, within the Limits of the same together, within the Town where they are Inhabitants, and examine their Arms and Accoutrements; and if any such Person, belonging to the Alarm List, shall unnecessarily neglect to appear, after being duly warned, with his Arms and Accoutrements, he shall be liable to pay the same Fine, as is provided against those of the Training Band, in like Cases offending: And all Fines and Forfeitures, arising by Breach of this Act, against any of the said Alarm List, shall be recovered in the same Manner, as is provided for recovering the same against those of the Training Band, in like Case offending: And all those Persons in the Alarm List, shall be as capable of being elected to any Office in the said Militia, as if they were in the Training Band. And no Person belonging to, or being a Part of the established Forces of the United American Colonies, or of this Colony, shall, during the Time of his Engagement in the Services aforesaid, be elected to, or hold any Office in the Militia of this Colony.

19. *And be it further enacted by the Authority aforesaid*, That there shall be appointed by the General Assembly, a Deputy-Commissary for every Brigade; a Certificate of which Appointment, shall be sent them by the Secretary; and they shall be duly sworn to a faithful Discharge of the said Office: Which Deputies shall be accountable to, and obey the Commands in Matters respecting their Office, of the Commissary of this Colony. And when the Militia of any Town in the Colony, or a Part thereof, shall be drawn forth for the immediate Defence of this, or any of the United Colonies aforesaid, each Officer and Soldier shall provide for himself, at least three Days Allowance of Provisions: and the Selectmen of such Town shall immediately cause Carriages to attend them with further necessary Provisions, and Utensils to cook the same, and shall continue sending to the Commissary, or his Deputy, sufficient Supplies for the Part of the Militia, from their respective Towns aforesaid, until Certificates shall be given by the Commissary, or his Deputy, in the County from which said Militia goes, that the same can be otherwise supplied: And the Selectmen are directed to cause their Accounts of the Provision aforesaid, that shall be supplied by them, or such of the Utensils as shall be lost or damaged, together with the Charges of Transportation, to be laid before the General Court for Allowance, and to produce Receipts from the Commissary, or his Deputies, for such a Part thereof as shall be delivered to them respectively.

Not to be subject to the Command of any Officers, inferior to a Field Officer.

Alarm List to be mustered twice a Year.

Penalty for neglecting to appear.

No Person belonging to the Army of the United Colonies, to be capable of holding any Office in the Militia.

A Deputy-Commissary to be appointed for every Brigade.

His Duty.

20. *And*

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20. *And be it further enacted,* That there shall be a Stock of Powder and Ammunition in each Town provided, and constantly kept; which shall be one Barrel of good Gunpowder, containing one Hundred Pounds, three Hundred Weight of Leaden Balls of different Sizes, and Buck Shot, and three Hundred Flints for every sixty Soldiers of the Training Band, and the same Proportion for any greater or lesser Number; and the Selectmen of every Town in this Colony, shall procure and provide such Stock of Ammunition, as soon as may be; and the Selectmen of each Town shall be, and hereby are, impowered to raise Money by Tax, on the Polls and Estates of their Town, for the Purposes aforesaid, by the same Rule as other Town Charges are assessed; and shall by Warrant under their Hands, commit the same to the Constable or Constables of their Town, who are hereby impowered and directed to collect the same, in the same Manner as is provided for the Collector of other Taxes, and shall be held to pay the same to the Town Treasurer, as other Taxes, and shall be liable, in Case of Default, to have the same levied of them by an Execution from the said Treasurer, as in other Cases of a delinquent Constable is provided: And the said Treasurer is hereby impowered to award the same.

21. *And be it further enacted,* That there be Military Watches appointed, and kept in every Town, at such Time, and in such Places, and in such Numbers, and under such Regulations, as the Commission Officers of such Town shall appoint, or as they may receive Orders from the chief Officer of their Regiment; and that all Persons within the Training Band, or Alarm List, under sixty Years of Age, shall by themselves, or some meet Person in their Stead, to the Acceptance of the Commander of the Watch, attend the same, on Penalty of *five Shillings* for each Defect, there having been due Warning given. And the Commission Officers, or the major Part of them of any Town, are hereby ordered and directed, to proportion the Burthen of such Watches, equally on those in the Training Band, and Alarm List, excepting such as are more than sixty Years of Age as aforesaid, under the Penalty of being dealt with in the Manner provided by this Act against those who shall be guilty of Fraud, or the lawless Exercise of Power.

22. *And be it further enacted,* That each and every Fine and Forfeiture arising by Breach of this Act, when recovered, shall be paid to the Treasurer of the Town in which the Person offending has his usual Place of Abode, to be by the Selectmen of such Town appropriated to the Use of purchasing Guns and Accountments, for those who are unable to purchase the same for themselves; and for purchasing Drums and Fifes, and to be drawn out by the Selectmen of each Town from Time to Time, as there shall be Occasion.

23. *And be it further enacted by the Authority aforesaid,* That each Brigadier of this Colony, shall keep constantly provided, at the Expence of the same, two good Field Pieces, that shall carry a Shot of not more than six, nor less than two Pounds Weight, mounted on good and substantial travelling Carriages; together with Harnesses, Rammers, Ladles, Sponges, Powder-Horns, and other necessary Accountments for the same; and shall also keep constantly provided at the Expence of the Colony, for each Field Piece as aforesaid, forty Rounds of Iron Shot, forty Cases of Iron or Leaden Ball, and eighty Rounds of Powder, with Cartridges for the same; and shall likewise cause a Company of Matrosses to be enlisted in his Brigade, for each Field Piece: Which Companies shall consist of thirty-six Men each, including Officers, and be chosen from two separate Regiments, and one Town in each Regiment, as the Brigadier shall direct; and shall respectively choose Captains, and other proper Officers, and be subject to the Field Officers of their respective Regiments, and to the same Laws and Regulations, as are provided in this Act, for the other Companies of the Train-Band; any Thing in this Act notwithstanding.

C H A P.