

Exhibit 138

ACTS,
RESOLUTIONS AND MEMORIALS
OF THE
FIFTEENTH
LEGISLATIVE ASSEMBLY
OF THE
TERRITORY OF ARIZONA.

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

PRESCOTT:
OFFICE OF THE COURIER.
1889

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 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 ones 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 muster or to perform any other public duty, or to any other public assembly, and shall have or carry about his person a pistol or

Generated on 2023-10-30 17:25 GMT / <https://hdl.handle.net/2027/uc1.b4374768> / http://www.hathitrust.org/access_use#pd-google
Public Domain, Google-digitized / http://www.hathitrust.org/access_use#pd-google

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 April, 1889.

Approved March 18, 1889.

Exhibit 139

[Published May 22, 1889.]

ORDINANCE NO. 72

An ordinance to prevent carrying concealed weapons and the discharge of firearms.

Be it ordained by the Mayor and Councilmen of the City of Howard:

Section 1. Any person who shall, within the corporate limits of the city of Howard have or carry concealed or partially concealed upon his or her person any revolver, pistol, bowie knife, dagger, slung shot or other deadly weapon, shall, on conviction thereof, be fined in any sum not less than one dollar nor more than fifty dollars and costs. Provided, this section shall not apply to peace-officers of the city or state. The carrying of a weapon in a holster exposed to full view shall not be deemed a concealed or partially concealed weapon under this section.

Section 2. Any person who shall, within the corporate limits of the city of Howard, discharge any firearms, except by permission of the Mayor, or when mustered for drill or review, or otherwise acting under the command, or by permission of some commissioned officer, or where done in self-defense, or for the protection of gardens and yards from destructive animals, shall, upon conviction thereof, be fined in any sum not less than One nor more than Fifty Dollars and costs.

Section 3. This ordinance shall take effect and be in force from and after its publication once in the Howard DEMOCRAT.

Passed May 16, 1889.

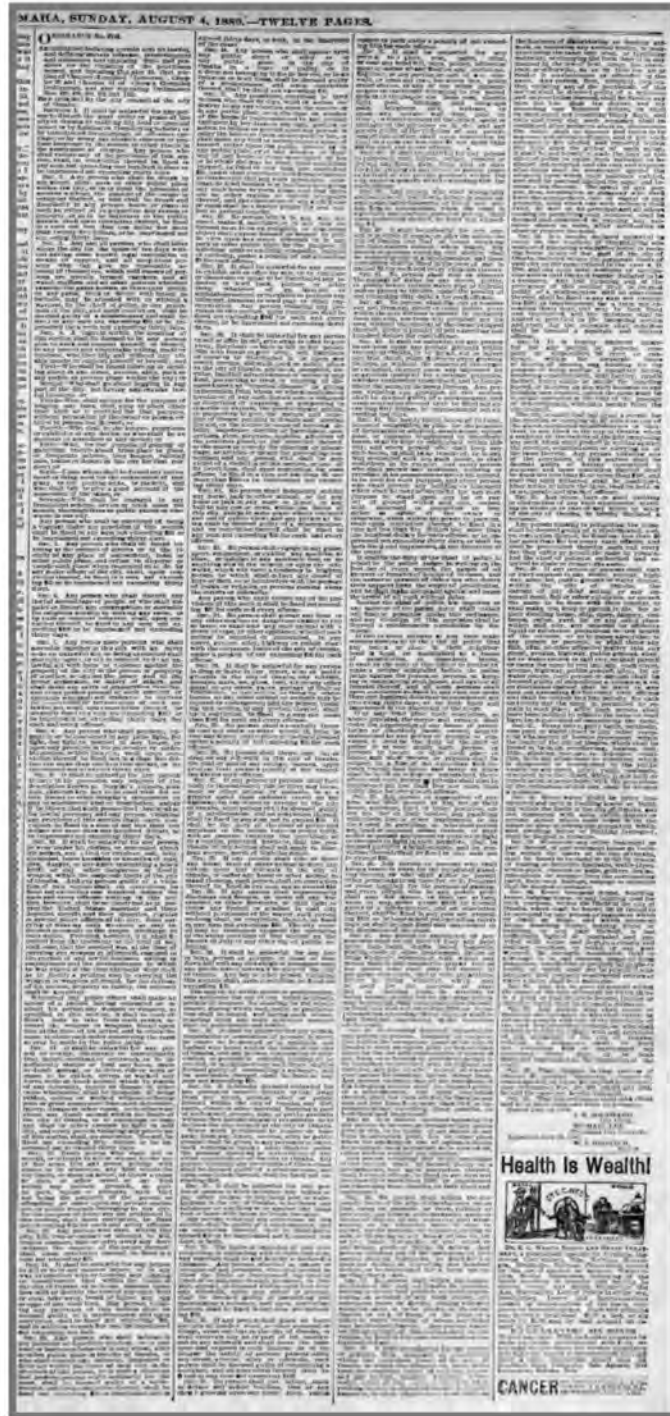
Approved by me this 16th day of May, 1889.

R. F. GLENN,

Mayor of the city of Howard.

Attest: W. D. BURNS, City Clerk,

Exhibit 140



be imprisoned not exceeding thirty days.

SEC. 10. It shall be unlawful for any person to wear under his clothes, or concealed about his person, any pistol or revolver, colt, billy, slungshot, brass knuckles or knuckles of lead, dirk, dagger, or any knife resembling a bowie knife, or any other dangerous or deadly weapon within the corporate limits of the city of Omaha. And any person guilty of a violation of this section shall, on conviction, be fined not exceeding one hundred dollars for each and every offense; nothing in this section, however, shall be so construed as to prevent the United States marshals and their deputies, sheriffs and their deputies, regular or special police officers of the city, from carrying or wearing such weapons as may be deemed necessary in the proper discharge of their duties. Provided, however, if it shall be proved from the testimony on the trial of any such case, that the accused was, at the time of carrying any weapon as aforesaid, engaged in the pursuit of any lawful business, calling or employment and the circumstances in which he was placed at the time aforesaid were such as to justify a prudent man in carrying the weapon or weapons aforesaid, for the defense of his person, property or family, the accused shall be acquitted.

Whenever any police officer shall make an arrest of a person having concealed on or about his person any weapon or weapons, as specified in this section, it shall be such officer's duty to take from such person arrested the weapon or weapons found upon him at the time of his arrest, and to retain the same, to abide such order concerning the same as may be made by the police judge.

Exhibit 141

hundred feet of any building, and no person shall build any fire upon any lot or on any street and leave the same uncared for, under a penalty of three dollars for each offense.

SEC. 256. No pipe of any stove shall be put up in any house or other building in this City unless it is conducted into a chimney made of brick or stone, without first obtaining consent of the Fire Warden of the district in which said building is situated, nor shall any person at any time set fire to any chimney for the purpose of cleaning the same, without first obtaining the consent of the said Fire Warden. And it shall not be lawful to conduct any stovepipe through any partition, floor or wood-work of any building unless the same is securely fixed with stone or brick-work, or in place thereof a tin or earthen tube or safe, so called, or other metallic fixture; and any person offending against any provision of this section shall forfeit as a penalty the sum of three dollars, and the further penalty of three dollars for every twenty-four hours that the violation shall continue after having been notified by the Fire Warden of the proper district to discontinue such violation.

SEC. 257. Every chimney hereafter erected within the limits of the City of Berlin shall be plastered on the inside with lime and sand mortar at the time it is erected, under a penalty of twenty-five dollars, to be collected either of the person or persons for whom such chimney is built, or of the person or persons erecting the same.

ARTICLE VII.—FIRE ARMS, FIRE WORKS AND CANNONS.

SECTION 258. Any person who shall fire or discharge any gun, pistol, fowling piece, or other fire arm, within the limits of the City of Berlin except in the necessary defense of his person or property, shall pay a fine of not less than one dollar, nor more than ten dollars for each offense.

SEC. 259. Any person who shall sell, loan or furnish to any minor, any gun, pistol, fowling piece or other firearm within this City, shall pay a fine of not less than five dollars, nor more than twenty-five dollars for each such offense.

SEC. 260. Any person who shall fire, discharge or set off within the limits of the City of Berlin, any rocket, cracker, torpedo, squib or other fire works or thing containing any substance of explosive nature, shall pay a fine of not less than one dollar nor more than ten dollars for each such offense. Provided that the Mayor may by proclamation permit the use of fire works on the Fourth day of July and on such other days as he may deem proper.

SEC. 261. Any person who shall discharge, or fire off any cannon, or piece of artillery in any street, or avenue, alley, park or place,

Exhibit 142

or spirituous liquors, or any composition of which fermented, vinous or spiritous liquors form a part. *Provided*, that this section shall not be so construed as to prevent any druggist from selling or giving away, in good faith, wine for sacramental purposes, or alcohol for art, mechanical or scientific purposes on the applicant therefor, and seller thereof, complying with the laws of this state in such case made and provided; nor to prevent the selling or giving away by druggists of alcohol, or intoxicating liquors, on a written prescription, dated and signed, first had and obtained from some regularly registered and practising physician, and then only when such physician shall state in such prescription the name of the person for whom the same is prescribed and that such intoxicating liquor is prescribed as a necessary remedy in such case.

Sec. 159. Any person who shall sell or give away, to any person already intoxicated, any intoxicating liquor shall be deemed guilty of a misdemeanor and be fined if a druggist selling or giving away on prescription, not less than twenty-five dollars; if any other person, not less than forty dollars.

Passed May 22, 1890.

CHAPTER XVII.

CARRYING CONCEALED WEAPONS—FIRING GUNS, PISTOLS, FIRE CRACKERS, ETC.

Be it ordained by the Board of Trustees of the Town of Columbia as follows:

Sec. 160. Any person who shall fire or discharge, or who shall cause the same to be done by any person under his authority or control, any gun, pistol, cannon, anvil, or any device or contrivance, charged with any explosive, shall be deemed guilty of a misdemeanor and on conviction be fined not less than ten dollars for each offense.

Sec. 161. Any person who shall ignite or explode any explosive compound, or suffer the same to be done by any person under his control, or who shall fire, or cause to be fired or exploded, or suffer the same to be done by any person under his control, any fire cracker, or crackers, Roman candles, rockets, torpedoes, squibs, or any other kind of fireworks whatever, shall be deemed guilty of a misdemeanor and on conviction be fined not less than five dollars for each offense.

GENERAL ORDINANCES.

35

Sec. 162. Any person who shall be guilty of carrying concealed upon or about his person any pistol, bowie knife, dirk, dagger, slung shot, or other deadly or dangerous weapon, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than one hundred dollars for every such offense.

Sec. 163. Any person who 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 into any court room, during the sitting of court, or to any election precinct on any election day; or into any other public assemblage of persons met for any lawful purpose, other than for military drill, or meetings, called under the militia laws of this state, carrying concealed or in sight upon or about his person, any fire arms or other deadly or dangerous weapon, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred nor more than one hundred and fifty dollars for ever such offense.

Sec. 164. Any person who shall be guilty of exhibiting any fire arms, or other deadly or dangerous weapon in a rude, angry, or threatening manner; or who shall carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drinks, shall be deemed guilty of a misdemeanor, and shall upon conviction be fined not less than fifty dollars for every such offense.

Provided, that the three last preceding sections shall not apply to police officers, nor to any officer whose duty it is to execute process or warrants, or to suppress breaches of the peace, or make arrests, nor to any posse when lawfully summoned and on duty; nor shall section 162 apply to persons moving or traveling peaceably through the state.

Passed May 22, 1890.

Exhibit 143

Secretary.

Concealed or Deadly Weapons.

The following ordinance in relation to the carrying of concealed or deadly weapons was passed by the council at the regular meeting Tuesday night:

Be it ordained by the Council of the city of Warrensburg as follows:

Sec. 1. If any person shall within this city 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 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 weapons, or shall in the presence of one or more persons, exhibit any such weapons 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 without the consent of the parents or guardian of such minor he shall upon conviction be punished by a fine of not less than fifty or more than two hundred dollars or by imprisonment not less than five days or more than six months or by both such fine and imprisonment.

Sec. 2. This ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

Passed June 3, 1890.

Approved June 5, 1890.

A. H. Gilkeson, Dry Goods Co.

Exhibit 144

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 the 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 extort money.

ARTICLE 47.—CONCEALED WEAPONS.

- | | |
|--|---|
| <p>SECTION.</p> <ol style="list-style-type: none"> 1. Prohibited weapons enumerated. 2. Same. 3. Minors. 4. Public officials, when privileged. 5. Arms, when lawful to carry. | <p>SECTION.</p> <ol style="list-style-type: none"> 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 buildings and gatherings.

(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 persons 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 another.

(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 impersonation.

(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.

Exhibit 145

to the amount to be raised by taxes in said city; and said portion of the principal so raised shall be paid yearly to the sinking fund commission of the city of Trenton, to be used exclusively for the liquidation of said bonds; *provided, however,* that whenever the amount of moneys in the hands of said commission shall be sufficient for the redemption of said bonds, no further sums shall be raised by taxation.

When to take effect.

9. That this ordinance shall take effect immediately.

An Ordinance providing for the government and protection of public parks and squares of the city of Trenton.

Vol. 6, p. 131.

Approved June 26th, 1890.

The Inhabitants of the City of Trenton do ordain:

Rate of speed for driving or riding.

1. No one shall drive or ride in Cadwalader park at a rate exceeding seven miles an hour.

Driving, where allowed.

2. No one shall ride or drive in or upon any of the public squares of this city or upon any other part of said park than upon its avenues and roads.

What vehicles not allowed in park.

3. No vehicle of burden or traffic shall pass through said park.

How persons shall enter.

4. No person shall enter or leave said park or squares except by such gates or avenues as may be for such purpose arranged.

Wagons not to stand in park for hire.

5. No coach or vehicle used for hire shall stand upon any part of said park for the purpose of hire.

No threatening language to be used.

6. No person shall indulge in any threatening, abusive, insulting or indecent language in said park or squares.

No obscene act to be permitted.

7. No person shall engage in any gaming nor commit any obscene or indecent act in the said park or squares.

No person to carry firearms.

8. No person shall carry firearms or shoot birds in said park or squares, or within fifty yards thereof, or throw stones or other missiles therein.

No person to annoy any of the animals.

9. No person shall disturb the fish or water fowl in the pools, ponds or other waters, or birds in any part of said park or squares, or annoy, strike, injure, maim or kill any animal kept by direction of common council or the park committee thereof, either running at large or confined in a close, nor discharge any fireworks nor affix any bills therein.

Not to deface trees or buildings.

10. No person shall cut, break or in anywise injure or deface the trees, shrubs, plants, turf, or any of the

Exhibit 146

ORDINANCES.

141

15. No person shall have any musical or other entertainment in the park, nor shall any parade or procession take place in or pass through the park, nor shall any picnic, gathering or public meeting of any kind be permitted therein without the previous permission of the commissioners. Parades, etc., prohibited.

16. No person shall engage in any play at base ball, cricket, shinny, foot-ball, croquet, or at any other athletic games within the limits of the park, except on such grounds only as shall be specially designated for such purposes by the park commissioners. Games prohibited.

17. No person shall introduce any spirituous, malt or brewed liquors into said park, either for his own use, to sell, or to give away, nor shall any intoxicated person enter or remain in said park. Liquors prohibited.

18. No person shall curse or swear or use threatening or abusive language, or fight or throw stones, or behave in a riotous or disorderly manner in said park. Swearing.

19. No person shall indulge in any insulting or indecent language, or commit a nuisance in the park. Nuisances.

20. No person shall engage in playing cards or gambling in said park. Gambling.

21. No person shall carry fire-arms, or shoot in the park, or discharge any fire-works, or throw stones or missiles therein. Firearms.

SEC. 2. Any person who shall violate any of said rules and regulations shall be liable to a fine of not less than five dollars nor more than fifty dollars, to be recovered before any alderman of the city of Williamsport, with costs, together with judgment of imprisonment not exceeding thirty days, if the amount of said judgment and costs shall not be paid, which fines shall be paid into the city treasury for park purposes. Penalty.

SEC. 3. Packer street, where it passes through the park, is hereby abandoned as a public highway and declared to be a part of the park, subject to the rules and regulations adopted for its government and protection. Street vacated.

APPROVED—June 18th, 1890.

F. H. KELLER,
Mayor.

Exhibit 147

ORDINANCE NO. 179.

[First published in the Lyons REPUBLICAN,
September 10th, 1891.]

An Ordinance relating to carrying concealed
weapons, and repealing Ordinance No. 70.

Be it ordained by the Mayor and Council-
men of the City of Lyons, Kansas.

Sec. 1. Any person who is not engaged in
any legitimate business, any person under
the influence of intoxicating drink, who shall
be found within the limits of the City of
Lyons, 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 fifty dollars, or by imprison-
ment in the city jail not exceeding one
month, or by both such fine and imprison-
ment.

Sec. 2. Ordinance number seventy of the
ordinances of the City of Lyons is hereby
repealed.

Sec. 3. This Ordinance shall take effect
after its publication in the Lyons Republican.

Passed and approved, Sept. 7th, 1891.

[seal] E. A. RICHARDS, Mayor.

Attest:—A. E. Magoffin, City Clerk.

Exhibit 148

ORDINANCES:

CHAPTER VIII.
DEADLY WEAPONS.

Be it ordained by the City Council of the City of Santa Fe:

Sec. 1. That it shall be unlawful for any person to carry a deadly weapon, either concealed or unconcealed, within the limits of the city of Santa Fe, unless the same be carried in lawful defense of himself, his family or his property, the same being at the time threatened with danger, or unless by order of legal authority, or unless such person be a regular authorized officer of the law in the discharge of his official duties.

Sec. 2. Deadly weapons, within the meaning of the preceding section, shall be construed to mean any and all kinds and classes of guns, pistols and revolvers, slung shots, loaded or sword canes or sand-bags and all kinds and classes of weapons and instruments, by whatever name they may be called, by which a dangerous wound can be inflicted.

Sec. 3. Any person convicted of a violation of sections 1 or 2 of this chapter, shall be punished by a fine of not less than five dollars nor more than fifty dollars, or by imprisonment in the county jail or city prison for a period not less than ten days nor more than sixty days, or by both such fine and imprisonment, in the discretion of the court.

V. T. THORNTON,
Mayor.

Attest: J. D. HUGHES,
Clerk.

Passed August 11, 1891.

Exhibit 149

ORDINANCE--Continued.

Street Commissioner.

Sec. 12. The road supervisor, whose appointment is provided for in Section 26, of chapter 89, of the act of the legislature assembly of 1891, shall be street commissioner of the town of Cerrillos, his duties shall be prescribed by law for road supervisors and street commissioners and as shall be directed from time to time by the board of trustees.

Sec. 13. The several town officers and appointees shall do and perform all such other duties and render all other services, not specifically defined by ordinance, as may be required of them by the board of trustees.

Approved: W. E. Dame,
Seal. Chairman Board of Trustees, Town of Cerrillos.
Attest: C. A. Whited, Clerk.

CHAPTER III.

POLICE JUDGE AND MARSHAL.

Be it ordained by the Board of Trustees of the Town of Cerrillos.

Sec. 1. The police judge shall have sole and exclusive jurisdiction of all violations of any Town ordinance or regulation. He shall keep a docket in which he shall enter a true record of all actions brought before him.

Sec. 2. The police judge shall before proceeding to try any person for the violation of any ordinance or regulation of the Town, cause complaint to be made and a warrant to be issued to arrest such person, and a return to be made upon said warrant.

Sec. 3. All cases tried before the police judge shall be docketed in the name of the Town of Cerrillos against the defendant and the judge shall enter upon his docket in a plain and intelligible manner a minute of each step taken in each case and an itemized statement of all costs and fines imposed and collected by him.

Sec. 4. Judgment of guilty or not of the offense charged shall be entered in each and every case, and by said judgment defendant shall be discharged, fined, imprisoned, or fined and imprisoned as the case may be; and when defendant is found guilty the costs of such case shall be assessed against him, and no costs shall be taxed otherwise, and all judgments imposing a fine, except where a fine and imprisonment are both imposed, shall be in the alternative of imprisonment for a specified number of days or until such fine and costs are paid.

Sec. 5. Whenever judgment of guilty is entered in any case, the police judge shall issue a commitment against the person of the defendant commanding the town marshal in default of the immediate payment of such fine and costs as may have been assessed, to commit the defendant to the town jail subject to labor, and in case where the judgment is that the defendant be imprisoned, that he commit the defendant to the town jail, subject to labor, in accordance with the terms of said judgment and the ordinances of said town.

Sec. 6. Whenever in accordance with the laws of the territory of New Mexico a defendant in any case may be entitled to an appeal, the same shall be allowed in accordance therewith by filing a bond with two sufficient sureties, in double the amount of the highest pecuniary penalty that could or might be assessed in the case. Provided, that said appeal shall not operate as a supersedeas in such case until such bond shall have been given and approved, and no costs shall be demanded as a condition of such appeal, nor the approval of the said appeal bond.

Sec. 7. In such case tried before the police judge of the said town of Cerrillos said police judge may tax as costs for himself and marshal the same fees as shall be authorized by law to be taxed for similar services in favor of justices of the peace and constables.

Sec. 8. All costs and fines shall be collected by the marshal of the

town who shall pay the fines collected by him to the city treasurer at least once a week, and shall pay any costs coming into his hands belonging to the police judge to the police judge and return the execution or commitment for the collection of the said fine and cost satisfied, and in all cases it shall be the duty of said police judge to issue such execution or commitment and endorse on each execution or commitment an itemized statement of costs, and it shall be the duty of marshal to make a weekly report to said board of trustees, of all arrests made and cases tried for the violation of city ordinances, of the disposition of the same and the fines collected and uncollected.

Sec. 9. The marshal shall receive such salary as the board of trustees shall by ordinance fix, the amount of which salary shall be paid to him in warrants drawn upon the police fund, hereinafter provided for, in such manner as to be equivalent to cash for the face value of said warrants.

Sec. 10. All moneys arising from said fines and from licenses paid into the treasury of said town shall constitute and be a police fund in said treasury, out of which all salaries shall be first paid, and in the event of a surplus of said police fund above what may be necessary to pay said salaries, said board of trustees may by resolution direct said surplus to be passed to general fund or other wise appropriated.

Approved: W. E. Dame,
Seal. Chairman Board of Trustees, Town of Cerrillos.
Attest: C. A. Whited, Clerk.

CHAPTER IV.

Be it ordained by the Board of Trustees of the Town of Cerrillos.

SECTION 1. That no dog, bitch, or whelp, shall be allowed to run at large within the limits of this town, until the owner or keeper of such dog, bitch, or whelp, shall have paid the town clerk the sum of one dollar for each dog, or whelp, and the sum of three dollars for each bitch owned or kept by such person, and shall also place around the neck of such dog, bitch, or whelp, a collar made of durable material.

Sec. 2. It is hereby made the duty of all persons owning or keeping any dog, bitch, or whelp, to apply to the town clerk, and make payment to him each year, as provided in section one of this ordinance. And it shall be the duty of such town clerk to issue a tag to such owner or keeper, with the number thereof, which tag shall be by the owner or keeper be attached to and worn on the collar hereinafter provided for; and the clerk shall keep a full record of such license.

Sec. 3. The town marshal, is hereby authorized and required, to kill and destroy any dog, bitch, or whelp, found running at large within the limits of this town, unless such dog, bitch, or whelp, is duly licensed as provided for in this ordinance.

Sec. 4. This ordinance shall be in force and effect on and after October first, A. D. 1891.

Approved: W. E. DAME,
Seal. Chairman Board of Trustees for the Town of Cerrillos, New Mexico.
Attest: C. A. Whited, Clerk.

CHAPTER V.--BREACHES OF THE PEACE.

Be it ordained by the Board of Trustees of the Town of Cerrillos.

Sec. 1. That any person who may hereafter be found lurking, lying in wait or concealed in any house or other building, or in any yard or premises within the limits of the Town of Cerrillos, with intent to do any mischief, or to plunder or to commit any crime or misdemeanor whatever, shall for every such offense, on conviction, be punished by a fine of not less than \$5.00 nor more than fifty dollars, or by imprisonment in the town prison not exceeding ninety days, or by both

such fine and imprisonment, in the discretion of the court.

Sec. 2. Any person who shall be contentious or who shall be making any riot, disturbance, or who shall fight in any public place in the said Town or who shall be guilty of any indecent, or immoral or insulting conduct, language or behavior, in the streets, or elsewhere in said Town, or who may remain prostrate in the streets or other public places in said Town, and all persons who shall collect in bodies or crowds in said Town for unlawful purposes, or to the annoyance or disturbance of the citizens, shall for every such offense be punished by a fine of not less than \$5.00 nor more than fifty dollars, or by imprisonment in the Town prison not exceeding ninety days, or by both such fine and imprisonment, in the discretion of the court.

Sec. 3. Any person who shall be found drunk within the limits of said Town, shall for every such offense be punished by a fine of not less than \$5.00 nor more than twenty-five dollars, or by imprisonment, in the Town prison, not exceeding thirty days, or by both such fine and imprisonment, in the discretion of the court.

Sec. 4. Any person who shall make any indecent exposure of his person or be guilty of any lewd or indecent behavior in any public place of said Town, shall for every such offense be punished by a fine of not less than \$5.00 nor more than twenty-five dollars, or by imprisonment in the Town prison for a period not exceeding thirty days, or by both such fine and imprisonment, in the discretion of the court.

Sec. 5. Any person who shall disturb or disquiet any congregation engaged in religious worship, or any lawful assemblage of the people within the Town, by making a noise, or by rude or indecent behavior within such meeting, or so near the same as to disturb the order or solemnity thereof, shall for every such offense be punished by a fine not exceeding twenty-five dollars, or by imprisonment in the Town prison, not exceeding thirty days, or by both such fine and imprisonment, in the discretion of the court.

Sec. 6. Any person who shall aid or assist any person confined in the Town prison to escape from such confinement, or who shall aid or assist any person in the custody of any officer of the Town to escape from such officer, and any person who shall resist an officer of said Town in the discharge of his duties, shall be punished by a fine of not less than \$10.00 nor more than one hundred dollars, or by imprisonment not exceeding ninety days, in the discretion of the court.

Sec. 7. Every person committed to the Town prison for the violation of any ordinance of the Town of Cerrillos shall be required to work for the Town under the supervision of the marshal, at such labor as his or her strength will permit, within or without such prison not more than ten hours each working day; and for such work the person so employed shall be allowed, exclusive of his or her board, one dollar per day for each day's work, to be applied toward the payment of the fine and costs adjudged by the committing magistrate.

Sec. 8. All persons committed to jail shall be immediately searched and all articles of value, or weapons, shall be turned over to the marshal, together with the name of the person to whom they belong, so that proper disposition can be made of the same.

Approved: W. E. DAME,
Seal. Chairman Board of Trustees for the Town of Cerrillos, New Mexico.
Attest: C. A. Whited, Clerk.

CHAPTER VI.--NUISANCES.

Be it ordained by the Board of Trustees of the Town of Cerrillos.

Sec. 1. That if any person shall permit or suffer any ground, building or other premises within the Town of Cerrillos, owned or occupied by him, or of which he shall be the agent, having charge of the

same, to become or be offensive, nauseous, hurtful or dangerous to the neighborhood or traveler, by reason of stagnant water, dead animal or from any other cause or causes, he shall be punished as hereinafter provided.

Sec. 2. If any person shall suffer any animal belonging to him or in his charge, which may die of disease or otherwise, to be in or upon any street, alley or other grounds or place within the Town; public or private, for the space of twenty-four hours after the same shall have died, he shall be punished as hereinafter provided.

Sec. 3. If any person shall allow to flow from any house, shop, factory, stable, slaughter house or place any foul or nauseous liquor or substance of any kind whatsoever into or upon any adjacent ground or lot or into any street, alley or ditch in the Town so as to be offensive, nauseous, hurtful or dangerous; and any person who shall deposit in any such place any filth, litter or refuse or any carcass or thing so as to be offensive, nauseous, hurtful or dangerous to the Town, he shall be punished as hereinafter provided.

Sec. 4. Any person offending against any of the foregoing provisions of this chapter, shall be punished for each offense by a fine of not less than five dollars, nor more than fifty dollars, or by imprisonment in the Town prison for a term of not less than five days nor more than sixty days or by both such fine and imprisonment in the discretion of the court.

Approved: W. E. DAME,
Seal. Chairman Board of Trustees for the Town of Cerrillos, New Mexico.
Attest: C. A. Whited, Clerk.

CHAPTER VII.--DEADLY WEAPONS.

Be it ordained by the Board of Trustees of the Town of Cerrillos.

Sec. 1. That it shall be unlawful for any person to carry a deadly weapon, either concealed or unconcealed within the limits of the Town of Cerrillos, unless the same

be carried in lawful defense of himself, his family or his property, the same being at the time threatened with danger, or unless by order of legal authority, or unless such person be a regular authorized officer of the law in the discharge of his official duties.

Sec. 2. Deadly weapons, within the meaning of the preceding section, shall be construed to mean any and all kinds and classes of pistols and revolvers, slung shots, loaded or sword canes or sand-lugs and all kinds and classes of weapons, and instruments, by whatever name they may be called, by which a dangerous wound can be inflicted.

Sec. 3. Any person convicted of a violation of section one or two of this chapter, shall be punished by a fine of not less than five dollars nor more than fifty dollars, or by imprisonment in the Town prison for a period of not less than ten days nor more than sixty days, or by both such fine and imprisonment, in the discretion of the court.

Sec. 4. Any person who shall be found guilty of discharging any fire-arm within 300 yards of any habitation in the said Town of Cerrillos, unless the same shall be in defense of himself, his family, or property,

Approved: W. E. DAME,
Seal. Chairman Board of Trustees for the Town of Cerrillos, New Mexico.
Attest: C. A. Whited, Clerk.

Attest: C. A. Whited, Clerk.

A. J. Kendall,
Notary Public.

Justice of the Peace.

All notary work given prompt attention and careful execution.

THE CERRILLOS SUPPLY CO



—Dealers in—
Hardware, Stoves, Tinware, Furniture, Queensware, Glassware.
Lamps, Woodenware, Paints, Oils, Glass, Miners' Supplies
Giant and Black Powder always in stock.
Studebaker Wagons, both light and heavy, Buggies, Road Carts, etc.

Iron and Steel.

Orders for Machinery and Machine repairs, will receive prompt attention.
Before making your purchases give us a call.

Miller & Legace,

—Dealers in—
Pure Drugs and Medicines.
Stationery, Toilet Goods, Perfumeries, Paints, Oils, Varnishes, Wall Paper, Glass, Cigars and Tobacco.
PRESCRIPTIONS CAREFULLY COMPOUNDED
L. G. Jones' New Building. Cerrillos, N. M.

Exhibit 150

T. P. MANUEL, Chairman Board of Trustees.
I. N. WATSON, Village Clerk.

ORDINANCE NO. 23.

AN ORDINANCE CONCERNING THE CARRYING OF DEADLY WEAPONS.

Be it ordained by the Board of Trustees of the inhabitants of the Village of Leonard, Mo., as follows:

SECTION 1. 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 weapons 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 fifty nor more than two hundred dollars.

SECTION 2. This ordinance shall be in force from and after its passage and publication.

Passed and approved July 6th, 1891.

T. P. MANUEL, Chairman Board of Trustees.
I. N. WATSON, Village Clerk.

TRUSTEE'S SALE

Exhibit 151

PARK ORDINANCES.

SPRINGFIELD, MASS., May 2, 1891.

The Board of Park Commissioners of the City of Springfield, by virtue of its authority to make Rules for the use and government of the Public Parks of said city, and for breaches of such rules to affix penalties, hereby ordains that within the Public Parks, except with prior consent of the Board, it is forbidden:—

1. To cut, break, injure, deface, defile, or ill-use any building, fence, or other construction, or any tree, bush, plant, or turf, or any other thing or property of said city, or to have possession of any freshly plucked tree, bush, or plant, or part thereof.

2. To allow animals of any kind to pass over or stray upon the Park lands, provided this shall not apply to dogs when closely led by a cord or chain not more than six feet long.

3. To throw stones, balls, or other missiles; to discharge or carry firearms, fire-crackers, torpedoes, or fireworks; to make fires; to play musical instruments; to have any intoxicating beverages; to sell, offer, or expose for sale any goods or wares; to post or display signs, placards, flags or advertising devices; to solicit subscriptions or contributions; to play games of chance, or to have possession of instruments of gambling; to make orations, harangues, or loud outeries; to enter into political canvassing of any kind; to utter profane, threatening, abusive, or indecent language, or to do any obscene or indecent act; to bathe or fish; to solicit the acquaintance of, or follow, or otherwise annoy other visitors.

4. To take birds, fish, or any live animal or birds' nest, or in any way interfere with cages, boxes, places, or inclosures for their protection.

5. To play ball or any other games in any Public Park except such portions thereof as may be set apart for that purpose.

6. To drive any carriage, cycle, cart, wheelbarrow, hand cart or horse, upon any Park except upon regular carriage roads, and no heavy teaming will be allowed whatso-

*Pres. City
Springfield
Mass. Parks
in 1891*

ever.

7. To drive or ride a horse or horses at a rate faster than eight miles an hour.

8. To drive or ride any horse or animal not well broken and under perfect control of the driver.

9. To ride a cycle at a rate faster than eight miles an hour.

10. To refuse to obey the orders or requests of either of the Commissioners, or of the Park Police or other agents of the Commissioners, and to refuse to assist them when required. Any person willfully doing either of the things above forbidden, shall be punished by fine not exceeding twenty dollars.

Compliance with foregoing regulations is a condition of the use of these premises.

DANIEL J. MARSH, *President*,
ORICK H. GREENLEAF,
JOHN E. TAYLOR,
EVERETT H. BARNEY,
WILLIAM F. CALLENDER, *Secretary*.

} *Park
Commissioners.*

Exhibit 152

Unprecedented Bargains.

15

Ladies Muslin Underwear.

During the next two weeks we will have on sale for account of the Morrison, Beaud Underwear Co., of Baltimore a large quantity of assorted Muslin Underwear. The goods are CONSIGNED to us conditioned with the understanding that the factory manufacturing heavy summer underwear in full force during the spring months, but owing to unsatisfactory trade east and west a heavy overstock is the result, hence an effort to seek a southern market for the overproduction. Having no Muslin Underwear department and not wishing to put in a line of these goods this late out first intention was to re-ship the entire lot, write the firm to advise their disposition they wished made of them, and in reply they urge us in order to save their expenses of freight both ways to place the goods on sale FOR THEIR ACCOUNT and without a price limit for two weeks and at the expiration of the time to return them all unsold goods. The line is displayed in our windows with prices attached and offers an opportunity to the ladies to replenish their wardrobes at a minimum cost. Will be pleased to have the goods and prices compared with offerings at other houses.



Corner Eighth and Austin Streets.

WACO FURNITURE GO. ORDERING AND REPAIRING.

COFFINS, CASKETS, SROUDS, ETC.

AN ORDINANCE.
 Be it ordained by the city council of the city of Waco, Texas: That title "Public Peace and Order" of the ordinance of the city of Waco be amended by adding therein article 112, as follows:
 Article 112 a. Any person who, in this city shall commit an aggravated assault or an aggravated assault and battery upon one person or another, shall upon conviction be fined in any sum not less than twenty-five nor more than one thousand dollars, or be imprisoned in the penitentiary not less than one month nor more than two years, or by both such fine and imprisonment, but not one charged with a violation of this article shall be entitled to the same defense that he would be entitled to under the statute of the state as a justification or mitigation of the penalty. An aggravated assault and aggravated assault with a battery are each as defined in Title XV, Chapter 2 of the penal code of the state of Texas.
 Section 2. That this ordinance take effect and to be three days after the passage.
 Passed July 8, 1891.
 Approved: C. C. McMillon,
 Mayor.
 JOHN JONES, City Secretary.

by weapons shall be further punished by adding therein article 119, to read as follows:
 Art. 119. If any person shall use any pistol or revolver, or other deadly weapon, 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 hall room, or social party or social gathering or in any meeting, or in the day or the days of any election, when any portion of the people of the state are gathered in any assembly, or to any other place where people may be assembled in a hall, or in persons any public duty, or to any other public assembly, and shall have so carry about his person a pistol or other deadly weapon, knife, dagger, spear, or any other sharp, blunt, knuckle, bow-knife, or any other kind of a knife, manufactured and sold for the purpose of killing or defense, he shall be punished by fine of not less than fifty nor more than five hundred dollars.
 Section 2. That this ordinance shall take effect and to be three days after the passage.
 Passed July 9th, 1891. Approved:
 C. C. McMillon,
 Mayor.

Real Estate News.

The coming line to connect the Atlantic (Newark) Dock Island Railroad system has been discovered in the Texas Central, and Waco is to be an grand trunk line from the Gulf to the Gulf of Mexico. Mr. Cross, a friend of Waco and the Texas Central, has just been elected president of the line, and the Waco and New Orleans route will soon be open. Many lines connect with the new line in Waco, and this is the middle in which the following federal administration at Washington has thrown the country's business Waco nearly could be moving. However the best business day that Waco will be open to a short time, and that nearly do not be.

Special Opening.

Two hundred on North Tenth street, east of six ranges, will be sold this at half a price.

A lot adjoining the Catholic park is \$425, lots in the same block are all for \$250 to \$300.

Two lots corner Second and Johnson streets, in the block of street are for \$250 each.

Real estate agents and lots in all parts of Waco. Owners property that pays good income.

Hay For Sale.

Two Elliott has some very fine Johnson grass which he will sell at 20 cents per bale. He has samples of this for sale at his office, under West Hotel.

Done to a Barber Place.

In the morning, June 10th, I will open for business at my new place on Franklin, two faces from my old stand better equipped than ever to suit you.
 Joe S. Davidson.

I have for sale a splendid bargain consisting of a two hundred acre farm in a high state of cultivation, with a splendid orchard, in best section of the city. If you want a farm you is your chance. Price low, terms to suit.
 Joe P. Elliott.

Crupper has the best of pork.
 Crupper has the best of chicken.
 Crupper has the best of sausage.
 Crupper has the best of beef.
 Crupper has the best of veal.
 Try this, corner Fifth and Franklin.

A Short Address Not in the Point.

Fellow Citizens—The moment you give some time ago reduced the six millions big sale to less than one-third that amount. We took good part in this reduction and we believe that we had as much to do with getting that reduction as anybody else in Waco. There are certain other things that we took part in too, all of one we are proud to be which. We think the most of the time at this time is hard public buildings are very ill-kept, yet you know that the colored brethren sets in big at anybody and a little bigger in certain ways. Get the idea?

But the matter we wanted to say was that we are making a very big reduction on all our stuff. We can sell you a \$25 stove for \$16, a \$24 refrigerator for \$15—must be sold— a \$10 sewing machine for \$7.50.

We have never been understood by any one. We can give you all the time you need. We really ask a cash payment down, then

Exhibit 153



DATE DOWNLOADED: Sat Feb 4 11:10:25 2023
SOURCE: Content Downloaded from [HeinOnline](https://heinonline.org)

Citations:

Bluebook 21st ed.
1891-1892 95 .

ALWD 7th ed.
, , 1891-1892 95 .

Chicago 17th ed.
", " Vermont - 12th Biennial Session; Special Session - 1891 : 95-96

AGLC 4th ed.
" Vermont - 12th Biennial Session; Special Session - 1891 95

OSCOLA 4th ed.
" 1891-1892 95

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at <https://heinonline.org/HOL/License>

-- The search text of this PDF is generated from uncorrected OCR text.

1892.]

PUBLIC ACTS.

95

SEC. 5. This act shall take effect on the first day of May, 1893.

Approved November 22, 1892.

No. 84.—AN ACT IN AMENDMENT OF SECTION 4074 OF THE REVISED LAWS, RELATING TO GAMES.

It is hereby enacted by the General Assembly of the State of Vermont :

Section four thousand and seventy-four of the Revised Laws is hereby amended by inserting therein, after the word "billiard table," in the first line of said section, the words "pool table."

Approved November 15, 1892.

No. 85.—AN ACT AGAINST CARRYING CONCEALED WEAPONS.

It is hereby enacted by the General Assembly of the State of Vermont :

SECTION 1. A person who shall carry a dangerous or deadly weapon, openly or concealed, with the intent or avowed purpose of injuring a fellow man, shall, upon conviction thereof, be punished by a fine not exceeding two hundred dollars, or by imprisonment not exceeding two years, or both, in the discretion of the court.

SEC. 2. A person who shall carry or have in his possession while a member of and in attendance upon any school, any firearms, dirk knife, bowie knife, dagger or other dangerous or deadly weapon shall, upon conviction thereof, be fined not exceeding twenty dollars.

Approved November 19, 1892.

No. 86.—AN ACT TO PREVENT FRAUD AT AGRICULTURAL FAIRS AND EXHIBITIONS OF HORSES.

SECTION.
1. Societies authorized to hold public fairs may offer premiums or purses for competition of horses in respect to speed, and may make rules for the conduct of their exhibitions.

SECTION.
2. Societies may classify horses respecting previous exhibitions of speed.
3. Penalty for entering disguised horse, representing animal to be another horse; or entering horse in a class in which he is not eligible.
4. When to take effect.

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. Agricultural societies, corporations and associations, authorized under the laws of this State to hold public fairs

for the competition of horses or horse kind in respect to speed, are hereby authorized to offer premiums or purses for success in such competition, and to conduct and manage their exhibitions in accordance with their own rules and regulations, publicly advertised, and not in conflict with the laws of this State.

SEC. 2. Such societies, corporations and associations are hereby authorized to establish and designate classes of horses or horse kind, with respect to the previous exhibitions of speed of such animals, or to any other reasonable and lawful grounds of classification, particularly set forth in such publicly advertised rules or regulations.

SEC. 3. Whoever, for the purpose of competing for any purse or premium, offered by any such society, corporation or association within this State, shall knowingly and designedly enter or drive any horse or animal of the horse kind that shall have been painted or disguised ; or who, for such purpose, shall falsely and fraudulently represent any animal of the horse kind to be another or different animal from the one it really is ; or who knowingly or designedly, for the purpose of competing for any such premium or purse, shall enter or drive any horse, or animal of the horse kind, in a class where it is not entitled to be entered, under the said rules and regulations of the society, corporation or association offering such premium or purse, shall be deemed guilty of an offense under section four thousand one hundred and fifty-four (4154) of the Revised Laws of Vermont ; and upon conviction, shall be punished by a fine of not more than five hundred dollars, or by imprisonment not exceeding six months.

SEC. 4. This act shall take effect from its passage.

Approved November 16, 1892.

No. 87.—AN ACT TO PREVENT FRAUD IN THE SALE
OF LARD.

It is hereby enacted by the General Assembly of the State of Vermont :

SECTION 1. No manufacturer or other person shall sell, deliver, prepare, put up, expose or offer for sale any lard, or any article intended for use as lard, which contains any ingredient but the pure fat of swine, in any tierce, bucket, pail, or other vessel or wrapper, or under any label bearing the words "pure," "refined," "family," or either of them, alone or in combination with other words, unless every vessel, wrapper or label, in or under which such article is sold, delivered, prepared, put up or exposed for sale, bears on the top or outer side thereof, in letters not less than one-half inch in length and plainly exposed to view, the words "compound lard."

Exhibit 154

RULES AND REGULATIONS

FOR THE PROTECTION AND GOVERNMENT OF THE PARKS
OF CINCINNATI, O.

Adopted by the Board of Park Commissioners May 16, 1892.

The Board of Park Commissioners, as authorized by law, do hereby establish the following rules for the protection and government of the parks of the city of Cincinnati:

1. The parks will be opened to the public daily, except when special occasion may require any of them to be closed. The hours for opening and closing the different parks to be determined from time to time by the Board of Park Commissioners.
2. Visitors may walk upon any part of the lawns except those from which they are warned by signs.
3. In case of an emergency, such as blasting, or in any other case where life and property are endangered, all persons, if required to do so by the superintendent or his assistants, shall remove from the portion of the grounds specified by him, and shall remain off the same until permission is given to return.
4. No public meeting and no public discussion or debate shall be held within the limits of the parks.
5. No person shall be permitted, unless by the consent of the Board of Park Commissioners, to engage in any picnic or games, to play upon any musical instrument, or to take into or display in the park any flag, banner, target, or transparency; nor shall any military or target company, civic or other procession, or detachment of a procession, be permitted to drill, parade, or perform therein; nor shall any club or party of tricycle or bicycle riders make runs on or have parades therein.

6. No person shall post or otherwise affix any bill, notice, or other paper upon any structure, tree, or any thing within the limits of the parks, or upon any gates or inclosure thereof, or distribute circulars, handbills, or petitions of any description within the parks.

7. No person or persons shall be permitted to play at any game of chance nor do any obscene or indecent act whatever within the limits of the parks.

8. All persons are forbidden to take or carry away any sod, clay, turf, stone, sand, gravel, leaves, muck, peat, wood, or any thing whatever belonging to the parks from any part of the land embraced within the boundaries of the parks.

9. All persons are forbidden to cut, break, or have in their possession while in the parks any part of a tree, shrub, or flower, or any turf, or in any way to deface the same, or any part of the buildings, fences, or other construction within the parks, or in any way to hinder or interfere with those engaged in its improvement or the animals kept therein.

10. No person shall expose any thing for sale in the parks unless previously permitted so to do by the Board of Park Commissioners, nor shall any hawking or peddling whatever be allowed therein. No person shall expose any thing for sale on the sidewalks bounding the parks.

11. All persons are forbidden to turn cattle, horses, goats, swine, poultry of any kind, or dogs upon the parks. Any such animal found in the parks shall be impounded by the superintendent. When the superintendent is satisfied as to the ownership, and the regular fine and fees are paid to him, he will deliver the animal to the owner.

12. No threatening, abusive, insulting, or indecent language or disorderly conduct of any kind shall be permitted within the parks.

13. No person shall bring into or discharge within the parks any firearms or other device by which birds or animals may be killed, injured, or frightened; no person shall throw stones or missiles within the parks.

14. No fireworks shall be brought into the parks except by consent of the Board of Park Commissioners.

Generated on 2023-10-24 18:02 GMT / https://hdl.handle.net/2027/nyp.33433084127376
Public Domain, Google-digitized / http://www.hathitrust.org/access_use#pd-google

Exhibit 155

PARK COMMISSIONERS.

23

ORDINANCES.

The Board of Park Commissioners of the City of Lynn, by virtue of its authority to make rules for the use and government of the Public Parks of said City, and for breaches of such rules to affix penalties, hereby ordains that within the limits of Lynn Woods, except with the prior consent of the Board, it is forbidden:

1. To cut, break, injure, deface, defile or ill use any building, fence, or other construction, or any tree, bush or turf, or any other thing or property.
2. To have possession of any freshly-plucked tree or bush.
3. To throw stones or other missiles; to discharge or carry firearms, except by members of the Police Force in the discharge of their duties; to discharge or carry firecrackers, torpedoes or fireworks; to make fires; to have any intoxicating beverages; to sell, to offer or expose for sale, any goods or wares; to post or display signs, placards, flags, or advertising devices; to solicit subscriptions or contributions; to play games of chance, or have possession of instruments of gambling; to utter profane, threatening, abusive or indecent language, or to do any obscene or indecent act; to bathe or fish; to solicit the acquaintance of, or follow, or otherwise annoy other visitors.
4. To allow cattle, horses, or other animals to pass over or stray upon the Park lands, provided that this shall not apply to those used for pleasure travel when on the ways or places provided and open for the purpose.
5. To drive a horse or horses at a rate faster than eight miles an hour.
6. To ride a horse at a rate faster than ten miles an hour.
7. To drive or ride any animal not well broken and under perfect control of the driver.
8. To play ball or other games or sports, except on grounds provided therefor.
9. To engage in conversation with men at work, or to obstruct, hinder or embarrass their movements.

24

REPORT OF THE PARK COMMISSIONERS.

10. To refuse to obey the orders or requests of either of the Commissioners, or of the Park Police, or other agents of the Commissioners, and to refuse to assist them when required.

Any person wilfully doing either of the things above forbidden shall be punished by fine not exceeding twenty dollars.

Compliance with the foregoing regulations is a condition of the use of these premises.

Exhibit 156

ORDINANCE NO. 9.

- 1. Penalty for violations of this ordinance.
- 2. Assault and battery.
- 3. Failing to assist in making arrests, etc.
- 4. Resisting arrest, etc.
- 5. Prohibiting games of chance.
- 6. Betting.
- 7. Disturbing religious meetings, etc.
- 8. Carrying concealed weapons into assemblies, etc.
- 9. Section 8 not to apply to police, etc.
- 10. Conflicting ordinances repealed.
- 11. Ordinance to take effect, when.

In Relation to Miscellaneous Offenses and Their Penalties.

Be it ordained by the Board of Aldermen of the City of Marceline, as follows:

SEC. 1. It shall be unlawful for any person to commit any of the acts hereinafter mentioned or enumerated within the corporate limits of the City of Marceline, and any person so offending shall be deemed guilty of a misdemeanor against the ordinances of the city, and for each offense shall be punished as hereinafter provided.

SEC. 2. Every person who shall commit an assault and battery or a common assault upon another, or indecently expose his person, shall, upon conviction, be punished by a fine of not less than one, nor more than one hundred, dollars.

SEC. 3. Every person who, without reasonable cause, shall fail to assist in making an arrest or committing any person to the city jail when required to do so by any police officer of the city in the performance of his official duty, shall be punished by a fine of not less than five, nor more than twenty, dollars, for every such offense.

SEC. 4. Every person who shall resist or attempt to hinder any officer of the city in the performance of his official duty, shall be punished by a fine of not less than ten, nor more than one hundred, dollars.

SEC. 5. Every person who shall suffer or permit any game of chance, upon the result of which any money or property or valuable thing whatever is bet, to be played in any building or room or upon any premises of which such person is the owner or has possession or control, shall be punished by a fine of not less than ten, nor more than one hundred, dollars.

SEC. 6. Every person who shall bet any money or property or valuable thing whatever upon the result of any game of chance shall be punished by a fine of not less than five, nor more than twenty-five, dollars.

SEC. 7. Every person who shall willfully or contemptuously disrupt or disturb any congregation or assembly of persons met for religious worship, or for social or literary purposes, by making a noise or by rude or indecent behavior, or profane discourse within the place of assembly, or so near the same as to interrupt or disturb the order or solemnity thereof, or who shall willfully menace, threaten or assault any person there being, shall be punished by a fine of not less than one, nor more than one hundred, dollars.

SEC. 8. Every person who 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 have 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, dagger, slung shot, or other deadly weapon, or shall in the presence of one or more persons exhibit any such weapon in a rude or threatening manner, or shall have or carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drink, 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, shall, upon conviction, be punished by a fine of not less than fifty, nor more than one hundred, dollars.

SEC. 9. The next preceding section shall not apply to any police officer, nor to any officer or person whose duty it is to execute process or warrants, or to suppress breaches of the peace or make arrests, nor to persons moving or traveling peaceably through this state, and it shall be a good defense to the charge of carrying such weapon if the defendant shall show that he has been threatened with great bodily harm, or has good reason to carry the same in the necessary defense of his person, home or property.

SEC. 10. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SEC. 11. This ordinance shall take effect and be in force from and after its passage.

Read three times and passed and approved this 11th day of March, 1892.

W. A. GAYNE, Mayor. AARON ROOTS, President of Board.

ATTEST: J. HEMMICK, City Clerk.

R

A

Any
The
use
is to
and
with
best

Car
to be
Lac
grams
Ser
Bot
Lan
Lac
-Po
-Fu
Cath
Fill
posts
diana
trading
Gru
and
house
found
gun
Lanc
county
Each
Stat

A
New
U. S.
lands
and to
which
within
we all
and re
grams
will be

A
person
le for
enline
guard
New

Exhibit 157

7. Neglect to treat all officers and other persons civilly and respectfully on all occasions.

8. Neglect to wear uniform while on duty according to regulations, or neglect to appear clean and tidy at all times.

9. Intoxication, disobedience, laziness or inattention to duty, lounging or sleeping while on duty, or any conduct unbecoming a police officer.

The following rules and regulations were adopted by the Park Commissioners of the City of Milwaukee, at the meeting of September 8th, 1891, in pursuance and by virtue of the power and authority contained in Chapter 488, of the Laws of 1889, and Chapter 179 of the Laws of 1891, amendatory thereof, and are published in accordance with the requirements contained in said Chapters:

SECTION 1. No person shall enter or leave the parks, except by the walks or drives.

SEC. 2. No animals shall be allowed loose in the parks.

SEC. 3. All persons are forbidden to carry fire-arms, or to throw stones or other missiles within the parks.

SEC. 4. 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 the parks.

SEC. 5. No driving or riding shall be allowed on any part of the parks at a rate exceeding six miles per hour, except on such drives and at such times as may be designated by the Park Commissioners.

SEC. 6. No vehicle, horse or other animal shall go upon any part of the parks, except the carriage drives, and upon such

Exhibit 158

1025 (2766). The same; opening graves for certain purposes.—Every person who shall open a grave or other place of interment with intent to move the dead body of any human being for the purpose of selling the same, or for the purpose of dissection, or to steal the coffin or any part thereof, or the vestments or other articles interred with the dead body, or any of them, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding two years, or in the county jail not more than six months, or by fine of not more than three hundred dollars, or both.

1026 (2985). Deadly weapons; carrying of concealed. (Laws 1888, p. 89).—Any person who carries concealed, in whole or in part any bowie-knife, dirk-knife, butcher-knife, pistol, brass or metallic knuckles, slung-shot, sword, or other deadly weapon of like kind or description, shall be guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not less than one month nor more than three months, or both.

1027. The same; not applicable to certain persons.—Any person indicted or charged for a violation of the last section may show as a defense—

(a) That he was threatened, and had good and sufficient reason to apprehend a serious attack from an enemy, and that he did so apprehend; or

(b) That he was traveling and was not a tramp, or was setting out on a journey, and was not a tramp; or

(c) That he was a peace officer or deputy in the discharge of his duties; or

(d) That he was at the time in the discharge of his duties as a mail carrier; or

(e) That he was at the time engaged in transporting valuables for an express company or bank; or

(f) That he was in lawful pursuit of a felon.

And the burden of proving either of said defenses shall be on the accused.

The "traveling or setting out on a journey" in the statute means a travel of such distance as to take one beyond the circle of his friends and acquaintances. *McGuirk v. State*, 64 Miss., 209.

The pursuit of a fugitive daughter, begun without knowing where it will lead, is "traveling on a journey." *Haywood v. State*, 66 Miss., 402.

"Threatened with an attack" does not contemplate mere denunciation, but menace such as to cause a reasonable apprehension of an attack that might properly be resisted with the deadly weapon. *Tipler v. State*, 57 Miss., 685.

Even if the accused be "threatened" and entertain the "apprehension," it will be no defense if he carried the weapon for some other reason, and for some other purpose. *McGuirk v. State*, 64 Miss., 209.

The threats must not be too remote. *McGuirk v. State*, 64 Miss., 210.

The act of 1888, amendatory of the Code, 1880, on the subject of carrying weapons concealed, was ex post facto in its application to offenses previously committed. (1) It cut off a defense, and (2) it changed, but did not mitigate, the penalty. *Lindsey v. State*, 65 Miss., 542; *Hodnett v. State*, 66 Miss., 26.

The statute makes the fact of carrying a weapon concealed criminal, regardless of intent. *Strahan v. State*, 68 Miss., 347.

1028 (2986). The same; and cartridges not sold to infant or drunk person.—It shall not be lawful for any person to sell, give, or lend to any minor or person intoxicated, knowing him to be a minor or in a state of intoxication, any deadly weapon, or other weapon the carrying of which concealed is prohibited, or pistol cartridge; and, on conviction thereof, he shall be punished by a fine not less than twenty-five dollars nor more than two hundred dollars, or imprisoned in the county jail not exceeding three months, or both.

1029 (2987). The same; father not to suffer infant son to have or carry.—Any father who shall knowingly suffer or permit any son under the age of sixteen

years to have or to own, or to carry concealed, in whole or in part, any weapon the carrying of which concealed is prohibited, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than twenty dollars nor more than two hundred dollars, or may be imprisoned not more than sixty days in the county jail, or both.

1030 (2988). The same; college students not to have, etc.—A student of any university, college, or school, who shall carry, bring, receive, own, or have on the campus, college or school grounds, or within two miles thereof, any weapon the carrying of which concealed is prohibited, or a teacher, instructor, or professor who shall knowingly suffer or permit any such weapon to be carried, or so brought, received, owned, or had by a student or pupil, shall be guilty of a misdemeanor, and, on conviction, be fined not exceeding three hundred dollars or imprisoned in the county jail not exceeding three months, or both.

1031 (2804). The same; exhibiting in rude, angry, or threatening manner, etc.—If any person, having or carrying any dirk, dirk-knife, sword, sword-cane, or any deadly weapon, or other weapon the carrying of which concealed is prohibited, shall, in the presence of three or more persons, exhibit the same in a rude, angry, or threatening manner, not in necessary self-defense, or shall in any manner unlawfully use the same in any fight or quarrel, the person so offending, upon conviction thereof, shall be fined in a sum not exceeding five hundred dollars or be imprisoned in the county jail not exceeding three months, or both. In prosecutions under this section it shall not be necessary for the affidavit or indictment to aver, nor for the state to prove on the trial, that any gun, pistol, or other fire-arm was charged, loaded, or in condition to be discharged.

The omission of the word "manner," after the words "rude, angry, and threatening," in an indictment, is a formal defect, and may be amended as such. In such indictment it is unnecessary to aver that the defendant was "carrying" the weapon. *Gamblin v. State*, 45 Miss., 658.

1032 (2769). Disturbance of family; noises and offensive conduct.—A person who willfully disturbs the peace of any family or person by an explosion of gunpowder or other explosive substance, or by loud or unusual noise, or by any tumultuous or offensive conduct, shall be punished by fine and imprisonment, or either; the fine not to exceed one hundred dollars, and the imprisonment not to exceed six months in the county jail.

What constitutes the offensive conduct, or the nature or character of the offensive conduct, should be stated in the affidavit or indictment. *Finch v. State*, 64 Miss., 461.

This section and the next one are intended to protect the peace of families. An affidavit or indictment averring the disturbance merely of an individual, charges no offense under either section. *Brooks v. State*, 67 Miss., 577.

1033 (2770). The same; using abusive, etc., language, etc.—Any person who enters the dwelling-house of another, or the yard or curtilage thereof, or upon the public highway, or any other place near such premises, and in the presence or hearing of the family of the possessor or occupant thereof, or of any member thereof, or of any female, makes use of abusive, profane, vulgar, or indecent language, or is guilty of any indecent exposure of his person at such place, shall be punished for a misdemeanor.

Place is material. An indictment charging the use of abusive language in a yard, is not sustained by proof of its use near the yard. *Quin v. State*, 65 Miss., 479.

1034 (2767). Disturbance of worship; proceedings and penalty.—If any person shall willfully disturb any congregation of persons lawfully assembled for reli-

Exhibit 159

PARKS AND PUBLIC GROUNDS, 667

mitigated by any provision of this ordinance, such provision may, by the consent of the party affected, be applied to any judgment pronounced after this ordinance takes effect.

ARTICLE 35.

PARKS AND PUBLIC GROUNDS.

Section.	Section.
1721. Parks and Public Grounds--Superintendence of.	1726. Indecent Words or Act--Fortune Telling--Gaming.
1722. Entrance and Egress.	1727. Bill Posting Forbidden.
1723. Animals Prohibited.	1728. Grass Not to be Trodden--Except.
1724. Fire-arms, Missiles, etc.--Injury to Property.	1729. Police--Arrest of Offenders.
1725. Sales--Peddling and Hawking--Prohibited.	1730. Penalty.

1721. Parks and Public Grounds—Superintendence of.]

§ 1. The commissioner of public works of the city of Peoria, shall have supervision and control of all public parks, public squares, and public grounds, in the city of Peoria, and shall appoint such park janitors as the city council may authorize, and shall keep the fences thereof in repair, the walks in order, and the trees properly trimmed, and improve the same according to the plans approved by the city council.

1722. Entrance and Egress.] § 2. No person shall enter or leave any of the public parks, public squares, or public grounds of the city of Peoria, except by their gateways; and no person shall climb, or walk upon their walls or fences.

1723. Animals Prohibited.] § 3. Neither cattle, horses, goats, swine, or other animals, shall be turned into, or allowed in any of the parks, public squares, or public grounds, of the city of Peoria, by any person.

1724. Fire Arms, Missiles, Etc.—Injury to Property.] § 4. All persons are forbidden to carry fire arms, or to throw stones, or other missiles, within any of the public parks, public squares, or public grounds, within said city. All persons

Generated on 2023-10-24 18:16 GMT / https://hdl.handle.net/2027/uiuo.ark:/13960/t5m95pm7g
Public Domain / http://www.hathitrust.org/access_use#pd

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 property, within or upon any of the public grounds heretofore mentioned.

1725. Sales, Peddling and Hawking Prohibited.] § 5. No person shall expose any article or thing for sale upon any of said public parks, public squares or public grounds; nor shall any hawking, or peddling be allowed therein.

1726. Indecent Words or Acts—Fortune Telling—Gaming.] § 6. No threatening, abusive, insulting, or indecent language shall be allowed in any part of said public grounds, whereby a breach of the peace may be occasioned. No person shall be allowed to tell fortunes, or play at any game of chance, or with any table or instrument of gaming, nor to do therein, any obscene or indecent act.

1727. Bill Posting Forbidden.] § 7. No person shall post, or otherwise affix, any bills, notice, or other paper upon any structure or thing, within any of the said public grounds, nor upon any of the gates or enclosures thereof.

1728. Grass Not to be Trodden—Except.] § 8. 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.

1729. Police—Arrest of Offender.] § 9. 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.

1730. Penalty.] § 10. Any person who shall violate any or either of the provisions, of any section, or clause of this chapter or article, 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.

Exhibit 160

ORDINANCE No. A170.

AN ORDINANCE RELATING TO PARKS AND PUBLIC SQUARES
OF THE CITY OF SPOKANE.

The City of Spokane does ordain as follows :

SECTION 1. The management and control of all public parks and public squares of the city is vested in the Park Commission.

SECTION 2. It shall be the duty of the Park Commission to keep the fences of all enclosed public grounds in repair, and also all sidewalks around said public grounds.

SECTION 3. No person shall enter or leave any of the public parks or other enclosed public grounds of the City of Spokane except by their gateway. No person shall climb or walk upon their walls or fences.

SECTION 4. Neither cattle, horses, goats, swine or other animals, except as herein provided, shall be turned into any one of said parks, public squares or public grounds by any person. All persons are forbidden to carry firearms or to throw stone or other missiles within any one of the public parks or other public grounds of the city. 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, or other constructions or property within or upon any of the said parks or public grounds.

SECTION 5. No person shall expose any article or thing for sale upon any of said parks or other public grounds, except such person shall have been previously licensed by the Park Commission, nor shall any peddling or hawking be allowed therein.

SECTION 6. No threatening, abusive, insulting or indecent language shall be allowed in any parks or public grounds of the city whereby a breach of the peace may be occasioned. No person shall be allowed to tell fortunes or to play at any game of chance at or with any table or instrument of gaming, nor to do therein any obscene or indecent act.

CITY OF SPOKANE.

317

SECTION 7. The Park Commission may direct that any of the entrances to the public park be closed at any time.

SECTION 8. No person shall post or otherwise affix any bills, notice or other paper upon any structure or thing within any park or other public grounds of the city nor upon any of the gates or enclosures thereof

SECTION 9. No person shall, without the consent of the Park Commission, play upon any musical instrument, nor shall any person take into or carry or display in said public parks any 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 evolution or movement. Nor shall any fire engine, hose cart or other machine on wheels, commonly used for the extinguishing of fire, be allowed on any part of said parks or other public grounds without the previous consent of the Park Commission, except in case of fire.

SECTION 10. No person other than employees shall light, make or use any fire in said parks or other public grounds.

SECTION 11. No person shall go upon the grass, lawn or turf of the parks or other public grounds, 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. The Park Commission shall cause printed or written copies of prohibitions of this ordinance to be posted in said parks or grounds.

SECTION 12. Any member of the city police shall have power to arrest any person who shall not desist from any violations of this ordinance when directed, and cause him to be committed for examination.

SECTION 13. Any person who shall violate any provisions of this ordinance, 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, and the costs of prosecution.

SECTION 14. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 15. This ordinance shall take effect ten days after its passage.

Passed the City Council March 11, 1892.

ORDINANCE No. A151.

AN ORDINANCE TO PROHIBIT THE PRINTING, PUBLICATION AND SALE OF OBSCENE AND IMMORAL PUBLICATIONS.

The City of Spokane does ordain as follows:

SECTION 1. No person, firm or corporation shall print or publish, sell, or offer for sale, or give away, or exhibit within the City of Spokane, any obscene, immoral or indecent publication, print, picture, illustration or paper.

SECTION 2. Any person, firm or corporation violating any provision of this ordinance shall, upon conviction thereof, be fined in any sum not less than ten dollars nor more than one hundred dollars and the costs of prosecution.

SECTION 3. All obscene, immoral and indecent prints, pictures, publications or papers, are hereby constituted and declared a nuisance, and the Chief of Police is hereby authorized at his discretion to summarily seize and abate the same, whenever found within the limits of the city.

SECTION 4. This ordinance shall take effect ten days after its passage.

Passed the City Council January 8, 1892.

Exhibit 161

plead and be impleaded, contract and be contracted with; to acquire property, and to hold, use, manage, improve, rent, lease, and sell and convey same; and may have a common seal, and alter same at pleasure.

§ 3. The corporate powers of each of said cities shall be divided into three distinct departments, viz: The legislative, the executive and the judicial; and no person, or collection of persons, being of one of said departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

Legislative Department.

§ 4. The legislative powers shall be vested in a board of councilmen, which shall be styled the "common council."

§ 5. No person shall be a councilman who, at the time of his election, is not a citizen of Kentucky, has not attained the age of twenty-four years, and who has not actually resided within the corporate limits of the city for which he is elected for two years next preceding his election, and the last year thereof in the ward for which he may be chosen, and who is not a freeholder in the city for which he is elected, or who is interested, directly or indirectly, in any contract with said city; or person holding any franchise under, or any contract with, the city; and no collector or keeper of the city funds shall be eligible unless he shall, previous to his election, have settled with the city and obtained a quietus.

§ 6. The common council shall determine as to the qualifications, elections and returns of its members, and cases of ineligibility and contested elections shall be heard and determined by the common council in such manner as shall be defined by ordinance, and the result declared by resolution, the yeas and nays to be called and entered upon the journal.

§ 7. If, after his election, any councilman shall incur any of the disqualifications enumerated in the

and the revenue therefrom shall be expended for no other purpose than that for which it is collected.

12. To prohibit and suppress all gambling houses, disorderly houses and bawdy houses, and the selling, displaying or exhibiting obscene pictures and literature.

13. To regulate, restrain or prevent the establishment or continuance in or near said city of any trade or occupation, business or manufactory offensive to the public, or dangerous to health, or in causing or producing fire; and to regulate the sale of fire-arms, and to prevent the carrying of concealed deadly weapons.

14. To regulate the storage of gunpowder, tar, pitch, rosin, saltpetre, gun cotton, coal oil, lime and other combustible, explosive or inflammable material, and the use of lights, candles, lamps, furnaces, stoves, steam pipes and other heating and lighting appliances in all sorts of buildings and places, and to regulate or suppress the use and sale of fire-crackers, fire-works and toy pistols.

15. To make all police regulations to secure and protect the general health, comfort, convenience, morals and safety of the public; and to define, declare, prevent, suppress and remove nuisances, either within the city or within one mile thereof.

16. To establish standard weights and measures to be used in the city.

§ 17. To provide for the inspection and measuring of lumber and other building materials.

§ 18. To provide for the inspection and weighing or measuring of stone, coal, wood and fuel, hay, corn and other grain, and produce of all kinds.

19. To provide for and regulate the inspection of beef, pork, flour, meal and other provisions, oil, whisky and other spirits.

20. To provide for and regulate the inspection of milk, butter, lard and other provisions; to regulate the vending of meat, poultry, fish, eggs, vegetables

Exhibit 162

CRIMES AND PUNISHMENT.

(2402) § 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.

(2403) § 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 extort money.

ARTICLE 45.—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.

(2404) § 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.

(2405) § 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.

(2406) § 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.

(2407) § 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.

(2408) § 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.

(2409) § 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 fined, 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 buildings and gatherings. (2410) § 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 persons carrying weapons. (2411) § 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 another. (2412) § 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. (2413) § 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 46.—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 impersonation. (2414) § 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.

Exhibit 163

GENERAL LAWS.

75

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.

GENERAL LAWS.

77

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,

79

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 varmints.

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.

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

GENERAL LAWS.

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 summon 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.

85

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

Exhibit 164

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.

2. WHEREAS, The control, maintenance, supervision and preservation of the public parks is by law vested in the department of public works; and

Preamble.

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 compensation.

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.

Exhibit 165

disorderly house within the limits of this city, or who shall suffer or permit any drunkenness, quarreling, fighting, unlawful games, or riotous or disorderly conduct whatever on his premises shall be guilty of an offense, and upon conviction thereof shall be liable to a fine in any sum not exceeding one hundred dollars or to be imprisoned in the city jail not exceeding one hundred days, or to both fine and imprisonment.

Intoxication.

SEC. 110. Every person found drunk or intoxicated in or upon any street, alley, highways or public place within the limits of this city is guilty of an offense, and upon conviction thereof shall be liable to a fine in any sum not exceeding one hundred dollars, or to be imprisoned in the city jail not exceeding one hundred days, or to both fine and imprisonment.

Concealed Weapons.

SEC. 111. Every person who shall wear, or carry upon his person any pistol, or other fire arm, slungshot, false-knuckles, bowieknife, dagger or any other dangerous or deadly weapon within the limits of this city is guilty of an offense, and upon conviction thereof shall be liable to a fine in any sum not exceeding twenty-five dollars, or to be imprisoned in the city jail not exceeding twenty-five days, or to both fine and imprisonment; *Provided*, That nothing in this section shall be construed to apply to any peace officer of the United States, the Territory of Utah, or of this city.

Resisting an Officer.

SEC. 112. Any person who shall attempt by means of any threat or violence, to deter or prevent any peace officer of this city from performing any of the duties imposed upon him by ordinance, order or resolution of the city council, or who shall knowingly resist, by the use of force or violence, any such officer in the performance of his duty, is guilty of an offense, and upon conviction thereof shall be liable to a fine in any sum not exceeding one hundred dollars, or to be imprisoned in the city jail not exceeding one hundred days, or to both fine and imprisonment.

Refusing to Assist Officer.

SEC. 113. Every person refusing or neglecting, when

Exhibit 166

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 have assembled for educational, literary or social purposes, or to any election precinct on any election day in said village, or into any court room during the sitting of court, or into any public assemblage of persons met for any lawful purpose, other than military drill or meetings called under the military law of the state, having on 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 on 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 his parent or guardian, he shall, upon conviction, be adjudged guilty of a misdemeanor, and fined in a sum not less than twenty-five nor more than one hundred dollars. Provided that this section shall not apply to officers or persons whose duty it is to execute warrants or suppress breaches of the peace, nor to persons traveling peaceably through said village, not a resident of said county.

SEC. 13. Every person who shall play at any game of any kind whatsoever for money or property, with dice, cards or any other devise which may be used in playing any game of chance, or in which chance is an element, or shall bet or wager on the hands, or cards or sides of such as do play in said village, shall be deemed guilty of a misdemeanor and punished by a fine of not less than ten nor more than one hundred dollars.

SEC. 14. Every person who shall either labor himself or compel or permit his apprentice or servants or any other person under his charge, or

Exhibit 167

RULES AND REGULATIONS OF THE BOARD OF
PARK COMMISSIONERS,

AS AMENDED AND IN FORCE SEPTEMBER 1ST, 1893.

1. No person shall ride or drive upon any other part of the Park than upon such roads as may be designated for such purposes. Penalty, \$5 00
2. No person shall be permitted to bring led horses within the limits of the Park, or to turn any horses, cattle, goats, swine, dogs, or other animals loose in the Park. Penalty, \$5 00
3. No person shall indulge in any threatening, abusive, insulting, or indecent language in the Park. Penalty, \$5 00
4. No person shall engage in gaming, or commit any obscene or indecent act in the Park. Penalty, \$10 00
5. No person shall go into bathe in any of the waters within the Park. Penalty, \$5 00
6. No person shall throw any dead animal or offensive matter or substance of any kind into the Brandywine, or into any spring, brook, or other water, or in any way foul any of the same, which may be within the boundaries of the Park Penalty, \$5 00
7. No person shall carry fire-arms or shoot birds or other animals within the Park, or throw stones or other missiles therein. Penalty, \$5 00
8. No person shall disturb birds, or annoy, strike, injure or kill any animal, whether wild or domesticated, within the Park. Penalty, \$5 00
9. No person shall cut, break, or in anywise injure or deface any trees, shrubs, plants, turf or rocks, or any buildings, fences, bridges, or other structures within the Park. Penalty, \$10 00
10. No person shall injure, deface, or destroy any notices, rules or regulations for the government of the Park posted or in any other manner permanently fixed, by order or permission of the Board of Park Commissioners or their officers or employees. Penalty, \$10 00

Adopted October 12, 1887.

Exhibit 168

REPORT OF YOSEMITE VALLEY COMMISSIONERS.

11

insist upon going on the trails with their road horses, animals entirely unfit for such service. They take the trails without guides and without regard to the perils of passing parties that may be met mounted on the regular trail animals, and without thought of the consequences fatal to themselves and others that may result from their own lack of judgment and the inexperience of their animals. During the last season the committee has to report two accidents on the Glacier Point trail from these causes. In one, a road horse, ridden by a lady, went over the cliff, carrying with it the rider, who, fortunately, was caught by a tree top and saved from death. In the other, a horse unaccustomed to packing, but used to carrying a camper's lunch up the same trail, went over and was never seen nor heard of afterward. Your committee need not dwell upon the melancholy consequences, if at the occurrence of either accident, when the bodies of the animals went rolling and bouncing down the cliff, loosening stones and dirt, there had been a mounted party below, with the resulting scare and stampede which such a sight would cause even amongst the regular trail animals. Other visitors, who take the trail on foot, were found to practice leaving the path and cutting across the zigzags, thereby loosening stones and starting avalanches. In other cases it was perfectly evident that they had willfully removed the stones of the retaining walls of the trail to use in rolling down the cliff, across walls and parapets, and knocking them out of place, endangering the trail, destroying its defensive walls, and creating risks for others, and even for themselves.

These several acts attracted not only the attention of your committee, but were observed by others, and widely and correctly reported, and as a result we received the following communication from the Sierra Club, an organization devoted to acquiring and spreading knowledge of our mountains, to the preservation of forests and natural scenery, all public objects of high importance:

MARCH 9, 1894.

To the Yosemite Commission, etc.:

The following named members of the Sierra Club have been appointed a committee to consider certain reports relating to the injury and defacement of natural objects in the Yosemite Valley, and to recommend such measures as may be found to be practicable and advisable to prevent such injuries in the future: Prof. George Davidson, Judge M. H. Myrick, Thomas Magee, James Runcie, Elliott McAllister.

The committee has received statements setting forth the details of acts of vandalism by visitors to the Valley, which, in the absence of any system of patrol and supervision, may be repeated at any time. The committee is prepared to submit these statements to the Commission and will be glad to be advised if it will be convenient for the Commissioners to confer with them with a view to taking such measures as will secure the Valley from such injuries at the hands of visitors during the coming season.

For the committee.

J. E. RUNCIE,
Secretary, 317 Powell Street.

In response to this invitation members of your committee met the representatives of the club and thoroughly canvassed the interests and affairs of the Valley and Big Tree Grove. The consultation developed an active sympathy on the part of the club with this Commission and its work. We submitted to the club the following proposed code of rules and discipline, aimed at correcting the abuses above named:

Rules and Regulations for the Convenience and Safety of Campers and Tourists and the Preservation of the Valley.

I. All campers must report to the Guardian upon entering the Valley, and before pitching camp, and will occupy such location as he may assign them, and no other.

II. Campers will deposit all firearms, unloaded, with the Guardian, taking receipt therefor, and the same will be returned when the owners leave the Valley.

REPORT OF YOSEMITE VALLEY COMMISSIONERS.

III. Persons using the trails in the Valley will not be permitted to take thereon their road or wagon horses, either packed or under the saddle.

IV. Persons using the trails on foot are forbidden to leave the trail by cutting across zigzags, and are forbidden to disturb the trail walls or to roll stones down the cliff.

V. The painting or carving of names, dates, devices, or other marks on trees, rocks, buildings, bridges, or any other thing in the Valley, is prohibited.

VI. Each camping party will notify the Guardian of the time of intended departure from the Valley, and will remove from its camping place all papers, cans, and litter, and leave the ground in a clean condition satisfactory to the Guardian.

VII. All camp fires and other fires must be kept under control of persons using them, and be so effectually guarded as to prevent conflagration of the grasses, plants, underbrush, and timber.

The club, through its committee, after careful consideration, submitted the following conclusions:

MAY 5, 1894.

To the Secretary of the Board of Yosemite Commissioners, San Francisco, California:

SIR: The committee of members appointed by the Sierra Club to confer with the Executive Committee of the Yosemite Commissioners, with a view to securing such action as will prevent or punish vandalism in the Valley, having met the Executive Committee and been asked by them to consider certain rules and regulations to be proposed by them, are of the opinion that such of those rules as tend to the prevention of vandalism are reasonable, judicious, and well calculated to accomplish their object, and therefore deserving the cordial support of the Sierra Club.

But the existing rules for the government of the visitors to the Valley, particularly campers, as well as the additions proposed, however judicious and comprehensive, will not be self-operative, and will fail of their purpose unless some provision be made for enforcing them and punishing those who violate them. The extent of the Valley and the burden of his other duties make it impossible for the Guardian alone to do this.

This committee therefore respectfully recommend to the consideration of the Board the employment, during the open season, of two or more competent men (who shall have no other employment) to serve as a patrol, furnishing their own arms and mounts, and responsible to the Guardian, under whose orders they would be placed. To this force the Guardian could intrust the duty of receiving campers on their arrival in the Valley, the charge of their arms, the inspection of their camps, and, in general, the immediate enforcement of the police regulations. All trails and roads within the limits of the grant could be patrolled by such a force at short intervals, securing prompt reports of accidental damages and of depredations. The discharge of such duties as the Commissioners might devolve on these patrolmen would probably be facilitated by clothing them with the powers of peace officers, and this would doubtless be readily done by the authorities of the county of Mariposa. The employment of such a force as that recommended would probably reduce to a minimum the acts of vandalism which it has been hitherto found impossible to prevent or to punish. For such hardy offenders as might still be found transgressing, prompt arrest by the patrol and punishment at the hands of the nearest magistrate would generally be assured. And this leads the committee to make the additional suggestion to the Commissioners, that it is highly desirable to secure the presence of a resident magistrate in the Valley, at least during the open season, before whom such offenders as may be apprehended could be promptly arraigned, without adding greatly to the expense of the county and without increasing unduly, by delays and long journeys, the penalties incurred by offenders. In every effort which the Commissioners may make to these ends the committee believes that the cordial support and assistance of the Sierra Club will be given.

The Board of Commissioners have wisely kept in view, in the regulations made by them, and in the improvements and conveniences which they have introduced and maintained in the Valley, the large increase in the number of visitors which will inevitably follow on the filling up of the country and the improvement of the means of travel, and this committee respectfully urges upon the Board that the same consideration favors the establishment, at the earliest day possible, of such regulations as those referred to, and of such provisions for enforcing them as have been suggested—things at present comparatively easy of accomplishment, but which will become more and more difficult of introduction as the volume of travel increases and the custom of license or, at least, lack of restraint grows stronger with time.

This committee desires to express its hearty appreciation of the cordiality with which its oral suggestions made at a recent conference were received by a committee of the Yosemite Commissioners.

Very respectfully,

(Signed:)

GEORGE DAVIDSON.
M. H. MYRICK.
JAMES RUNCIE, per M.
THOS. MAGEE.
ELLIOTT McALLISTER.

IX.

The Guardian shall, upon complaint of any tourist or visitor, of the conduct or behavior of a guide, inquire into the cause, and advise the complainant of the result, enforcing Rule V if necessary.

X.

The Guardian is empowered to suspend a guide from his privilege during the investigation of charges preferred against said guide. If the guide be found in fault, he shall be dismissed, in accordance with Rule V.

XI.

The Guardian shall inspect all horses, their trappings, and all vehicles used for hire; and if any such horses, trappings, or vehicles shall by him be deemed unsuitable or unsafe, he shall cause the same to be removed at once from the Valley or Grove.

XII.

Any person offering for hire, or otherwise, any horse, trapping, or vehicle, or refusing or neglecting to remove the same from the grant after the Guardian shall have condemned the same, shall forfeit his privilege to reside or transact business within the grant.

XIII.

The Guardian shall direct campers to the grounds set apart for their use while within the grant, and shall establish such rules as will contribute to their comfort.

XIV.

No camp fires shall be permitted within the grant of either Valley or Grove without the express permission of the Guardian.

XV.

The Guardian shall promptly cause the arrest of any person violating Rule XIV, and prosecute the offender to the full extent of the law, under Section 6 of the Act of April 2, 1866, as found elsewhere in this book.

XVI.

No trees shall be cut or injured, or any natural object defaced.

XVII.

The discharge of firearms, either in the Valley or Grove, is strictly prohibited.

Exhibit 169

THE REVISED ORDINANCES, *etc.*

—OF THE—

CITY OF HUNTSVILLE, MISSOURI,
OF 1894.

COLLATED, REVISED, PRINTED AND PUBLISHED BY
AUTHORITY OF THE MAYOR AND BOARD OF
ALDERMEN OF THE CITY OF HUNTSVILLE,
MISSOURI, UNDER AN ORDINANCE OF
THE SAID CITY, ENTITLED:

“AN ORDINANCE IN RELATION TO ORDINANCES, AND
THE PUBLICATION THEREOF.” APPROVED ON
THE 11TH DAY OF JUNE, 1894.

HERALD PRINT.
HUNTSVILLE, MISSOURI:
1894.

CC
Huntsville M
3
1894

43-612

AN ORDINANCE IN RELATION TO BUTCHERS.

Be it ordained by the Board of Aldermen of the City of Huntsville, Missouri, as follows:

SECTION 1. No person shall carry on the business of a butcher within the city without taking out license therefor, and no person shall be permitted, under such license, to sell or dispose of meats at more than one place or stand within the city.

SECTION 2. For the purposes of this ordinance a butcher is defined to be any person engaged in selling or disposing of fresh meats for food in quantities less than one quarter

SECTION 3. Nothing herein contained shall be so construed as to prevent any grocer, at his place of business, from selling game, poultry or cured meats.

SECTION 4. This ordinance shall take effect and be in force from and after its passage, approval and publication, and any person violating any provision of said ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine in any sum not exceeding one hundred dollars.

S. G. RICHESON,
Pres. of the Board of Aldermen.

Approved July 17, 1894.

Attest:

S. G. RICHESON, Mayor.

J. A. HEETHER, Clerk.

—o—

AN ORDINANCE IN RELATION TO CARRYING DEADLY WEAPONS.

Be it ordained by the Board of Aldermen of the City of Huntsville, Missouri, as follows:

SECTION 1. If within the city 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 militia law of the state, having upon or about his person any kind of fire-arms, bowie-knife, dirk, dagger, sling-shot, or other deadly weap-

FIRE-ARMS.

on, 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, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than five nor more than one hundred dollars, or by imprisonment in the city prison not exceeding thirty days nor less than five days or by both such fine and imprisonment; provided, the Mayor may grant permission to any person to discharge gun, pistol or other fire-arms under proper circumstances shown to him.

SECTION 2. The next preceding section shall not apply to police officers, nor to any officer or person whose duty it is to execute process or warrants, or to suppress breaches of the peace, or to make arrests, nor to persons moving or traveling peaceably through this state; and it shall be good defense to the charge of carrying such weapon, if the defendant shall show that he has been threatened with great bodily harm, or had good reason to carry the same in the necessary defense of his home, person or property.

SECTION 3. This ordinance shall take effect and be in force from and after its passage, approval and publication.

S. G. RICHESON,
Pres. of the Board of Aldermen.

Approved July 17, 1894.

Attest:

S. G. RICHESON, Mayor.

J. A. HEETHER. Clerk.

—o—

AN ORDINANCE IN RELATION TO THE USE OF FIRE-ARMS.
Be it ordained by the Board of Aldermen of the City of Huntsville, Missouri, as follows:

SECTION 1. It shall be unlawful for any person to discharge or fire off any gun, pistol or other fire-arm or other explosive within the city limits, unless by written permission of the Mayor.

SECTION 2. Nothing in the preceding section shall be construed as applying to officers in the discharge of their duties, licensed shooting galleries, or military funerals.

SECTION 3. Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine in any sum not exceeding one hundred dollars.

THE REVISED ORDINANCES.

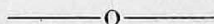
SECTION 4. This ordinance shall take effect and be in force from and after its passage, approval and publication.

S. G. RICHESON,
Pres. of the Board of Aldermen.

Approved July 17, 1894.

Attest:
J. A. HEETHER, Clerk.

S. G. RICHESON, Mayor.



AN ORDINANCE IN RELATION TO DISTURBANCES OF THE PEACE.

Be it ordained by the Board of Aldermen of the City of Huntsville, Missouri, as follows:

SECTION 1. If any person or persons within the city shall wilfully disturb the peace of any neighborhood, or any family or of any person by loud and offensive or indecent conversation, or by threatening, quarreling, challenging or fighting, every person so offending shall upon conviction, be adjudged guilty of a misdemeanor and punished by a fine in any sum not exceeding one hundred dollars, or by imprisonment in the city prison not exceeding thirty days.

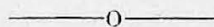
SECTION 2. This ordinance shall take effect and be in force from and after its passage, approval and publication.

S. G. RICHESON,
Pres. of the Board of Aldermen

Approved July 17, 1894

Attest:
J. A. HEETHER, Clerk.

S. G. RICHESON, Mayor.



AN ORDINANCE IN RELATION TO ASSAULTS AND BATTERIES.

Be it ordained by the Board of Aldermen of the City of Huntsville, Missouri, as follows:

SECTION 1. Any person who shall within the city assault or beat or wound another, under such circumstances as not to constitute any felonious assault, shall upon conviction be deemed guilty of a misde-

Exhibit 170

TOWN ORDINANCE NO. 21.

An Ordinance regulating and prohibiting the carrying of deadly weapons:

Be it ordained by the Board of Trustees of the town of Blackwell:

SECTION 1:—It shall be unlawful for any person within the corporate limits of the town of Blackwell to carry concealed on or about his person, saddle, or saddle bags, any pistol, revolver, boule knife, dirk, dagger, slung shot, billy, metal knucks, sand bag, or any other kind of knife or instrument manufactured or sold for the purpose of defense except as in this ordinance provided.

SECTION 2:—It shall be unlawful for any person in the corporate limits of the town of Blackwell to carry upon or about his person any pistol, revolver, boule knife, dirk, knife, loaded cane, billy, metal knuckles, or any other offensive or defensive weapon except as in this ordinance provided.

SECTION 3:—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 ordinance as though he were a private person.

SECTION 4:—Persons shall be permitted to carry shotguns 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 traveling or moving from one place to another, and not otherwise.

SECTION 5:—It shall be unlawful for any person to point any pistol, revolver, shot gun or rifle, whether loaded or not, at any other person or persons either in anger or otherwise.

SECTION 6:—Any person violating the provisions of any of the foregoing sections, shall upon conviction, be adjudged guilty of a misdemeanor and be punished by a fine of not less than five dollars and costs, nor more than ten dollars and costs, and shall be committed until said fine and costs are paid.

SECTION 7:—This ordinance shall be in full force and effect ten days after its publication in the K County Democrat.

Passed August 20, 1894.

JAMES H. MAY, President.

ALVIN BUCK, W. HENRY, Trustees.

DR. J. M. JONES, Deputy Town Clerk.

(First published in the K County Democrat
City, August 30, 1894.)

Exhibit 171

return, they shall be deemed guilty of vagrancy, and the city marshal shall forthwith arrest such person and upon conviction they shall be fined in any sum not exceeding Fifty (\$50.00) Dollars.

SECTION 6. Every person who shall, within the corporate limits of the city of Scandia, carry or have upon their person any concealed pistol, revolver, bowie-knife, dirk, sling-shot, billy, knuckles or other deadly weapon, shall upon conviction be fined in any sum not less than Two (\$2.00) Dollars, nor more than Fifty (\$50.00) Dollars. Provided:—That any person engaged in a lawful occupation and of good moral character, may, by the mayor, be granted a permit to carry such concealed weapons.

SECTION 7. Every person who shall, within the corporate limits of the city of Scandia, com-

alleys
ed, or
be en
Dolla
sum o
Every
claim
so cla
same
cash.
of tak
balan
the us
be fou
becom
SEC

Exhibit 172

GENERAL
ORDINANCES

AND

PRIVATE ORDINANCES OF A
PUBLIC NATURE

OF

THE CITY OF ST. PAUL

RAMSEY COUNTY, MINNESOTA.

UP TO AND INCLUDING DECEMBER 31ST, 1895.

COMPILED BY

JOHN A. GILTINAN, ESQ.,

MEMBER OF THE ST. PAUL BAR

UNDER THE SUPERVISION OF

EDWARD J. DARRAGH, ESQ., CORPORATION ATTORNEY.

PUBLISHED BY AUTHORITY OF
THE COMMON COUNCIL.

§ 680

PARKS.

[Art. LII.

ARTICLE LII.

PARKS.

§ 680. Rules and regulations for management and protection of parks.

The board of park commissioners of the City of St. Paul having adopted certain rules and regulations for the management and protection of the parks of the City of St. Paul, as provided by the charter, for the purpose of fixing a penalty for the violation of said rules, the common council of the City of St. Paul do ordain as follows:

First—No person shall drive or ride in any public park or grounds in the City of St. Paul at a rate of speed exceeding seven (7) miles per hour.

Second—No person shall ride or drive upon any other part of any park than the avenues and roads.

Third—No coach or vehicle used for hire shall stand upon any part of any park, for the purpose of hire, unless specially licensed by the board of park commissioners.

Fourth—No person shall engage in any threatening, abusive, insulting, indecent language in any park.

Fifth—No person or persons shall engage in any gaming, nor commit any indecent or obscene act in any park.

Sixth—No person shall carry firearms or shoot birds in any park, or within fifty (50) yards thereof, or throw stones or other missiles therein.

Seventh—No person shall throw any dead animal or offensive matter or substance of any kind into any park or into any lake, stream, pool or pond within the limits of any park.

Eighth—No person shall disturb the fish or water fowl in any lake, stream, pool or pond in any part of any park, or annoy, strike, injure, maim, or kill any birds or other animals kept by or under the direction of the board of park commissioners, either running at large or confined in any close or cage, nor discharge any fireworks within any park.

Ninth—No person shall affix any bills or notices in any park.

Tenth—No person shall bathe in any lake, stream, pool or pond within the limits of any park.

Eleventh—No person shall cut, break or in anywise injure or deface the trees, shrubs, plants, flowers, turf, or any of the buildings, structures, fences, seats, benches, or statuary, or in any way foul or pollute any fountain, lake, stream, pool, pond, well, or spring within any park.

Twelfth—No person shall turn cattle, goats, swine, horses, dogs or any other animal loose in any park, nor shall any animals be permitted to run at large therein, unless by authority of the board of park commissioners.

Thirteenth—No person shall ride or drive any bicycle or other vehicle in or on any of the walks, paths, or grass plots, except in the avenues or roadways of any park.

(208)

Art. LII.]

PARKS.

§§ 680-681

Fourteenth—No person shall walk on or over flower beds in any park, or on or over any grass plot which may be designated by any fence or sign as not open to the public.

Fifteenth—No person shall use any park for business purposes, or for any transportation of farm or other products, dirt or any like material, or for the passage of any teams employed for such purposes, except by permission of the board of park commissioners.

Sixteenth—No person shall injure, deface or destroy any notices, rules or regulations for the government of any park which are posted or affixed by order or permission of the board of park commissioners within the limits of any park.

(Ord. 1767, June 19, 1894, § 1.)

§ 681. Penalty.

Any person or persons violating any of the provisions of this ordinance or any of the rules established by the board of park commissioners of the City of St. Paul for the orderly management and protection of the parks of the City of St. Paul shall be fined for each offense not less than five (5) nor more than one hundred dollars (\$100), or shall be punished by imprisonment for not less than five (5) nor more than eight-five (85) days.

(Id. § 2.)

Exhibit 173



On motion, an ordinance to prevent the carrying weapons within the corporate limits of the town of Lake Charles, was read twice and adopted, as follows :

Section 1st. Be it ordained by the board of Aldermen of the town of Lake Charles, that whoever shall carry a weapon or weapons upon his person, within the corporate limits of said town, such as Bowie knives, pistols, revolvers, dirks, brass-knuckles, slung-shots, or any other dangerous weapon or weapons, shall be fined not less than five dollars, and in default of payment of fine with all costs, he shall be imprisoned, in the parish jail, not less than twenty-four hours, and for a second offence the fine shall be double.

an
ch
sa
an
an
to
20
Af
do
sa
Co
the
As
Co
fir
the
ed
for
in

Exhibit 174

Exhibit 175

REVISED ORDINANCES

OF THE

CITY OF CANTON

ILLINOIS.

REVISED 1894-1895

BY

B. M. CHIPERFIELD, *City Attorney.*

PUBLISHED BY AUTHORITY OF THE CITY COUNCIL.

CANTON, ILL. :
DAILY REGISTER PRESS :
1895.

advertise, by outcry or by the ringing of any bell or the blowing of any horn or the beating of any drum, his, her or their business, or any sale or sales at auction or otherwise. Any person violating any of the provisions of this section shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

SEC. 20. *Sales on streets prohibited.* No person shall be allowed to sell at auction or public outcry, nor to erect or occupy a stand of any kind for the purpose of making sales, upon any of the streets, alleys, avenues, sidewalks, crossings or other public places in said city, nor shall any person be permitted to sell from any carriage, buggy or other vehicle, upon any of the streets, alleys, avenues, sidewalks, crossing, or other public place in said city, except as hereinafter provided, under a penalty of ten dollars for each offense.

SEC. 21. *Construction of foregoing section.* The foregoing section shall not be so construed as to apply to any person or persons coming into the city from the country with teams or otherwise with any produce for market raised by themselves, or to any person selling vegetables, berries, fruit, milk or other farm produce of their own production ; nor shall the same be so construed as to make it a penal offense to peddle newspapers, nor to apply to judicial sales ; Provided, that farmers or others selling under the provisions of this section shall not occupy a stand upon any sidewalk, alley or crossing, nor within a space of ten feet of any such sidewalk or crossing upon any street or public square, nor shall they allow their stand, wagon or other vehicle from which they may be selling to remain in front of any person's place of business without the consent of the occupant of such place of business, nor so as to obstruct the convenient travel of the street.

SEC. 22. *Telephone and telegraph poles.* No person or corporation shall set or cause to be set any telegraph, telephone or other poles upon any street or alley within the City of Canton, or string or hang any wire along or across any street or alley, unless authorized so to do by the City Council, under a penalty of ten dollars for each offense.

SEC. 23. *Public Parks shall be known by their respective names.* The several Public Parks, Squares and grounds in the City of Canton shall be known and designated by the names applied thereto respectively on the map of the City of Canton, that may be designated by ordinance.

SEC. 24. *Care of parks.* It shall be the duty of the Committee on Parks and Public Buildings of the City Council to superintend all 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. The said committee shall likewise cause printed or written copies of prohibitions of this article to be posted in the said Parks or Grounds.

SEC. 25. *Regulations of Parks.* No person shall enter or leave any of Public Parks of the City of Canton except by their gateways; no person shall climb or walk, sit or stand upon the walls or fences thereof.

SEC. 26. *Depredations not to be committed in Parks.* Neither cattle, horses, goats, swine or animals, except as herein specified shall be turned into any one of the said Parks by any person. All persons are forbidden to carry firearms or to throw stones or other missiles within any one of these 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 or other structure, or property within or upon any of the said Parks.

SEC. 27. *Bills are not to be posted in Parks.* No person shall post or otherwise use or affix any bills, notice or other paper upon any structure or thing within either of said Parks nor upon any of the gates nor enclosures thereof.

SEC. 28. *Persons in Parks must keep off the grass.* 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. Any member of the city police shall have the power to arrest any person who shall not desist from any vio-

Exhibit 176

- 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.**
- All boats, carriages, railroad cars, and vehicles running for hire to be licensed.** 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.
- SEC. 48. No person shall place or deposit or allow to be placed or keep or deposit on any part of said boulevard any

Exhibit 177

THE GREAT MIDSUMMER CLEARANCE SALE

OF THE JOINER DRY GOODS COMPANY.

Continues. People are coming from all parts of the county to attend this great sale, and all have expressed themselves as being delighted with our LOW PRICES. We still have about 500 pair of Sample Shoes on our job counters that we are closing out at prices that will never be heard of again on Shoes. We have no boxes for this lot of Shoes, so we have put the prices remarkable low, in order to run them out before they become soiled. Don't fail to examine these goods, and take advantage of the rare bargains we are offering. Everything in Summer Goods will be slaughtered, to make room for a fall stock.

THE DEMOCRAT.

Lawrenceburg, Tenn.,
City of Lawrenceburg,
PUBLISHED WEEKLY.
FRIDAY, JULY 26, 1895.
TERMS: \$1.00 PER ANNUM IN ADVANCE.
SINGLE COPIES, 5 CENTS.

THE DEMOCRAT.
Lawrenceburg, Tenn.,
City of Lawrenceburg,
PUBLISHED WEEKLY.
FRIDAY, JULY 26, 1895.
TERMS: \$1.00 PER ANNUM IN ADVANCE.
SINGLE COPIES, 5 CENTS.

Continues. People are coming from all parts of the county to attend this great sale, and all have expressed themselves as being delighted with our LOW PRICES. We still have about 500 pair of Sample Shoes on our job counters that we are closing out at prices that will never be heard of again on Shoes. We have no boxes for this lot of Shoes, so we have put the prices remarkable low, in order to run them out before they become soiled. Don't fail to examine these goods, and take advantage of the rare bargains we are offering. Everything in Summer Goods will be slaughtered, to make room for a fall stock.

Continues. People are coming from all parts of the county to attend this great sale, and all have expressed themselves as being delighted with our LOW PRICES. We still have about 500 pair of Sample Shoes on our job counters that we are closing out at prices that will never be heard of again on Shoes. We have no boxes for this lot of Shoes, so we have put the prices remarkable low, in order to run them out before they become soiled. Don't fail to examine these goods, and take advantage of the rare bargains we are offering. Everything in Summer Goods will be slaughtered, to make room for a fall stock.

**IF YOU WANT YOUR
GLASS, SASH, DOORS,
LOOKS AFFITTING,
Hardware & Groceries
GO TO I. O. HARVEY
Lawrenceburg - Tenn.**

**PURE
ARM AND HAMMER SODA**
in packages.

QUAKER CITY BAKING POWDER

**WHAT YOUR
THUMB TELLS**

In Poor Health
Browitts
Iron Bitters
It Cures
Dr. Miles' Heart Cure
Barber Shop
JNO. PHILLIPS PROP.

more than twenty-five dollars with
 all cost.
 Sec. 18. Be it further ordained.
 That it shall be unlawful for any
 person to carry about their person
 any pistol, bouie knife, sling shot,
 brass knucks, dirk, sword, loaded
 cane, stiletto, razor or other dead-
 ly wapon in this Corporation, and
 it is hereby made the duty of the
 City Marshal or other officer who

Corpora
 city or u
 have the
 upon th
 lanes, al
 such bu
 terial ne
 ing fina
 Provide
 or mate
 pede the

ion
a
the
ny
son
ion
less
lars
ned
e a
nal
rot
of
ny

sees or knows of any person carry-
ing such deadly weapons to imme-
diately arrest every such person
that they may be dealt with accord-
ing to the provisions of this act,
and any person found guilty of
carrying any of the aboved named
weapons or any other deadly
weapon shall be fined not less than
ten nor more than fifty dollars
with all cost. Provided that this
Section shall not apply to Marshals
of Sheriffs or other officer while on
duty

in
w
w
su
th
sa
su

Exhibit 178

- Section 4821. *Payment in installments.*
4822. *Delinquent tax. Penalty.*
4823. *Tax lien.*
4824. *Satisfaction of lien.*
4825. *Separate funds for district.*
4826. *Special improvement warrants.*
4827. *City engineer must prepare plats.*
4828. *Limitation.*
4829. *Council may order sewer connections.*
4830. *Correction of errors.*
4831. *Injurious smoke may be abated.*
4832. *Petition for abatement.*
4833. *Contract.*
4834. *Bonds.*
4835. *Election.*
4836. *Notice of election.*
4837. *Character of bonds.*
4838. *Sale of bonds.*
4839. *Payment of bonds.*
4840. *Modification of contract.*
4841. *Provisions concerning election.*

Sec. 4800. The city or town council has power :

1. To make and pass all by-laws, ordinances, orders and resolutions not repugnant to the Constitution of the United States, or of the State of Montana, or the provisions of this Title, necessary for the government and management of the affairs of a city or town, for the execution of the powers vested in the body corporate, and for carrying into effect the provisions of this Title.

2. To levy and collect taxes for general and special purposes on all property within the town or city subject to taxation under the laws of the State.

3. To license all industries, pursuits, professions, and occupations for which, under the State law, a license is required, but the amount to be paid for such license must not exceed the sum required by the State law.

4. To fix the amount, terms, and manner of issuing and revoking licenses, subject to the State law, but the council may refuse to issue a license when it is best for the public interest.

5. To build or hire all necessary buildings for the use of the city or town, and to heat and light the same.

6. To lay out, establish, open, alter, widen, extend, grade, pave or otherwise improve streets, alleys, avenues, sidewalks, parks and public grounds, and vacate the same.

7. To provide for lighting and cleaning the streets, alleys, avenues ; to regulate the use of sidewalks, and to require the owners of the premises adjoining to keep the same free from snow or other obstruction, to regulate the depositing of ashes, garbage or other offensive matter, in any street, alley, or on public grounds or on any premises.

8. To provide for and regulate street crossings, curbs and gutters; to regulate and prevent the use or obstruction of streets, sidewalks and public grounds, by signs, poles, wires, posting hand bills or advertisements, or any obstruction.

9. To regulate and prohibit traffic and sales upon the streets, sidewalks and public grounds.

10. To regulate or prohibit the fast driving of horses, animals or vehicles within the city or town.

11. To regulate and control the laying of railroad tracks, and prohibit the use of engines and locomotives propelled by steam or otherwise, or to regulate the speed thereof when used.

12. To require the lighting of any railroad track or route within a city or town, the cars of which are propelled by steam or otherwise, and fix and determine the number, style and size of the lamp posts, burners, lamps, and all other fixtures and apparatus necessary for such lighting, and the points of location of the lamp posts, and in case the owner of such railroad fails to comply with such requirements, the council may cause the same to be done, and may assess

50. To regulate partition fences and party walls.
 51. To prescribe the thickness, strength, and manner of constructing stone, brick and other buildings, and to order the construction of fire escapes thereon.
 52. To use the county jail for the confinement or punishment of offenders, subject to such conditions as are imposed by law, and with the consent of the Board of County Commissioners.
 53. To erect and organize a work house in or near a city or town; and any person who fails or neglects to pay any fine or costs imposed on him by any ordinance may be committed to the work house until such fine is paid.
 54. To license and regulate hackney carriages, carts, omnibuses, wagons and drays, and to fix the rate to be charged for the carriage of persons and of property within the city or town, and to the public works and property without the limits of the city or town.
 55. To regulate, restrain or prevent the carrying on of manufactories dangerous in causing or producing fires, and to prevent and suppress the sale of firearms and carrying of concealed weapons.
 56. To establish standard weights and measures to be used in the city, and to appoint a sealer of standard weights and measures, who has exclusive jurisdiction within the city or town.
 57. To provide for the inspection and measuring of lumber and other building material.
 58. To make regulations authorizing the police of the city or town to make arrests of persons charged with crime without the limits of the city or town and within five miles thereof.
 59. To provide for the planting of trees and the protection of the same.
 60. To require from an officer at any time a report in detail of the transactions in his office or any matter connected therewith.
 61. To regulate the sales of poisons, and to punish any person for selling or using opium or any preparation thereof, or having the same or any implement to be used in smoking it in his possession, or for keeping, maintaining, visiting, or contributing to the support of a room or place where the same is smoked or used. Druggists may sell opium or any preparation thereof, subject to the general laws of the State in relation thereto.
 62. To sell, dispose of, or lease any property belonging to a city or town not held in trust for a specific purpose, and such transfer must be made by ordinance or resolution passed by a two-thirds' vote of all the members of the council.
 63. To make any and all contracts necessary to carry into effect the powers granted by this Title, and to provide for the manner of executing the same.
 64. To contract an indebtedness on behalf of the city or town upon the credit thereof, by borrowing money or issuing bonds for the following purposes, to-wit: Erecting public buildings, sewers, bridges, water works, supplying the city or town with water by contract, the purchase of fire apparatus, the construction or purchase of canals or ditches for supplying the city or town with water. The total amount of indebtedness authorized to be contracted in any form must not at any time exceed three per centum of the total assessed valuation of the taxable property of the city or town, as ascertained by the last assessment for State and county taxes. No money must be borrowed or bonds issued for any of the purposes mentioned in this clause until the proposition has first been submitted to a vote of the qualified electors of the city or town, and a majority vote cast in favor thereof.
- (That all cities or towns incorporated under the laws of Montana, in addition to other powers conferred upon them, are hereby authorized to contract an indebtedness on behalf of a city or town, upon the credit thereof, by borrowing money or issuing bonds for the following purposes, to-wit: Erection of public buildings, construction of sewers, bridges, water works, lighting plants, supply-

Exhibit 179

An Ordinance prohibiting the carrying of concealed weapon and fixing the punishment therefor.

Be it ordained by the mayor and councilmen of the city of Perry.

SECTION 1. It shall be unlawful for any person in the city of Perry to carry concealed on or about his person, saddle or saddlebags, any pistol, revolver, bowie knife, dirk, dagger, razor, shagshot, sword, cane, spear, metal knuckles or any other kind of knife or instrument manufactured or sold for the purpose of defense except in this ordinance provided.

SEC. 2. It shall be unlawful for any person in the corporate limits of the city of Perry 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.

SEC. 3. It shall be unlawful for any person within the corporate limits of the city of Perry, to sell or give to any person, any of the arms or weapons designated in sections one and two of this article.

SEC. 4. Public officers while in the discharge of their official 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 ordinance as though he were a private person.

SEC. 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 them in public muster or military drills or while traveling or removing from one place to another, and not otherwise.

SEC. 6. 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.

SEC. 7. Any person violating the provisions of any one of the foregoing sections, shall, upon conviction be fined in not less than Twenty Five Dollars and not more than Fifty Dollars, or imprisonment not more than 90 days or both.

SEC. 8. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SEC. 9 This ordinance shall take effect and be in force from and after its passage approved and publication.

Approved this 23 day of Jan. 1895.

(ATTEST) W. A. STONE, Mayor.
(SEAL)

G. W. PURSELL, City Clerk.

BUSINESS LOCALS.

1 ROB BONTA
Attorney General of California
2 R. MATTHEW WISE
MARK R. BECKINGTON
3 Supervising Deputy Attorneys General
TODD GRABARSKY
4 JANE REILLEY
LISA PLANK
5 ROBERT L. MEYERHOFF
Deputy Attorneys General
6 State Bar No. 298196
300 South Spring Street, Suite 1702
7 Los Angeles, CA 90013-1230
Telephone: (213) 269-6177
8 Fax: (916) 731-2144
E-mail: Robert.Meyerhoff@doj.ca.gov
9 *Attorneys for Rob Bonta, in his Official Capacity as
Attorney General of the State of California*

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12
13
14 **RENO MAY, et al.,**
15 Plaintiffs,
16 v.
17 **ROBERT BONTA, in his official**
18 **capacity as Attorney General of the**
State of California, and Does 1-10,
19 Defendants.

Case Nos. 8:23-cv-01696 CJC (ADSx)
8:23-cv-01798 CJC (ADSx)

**COMPENDIUM OF HISTORICAL
LAWS AND TREATISES CITED
IN DEFENDANT’S OPPOSITION
TO PLAINTIFFS’ MOTION FOR
PRELIMINARY INJUNCTION
AND SUPPORTING
DECLARATIONS**

VOLUME 4 OF 4

Date: December 20, 2023
Time: 1:30 p.m.
Courtroom: 9B
Judge: Hon. Cormac J. Carney

20
21
22
23 **MARCO ANTONIO CARRALERO, et al.,**
24 Plaintiffs,
25 v.
26 **ROB BONTA, in his official capacity as**
27 **Attorney General of California,**
28 Defendant.

Exhibit 180

An Ordinance.
MISDEMEANORS.

Be it enacted by the Board of Trustees of the Town of Rocheport as follows:

SECTION 1. DISTURBING THE PEACE. Every person who shall willfully disturb the peace of any other person or persons, by loud and unusual noise, loud and offensive or indecent conversation, or by using any profane or offensive language calculated to provoke a disturbance of the peace, or by threatening, quarreling, challenging, or fighting, shall be deemed guilty of a misdemeanor and, upon conviction, fined not less than five dollars.

Sec. 2. CONCEALED WEAPONS. If any person shall carry concealed upon or about his person any deadly or dangerous weapon, or shall go into any court room during the sitting of the court, or into any public assemblage of persons met for a lawful purpose, having upon or about his person any kind of fire arms, bowie knife, dirk, dagger, slunk-shot, or other deadly weapon, or shall, in the presence of one or more persons, exhibit any such weapon in a rude, angry and 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 be deemed guilty of a misdemeanor and punished by a fine not less than ten dollars nor more than twenty-five dollars.

Sec. 3. **HARRIS PROHIBITION.** Any person who shall play at any game for money or property with cards, dice, or any other device, which may be adapted to or used in playing any game of chance, or shall bet or wager on the hands, or cards, or sides of such as do play as aforesaid, shall be deemed guilty of a misdemeanor and, on conviction, be fined not less than five dollars.

Sec. 4. **IRRESPECTIVE RIDING AND DRIVING.** If any person shall unnecessarily ride or drive any horse or other animal upon or through any street or alley at a greater speed than a moderate gait, or shall so negligently ride or drive any such animal as to cause such animal, or the vehicle thereto attached, to come in contact with, or strike and injury any person or property; or shall leave any such animal standing in any street, alley, or open lot, without being fastened or so guarded as to prevent its running away, or shall turn any such animal loose upon any street or alley, he shall be deemed guilty of a misdemeanor and, on conviction, be fined not less than five dollars for every such offense.

Sec. 5. **OBSTRUCTING PASSAGE ON STREETS.** Whoever shall, upon or near a street or alley, fly a kite or engage in any sport or exercise likely to scare horses, injure persons passing upon such street, or embarrass the passage of vehicle, shall be deemed guilty of a misdemeanor, and, upon conviction, be fined not less than one dollar nor more than ten dollars for every such offense.

Sec. 6. **HITCH RACKS.** Any person who shall hitch any horse, mule, or other animal to any tree, post, block, fence, or other thing on Central street, between Third and Water streets, shall be deemed guilty of a misdemeanor, and fined not less than one dollar for every such offense. Provided, that this section shall not apply to doctors, nor to merchants, or butchers running a delivery wagon in connection with their business, and who shall be allowed to hitch such animals, so used in their business, to a post firmly set in the ground, at the edge of the sidewalk, immediately in front of their respective business houses. It shall be the duty of the Marshal to immediately remove or cause to be removed, all posts, rings, or other contrivances heretofore used for hitching purposes, except such as are herein provided for.

Sec. 7. **PRISONERS REFUSING TO WORK.** If any person adjudged to labor shall fail or refuse to obey any reasonable requirement of the Marshal, or to labor as directed, he shall be deemed guilty of a misdemeanor, and fined not less than ten dollars, for every such offense, to be enforced as other fines.

Sec. 8. **MARSHAL POSSE.** If any person, over the age of eighteen years, who, when called upon by the Marshal or assistant Marshal, to act as a posse to aid him, in arresting and taking prisoner any offender, shall refuse or neglect to do so, he shall be guilty of a misdemeanor, and fined three dollars.

Exhibit 181

RULES AND REGULATIONS.

Be it resolved, that the Rules and Regulations for the government of the Yosemite Valley and Mariposa Big Tree Grove be amended to read as follows:

I.

No person shall reside or transact business within the Yosemite Valley and Mariposa Big Tree Grant without permission from the Commissioners.

II.

No application or residence or privilege to transact business within the Valley or Grove shall be considered if the applicant be in arrears to the Commission. Applicants must be in good standing.

III.

Any person having permission to reside or transact business within the Valley or Grove, who shall transfer or sublet the whole or any part of the premises or business in said permit, without the written consent of the Commission, shall *ipso facto* forfeit the same.

IV.

The Guardian shall report to the Board all persons residing or transacting business within the Grant without permission, and shall cause the immediate discontinuance of such residence or business.

V.

No person residing or transacting business within the Grant shall retain in his or her employ any person who is detrimental to good order or morals.

VI.

Upon complaint made to the Commission by the Guardian against any person specified in Rule V, the employer of such objectionable person shall be notified of the facts, and the employé must be dismissed.

Exhibit 182

CHAPTER XXXIII.

PARKS.

367. Central Park.] § 1. That block 113 in the Railroad Addition to said city shall be called and hereafter known by the name of Central Park.

368. Unlawful to Cut Grass, etc.] § 2. That it shall not be lawful for any person to enter upon and cut or remove any grass or other article from Central Park without permission from the proper officer; nor to turn into said park any cattle, horses, hogs, or other animals; nor to hitch, fasten, or tie any animal whatever to any tree, fence or gate around the same; nor to cut, break, or deface the trees or fences around said park; nor to cut, injure, climb upon, break, bend, or destroy any tree, shubbery, plant, or ornament, or the boxing or railing around the same, growing or being in said park. Any person violating any of the provisions of this section shall be fined in any sum not less than ten dollars nor more than one hundred dollars for every offense.

369. Offenses.] § 3. All persons are forbidden to carry firearms, or to throw stones or other missiles in said park. 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, or other constructions, or property within or upon the said park. No person or persons shall lounge or loiter in said park after eleven o'clock of any night, nor shall any person or persons do therein any obscene or indecent act. Any person violating any of the provisions of this section shall be fined in any sum not less than ten dollars nor more than one hundred dollars.

370. Committee on Public Grounds to Have Charge of.] § 4. It shall be the especial duty of the Committee on Public Grounds to care for said Central Park and to see that the rules concerning the same are strictly enforced. Said committee shall see each spring that said park is supplied with suitable seats or benches, and that the same are painted and placed therein:

Exhibit 183

REVISION OF 1904

THE
GENERAL ORDINANCES

OF THE

CITY OF INDIANAPOLIS

CONTAINING, ALSO

ACTS OF THE INDIANA GENERAL ASSEMBLY

SO FAR AS THEY CONTROL SAID CITY

TO WHICH IS PREFIXED

A CHRONOLOGICAL ROSTER OF OFFICERS

FROM 1832 TO 1904

AND RULES GOVERNING THE COMMON COUNCIL

Collated and Annotated by Edgar A. Brown and William W. Thornton, Commissioners.

PUBLISHED BY AUTHORITY OF THE CITY OF INDIANAPOLIS.

INDIANAPOLIS

WM. B. BURFORD, PRINTER AND BINDER

1904

AN ORDINANCE regulating the use and enjoyment of parks, park grounds and parkways of the City of Indianapolis, providing penalties for the violation of the same, repealing all conflicting ordinances, providing for the publication thereof, and fixing the time when the same shall take effect.

[Approved June 30, 1896.]

1968. When Open for Public—Entrance. 1. *Be it ordained by the Common Council of the City of Indianapolis, Indiana,* That the parks shall be open to the public from 5:00 a. m. until 11:00 p. m., and no person other than employes shall be permitted to remain therein, except when open as herein specified, and no person at any time shall enter or leave any park except by the established entrances, walks or drives.

1969. Writing on Park Buildings, etc. 2. No person shall write, cut, mutilate or deface in any manner any building, fence, bench, masonry, statue, ornament, or tree in any public park.

1970. Injury to Flowers or Trees. 3. No person shall pull, pluck, break or touch any flowers or fruit, whether wild or cultivated; cut down, girdle or break down any sapling, tree, shrub or plant; break or bend limbs or branches of trees or bark trees; or bend, pluck, handle or injure any trees, flowers, shrubs or plants whatever, or limbs, twigs or leaves thereof, or climb any tree in any public park.

1971. Discharging Fire-Arms. 4. No person shall discharge any fire-arm, or have possession of any fire-arm within the limits of any public park.

1972. Use of Profane or Abusive Language. 5. No person shall use profane, obscene, threatening or abusive language, or fight or throw any stone or missile, or behave in a disorderly or improper manner, or commit any offense against decency or good morals in any public park.

1973. Starting Fire in Park—Molesting Animals. 6. No person not an employe shall make a fire for any purpose within the bounds of any park; and no person shall chase, catch, injure, molest or disturb any animal, bird or fish kept within any public park for the use, instruction or entertainment of the public, nor shall any person give or offer to give any such animal tobacco or other noxious article.

1974. Animals or Fowls Trespassing on Parks. 7. No person being the owner or having control of the same shall suffer or permit any chickens, ducks, geese, hogs, cattle, horses, sheep, or goats, or other animals or fowls to stray into, run at large or trespass upon any public park land.

1975. Fastening Horse to Tree. 8. No person shall fasten a horse to a tree, or bush, or building, or leave the same unattended, or be permitted to bring or lead horses within the limits of any public park, or a horse that is not harnessed and attached to a vehicle or mounted by a rider.

Exhibit 184

Exhibit 185

PENAL ORDINANCES

Relating to the Use and Government of the Public Parks and
Parkways of the City of Rochester.

Passed August 26, 1896.

The Board of Park Commissioners of the city of Rochester do enact as follows :

DEFINITIONS.

SECTION 1. The terms "parks" used herein shall be construed to include all lands and waters under the control of the Board of Park Commissioners of the city of Rochester, except parkways, and the term "said Board" shall be construed to mean the Board of Park Commissioners of said city.

GENERAL RULES AS TO USE OF PARKS.

SECTION 2. The parks of the city of Rochester are for the benefit and pleasure of the public, and every person shall use said parks subject to the ordinances of said Board.

The roadways in the parks shall not be used by any vehicles except those employed for the purposes of pleasure ; the rides and bridle paths shall be used only by persons on horseback or bicycles, and the walks shall be used exclusively by pedestrians, except that baby carriages and invalid chairs and children's carts and tricycles may be propelled thereon

This section shall not apply to vehicles used by order of said Board.

The parks shall be closed from 11 o'clock P. M., until 5 o'clock A. M., during the summer season, and from 10 o'clock P. M., until 7 o'clock A. M., during the winter season ; and no persons except employes of said Board on duty, or members of said Board, shall go into, or remain in said parks, while closed. The summer season shall be from April 1st until November 15th, and the winter season shall be from November 15th until April 1st.

ACTS PROHIBITED

SECTION 3. No person shall commit any of the following acts within said parks :

1. Commit any disorderly or immoral acts.
2. Be intoxicated.
3. Throw stones or missiles

CITY OF ROCHESTER.

97

4. Utter loud or indecent language.
5. Play any game of cards or chance.
6. Tell fortunes.
7. Beg.
8. Publicly solicit subscriptions.
9. Drive or lead a horse not well broken.
10. Allow any dog to run at large.
11. Throw or drain offensive substances into any park waters.
12. Bathe in park waters without having the body concealed by suitable covering extending from the knees to the shoulders.

ACTS PROHIBITED WITHOUT PERMISSION.

SECTION 4. No person shall commit any of the following acts within said parks without the consent of said Board, or some duly authorized person.

1. In any manner injure any tree, plant, grass, flower, fruit, turf or structure.
 2. Keep or offer anything for sale.
 3. Play any music.
 4. Post or display any sign, banner or advertisement.
 5. Deliver any public speech.
 6. Solicit passengers for any boat or vehicle for hire.
 7. Obstruct in any way a roadway or path
 8. Discharge any firearm or fireworks or send up any balloon.
 9. Permit any animal, except horses and dogs, to enter said parks.
10. Ride or drive any animal or vehicle at a speed exceeding eight miles per hour. This shall not apply to the vehicles of the fire or police departments, ambulances, nor vehicles used by physicians when actually engaged in responding to emergency calls or to driving on the "speedway" in Genesee Valley Park.
11. Hold any picnic at a place not designated by said Board for that purpose.
12. Hold any public meeting or engage in any marching or driving as members of a military, political or other organization.
13. Conduct any funeral procession nor vehicle containing the body of a deceased person.
 14. Build any fire.
 15. Write, paint or carve on any tree, bench or structure.
 16. Climb any tree, nor tie any horse to a tree.
 17. Enter any place upon which the words "No Admittance" shall be displayed.
18. Play baseball, tennis, nor any other game at a place not designated by said Board for that purpose.
 19. Take ice from any park waters.
 20. Fish in any park waters.
 21. Bathe in any place not designated by said Board for that purpose.

Exhibit 186

**FIREARMS REGULATIONS
1897 – 1936**

YELLOWSTONE NATIONAL PARK³

1. Regulations of June 1, 1897 –

(5) Hunting or killing, wounding or capturing, of any bird or wild animal, except dangerous animals, when necessary to prevent them from destroying life or inflicting an injury, is prohibited. The outfits⁴, including guns, traps, teams, horses, or means of transportation used by persons engaged in hunting, killing, trapping, ensnaring, or capturing such birds or wild animals, or in possession of game killed in the park under other circumstances than prescribed above, will be forfeited to the United States, except in cases where it is shown by satisfactory evidence that the outfit is not the property of the person or persons violating this regulation and the actual owner thereof was not a party to such violation. Firearms will only be permitted in the park on written permission from the superintendent thereof. On arrival at the first station of the park guard, parties having firearms will turn them over to the sergeant in charge of the station, taking his receipt for them. They will be returned to the owners on leaving the park.

“Rules and Regulations of the Yellowstone National Park,” June 1, 1897. *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1898, Miscellaneous Reports [vol. 3]* (Washington: Gov’t Printing Office, 1898), p. 972. See also, Act of May 7, 1894, ch. 72, 28 Stat. 73, in particular, §4 (28 Stat. 74).

N.B. In his report to the Secretary of August 31, 1897, the acting superintendent, Maj. Gen. S.B.M. Young, United States Volunteers (Colonel Third Cavalry), wrote in connection with this regulation:

Carrying Firearms through the Park

The custom of carrying firearms through the park has been almost universal among those who live in the neighboring States and travel in their own conveyances, or on saddle animals accompanied by pack animals. During the first half of the season it was found that many firearms, fastened with red tape and sealing wax at the point of entry, had broken seals at the point of exit. In many cases it was evident that the seals were broken by accident; others showed signs of having been broken and resealed. To remedy this a new system of sealing has been adopted similar to that used by express companies

The regulation prohibiting firearms in the park, except on written permission from the superintendent [in which case the arms were sealed], has been strictly enforced. It is essential to the protection of the park.

³ The very first park regulations were apparently promulgated by Secretary of the Interior Columbus Delano at the time of the dedication of YELL. They are attached hereto as Appendix A.

⁴ The first park regulations to mention “outfits,” were the YELL regulations of July 1, 1888, reproduced in Appendix C. The interim regulations, dated May 4, 1881, are found in Appendix B.

A certain sentiment of hostility toward the park and of antagonism toward the efforts of the authorities to protect the wild animals from destruction has existed and continues to exist among the ranchers and the people of the settlements near the park boundaries. This feeling of hostility seems to be due to an idea, which prevails widely, that a reservation of any part of the public domain for the perpetual benefit of the whole people is an invasion and an abridgement of the private rights of the people of the adjoining region. This idea naturally arises from an ignorance of the benefits that result from such reservations to the people of the whole country and an equal ignorance of the advantages which accrue to the inhabitants of the immediate vicinity. In consequence of the benefits which have already resulted to this region from the existence of this park as a breeding place from which the surplus game may wander down into the adjoining country where it may be freely taken, and from the opportunities afforded by the park for remunerative employment during the summer season, there is already a marked diminution of this hostile feeling. As these benefits come to be better understood I believe that this hostility will further diminish, and my best efforts shall be devoted to the encouragement of a friendly sentiment toward the park among the citizens of the surrounding country.

Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1897. Miscellaneous Reports [vol. 3] (Washington: Gov't Printing Office, 1897), pp. 781-82.

In his report for the year prior to the regulation's adoption, Acting Superintendent Young stated:

Over 200 stand of arms have been taken from persons entering the park by the two main thoroughfares, including those taken from parties found inside, and as a probable resultant, young broods of quail and grouse abound throughout the park. The deer, bear, lynx, fox, coon, tree squirrel, and chipmunk, although not scarce, are not so plentiful as they should be in their natural home in the park. If firearms, hunters, and trappers are kept out of the park they will multiply and become plentiful, and their instinctive fear of man will gradually so lessen in a few years that visitors will be enabled to see and study them in their natural state. These animals drift down below the heavy snow line in winter and the supply that is taken by ranchmen and hunters outside the park boundaries will be a sufficient trimming in numbers to promote a healthful breeding and growth in the natural game nursery within the boundaries.

Report of Secretary of the Interior; Being Part of the Message and Documents Communicated to the Two Houses of Congress at the Beginning of the Second Session of the Fifty-Fourth Congress. In Five Volumes. (Washington: Gov't Printing Office, 1896), vol. III, p. 740.

After the regulation's promulgation, the Sec'y of the Interior commented as follows:

The regulations prohibiting firearms in the park, except under written permission of the superintendent, have been strictly observed, the enforcement thereof being essential to the best interest of the park.

Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1897, Report of the Secretary of the Interior [vol.1] (Washington: Gov't Printing Office, 1897), p. LXXXIII.

2. Regulations of April 1, 1899 –

(5) Hunting or killing, wounding, or capturing of any bird or wild animal, except dangerous animals, when necessary to prevent them from destroying life or inflicting an injury, is prohibited. The outfits, including guns, traps, teams, horses, or means of transportation used by persons engaged in hunting, killing, trapping, ensnaring, or capturing such birds or wild animals, or in possession of game killed in the park under other circumstances than prescribed above, will be forfeited to the United States, except in cases where it is shown by satisfactory evidence that the outfit is not the property of the person or persons violating this regulation and the actual owner thereof was not a party to such violation. Firearms will only be permitted in the park on written permission from the superintendent thereof. On arrival at the first station of the park guard, parties having firearms will turn them over to the sergeant in charge of the station, taking his receipt for them. They will be returned to the owners on leaving the park.

“Rules and Regulations of the Yellowstone National Park,” April 1, 1899. *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1900*, p. 535.

3. Regulations of July 1, 1900 –

(5) Hunting or killing, wounding or capturing of any bird or wild animal, except dangerous animals, when necessary to prevent them from destroying life or inflicting an injury, is prohibited. The outfits, including guns, traps, teams, horses, or means of transportation used by persons engaged in hunting, killing, trapping, ensnaring, or capturing such birds or wild animals, or in possession of game killed in the park under other circumstances than prescribed above, will be forfeited to the United States, except in cases where it is shown by satisfactory evidence that the outfit is not the property of the person or persons violating this regulation, and the actual owner thereof was not a party to such violation. Firearms will only be permitted in the park on written permission from the superintendent thereof. On arrival at the first station of the park guard, parties having firearms will turn them over to the sergeant in charge of the station, taking his receipt for them. They will be returned to the owners on leaving the park.

Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1901, Miscellaneous Reports, Part I (Washington: Gov't Printing Office, 1901), p. 540.

4. Regulations of February 7, 1902 –

(5) Hunting or killing, wounding, or capturing of any bird or wild animal, except dangerous animals when necessary to prevent them from destroying life or inflicting an injury, is prohibited. The outfits, including guns, traps, teams, horses, or means of transportation used by persons engaged in hunting, killing, trapping, ensnaring, or capturing such birds or wild animals, or in possession of game killed in the park under

Exhibit 187

REVISED
ORDINANCES

— OF THE —

CITY OF BOULDER

Published by Authority of the City.

OSCAR F. A. GREENE,
COMPILER.

1899:
Printed by Ricketts & Kerr, at The News Office,
BOULDER, COLORADO.

MAR 11 1909

PARKS—PROTECTION.

157

thirty-two in township one north of range seventy west, is hereby named and shall hereafter be known as VALVERDAN PARK.

510. Washington Park.

SEC. 5. That the city property in the west half of the south-west quarter of section twenty-five in township one north of range seventy-one west, shall be named and hereafter known as WASHINGTON PARK.

PARKS.

An Ordinance for the Protection of the Several Parks Belonging to the City and of the Buildings and Reservoirs and Trees and Other Improvements at and Within Said Parks, and to Provide Penalties for Injuring the Same.

Passed October 4, 1898.

(With amendment as noted.)

511. No firearms or shooting in.

SECTION 1. Any person other than the police officers of the city who shall take or carry or cause to be taken or carried into any of the parks belonging to the City of Boulder, any gun, pistol, revolver, or other firearm, or who shall shoot any firearm at or towards or over or into or upon any of said parks, shall be deemed guilty of a misdemeanor. (As amended August 2, 1899.)

512. No powder or explosives in.

SEC. 2. Any person who shall take or carry or cause to be taken or carried into any of said parks, any powder of any quality or kind or any explosive or dangerous or inflammable or combustible substance, shall be deemed guilty of a misdemeanor.

513. No fires or explosives.

SEC. 3. Any person who shall start any fire or cause or permit to be started any fire in any of said parks, not

being thereunto first authorized by the Mayor, or who shall in any of said parks fire or explode any fire-crackers, torpedoes, or any other substance or thing containing powder or other explosive substance, shall be deemed guilty of a misdemeanor.

514. Injury to property.

SEC. 4. Any person who shall deface, tear down, destroy or injure in any manner whatsoever any fence, building, furniture, seat, structure, excavation, post, bracket, lamp, awning, fire plug, hydrant, water pipe, tree, shrub, plant, flower, railing, bridge, culvert, or any other property whatsoever belonging to the city or to any private corporation or persons in, at or upon any of said parks, shall be deemed guilty of a misdemeanor.

515. Injury continued.

SEC. 5. Any person who shall injure or damage in any manner whatsoever any property of the city at, in or upon any of said parks by cutting, hacking, bending, breaking, burning, daubing with paint or other substances, hitching of horses or other animals, or by means of fire, or by effecting such acts in any other manner, shall be deemed guilty of a misdemeanor.

516. Violation—Misdemeanor Penalty.

SEC. 6. Any person upon conviction of any misdemeanor specified in any of the five preceding sections herein shall be fined not less than five and not more than three hundred dollars.

PARKS.

An Ordinance in Relation to Cottages in Texado Park.

Passed April 17th, 1899.

WHEREAS, a contract was made on, to-wit, the 19th day of March, A. D. 1898, at Boulder, Colorado, by and

Exhibit 188

[Published March 11th, 1898.]

Ordinance No. 165.

An Ordinance Prohibiting the Use and the Carrying of Fire Arms and Other Deadly Weapons.

Be it Ordained by the Mayor and Councilmen of the City of Elk City, Montgomery County, Kansas.

SECTION 1. That any person within the corporate limits of said city of Elk City, who shall draw any pistol or other weapon in a hostile manner, or shall make any demonstration or threat at using such weapon on or against any person, or any person who shall carry or have on his or her person in a concealed manner, or otherwise any pistol, dirk, bowie-knife, revolver, slung-shot, billy, brass, lead or iron knuckles, or any deadly weapon of any kind within the corporate limits of said city, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum of not less than five dollars nor more than one hundred dollars. Provided, that this ordinance shall not be so construed as to prohibit officers of the law from being armed.

SEC. 2. Be it further ordained that all ordinances or parts of ordinances in any manner conflicting with this ordinance, be, and the same are, hereby repealed.

SEC. 3. Be it further ordained that this ordinance shall be in full force and effect on and after its publication in the Elk City ENTERPRISE, the duly designated official paper of said city published and of general circulation therein. Passed and approved this 7th day of March, A. D. 1898.

[SEAL.] J. A. BROWN, Mayor.
Attest: JOHN A. LOGAN, City Clerk.

STATE OF KANSAS, }
MONTGOMERY COUNTY, } ss
CITY OF ELK CITY. }

I, J. A. Logan, City Clerk of Elk City, do hereby certify that the above and foregoing ordinance was read and considered by sections at a public meeting of the City Council of said city, held on the seventh day of March, A. D. 1898. And was duly passed section by section and then as a whole by said Council. In witness whereof I have hereunto subscribed my name and caused the seal of said city to be affixed thereto.

[Seal.] J. A. LOGAN, City Clerk.

Exhibit 189

APPENDIX.

657

cause two (2) red lights to be placed in a conspicuous place, one at each end of such obstruction from dusk 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 (2) feet wide.

SEC. 9. No person shall play any game whatsoever in or upon any of the parks, boulevards, parkways or driveways under the control of the board of park commissioners; *provided*, however, that ball, cricket, lawn tennis and other games of recreation may be played upon such portions of said parks as may be designated from time to time by the board of park commissioners, and under such rules and regulations as may be prescribed by said board. The grass plots or lawns of public parks and parkways shall not be used by any person as thoroughfares in crossing from one roadway, walk or street to another roadway, walk or street. But this section shall not be construed to interfere with the use of public parks or parkways as pleasure grounds by the people for the purpose of recreation under such reasonable rules and regulations as may be prescribed by the board of park commissioners.

SEC. 10. No person shall engage in any sport upon any boulevard, parkway, park road or driveway under the control or supervision of the board of park commissioners which will be likely to frighten horses, injure passengers or embarrass the passage of vehicles thereon.

SEC. 11. No person shall fire or discharge any gun or pistol, or carry fire-arms, or throw stones or other missiles, or fire, discharge or set off any rocket, cracker, torpedo, squib or other fireworks, or things containing any substance of an explosive character, within any park, boulevard, parkway or driveway of this city under the control or supervision of the board of park commissioners, except upon a permit first duly obtained or authority previously granted by said board and subject to such rules and regulations as said board may establish.

SEC. 12. No person shall expose any article or thing for sale, or do any hawking or peddling, or distributing hand-bills, or erect any sign-board, or paste or affix any notice or bill or other writing or printing on any tree, lamp post, hydrant, curbstone, sidewalk, coping, flagstone, fence, wall, building or other place in any park, boulevard, parkway, park road, driveway or other public grounds under the control or supervision of the board of park commissioners of said city. Nor shall any person drive

any animal or vehicle displaying any placard or advertisement of any kind; nor shall any person display any placard or advertisement of any kind upon or along any boulevard, parkway, park road or in any park or other public grounds under the control and management of the board of park commissioners of said city.

SEC. 13. No person shall cut, break or in any way injure or deface any of the trees, shrubs, plants, turf, grass, lamp posts, fences, bridges, buildings or other constructions of property in or upon any park, boulevards, parkways, park roads or other public grounds of said city under the control or supervision of the board of park commissioners.

SEC. 14. All persons riding bicycles, tricycles and velocipedes in parks, or upon parkways, boulevards or park roads, shall be required to keep upon the paths specially provided for the same, or upon the roadway, and in no case shall be permitted to ride upon the foot-paths or upon the parking or grass.

SEC. 15. That no vehicles, other than those used for pleasure driving, or other than such carts or other vehicles as may be employed by the board of park commissioners in the construction of, or caring for said parks, shall be permitted to enter said parks.

SEC. 16. No person shall be guilty of disorderly, bawdy or lewd conduct, or of habitual loafing, or of sleeping on the ground or benches, or make, aid or assist in making any disorderly noise or riot or breach of the peace within the limits of any park, boulevard, parkway or other public grounds of the city.

SEC. 17. Any person who shall violate any of the foregoing provisions, rules and regulations, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100) for each and every offense, and in addition to the members of the regular police force of Kansas City who may be specially detailed by the board of police commissioners for the enforcement of the foregoing rules and regulations and for service under the direction of the board of park commissioners, said board of park commissioners may employ and appoint additional persons to act as special guards in parks, boulevards and parkways, as it may find it expedient and deem necessary for the protection of the same and for the enforcement of the rules and regulations of said board and the ordinances of the city relating to the regulation and orderly government of parks and public grounds under the control and

APPENDIX.

management of the board of park commissioners, and all such special park guards shall be sworn into service of the city as special policemen, and shall be paid out of the general funds appropriated by the common council for the general expenses of the board of park commissioners and for other park purposes; but the number of such special policemen so appointed shall not exceed fifteen (15) per cent of the regular police force of said city without the consent or approval of the common council of said city.

SEC. 18. The common council finds and declares that the action of the common council herein has been recommended by the board of park commissioners of Kansas City, Missouri, as provided by law and that said board has adopted said rules and regulations and has recommended to the common council the establishment and enforcement of the same by ordinance as herein provided.

SEC. 19. All ordinances or parts of ordinances in conflict with this ordinance, insomuch as they conflict herewith, are hereby repealed.

Passed April 14, 1898.

JAMES G. SMITH,
Speaker, Lower House of
the Common Council.

Passed April 18, 1898.

GEO. S. GRAHAM,
President, Upper House of
the Common Council.

[SEAL] Attest:

Approved April 18, 1898, 11:50 A. M.

C. S. CURRY,
City Clerk.
By E. A. NORRIS, Deputy.

JAMES M. JONES,
Mayor.

Exhibit 190

NEW HAVEN PUBLIC PARKS.

293

NEW HAVEN PUBLIC PARKS.

RULES AND REGULATIONS OF THE PARK COMMISSION.

1. No domestic animal, except dogs, shall be permitted to enter or to go at large in any of said parks, either with or without a keeper. Dogs must be held in leash by the owners, otherwise they may be killed by any park-keeper, special constable, or policeman.
2. No person shall pick any flowers, foliage or fruit, or cut, break, dig up, or in any manner mutilate or injure any tree, shrub, plant, grass, turf, railing, seat, fence, structure, or other thing in any of said parks, or cut, carve, paint, mark or paste on any tree, stone, fence, wall, building, monument, or other object therein, any bill, advertisement or inscription whatsoever.
3. No person shall carry or have any fire-arms on any of said parks, and no fire-arms shall be discharged from, or into any of the same. No stone or other missile shall be thrown or rolled from, into, within or upon any of said parks, except in such place as the commission may designate as a ball-field, in playing games in which a ball is used.
4. No person shall ride or drive on any road within any of said parks at a faster gait than eight miles per hour, and this shall apply to the use of cycles.
5. No threatening, abusive, boisterous, insulting or indecent language, or gesture shall be used on any of said parks, nor shall any oration, harangue, or other public demonstration be made, unless by special authority of said commission.
6. No person shall expose any article or thing for sale on any of said parks, unless licensed therefor by said commission.
7. No person shall bathe naked or otherwise in any waters in, or adjacent to any of said parks, or be naked within any of said parks, except in such places and subject to such regulations, as the commission may, from time to time, specially designate by a public notice set up for that purpose within the park.
8. No person, unless by authority of said commission, shall light, kindle, or use any fire on any of said parks.
9. No person shall ride or drive upon the grass, lawns, or foot-paths of any of said parks.
10. No person shall disturb or injure any bird, bird's nest or eggs, or any squirrel or other animal within any of said parks.

Exhibit 191

PARK REGULATIONS.

No person shall ride or drive upon any part of the Park except upon the roads intended for such purposes.

No person shall bring led horses within the limits of the Park nor turn any horses, cattle, goats, swine, dogs or other animals loose in the Park.

No person shall indulge in any threatening, abusive, insulting or indecent language, or commit any obscene or indecent act in the Park.

No person shall carry firearms, shoot birds, or other animals, nor throw stones or other missiles, or in any way disturb or annoy the birds or animals within the boundaries of the Park.

No person shall throw any dead animals or other offensive matter into the Park, nor foul any spring, brook or other water within the boundaries of the Park.

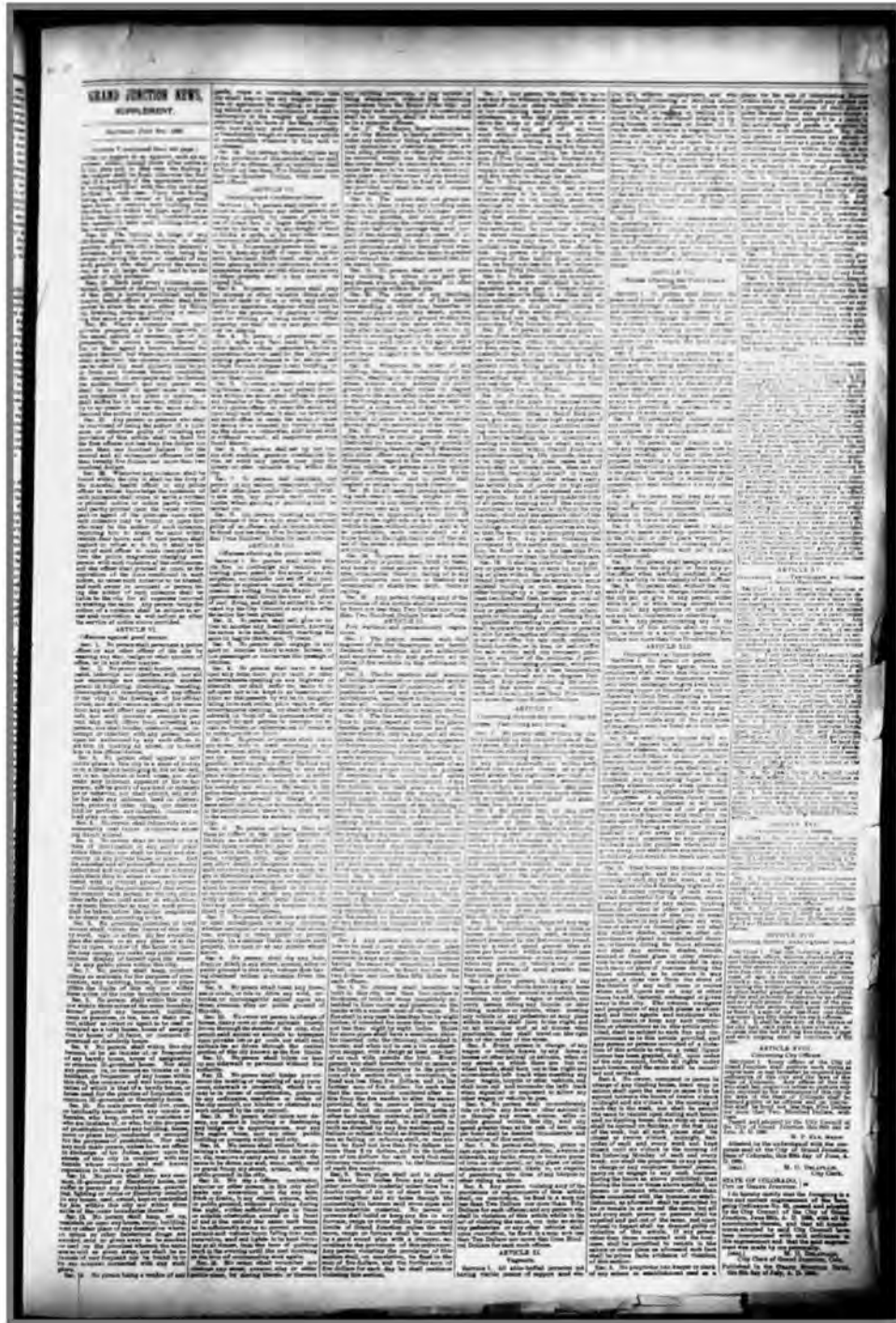
No person shall cut, break or otherwise injure or deface any trees, shrubs, plants, turf, rock or any building, fence, bridge or other structure within the Park.

No person shall erect, paint, paste or otherwise affix or distribute any signs, advertisements or circulars within the Park.

No person shall injure, deface, destroy, or remove any notices or regulations for the government of the Park.

Penalties, \$5.00 to \$10.00

Exhibit 192



in the same manner as animals running at large.

SEC. 6. No person not being then and there an officer in the proper exercise of his duty as such shall carry or have concealed upon or about his person any pistol, gun, bowie knife, dirk, dagger, slung shot, stone, bludgeon, billy, metal knuckles or any other deadly or dangerous weapon, nor shall exhibit any such weapon in a rude, angry or threatening manner, nor shall have or carry any such weapon or weapons on or about his person when drunk or in a state of intoxication, nor shall any person, directly or indirectly, sell, barter, loan or deliver any such weapon or weapons to any drunk or intoxicated person.

SEC. 7. No person shall throw any stones or other missile upon or at any building, whether occupied or unoccupied, nor at any

Exhibit 193

THE WELLSTON NEWS.
 BEEMAN BROS., PROPRIETORS.
 Published at the Post-office at Wellston, Oklahoma, as Second-class Mail matter.
PUBLISHED EVERY THIRTY EYE MONTHS.
 One Year in Advance \$1.00
 Six Months50
 Three Months25

ADVERTISING RATES.
 One square for each single column per month
 taken as 10 lines, per week. All advertising
 has charge in well advance and estimated on
 a 10-week basis unless otherwise specified.

FRANK E. BEEMAN, EDITOR.
 BEEMAN BROS.'S PROPRIETORS.

Wellston Markets.

Current extra flour	
Wheat	15
Eggs	12 1/2
Beans	7 1/2
Dry salt meat	7 1/2
Pork	7 1/2
Onions	7 1/2
Flour	170-160
Corn	20
Cattle Beans	35
Soy	2.25
Sweet Cotton	7.00
Cotton lint	1.00
Hogs	6.50

Resolution No. 1.
 INTRODUCED BY ORDINANCE COMMITTEE.
 Be it resolved by the President and Board of Trustees of the Town of Wellston, that the Clerk of said Town of Wellston be, and he is hereby authorized, directed and required to publish and print in pamphlet form all of the resolutions, by-laws and ordinances of said Town of Wellston that have heretofore or are at this time in effect and published by the Board of Trustees of said Town of Wellston and to such pamphlet said Clerk shall attach his certificate, showing that the said pamphlet contains all of the resolutions, by-laws and ordinances which have been duly passed and published, and not repealed by the Board of Trustees of the said Town of Wellston on or before the 4th day of February, 1900, and said certificate shall further certify that the said resolutions, by-laws and ordinances so published are full, true and correct copies of the originals of which they purport to be, and when so published, the same shall be evidence in all courts.

Passed, made and established at a regular meeting of the Board of Trustees of the Town of Wellston, this 5th day of February, 1900.
 W. H. BRIDLE,
 Attest: Pres. Board of Trustees.
 FRANK E. BEEMAN,
 (SEAL) Town Clerk.

Ordinance No. 30.
 An ordinance declaring certain acts to be an offence, and prescribing a penalty therefor.
 Be it enacted by the President and Board of Trustees of the Town of Wellston.

Section No. 1. That the several offences specified in this ordinance are hereby prohibited in this town, and any person found guilty of any or either of them, shall be adjudged guilty of disturbing the peace and quiet of the town, and shall be subject to the penalties herein provided for them, respectively.

Section No. 2. That any person who shall in this town, disturb the peace of another by assaulting, striking or beating such others, or who shall use insulting language, calculated to provoke a disturbance of the peace, or who shall be guilty of violent, turbulent or tumultuous conduct offensive to others, or who shall use any profane, obscene or indecent language in any public place in this town, or any person who shall make or permit any offensive noise or disturbance about the premises under his or her control, shall be deemed guilty of an offence and shall be fined in any sum not less than one dollar nor more than ten dollars.

Section No. 3. That any person who shall in this town disturb or disrupt the solemnity of the meeting, shall be deemed guilty of an offence and shall be fined in any sum not less than one dollar nor more than ten dollars.

Section No. 4. That any person who shall in this town, purposely disturb any lawful assemblage of people by rude, noisy or indecent behavior, or otherwise, shall be deemed guilty of an offence and shall be fined in any sum not exceeding ten dollars.

Section No. 5. That any person who shall in this town, intentionally stop or drive any mule, horse or other beast faster than an ordinary travelling gait, or who shall so stop or drive as to be likely to cause other horses or teams, or become frightened or run away, or any person who shall drive any of the aforesaid animals or any team, on any of the public streets or public places of said town, without being secured, fenced or hitched, shall be deemed guilty of an offence and shall be fined in any sum not exceeding ten dollars.

Section No. 6. That any person, who shall in this town, discharge any fire arms in any public place, or in the vicinity of any public place, or in the vicinity of any house or building in this town, or who shall discharge any fireworks, rockets or other kinds of fireworks, shall be deemed guilty of an offence, provided, that the President of the Board of Trustees shall have power to grant, pro or con, the right to discharge fireworks on special occasions, which permit shall be in writing, signed by the President, granting the same, and shall specify the time, when and the place where such fireworks are to be exhibited, and any person violating this provision of this section shall be fined in any sum not exceeding ten dollars.

Section No. 7. That any person who shall in this town, draw any pistol or other weapon in a hostile manner, or shall make any threats or demonstrations of using any weapon, pointed against any person, or any person who shall carry or have on his or her person in a concealed or un concealed manner in this town, any pistol, revolver, bowie knife or other deadly weapon, or any person who shall within the town or in a state of intoxication, have in his or her possession any pistol, bowie knife or other deadly weapon, shall be deemed guilty of an offence and fined in any sum not less than one dollar nor more than ten dollars, provided, that this section shall not be so construed as to prevent officers of the law from being armed while on duty and not in a state of intoxication.

Section No. 8. That any person who shall in this town throw any ball, stone, brick, pieces of wood or other hard substances in or across any street, or alley, or at, or against any house, building or vehicle with intent to injure any person, or with intent to injure any such house, building or vehicle, shall be deemed guilty of an offence and shall be fined in any sum not exceeding ten dollars.

Section No. 9. That any person who shall wantonly or intentionally delay, injure, destroy or besmear within this town any public property of the town, or any fence, awning, building, wall, railing or goods or chattels, the property of another, or any property or thing whatever in this town, shall be deemed guilty of an offence and shall be fined in any sum not exceeding ten dollars.

Section No. 10. That any person who shall knowingly bring into this town, any pauper, lunatic or person of unsound mind, and leave such person without being properly cared for, shall be deemed guilty of an offence and shall be fined in any sum not exceeding ten dollars.

Section No. 11. That every person who shall within this town appear in any public place, in a state of nudity, or in any dress not belonging to his or her sex, or in any indecent or lewd dress, or who shall make any indecent or any public exposure of his or her person, or be guilty of any indecent or lewd act or behavior, or shall exhibit, sell or offer for sale any indecent or lewd book, picture or other thing, shall be deemed guilty of an offence and shall be fined in any sum not less than one dollar nor more than ten dollars.

Section No. 12. That any person who shall be found in any public place in this town so drunk as to not be fully competent to take care of himself, or in such a state of intoxication as to make it unsafe for himself or others, to allow him to be at large, shall be taken in charge by the Marshal and put in the town prison and kept until sober, when he shall be brought before the Justice of the Peace and be fined in any sum not exceeding ten dollars.

Section No. 13. Any person who shall in this town wilfully resist, oppose or obstruct the Marshal or any of his deputies, or any other officer of said town in the discharge of an official duty, or who shall by threats or otherwise seek to intimidate any such officer from the discharge of an official duty shall be deemed guilty of an offence and shall be fined for each and every offence in any sum not exceeding ten dollars.

Section No. 14. Any person who shall in this town assault, beat or wound any such officer mentioned in the preceding section of this ordinance while such officer is in the discharge of any official duty of this town, shall be fined in any sum not exceeding ten dollars.

Section No. 15. If any person or persons shall set at liberty or rescue, or attempt to set at liberty or rescue from any town officer or his deputy having the legal custody or charge of the same, or from the custody of the policeman, while in said court, or from the custody of confinement in which they may be held for the violation of any ordinance of this town, any prisoner or prisoners, either before or after conviction, by or by the aid of any person, shall be deemed guilty of an offence and fined in any sum not less than one dollar nor more than ten dollars.

Section No. 16. Every person who shall solicit or persuade, or by threats, or by any other means, directly or indirectly induce or cause any person named as a witness in any case in which said town or any of its officers are interested before the Justice of the Peace in almost himself from the trial of such case, or who shall induce or cause by persuasion, threats or any other means, any person to accept, or absent himself for the purpose of avoiding the service of process of any kind issued by the said Justice of the Peace in such case shall be deemed guilty of an offence and fined in any sum not less than one dollar nor more than ten dollars.

Section No. 17. If any person confined in any place used as a prison of the town of Wellston, or held in the custody of any officer of said town for the violation of any ordinance of said town, or upon charge of violating any ordinance of the town, shall forcibly break such prison and escape therefrom, or who shall attempt by force and violence to any person to break from such prison, or custody, although no escape be effected, shall be deemed guilty of an offence and shall be fined in any sum not less than one dollar nor more than ten dollars.

Section No. 18. It shall be unlawful to keep for the purpose of service as a seed animal, any stallion, jack, bull or other seed animal within the corporate limits of the town of Wellston, or so near the corporate limits of said town, as to disturb the inhabitants of said town, or any one or more of such inhabitants, or parade such animal through the public street or streets of said town for the purpose of exhibition, or to allow any such animal to remain standing upon any of the public streets of said town longer than five minutes at one time, provided, that such animal may be kept within the limits of said town, when not less than one hundred feet from any public street, and in an enclosure consisting of good light lumber, built tight from the ground, up to a distance of not less than eight feet high, and provided further, that whenever any resident of a block in which said animal is kept, or a block adjacent makes complaint to the town Marshal that such animal is a nuisance, or is disturbing the people in that neighborhood, the Marshal shall notify the owner of said animal, whose duty it shall be to immediately remove said animal from that part of the town, to some more secluded part of said town, and where the people living near to where said animal is kept do not object to its being kept.

Section No. 19. Every person who, either as owner or keeper, of any such animal as mentioned in the foregoing section shall violate the provisions of this ordinance shall be fined in any sum not less than five dollars nor more than ten dollars for each offence.

Section No. 20. That all persons who shall counsel, assist or abet in the commission of any of the offences described in this ordinance shall be fined in any sum not less than one dollar nor more than ten dollars.

Partnership Statement.
 Territory of Oklahoma,
 Lincoln County, ss.
 This is to certify that Henry J. Cullen, residing at Wellston, Oklahoma, and Walter P. King, residing at Wellston, Oklahoma, have formed a partnership and are now conducting business as such partnership at Wellston, said Territory. That the place of business of such partnership is at Wellston, Lincoln County, Oklahoma Territory.
 That the style and firm name of such partnership is "Cullen & King."

sum not exceeding ten dollars.

Section No. 7. That any person who shall in this town draw any pistol or other weapon in a hostile manner, or shall make any threats or demonstrations of using any such weapons on or against any person, or any person who shall carry or have on his or her person in a concealed or unconcealed manner within this town, any pistol, dirk or bowie knife or other deadly weapon, or any person who shall within the town while in a state of intoxication, have in his or her possession any pistol, bowie knife or other deadly weapon, shall be deemed guilty of an offence and fined in any sum not less than one dollar nor more than ten dollars, provided; that this section shall not be so construed as to prevent officers of the law from being armed while on duty and not in a state of intoxication.

Section No. 8. That any person who shall in this town throw any ball stone.

Exhibit 194

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 defned.

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

Exhibit 195

CHAPTER XXXV.

An Act to prohibit unlawful carrying of concealed weapons, to provide penalties for violations of this act and to define the meaning of the term concealed weapons.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Any person in this State who shall carry concealed or partially concealed on or about his person any revolver, pistol, dirk, dagger, slung shot, sword cane, or knuckles made of any metal or any hard substance shall be deemed guilty of a misdemeanor and shall 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 less than ten nor more than thirty days, or by both such fine and imprisonment.

Carrying weapons concealed or partially concealed about person.

Penalty.

Section 2.

The preceding section shall not apply to a person in actual service as a militiaman, nor to a police officer 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.

Reservation.

Section 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 or any place of registration, on the day or days of any election or registration, where any portion of the people of the State are collected to register or vote at any election, or to any other place where people may be assembled to perform any public duty, or at any public assembly, and shall have or carry concealed or partially concealed about his person a

Carrying weapons in certain places.

Penalty. pistol or other firearm, dirk, dagger, slung shot, sword cane, knuckles, or bowie knife, he shall be punished by a fine of not less than fifty nor more than five hundred dollars.

Section 4.

Reservation. Permit of District Judge. The preceding section shall not apply to peace officers or other persons authorized or permitted by law to carry arms at the places therein designated. "And any District Judge of any judicial district of the State of Montana, may, upon satisfactory proof being produced before him of the good moral character and peaceable disposition of any person, grant permission to such person to bear concealed or otherwise a "pistol" or "revolver" for such a period of time as such judge may deem necessary."

Section 5.

Arrest. Peace officer failing to arrest. Penalty. Any person violating any of the provisions of sections one and three of this act 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 creditable person, shall be punished by a fine not exceeding five hundred dollars.

Section 6.

"Concealed weapon" defined. The term concealed weapons shall be taken to mean any weapon mentioned in the foregoing sections which shall be wholly or partially covered by the clothing or wearing apparel of the person so carrying the weapon.

Section 7.

Act not to apply to county designated by proclamation by Governor. The provisions of this Act shall not apply to or be in force in any county which the governor may designate by proclamation as a frontier county and liable to incursions by hostile Indians.

Section 8.

All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause

Section 9.

This Act shall take effect and be in force from and after its passage and approval. When act takes effect.
Approved Feby 27th 1903

CHAPTER XXXVI.

An Act to amend Section 402 of the Code of Civil Procedure, and to confer upon the Supreme Court exclusive jurisdiction of proceedings and prosecutions for the disbarment or suspension of Attorneys and Counselors at Law; to provide for appeals to the Supreme Court from judgments rendered by District Courts in such cases; to provide for a stay of such judgments pending appeals therefrom, and to regulate the proceedings on the trial of such appeals.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Section 402 of the Code of Civil Procedure be amended so as to read as follows: Section 402, Code Civil Procedure, amended.

Section 402.

The Supreme Court of the State shall have exclusive jurisdiction to remove or suspend Attorneys and Counselors at law, and an Attorney and Counselor may be removed or suspended, for either of the following causes, arising after his admission to practice. Supreme Court has exclusive jurisdiction of disbarment proceedings.
Causes.

1.

His conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction is conclusive evidence. Conviction of felony or misdemeanor. Record of conviction conclusive evidence.

2.

Wilful disobedience or violation of an order of the Disobedience of order of Court.

Exhibit 196

COUNCIL BILL No. 607—ORDINANCE No. 577.

MISDEMEANORS.

An Ordinance defining what shall constitute misdemeanors or offenses against the city of Webb City, and providing penalties therefor.

Be It Ordained by the Council of the City of Webb City, Missouri, as follows:

Section 1. Disturbance of the Peace. If any person shall wilfully disturb the peace of any neighborhood, or of any family, or of any person, by loud and unusual noise or by offensive or indecent conversation, or by threatening, quarreling, challenging or fighting, every person so offending shall, upon conviction, be adjudged guilty of a misdemeanor.

Sec. 2. Drunk, Intoxication. Any person who shall be found drunk or in a state of intoxication upon any street, alley, sidewalk, or in any business house or other public place within the city, to the annoyance of any person or persons, shall be deemed guilty of a misdemeanor.

Sec. 3. Disturbing Religious Assemblies. Every person who shall wilfully maliciously or contemptuously disquiet or disturb any camp meeting, congregation or other assembly met for religious worship, or when meeting at the place of worship or dispersing therefrom, or any school or other meeting or assembly of people met together for any lawful purpose whatever, by making a noise or by rude or indecent behavior or by profane or indecent discourse within the place of assembly or so near thereto as to interrupt or disturb the order or solemnity thereof, or who shall wilfully threaten or assault any person there being, shall be deemed guilty of a misdemeanor.

Sec. 4. Assault. Any person who shall in a rude, angry or threatening manner, touch, assault, strike, beat or wound another within this city, shall be deemed guilty of a misdemeanor.

Sec. 5. Lewd Acts, Writings, Performances. No person shall be or appear in or upon any street, avenue, sidewalk, alley or place open to public view in a state of nudity or

711803 A

in a dress not belonging to or adapted to his or her sex, or in any indecent or lewd dress, or shall make any public, unusual or indecent exposure of his or her person, or be guilty of any unseemly, obscene, indecent, filthy or lewd act, or of any lewd, indecent, immoral or insulting conduct, language or behavior; or shall exhibit, circulate or distribute, sell, offer or expose for sale, or give or deliver to another, or cause the same to be done, any lewd, indecent or obscene book, picture, pamphlet, card, print, paper, writing, mold, cast, figure or other thing, or shall exhibit or perform, or cause or allow to be exhibited or performed in or upon any house, building, tent, wagon, lot or premises, owned, occupied or controlled by him or under his management or control, any lewd, indecent or immoral play, representation, contribution or performance. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor.

Sec. 6. Carrying Deadly Weapons. 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 meeting called under the militia laws of the state, having upon or about his person any kind of firearms, bowie knife, dirk, dagger, slung shot or other deadly or dangerous weapon, or shall in the presence of one or more persons exhibit any such weapon in a rude, angry, threatening, reckless or careless manner, or shall have or carry any such weapon on or about his person when intoxicated or under the influence of intoxicating drinks, or shall directly or indirectly sell, deliver, give, loan or barter to any minor any such weapon, without the written consent of the parent or guardian of such minor, shall upon conviction be punished by a fine of not less than fifty (\$50.00) dollars nor more than two hundred (\$200.00) dollars.

Sec. 7. Discharging Firearms in City. Any person not

Exhibit 197

Grand Rapids, Mich. Ordinances, etc.

COMPILED ORDINANCES

c7

OF THE

City of Grand Rapids

Containing all Ordinances passed by the
Common Council, of the City of Grand Rapids,
in force September 1, 1906

Compiled and Indexed
Under Authority of the Common Council
By
COLIN P. CAMPBELL. LL. M.

PUBLISHED BY AUTHORITY OF THE
COMMON COUNCIL

1907?

*The Public Lib
Jan 27. 1912*

dollars and costs of prosecution, or by imprisonment at hard labor in the common jail of the County of Kent, or in any penitentiary, jail, work-house, house of correction, or alms-house of said city, in the discretion of the court or magistrate before whom the conviction may be had, for a period of not less than five days, nor more than ninety days; and in case such court or magistrate shall only impose a fine and costs, the offender may be sentenced to be imprisoned at hard labor in the common jail of the County of Kent, or in any penitentiary, jail, work-house, house of correction, or alms-house of said city, until the payment of such fine and costs, for a period of not less than five days nor more than ninety days.

Repealing Clause.

Sec. 429 (14). The following ordinances are hereby repealed, to-wit: An ordinance entitled "An Ordinance Relative to Public Lamps and Lamp Posts in the City of Grand Rapids," passed March 1, 1873;

Also an ordinance entitled, "An ordinance Relative to Public Parks and Places in the City of Grand Rapids," passed March 8, 1873;

Also an ordinance entitled, "An Ordinance Relative to the Protection, Preservation and Use of Bridges Across Grand River in the City of Grand Rapids, belong to said city," passed June 21, 1873;

Also an ordinance entitled, "An Ordinance Relative to the Preservation of Public Property of the City of Grand Rapids," passed March 1, 1873;

Also all other ordinances and parts of ordinances in anywise contravening the provisions of this ordinance.

An Ordinance to Regulate the Use of the Public Parks of the City of Grand Rapids, and to Provide for the Preservation of Public Property Therein. Passed May 4, 1891. Amended June 20, 1892, and October 11, 1897.

The Common Council of the City of Grand Rapids do ordain as follows:

Parks—Injury to Trees, Etc.—Animals, Etc.—Handbills.

Sec. 430 (1). No person shall break, cut, mutilate, injure,

overturn, remove or carry away any tree, shrub, plant, flower, stone, or stone-work, bench, chair, seat, bower, stand, house, arbor, structure, fence or property, or anything whatsoever in, upon or belonging to any park, square or open space, in the City of Grand Rapids, or in any street, avenue, or highway in, adjoining to or around the same; nor shall any person climb up, or upon, any building, house, fence, table, seat or other structure in said park, place or square; nor shall any person kill, disturb, or molest any bird or bird's nest, or any fish or animal within, belonging to or being therein; nor shall any person paste or affix or inscribe any hand-bill, sign, poster, card, device or inscription to, upon or against any fence, tree, structure, or property of or on such park, place, square or highway, in or adjoining the same; nor shall any person disfigure or injure any sward, gravel, sand, turf or earth, or any tree, fence or structure therein, or adjoining thereto; nor shall any person fasten or hitch any animal to any tree, fence or structure in, or upon, the same, unless the same shall be designated and set apart for such purpose; nor shall any person ride or drive any animal or vehicle therein except upon the proper roadways, avenues and drives, and shall not drive therein at a speed exceeding eight miles per hour.

Parks—Speeches in.

Sec. 431 (2). No person shall deliver any oration, address, speech, sermon or lecture therein unless he shall have first received permission from the Common Council of the City of Grand Rapids, or the Mayor or other lawful authority so to do; nor shall any public meeting be held therein unless leave is first obtained.

Parks—Dogs in—Fire Arms.

Sec. 432 (3). No person shall allow or permit any domestic animal to go, be, or run at large within any such park, place or square; nor shall any person carry any rifle, gun, or other fire arm of any kind within any park of the City of Grand Rapids, and no dog shall be allowed therein except when fastened or led by a cord or string not exceeding six feet in length.

Parks—Disorderly Language—Games—Handbills—Peddlers—Picnics in.

Sec. 433 (4). (As amended October 11, 1897.) No person shall

SEC 433. Record B of Ordinances, p. 448.

use any threatening, obscene, profane or indecent language in any such park, open place or square, or be guilty of any disorderly or indecent conduct; nor shall any person indulge in any games, acts or demeanor calculating or tending to mar or disturb the feelings or enjoyment of the visitors attending such parks, places or squares; nor shall any person or persons deposit any rubbish or refuse in or upon such park, place or square, except the same be deposited in waste baskets to be provided by the Committee on Parks; nor shall any person post, exhibit or distribute any advertisement, circular or hand bill therein; nor shall any peddler or petty dealer sell, or in any manner dispose of any article in or immediately adjoining any public park, place or square in said city, unless he shall first obtain express permission so to do from the Common Council of the City of Grand Rapids. Picnics and social parties may be allowed in such portions of said parks as shall be designated and set apart by the Park Committee of the Common Council of the City of Grand Rapids from time to time.

Hours When Parks Open to Public.

Sec. 434 (5). (As amended June 20, 1892.) The three public parks belonging to said city and respectively named and known as the "John Ball Park," "Lincoln Park" and "Highland Park," shall be open to the public only between the hours of sunrise and 9 p. m. of each and every day, and it shall not be lawful for any person or persons, except the person and employes in charge of any such park, to enter therein before the hour above named for the opening of said park, or to remain therein after the hour above fixed for the closing thereof; Provided, however, That the Committee on Parks of the Common Council or Mayor of said city shall have the power, in their discretion, whenever special occasion may require it, to specially provide for all or any of said parks above named being opened at an earlier hour or closed at a later hour than the hours above designated.

Any person who shall violate any of the provisions or requirements of this section shall be liable to the punishment prescribed in Section 6 of this ordinance.

Penalty.

Sec. 435 (6). (As re-numbered June 20, 1892, and amended

Exhibit 198

V. STATE PARK RULES AND REGULATIONS.

California State Park System

This is Your Park

All of California's State Parks have been established for the purpose of preserving outstanding examples of nature's handiwork, for future generations, whether it be Redwood groves, beaches or other areas set aside for the use and enjoyment of all of the people.

That this enjoyment may not be destroyed it is necessary that certain restrictions governing the use of the parks be effected.

In order to preserve the natural beauty of the parks so that the public may enjoy them, please observe the following:

Do not pick flowers nor remove shrubs or small trees and please explain to others you may see violating this rule that these areas are being preserved, not only for our use but for posterity.

Do not destroy State property. It is your property.

Place all garbage and other refuse in garbage cans.

Protect human and wild life from danger by driving vehicles within the limit prescribed by the caution signs. Dogs are not permitted to run loose.

Note: In some parks, dogs are not allowed; therefore, suitable facilities are provided for caring for them at a small cost to the owner.

Firearms are not allowed, and must be sealed or checked at the Warden's Office.

Please confine travel to paths and roads.

Please confine campfires to camp stoves which are provided for this purpose.

Please report to the Warden any suggestions you may have to offer in order that he may use every effort to make your stay in the park enjoyable and comfortable.

Exhibit 199

the research divisions of public and private agencies; (5) act in the capacity of a research clearing house; (6) formulate plans for advancing the wise use of the resources of the State and assist in carrying out such plans.

V. STATE PARK RULES AND REGULATIONS.

This is a State Park. It belongs to you. It was paid for out of the State money, your money, or given to the State, for the preservation of natural beauty or historical association, and for the recreation of yourselves and your guests from other States.

The custodian of the State Park is the State Park Commission established by your representatives in the General Assembly, whose members are appointed by the Governor with the approval of the Senate. They are your servants, to see that the State Parks are properly cared for, rightly used and not abused.

There is a reason for every rule and regulation made, and they should be complied with, even though the reason is not evident. If the rules seem onerous or unnecessary, your criticisms or suggestions made in writing, will receive careful consideration.

It is desired that this park shall be used for picnic parties, camping and outdoor life by the people of Connecticut, provided the park is used in a wholesome and reasonable way, and that the trees, shrubs and plants are not injured, and all rubbish is placed in receptacles prepared for it, or buried or burned.

People using this State park should not monopolize it, nor disturb, nor unpleasantly intrude upon other parties using it. Fires are a source of danger to the forest, and must not be built in dry times, but at other times they may be made in stone fireplaces built by the Commission or acceptable to them; the fire should never be left alone, and must be put out on leaving.

The use of firearms or having them in possession is forbidden, also the killing or disturbing of wild animals, birds or birds' nests.

The directions of the caretakers should be followed. If they seem unreasonable or undesirable, or if suggestions are to be offered, please write to the Secretary or any member of the Commission.

No park employee is permitted to accept tips.

It is Permitted:

1. To fish in accordance with the Public Statutes.
2. To gather nuts, berries or wild flowers except for market.
3. To use any dead wood for the fireplace.
4. To camp for two nights without a permit, camping for longer periods to be by special permit.

V. STATE PARK RULES AND REGULATIONS.

The following rules and regulations for the government of this Park are hereby established. These rules and regulations are promulgated to cover only the Government owned or controlled lands and waters in the Park area.

1. **PRESERVATION OF NATURAL FEATURES AND CURIOSITIES:** The destruction, injury, defacement, or disturbance in any way of the public buildings, signs, equipment, or other property, or the trees, flowers, vegetation, rocks, minerals, animal or bird or other life is prohibited; Provided, that the flowers may be gathered in small quantities when in the judgment of the Superintendent, or other authorized representative of the Florida Park Service, their removal will not impair the beauty of the Park. Before any flowers are picked, permit must be obtained from the Superintendent in charge.

2. **CAMPING:** When the Park is constructed by the Florida Park Service by means of the Civilian Conservation Corps in cooperation with the National Park Service, adequate camping places with pure water and other conveniences will be provided. Until such time no camping overnight or fires of any sort will be permitted except by special permit of the Superintendent or his duly authorized representatives. In such instances the following rules must be carefully observed: Wood for fuel only can be taken from dead or fallen trees. Combustible rubbish shall be burned on camp fires, and all other garbage and refuse of all kinds shall be buried.

3. **FIRES:** Fires constitute one of the greatest perils to the Parks; they shall not be kindled near trees, dead wood, moss, dry leaves, forest mold, or other vegetable refuse, but in some open space on earth. Should camp be made in a locality where no such open space exists or is provided, the dead wood, grass, moss, dry leaves, etc., shall be scraped away to the earth over an area for five feet around the fire.

Fires shall be lighted only when necessary and when no longer needed shall be completely extinguished and all embers and bed smothered with earth or water, so that there remains no possibility of reignition.

Smoking may be forbidden by the superintendent in any part of the Park during the fire season when in his judgment the fire hazard makes such action advisable.

NOTE: Especial care shall be taken that no lighted match, cigar, cigarette, or burning pipe tobacco is dropped in any grass, twigs, leaves, moss or tree mold.

4. **HUNTING:** The Park is a sanctuary for wild life of every sort, and all hunting or the killing, wounding, frightening, pursuing, or capturing at any time of any bird or wild animal, except dangerous animals, when it is necessary to prevent them from destroying human lives or inflicting personal injury or taking the eggs of any bird, is prohibited within the limits of said Park. Firearms are prohibited within the Park except upon written permission of the Superintendent.

5. **FISHING:** Fishing with nets, seines, traps or by the use of drugs or explosives or in any other way than with rod, hook and line held in hand, or for merchandise or profit, is prohibited. Fishing in the Park will be permitted only during the open season as prescribed by the State of Florida.

- Recommendations. To make recommendations from time to time as to the best methods of such conservation, utilization and development;
- Cooperation. To cooperate with other agencies, national and State;
- Master plan. To make and adopt an official master plan for the physical and economic development of the State, including, among other things, the general location, character and extent of highways, expressways, parkways, waterways, water front development, flood prevention works, parks, preservations, forests, wildlife refuges.
- Restrictions. Following adoption of the State master plan, no State highway, park, forest, reservation or other State way, ground or property may be constructed or acquired with State funds, or located, constructed or authorized by any State agency unless the location and extent thereof is first submitted to the Board for its report and advice.
- Ten-year program. The Board is further directed to prepare and keep up to date a ten year construction and financial program, to be prepared in consultation with the several State departments; to cooperate with municipal, county, regional and other local planning commissions; furnish advice and reports to any State officer or department; prepare and submit to the Governor and General Assembly drafts of legislation for carrying out the master plan; encourage the creation of county, municipal and regional planning commissions, and to act as a clearing house for information relating to such planning.

VII. STATE PARK RULES AND REGULATIONS

This is YOUR PARK

All visitors are expected to observe the following rules that we can fulfill the purpose for which this and other state parks were established, the preservation of a primitive landscape in its original condition and a place where you might enjoy the out-of-doors.

1. Do not injure or damage any structure, rock, tree, flower, bird or wild animal within the park.
2. Firearms are prohibited at all times.
3. Dogs must be kept on leash while in the park.
4. There shall be no vending or advertising without permission of the Department of Conservation.
5. Camping areas are provided at a fee of twenty-five cents per car or tent for each 24 hours or fraction.

vation as it may deem to be of particular historic interest or which, in its judgment, may be favorably situated and well adapted for park purposes, and the setting aside of which for park purposes will not interfere with the reasonable use of the reservation by the educational institutions thereon.

IV. STATE PARK RULES AND REGULATIONS.

The following rules and regulations have been adopted by the Forestry, Fish and Game Commission covering the actions of the public on the State parks, and such rules and regulations have the full force and effect of law and violators are subject to prosecution:

1. The destruction or injury of any sign, guidepost or property of any kind is unlawful. This includes the peeling of bark, carving and chopping of trees, cutting branches, driving nails, digging ground from roots and the removal of trees, shrubs and plants, picking wild flowers and other injuries.
2. To carry or have firearms in possession in a State park is unlawful.
3. Throwing of tin cans, bottles, papers, junk or refuse of any kind on the ground or in a lake or stream; or the misuse and abuse of seats, tables and other park equipment, is prohibited.
4. Washing or the throwing of waste of any kind around well or spring, or the use of woods as toilets, or the use of toilets for bathhouses, is prohibited.
5. Building or starting fires in the open or in any place except where the proper provisions have been made, or to leave fires while burning, is prohibited.
6. Dogs in the park must be tied with a chain or controlled on a leash. They are not allowed to run loose about the park.
7. Speed limit for motor vehicles on park roads is 25 miles per hour, except where otherwise posted.
8. Camping, horseback riding or driving of automobiles or other vehicles on picnic grounds, children's playground, bathing beaches, and areas posted against such traffic or use is prohibited.
9. Persons desiring to camp in a State park are required to obtain permit before making camp. A permit authorizes the holder to camp in the park not to exceed three days. When time of permit has expired, campers are required to move from the park or have permit renewed. The park superintendent shall record the name and address of the responsible head of each camping party, the number of persons, and names and license numbers of cars.
10. Camping in the park by boys under seventeen years of age, unaccompanied by an adult, and girls under eighteen years of age, unaccompanied by their parents or chaperon, is prohibited.

2. To carry or have firearms in possession in a State park is unlawful.
3. Throwing of tin cans, bottles, papers, junk or refuse of any kind on the ground or in a lake or stream; or the misuse and abuse of seats, tables and other park equipment is prohibited.
4. Speed limit for motor vehicles on park roads is 20 miles per hour except where otherwise posted.
5. Dogs in park must be tied with chain or controlled on a leash. They are not allowed to run loose about the park.
6. The sale of eggs, milk, cream, butter, fruits and vegetables by farmers is permitted in State parks. All other vending or peddling in parks is prohibited.
7. Building or starting fires in the open or in any place except where proper provisions have been made or to leave fires while burning is prohibited.
8. Washing or the throwing of waste of any kind around well or spring or the use of woods as toilets or the use of toilets for bath houses is prohibited.
9. Persons desiring to camp in State parks are required to obtain permit before making camp. A permit will be issued to camp 7 days or less on a single site in parks within Oakland, Livingston, Macomb, St. Clair, Ottawa and Bay counties. The time limit in all other parks will be 15 days on a single site. When time of permit has expired, campers are required to move from the park. To again camp in parks now permits must be obtained.
10. Camping, horseback riding or driving of automobiles or other vehicles on areas (picnic ground, children's playground, bathing beaches, etc.) posted against such traffic or utilization is prohibited.
11. Camping in the park by boys under seventeen years of age unaccompanied by an adult or adults and girls under eighteen years of age unaccompanied by their parents or chaperon is prohibited.
12. Disorderly conduct in the way of drunkenness, vile language, fighting and personal exposure by change of clothing in automobiles, woods, park or any other place where person is not properly sheltered is prohibited.

Sec. 3-a - Act 17, Public Acts 1921, as amended by Act 337, P.A. 1927, provides that (any person who shall do or perform any act prohibited by such rules and regulations concerning the use and occupancy of lands and property under the control of said commission of conservation, which shall have been made, promulgated and pub-

Exhibit 200

5. Papers, garbage, and refuse of all kinds shall be placed in the receptacles provided for that purpose.
6. No person shall post or affix, or cause to be posted or affixed any printed or written bill, placard, sign, advertisement, or other notice upon any tree, post, fixture or structure within the park system. Nor shall any person deface, damage, or destroy any notice of the rules, regulations, ordinances or signs for the Government of said park system which shall have been posted by order of the Commission.
7. No picnics shall be held upon park property except at such places as are designated by signs.
8. The following acts and activities are prohibited within the park areas under jurisdiction of this Commission except by permit:-
The possession of any firearms and fireworks of any kind; making or building fires except in fireplaces provided by park authorities; carrying any musical instrument; carrying or displaying flags, banners, placards of any kind; delivering speeches or orations; holding parades or other demonstrations; conducting religious or other ceremonies; soliciting alms or contributions for any purpose; the taking of commercial equipment for the taking of motion and sound pictures.
9. No person shall disobey an order of a park patrolman or other park official when such official is engaged in the enforcement of a State or park ordinance; nor shall he use bad, obnoxious or indecent language, nor act in a disorderly or suspicious manner.
10. No intoxicating liquors or beverages shall be brought, caused to be brought, or drunk within the limits of the State parks, nor shall any intoxicated person enter or remain upon any portion of the park system, except that intoxicating liquors and beverages may be sold by such persons and at such places as may be specifically authorized by the Niagara Frontier State Park Commission.
11. No booth, tent, stall, stand, or other structure shall be erected for any purpose, and no begging, hawking, peddling, advertising, or soliciting shall be done; nor any article or service be advertised, or caused to be advertised or offered for sale, or hire, within the property limits of lands under the jurisdiction of this Commission, except by written permit of the Commission.
12. No commercial vehicles, or any vehicle displaying any advertising placard or advertisement of any kind, shall be driven within the park or over the parkways of said park system for advertising, demonstration, or other purposes.
13. Motorists shall obey all signs regulating traffic placed in the parks and along the parkways under the jurisdiction of this Commission. In no instance shall a vehicle be operated at a greater rate of speed than thirty (30) miles per hour. Where one direction in roads is designated, traffic in the opposite direction is prohibited. Bus and taxicab parking areas will not be for the use of privately owned vehicles. All vehicles must be parked in parking areas provided.

(f) Every person twelve years of age or older in each party making use of Park camping facilities, cabins or campsites must register with the rental clerk.

5. COMMERCIAL ENTERPRISES.

(a) No person shall, without a permit from the Commissioners, sell or offer for sale within the Park on lands owned by the State, any property or privilege whatsoever, nor shall any person to whom property of the Park has been intrusted for personal use, hire, lease or rent out the same to another person.

(b) No person shall take photographs or moving pictures within the Park camping areas for the purpose of selling negatives or prints therefrom without having first obtained a permit from the Commissioners.

(c) No person shall operate a bus, taxicab or other vehicle for the transportation of passengers or property for hire on the Park controlled roads without having obtained a permit from the Commission.

6. FIREARMS.

(a) No firearms may be used or possessed within the Park area by visitors or used by residents except by special permission of the Commissioners.

(b) No target or trapshooting allowed in the Park except by written permission of the Commissioners, or an executive officer..

7. HUNTING AND FISHING.

(a) No person shall hunt, pursue with dogs, trap or in any other way molest any of the wild birds or beasts found within the Park except by permission of, and in a manner specified by the commission.

(b) No person shall fish in any of the Park streams except by written permission of the Commissioners.

8. PUBLIC NUISANCE.

(a) Gambling in the Park is prohibited and no person shall bring into the Park or have in his possession while there, any implement or device commonly used or intended for gambling purposes.

(b) No person shall sell or attempt to sell any beer, wine, whiskey or other intoxicating liquor or beverage within the area of the Park except by permission of the Commissioners.

9. SIGNS.

No sign or notice shall be erected or posted at any place in the Park on lands owned by the State, without permission in writing from the Commissioners.

5. HUNTING AND FIREARMS - No person shall carry or have in his possession any gun, firearms, ammunition, or explosives and no person shall hunt or trap within or from the park areas except when especially authorized by the Commission to do so. No person shall engage in fishing, spearing or netting in waters restricted by the Commission against such uses.

6. FIRE DANGER - No person shall start or maintain a fire except in the fire-places provided for that purpose or at places especially indicated by the official in charge of the park and all fires shall be continuously under the care of a competent person. No person shall allow any fire to injure or destroy any shrub, tree or branches thereof or discard or throw away lighted matches, cigarettes or cigars in such a manner as to create a fire risk of any sort. In addition to the fines or penalties provided for the violation of these Rules and Regulations, any person responsible for fire damage or loss of park property, including trees and vegetation, shall pay to the Commission the full cost of restoring such property to its original condition.

7. SPORTS - Boating or landing of boats within a bathing area is forbidden and all persons operating boats shall conform strictly to the instructions of the official in charge of the park as to the limits of such areas. No person shall operate toilets on a boat or throw refuse or litter into the water in the near vicinity of such bathing areas. Any person bathing in waters not specifically designated as bathing areas and protected by lifeguard service shall do so entirely at their own risk, and if observed, may be ordered by park officials to cease such bathing. Bathing without proper bathing suits, or undressing and dressing outside of duly provided bath-houses and/or in the public view is prohibited. Games of various kinds shall be played only at places provided for such games. No camp shall be maintained in any park except under permit obtained from the park superintendent and at such places and for such periods as he may designate. No skating or use of frozen-over waters shall be permitted except after the ice has been declared safe by the park official in charge.

8. MEETINGS - No person or organization shall hold or conduct any meeting involving ceremonies, speeches, religious services, performances or entertainments except after obtaining a permit to do so.

9. OMNIBUSES, TAXIS, AND TRUCKS - No omnibuses, taxis or trucks shall operate within property controlled by the Commission except by duly authorized permit and the procedure and conduct of persons operating such vehicles shall at all times be strictly in accordance with the instructions of the park official in charge. The rate of speed for any motor vehicle being operated within the park area shall not be such as will endanger the public and in no case in excess of 30 miles per hour.

10. LOST AND FOUND ARTICLES - Any person finding or taking possession of any personal property of which such person is not the owner, shall deliver the same immediately to the Park Superintendent or to the headquarters of the Commission at Ithaca, N. Y., and losers of such property shall apply to the said Superintendent of park headquarters for restoration of articles.

Commission for all damages and loss suffered by it in excess of money so forfeited and retained; but neither such forfeiture and retention by the Commission of the whole or any part of such moneys nor the recovery or collection thereby of such damages, or both, shall in any manner relieve such person or persons from liability to punishment for any violation of any provision of any Central New York State Parks Commission Ordinance.

Ordinance No. 4

Prohibited Uses

Section 1. Boating. Boating of any kind in a bathing area is forbidden except such boating as is necessary to keep such areas properly protected and policed. The use of privately owned boats or canoes on any park waters is prohibited.

Section 2. Protection of Bathing Area. No person shall throw, cast, lay or deposit any glass, crockery, or any part thereof or any metallic substance on any bathing area in or adjoining any park.

Section 3. Firearms. No person except employees or officers of the Commission shall carry firearms of any description within the park.

Section 4. Explosives. No person shall bring into or have in any park any explosive or explosive substance.

Section 5. Fires, Lighted Cigars, etc. No person shall kindle, build, maintain or use a fire other than in places provided or designated for such purpose except by special permit. Any fire shall be continuously under the care and direction of a competent person over sixteen years of age from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar, cigarette, or other burning object within, on or against any structure, boat, vehicle or enclosure, or under any tree or in underbrush or grass.

Section 6. Alms and Contributions. No person shall solicit alms or contributions for any purpose.

Section 7. Commercial Enterprises. No person shall, without a permit, do any of the following: - Sell or offer for sale, hire, lease or let out, any object of merchandise, or any other thing, whether corporeal or incorporeal; take photographs within the limits of any park for the purpose of selling the negatives thereof, or prints therefrom, or for the purpose of exhibiting negatives thereof, or prints therefrom in public; while operating a boat for hire, land or receive passengers at any dock or wharf under the jurisdiction of the Commission. No person to whom property of the park has been entrusted for personal use shall hire, lease or let out the same to any other person.

Discharge of fire-
arms.

Rule 39. No person shall be permitted to discharge firearms from the main shore of a reservoir, or from the islands within such reservoir, or from boats thereon across the waters of any public park, except during the hunting season authorized by the statutes, and parties guilty of reckless shooting on or around such reservoirs shall be arrested and fined in accordance with the provisions of this act.

Disposal of garbage.

Rule 40. No lessee of a state lot, cottage owner, or other occupant of a cottage located upon state or adjacent lands shall deposit garbage upon the rear of such lot or throw the same into the lake, but such garbage shall be burned or removed from the premises so as not to be a nuisance to the cottage owners either on or off the state land.

State landings may
be used by all
boats.

Rule 41. No boat line company or individual shall have control of any state landing to the exclusion of other boat lines, or individuals owning and operating boats upon the waters of any state reservoir, and all boats shall have the right to land at any dock or landing for temporary purposes, but passenger boats operated for hire may only discharge passengers at private docks or landings, and shall not take on passengers from such docks or landings without the permission of the owner or owners thereof.

Permit to build
boat house or
private landing
required.

Rule 42. No boat owner or lessee of a state lot shall build a boat house or dock landing over the water of any state reservoir that has been dedicated and set apart as a public park and pleasure resort, except by the written permission of the conservation commissioner who shall first approve the plans for such boat house or dock landing before work thereon shall be commenced.

Permission to
cut trees.

Rule 43. No trees shall be cut by the lessees of state lots to make room for the erection of cottages or other buildings without permission of the conservation commissioner or his authorized agent.

Duty of lessees
as to woods, refuse,
etc.

Rule 44. Lessees of state lands or state lots shall keep the woods and poisonous vines cut on their leases and shall keep their lots, cottages and other buildings free from rubbish, garbage and all other unsightly things.

Oils, gasoline and other inflammable substances shall be stored in such a manner as not to endanger cottages and their occupants, or other property either on or off the state land.

Limitation of speed
of water craft in
canal.

Rule 45. Boats running in any canal connecting with a reservoir park, shall limit their speed while in the canal to four miles per hour and parties operating boats, and water craft of all kind, upon any state reservoir, dedicated and set apart as a public park and pleasure resort, shall limit the speed thereof to five miles an hour when

ance of roads within the limits of such park, and for the development of such park; No money may be appropriated for expenditures beyond the territorial limits of such county (P. L. 1925).

Alteration of roads leading to parks.

Whenever a public road or highway within a park or public ground, title to which is vested in the State, is laid out, located, relocated, altered or vacated in such manner that a public road or highway approaching, leading to or contiguous to such park or public ground becomes useless, inconvenient or burdensome, the same may be altered, relocated, or vacated by the officers charged with its maintenance for the purpose of making it convenient and suitable as an approach to the roads within the park or public grounds, upon the consent and agreement of: (a) the commissioners or officers charged with the care and management of the park or public grounds; (b) the officials charged with the duty of maintaining the roads or highways; and (c) the owners of the majority of the frontage of land abutting upon the relocated portion of the roads or highway approaching, leading into or contiguous to the public or park grounds. Such road or highway, when altered or relocated, to be maintained and repaired in the same manner as township roads (P. L. 1919, 1931).

Park roads.

The Department of Highways, with the approval of the Governor, may build, rebuild, construct, and maintain that portion of any or all roads running through or over the lands of any State park; the cost and expense to be paid out of any moneys appropriated to the Department of Highways for the construction, reconstruction or maintenance of State highways (P. L. 1927).

No race discrimination.

All persons within the jurisdiction of the Commonwealth are entitled to the full and equal accommodations, advantages, facilities, and privileges of any places of public accommodation, resort or amusement, subject only to the conditions and limitations established by law and applicable alike to all persons (P. L. 1887, 1935).

Hunting in parks prohibited.

It is unlawful for any person at any time of the year to discharge a shotgun, rifle or firearm of any description, except in defense of person or property, or by written consent of the owner or person controlling the same, upon the grounds belonging to or connected with and controlled by those operating a public or private park or resort, set apart to the use of the public either free or otherwise, and upon which human beings congregate in the open in quest of health, recreation or pleasure -- such lands being surrounded by a marker, either a fence or single wire or a marker of any description that will clearly designate the boundaries thereof, and a line of notices printed upon

excess of revenues derived for school purposes, except upon resolution of the park board advising the school board of its willingness to contribute the necessary funds for the maintenance of such additional schools;

Encourage summer homes; leases. To encourage the erection of summer cottages and summer homes, may make term permits or leases for such purposes, but no lease may be made on the slopes of Sylvan Lake or within view of the Lake; the minimum rental for a site to be \$10 annually, and the Board may cancel the lease in case of failure to comply with such permit or lease, or to pay the rental. No leases may be made for homes along the highway but only upon locations designated by the Board;

Sale of timber. May contract for and sell timber on any of the State lands in the Park, but not in excess of 100,000 lumber feet in any one year. No trees may be cut adjacent to the highway, except as may be necessary to improve the appearance of growing conditions. Proceeds derived from the sale of timber are to be placed in the General Fund of the State, except where such timber is from school land, in which case the proceeds are to be credited to the permanent school fund and applied to the purchase price of said land;

Superintendent. Is directed to employ a Superintendent to care for the park property, manage and execute park enterprises and activities, direct and supervise other employees, and perform such other duties as the Board requires. The Board may also employ such other personal as may be necessary, including a park Forester, or the Superintendent may be required to act as such;

Rules and regulations. Game warden. May make and enforce necessary rules and regulations, and designate one or more employees as game wardens to enforce the provisions of the Act or any of the laws of the State;

Annual reports to Governor. Must annually file with the Governor a report of all funds received from any source during the preceding year and a statement of all moneys paid out; including a report of all lands purchased, the price paid therefor, the lands rented and rental paid therefor; also a detailed report of all property sold or disposed of and the price received therefor.

State-wide park plan. Is directed to formulate and recommend a State-wide plan for a State park system embracing the different scenic and recreational areas in different sections of the State and report to the next Legislature.

Hunting regulated. Firearms; dogs. Hunting, trapping, killing or capturing game animals or game birds within the boundaries of the park is unlawful except under such regulations as may be prescribed by the Board. It is also unlawful to carry firearms therein or or permit dogs to run at large.

Exhibit 201

(e) Saddle, pack, or draft animals shall not be kept in or near any camping area. No such animals shall be kept on the floor of Yosemite Valley except in the operator's corral.

(f) Only in areas designated by the park superintendent may campers use any dead or fallen timber for fuel, except that Sequoia wood or bark shall not be disturbed for any purpose.

(g) The installation of permanent camping facilities by visitors is prohibited in all parks and monuments. The digging or leveling of the ground in any camp site without a ranger's permission is prohibited.

(h) Camps must be completely razed and the sites cleaned before the departure of campers. In dismantling camps, all material, such as poles, bark, planks, platforms, etc., used in construction of temporary camps must be removed, and, if combustible, must be piled on the public camp woodpiles.

(i) Campers shall not leave their camps unattended for more than 48 hours without special permission of the superintendent, obtained in advance. Camping equipment left unattended in any public camping area for 48 hours or more is subject to removal by order of the superintendent, the expense of such removal to be paid by the person or persons leaving such equipment.

(j) No camp may be established in a park or monument and used as a base for hunting outside such park or monument.

(k) No camp shall be placed within 25 feet of any well-defined water course, water hydrant, or main road.

(l) Any article likely to frighten horses shall not be hung near a road or trail used by horses.

(m) The superintendents or custodians may, with the approval of the Director of the National Park Service, establish hours during which quiet must be maintained at any camp, and prohibit the running of motors at or near a camp during such hours.

(In Hot Springs National Park, the superintendent may establish the hours during which bathing will be permitted in the pool.)

(n) No visitors shall be permitted to camp within the canyon in Canyon de Chelly National Monument.

(o) No camping is permitted in any part of the Muir Woods National Monument, and no hikers or visitors shall enter or remain therein between one-half hour after sunset and one-half hour before sunrise.

3. *Picnicking.*—Picnicking or the eating of lunches is prohibited in restricted areas designated by the superintendent.

4. *Use of park waters.*—In Platt National Park the superintendent may, whenever it becomes necessary to do so, restrict the use of the waters of any of the springs in the park to immediate drinking purposes at such springs.

5. *Sanitation.*—(a) Garbage, papers, or refuse of any kind shall not be thrown or left on or along roads, in camping or picnic areas, or on any other park or monument lands.

(b) All comfort stations shall be used in a clean and sanitary manner.

(c) Contamination of watersheds, of water supplies, or of any water used for drinking purposes is strictly prohibited.

6. *Fires.*—Fires shall not be kindled near or on the roots of trees, dead wood, moss, dry leaves, forest mold, or other vegetable refuse, but in some open space on rocks or earth. On public campgrounds the regular fireplaces constructed for the convenience of visitors must be used. Should camp be made in a locality where no such open space exists or is provided, the dead wood, moss, dry leaves, etc., shall be scraped away to the rock or earth over an area considerably larger than that required for the fire.

Fires shall be lighted only when necessary and, when no longer needed, shall be completely extinguished, and all embers and beds smothered with earth or water, so that there remains no possibility of reignition.

Permission to burn on any cleanup operation within the parks or monuments must first be obtained in writing from the office of the superintendent or custodian, and in such cases as it is deemed advisable such burning will be under Government supervision. All costs of suppression and all

damage caused by reason of loss of control of such burning operations shall be paid by the person or persons to whom such permit has been granted.

No lighted cigarette, cigar, pipe heel, match, or other burning material shall be thrown from any vehicle or saddle horse or dropped into any grass, leaves, twigs, tree mold, or other combustible or inflammable material.

Smoking or the building of fires on any lands within the parks or monuments may be prohibited or limited by the superintendent or custodian when, in his judgment, the hazard makes such action necessary.

All persons making trips away from established camps are required to obtain written fire permits from the nearest ranger before building camp fires.

The use of fireworks or firecrackers in the parks and monuments is prohibited, except with the written permission of the superintendent or custodian.

7. *Protection of wildlife.*—The parks and monuments are sanctuaries for wildlife of every sort, and all hunting, or the killing, wounding, frightening, capturing, or attempting to capture at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of the parks and monuments.

Unauthorized possession within a part or monument of the dead body or any part thereof of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this regulation.

During the hunting season arrangements must be made at entrance stations to identify and transport through the parks and monuments, where necessary, the carcasses of birds or animals legally killed outside the parks and monuments. Failure to make such arrangements shall be deemed a violation of this regulation.

8. *Firearms, etc.*—Firearms, explosives, traps, seines, and nets are prohibited within the parks and monuments, except upon written permission of the superintendent or custodian. Visitors entering or traveling through the parks and monuments to places beyond shall, at entrance, report and, if required to do so, surrender all such objects in their possession to the first park or monument officer, and, in proper cases, may obtain his written permission to carry them through the park or monument sealed. Failure to obtain such written permission shall be deemed a violation of this regulation. The Government assumes no responsibility for the loss of, or damage to, any such objects so surrendered to any park or monument officer, nor are park or monument officers authorized to accept the responsibility or custody of any other property for the convenience of the visitors.

9. *Fishing.*—Persons desiring to fish in the waters of the Yosemite, Sequoia, Lassen, General Grant, Grand Canyon, Grand Teton, Acadia, Wind Cave, Great Smoky Mountains, Mammoth Cave, and Zion National Parks, and the national monuments under the jurisdiction of the National Park Service must secure a sporting fishing license, as required by the laws of the state in which such park or monument is situated. All fishing in such parks and monuments must be done in conformity with the laws of the state regarding open seasons, size of fish, and the limit of catch, except as otherwise provided in the following paragraphs, which are applicable to all parks and monuments:

Fishing with nets, seines, traps, or by the use of drugs or explosives, or for merchandise or profit, or in any other way than with hook and line, the rod or line being held in hand, is prohibited.

Fishing in particular waters may be suspended, or restricted in regard to the use of particular kinds of bait, when the superintendent or custodian, with the approval of the Director of the National Park Service, shall determine such suspension or restriction necessary and shall post such restrictions or suspensions.

The number of fish that may be taken by one person in any one day from the various lakes and streams may be regulated by the superintendent or custodian, with the approval of the Director of the National Park Service. Unless otherwise determined and posted, the number shall be

Exhibit 202

A
T R E A T I S E
O F T H E
P L E A S O F T H E C R O W N ;
O R
A S Y S T E M
O F T H E
P R I N C I P A L M A T T E R S R E L A T I N G T O T H A T S U B J E C T ,
D I G E S T E D U N D E R P R O P E R H E A D S .

McCampbell

By WILLIAM HAWKINS,
SERJEANT AT LAW.

THE SEVENTH EDITION:

In which the Text is carefully collated with the original Work ; the marginal References corrected ; new References from the modern Reporters added ; a Variety of *Manuscript Cases* inserted ; and the whole enlarged by an Incorporation of the several Statutes upon Subjects of Criminal Law, to the THIRTY-FIFTH YEAR OF GEORGE THE THIRD. To which an Explanatory Preface is prefixed, and new and copious Indexes are subjoined.

By THOMAS LEACH, Esq.
OF THE MIDDLE TEMPLE, BARRISTER AT LAW.

IN FOUR VOLUMES.

VOL. I.



L O N D O N :

PRINTED FOR G. G. AND J. ROBINSON, PATERNOSTER-ROW ; AND
J. BUTTERWORTH, FLEET-STREET,

1795.

Ch. 6. AGAINST RELIGION.

III. DRUNKENNESS.

Stat. 30. By 4. Jac. 1. c. 5. "All and every person and persons con-
 " persons who shall be drunk, and of the same offence of victed of
 " *drunkenness* shall be lawfully convicted, shall, for every *drunkenness*
 " such offence, forfeit and lose *five shillings*, to be paid shall forfeit
 " within one week after conviction, to the churchwardens of *five shillings*.
 " the parish where the offence shall be committed, for the 1. Jac. 1. c. 9.
 " use of the poor; and on refusal or neglect to pay the 4. Jac. 1. c. 3.
 " same, it may be levied by warrant, or precept, from the 7. Jac. 1. c. 10.
 " convicting magistrate; or, if the offender shall be unable 21. Jac. 1. c. 7.
 " to pay the same, he shall be committed to THE STOCKS 1. Car. 1. c. 4.
 " by the space of *six hours* for every offence." Cro. Ca. 285.
 " 1 Burn 40.

IV. REVILING THE SACRAMENT.

Stat. 31. By the statute 1. Edw. 6. c. 1. repealed by Persons revil-
 1. Mary, c. 2. and revived by 1. Eliz. c. 1. it is enacted, ing *the sacra-*
 " that whoever shall deprave, despise, or contemn the blef- ment of the
 " sed sacrament of the Lord's Supper, in contempt thereof, Lord's Supper
 " by contemptuous words, or by any words of depraving, shall suffer
 " despising, or reviling; or shall advisedly in any other wise imprisonment.
 " contemn, despise, or revile the said most blessed sacra-
 " ment, shall suffer imprisonment, and make fine and ran-
 " som at the king's will and pleasure."

Stat. 32. By 3. Jac. 1. c. 21. "Whoever shall use the To ridicule
 " name of the Holy Trinity profanely or jestingly, in any the *Holy Tri-*
 " stage play, interlude, or show, shall be liable to a *qui tam* nity incurs a
 " penalty of ten pounds." penalty of 10l.

Stat. 33. By 1. Will. 3. c. 18. s. 17. "Whoever shall Penalty on de-
 " deny in his preaching or writing the doctrine of the nying the Tri-
 " blessed Trinity shall lose all benefit of the act for grant- nity.
 " ing toleration, &c."

Stat. 34. I shall not mention the offences against 2. & 3. Feasts and
 Edw. 6. c. 19. & 5. Eliz. c. 5, relating to *fasts* and *fish-* fasts.
 " days, because it is expressly declared, that those statutes are 2. Burn. 185,
 enacted merely on a political account; and it is made penal 136.
 to affirm that any eating of fish, or forbearing of flesh men-
 tioned therein, is necessary to salvation, or that it is the
 service of God.

CHAPTER THE SEVENTH.

OF OFFENCES AGAINST THE COMMON PRAYER.

OFFENCES against THE ESTABLISHED CHURCH are, such as concern all persons in general; such as more immediately relate to those of the Popish religion; and such as more immediately regard Protestant dissenters.

Those which concern all persons in general are, FIRST, Against the Common Prayer. SECONDLY, Nonconformity. THIRDLY, In teaching school without conforming to the church. FOURTHLY, In not coming to church.

I. OFFENCES AGAINST THE COMMON PRAYER.

4. Comm. 50.
1. Lev. 245.
Can. 5, 6, 7.
Gib. 259.
3. Burn. E. L.
220.

Sec. 1. As to which it is to be observed, That by 2. & 3. Edw. 6. c. 1. & 6. Edw. 6. c. 1. which were repealed by 1. Mary 2. c. 2. and revived by 1. Eliz. c. 2. THE COMMON PRAYER BOOK was first established under severe penalties; but the same penalties being repeated and enlarged by 1. Eliz. c. 2. and 13. & 14. Car. 2. c. 4. which enacts the use of the same Common Prayer with some alterations, those statutes of Edward the sixth seem, at this day, to be of little use.

Form of the indictment,
3. Mod. 78.

Sec. 2. By 1. Eliz. c. 2. s. 4, 5, 6. " If any parson, vicar, or other whatsoever minister, that ought to say the said Common Prayer, &c. shall refuse to use it in such church, &c. or other place where he should use to minister the same, or wilfully or obstinately standing in the same, use any other form, or speak any thing in derogation of the said book, or any thing therein contained, he forfeits for the first offence one year's profit of all his spiritual promotions, and shall suffer six months imprisonment; and for the second offence shall be deprived, &c."

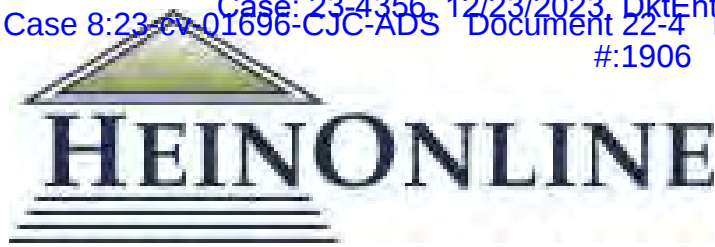
In the construction of this act it has been resolved,

Dyer 203.
1. Leo. 295.

Sec. 3. FIRST, that under the words " parson, vicar, or other whatsoever minister, that ought or should say the said Common Prayer, &c." those clergymen who have no cure are included, as much as those who have one, and that they are punishable for using any other form, &c. inasmuch as by their ordination they are obliged to officiate in the offices of the church, &c. and it is said that they are sufficiently shewn to be in holy orders by the word *clericus* in an indictment.

Sec.

Exhibit 203



DATE DOWNLOADED: Fri Oct 27 17:38:37 2023
SOURCE: Content Downloaded from [HeinOnline](https://heinonline.org)

Citations:

Please note: citations are provided as a general guideline. Users should consult their preferred citation format's style manual for proper citation formatting.

Bluebook 21st ed.

William Waller Hening. Virginia Justice, Comprising the Office and Authority of a Justice of the Peace, in the Commonwealth of Virginia. Together with a Variety of Useful Precedents, Adapted to the Laws Now in Force. To Which Is Added, an Appendix, Containing All the Most Approved Forms in Conveyancing: Such as Deeds of Bargain and Sale, of Lease and Release, of Trust, Mortgages, Bills of Sale, &c. Also, the Duties of a Justice of the Peace, Arising under the Laws of the United States (4).

ALWD 7th ed.

Hening, William Waller. Virginia Justice, Comprising the Office and Authority of a Justice of the Peace, in the Commonwealth of Virginia. Together with a Variety of Useful Precedents, Adapted to the Laws Now in Force. To Which Is Added, an Appendix, Containing All the Most Approved Forms in Conveyancing: Such as Deeds of Bargain and Sale, of Lease and Release, of Trust, Mortgages, Bills of Sale, &c. Also, the Duties of a Justice of the Peace, Arising under the Laws of the United States (4).

APA 7th ed.

Hening, W. (4). Virginia Justice, Comprising the Office and Authority of Justice of the Peace, in the Commonwealth of Virginia. Together with Variety of Useful Precedents, Adapted to the Laws Now in Force. To Which Is Added, an Appendix, Containing All the Most Approved Forms in Conveyancing: Such as Deeds of Bargain and Sale, of Lease and Release, of Trust, Mortgages, Bills of Sale, &c. Also, the Duties of Justice of the Peace, Arising under the Laws of the United States. Richmond, Printed for the author, Shepherd & Pollard, printers.

Chicago 17th ed.

Hening William Waller. Virginia Justice, Comprising the Office and Authority of a Justice of the Peace, in the Commonwealth of Virginia. Together with a Variety of Useful Precedents, Adapted to the Laws Now in Force. To Which Is Added, an Appendix, Containing All the Most Approved Forms in Conveyancing: Such as Deeds of Bargain and Sale, of Lease and Release, of Trust, Mortgages, Bills of Sale, &c. Also, the Duties of a Justice of the Peace, Arising under the Laws of the United States. Richmond, Printed for the author, Shepherd & Pollard, printers.

McGill Guide 9th ed.

William Waller Hening, Virginia Justice, Comprising the Office & Authority of a Justice of the Peace, in the Commonwealth of Virginia. Together with a Variety of Useful Precedents, Adapted to the Ls Now in Force. To Which Is Added, an Appendix, Containing All the Most Approved Forms in Conveyancing: Such as Deeds of Bgain & Sale, of Lease & Release, of Trust, Mortgages, Bills of Sale, &c. Also, the Duties of a Justice of the Peace, Arising under the Ls of the United States (Richmond: Printed for the author, Shepherd & Pollard, printers., 4)

AGLC 4th ed.

William Waller Hening, Virginia Justice, Comprising the Office and Authority of a

common law, and is strictly prohibited by statute: for, it is enacted, "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 country, 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." 1 *Rev. Code* of 1819, c. 140. (From 2 *Ed. 3*, c. 3.)

4. No person is within the intention of the law, who arms himself to suppress dangerous rioters, enemies, &c. and disturbers of the peace of the commonwealth. *Haw. B.* 1, c. 63, s. 10.

5. Nor unless such wearing be accompanied with such circumstances as are apt to terrify the people; consequently, the wearing of common weapons, or having the usual number of attendants, merely for ornament or defence, where it is customary to make use of them, will not subject a person to the penalties of this act. *Ibid.* s. 9.

6. A man cannot excuse the wearing such armour in public, by alleging, that such a one threatened him, and that he wears it for the safety of his person from his assault; but no one shall incur the penalty of the statute for assembling his neighbors and friends in his own house, against those who threaten to do him any violence therein, because a man's house is his castle. *Ibid.* s. 8.

7. Any justice of the peace, or other person, empowered to execute this act, may proceed thereon *ex officio*; and if he find any person in arms, contrary to the form of the statute, he may seize the arms, and commit the offender to prison; and he ought also to make a record of the whole proceeding, and certify the same to the next county court. *Ibid.* s. 5.

But in exercising this office, the act of Assembly of Virginia materially differs from the act of Parliament of 2 *Edw.* 3, and is certainly a very great improvement on it; being more favourable to liberty. *There* the duration of the imprisonment is unlimited, but *here* it cannot exist, by law, for a longer space of time than one month, nor even that length of time, unless sanctioned by the verdict of a jury. It seems, then, that as soon as a justice of the peace has apprehended an offender against the latter part of this act, either from his own view, or proof by others, he should issue his warrant, directing a jury to be summoned, to determine what length of time (less than one month) the party should be imprisoned.

Exhibit 204

Blackstone

COMMENTARIES

ON THE

Laws of England:

BY THE LATE

SIR W. BLACKSTONE.

A NEW EDITION, WITH PRACTICAL NOTES,

By JOSEPH CHITTY, Esq.

BARRISTER AT LAW.

27681

IN FOUR VOLUMES.

VOL. I.

LONDON:

PRINTED FOR WILLIAM WALKER, STRAND; COWIE, LOW, AND CO. POULTRY;
CHALMERS AND COLLINS, GLASGOW; J. PARKER, OXFORD; DEIGHTON AND
SONS, CAMBRIDGE; WILSON AND SONS, YORK; MOZLEY, DERBY; CUMMING,
AND MILLIKIN, DUBLIN; AND WAUGH AND INNES, EDINBURGH.

MDCCLXXVI.

UNIV. OF MICH. LAW LIBRARY.

CHAP. I.—ABSOLUTE RIGHTS OF INDIVIDUALS. 142

ther his majesty, nor his privy council, have any jurisdiction, power, or authority by English bill, petition, articles, libel (which were the course of proceeding in the starchamber, borrowed from the civil law), or by any other arbitrary way whatsoever, to examine, or draw into question, determine, or dispose of the lands or goods of any subjects of this kingdom ; but that the same ought to be tried and determined in the ordinary courts of justice, and by *course of law*.

4. If there should happen any uncommon injury, or infringement of the rights before mentioned, which the ordinary course of law is too defective to reach, there still remains a fourth subordinate right, appertaining to every individual, namely, *the right of petitioning the king, or either house of parliament*, for the redress of grievances. In Russia we are told^y that the czar Peter established a law, that no subject might petition the throne, till he had first petitioned two different ministers of state. In case he obtained justice from neither, he might then present a third petition to the prince ; but upon pain of death if found to be in the wrong. The consequence of which was, that no one dared to offer such third petition ; and grievances seldom falling under the notice of the sovereign, he had little opportunity to redress them. The restrictions, for some there are, which are laid upon petitioning in England, are of a nature extremely different ; and while they promote the spirit of peace, they are no check upon that of liberty. Care only must be taken, lest, under the presence of petitioning, the subject be guilty of any riot or tumult ; as happened in the opening of the memorable parliament in 1640 : and, to prevent this, it is provided by the statute 13 Car. II. st. 1. c. 5. that no petition to the king, or either house of parliament, for any alteration in church or state, shall be signed by above twenty persons, unless the matter thereof be approved by three justices of the peace, or the major part of the grand jury, in the country ; (18) and in Lon-

^y Montesq. Sp. L. xii. 26.

(18) Which the grand jury may do either at the assizes or sessions. The punishment for an offence against this act, is a fine to any amount not exceeding 100*l.* and imprisonment for three months. At the trial of lord George Gordon, the whole court, including lord Mansfield, declared that this statute was not affected by the bill of rights. 1 Wm. & M. st. 2. c. 2. (see Douglas, 571.) But Mr. Dunning, in the house of commons, contended, "that it was a clear and fundamental point in the constitution of this country, that

the people had a right to petition their representatives in parliament, and that it was by no means true that the number of names signed to any such petition was limited. To argue that the act of Charles was now in force, would be as absurd as to pretend that the prerogative of the crown still remained in its full extent, notwithstanding the declaration in the bill of rights." See New An. Reg. 1781. V. 2. And the acknowledged practice has been consistent with this opinion.

The state of disturbance and political

Generated on 2023-10-27 22:01 GMT / https://hdl.handle.net/2027/mdp.35112203968955
Public Domain, Google-digitized / http://www.hathitrust.org/access_use#pd-google

don by the lord mayor, aldermen, and common council : nor shall any petition be presented by more than ten persons at a time. But, under these regulations, it is declared by the statute 1 W. & M. st. 2. c. 2. that the subject hath a right to petition; and that all commitments and prosecutions for such petitioning are illegal.

[144] 5. The fifth and last auxiliary right of the subject, that I shall at present mention, is that of having arms for their defence, suitable to their condition and degree, and such as are allowed by law. Which is also declared by the same statute 1 W. & M. st. 2. c. 2. and it is indeed a public allowance under due restrictions, of the natural right of resistance and self-preservation, when the sanctions of society and laws are found insufficient to restrain the violence of oppression. (19)

In these several articles consist the rights, or, as they are frequently termed, the liberties of Englishmen : liberties, more generally talked of than thoroughly understood ; and yet highly necessary to be perfectly known and considered by every man of rank or property, lest his ignorance of the points whereon they are founded should hurry him into faction and licentiousness on the one hand, or a pusillanimous indifference and criminal submission on the other. And we have seen that these rights consist, primarily, in the free enjoyment of personal security, of personal liberty, and of private property. So long as these remain inviolate, the subject is perfectly free ; for

excitement in which this kingdom was involved several years, after the peace of 1815, produced further regulations and restrictions of the right of petitioning. The people in the manufacturing districts having little employment, from the general stagnation of trade, devoted themselves with intense ardour to political discussions, and in some places the partizans of reform presuming that their demands would not be conceded to their petitions, were preparing for the alternative of open force. In these circumstances the legislature thought fit to forbid all public meetings (except county meetings called by the lord-lieutenant or the sheriff), which consisted of more than fifty persons, unless in separate townships or parishes, by the inhabitants thereof, of which six days' previous notice must be given to a justice of the peace, signed by seven resident householders. See 60 Geo. III. c. 6. The act also provides for the dissolution

of any public meeting by proclamation of a chief civil officer of the place, and persons refusing to depart, are liable to seven years' transportation. Persons attending such meetings with arms, bludgeons, flags, banners, &c. are subject to fine and imprisonment for any term not exceeding two years.

But as the mischief was temporary, the restrictions upon the right of meeting to deliberate upon public measures were limited in their duration, and have mostly expired. Those enactments which were designed to prevent such meetings from being perverted to objects manifestly dangerous to the peace of the community, only continuing in force.

(19) See the statute 60 Geo. III. c. 1 & 2., passed to prevent the training of persons to the use of arms, and authorizing justices to seize arms he believes are in possession of any persons for dangerous purposes.

Generated on 2023-10-27 22:02 GMT / https://hdl.handle.net/2027/mdp.35112203968955
Public Domain, Google-digitized / http://www.hathitrust.org/access_use#pd-google

Exhibit 205

THE
Justice of the Peace,

AND
PARISH OFFICER.

BY RICHARD BURN, LL.D.
FORMERLY CHANCELLOR OF THE DIOCESE OF CARLISLE.

A NEW EDITION:
WITH CORRECTIONS AND ADDITIONS TO THE LATEST PERIOD.

VOL. III. (CRIMINAL LAW), AND VOL. IV. (POOR),

BY THOMAS D'OYLY,
SERJEANT AT LAW.

THE REST OF THE WORK

BY EDWARD VAUGHAN WILLIAMS,
BARRISTER AT LAW.

Dr. Burn has great merit : He has done great service, and deserves great
commendation. — *Per* Lord MANSFIELD C.J. *Burr. S. C.* 548.

IN FIVE VOLUMES.

VOL. I.

LONDON:
PRINTED FOR T. CADELL;
LONGMAN, REES, ORME, BROWN, GREEN, & LONGMAN;
J. G. & F. RIVINGTON;
AND SAUNDERS & BENNING.

1836.

§ II. (1.) Alchouses (Retail Sale of Beer, &c.)

suror of the county or place, in and for which such justices whose judgment shall have been so reversed shall have acted on the occasion when they shall have given such judgment, shall pay to such justices, or whomsoever they shall appoint, such sum as shall in the opinion of such court be sufficient to indemnify such justices from all costs and charges whatsoever to which such justices may have been so put; and the said treasurer is hereby authorized to pay the same, which shall be allowed to him in his accounts." I W. 4. c. 64.

§ 18. "In every case in which any appeal shall be made, by any person convicted of any offence under the provisions of this act, to the general session or quarter session, it shall be lawful for the convicting justices, if no other fit and proper person shall appear to prosecute such charge and to carry on such proceedings as may be necessary to obtain at such session an adjudication thereon, to order that the constable or other peace officer of the parish or place in which shall be situate the house kept by the person charged shall carry on all proceedings necessary to obtain such adjudication as aforesaid, and to bind such constable or other peace officer in a sufficient recognizance so to do; and it shall be lawful for the justices, before whom such offender shall have been convicted, to order the treasurer of the county or place in and for which such justices shall then act to pay to such constable or other peace officer, and to the witness or witnesses on his behalf, such sum or sums of money as to the court shall appear to be sufficient to reimburse such constable or other peace officer, and such witness or witnesses respectively, the expenses that he or they shall have been severally put to in and about such prosecution, which order the clerk of the peace is hereby directed and required forthwith to make out and to deliver to such constable or other peace officer, or to such witness or witnesses; and the said treasurer is hereby authorized and required, upon sight of such order, forthwith to pay to such constable or other peace officer, or other person authorized to receive the same, such money as aforesaid, and the said treasurer shall be allowed the same in his accounts."

Proceedings at the session in certain cases to be carried on by the petty constable.

Expenses of prosecution to be charged on county rates.

§ 19. "In case any person licensed under this act shall be convicted of any offence against this act, and shall not pay the penalty incurred by such conviction, it shall be lawful for the justices convicting such offender, after the expiration of one calendar month next after such conviction, to summon any surety or sureties named in the bond entered into and executed by such person and his surety or sureties at the time of obtaining his licence, to appear before the said justices, and shew cause why the penalty mentioned in such bond should not be paid by such surety or sureties, or so much thereof as shall be sufficient to pay any penalty incurred by the party licensed, or to satisfy so much of such penalty so incurred as shall remain unpaid; and in case any such surety shall not shew any sufficient cause to the contrary, it shall be lawful for such justices to adjudge that such penalty, if not paid, or so much thereof as aforesaid, shall be paid by such surety within fourteen days; and in case such penalty, or so much thereof as aforesaid, shall not be paid within fourteen days, it shall be lawful for such justices, if they shall think fit, to issue their warrant, and to levy the amount of such penalty, or so much thereof as aforesaid, by distress and sale of the goods and

In default of payment of penalties, proceedings may be had against the sureties.

Alchouses (Retail Sale of Beer, &c.) § II. (1.)

1 W. 4. c. 64.

chattels of such surety, together with the costs of such distress and sale; and the certificate of the commissioners of excise, or their officer, or other persons by this act authorized to grant any licence, of the date of such bond, and the names and descriptions of the surety or sureties in such bond, shall be sufficient evidence of such bond, and of the contents and execution thereof, against any surety or sureties, in any proceedings under this act."

Penalty on witnesses not attending.

§ 20. "Any person summoned as a witness to give evidence before any justices or sessions touching any of the matters aforesaid, either on the part of the complainant or of the person accused, who shall neglect or refuse to appear at the time and place for that purpose appointed, and who shall not make such reasonable excuse for such neglect or refusal as shall be admitted and allowed by such justices or sessions, or who appearing shall refuse to be examined on oath or affirmation and give evidence, shall, on conviction before such justices, forfeit and pay for every such offence any sum not exceeding 10*l.*"

Penalties may be levied by distress.

§ 21. "In every case in which, under the authority of this act, any justices shall adjudge that any offender shall pay or cause to be paid any penalty, and such offender shall refuse or neglect, within seven days after his conviction, to pay such penalty, and any costs which shall have been duly assessed and ascertained by such justices, it shall be lawful for such justices, if they shall think fit, to issue their warrant, and to levy the amount of such penalty and costs by distress and sale of the goods and chattels of such offender, together with the costs of such distress and sale; and in every such case such offender, if in custody at the time that such warrant shall be so issued, shall be forthwith discharged; but if it shall appear to such justices that the goods and chattels of such offender are not sufficient whereon to levy such distress, together with the costs of such distress and sale, it shall be lawful for such justices to commit the offender to the common gaol or to the house of correction of the county or place for which such justices shall be then acting, for any term not exceeding one calendar month if the penalty shall not be above 5*l.*, for any term not exceeding three calendar months if the penalty shall be above 5*l.* and shall not be more than 10*l.*, and for any term not exceeding six calendar months if the penalty shall be above 10*l.*: Provided nevertheless, that whenever such offender shall have been committed to the common gaol or house of correction in consequence of his not having duly paid such penalty and costs, if such offender shall pay or cause to be paid to the gaoler or keeper of the house of correction, or to whomsoever such justices shall have appointed, the penalty imposed, and costs, together with all the costs of the apprehension of him and of the conveyance of him to the said gaol or house of correction, at any time previous to the expiration of the time for which such offender shall so have been committed, such offender shall be forthwith discharged."

If offender have not sufficient goods whereon to levy, justices may commit him.

Proviso for offenders paying penalties, &c. to gaoler.

Application of penalties.

§ 22. "Any justices before whom any penalty shall be recovered under the provisions of this act shall award, if they shall think fit, any portion of the same, not in any case exceeding one moiety thereof, to the use of the prosecutor, and the remainder, or in case no part of such penalty shall be awarded to the prosecutor, then the whole of such penalty shall

Exhibit 206

0

JUDGE AND JURY

A POPULAR EXPLANATION
OF
LEADING TOPICS IN THE LAW OF THE LAND

BY
BENJAMIN VAUGHAN ABBOTT



NEW YORK
HARPER & BROTHERS, FRANKLIN SQUARE

Gen 7501.3.2

1881. Jan. 31,
Summer Bond
1.34

Entered according to Act of Congress, in the year 1880, by
HARPER & BROTHERS,
In the Office of the Librarian of Congress, at Washington.

Generated on 2023-10-27 22:13 GMT / https://hdl.handle.net/2027/hvd.hwsbjy
Public Domain, Google-digitized / http://www.hathitrust.org/access_use#pd-google

CHAPTER XXXIII.

FIREARMS AND FIREWORKS.

So many calamities and fatal accidents arise from careless use of gunpowder that the legal responsibility for those who use or misuse firearms or fireworks has been steadily growing more strict.

THE RIGHT TO BEAR ARMS.

There is an important distinction between firearms and fireworks. Some general knowledge of firearms is important to the public welfare; because it would be impossible, in case of war, to organize promptly an efficient force of volunteers unless the people had some familiarity with weapons of war. The Constitution secures the right of the people to keep and bear arms. No doubt, a citizen who keeps a gun or pistol under judicious precautions, practises in safe places the use of it, and in due time teaches his sons to do the same, exercises his individual right. No doubt, a person whose residence or duties involve peculiar peril may keep a pistol for prudent self-defence. But these are very different habits from keeping pistols for playthings; carrying them carelessly in the pocket; toying with them at picnics, on board steamers, and in saloons; exhibiting them to curious girls; lending them to boys; firing at random with them upon city sidewalks. These are practices upon which every good citizen will frown, and which the law of the land is every year more explicitly discouraging. For grown men to use pistols as playthings should be everywhere rebuked. They should be firmly refused to children. Carrying them for defence, in the more settled parts of the land, savors of cowardice rather than of prudence; a well-behaved man has less to fear