

Nos. 23-4354 and 23-4356

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

RENO MAY, ET AL.,
Plaintiffs-Appellees,

v.

ROB BONTA, IN HIS OFFICIAL CAPACITY
AS ATTORNEY GENERAL OF CALIFORNIA,
Defendant-Appellant.

**On Appeal from the United States District Court
for the Central District of California**
No. 8:23-cv-01696-CJC-ADSx
The Honorable Cormac J. Carney, Judge

**APPELLANT'S EXCERPTS OF RECORD
VOLUME 10 of 11**

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January 19, 2024

(Additional caption appears on next page)

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

MARCO ANTONIO CARRALERO, ET AL.,
Plaintiffs-Appellees,

v.

ROB BONTA, IN HIS OFFICIAL CAPACITY
AS ATTORNEY GENERAL OF CALIFORNIA,
Defendant-Appellant.

**On Appeal from the United States District Court
for the Central District of California**
No. 8:23-cv-01798-CJC-ADSx
The Honorable Cormac J. Carney, Judge

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10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
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| <p>14 RENO MAY, an individual, et al., Plaintiffs, 15 v. 16 ROBERT BONTA, in his official capacity as Attorney General of the State of California, and Does 1-10, 17 Defendants. 18 19</p> | <p>Case Nos. 8:23-cv-01696 CJC (ADSx) 8:23-cv-01798 CJC (ADSx)</p> <p>DECLARATION OF PROF. ADAM WINKLER IN SUPPORT OF DEFENDANT’S OPPOSITION TO PLAINTIFFS’ MOTIONS FOR PRELIMINARY INJUNCTION</p> <p>Date: December 20, 2023 Time: 1:30 p.m. Courtroom: 9B Judge: Hon. Cormac J. Carney</p> |
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| <p>20</p> <p>21 MARCO ANTONIO CARRALERO, an individual, et al., Plaintiffs, 22 v. 23 ROBERT BONTA, in his official capacity as Attorney General of California, 24 Defendant. 25 26 27 28</p> | |
|--|--|

- 1 b. There is a long history and tradition of restrictions on weapons in
2 places of amusement and recreation;
- 3 c. There is a long history and tradition of gun regulation to reduce the
4 danger of mixing alcohol and firearms;
- 5 d. Sensitive places restrictions barring weapons in places of public
6 gathering have long been considered consistent with the constitutional
7 right to bear arms.
8

OPINIONS

I. THERE IS A LONG HISTORY AND TRADITION OF BROAD PROHIBITIONS ON THE CARRYING OF WEAPONS IN PLACES WHERE THE PUBLIC CONGREGATES FOR SOCIAL AND COMMERCIAL ACTIVITY.

11 11. There is also a long, well-established tradition in Anglo-American law
12 of prohibiting weapons from places where the public gathers for social and business
13 activity. Dating back at least to 1328 and the Statute of Northampton, the right to
14 bear arms has been subject to regulation in “fairs” and “markets,” 2 Edw. 3 c. 3
15 (1328) (Eng.) (**Exhibit 2**). What made fairs and markets sensitive was that they
16 were gathering places where people, often unknown to one another, came together
17 for purposes of business and social interaction. Such assemblages of potential
18 strangers create risks of misunderstanding and violence that are rarely present in the
19 home, where the right to arms is at its most robust. As a result, the government’s
20 authority to prohibit firearms and other weapons from places of public gathering
21 has long been recognized.
22

23 12. The principle that weapons can be prohibited from places of public
24 gathering found expression in early America in a manual for justices of the peace,
25 which stated that peace officers had the authority to arrest those who “go or ride
26 armed with unusual and offensive weapons . . . among any great Concourse of the
27
28

1 People.” James Davis, *The Office and Authority of a Justice of the Peace* 13
2 (Newbern, James Davis 1774) (**Exhibit 3**).

3 13. In the nineteenth century, as the nation’s size and population grew,
4 states increasingly enacted laws prohibiting firearms from places where the public
5 gathered for social and commercial activity. This was due to numerous factors:
6 urbanization, as more and more Americans began to reside in the close quarters of
7 cities; the rise of a vibrant consumer market, including for firearms after the
8 patenting of Samuel Colt’s design for the revolver in 1857; and concerns about
9 violence in the growing number of public places where people assembled. After the
10 Civil War, the United States saw an explosion of public places in which people
11 came together for social activity, entertainment, and commerce: ballrooms for
12 socializing and dancing, circuses for amusement and fun, parks for recreation and
13 leisure, race tracks for action and gaming. *See* Steve Sequin, *Elephants & Pink*
14 *Lemonade: The Evolution of the Circus in 19th Century America*, 21 *THE MIRROR –*
15 *UNDERGRADUATE HISTORY JOURNAL* 106, 118-120 (1992); Natalie Zacek, *Spectacle*
16 *and Spectatorship at the Nineteenth Century American Racetrack*, 14 *EUR. J. AMER.*
17 *STUDIES* 4 (2019).

18 14. By adopting new laws restricting guns in these and other places,
19 lawmakers were not innovating. They were maintaining a tradition of regulating
20 weapons in new places of public gathering that had gained popularity.

21 15. Sensitive places laws were part of a larger wave of nineteenth century
22 gun regulation that swept the nation in response to gun violence. *See* Robert J.
23 Spitzer, *Gun Law History in the United States and Second Amendment Rights*, 80 *L.*
24 *& Contemp. Probs.* 55 (2017). A common feature of this nineteenth century
25 regulation was the prohibition on firearms and other weapons in places where the
26 public assembled for social and commercial interaction. The laws of numerous
27 states prohibited guns in “any public gathering,” “social gathering,” “ballroom,”
28 and any “other public assembly of the people.”

1 16. In 1869, for example, Tennessee lawmakers prohibited the carrying of
2 deadly weapons “concealed or otherwise” at elections or at “any fair, race course,
3 or other public assembly of the people.” 1869 Tenn. Pub. Acts 23 (**Exhibit 4**).

4 17. Tennessee was hardly unique in its prohibition on weapons in places
5 where the public congregated. In 1870, Georgia lawmakers prohibited the carrying
6 of deadly weapons “to any court of justice, or any election ground or precinct, or
7 any place of public worship, or any other public gathering in this State, except
8 militia muster-grounds.” 1870 Ga. Laws 421 (**Exhibit 5**). Prohibited weapons
9 included “any dirk bowie-knife, pistol or revolver, or any kind of deadly weapon.”
10 *Id.*

11 18. Texas passed a law in 1870 that barred the carrying of firearms and
12 other weapons in a wide range of sensitive places where the public gathered. The
13 law prohibited bringing “[a] bowie knife, dirk or butcher knife, or firearms, whether
14 known as a six-shooter, gun, or pistol of any kind” into a lengthy list of public
15 gathering places: “any church or religious assembly, any school room or other place
16 where persons are assembled for educational, literary or scientific purposes, or into
17 a ballroom, social party or other social gathering composed of ladies and
18 gentlemen, or to any election precinct on the day or days of any election, where any
19 portion of the people of this State are collected to vote at any election, or to any
20 other place where people may be assembled to muster or to perform any other
21 public duty, or any other public assembly. . . .” 1870 Tex. Gen. Laws 63 (**Exhibit**
22 **6**). In adopting these provisions, Texas was not an outlier but one of a number of
23 states that responded to gun violence by regulating guns in sensitive places where
24 the public gathered.

25 19. In 1879, Missouri lawmakers also enacted a sensitive places law.
26 Missouri’s law was nearly identical to Texas’s regulation, prohibiting any person
27 from carrying concealed “any deadly or dangerous weapon” into “any church or
28 place where people have assembled for religious worship, or into any school room

1 or place where people are assembled for educational, literary or social purposes, or
2 to any election precinct on any election day, or into any court room during the
3 sitting of court, or into any other public assemblage of persons met for any lawful
4 purpose, other than for militia drill or meetings called under the militia law of this
5 state” 1879 Mo. Laws 224 (**Exhibit 7**).

6 20. Oklahoma also adopted a broad sensitive places law that protected the
7 safety of people who congregated in certain public places. That state’s 1890 law
8 prohibited the carrying of weapons “into any ball room, or to any social party or
9 social gathering,” among other places. *Article 47: Concealed Weapons, in Statutes*
10 *of Oklahoma 1890*, at 495-96 (Will T. Little, L.G. Pitman, & R.J. Barker eds.,
11 1891) (**Exhibit 8**).

12 21. These laws testify to the clear existence of a state’s authority to
13 regulate and restrict dangerous weapons from places of public gathering and
14 assembly. Lawmakers did not simply single out one or two isolated places where
15 firearms would pose a unique danger but broadly recognized the threats posed by
16 firearms in nearly any place where people came together. The burden imposed by
17 these laws was significant: taken together, the numerous sensitive places identified
18 by the statutes made gun carrying unlawful in many areas of public life where law-
19 abiding citizens gathered.

20 22. The breadth of the era’s prohibition on firearms at “social gatherings”
21 or “any public assemblage of persons” was the not the result of poor or incautious
22 drafting. The laws were carefully enough drawn to include clear exceptions to their
23 carry prohibitions: Texas’s 1870 law, for example, allowed the carrying of firearms
24 by “any person or persons whose duty it is to bear arms on such occasions in
25 discharge of duties imposed by law.” 1870 Tex. Gen Laws 63. Peace officers and
26 militiamen carrying out their duties were therefore excluded from the prohibition on
27 firearms. Lawmakers did not exempt anyone seeking to defend themselves; only a
28 select group of people whose job it was to preserve the public safety and wellbeing

1 were allowed to carry in sensitive places. Everyone else was to come to these
2 places of public gathering unarmed.

3 **II. THERE IS A LONG HISTORY AND TRADITION OF RESTRICTIONS ON**
4 **WEAPONS IN PLACES OF AMUSEMENT AND RECREATION.**

5 23. Today in California, among the popular places where the public
6 gathers for entertainment and amusement are sports arenas, stadiums, casinos and
7 gaming establishments. These places of public amusement are similar to places
8 frequently identified by nineteenth century gun regulations as too sensitive to allow
9 weapons. Tennessee, for example, barred the carrying of firearms and other
10 weapons, “concealed or otherwise,” from “any fair, race course, or other public
11 assembly of the people.” 1869 Tenn. Pub. Acts 23.

12 24. Oklahoma’s 1890 law specified that weapons were prohibited from
13 “any . . . place where persons are assembled . . . for amusement,” and “any circus,
14 show or public exhibition of any kind.” *Article 47: Concealed Weapons, in*
15 *Statutes of Oklahoma 1890*, at 495-96 (Will T. Little, L.G. Pitman, & R.J. Barker
16 eds., 1891) (emphasis added). Circuses, public exhibitions, and entertainment
17 shows were places designed to provide amusement to large groups of people,
18 potentially strangers, and the existence of weapons tended to undermine the
19 recreational and social purposes of such events.

20 25. The need to make sure that guns were kept out of places where the
21 public congregated for purposes of amusement led lawmakers in Texas to amend
22 that state’s 1870 sensitive places legislation the very next year. In 1871, the state
23 legislature added to the list of sensitive places where weapons were not allowed
24 “any circus, show, or public exhibition of any kind.” 1871 Tex. Gen. Laws 25
25 **(Exhibit 9)**.

1 **III. THERE IS A LONG HISTORY AND TRADITION OF REGULATION TO REDUCE**
2 **THE DANGER OF MIXING ALCOHOL AND FIREARMS.**

3 26. One concern driving sensitive places regulation was the danger posed
4 by intoxicated people carrying weapons in public. An intoxicated person has
5 diminished capacity to exercise careful and deliberate judgment, which is especially
6 worrisome when that person is carrying a deadly weapon. Nineteenth century
7 lawmakers commonly – and correctly – viewed the risk of intoxicated people with
8 weapons in public as a serious danger to the community that required a
9 governmental response.

10 27. The threat that mixing alcohol and weapons posed was partially
11 remedied by historic laws that prohibited intoxicated persons from carrying
12 firearms in public altogether. For example, Kansas in 1867 barred the carrying of
13 firearms by “any person under the influence of intoxicating drink.” 1867 Kan.
14 Sess. Laws 25 (**Exhibit 10**). In 1883, Missouri prohibited people from public carry
15 “when intoxicated or under the influence of intoxicating drinks.” 1883 Mo. Laws
16 76 (**Exhibit 11**). Wisconsin, in 1883, made it “unlawful for any person in a state of
17 intoxication to go armed with a pistol or revolver.” Sanborn, Arthur, et al.,
18 *Annotated Statutes of Wisconsin* 2226 (1889) (**Exhibit 12**). Mississippi prohibited
19 the sale of “any weapon” to “any . . . person intoxicated.” 1878 Miss. Laws 175
20 (**Exhibit 13**).

21 28. Other laws went further, prohibiting the carrying of weapons in places
22 where alcohol was likely to be served. One reason “ballrooms,” “social parties,”
23 and “social gatherings” were deemed sensitive was because of the likely presence
24 of alcohol. In some instances, lawmakers went out of their way to make this
25 assumption of access to alcohol in social gatherings explicit. While still a territory,
26 New Mexico in 1853 prohibited “any person to enter said Ball or room adjoining
27 said ball where Liquors are sold, or to remain in said balls or Fandangos with
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1 firearms or other deadly weapons, whether they be shown or concealed upon their
2 persons.” 1852 N.M. Laws 68 (**Exhibit 14**).

3 29. Further illustration of this concern and the lawmaking authority to
4 address it through carry restrictions is offered by a New Orleans ordinance of 1879.
5 Fearing the threats posed by gun carriers with impaired judgment due to alcohol
6 consumption, the city made it unlawful “for any person to carry a dangerous
7 weapon, concealed or otherwise, into any . . . tavern.” 1879 New Orleans, La., Gen.
8 Ordinances, tit. I, ch. 1, art. 1, *reprinted in Jewell’s Digest of the City Ordinances*
9 *Together with the Constitutional Provisions, Act of the General Assembly and*
10 *Decisions of the Courts Relative to Government of the City of New Orleans* 1-2
11 (Edwin L. Jewell, ed., New Orleans, L. Graham & Son 1882) (**Exhibit 15**).

12 30. San Antonio, a commercial center, adopted a similar sensitive places
13 restriction that barred any person from carrying “a bowie-knife, dirk, or butcher-
14 knife or any fire arms or arms, whether known as six-shooter, gun or pistol of any
15 kind,” or any “brass-knuckles, slung shot, club, loaded or sword cane, or any other
16 weapon of offence or defence” into “any bar-room, drinking saloon or any other
17 place where people resort for business or amusement.” *An Ordinance*, San Antonio
18 Express, Dec. 23, 1870 (**Exhibit 16**).

19 31. None of the laws prohibiting the carry of weapons into public
20 gatherings or taverns provided exemptions for people who were not themselves
21 consuming alcohol on the premises. Historically, state and municipal governments
22 had the recognized authority to restrict carry in the place, regardless of any
23 particular individual’s decision to consume or abstain from alcohol. The premises
24 themselves were off limits to the firearms of everyone except those with a specific
25 legal duty to have them. The mere threat of intoxication from being at parties,
26 social gatherings, or taverns was historically sufficient to justify the prohibition on
27 firearms.

28

1 **IV. SENSITIVE PLACES RESTRICTIONS BARRING WEAPONS IN PLACES OF**
2 **PUBLIC GATHERING HAVE LONG BEEN CONSIDERED CONSISTENT WITH**
3 **THE CONSTITUTIONAL RIGHT TO BEAR ARMS.**

4 32. States that adopted sensitive places legislation typically also had
5 protections in their state constitutions for the right to bear arms. For whatever
6 controversies surrounded the meaning of the Second Amendment, the state
7 constitutional guarantees clearly protected an individual right. Lawmakers who
8 enacted sensitive places legislation were not defying the right to bear arms but
9 adhering to a core tenet of it: they applied the historical tradition of regulatory
10 authority to define sensitive places to apply to a new set of increasingly popular
11 places of public gathering. While firearms were valuable for self-defense, they
12 were not appropriate to bring into many public establishments where people
13 congregated.

14 33. As far as I am aware, no court in the nineteenth century held sensitive
15 places legislation to be unconstitutional under the Second Amendment or similar
16 state constitutional guarantees. Nor is there any nineteenth century legal
17 commentary of which I am aware that calls these sensitive places restrictions into
18 constitutional question.

19 34. Although laws restricting weapons in sensitive places were so widely
20 accepted that there are few reported court cases involving legal challenges to such
21 laws, Texas's sensitive places law was the subject of a lawsuit that made it to the
22 state supreme court. *English v. State*, 35 Tex. 473 (1872), involved, among other
23 things, a prosecution of William Daniels, who had attended a church service with a
24 butcher knife. Daniels was convicted and his lawyer argued that the sensitive
25 places law violated the Second Amendment and the Texas Constitution's guarantee
26 of the right to bear arms, which provided that "Every person shall have the right to
27 keep and bear arms, in the lawful defence of himself or the State, under such
28 regulations as the Legislature may prescribe." Tex. Const. of 1869, art. I, § 13. The
Texas Supreme Court upheld the law and Daniels's conviction, writing that "it

1 appears to us little short of ridiculous, that any one should claim the right to carry
2 upon his person any of the mischievous devices inhibited by the statute, into a
3 peaceable public assembly, as, for instance into a church, a lecture room, a ball
4 room, or any other place where ladies and gentlemen are congregated together.”
5 *English*, 35 Tex. at 478-79.

6 35. The Texas Supreme Court in *English* also noted that Texas’s sensitive
7 places law was not unique to that state: “This law is not peculiar to our own state,
8 nor is the necessity which justified the enactment (whatever may be said of us to the
9 contrary) peculiar to Texas. It is safe to say that almost, if not every one of the
10 states of this Union have a similar law upon their statute books, and, indeed, so far
11 as we have been able to examine them, they are more rigorous than the act under
12 consideration.” *English*, 35 Tex. at 479.

13 CONCLUSION

14 36. The Second Amendment permits states to prohibit firearms from
15 sensitive places, including new places that were not themselves historically
16 restricted, so long as the burden on the right is comparable in effect and
17 justification.

18 37. Among the places historically deemed sensitive, and in which firearms
19 were prohibited, were places where the public gathered for social activity,
20 commerce, and amusement, including establishments where alcohol was served.
21 Although the particular places where such activity took place in the nineteenth
22 century were not precisely the same places as where such activity takes place today,
23 they were deemed sensitive for similar reasons of public safety.

24 38. Sensitive places restrictions have historically been understood as
25 consistent with constitutional protections for the individual right to bear arms.

26 //

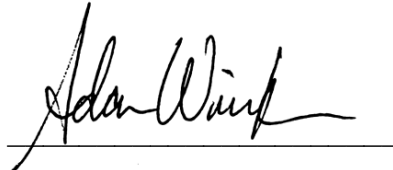
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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 30, 2023, at Los Angeles, CA 90029.



Adam Winkler

Exhibit 1

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EDUCATION

- * UNIVERSITY OF CALIFORNIA LOS ANGELES - M.A., 1998
Political Science: American Political Development.
- * NEW YORK UNIVERSITY SCHOOL OF LAW - J.D., 1993. *Magna Cum Laude*. *Order of the Coif*.
New York University Law Review, Book Review & Essay Editor.
Law Teaching Award (for distinguished alumni in legal academia).
- * GEORGETOWN UNIVERSITY SCHOOL OF FOREIGN SERVICE - B.S.F.S., 1990. *Magna Cum Laude*.

EMPLOYMENT

- * UNIVERSITY OF CALIFORNIA LOS ANGELES SCHOOL OF LAW
Connell Professor of Law 2020-current.
Professor of Law. 2007-2020.
Acting Professor of Law. 2002 -2007.
- * UNIVERSITY OF SOUTHERN CALIFORNIA LAW SCHOOL
Lecturer in Law. 2001-2002.
- * LOYOLA LAW SCHOOL LOS ANGELES
Adjunct Professor. Fall 1998.
- * THE HONORABLE DAVID R. THOMPSON, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
Law Clerk. 1995 - 96. San Diego, CA.
- * KATTEN MUCHIN ZAVIS & WEITZMAN
Attorney at Law. 1993 - 94. Los Angeles, CA.

SCHOLARSHIP

Books

- * WE THE CORPORATIONS: HOW AMERICAN BUSINESSES WON THEIR CIVIL RIGHTS (Liveright 2018).
National Book Award Finalist, National Book Critics Circle Award Finalist, ABA Legal Gavel
Award Finalist, and California Book Award Finalist.
- * GUNFIGHT: THE BATTLE OVER THE RIGHT TO BEAR ARMS IN AMERICA (W.W. Norton 2011).
- * ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION, 2d edition (Macmillan 2000) (6 volumes).
Associate Editor. Named a “Best Reference Source of 2000” by Library Journal.

Articles/Book Chapters

- * *Racist Gun Laws and the Second Amendment*, 135 Harvard Law Review Forum 537 (2022).
- * *Corporate Personhood and Constitutional Rights for Corporations*, 54 New England Law Review 23
(2019).
- * *Bank of the United States v. Deveaux and the Birth of Constitutional Rights for Corporations*,
43 Journal of Supreme Court History 210 (2019).
- * *Is the Second Amendment Becoming Irrelevant?*, 93 Indiana Law Journal 253 (2018).
- * *Citizens United and the Corporation in Politics*, in CORPORATIONS AND AMERICAN DEMOCRACY
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- * *Law Enforcement’s Flagrant Conduct*, 48 Tulsa Law Review 275 (2013).
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- * *The Federal Government as a Constitutional “Niche” in Affirmative Action Cases*, 54 UCLA Law Review 1931 (2007).
- * *Corporate Personhood and the Rights of Corporate Speech*, 30 Seattle University Law Review 863 (2007).
- * *Scrutinizing the Second Amendment*, 105 Michigan Law Review 683 (2007).
- * *Fundamentally Wrong About Fundamental Rights*, 23 Constitutional Commentary 227 (2006).
- * *Fatal in Theory and Strict in Fact: An Empirical Analysis of Strict Scrutiny in the Federal Courts*, 59 Vanderbilt Law Review 793 (2006).
- * *The Reasonable Right to Bear Arms*, 17 Stanford Law & Policy Review 597 (2006).
- * *“Other People’s Money”: Corporations, Agency Costs, and Campaign Finance Law*, 92 Georgetown Law Journal 871 (2004).
- * *Corporate Law or the Law of Business? Stakeholders and Corporate Governance at the End of History*, 67 Law & Contemporary Problems 109 (2004) (reprinted in B. CHEFFINS, THE HISTORY OF MODERN U.S. CORPORATE GOVERNANCE (2011)).
- * *McConnell v. FEC, Corporate Political Speech, and the Legacy of the Segregated Fund Cases*, 3 Election Law Journal 361 (2004).
- * *A Revolution Too Soon: Woman Suffragists & the “Living Constitution,”* 76 New York University Law Review 1456 (2001).
- * *Voters’ Rights and Parties’ Wrongs: Early Political Party Regulation in the State Courts, 1886-1915*, 100 Columbia Law Review 873 (2000).
- * *The Corporation in Election Law*, 32 Loyola Law Review 1243 (1999).
- * *Just Sanctions*, 21 Human Rights Quarterly 133 (1999).
- * *Beyond Bellotti*, 32 Loyola Law Review 133 (1998).
- * *Book Review: Austin Sarat, ed., RACE, LAW, AND CULTURE: REFLECTIONS ON BROWN V. BOARD OF EDUCATION*, 21 Ethnic and Racial Studies 1191 (1998).
- * *The Independence of Judges*, 46 Mercer Law Review 795 (1995) (co-authored with James B. Zagel).
- * *Sounds of Silence: The Supreme Court and Affirmative Action*, 28 Loyola Law Review 923 (1995).
- * *Postmodernism and Dworkin: The View from Half-Court*, 17 Nova Law Review 799 (1993) (co-authored with Joshua Davis).
- * *Expressive Voting*, 68 New York University Law Review 330 (1993).

SELECTED OPINION & FEATURES

- * *Corporate Political Conscience*, New Republic, April 30, 2018.
- * *‘Corporations Are People’ Is Built on a 19th-Century Lie*, Atlantic, March 5, 2018.
- * *What Rights Should Corporations Have?*, Wall Street Journal, March 1, 2018.
- * *Of Course We Need to Talk About Gun Violence*, Los Angeles Times, Oct. 6, 2017.
- * *Disarming the NRA*, New York Review of Books, Oct. 5, 2017.
- * *Time for a ‘No Buy’ List on Guns*, New York Times, June 13, 2016.
- * *The Secret History of Guns*, Atlantic, September 1, 2011.
- * *The Guns of Academe*, New York Times, April 14, 2011.

SELECTED MEDIA APPEARANCES

- * *Face the Nation; NBC Nightly News; ABC News; CNN; The NewsHour; Fresh Air with Terry Gross; All Things Considered; Morning Edition; Brian Lehrer Show; Marketplace.*

PUBLIC SERVICE

- * BRENNAN CENTER FOR JUSTICE. *Board of Directors*. 2001-current.
- * PLANNED PARENTHOOD ADVOCACY PROJECT LOS ANGELES. *Board of Directors*. 2001- current.
- * AMERICAN CONSTITUTION SOCIETY. *Board of Directors*. 2015-2020.
- * ANTI-DEFAMATION LEAGUE. *Legal Advisor, Summer Intern Program*. 2002-2016.

HONORS

- * Phi Beta Kappa Scholar, 2021-2022.

Exhibit 2

27 Ed. I. c. 3.

Justices of Assise and Gaol-delivery.

Oyers and Terminers.

III. Riding or going armed in Affray of the Peace.

IV. The Statute of Lincoln, 9 Edw. II. concerning Sheriffs, &c. confirmed.

V. The Statute Westminster the Second, 13 Edw. I. chapter 39, concerning the Delivery of Writs to the Sheriff, confirmed.

Grandfather to our Lord the King that now is, wherein is contained, that Justices assigned to take Assises, if they be Laymen, shall make Deliverance; and if the one be a Clerk, and the other a Layman, that the Lay Judge, with another of the Country associate to him, shall deliver the Gaols: Wherefore it is enacted, That such [Justices'] shall not be made against the Form of the said Statute; and that the Assises, Attaints, and Certifications be taken before the Justices commonly assigned, which should be good Men and lawful, having Knowledge of the Law, and none other, after the Form of another Statute made in the Time of the said [King Edward the First;] and that the Oyers and Terminers shall not be granted but before Justices of the one Bench or the other, or the Justices Errants, and that for great [hurt,] or horrible Trespasses, and of the King's special Grace, after the Form of the Statute thereof ordained in Time of the said Grandfather, and none otherwise.

ITEM, It is enacted, That no Man great nor small, of what Condition soever he be, except the King's Servants in his presence, and his Ministers in executing of the King's Precepts, or of their Office, and such as be in their Company assisting them, and also [upon a Cry made for Arms to keep the Peace, and the same in such places where such Acts happen,] be so hardy to come before the King's Justices, or other of the King's Ministers doing their office, with force and arms, nor bring no force in affray of the peace, nor to go nor ride armed by night nor by day, in Fairs, Markets, nor in the presence of the Justices or other Ministers, nor in no part elsewhere, upon pain to forfeit their Armour to the King, and their Bodies to Prison at the King's pleasure. And that the King's Justices in their presence, Sheriffs, and other Ministers (*) in their Bailiwicks, Lords of Franchises, and their Bailiffs in the same, and Mayors and Bailiffs of Cities and Boroughs, within the same Cities and Boroughs, and Borough-Holders, Constables, and Wardens of the Peace within their Wards, shall have Power to execute this Act. And that the Justices assigned, at their coming down into the Country, shall have Power to enquire how such Officers and Lords have exercised their Offices in this Case, and to punish them whom they find that have not done that which pertained to their Office.

ITEM, Because the Peace cannot be well kept without good Ministers, as Sheriffs, Bailiffs, and Hundreders, which ought to do Execution as well of the King's Privities as of other Things touching our Lord the King and his People; It is ordained and established, That the Statute made in the time of King Edward, Father to the King that now is, at Lincoln, containing that Sheriffs, Hundreders, and Bailiffs shall be of such People as have Lands in the same Shires or Bailiwicks, shall be observed in all Points after the Form thereof; and that Sheriffs and Bailiffs of Fee shall cause their Counties and Bailiwicks to be kept by such as have Lands therein.

ITEM, Where it was ordained by the Statute of Westminster the Second, that they which will deliver their Writs to the Sheriff, shall deliver them in the full County, or in the Rere County, and that the Sheriff or under Sheriff shall thereupon make a Bill; It is accorded and established, that at what Time or Place in the County a Man doth deliver any Writ to the Sheriff or to the Under-Sheriff, that they shall receive the same Writs, and make a Bill, after the form contained in the same Statute, without taking any Thing therefore; and if they refuse to make a Bill, others that be present shall set to their Seals; and if the Sheriff or Under-Sheriff do not return the said Writs, they shall be punished after the form contained in the same Statute; and also the Justices of Assises shall have power to enquire thereof at every Man's Complaint, and to award Damages, as having respect to the Delay, and to the loss and peril that might happen

1 Commissions 2 Grandfather 3 upon a Proclamation of Deeds of Arms in time of Peace, and that in Places where such Deeds are to be done.—See Lib. Rub. Scac. Westm. fo. 122 b. a Writ reciting a Grant of K. Richard I. "qd' Torcafitia sint in Angl in v. placias: In P Sarf & Wilton: In P Warrewich & Kenelingworth: In P Stanford & Warneford: In P Brakele & Mixebf: In P Blie & Tykchilt. Ita qd' pax tre nre no infringer, n' potestas Justiciaria minorabit Nec de fe-re-tis nris dapnu infract." 4 of the King

nre Seign' le Roi qore est, en quele est contenuz q̄ les Justices as assises p̄ndre assignez sils soient laiz, facent les delivances; et si lun soit cleric, & lautre laiz, q̄ le dit laiz, associe a lui un autre du pais, facent la delivance des gaols; p̄ qoi acorde est & establi, q̄ tiels Justiceries ne soient mes g'ntees coudre la forme du dit estatut, & q̄ les assises, atteintes, & certifications soient p'ses devant les Justices cōmūnement assignez, q̄ soient bones gentz & loialx & conissantz de la lei, & nemie autres; solonc la forme dun autre statut fait en temps meisme le ael; et q̄ les oiers & p̄miners ne soient grantees fors q̄ devant les Justices de lun Baunk & de lautre, ou les Justices errantz; & ce p' led & orrible trespass, & de lespeciale g'ce le Roi, solonc forme de statut de ce ordene en temps meisme le ael; & nemie autrement.

Ensement acorde est & establi, q̄ nul, g'nt ne petit de quele condicion qil soit, save les q̄antz le Roi en la p̄sence le Roi, & les Ministres le Roi, enfesantz execution des mandementz le Roi, ou de leur office, & ceux qi sont en leur compagnies, eidantz as ditz ministres, & auxint au cri de fait darmes de pees, & ce en lieux ou tiels faitz se ferront, soit si hardi de venir devant les Justices le Roi, ou autres Ministres le Roi enfesant leur office, a force & armes; ne force mesner en affrai de la pees, ne de chivacher ne daler arme, ne de nuit ne de jour, en faires, marches, nen p̄sence des Justices, ne dautres Ministres, ne nule part ailours, sur peine de p̄dre leur armures au Roi & de leur corps a la prisone a la volente le Roi. Et q̄ Justices le Roi en leur p̄sences, viscountes & autres Ministres le Roi en leur baillies, seign's des franchises & leur baillifs en yceles, & Meire & Baillifs des Citees & Burghs deinz meismes les Cites & Burghs, Burghaldres, conestables, & gardeins de la pees deinz leur gardes, eient poair affaire execution de cest accord. Et q̄ les Justices assignez, a leur venu en pais, eient poair denquere coment tiels Ministres & seign's ont use leur office en ce, & de punir ceux qils trovont, qi nount mie fait ce q̄ a leur office appent.

Et p'ce q̄ la pees ne poet mie estre bien garde sauntz bons ministres, come Viscountes, Baillifs, & Hundreders qi doivent faire execution, auxibien des p'vetez le Roi come dautres choses tochantes le Roi & son poeple, acorde est & establi q̄ lestatut fait en temps le Roi Edward, pierre le Roi qore est, a Nicole, contenant q̄ Viscontes, Hundreders & Baillifs soient des gentz eantz vres en meismes les Countez, ou baillies, soit garde en touz pointz solonc la forme dycel, & auxint q̄ les Viscountes & Baillifs de fee, facent garder meismes leur Countez & Baillies p gentz eantz vres en yceles.

Ensement la ou ordine est, p̄ statut de Westmonst le secund, q̄ ceux q̄ livrer volent leur briefs as viscountes, les livrent en plein Counte, ou en rerecounte, & q̄ visconte ou southvisconte facent sur ce bille; acorde est & establi q̄ a quele heure ou a queu lieu deinz le Counte home livre a viscountes, ou a southviscontes, briefs, qils les resceivent & facent bille en la forme contenue en le dit estatut, & ce sanz rien p̄ndre; et sils refusent de faire bille, mettent autres leur seals qi sront p̄sentz; et si le Viscounte ou le Southviscounte ne retourne mie les briefs, soient puniz solonc la forme contenue en le dit estatut; & jadumeins eient les Justices as assises p̄ndre assignez poair denquer de ce a chescuny plainte & de agarder damages, eant regard au delai, & a les ptes & pills qi p'ront avenir.

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Exhibit 3

Stephen T H E Cabanus
OFFICE and AUTHORITY

O F A

JUSTICE OF PEACE.

AND ALSO,

The Duty of SHERIFFS, CORONERS, CON-
STABLES, CHURCHWARDENS, OVERSEERS
of ROADS, and other Officers.

TOGETHER WITH

PRECEDENTS of WARRANTS, JUDGMENTS, EXECU-
TIONS, and other legal PROCESS, issuable by Ma-
gistrates within their several Jurisdictions, in Cases
Civil and Criminal, with the Method of Judicial
Proceedings before Justices of the Peace out of Selfi-
ons. Also some Directions for their Conduct within
their County Courts.

To which is added,

An APPENDIX.

Containing many useful PRECEDENTS, and Directions
for the Execution of them.

Collected from the Common and Statute Laws of
England, and the Acts of Assembly of this Province,
and adapted to our Constitution and Practice.

By *J. DAVIS*, Esq; one of his Majesty's Justices of
the Peace for the County of *Craven*.

NEW BERN:

Printed by JAMES DAVIS, M,DCC,LXXIV.

*all sum not exceeding 40/- 20. days
above 40/- not exceeding 100/- 60. days
above 100/- not exceeding 10. 120. days*

*Shery of Execution giving Security
For the principal, interests of
Ports*

all sum exceeding 100. to 200. 6. month

*State of North Carolina
Shawhan County
Do my Lawfull officer
to execute and return
to bear my or same
other Justice of the Peace
of the above County*

By the Court

Exhibit 4



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CHAPTER XXI.

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

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

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

W. O'N. PERKINS,
Speaker of the House of Representatives.

D. B. THOMAS,
Speaker of the Senate.

Passed November 27, 1869.

CHAPTER XXII.

AN ACT to Amend the Criminal Laws of the State.

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

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

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

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

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

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

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

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

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

W. O'N. PERKINS.

Speaker of the House of Representatives.

D. B. THOMAS,

Speaker of the Senate.

Passed December 1, 1869.

Exhibit 5

PUBLIC LAWS.—PENAL CODE—AMENDMENTS TO. 421

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

TITLE XVI.

PENAL CODE—AMENDMENTS TO.

SECTIONS.

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

SECTIONS.

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

(No. 285.)

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

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

Carrying deadly weapons to certain places prohibited.

Exception.

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

Violation a misdemeanor—penalty

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

Approved October 18, 1870.

(No. 286.)

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

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

Chain-gang punishment prohibited.

Exhibit 6

GENERAL LAWS.

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CHAPTER XLVI.

AN ACT REGULATING THE RIGHT TO KEEP AND BEAR ARMS.

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

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

Approved August 12, 1870.

CHAPTER XLVII.

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

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

Exhibit 7

SEC. 1271. *Abandonment of children.*—If any father or mother of any child under the age of six years, or any other person to whom such child shall have been confided, shall expose such child in a street, field or other place, with intent wholly to abandon it, he or she shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding five years, or in the county jail not less than six months. (G. S. 781, § 39.)

SEC. 1272. *Mistreatment of apprentices.*—If any master or mistress of an apprentice or other person having the legal care and control of any infant, shall, without lawful excuse, refuse or neglect to provide for such apprentice or infant, necessary food, clothing or lodging, or shall unlawfully and purposely assault such apprentice or infant, whereby his life shall be endangered, or his health shall have been or shall be likely to be permanently injured, the person so offending shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding three years, or by imprisonment in the county jail not exceeding one year, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment. (New section.)

SEC. 1273. *Abandonment of wife or child.*—If any man shall, without good cause, abandon or desert his wife, or abandon his child or children under the age of twelve years born in lawful wedlock, and shall fail, neglect or refuse to maintain and provide for such wife, child or children, he shall, upon conviction, be punished by imprisonment in the county jail not more than one year, or by a fine of not less than fifty, nor more than one thousand dollars, or by both such fine and imprisonment. No other evidence shall be required to prove that such husband was married to such wife, or is the father of such child or children, than would be necessary to prove such fact or facts in a civil action. (Laws 1867, p. 112, amended—*m.*)

SEC. 1274. *Carrying deadly weapons, etc.*—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 firearms, bowie-knife, dirk, dagger, slung-shot, or other deadly weapon, or shall, in the presence of one or more persons, exhibit any such weapon in a rude, angry or threatening manner, or shall have or carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall, directly or indirectly, sell or deliver, loan or barter to any minor, any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than five nor more than one hundred dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment. (Laws 1874, p. 43; laws 1875, p. 50, and laws 1877, p. 240, amended.)

SEC. 1275. *Above section not to apply to certain officers.*—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 make arrests, nor to persons moving or traveling peaceably through this state, and it shall 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 had good reason to carry the same in the necessary defense of his person, home or property. (New section.)

SEC. 1276. *Fire arms not to be discharged near court house.*—Hereafter it shall be unlawful for any person in this state, except he be a sheriff or other officer in the discharge of official duty, to discharge or fire off any

(*m*) Wife held to be a competent witness to prove fact of abandonment. 43 Mo. 429. The fact that the defendant has brought suit for divorce is no defense. 52 Mo. 172.

Exhibit 8

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.

CRIMES AND PUNISHMENT.

495

(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> <p>1. Prohibited weapons enumerated.</p> <p>2. Same.</p> <p>3. Minors.</p> <p>4. Public officials, when privileged.</p> <p>5. Arms, when lawful to carry.</p> | <p>SECTION.</p> <p>6. Degree of punishment.</p> <p>7. Public buildings and gatherings.</p> <p>8. Intent of persons carrying weapons.</p> <p>9. Pointing weapon at another.</p> <p>10. Violation of certain sections.</p> |
|---|--|

(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.

CRIMES AND PUNISHMENT.

Chap. 25. **v**iction, 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.

(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 9

GENERAL LAWS.

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CHAPTER XXXIV.

AN ACT TO REGULATE THE KEEPING AND BEARING OF DEADLY WEAPONS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That any person carrying on or about his person, saddle, or in his saddle bags, any pistol, dirk, dagger, slung-shot, sword-cane, spear, brass-knuckles, bowie-knife, or any other kind of knife manufactured or sold for the purposes of offense or defense, unless he has reasonable grounds for fearing an unlawful attack on his person, and that such ground of attack shall be immediate and pressing; or unless having or carrying the same on or about his person for the lawful defense of the State, as a militiaman in actual service, or as a peace officer or policeman, shall be guilty of a misdemeanor, and, on conviction thereof shall, for the first offense, be punished by fine of not less than twenty-five nor more than one hundred dollars, and shall forfeit to the county the weapon or weapons so found on or about his person; and for every subsequent offense may, in addition to such fine and forfeiture, be imprisoned in the county jail for a term not exceeding sixty days; and in every case of fine under this section the fines imposed and collected shall go into the treasury of the county in which they may have been imposed; *provided*, that this section shall not be so construed as to prohibit any person from keeping or bearing arms on his or her own premises, or at his or her own place of business, nor to prohibit sheriffs or other revenue officers, and other civil officers, from keeping or bearing arms while engaged in the discharge of their official duties, nor to prohibit persons traveling in the State from keeping or carrying arms with their baggage; *provided further*, that members of the Legislature shall not be included under the term "civil officers" as used in this act.

SEC. 2. Any person charged under the first section of this act, who may offer to prove, by way of defense, that he was in danger of an attack on his person, or unlawful interference with his property, shall be required to show that such danger was immediate and pressing, and was of such a nature as to alarm a person of ordinary courage; and that the weapon so carried was borne openly and not concealed beneath the clothing; and if it shall appear that this danger had its origin in a difficulty first commenced by the accused, it shall not be considered as a legal defense.

SEC. 3. If any person shall go into any church or religious assembly, any school room, or other place where persons are assem-

GENERAL LAWS.

bled 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 State are collected to vote at any election, or to any other place where people may be assembled to muster, or to perform any other public duty, (except as may be required or permitted by law,) or to any other public assembly, and shall have or carry about his person a pistol or other firearm, dirk, dagger, slung shot, sword cane, spear, brass-knuckles, bowie-knife, or any other kind of knife manufactured and sold for the purposes of offense and defense, unless an officer of the peace, he shall be guilty of a misdemeanor, and, on conviction thereof, shall, for the first offense, be punished by fine of 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; and for every subsequent offense may, in addition to such fine and forfeiture, be imprisoned in the county jail for a term not more than ninety days.

SEC. 4. This act shall not apply to, nor be enforced in any county of the State, which may be designated, in a proclamation of the Governor, as a frontier county, and liable to incursions of hostile Indians.

SEC. 5. All fines collected under the provisions of this act shall be paid into the treasury of the county, and appropriated exclusively to the keeping in repair and maintenance of public roads, and all weapons forfeited to the county under the provisions of this act shall be sold as may be prescribed by the county court, and the proceeds appropriated to the same purpose.

SEC. 6. It shall be the duty of all sheriffs, constables, marshals, and their deputies, and all policemen, and other peace officers, to arrest any person violating the first or third sections of this act, and to take such person immediately before a justice of the peace of the county where the offense is committed, or before a mayor or recorder of the town or city in which the offense is committed, who shall investigate and try the case without delay. On all such trials the accused shall have the right of a trial by jury, and of appeal to the district court; but, in case of appeal, the accused shall be required to give bond with two or more good and sufficient sureties in a sum of not less than one hundred nor more than two hundred dollars, if convicted under the first section and in a sum of not less than two hundred nor more than one thousand dollars, if convicted under the third section of this act; said bond to be payable to the State of Texas, and approved by the magistrate, and conditioned that the defendant will abide the judgment of the district court that may

GENERAL LAWS.

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be rendered in the case; and in case of forfeiture the proceedings thereon shall be as is or may be prescribed by law in similar cases; and all moneys collected on any bond or judgment upon the same, shall be paid over and appropriated as provided in the fifth section of this act.

SEC. 7. Any officer named in the sixth section of this act who shall refuse or fail to arrest any person whom he is required to arrest by said section on his own information, or where knowledge is conveyed to him of any violation of the first or third sections of this act, shall be dismissed from his office on conviction in the district court, on indictment or information, or by such other proceedings or tribunal as may be provided by law, and in addition, shall be fined in any sum not exceeding five hundred dollars, at the discretion of the court or jury.

SEC. 8. That the district courts shall have concurrent jurisdiction under this act, and it is hereby made the duty of the several judges of the district courts of this State to give this act especially in charge to the grand juries of their respective counties.

SEC. 9. It is hereby made the duty of the Governor to publish this act throughout the State; and this act shall take effect and be in force from and after the expiration of sixty days after its passage.

Approved April 12, 1871.

CHAPTER XXXV.

AN ACT TO AUTHORIZE THE COUNTY COURT OF ROBERTSON COUNTY TO LEVY AND COLLECT A SPECIAL TAX FOR THE TERM OF TWO YEARS TO BUILD A COURT HOUSE AND JAIL IN THE CITY OF CALVERT, THE COUNTY SEAT OF SAID COUNTY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the County Court of Robertson county be and the same is hereby authorized to levy and collect, annually, for the term of two years, a special *ad valorem* tax upon all property, real, personal and mixed, in said county, not to exceed one half of one per centum in addition to all general and special taxes now authorized to be levied and collected by law, which tax shall be levied and collected the same as other taxes, and shall be appropriated and paid out solely for the purpose of building a substantial court house and jail at Calvert, the county seat of Robertson county, Texas.

SEC. 2. That this act shall take effect and be in force from and after its passage.

Approved April 12, 1871.

Exhibit 10

L A W S O F K A N S A S .



CHAPTER I.

ACCOUNTS IN RELATION TO PENITENTIARY.

SENATE RESOLUTION providing for Inquiry into Accounts of Penitentiary.

Resolved by the Legislature of the State of Kansas:

That the Auditor of State be and he is hereby directed to institute a rigid inquiry as to labor performed by state convicts confined in the jails of Leavenworth and Douglas counties, as to labor performed for the counties, before he draws any order upon the Treasurer of State, for money appropriated at this session of the Legislature, in favor of either Douglas or Leavenworth counties, or the Sheriffs of the same, or either of the Penitentiary Commissioners, he shall be satisfied from investigation that the State has been and is credited for all labor performed by convicts for any party or parties as above.

Auditor to
institute in-
quiry.

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Exhibit 10
Page 41

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CH. 12.]

ARMS, PREVENT CARRYING OF.

25

CHAPTER XII.

ARMS.—PREVENT CARRYING OF.

AN ACT to prevent the carrying of Deadly Weapons.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. Any person who is not engaged in any legitimate business, any person under the influence of intoxicating drink, and any person who has ever borne arms against the Government of the United States, who shall be found within the limits of this State, carrying on his person a pistol, bowie-knife, dirk or other deadly weapon, shall be subject to arrest upon charge of misdemeanor; and upon conviction shall be fined in a sum not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or both, at the discretion of the court.

Conviction for carrying deadly weapons.

SEC. 2. Justices of the Peace shall have original jurisdiction of all cases arising under this Act, and on complaint being made, shall proceed to hear and determine the same in a summary manner, and shall have full authority to enforce both fine and imprisonment as provided in this Act, *Provided*, that nothing in this Act shall conflict with the ordinance of any incorporated city of the State.

Complaint made before Justice of the Peace.

SEC. 3. In all cases arising under this Act, the accused shall be entitled to a jury of six men, possessing the qualifications of electors, who, if they find the defendant guilty, shall assess the fine to be paid by him, and fix the term of his imprisonment; and if convicted, may appeal to the District Court of the proper county as in other cases provided by law.

Fine to be assessed.

SEC. 4. This Act to take effect and be in force from and after its publication.

Approved, February 23d, 1867.

S. J. CRAWFORD,
Governor.

Exhibit 11

LAWS OF MISSOURI,

PASSED AT THE SESSION OF THE

THIRTY-SECOND GENERAL ASSEMBLY,

BEGUN AND HELD AT THE CITY OF JEFFERSON,

WEDNESDAY, JANUARY 3, 1883.

(REGULAR SESSION.)

BY AUTHORITY.



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

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CRIMES AND CRIMINAL PROCEDURE.

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

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

Approved April 2, 1883.

 CRIMES AND CRIMINAL PROCEDURE: CONCEALED WEAPONS.

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

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

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

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

Approved March 5, 1883.

Exhibit 12

ANNOTATED STATUTES

OF

WISCONSIN,

CONTAINING THE

GENERAL LAWS IN FORCE OCTOBER 1, 1889,

ALSO

THE REVISERS' NOTES TO THE REVISED STATUTES OF 1858 AND 1878,
NOTES OF CASES CONSTRUING AND APPLYING THE CONSTITUTION AND STATUTES, AND THE RULES OF THE COUNTY AND CIRCUIT COURTS AND OF THE SUPREME COURT.

BY

ARTHUR L. SANBORN AND JOHN R. BERRYMAN.

BY AUTHORITY OF CHAPTER 222, LAWS OF 1889.

VOL. II.

CHICAGO, ILL.:
CALLAGHAN AND COMPANY.
LAW BOOK PUBLISHERS.
1889.

PART IV.

CRIMES AND THE PUNISHMENT THEREOF; PROCEEDINGS IN CRIMINAL CASES; AND PRISONS, THEIR MANAGEMENT AND DISCIPLINE.

TITLE XXXII.

CRIMES AND THE PUNISHMENT THEREOF.

- CHAP. 181. Of offenses against the lives and persons of individuals.
182. Of offenses against property.
183. Of offenses against public justice.
184. Of offenses against the public peace.
185. Of offenses against public policy.
186. Of offenses against chastity, morality and decency.
187. Of offenses against the public health.
188. General provisions concerning crimes and punishments.

CHAPTER CLXXXI.

OF OFFENSES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

Homicide. SECTION 4337. The killing of a human being, without the authority of law, by poison, shooting, stabbing, or any other means, or in any other manner, is either murder, manslaughter, or excusable or justifiable homicide, according to the facts and circumstances of each case.

[Sec. 1, ch. 133, R. S. 1849.] Sec. 1, ch. 164, R. S. 1858.

Revisers' note to this title—Sections and provisions omitted and the reasons therefor. Sec. 26, ch. 164, R. S. 1858. This section is clearly in conflict with the constitution, art. 3. No one can be disfranchised for crime except on conviction. This section disfranchises for an act committed in another state, which may or may not be a crime in some states; and in no case necessarily upon conviction. The constitution authorizes the legislature to extend suffrage, but not restrict it, except in cases mentioned therein.

Sec. 30, ch. 164, R. S. 1858. This section prescribes the punishment of manslaughter, generally in conflict with the punishments provided for its different degrees.

Sec. 48, ch. 64, R. S. 1858. This section creates a very uncertain and loose offense in conflict with other provisions. Malicious killing is a higher crime than this is made, and wilful carelessness is punished by other provisions.

Secs. 49 and 50, ch. 164, R. S. 1858. Same provisions made elsewhere in this revision.

Sec. 17, ch. 165, R. S. 1858. Same provision elsewhere.

Sec. 26, ch. 125, R. S. 1858, and sec. 1, ch. 14, 1868. All these sections covered by the definition of the crime of "false pretences."

Sec. 2, ch. 36, 1869. This and all other provisions specially requiring public officers to do their duty in certain cases, unnecessary, and leave the inference that they need not do it, in other cases.

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CRIMES AND THE PUNISHMENT THEREOF. [SECS. 4397-4398a.]

persons passing over or near the same, shall be punished by fine not exceeding fifty dollars, nor less than two dollars.

Ch. 108, 1871. The substance retained, but leaving responsibility with persons using machine to protect it from dangerous use.

This section does not apply to an agricultural society which leaves uncovered a coupling in a shaft used for transmitting power to machinery at a fair: *Phillips v. Agricultural Society*, 60 Wis., 401.

Carrying concealed weapons. SECTION 4397. Any person who shall go armed with any concealed and dangerous weapon, shall be punished by imprisonment in the county jail not more than six months, or by fine not exceeding one hundred dollars: provided, this section shall not apply to any policeman or officer authorized to serve process.

Sec. 1, ch. 7, 1872.

Dangerous weapon. See note to sec. 4354. See, as to minors and intoxicated persons, sec. 4397b.

Toy fire-arms, sale or use of prohibited. SECTION 4397a. [*Ch. 116, 1882.*] 1. It shall be unlawful for any person to sell or use, or have in his possession, for the purpose of exposing for sale or use, any toy pistol, toy revolver, or other toy fire-arm.

2. Any person violating any of the provisions of this act, on conviction thereof, shall be punished by imprisonment in the county jail not exceeding six months, or by fine not exceeding one hundred dollars, or by both fine and imprisonment, in the discretion of the court.

Minors not to go armed. SECTION 4397b. [*Ch. 329, 1883.*] 1. It shall be unlawful for any minor, within this state, to go armed with any pistol or revolver, and it shall be the duty of all sheriffs, constables, or other public police officers, to take from any minor any pistol or revolver, found in his possession.

Revolvers, etc., not to be sold to minors. 2. It shall be unlawful for any dealer in pistols or revolvers, or any other person, to sell, loan or give any pistol or revolver to any minor in this state.

Intoxicated persons not to go armed. 3. It shall be unlawful for any person in a state of intoxication to go armed with any pistol or revolver. Any person violating the provisions of this act shall be punished by imprisonment in the county jail not exceeding six months, or by fine not exceeding one hundred dollars.

Penalty for assault and for using abusive language. SECTION 4398. [*As amended by ch. 189, 1882.*] Any person who shall assault another, when not excusable or justifiable, or who shall use in reference to and in the presence of another, or in reference to and in the presence of any member of his family, abusive or obscene language, intended or naturally tending to provoke an assault or any breach of the peace, shall be punished by imprisonment in the county jail not more than three months, or by fine not exceeding one hundred dollars. The provisions of this section shall not be applicable to any city or village which has enacted an ordinance under its charter for the punishment of the same or similar offense.

New section. Laws of Indiana and Ohio.

A complaint under this section must set forth the language used: *Steuer v. State*, 59 Wis., 472. And allege that it was used in the presence of the complainant or of some member of his family: *Peters v. State*, 68 id., 339. And the name, if it is known, of the person in reference to and in whose presence the language was used: *State v. Clarke*, 31 Minn., 207. The words "wanton or obscene language," as used in a city ordinance, held equivalent to lewd or lascivious language: *Sutton v. McConnell*, 46 Wis., 269.

The manufacture, sale and transportation of articles for unlawful purposes prohibited. SECTION 4398a. [*Sec. 1, ch. 342, 1885.*] Any per-

Exhibit 13

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

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

PRINTED BY AUTHORITY.

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

STATE OF MISSISSIPPI.

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CHAPTER XLVI.

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

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

When concealed weapons may be carried.

Penalty for carrying weapons.

Burden of proof on accused.

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

Minors, or persons intoxicated.

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LAWS OF THE

Minor under 16 years. SEC. 3. *Be it further enacted,* That any father, who shall knowingly suffer or permit any minor son under the age of sixteen years to carry concealed, in whole or in part, any weapon of the kind or description in the first section of this Act described, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than twenty dollars, nor more than two hundred dollars, and if the fine and costs are not paid, shall be condemned to hard labor under the direction of the board of supervisors or of the court.

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

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

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

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

APPROVED, February 28, 1878.

Exhibit 14

LAWS

OF THE

TERRITORY OF NEW MEXICO,

PASSED BY THE SECOND

LEGISLATIVE ASSEMBLY

IN THE CITY OF SANTA FÉ,

AT A SESSION BEGUN ON THE SIXTH DAY OF DECEMBER,
1852.

SANTA FÉ:
JAMES L. COLLINS & CO., PRINTERS.
MDCCLIII.

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LEYES

1852.

TERRITORIO DE NUEVO MEXICO,

PASADAS POR LA SEGUNDA

ASAMBLEA LEGISLATIVA

EN LA CIUDAD DE SANTA FE,

EN UN PERIODO PRINCIPIADO EL DIA SESTO DE DICIEMBRE
DE 1852.

SANTA FE:
PUBLICADO EN LA OFICINA DE LA GACETA,
MDCCCLIII.

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OFICINA DE LA GACETA
J. L. COLLINS Y W. O. KEENE, IMPRESORES.
1858.

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LAWS.
SECOND LEGISLATIVE ASSEMBLY.

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Exhibit 14
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ER_1943

LAW^S OF THE THIRD SESSION.

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the Justices of the Peace or Court in which the suit may be brought, with imprisonment for a time demanded by the gravity of the offence.

Sec. 4. All acts and parts of acts repugnant to this act shall be and are by these presents repealed.

Sec. 5. This act shall take effect, from and after its approval.

Translation.

AN ACT

Prohibiting the carrying a certain class of Arms, within the Settlements and in Balls.

Sec. 1. Kind of arms prohibited.

Sec. 2. Duties of sheriffs and constables.

Sec. 3. Licenses for dances, obligations required from judge of probate.

Sec. 4. Punishment for violation of this law.

Sec. 5. Disposition of fines.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Sec. 1. That each and every person is prohibited from carrying short arms, such as pistols, daggers, knives, and other deadly weapons, about their persons concealed, within the settlements, and any person who violates the provisions of this act, shall be fined in a sum not exceeding ten dollars, nor less than two dollars, or shall be imprisoned for a term not exceeding fifteen days nor less than five days.

Sec. 2. That the Sheriffs of the different counties, and Constables of the different precincts, are hereby required to enforce the observance and compliance of the provisions of the preceding section, having power to take with them, two or more armed persons, when they are on patrol at night, in order to make themselves respected while on such duty, and it is hereby made the duty of the Probate Judges and Justices of the Peace to aid and assist said officers in the prompt discharge of their duties.

Sec. 3. Any person desiring to give a Ball or Fandango, they shall apply to the Probate Judge or a Justice of the Peace

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LAWS OF THE THIRD SESSION.

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for a License for the same—who, after having granted such license, shall inform the applicant, that he must maintain good order, and for this purpose he shall swear him to faithfully discharge his duties as police officer and perform said duties during such Ball or Fandango, possessing the powers of a Sheriff, and that he will not permit any person to enter said Ball or room adjoining said hall where Liquors are sold, or to remain in said balls or Fandangos with fire arms or other deadly weapons, whether they be shown or concealed upon their persons and if any person or persons shall enter said Balls or Fandangos or ante-chamber, with deadly weapons upon their person, upon conviction for such offence before any Probate Judge or Justice of the Peace, they shall suffer the punishment prescribed in the first section of this Law.

Provided, that, in case any person desires a license for a ball or fandango, who shall not be competent, the Probate Judge or Justice of the Peace as the case may be, shall require him to present a competent person, who shall discharge the duties of a Police Officer, and shall swear him as prescribed in the foregoing section.

Sec. 4. That any person or persons giving Balls or Fandangos shall be liable to the punishments prescribed in the foregoing sections of this Law—if they permit any person or persons armed to remain in said Balls or Fandangos, they shall also be subject to the same penalties of the Police Officers who fail to discharge their duties or violate the provisions of this Law.

Sec. 5. That all fines collected by the provisions of this Law shall be applied to the use of the respective counties.

Translation.

AN ACT

Providing for the payment of the Salaries of Territorial Officers, not otherwise provided for by Law.

Sec. 1. Payment of officers under the Kearney code.

Sec. 2. How audited and paid.

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Exhibit 15

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JEWELL'S DIGEST

OF THE

CITY ORDINANCES,

TOGETHER WITH THE

CONSTITUTIONAL PROVISIONS, ACTS OF THE GENERAL ASSEMBLY
AND DECISIONS OF THE COURTS RELATIVE TO
THE GOVERNMENT

OF THE

CITY OF NEW ORLEANS.



BY AUTHORITY OF THE CITY COUNCIL.

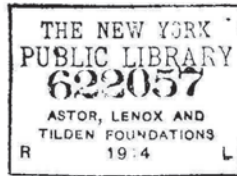
COMPILED AND PUBLISHED BY EDWIN L. JEWELL,
ATTORNEY AT LAW.

NEW ORLEANS.
1882.

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I TITLE—AMUSEMENTS.

1

LAWS AND ORDINANCES
OF THE
CITY OF NEW ORLEANS.

I TITLE.
AMUSEMENTS.

CHAPTER FIRST.

GENERAL ORDINANCES.

ARTICLE 1. That hereafter it shall not be lawful for any person to carry a dangerous weapon, concealed or otherwise, into any theatre, public hall, tavern, picnic ground, place for shows or exhibitions, house or other place of public entertainment or amusement.

Concealed weapons or otherwise in balls or theatres.
May, 1879.
A. S. 5045,

ART. 2. That any person violating the provisions of the first section of this ordinance, by carrying a dangerous weapon, not concealed, into any of the places designated in said section, shall be subject to the payment of a fine not exceeding twenty-five dollars, or to imprisonment in the parish prison not to exceed twenty days, to be imposed by the Recorder within whose jurisdiction the offense is committed.

Penalty.
Ibid.

ART. 3. That any person violating the provisions of the first section of this ordinance by carrying a dangerous weapon concealed about his person, in any of the places designated in said section, shall be arrested and prosecuted for violation of the law relative to the carrying of dangerous weapons concealed about the person.

Penalty.
Ibid.

ART. 4. That the Chief of Police and the members of the police force of the city of New Orleans be charged with the enforcement of this ordinance, and to that end they are authorized and required to examine all persons entering any of the places specified in section one of this ordinance, and to arrest and prefer the proper charge against all persons violating this ordinance.

Police to enforce ordinance.
Ibid.

ART. 5. That the provisions of this ordinance shall not apply to the officers and members of military organizations, when acting as such, nor to the carrying of arms or weapons intended to be used in any show, exhibition or other entertainment.

Military organizations excepted.

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I TITLE—AMUSEMENTS.

Copy of this ordinance to be posted.
Dec. 1856.
O. S. 3131.

ART. 6. That a printed copy of the ordinances concerning public balls, theatres and public exhibitions, be placed in a conspicuous position within the enclosure of said balls, theatres and public exhibitions, for the purpose of reference; and, that in case of neglect or refusal of the managers or owners of such places to comply with the provisions of this section, they shall be liable to a fine of fifty dollars for said offence, recoverable before any court of competent jurisdiction; and the police officers on duty shall compel the owners of the balls, theatres, etc., to close for that night.

CHAPTER SECOND.

BALLS.

Permission to be obtained for balls.
May, 1859.
O. S. 4532.

ART. 7. It shall not be lawful for any person or persons to give, within the limits of the city, any public balls, of whatsoever description, under the penalty of fifty dollars fine for each and every contravention, unless permission, in writing, be previously obtained from the Mayor to give said ball or balls, and after payment of license tax.

Mayor to close balls.
Ibid.

ART. 8. Whenever the foregoing provision shall be violated, it shall be the duty of the mayor to cause the said ball or balls to be closed immediately by the police.

Duration of the ball. Ibid.

ART. 9. Every person giving a public ball, who shall prolong the duration of the same beyond the hour fixed by the Mayor's permit, shall pay a fine of twenty-five dollars for each and every such offence.

License for public balls.
Ibid.

ART. 10. That the Mayor of the city of New Orleans be, and he is hereby requested not to issue in future any license to parties asking for them, to give public balls, when such balls are knowingly derogatory to public morals and decency, or in anywise considered a public nuisance.

CHAPTER THIRD.

THEATRES.

Permission and tax.
May, 1859.
O. S. 4582.

ART. 11. No person shall exhibit or cause to be exhibited any dramatic composition, ballet, pantomime or other performance of that kind, in any theatre in the city where all persons are admitted for their money, nor shall any person entertain the public with any display of fire-works, without having obtained from the Mayor permission for that purpose, and paid the tax thereon, under a penalty of a fine of twenty-five dollars for every such offence; and the said permission shall express the object and the length of time for which it is granted.

Exhibit 16

#1084

An Ordinance
Concerning the Carrying of Arms or
Deadly Weapons.

Be it ordained by the City Council of the City of San Antonio,

SECTION 1. That if any person shall, within the corporate limits of the City of San Antonio, go into any church, or religious assembly, any school-room, or other place where persons are assembled, for educational, literary or scientific purposes, or into any ball room, social or wedding party, or other assembly or gathering, for amusement or instruction, composed of males and females, or to any election precinct in the city, on the day or days of any election, or into any Court room or court of Justice, or to any other place where people or individuals may be assembled, to perform any public duty, or shall go into any other public assembly, or shall enter any bar-room, drinking saloon or any other place where people resort for business or amusement, or shall join or accompany any public procession, having about his or her person, a bowie-knife, dirk, or butcher-knife or any fire-arms or arms, whether known as six-shooter, gun or pistol of any kind, or having about his or her person, what is known as brass-knuckles, slung shot, club, loaded or sword cane, or any other weapon of offence or defence. Such person shall be deemed guilty of a misdemeanor, and upon conviction thereof, before the Recorder of the city, shall be fined not less than five dollars nor more than one hundred dollars and costs, and in default of payment, shall be confined in the city prison, or placed at hard labor on the public works of the city, for not less than five days, nor more than thirty days, to be determined by the Recorder; Provided, this Ordinance shall not apply to any legally authorized conservator of the peace, when he may be in the lawful discharge of his duty.

SEC. 2. It shall be the duty of the Police of the city to strictly enforce this Ordinance, and promptly to arrest and disarm any person violating the same; Provided, that in all cases where arms are taken possession of by the police, as herein provided, they shall be returned to the owner when he leaves the city.

SEC. 3. This ordinance shall take effect and be in force from and after its publication.

Approved, San Antonio, December 14th, A. D. 1870.

WM. C. A. THIELEPAPPE,
 Mayor City of San Antonio.

Attest :

G. W. BARTHOLOMEW, Jr., City Clerk.
 20-12-70d10f.

Exhibit 16
 Page 67

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Attorney General of the State of California*

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

RENO MAY, an individual, et al.,
Plaintiffs,

v.

**ROBERT BONTA, in his official
capacity as Attorney General of the
State of California, and Does 1-10,**
Defendants.

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

**DECLARATION OF PROFESSOR
TERENCE YOUNG IN SUPPORT
OF DEFENDANT'S OPPOSITION
TO PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

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

**MARCO ANTONIO CARRALERO, an
individual, et al.,**
Plaintiffs,

v.

**ROBERT BONTA, in his official
capacity as Attorney General of
California,**
Defendant.

1 **DECLARATION OF PROFESSOR TERENCE YOUNG**

2 I, Terence Young, declare under penalty of perjury that the following is true
3 and correct:

4 1. I have been retained by the Office of the Attorney General of the
5 California Department of Justice to provide expert opinions and testimony in this
6 case. I submit this declaration on the basis of my training, professional expertise,
7 and research. For this engagement, I was asked to provide expert opinions about the
8 history of parks in the United States.

9 2. This declaration is based on my own personal knowledge and
10 experience, and if I am called to testify as a witness, I could and would testify
11 competently to the truth of the matters discussed in this declaration.

12 **BACKGROUND**

13 3. Since fall 2020, I am Emeritus Professor of Geography in the
14 Department of Geography & Anthropology, California Polytechnic State
15 University, Pomona.

16 4. I was an Assistant, Associate, and full Professor of Geography,
17 Department of Geography & Anthropology, California Polytechnic State
18 University, Pomona between fall 2002 and spring 2020. During the same period, I
19 was also an adjunct in the university's Regenerative Studies program. Before fall
20 2002, I held academic positions as a geographer at California State University,
21 Long Beach, University of Southern California, UCLA, Clemson University,
22 George Washington University, and Mary Washington University. In 1996-1997, I
23 was Acting Director of Studies in Landscape Architecture, Dumbarton Oaks
24 Library and Research Center, Harvard University, Washington, DC.

25 5. I earned a Bachelor of Arts in Anthropology at UC Berkeley (1973), a
26 Master of Arts in Geography at UCLA (1987), and a Ph.D. in Geography at UCLA
27 (1991).¹

28 ¹ For a full CV, please see **Exhibit 1** to this Declaration.

1 democratic, and less criminal urban society. Backed by a Romantic ideology, this
2 social transformation occurred because parks contained natural scenery, which
3 when quietly and passively contemplated, was thought to improve someone's mind
4 and body, and thus society. In keeping with a park's purpose and its function as a
5 society-improving device, any features or actions in a park that interfered with
6 natural scenery contemplation were excluded from a park, including firearms,
7 which were specifically prohibited.

8 11. Near the end of the nineteenth century, a rationalistic ideology joined
9 the earlier Romantic one. The new ideology emphasized such active recreation in
10 parks as baseball and bicycling because these were also thought to lead to a
11 healthier, wealthier, more democratic and less criminal society. However, the new
12 ideology did not eliminate the passive contemplation of natural scenery. Instead,
13 urban parks were re-designed to provide separate spaces for both active play and for
14 quiet contemplation. These two uses of public urban parks continue to this day,
15 each with its own spaces.

16 12. In the late nineteenth and early twentieth centuries, America's natural
17 national parks were also created to protect landscapes of natural scenery. Like their
18 urban counterparts, they were romantic places for quiet and passive contemplation
19 in order to improve urban society. Later, national parks also became places for
20 active recreation, but it was never as important as in the urban parks. Today's
21 national parks remain places for the contemplation of natural scenery and, to a
22 lesser degree, for active play.

23 13. At roughly the same time that national parks were being created, state
24 parks appeared. Like urban and national parks, they were protected to be places for
25 contemplating natural scenery and for active play. They remain so to this day.
26
27
28

THE NINETEENTH CENTURY PARKS MOVEMENT

I. URBAN PARKS

14. The development of the American park system and the park movement evolved over decades and centuries in response to existing societal concerns and circumstances.

15. During the colonial era and into the early American Republic, public spaces were created in some settlements (for instance, the pre-planned squares of Savannah, Georgia and Philadelphia, Pennsylvania), but the best known of these are the “greens” or “commons” of southern New England. Today, the remnants of these once larger spaces may be manicured with lawns and ornamental plants, but such elements are relatively recent additions. As early as 1961, the colonial legal historian, John D. Cushing, wrote about the origins and evolution of these spaces because “there are few ...aspects of New England culture and history about which so much misinformation prevails.” Dismissing the notion that the current appearance, purpose, and use of a place like the Boston Common tells us about their origins, he stated instead that “the idea that any common laid out either in the seventeenth or early eighteenth centuries was designed as an ornamental center for the community... [is] absurd” (Cushing, 1961, 86). Instead, they were multi-purpose utilitarian spaces until the mid-nineteenth century. At the beginning, a settlement’s town common included a Puritan house of worship called a “meetinghouse,” which is why in earlier times these spaces were called “meetinghouse lots.” The open space surrounding the meetinghouse often contained the “close” or paddock for assembling and temporarily holding town livestock before the animals were led to the much larger common pasturage outside the settlement. The meetinghouse lot usually also contained a town’s cemetery or “burying ground.” And, sometimes, if it was large enough, a site for a community’s men to practice basic military exercises as an organized militia.

1 16. In contrast to today, these men practicing military exercises for a
2 militia were not individuals visiting a public park but an organized community
3 activity for its common defense. According to historian John Stilgoe (1982, 19-20),
4 “Every town insisted that its men drill once every three months at least, on ‘muster
5 day’; and it provided that its [meetinghouse] lot be used as a parade ground, where
6 all men and boys of military age lined up for weapons inspection, close order drill,
7 and lessons in advanced tactics by experienced officers.” As support for such
8 militia training, meetinghouse lots could contain a “magazine” for storing
9 gunpowder and other supplies as well as a “gunhouse” for cannon and such
10 (Cushing 1961, 91).

11 17. Meetinghouse lots usually shrank in area over the decades as portions
12 were re-purposed, sold, given away, and appropriated for roads. Furthermore,
13 additional uses were found for what did remain of a given lot through the
14 eighteenth century and into the nineteenth. By the middle of the eighteenth century,
15 for example, innkeepers throughout this region knew that it was profitable to locate
16 their taverns and any outdoor spaces nearby, adjacent to, or even upon the
17 meetinghouse lot (Stilgoe, 22). In 1770, Salem, Massachusetts built a workhouse
18 on its meetinghouse lot and, in 1782, Newburyport, Massachusetts ordered
19 smallpox victims transported “to the pest house in the common pasture” in the town
20 center. Newburyport repeated this order in 1788 and again in 1803 (Stilgoe, 20). It
21 was during the nineteenth century that these spaces began to be called “the green”
22 (Stilgoe, 20).

23 18. Beyond a green’s meetinghouse, graveyard, and other structures, the
24 lot was generally neglected. According to Cushing (1961, 92), “Generally
25 speaking, most commons were barren, unsightly plots from the earliest days until
26 well after 1835. Brush, stumps, stones, rubbish, dead trees and stagnant pools,
27 swarming in summer with disease-carrying insects, typified a great many
28 meetinghouse lots for centuries.” They were not analogs to today’s public parks,

1 nor were they their predecessors except in the sense that some of these utilitarian
2 spaces, most famously the Boston Common, survived long enough to be adaptively
3 re-used as community parks.

4 19. A different approach was taken in Savannah, Georgia when that
5 colonial-era town was laid out in 1733. Each “ward” of residents surrounded a
6 civic square of approximately two acres. While today these squares are ornamented
7 with plants, walks, fountains, and the like, they, like New England’s greens,
8 initially served several utilitarian purposes. The principal instigator of the town,
9 James Oglethorpe, wrote that each square would be “reserved for a Market place,
10 and for exercising the Inhabitants” (quoted in Wilson, 2012, 86). It would also
11 provide a place for public gatherings as well as be a parade ground for militia
12 training and for defense. “The town,” explains Thomas D. Wilson, historian of
13 Savannah’s plan, was “organized into militia units that together formed a battalion.
14 Units of the battalion would train in civic squares placed at regular intervals in the
15 town and would form in those squares to defend against attack” (Wilson, 2012, 71).
16 The situation began to change during the early nineteenth century. In 1808, one
17 visitor described the squares as “each ...has a pump in the centre [for fire fighting],
18 surrounded by a small plantation of trees,” but it was not until the 1830s that the
19 squares were developed with railings, walks, and lawns, (De Vorsey, 2012, 97).

20 20. Savannah’s plan led to similar squares in the Georgia towns of New
21 Ebenezer, Sunbury, and Brunswick, but that was it. They were neither widespread
22 nor abundant in number like the greens of New England. According to
23 Architectural Historian Turpin C. Bannister (1961, 62), “the promoters of later
24 colonial and early republican new towns were so eager to exploit their land for
25 maximum profit that the most generous felt expansively prodigal if he contributed a
26 small central plaza for a market.”

27 21. The situation in Philadelphia, Pennsylvania was analogous to that of
28 Savannah. Pennsylvania’s proprietor, William Penn, included five public squares

1 of either eight or ten acres in his 1682 plan for Philadelphia. Today, the remaining
2 squares are popular public spaces that incorporate walks, fountains, lawns, flowers,
3 and other ornamental features. The path to these features, however, was a twisted
4 one. According to landscape architect, Anne Beamish (2021, 11), these publicly-
5 owned sites were originally laid out and planned as formal public spaces, but “the
6 squares were not used as such until the nineteenth century” because Philadelphia’s
7 population was small and could not support them and the city included many
8 popular, privately owned taverns and inns with adjacent gardens (Beamish, 2021,
9 11). The largest square, Centre Square (now the site of City Hall), was mostly used
10 for horse racing, militia training, and as the site for the city gallows until the very
11 end of the eighteenth century when it was chosen to be the location for a new water
12 pumping station. Like Centre Square, the other four squares “were not used for
13 public pleasure and ‘were completely without charm’” (Beamish, 2021, 12).
14 Northeast (now Franklin) Square, for instance, included a city magazine for storing
15 gunpowder and as a place for selling hay, straw, and lime. Southeast (now
16 Washington) Square was designated a “burial ground for strangers, or potter’s
17 field” in 1706 (quoted in Beamish, 2021, 12). And, even though the city ordered
18 the cemetery removed for public improvements in 1795, it was still renting out the
19 square for grazing in 1813 (Beamish, 2021, 12). Again, these activities were
20 mostly utilitarian in character.

21 22. New York, New York was different than Savannah and Philadelphia in
22 that it did not include an identified series of public squares in its original planning.
23 Instead, many of its public spaces, like the greens of New England, emerged as
24 adaptive re-uses of pre-existing sites. Beamish (2021, 2) points to three specific
25 spaces where New Yorkers “experimented with leisure activities and socializing
26 and where the demand for [later, publicly owned] recreational spaces developed” –
27 The Battery, The Bowling Green, and The Fields. Also like New England,
28 Savannah, and Philadelphia, the early uses of these spaces were utilitarian rather

1 than recreational. The Battery, for example was a defensive military site with a
2 cannon. The Bowling Green was the site of a marketplace and the city's first public
3 well. And, The Fields was an animal grazing area that also enclosed a "magazine"
4 (Beamish, 2021). Moreover, when The Bowling Green became a leisure site, it was
5 a privately operated space rather than a public one. The city rented the site to some
6 local residents to run as a place of beauty, ornament, and recreation. The Battery
7 did not begin to function as a meeting place for the wealthy until about 1802 and
8 the Fields, which later became the site of today's City Hall, was re-named City Hall
9 Park during the building's construction (1803-1812). Neither The Battery nor The
10 Fields inspired a direct wave of imitations elsewhere in the United States.

11 23. The small public spaces of southern New England, Savannah,
12 Philadelphia, New York and elsewhere would only widely become urban
13 greenspaces after the American public park movement arose with the appearance of
14 Romanticism and urban expansion.

15 24. During the early American Republic, cities were necessarily compact,
16 usually about three square miles in area, and densely built. Despite the resulting
17 crowded conditions, most residents could readily retreat to relaxing rural areas
18 nearby. However, as the national economy shifted and cities developed into
19 primary engines of commerce, their populations and physical sizes necessarily
20 grew. For example, from 1830 to 1860, the population of New Haven grew from
21 10,000 to 39,000, Boston from 61,000 to 178,000, Philadelphia from 80,000 to
22 566,000, and New York from 203,000 to 814,000.

23 25. The push for larger greenspaces in cities began in earnest in the pre-
24 Civil War years as increasing numbers of Americans chose to live in cities. Early
25 proponents of expanded urban greenspace drew upon the example of the recently
26 popular "rural" cemeteries. America's earliest cemeteries were undesignated
27 graveyards and churchyards. The first designed cemetery was New Haven's New
28 Burying Ground of 1796, but it, unlike its successors, was gridded and rectilinear.

1 In 1831, the Massachusetts Horticultural Society created the first of and prototype
2 for the many subsequent “rural” cemeteries – Boston’s Mount Auburn. These
3 cemeteries, which were romantic in design, incorporated extensive tracts of
4 suburban land with lawns, hills, woods, water features, and scenic vistas. By the
5 mid-nineteenth century, these cemeteries were popular tourist attractions drawing
6 thousands each year (Linden-Ward, 1989).

7 26. Rural cemeteries, however, inadequately addressed the societal
8 concerns of the pre-Civil war era arising from increased urbanization because they
9 were privately owned, did not permit full public access, and being suburban were
10 inaccessible to many city dwellers due to their distance. Moreover, they were
11 inaccessible to most working people. In the 1840s and 1850s, urban greenspace
12 proponents applied the lessons of cemeteries when arguing for large publicly owned
13 parks.

14 27. New York’s 843-acre Central Park was the first to achieve this goal
15 and was based on an 1858 design by Frederick Law Olmsted and Calvert Vaux.
16 Unlike the small public spaces mentioned above, Central Park would stimulate a
17 rapidly expanding and durable tradition of American parks. Before the Nineteenth
18 Century ended, America’s best-known urban parks had appeared, including
19 Boston’s Franklin Park, Brooklyn’s Prospect Park, Philadelphia’s Fairmount Park,
20 Chicago’s Washington and Jackson Parks, San Francisco’s Golden Gate Park, Los
21 Angeles’s Griffith Park, and San Diego’s Balboa Park. The initiation and
22 development of each park was unique, but they all occurred where supported by a
23 significant portion of the population, were relatively large in area, were generally
24 over 500 acres, adopted the same design principles, and swiftly promulgated similar
25 prohibitions concerning the carrying of firearms. They did so because they shared a
26 common purpose – the improvement of American society (Schuyler, 1986; Young,
27 2004).

28

1 28. The creation of large urban parks began in the 1850s and in these
2 rapidly growing cities for cultural reasons that go back to the early Republic – a
3 national mistrust of and suspicion about urban life. Thomas Jefferson, for example,
4 had argued in 1787’s *Notes on the State of Virginia* that the ideal society would
5 flourish where the economy was agricultural and the settlements small and
6 dispersed. Invoking a geographic contrast, Jefferson promulgated a valorized rural-
7 urban imaginary that regarded the former as healthy and positive while casting the
8 latter as damaging and negative. Farmers, he insisted, were the backbone of
9 America. “Those who labor in the earth are the chosen people of God, if ever he
10 had a chosen people, whose breasts he has made his peculiar deposit (sic) for
11 substantial and genuine virtue.” Manufacturing and cities, in contrast, were
12 sources of vice. Drawing a particularly repulsive word picture, Jefferson suggested
13 that “The mobs of great cities add just so much to the support of pure government,
14 as sores do to the strength of the human body.” The roots of the republican nation,
15 urged Jefferson, lay in a rejection of urban life (Jefferson, 1829, 171-173; Young,
16 2022).

17 29. In the immediate pre-Civil War years, industrialization increased
18 rapidly, surface transportation encouraged urban spreading, and cities grew in area
19 and population numbers. This concentration of people accentuated social problems,
20 making them more obvious to more people. Cities were increasingly perceived as
21 socially degraded places in contrast to virtuous rural America. In line with this
22 perception, cities were condemned as unhealthy, impoverished, undemocratic, and
23 crime ridden. A range of solutions were proposed to remedy these urban vices
24 (Boyer, 1978), including municipal parks. In a large park, urban residents could
25 “retreat” from the city to be back in touch with nature, which would lead to social
26 reform and improvement. Parks, proponents and supporters argued, would produce
27 a virtuous society characterized by health, wealth, equality, and little crime (Young,
28 2004).

1 30. Park proponents believed that society's characteristics were strongly
2 shaped by its physical environments. Urban environments of noise, traffic,
3 pollution, crowding, and ugly buildings led to a vicious society while an urban
4 park's "natural" environment would lead to a virtuous one. Urban vice did not
5 occur because society was evil by nature but because its members were out of touch
6 with nature, a principal source of goodness. In other words, publicly owned urban
7 parks were devices for social reform. They would succeed best where urban
8 environments and urban ways of life were excluded from a greenspace (Young,
9 2004). For example, according to an 1867 Newark, New Jersey park report, a park
10 was designed to produce "a certain [positive] effect upon the mind and the character
11 of those who approach it" (Schuyler and Turner Censer, 1992, 211). Forty years
12 later, Charles Mulford Robinson made a similar link between society and its
13 surroundings. A leader in the "City Beautiful" movement that sought visible
14 expressions to Progressive Era reforms aimed at revitalizing public life and
15 instilling civic awareness, Robinson argued for the creation of public flower beds,
16 new parks, and street trees because "Social problems are to a large degree problems
17 of the environment." Create parks where adults and children can find "brightness,
18 entertainment, and fellowship without throwing them into temptation... and many
19 of sociology's hardest problems will be solved" (Robinson, 1909, 245).

20 31. The foundation for the ideology of the early urban park proponents and
21 supporters lies in Romanticism and the Romantic Movement. While the philosophy
22 and movement had diverse expressions, it can be broadly recognized by a rejection
23 of rationalism, a regard for history and a focus on perception and beauty,
24 particularly that of nature. Moreover, the movement embraced the belief that a
25 group of people's character or nationality grew organically and emerged over a
26 long period of time. In addition, Romanticism contributed to the growth of
27 democracies, to a belief in progress and to the more open societies that are common
28 features of modern life (Barzun 1961). Romantic park supporters, like many

1 contemporary artists and scientists (Novak 1995), saw nature as an interrelated
2 world of mind, body, and being, an organic whole that included God, people, and
3 the physical world. Social problems resulted from the physical disjunction that
4 developed between nature and people in any city large enough to be dominated by
5 streets and buildings. Ignoring the benefits from urban life, they viewed the city as
6 a dangerous environmental aberration that could lead to the dissolution of society.
7 Parks were the necessary corrective because they brought nature, which was God's
8 handiwork, balanced and inherently good, back into cities. As the minister Henry
9 Ward Beecher enunciated in 1869, for "the multitude," natural beauty was a gift of
10 God "without price." It could "confer pleasure and profit from merely the looking
11 at it" (Beecher, 281-284).

12 32. As the Beecher quote suggests, nature in this era was approached as
13 scenery, but it was not simple and unconsidered. Park designers and their
14 supporters believed nature appeared best in parks as three landscape art categories
15 or "genres": the "Beautiful" (also called the "Pastoral" by Frederick Law Olmsted),
16 the "Picturesque," and the "Sublime." Each was yoked to a set of unique attributes.
17 Smallness, roundness, smoothness, delicacy, and color best captured the Beautiful,
18 making it the preferred genre for parks with extensive lawns or water features
19 bordered by shrubs and trees. The Sublime countered the Beautiful, being linked to
20 terror, obscurity, difficulty, power, vastness, majesty, and infinity, but it remained
21 beyond the ability of urban park designers because their landscapes were too
22 restricted to create it. However, it informed the selection of and lay behind the
23 drive for the national parks discussed below. The Picturesque mediated the two
24 extremes, expressing the pleasure gained by abrupt, unexpected, or rude forms and
25 textures, as well as the roughness that could exist at any scale. Many large urban
26 parks incorporated Picturesque elements as a stimulating contrast to Beautiful ones,
27 but Picturesque rarely dominated (Novak, 1995; Young 2004).

28

1 33. And, like some landscape scene in a painting, municipal parks’
2 “naturalistic” landscapes were intended to support only pastoral and picturesque
3 activities. These large urban parks were places for “passive recreation,” which
4 meant sitting, strolling, slow horse riding, and other quiet activities while
5 contemplating the scenery. Activities that were fast-moving, active, boisterous or
6 worse, ran counter to a park’s purpose. In support of these aesthetics, Parade
7 Grounds were isolated from the park proper in both Olmsted and Vaux’s Prospect
8 Park and in Olmsted’s unbuilt 1866 plan for San Francisco (Graff 1985; Young
9 2018). Places for military exercises and displays, Parade Grounds were spaces “for
10 citizens to demonstrate their commitment to defense of their government”
11 (Rosenzweig and Blackmar, 1992, 143). According to Olmsted (1990b, 532), these
12 places may have been necessary, but they were not to conflict with “the safety or
13 the quiet of those not interested in them.” That is, a park’s visitors. Consequently,
14 Parade Grounds were closed off or moved away from a park proper. They were,
15 argued Schuyler (1986, 131), “locations for functions that, while essential in a city,
16 would be antithetical to the tranquility of a naturalistic landscape.”

17 34. In addition to being informed by the same ideology and designed using
18 the same three landscape genres, America’s large urban parks embraced firearms
19 prohibitions shortly after they came into existence. Again, the official prohibitions
20 began with Central Park. In March 1858, one month before Central Park’s
21 Commissioners awarded a plan for the new park, they voted seven to two to adopt
22 their initial set of rules and regulations concerning it. (Board of Commissioners,
23 1858, 166, **Exhibit 2**.) Their attitude toward firearms in Central Park could not
24 have been clearer. “All persons are forbidden ... To carry fire-arms or to throw
25 stones or other missiles within it.” The public did not necessarily know how to
26 behave in their new park, so the commissioners adopted rules to prompt proper
27 behavior and decorum. Aligned with these rules and regulations, and as a practical
28 matter, they also created a force of Park Keepers in 1859 to control activities

1 deemed inappropriate. “A woods shared by ‘thousands’ demanded a different kind
2 of care than woods visited by a few,” noted historian David Thacher before quoting
3 the *New York Times* of February 21, 1859: “Nature in the neighborhood of large
4 towns needs rules and regulations to enable her to do herself justice, just as
5 certainly as in the country she does better without them” (Thacher, 2015, 591).
6 Proponents and supporters of large urban parks understood that the heavy use of the
7 nature in a park that would result from its being easily accessible, necessarily
8 mandated rules and regulations to control and direct visitors in order to allow nature
9 to reform society.

10 35. The Central Park Commissioners’ prohibition on carrying firearms in
11 their park, often using the same or nearly the same language, was embraced by
12 authorities in the other large parks that rapidly appeared across the United States.
13 The Central Park Commissioners reprinted their prohibition exactly in 1861 (Board
14 of Commissioners, 106, **Exhibit 3**). In 1866, as the development of Olmsted and
15 Vaux’s next park, Prospect Park, was getting underway, the Brooklyn Park
16 Commissioners adopted the same language as their peers at Central Park: “All
17 persons are forbidden... To carry firearms, or to throw stones or other missiles
18 within the park” (Brooklyn Park Commissioners, 1873, 136, **Exhibit 4**). Two years
19 later, in 1868, the rules and regulations for Philadelphia’s Fairmount Park included
20 a similar prohibition: “No person shall carry fire arms or shoot birds in the park or
21 within fifty yards thereof, or throw stones or other missiles therein” (Laws of the
22 General Assembly, 1868, 1088, **Exhibit 5**). In April 1870, the Commissioners of
23 San Francisco’s new Golden Gate Park were appointed and authorized to begin the
24 park’s development. Eighteen months later, they adopted a firearms prohibition
25 similar to Central Park’s: “Within the said grounds [i.e., Golden Gate and Buena
26 Vista Parks] all persons are hereby forbidden ...To carry and especially to
27 discharge firearms” (Board of Supervisors, 1875, 887, **Exhibit 6**). The following
28 year, 1873, the city of Chicago adopted a comparable prohibition for its “Parks and

1 Public Grounds”: “All persons are forbidden to carry firearms or to throw stones or
2 other missiles within any one of the public parks” (Chicago, Illinois, 1873, 88,
3 **Exhibit 7**). And, in 1874, the Buffalo, New York Park Commissioners adopted an
4 ordinance corresponding to that of Central Park and its successors to date: “All
5 persons are forbidden to carry fire-arms or fire at or shoot any bird or animal, or
6 throw stones or missiles within the several parks, approaches thereto or streets
7 connecting the same” (Buffalo Park Commissioners, 1874, 24, **Exhibit 8**).

8 For approximately another decade, similarly purposed, Romantically inspired, and
9 scenically designed parks appeared in cities across the country and their
10 commissioners or similar authorities adopted comparable prohibitions or fines:
11 Hyde Park, Illinois in 1875 (President and Board of Trustees, 1876, 310, **Exhibit**
12 **9**), Phoenixville, Pennsylvania in 1878 (Borough of Phoenixville, 1906, 135,
13 **Exhibit 10**), Chicago reprinted its earlier prohibition in 1880
14 (Jamieson and Adams, 1881, 391, **Exhibit 11**), St. Louis in 1881 (Sullivan, 1881,
15 635, **Exhibit 12**) and then extended it to a new park in 1883 (MacAdam, 1883,
16 117, **Exhibit 13**), and Danville, Illinois in 1883 (Mann and Frazier, 1883, 83,
17 **Exhibit 14**). This is not a coincidence. It is a firearms regulation tradition
18 grounded in the purpose, form, and use of America’s post-Central Park urban
19 parks.

20 36. Beginning in the late 1880s, an increasing number of American urban
21 park advocates and supporters embraced a new rationale for municipal parks, what I
22 term “rationalistic” parks. American cities continued to be plagued by poverty,
23 disease, undemocratic acts, and crime, but these new park proponents did not
24 abandon the idea of urban social improvement through parks. Instead, they stepped
25 back from the romantic idea that scenic park landscapes alone reformed society and
26 also embraced a more Darwinian and mechanistic view of nature. As their
27 perspective grew in importance, the value of nature contemplation somewhat
28 retreated, and parks were re-imagined as favored settings for organized play and

1 other leisure-time activities. Flower gardens, museums, baseball diamonds, and
2 children’s playgrounds became common park features as rationalistic park
3 proponents pursued their formula for encouraging the good society. These
4 advocates saw romantically designed parks as underdeveloped rather than mis-
5 designed, so they did not seek to remove and replace the features of romantic-era
6 parks. Instead, they wished to share the space of a large park by introducing the
7 features they believed would reform society. In addition, municipal park authorities
8 created parkways and numerous, generally small greenspaces throughout cities in
9 order to bring the reforming abilities of parks into neighborhoods. Visitors would
10 no longer have to travel long distances to the large parks. These small parks
11 utilized both romantic and rationalistic characteristics and were more tools in the
12 effort to improve urban society (Young, 2004).

13 37. Despite the addition of a rationalistic ideology and new landscape
14 layouts, urban park authorities continued to publish prohibitions on the carrying of
15 firearms in them: Boston’s Park Commissioners declared in 1886 that “it is
16 forbidden: ...To throw stones or other missiles; to discharge or carry fire-arms,
17 except by members of the Police Force in the discharge of their duties” (Boston,
18 Massachusetts, 1888, 86, **Exhibit 15**). In 1887, the city of Reading, Pennsylvania
19 announced that firearms would not be allowed in its new park, “Penn’s Common”:
20 “No person shall carry firearms, or shoot in the common, or within fifty yards
21 thereof” (Richards, 1897, 240, **Exhibit 16**). The following year, 1888, Saint Paul,
22 Minnesota’s Board of Park Commissioners published its Laws Relating to Parks,
23 which included: “No person shall carry firearms or shoot birds in any Park or
24 within fifty yards thereof” (Saint Paul, Minnesota, 1889, 689, **Exhibit 17**). Salt
25 Lake City, Utah also published a similar prohibition concerning its park in 1888:
26 “No person shall, within Liberty Park, ...Carry or discharge firearms” (Salt Lake
27 City, Utah, 1888, 248, **Exhibit 18**). And, in 1890, Trenton, New Jersey listed
28 among its ordinances: “No person shall carry firearms or shoot birds in said park or

1 squares, or within fifty yards thereof, or throw stones or other missiles therein”
2 (Trenton, New Jersey, 1903, 390, **Exhibit 19**). Additional examples of parks where
3 the carrying of firearms was prohibited include the parks of: Berlin, Wisconsin
4 (1890, 76, **Exhibit 20**) and Williamsport, Pennsylvania (1900, 141, **Exhibit 21**) in
5 1890; Grand Rapids, Michigan (Campbell, 1906, 163, **Exhibit 22**), Milwaukee,
6 Wisconsin (Park Commissioners of the City, 1892, 32, **Exhibit 23**), and
7 Springfield, Massachusetts (1897, 82, **Exhibit 24**) in 1891; Cincinnati, Ohio (Board
8 of Park Commissioners, 1893, 28, **Exhibit 25**), Lynn, Massachusetts (1892, 23,
9 **Exhibit 26**), Peoria, Illinois (Slemons, Pinkney and Raum, 1892, 667, **Exhibit 27**),
10 and Spokane, Washington (Connor, 1903, 316, **Exhibit 28**) in 1892; and,
11 Pittsburgh, Pennsylvania (Thomson, 1897, 496, **Exhibit 29**) and Wilmington,
12 Delaware (1893, 571, **Exhibit 30**) in 1893. Before the decade ended, comparable
13 prohibitions were published, republished or extended to new urban parks in: Saint
14 Paul, Minnesota (Giltinan, 1896, 208, **Exhibit 31**); Canton, Illinois (Chiperfield,
15 1895, 240, **Exhibit 32**); Detroit, Michigan (Local Acts, 1895, 596, **Exhibit 33**);
16 Centralia, Illinois (Noleman and Bundy, 1896, 188, **Exhibit 34**); Indianapolis,
17 Indiana (Brown and Thornton, 1904, 648, **Exhibit 35**); Rochester, New York (Board
18 of Park Commissioners, 1898, 97-98, **Exhibit 36**); Wilmington, Delaware (Board
19 of Park Commissioners, 1898, 24, **Exhibit 37**); Kansas City, Missouri (Rozelle and
20 Thompson, 1898, 657, **Exhibit 38**); New Haven, Connecticut (1898, 293, **Exhibit**
21 **39**); and, Boulder, Colorado (Greene, 1899, 157, **Exhibit 40**). As these many
22 incidences indicate, prohibitions on carrying firearms in urban parks were
23 considered fundamental to the function of these spaces – urban social reform.

24 38. Today, the romantic and rationalistic ideals still thrive in America’s
25 urban parks.

26 39. At no point did my research reveal any evidence that supported the
27 carrying of firearms for self-defense in urban parks. This would have been
28

1 inconsistent with romantic and rationalistic ideals and antithetical to the social
2 purpose of urban parks as promoted by those ideals.

3 **II. NATIONAL PARKS**

4 40. The emergence and development of America's national parks followed
5 an ideological arc quite similar to urban parks and for much the same purpose – the
6 improvement of American society. Like urban parks, national park advocates and
7 supporters initially embraced Romanticism. The creation of American national
8 parks and state parks (see below) began in 1864 when President Lincoln signed
9 legislation ceding the Yosemite Valley and Mariposa Big Tree Grove to the state of
10 California for “public use, resort, and recreation; [and] inalienable for all time”
11 (Dilsaver, 2016a, 4). Frederick Law Olmsted, who lived in California at the time,
12 was appointed a commissioner on the new park's board and supervised the creation
13 of the report for its administration. In addition to this “skillful” plan for the park's
14 administration, “he advocated a policy of establishing national parks across the
15 nation and laid the foundation for our current national park system” (Freeman,
16 1989, 172).

17 41. For Olmsted, the creation of national parks was not a gift but a duty.
18 “It is the main duty of government, if it is not the sole duty of government, to
19 provide means of protection for all its citizens in the pursuit of happiness”
20 (Olmsted, 1990a, 502). Where Romantic urban parks had employed the Beautiful
21 and the Picturesque, California's Yosemite Park improved society through a blend
22 of the Beautiful and the Sublime. The new park was, argued Olmsted, a “union of
23 the deepest sublimity with the deepest beauty of nature, not in one feature or
24 another, not in one part or one scene or another, not any landscape that can be
25 framed by itself, but all around and wherever the visitor goes, constitutes the Yo
26 semite the greatest glory of nature” (Olmsted, 1990a, 500). Immersed in the park's
27 natural beauty, visitors were improved through passive interaction with the scenery.
28 “[T]he enjoyment of scenery,” stated Olmsted, “employs the mind without fatigue

1 and yet exercises it, tranquilizes it and yet enlivens it; and thus, through the
2 influence of the mind over the body, gives the effect of refreshing rest and
3 reinvigoration to the whole system” (Olmsted, 1990a, 504). Consequently,
4 Olmsted thought the principal duty of the park’s commissioners was “to give every
5 advantage practicable to the mass of the people to benefit by that which is peculiar
6 to this ground” (Olmsted, 1990a, 506). At the same time, he cautioned that
7 constraints had to be applied to the “mass” of visitors in order for the park to
8 benefit society both in the present and in the future. “[I]t should be remembered
9 that in permitting the sacrifice of anything that would be of the slightest value to
10 future visitors to the convenience, bad taste, playfulness, carelessness, or wanton
11 destructiveness of present visitors, we probably yield in each case the interest of
12 uncounted millions to the selfishness of a few individuals” (Olmsted, 1990a, 507).
13 Finally, he pointed to the uniqueness that had “caused Congress to treat [Yosemite
14 Valley and Mariposa Big Tree Grove] differently from other parts of the public
15 domain” and to that which would guide the creation of subsequent national parks.
16 “This peculiarity consists wholly in its natural scenery” (Olmsted, 1990a, 506).

17 42. In less than a decade, the first, officially designated “national park”
18 was created in 1872: Yellowstone. A large, protected area of approximately 2.2
19 million acres, its origin lay in the Romantic path of scenery identified by Olmsted.
20 “Yellowstone’s awesome natural phenomena had inspired a political phenomenon”
21 (Sellars, 1997, 7). In the authorizing act, the park was “hereby reserved and
22 withdrawn from settlement, occupancy or sale... and dedicated and set apart as a
23 public park or pleasuring ground for the benefit and enjoyment of the people.”
24 Placed under the Interior Secretary, the act directed the Secretary “to make and
25 publish such rules and regulations as he may deem necessary or proper for the care
26 and management of the same.” Among these, the Secretary “shall provide against
27 the wanton destruction of the fish and game found within said park” and he
28 “generally shall be authorized to take all such measures as shall be necessary or

1 proper to fully carry out the objects and purposes of this act” (Dilsaver, 2016b, 20-
2 21). Over the next 40 years, Congress and the President designated (and sometimes
3 transferred) numerous natural preserves under federal jurisdiction, including
4 Sequoia, Yosemite, Mount Rainier, Glacier, and Rocky Mountain National Parks.
5 Like the original Yosemite cession and Yellowstone National Park, these
6 subsequent parks were large, relatively distant from most of America’s population
7 because they were out west while the people were back east, and “preserved largely
8 for their aesthetic qualities,” which like urban parks, were thought to improve
9 society (Mackintosh, 2005, 14).

10 43. The rationalistic rationale began to inform national park features and
11 usage toward the end of the Nineteenth and the beginning of the Twentieth
12 Centuries. As the public, which increasingly lived in America’s cities, came to
13 expect urban parks to be both scenic and places for museums, bicycling, and other
14 forms of active play, they also came to see county, state, and national parks as
15 serving the same purpose. Consequently, Interior Secretary Franklin K. Lane
16 (Dilsaver, 2016c, 37) instructed Stephen T. Mather that “All outdoor sports which
17 may be maintained consistently with the observation of the safeguards thrown
18 around the national parks by law will be heartily endorsed and aided wherever
19 possible. Mountain climbing, horseback riding, walking, motoring, swimming,
20 boating, and fishing will ever be the favorite sports. Wintersports will be
21 developed in the parks that are accessible throughout the year.” In contrast,
22 however, “Hunting will not be permitted in any national park.”

23 44. The American Civic Association (ACA), a private, eastern-based
24 organization that had originated in the nineteenth century and promoted the creation
25 of all parks as social reforming devices, incorporated all types of parks—municipal,
26 county, state, or national—in their reform agenda because they believed that any
27 given park comprised the local expression of a more durable concept, that all parks
28 were socially impactful when they shared three important features: nature, scenery,

1 and play, which when combined properly, created the ideal of the park. According
2 to the ACA's president, J. Horace McFarland (1912, 3), this park performed a
3 valuable social function; it "act[s] immediately and favorably on the health and the
4 orderliness of the community, and consequently increase[s] materially the average
5 of individual efficiency. In other words, they pay dividends in humanity." That is,
6 such parks at every geographic scale reformed a rapidly urbanizing America.

7 National parks, like urban parks, would foster a virtuous society characterized by
8 health and wealth. The ACA further claimed that national parks would foster
9 democracy and patriotism among Americans (Young, 1996).

10 45. Today, the same rationales applicable to urban parks guide the public's
11 expectations and inform the actions of national park proponents and supporters.

12 46. Again, at no point in my research did I discover any evidence of
13 support for the carrying of firearms for self-defense in national parks. This would
14 have been inconsistent with romantic and rationalistic ideals and antithetical to the
15 social purpose of national parks as promoted by those ideals.

16 **III. STATE PARKS**

17 47. America's state parks today appear in every state and in types that vary
18 from state to state and sometimes even within a single state. The history of their
19 designation and development reveals a halting and uneven pattern, but it
20 nonetheless followed the same ideological arc that guided the unfolding of urban
21 and national parks, and for much the same purpose – the improvement of society.
22 Like national park advocates and supporters, state park activists thought striking
23 scenic places would lead to a society that was healthier, wealthier, more democratic
24 and more socially coherent.

25 48. As noted above, the first state and national park was Yosemite valley
26 and grove (Engbeck, 1980). But before California returned it to the federal
27 government in 1906 for inclusion in Yosemite National Park, the valley and grove
28 had inspired such scenic state parks as Big Basin in California, Palisades and

1 Watkins Glen in New York, and Mount Mitchell in North Carolina, as well as “sites
2 uniquely worth preserving” in Connecticut, Indiana, Iowa, and Wisconsin (Cutler,
3 1989, 195). Most state parks, however, did not appear until the Twentieth Century
4 when, as J. Horace McFarland (1910, 9) noted, they came to be seen as the logical
5 extension between city or county parks and national parks. “If, when a natural
6 wonder is found to be of national importance and to need national protection, it may
7 properly be controlled by the nation, surely a location or opportunity too large for
8 local or municipal control may as properly be controlled by the state.” During the
9 first quarter of the Twentieth Century, state parks came to incorporate both
10 romantic and rationalistic features as people increasingly saw them as places for the
11 passive admiration of the scenery and for play. Nevertheless, state parks were not
12 common.

13 49. After the initial meeting of the National Conference on Parks in 1921
14 (later, the National Conference on State Parks), the pace of state park creation
15 increased. Park proponents kept recommending new sites for designation, but they
16 often did so to the new National Park Service. The Park Service recognized that
17 many of these recommendations had merit, but they did not rise to the level of
18 national significance so instead of just rejecting the recommendations, it organized
19 the National Conference on Parks to facilitate the designation of these sites
20 protected by the states. The conference transformed the state park movement,
21 stimulating more widespread interest in their creation.

22 50. Furthermore, the National Park Service developed a plan during the
23 Great Depression to create “a healthier and happier citizenry by developing a
24 nationwide system of state parks. The goal was to ‘cure the ills of society’ by
25 constructing a park within fifty to one hundred miles” of the American populace.
26 And, since a rationalistic park ideology was premier by the 1930s, “one of the
27 primary principles of the plan was to place recreational parks within the reach of
28 every citizen” (Smith, 2013, 207). Working with the Civilian Conservation Corps,

1 the National Park Service dramatically increased the number of state parks by
2 building 800 between 1933 and 1942.

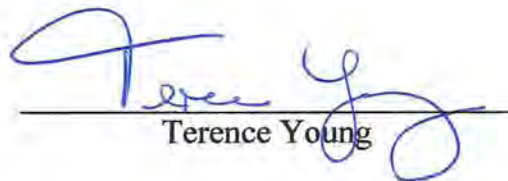
3 51. At no point in my research did I discover any evidence of support for
4 the carrying of firearms for self-defense in state parks. This would have been
5 inconsistent with romantic and rationalistic ideals and antithetical to the social
6 purpose of state parks as promoted by those ideals.

7 52. This Declaration is presented in a form that is much different from
8 academic writings. It reflects an accurate recounting of my research and
9 conclusions regarding this historical period and the subject matter discussed.
10 However, given the time constraints at issue in this case, as well as the fact it was
11 prepared in connection to a pending lawsuit, it is not drafted at the level of depth
12 that would be expected for academic writing. This declaration was prepared in
13 approximately one week, so the research was limited to my own office bookshelves
14 and short searches on the internet. If I had more time to travel to libraries and to
15 more thoroughly review primary documents, I would likely be able to frame a more
16 focused case with greater detail. Thus, I reserve the opportunity to supplement this
17 declaration to reflect any additional research or context that may be necessary as
18 this case proceeds.

19 I declare under penalty of perjury under the laws of the United States of
20 America that the foregoing is true and correct.

21 Executed on November 2, 2023, at Cambria, CALIF.

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Terence Young

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Printer. (**Exhibit 23**)

- President and Board of Trustees of the Village of Hyde Park. 1876. Laws and Ordinances Governing the Village of Hyde Park, Hyde Park: Consider H. Willett. (**Exhibit 9**)

- Richards, Louis, comp. 1897. A Digest of the Laws and Ordinances for the Government of the Municipal Corporation of the City of Reading, Pennsylvania, In Force April 1, 1897, Reading, PA: Eagle Book Print.

(**Exhibit 16**)

- Robinson, Charles Mulford. 1909. Modern Civic Art; or, The City Made Beautiful, 3rd Ed., New York: G.P. Putnam's Sons.

- Rosenzweig, Roy and Elizabeth Blackmar. 1992. The Park and the People: A History of Central Park, Ithaca: Cornell University Press.

- Rozelle, Frank F. and George R. Thompson, comp., arrang., annot., and index. 1898. Charter of Revised Ordinances of Kansas City, 1898, Kansas City: Lawton & Burnap, Printers and Stationers. (**Exhibit 38**)

- Saint Paul, Minnesota. 1889. Annual Reports of the City Officers and City Boards of the City of Saint Paul, For the Fiscal Year Ending December 31, 1888. (**Exhibit 17**)

- Salt Lake City, Utah. 1888. The Revised Ordinances of Salt Lake City, With the City Charter and Amendments Thereto, February 14, 1888, Salt Lake

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City: Star Printing Company. (**Exhibit 18**)

- Schuyler, David. 1986. *The New Urban Landscape: The Redefinition of City Form in Nineteenth-Century America*, Baltimore: The Johns Hopkins University Press.
- Schuyler, David and Censer, Jane Turner, Eds. 1992. *The Papers of Frederick Law Olmsted, Volume VI: The Years of Olmsted, Vaux & Company, 1865-1874*, Baltimore: The Johns Hopkins University Press.
- Sellars, Richard West. 1997. *Preserving Nature in the National Parks, A History*, New Haven: Yale University Press. (**Exhibit 39**)
- Slemmons, Wilbert I, Israel C. Pinkney, and Daniel F. Raum, rev. and edit. 1892. *Laws and Ordinances of the City of Peoria, Illinois*, Peoria: J.W. Franks & Sons, Printers and Binders. (**Exhibit 27**)
- Smith, Langdon. 2013. "Democratizing Nature Through State Park Development" *Historical Geography* 41: 207-223.
- Springfield, Massachusetts. 1897. *Park Commissioners' Report*, Springfield: Springfield Printing and Binding Co. (**Exhibit 25**)
- Stilgoe, John R. 1982. "Town Common and Village Green In New England: 1620-1981" in *On Common Ground: Caring for Shared Land from Town Common to Urban Park*, RF Fleming and LA Halderman, Eds. Harvard, MA: The Harvard Common Press, 7-36.

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- Sullivan, M.J. 1881. The Revised Ordinance of the City of St. Louis, St. Louis: Times Printing House. (**Exhibit 12**)
- Thacher, D. 2015. “Olmsted's police” Law and History Review 33(3): 577-620.
- Thomson, W.W. prep. 1897. A Digest of the Acts of Assembly Relating to, And the General Ordinances of the City of Pittsburgh From 1804 to Jan. 1, 1897, Pittsburgh: W.T. Nicholson Sons, Printers and Binders. (**Exhibit 29**)
- Trenton, New Jersey, Common Council. 1903. Charter and Ordinances; Also Certain Acts of the Legislature Relating to Municipal Departments, Trenton: The John L Murphy Publishing Co., Printers. (**Exhibit 19**)
- Williamsport, Pennsylvania. 1900. A Digest of the Laws and Ordinances For the Government of the Municipal Corporation of the City of Williamsport, Pennsylvania In Force August 1, 1900, Part III, Newark, NJ: Soney and Sage. (**Exhibit 21**)
- Wilmington, Delaware. 1893. The Charter of the City of Wilmington As Amended to May 6th, 1893; Acts of the General Assembly Relating to the City, Including the Session of 1893; and Ordinances, and Rules and Regulations of Departments of the City Government, As Amended and in Force September 1st, 1893, Wilmington: Diamond Printing Company. (**Exhibit 30**)

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- Young, Terence. 1996. "Social Reform Through Parks: The American Civic Association's Program for a Better America" *Journal of Historical Geography* 22(4): 460-472.
- Young, Terence. 2004. *Building San Francisco's Parks, 1850-1930*, Baltimore: The Johns Hopkins University Press.
- Young, Terence. 2018. "Frederick Law Olmsted's Abandoned San Francisco Park Plan" in *The American Environment Revisited*, Geoffrey L. Buckley and Yolonda Youngs, Eds. Lanham: Rowman & Littlefield, 145-160.
- Young, Terence. 2022. "Outdoor Imaginaries: The Emergence of Camping in Modern America" *Mondes du Tourisme* 21:
<http://journals.openedition.org/tourisme/4790>

Exhibit 1

CURRICULUM VITAE

Terence George Young
672 Warwick Street
Cambria, CA 93428
626-716-5927 (cell)
tgyoung@cpp.edu
<https://www.cpp.edu/faculty/tgyoung/>

Ph.D. - University of California, Los Angeles, 1991 (Cultural-Historical Geography)

POSITIONS HELD

Academic

2020 – present – Professor Emeritus of Geography, Department of Geography & Anthropology, California State Polytechnic University, Pomona, California 91768

2002 – 2021 – Assistant to Full Professor of Geography, Department of Geography & Anthropology (and Adjunct Professor, Lyle Center for Regenerative Studies through 2013), California State Polytechnic University, Pomona, California 91768

Consultations

forthcoming – On the history and ideology of American parks in relation to firearms regulation in TBD, in US District Court for the District of TBD, for Attorney General's Office, Providence, RI

2023 – On the history and ideology of American parks in relation to firearms regulation in Jason Wolford, Alison Wolford, Atom Kasprzycki, Hawaii Firearms Coalition v. Anne E. Lopez, US District Court for the District of Hawaii, for Attorney General's Office, Honolulu, HI

– On the history and ideology of American parks in relation to firearms regulation in David J. Nastri v. Katie Dykes, US District Court for the District of Connecticut, for Attorney General's Office, Hartford, CT

PUBLICATIONS

Periodicals – Peer Reviewed

2022 – “Outdoor Imaginaries: The Emergence of Camping in Modern America” *Mondes du Tourisme* 21: <http://journals.openedition.org/tourisme/4790>

2021 – “From Competition to Cooperation: A History of Canada-US National Park Relations” *Environment and History* 27(4): 607-634 (co-authored with Alan MacEachern and Lary Dilsaver)

2018 – “E.P. Meinecke and the Development of the Modern Auto Campground” *IdeAs - Idées d'Amérique* 12(Automne/Hiver): <https://journals.openedition.org/ideas/3502>

– “Green and Shady Camps: E.P. Meinecke and the Restoration of America's Public Campgrounds” *The George Wright Forum* 31(1): 69-76

2011 – “Collecting and Diffusing ‘the World's Best Thought’: International Cooperation by the National Park Service” *The George Wright Forum* 28(3): 269-278 (co-authored with Lary Dilsaver)

2010 – “On Camping and Its Equipment” *Environmental History* 15(1, January 2010): 120-128

2009 – “A Contradiction in Democratic Government’: W.J. Trent, Jr. and the Struggle for Non-Segregated National Park Campgrounds” *Environmental History* 14(4, October 2009): 651-682

2007 – “U.S. Parks and Protected Areas: Origins, Meanings and Management” *Historical Geography* 35: 5-9 (co-authored with Lary Dilsaver)

Periodicals – Non-peer Reviewed

2020 – “Pandemics & Public Lands” *National Parks Traveler* (August 26):

<https://www.nationalparkstraveler.org/2020/08/essay-pandemics-public-lands>

2018 – “Murray's Rush: The Adirondack Beginning of American Camping” *NY Archives Magazine* 18(1): 11-17

– “Why Americans Invented the RV” in *What It Means to be American: A Conversation Hosted by the Smithsonian and Arizona State University* (September 4). Available at:

<http://www.zocalopublicsquare.org/2018/09/04/americans-invented-rv/ideas/essay/>

2017 – “The Religious Roots of America’s Love for Camping” *What It Means to be American: A Conversation Hosted by the Smithsonian and Arizona State University* (October 12). Available at: <http://www.whatitmeanstobeamerican.org/encounters/the-religious-roots-of-americas-love-for-camping/>

2014 – “The End of Camping: Coming Home to the City” *BOOM: A Journal of California* 4(3): 70-75

2008 – “Four Visions of Nature in American Protected Areas” *Past Place* 16(2, Spring/Summer): 8-10 (Newsletter of the Historical Geography Specialty Group, Association of American Geographers)

Periodical – Special Issue Edited

2007 – “US Parks and Protected Areas” for *Historical Geography* 35: 5-213 (co-edited with Lary Dilsaver)

Books – Authored

2017 – *Heading Out: A History of American Camping*, Cornell University Press (Winner of the American Association of Geographers’ J.B. Jackson Prize for 2018; Winner of the Western History Association’s Hal K. Rothman Prize for 2018)

2004 – *Building San Francisco’s Parks: 1850-1930*, The Johns Hopkins University Press

Books – Edited

2002 - *The Landscapes of Theme Parks: Antecedents and Variations*, Terence Young and Robert Riley, eds., Dumbarton Oaks Library and Research Center Press

Book Chapters

2018 – “Frederick Law Olmsted’s Abandoned San Francisco Park Plan” in *The American Environment Revisited: Environmental Historical Geographies of the U.S.* (Lanham: Rowman & Littlefield), 145-160

2014 – “The Passionate Geographer” in *North American Odyssey: Historical Geographies for the Twenty-first Century* (Lanham: Rowman & Littlefield), 315

2008 – “Urban Parks, Leisure and the Good Society” in *Loisir et Liberté en Amérique du Nord*, P. Lagayette, Editor (Paris: Université Paris-Sorbonne, Paris IV), 59-71

PODCASTS

2021 – “William Coffin Coleman and The History of the Coleman Company” on The RV Atlas, June 25, available at: <https://thervatlas.com/podcast/william-coffin-coleman-and-the-history-of-the-coleman-company/>

2020 – “Pandemics & the National Parks” on National Parks Traveler, August 23, available at: <https://www.nationalparkstraveler.org/podcast/2020-08-23-national-parks-traveler-episode-80-pandemics-and-national-parks>

2019 – “Heading Out: A History of American Camping” on Writing Westward Podcast, March 8, available at: <http://reddcenter.byu.edu/Blogs/redd-center-blog/Post/writing-westward-podcast-episode-007---terence>

2017 – “Heading Out: The History of Camping” on The Art of Manliness, August 3, available at: <http://www.artofmanliness.com/2017/08/03/podcast-327-heading-history-camping/>

AWARDS & GRANTS

Awards

2023 – California State University Emeritus and Retired Faculty & Staff Association, Research Grant of \$600.00 for travel to Washington, DC. Title: “The African Student Program, 1961-1969.”

– Brigham Young University, The Redd Center, John Topham and Susan Redd Butler Off-Campus Faculty Research Award of \$2,000.00 for travel to Washington, DC and Amherst, MA. Title: “‘To Learn the Value of Conservation’: Diffusing America’s Protected-Area Methods to Post-Colonial Africa, 1961-1974.”

2018 – J.B. Jackson Prize from the American Association of Geographers for *Heading Out: A History of American Camping* published by Cornell University Press

- Hal K. Rothman Prize from the Western History Association for *Heading Out: A History of American Camping* published by Cornell University Press

2013 – Association of American Geographers, Research Grant of \$1,000.00 for travel to Washington, DC and Yellowstone National Park. Title: “US National Park Service Cooperation with Canada and In Africa.”

2008 – 2018 – US National Park Service, Park History Program, Washington, DC – Volunteers in Parks

Program – \$4,600.00 and continuing for travel and research expenses. Titles: “International Cooperation and the National Park Service” and “Yosemite State Park and the US National Parks”

2008-2009 - California State Polytechnic University – Pomona, Research, Scholarship, and Creative Activities Grant of \$4,736.00 for one course release to compose a scholarly article for a journal *Environmental History*. Title: “The Smooth Way to Rough It: Pilgrimage, McDonalidization and the Evolution of Camping Equipment.”

PRESENTATIONS

Papers:

2023 – Annual Meeting of the American Association of Geographers, Denver, CO, March 24: “Diffusing America’s ‘Effective Methods’ to Africa”

2022 – Annual Meeting of the Association of Pacific Coast Geographers, Bellingham, WA, October 7: “To Learn the Value of Conservation and Preservation’: Diffusing America’s Approach to Protected Areas through the African Student Program, 1961-1965”

– Annual Meeting of the European Society for Environmental History, Bristol, UK, July 4: “Nature is not something optional’: Essentialism and the History of American Urban Greening” (presented via Zoom)

– Annual Meeting of the American Society for Environmental History, Eugene, OR, March 26: “An Appreciation for Conservation and Wildlife Management”: The National Park Service’s African Student Program, 1961-1965”

– Annual Meeting of the American Association of Geographers, New York, NY, February 25: “The Potential African Leaders of Tomorrow”: The National Park Service’s African Student Program, 1961-1965 (presented via Zoom)

2021 – Annual Meeting of the American Association of Geographers, Seattle, WA, April 8: “Essential Nature: Biophilia and the Greening of American Cities” (presented via Zoom)

2019 – Annual Meeting of the Western History Association, Las Vegas, Nevada, Friday, October 18: “To Keep in Touch with the Real America’: The Wally Byam Foundation’s Trailer-Camping Program of National Discovery and Re-Discovery”

2018 – Annual meeting of the American Association of Geographers, New Orleans, LA, April 10: “Nature is not something optional’: Biophilia, Essentialism, and the Greening of American Cities”

– Annual meeting of the American Society for Environmental History, Riverside, CA, March 17: “Nature is not something optional’: Biophilia, Essentialism, and the Greening of American Cities”

2017 – Annual meeting of the Association of Pacific Coast Geographers, Chico, CA, October 27: “The Most Elaborate and Valuable Apparatus’: Transnational Politics and the Linking of Canadian and American Park Agencies”

– Annual meeting of the American Association of Geographers, Boston, MA, April 7: Roundtable in honor of Nicholas Entrikin

– Annual meeting of the American Association of Geographers, Boston, MA, April 7: “For what did Lavoy Finicum die?”

– Biennial meeting of the George Wright Society, Norfolk, VA, April 3: “Yosemite and the Origins of America’s National Parks”

2016 – Annual meeting of the Association of Pacific Coast Geographers, Portland, OR, October 7: “Yosemite and the Origins of America’s National Parks”

– Annual meeting of the American Association of Geographers, San Francisco, CA, April 1: “/n *Media Res*: California as National Park-State Park Intersection”

2015 – Annual meeting of the Association of Pacific Coast Geographers, Palm Springs, CA, October 23: “Christian Nationalism and the Antimodern Origins of the Pacific Crest Trail”

– Triennial meeting of the International Conference of Historical Geographers, London, United Kingdom, July 6: “Frederick Law Olmsted’s Abandoned San Francisco Park Plan”

– Biennial meeting of the George Wright Society, Oakland, CA, March 30: “Renewing Our Faith and Ideals: Christian Nationalism and the Origins of the Pacific Crest Trail”

– Annual meeting of the American Society for Environmental History, Washington, DC, March 21: “An Outstanding Feature of Our Relations’: The Melding of Canadian and US Park Management after World War II”

2013 – Annual meeting of the Association of American Geographers, Los Angeles, CA, April 9: “To Think and Feel and Become Sanctified’: Camping as American Pilgrimage”

– Biennial meeting of the George Wright Society, Denver, CO, March 11: “The Illusion of Wildness’ in America’s Automobile Campgrounds”

Invited Lectures & colloquia:

2022 – “Camping in America: Its 19th Century Beginning,” Torrance Public Library, Torrance, CA, August 5

2020 – Keynote Speaker – “Outdoor Imaginaries: Camping in Modern America,” Tourist Imaginaries and Mobility in the United States Conference, American Studies Program, University of Versailles Saint-Quentin-en-Yvelines, Versailles, France, February 6

2019 – “Roughing It Smoothly’: American Autocamping in the Early Twentieth Century,” Ohio University, Athens, OH, November 5

– “Modernity & Nature in America,” Dumbarton Oaks Graduate Seminar, Washington, DC, May 21

– “Heading Out: To Walk in the Woods” at the Huntington Westerners, Pasadena, CA, May 4

2018 – “Roughing It Smoothly’: The Appeal and Aftereffects of American Autocamping” at Montana State University, November 1

– “Roughing It Smoothly’: The Appeal and Aftereffects of American Autocamping” at Idaho State University, October 30

– “To Feel at Home in the Wild: E.P. Meinecke’s Modern Autocampground” at Dumbarton Oaks, Washington, DC, October 17

– “Heading Out: To Walk in the Woods” at the Historical Society of Crescenta Valley, La Crescenta, CA, August 20

– “Heading Out: To Walk in the Woods” at the Pasadena Museum of History’s At Home Series, May 22

– “Three California Connections” at Flintridge Bookstore, La Canada-Flintridge, CA, March 22

2017 – “Values, Conflicts and America’s Protected Lands” at Department of Geography and Environmental Studies, California State University San Bernardino, November 16 (for Geography Awareness Week)

– “The Value of Parks” in the District Planning and Compliance Course, California State Parks at the California Citrus Historic State Park, Riverside, CA, October 9

– “Fashionable Twaddle”: Murray’s Rush and America’s First Camping Controversy” at the Kelly Adirondack Center, Union College, Schenectady, NY, August 9

– “Fashionable Twaddle”: Murray’s Rush and America’s First Camping Controversy” for the public lecture series of the Adirondack Experience, Blue Mountain Lake, NY, August 7

– “Smoothing Out the Roughness: The Evolution of Camping Gear,” National Museum of American History, Smithsonian Institution, Washington, DC, August 1

2014 – “Swept Up in ‘Murray’s Rush’: The Adirondack Beginnings of Camping in America” for the public lecture series of the Adirondack Museum, Blue Mountain Lake, NY, July 28

GRADUATE STUDENTS

Ph.D. Committees

Robert Dye, Department of Parks, Recreation and Tourism Management, Clemson University, Clemson, SC

Kathleen Mengak, Department of Parks, Recreation and Tourism Management, Clemson University, Clemson, SC

M.A./M.S./M.L.A. Committees

Angelica Rocha, Regenerative Studies Program, California State Polytechnic University – Pomona (Co-chair of committee) (MS awarded 2019)

Norma Saldana, Regenerative Studies Program, California State Polytechnic University – Pomona (MS awarded 2019)

Crystal Weintrub, Regenerative Studies Program, California State Polytechnic University – Pomona (MS awarded 2014)

Rachel Boldt (nee Camp), Regenerative Studies Program, California State Polytechnic University – Pomona (Chair of committee) (MS awarded 2012)

April Garbat, Department of Landscape Architecture, California Polytechnic State University – Pomona

(MLA awarded 2011)

Jacob Feldman, Regenerative Studies Program, California State Polytechnic University – Pomona (MS awarded 2011)

Martin Hogue, Department of Landscape Architecture, University of Toronto (MLA degree awarded 2010)

Leslie Johnson, Department of Art, California State University – Long Beach (MA degree awarded 2007)

Doug Kent, Regenerative Studies Program, California State Polytechnic University – Pomona (MS degree awarded 2006)

Keith Miller, Department of Geography, California State University – Long Beach (MA degree awarded 2003)

Manuscripts and proposals reviewed for:

Agricultural History, Association of Pacific Coast Geographers Yearbook, California History, Center for American Places/University of Chicago Press, cultural geographies, Ecumene, Environmental History, Gender, Place and Culture, Geographical Review, GeoJournal, Historical Geography, Journal of Cultural Geography, Journal of Historical Geography, Journal of Planning History, Journal of Urban Design, Land Use Policy, Landscape Journal, Landscape Research, Louisiana State University Press, National Science Foundation, Pacific Historical Review, Park Stewardship Forum, Philosophy and Geography, Society and Space, Studies in the History of Gardens and Designed Landscapes, US National Park Service, University of Georgia Press, University of Massachusetts Press, University of Virginia Press, Western Historical Quarterly

PROFESSIONAL SERVICE

Memberships

American Society for Environmental History, American Association of Geographers, Association of Pacific Coast Geographers, European Society for Environmental History, George Wright Society

Community Work

2021-present – Advisory Member, Publications Committee, George Wright Society

2022-present – Secretary, Association of Pacific Coast Geographers

2023-2024 – Chair, Protected Areas Specialty Group, American Association of Geographers

2020-2023 – Vice Chair, Protected Areas Specialty Group, American Association of Geographers

2013-2017 – Member, Editorial Board, *Environmental History*

2013-2014 – Local Arrangements Committee for American Society for Environmental History's 2014 annual meeting in San Francisco, CA

Exhibit 2

TUESDAY, MARCH 16, 1858.

REGULAR MEETING—3 P. M.

PRESENT :

| | |
|--------------------|----------------------|
| Commissioner Gray, | Commissioner Fields, |
| “ Dillon, | “ Green, |
| “ Russell, | “ Strong, |
| “ Butterworth, | “ Hogg. |
| “ Hutchins, | |

On motion, the reading of the minutes of the previous meeting was dispensed with.

On motion of Mr. BUTTERWORTH, it was

Resolved, That the Annual Report of this Board to the Common Council, dated January 30, 1858, be printed as one of the documents of this Board.

As follows :

Ayes—Messrs Dillon, Butterworth, Gray, Fields, Green, Strong, Hogg—7.

On motion of Mr. DILLON, the ordinances recommended by the Superintendent were adopted, as follows :

“Be it ordained by the Commissioners of the Central Park :

All persons are forbidden

To enter or leave the Park except by the gateways.

To climb or walk upon the wall.

To turn cattle, horses, goats or swine into the Park.

To carry fire-arms or to throw stones or other missiles within it.

To cut, break, or in any way injure or deface the trees, shrubs, plants, turf, or any of the buildings, fences, bridges, or other constructions upon the Park ;

Or to converse with, or in any way hinder those engaged in its construction.

Exhibit 3

APPENDIX.

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A.

ORDINANCES OF THE CENTRAL PARK.

The Board of Commissioners of the Central Park do ordain as follows:

All persons are forbidden—

To enter or leave the Park except by the gateways.

To climb or walk upon the wall.

To turn cattle, horses, goats, or swine into the Park.

To carry firearms or to throw stones or other missiles within it.

To cut, break, or in any way injure or deface the trees, shrubs, plants, turf, or any of the buildings, fences, or other constructions upon the Park ;

Or to converse with, or in any way to hinder those engaged in its construction.

Two pounds are hereby established within the Central Park, for the impounding of horses, cattle, sheep, goats, dogs, swine, and geese found trespassing upon said Park. All such animals found at large upon the Park may be taken by any person or persons, and driven or carried to one of the said pounds, and may be kept enclosed therein during five days, at the end of which time, if not previously claimed, they may be sold at public auction; provided that within two days after they shall have been impounded, notice of the sale shall have been conspicuously posted in the pound.

Any person claiming property in such impounded animals before the day of sale, may recover the same after suitable proof of his or her right thereto, upon payment for each animal

Exhibit 4

PARK ORDINANCE, No. 1.

The Commissioners of Prospect Park, in the city of Brooklyn, do ordain as follows :

ARTICLE I.—All persons are forbidden,

1. To take or carry away any sod, clay, turf, stone, sand, gravel, leaves, muck, peat, wood, or anything whatever belonging to the park, from any part of the land embraced within the boundaries of the park ;

2. To climb upon, or in any way cut, injure, or deface any tree, shrub, building, fence, or other erection within the park ;

3. To turn cattle, horses, goats, swine, or poultry of any description upon the park ;

4. To carry firearms, or to throw stones or other missiles within the park ;

5. To hinder or in any manner delay or interfere with men employed upon the park ;

6. To expose any article or thing for sale, or engage in any picnic or game upon the park, except by permission derived from the Board of Commissioners ;

7. To post or otherwise display any bill, notice, advertisement, or other paper or device upon any tree, structure, or other erection within the park, or upon any of its inclosures.

ARTICLE II.—Any person who shall violate or offend against any of the provisions of the foregoing article, shall be deemed guilty of a misdemeanor, and shall be punished on conviction, before any court of competent jurisdiction in the county of Kings, by a fine not exceeding fifty dollars, and in default of payment, by imprisonment not exceeding thirty days.

Exhibit 5

OF THE SESSION OF 1868.

1087

confirmed by the court, the valuation made shall be forthwith payable by the city of Philadelphia.

SECTION 11. The city of Philadelphia shall be authorized and required to raise, by loans from time to time, such sums of money as shall be necessary to make compensation for all grounds heretofore taken or to be taken for said Fairmount park, and for the laying out and construction thereof for public use, for the permanent care and improvement thereof, and for all culverts and other means for preserving the Schuylkill water pure for the use of the citizens of said city, and shall annually assess taxes for keeping in repair and good order the said park, and shall also provide for the payment of the interest on all said loans and the usual sinking fund for the redemption thereof.

City to effect loans to make compensation for grounds taken, &c.

SECTION 12. The said park commissioners shall from time to time appoint such officers, agents and subordinates as they may deem necessary for the purposes of this act and the act to which this is a supplement, and they shall prescribe the duties and the compensation to be paid them; and so much of the second section of the act to which this is a supplement, as requires that the secretary shall be chosen from the commissioners, be and the same is hereby repealed.

Commissioners to appoint officers, agents, &c.

SECTION 13. It shall be lawful for said park commissioners to acquire title to the whole or any tract of land, part of which shall fall within the boundaries mentioned in the first section of this act, and to take conveyance thereof in the name of the city of Philadelphia; and such part thereof as shall lie beyond or within the said park limits again to sell and convey in absolute fee simple to any purchaser or purchasers thereof by deeds, to be signed by the mayor under the seal of the city, to be affixed by direction of councils, either for cash or part cash, and part to be secured by bond and mortgage to the city, paying all cash into the city treasury: *Provided*, That the proceeds of such sales shall be paid into the sinking fund for the redemption of the loan created under the provisions of this act: *Provided also*, That no commissioner nor any officer under the park commission shall in any wise be directly or indirectly interested in any such sale of lands by the commissioners as aforesaid; and if any commissioner or officer aforesaid shall act in violation of this proviso, he shall, if a commissioner, be subject to expulsion, if an officer, to be discharged by a majority of votes of the board of park commissioners, after an opportunity afforded of explanation and defence.

May acquire and sell lands situate in part within boundaries mentioned.

Proviso.

Proviso.

SECTION 14. The said board of commissioners shall annually hereafter, in the month of December, make to the mayor of the city of Philadelphia a report of their proceedings and a statement of their expenditures for the preceding year.

To make report to mayor annually.

SECTION 15. The said park commissioners shall have exclusive power to lease from year to year all houses and buildings within the park limits, which may be let without prejudice to the interests and purposes of the park by leases, to be signed by their president and secretary, and to collect the rents and pay them into the city treasury.

May lease houses, &c., within park limits.

LOSS

LAWS OF PENNSYLVANIA,

Buildings erected on grounds by boat clubs, &c., relative to. SECTION 16. All houses and buildings now built or to be built on any part of the park grounds, by or for boat or skating clubs, or zoological or other purposes, shall be taken to have rights subordinate to the public purposes intended to be subserved by acquiring and laying out the park, and shall be subject to the regulations of said park commissioners under licenses, which shall be approved by the commission and signed by the president and secretary, and will subject them to their supervision and to removal or surrender to the city whensoever the said commissioners may require.

Commissioners may accept property upon trusts. SECTION 17. The said park commissioners shall have power to accept in the name and behalf of the city of Philadelphia devises, bequests and donations of lands, moneys, objects of art and natural history, maps and books, or other things, upon such trusts as may be prescribed by the testator or donor: *Provided*, Such trusts be satisfactory to the commission and compatible with the purposes of said park.

Proviso.

Debts to bind commissioners, how created. SECTION 18. None of the park commissioners nor any person employed by them shall have power to create any debt or obligation to bind said board of commissioners, except by the express authority of the said commissioners at a meeting duly convened.

Management, &c., of park

SECTION 19. The said park commissioners shall have the power to govern, manage, lay out, plant and ornament the said Fairmount park, and to maintain the same in good order and repair, and to construct all proper bridges, buildings, railways and other improvements therein, and to repress all disorders therein under the provisions hereinafter contained.

May license laying down of passenger railways.

SECTION 20. That the said park commissioners shall have authority to license the laying down and the use for a term of years from time to time of such passenger railways as they may think will comport with the use and enjoyment of the said park by the public, upon such terms as said commissioners may agree, all emoluments from which shall be paid into the city treasury.

Rules and regulations.

SECTION 21. The said park shall be under the following rules and regulations, and such others as the park commissioners may from time to time ordain:

I. No person shall turn cattle, goats, swine, horses or other animals loose into the park.

II. No person shall carry fire arms or shoot birds in the park or within fifty yards thereof, or throw stons or other missiles therein.

III. No one shall cut, break, or in anywise injure or deface the trees, shrubs, plants, turf, or any of the buildings, fences, structures or statuary, or foul any fountains or springs within the park.

IV. No person shall drive or ride therein at a rate exceeding seven miles an hour.

V. No one shall ride or drive therein upon any other than upon the avenues and roads.

VI. No coach or vehicle used for hire shall stand upon any part of the park for the purpose of hire, nor except in waiting for persons taken by it into the park, unless, in either case, at points designated by the commission.

Exhibit 6

PARK COMMISSIONERS.

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ORDINANCE No. 2.

[Adopted September 24th, 1872.]

AN ORDINANCE TO PROVIDE FOR THE REGULATION AND GOVERNMENT OF THE AVENUE AND PUBLIC PARKS IN THE CITY AND COUNTY OF SAN FRANCISCO, IN CHARGE OF THE PARK COMMISSIONERS.

SECTION 1. The objects of this Ordinance are those grounds which are known as Golden Gate and Buena Vista Parks, and the Avenue leading to said Golden Gate Park, all particularly described in the first section of an Act of the Legislature of the State of California, entitled "An Act to provide for the improvement of Public Parks in the City of San Francisco," approved April 4th, 1870.

SEC. 2. Within the said grounds all persons are hereby forbidden:

1. To turn in or let loose any cattle, horses, goats, sheep, or swine.
2. To carry and especially to discharge firearms.
3. To cut, break, or in any way injure or deface any trees, shrubs, plants, buildings, fences, or structures of any kind.
4. To bathe in, or otherwise pollute the water of any pond, lake, or pool.
5. To chase, set snares for, catch, or destroy any rabbits, quails, or other wild quadrupeds or birds.
6. To make or kindle a fire of any kind.
7. To camp, lodge, or tarry over night.
8. To ride or drive any horse or other animal, with vehicle or without, elsewhere than on the roads or drives for such purposes provided.
9. To indulge in riotous, boisterous, or indecent conduct, or language.
10. To drive or ride at a furious speed.

SEC. 3. No dray, truck, wagon, cart, or other vehicle carrying, or if not carrying, employed regularly in carrying goods, merchandise, manure, soil, or other articles, shall be allowed to travel upon the drive of said avenue for any other purpose than to cross immediately at the regular street intersections, nor upon the drives of said parks. For the present the road now and heretofore commonly traveled to and from "The Central Macadamized Toll Road," is excepted from this rule. But all such vehicles shall be driven over the least worked portion of such excepted road as directed by the Superintendent or any of the Park police officers hereinafter mentioned, unless compelled to turn out in obedience to the "rule of the road," as hereinafter laid down.

The provisions of this subdivision shall also apply to light vehicles regularly driven for business purposes between the country beyond the parks and the city.

SEC. 4. The rule of the road for equestrians or vehicles meeting upon the avenue or park drives shall be: PASS TO THE RIGHT.

Exhibit 7

CHAPTER 31.

PARKS AND PUBLIC GROUNDS.

SECTION.

1. Names established.
2. What games are prohibited in—Penalty.
3. Duty of board of public works to superintend
4. Ingress and egress regulated.
5. Animals to be excluded.
6. Firearms, etc., prohibited in - Injury to shrubbery.
7. Hindering employes prohibited.
8. Speed in driving regulated.
9. Animals, etc., to keep on drives.
10. Obstruction of ways prohibited.
11. Hacks, etc., not to ply for hire.
12. Peddling in, prohibited.
13. Certain vehicles prohibited.
14. Fortune telling, gaming, indecency, etc., prohibited.
15. Power to close part of parks.

SECTION.

16. When parks to be open.
17. Right to open and close parks.
18. Conduct of visitors regulated.
19. Bathing, fishing, etc. in forbidden.
20. Fireworks prohibited.
21. Perambulators on walks.
22. Posting bills forbidden.
23. Processions, fire apparatus, etc. prohibited when.
24. Funeral processions prohibited.
25. Fires prohibited.
26. To keep off grass, except when.
27. Power of police in.
28. Chapter applies to public squares.
29. Penal clause.
30. Use of grass grown.

1. NAMES ESTABLISHED.] *Rev. Ord.* 1866. The several public parks, squares and grounds in the city of Chicago, shall be known and designated by the names applied thereto respectively on the map of the city of Chicago published by Mr. J. Van Vechten in the year 1872.

2. GAMES IN PROHIBITED—PENALTY.] No person shall play at ball, cricket, or at any other game or play whatever, in any of the inclosed public parks or grounds in this city, under the penalty of five dollars for every offense.

3. BOARD OF PUBLIC WORKS—DUTY OF.] It shall be the duty of the board of public works to superintend all inclosed public grounds and keep the fences thereof in repair, the walks in order and the trees properly trimmed, and improve the same according to plans approved by the common council. They shall likewise cause printed or written copies of the prohibitions of this chapter to be posted in the said grounds or parks.

4. WALLS AND FENCES.] *Ord. Jan.* 11, 1869. No person shall enter or leave any of the public parks of the city of Chicago, except by their gateways; no person shall climb or walk upon their walls or fences.

5. ANIMALS TO BE EXCLUDED.] Neither cattle, horses, goats, swine or other animals, except as herein provided, shall be turned into any one of the said parks by any person.

6. FIREARMS AND MISSILES PROHIBITED—PROTECTION OF SHRUBBERY.] All persons are forbidden to carry firearms or to throw stones or other missiles within any one of the public parks. All persons are forbidden to cut, break or in any way injure or deface the trees, shrubs, plants, turf or any of

the buildings, fences, bridges, or other construction or property, within or upon any of the said parks.

7. HINDERING EMPLOYEES.] No person shall converse with, or in any way hinder those engaged in their construction.

8. SPEED OF DRIVING.] No animal shall travel on any part of either of the said parks at a rate exceeding six miles per hour.

9. VEHICLES AND ANIMALS ON DRIVES.] No vehicle, or horse, or other animal shall be permitted on the foot walks, the same being devoted exclusively to pedestrians; nor shall any vehicle, horse or animal of burden go upon any part of either of the parks, except upon the carriage drives and upon such places as are appropriated for carriages at rest.

10. OBSTRUCTION OF WAYS.] No animal or vehicle shall be permitted to stand upon the drives or carriage roads of any of the public parks of the city, or any part thereof, to the obstruction of the way, or to the inconvenience of travel, nor shall any person solicit passengers within either of said parks.

11. HACKS, ETC., NOT TO PLY FOR HIRE.] No hackney coach, carriage or other vehicle for hire, shall stand upon either of the parks of the city of Chicago for the purpose of taking in any other passengers, or persons, than those carried to the park by said coach, carriage or vehicle.

12. PEDDLING IS NOT ALLOWED.] No person shall expose any article or thing for sale upon any of said parks, except such person shall have been previously licensed by the board of public works, nor shall any hawking or peddling be allowed therein.

13. PROHIBITED VEHICLES.] No omnibus or wagon with or without passengers, nor any cart, dray, wagon, truck or other vehicle carrying goods, merchandise, manure, soil or other article, or solely used for the carriage of goods, merchandise, manure or other articles, shall be allowed to enter any part of either of the said parks. This, however, does not apply to vehicles engaged in the construction of such parks, nor private family wagons.

14. BOISTEROUS LANGUAGE—FORTUNE TELLING—GAMING—INDECENCY.] No threatening, abusive, insulting or indecent language shall be allowed therein whereby a breach of the peace may be occasioned. No person shall be allowed to tell fortunes or play at any game of chance at or with any table or instrument of gaming, nor to do therein any obscene or indecent act.

15. POWER TO CLOSE PART OF PARKS.] In case of any emergency, where life or property is endangered, all persons, if required so to do by the superintendent or any of his assistants, shall remove from the portion of either of said parks specified by the superintendent or his assistants, and remain off the same until permission is given to return.

16. PARKS—WHEN OPEN.] Lincoln park and Union park shall be open daily to the public during the months of December, January and February from seven o'clock in the morning until eleven o'clock in the evening; during the months of March, April, May, October and November from six o'clock in the morning until ten o'clock in the evening, and during the months of June, July, August and September, from five o'clock in the morning until eleven o'clock in the evening.

17. POWER TO OPEN AND CLOSE PARKS.] The superintendent may, for

Exhibit 8

ORDINANCES

FOR THE USE, REGULATION, PROTECTION AND GOVERNMENT OF THE
PARKS, APPROACHES THERETO AND STREETS
CONNECTING THE SAME.

The Park Commissioners, appointed under and by virtue of the statute of the State of New York, entitled, "An act to authorize the selection and location of certain grounds for public parks in the City of Buffalo, and to provide for the maintenance and embellishment thereof," passed April 14, 1869, and the acts amendatory thereof, do hereby, in pursuance of the power conferred by said act, make and enact the following ordinances for the use, regulation, protection and government for the said park or parks, approaches thereto and streets connecting the same, to wit:

CHAPTER I.

SECTION 1. All persons are forbidden to carry fire-arms or fire at or shoot any bird or animal, or throw stones or missiles within the several parks, approaches thereto or streets connecting the same.

§ 2. All persons are forbidden to climb, break, cut down, remove or in any way injure or deface the trees, plants, shrubs, flowers, turf, or any of the buildings, fences, bridges, or other constructions within the parks, or approaches thereto, or streets connecting the same.

§ 3. No person shall drive or ride any horse or team upon any of the parks, approaches thereto or streets connecting the same, at a rate of speed exceeding ten (10) miles per hour.

§ 4. No animal or vehicle shall be permitted to stand upon the drives or carriage roads of the parks or parkways, or any part thereof (except the concourses) to the obstruction of the way, or to the inconvenience of travel; nor shall any person solicit or invite passengers for hire therein.

Exhibit 9

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LAWS AND ORDINANCES

GOVERNING THE

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VILLAGE OF HYDE PARK

TOGETHER WITH ITS

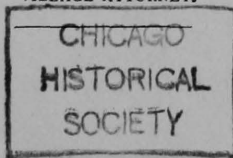
CHARTER AND GENERAL LAWS

AFFECTING MUNICIPAL CORPORATIONS; SPECIAL ORDINANCES AND CHARTERS UNDER WHICH CORPORATIONS HAVE VESTED RIGHTS IN THE VILLAGE. ALSO, SUMMARY OF DECISIONS OF THE SUPREME COURT RELATING TO MUNICIPAL CORPORATIONS, TAXATION AND ASSESSMENTS.

PRINTED AND PUBLISHED BY
AUTHORITY OF THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF HYDE PARK.

REVISED AND ARRANGED
BY CONSIDER H. WILLETT,

VILLAGE ATTORNEY.



HYDE PARK:

1876.

can

SOUTH PARK.

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§ 2. The bonds authorized to be issued by the act of which this is amendatory and supplemental, may be issued, sold, and the proceeds applied for acquiring said lands, and for any and all purposes in the said act mentioned. Said bonds shall be retired and canceled as fast as the money for that purpose can be obtained, by the collection of the money due upon the special assessment provided for in section seven of the act hereinbefore mentioned, and a sufficient amount of any bonds that may be issued by the city of Chicago under any law now in force or hereinafter enacted, and received by said commissioners, shall be applied to the purpose of retiring the bonds authorized by said act.

§ 3. The ninth section of said act is hereby so amended that the words "during the current year," shall read "during the next succeeding year."

§ 4. That the twelfth section of said act be and the same is hereby amended so as to read as follows: The said commissioners, or either of them, may be removed from office by the judge of the circuit court of Cook county, upon the petition presented to him in term time, or in vacation, by one hundred freeholders of said towns of South Chicago, Hyde Park and Lake, if it shall appear after hearing proof before said judge, that the said commissioners, or either of them, have been guilty of misdemeanor or malfeasance in office under this act; and if the said judge shall remove any one or more of said commissioners from office for any cause before the expiration of their term of office, he is hereby authorized and empowered to fill the vacancy or vacancies thus created by appointing other commissioners in their place, who shall serve during the unexpired terms of the commissioners so removed.

§ 5. The commissioners to be appointed under said act are hereby vested with the same powers and duties as are conferred by said act in relation to lands designated for parks, over all streets running longitudinally along and adjoining any and all of the proposed parks, or strips of land designated in said original act, as are conferred by said act in relation to such parks and strips of land, as may be necessary to improve and keep in repair the same, in connection with the said parks or strips of land without obstructing the fences or other structures, free access to the said streets from existing roads and streets, and by owners of land abutting on the same.

§ 6. The elections held in the towns of South Chicago, Hyde Park and Lake, on the twenty-third day of March, A. D. 1869, under and by virtue of the eighteenth section of the act to which this is an amendment, are hereby legalized and confirmed, and said act shall be held and deemed to have been regularly and legally adopted by the legal voters of said towns, and shall remain in full force and effect, and shall be liberally construed in all courts, with a view to carry out and enforce the intent and meaning of the same.

§ 7. This act is hereby declared a public act, and shall take effect and be in force from and after its passage.

SOUTH PARK ORDINANCES.

Whereas, by an act of the general assembly of the State of Illinois, entitled an act to provide for the location and maintenance of a park for the towns of South Chicago, Hyde Park and Lake, it is provided as follows, to-wit:

“ The said board shall have full and exclusive powers to govern, manage and direct said park ; to lay out and regulate the same ; to pass ordinances for the regulation and government thereof ; to appoint such engineers, surveyors, clerks, and other officers, including a police force, as may be necessary ; to define and prescribe their respective duties and authority ; to fix the amount of their compensation ; and, generally, in regard to said park, they shall possess all the powers and authority now by law conferred upon or possessed by the common council of the city of Chicago, in respect to public squares and places in said city.”

Therefore, be it ordained by the South Park Commissioners as follows:

§ 1. The said park, which is under the management and direction of the South Park Commissioners, shall be, and the same is hereby designated, as the South Park.

§ 2. No person shall, without the consent of the superintendent, play at ball, cricket, or any other game or play whatever, in said park.

§ 3. No person shall climb or walk upon any wall or fence of said park.

§ 4. Cattle, horses, goats, swine, or other animals, or domestic fowls, shall not be turned into said park, or allowed to run at large therein.

§ 5. No dog or bitch, or domestic fowl, belonging to any officer or employee of said commissioners residing within the limits of said park, shall be permitted to run at large.

§ 6. All persons are forbidden to carry fire arms, or to throw stones or other missiles within 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, bridges, or other construction or property within or upon said park.

§ 7. No person shall converse with, or in any manner hinder those engaged in constructing or repairing said park.

§ 8. No animal shall be driven or ridden in said park, at a rate of speed exceeding eight miles per hour.

§ 9. No vehicle, or horse, or other animal, shall be permitted on the foot walks, the same being assigned exclusively to pedestrians ; nor shall any vehicle, or horse or other animal of burden, go or be taken upon any part of said park, except upon the carriage drives and upon such places as are appropriated for carriages at rest.

§ 10. No vehicles or animals shall be permitted to stand upon the drive or carriage roads of said park, or of any part thereof, to the obstruction of the way, or the inconvenience of travel ; nor shall any person solicit passengers within said park without consent of the board.

§ 11. No person shall, within said park, expose for sale any article or thing, nor shall any hawking or peddling be allowed therein.

§ 12. No omnibus, wagon, cart, dray, truck, or other vehicle for carrying goods, merchandise, manure, or other articles, except such as are engaged in repairing or constructing said park, shall be allowed to enter the same.

§ 13. No language, abusive, insulting, obscene, or calculated to occasion a breach of the peace, shall be permitted in said park, nor shall persons tell fortunes, play at any game of chance, at any table or instrument, be drunk, or do any indecent acts therein.

Exhibit 10

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PARADISE STREET, PARK ALLEY.

tered at large in the minute book, and said Council shall proceed to a reconsideration of such ordinance or resolution. If after such reconsideration two-thirds of all the members elected to said Council shall vote to pass such ordinance or resolution it shall become and be of as full force and effect as if said Chief Burgess had signed it; but in such cases the votes of the members of Council shall be determined by the yeas and nays, and the names of the members voting shall be entered on the minutes of said Council: *Provided*, That when the number of Councilmen is less than nine, a majority of Council and one vote more shall be required to pass an ordinance over the veto. If such ordinance or resolution shall not be returned by the Chief Burgess at the next regular meeting of said Council after the same shall have been presented to him, the same shall likewise become and be in as full force and effect as if he had signed it: *Provided*, That before any ordinance shall come into force and effect as aforesaid the same shall be recorded in the Borough ordinance book with the certificate of the secretary and be advertised as heretofore required by law.

To be presented to chief burgess

Veto and passage over

PARADISE STREET.

Ord. 25 Feb. 1875

1. The width of * * * Paradise street from Nutts avenue to the Borough line * * * shall be * * * forty feet.

Ord. 26 Feb. 1877. § 4

2. Ordained * * * that Paradise street begin at a limestone in Nutts avenue, a corner of lands of Benjamin Moyer and Joseph Rapp, thence south thirty-two and one-half degrees west 508 feet six inches to an iron monument planted to indicate the centre of Pennsylvania avenue, thence the same course 250 feet to the centre of Chester avenue, thence the same course continued 250 feet to the centre of Columbia avenue, thence the same course continued 980 feet six inches to a spike at the Borough line.

PARK ALLEY.

Ord. 23 Sept. 1874

Dedicated and accepted

1. Ordained, etc., that an alley twenty feet wide 150 feet east of Main street, dedicated by the Phoenix Iron Company to the use of the public, running in a parallel line with Main street from Washington avenue to Second ave-

PARKS.

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nue, be and the same is hereby accepted and ordered to be marked on the Borough plot.

2. Park alley be and is hereby continued from Third ^{Ord. 5 Aug., 1895} avenue south to Fifth avenue, the centre line of said alley to be 190 feet east of the centre line of Main street, said ^{Continued} alley to be twenty feet wide, or ten feet on each side of above described centre line.

3. The owners of lots or lands bounding on and opposite the sidewalks along * * * both sides of Park ^{Ord. 3 Aug., 1886} alley from Washington avenue to Second avenue * * * are hereby required to put up curbstones at the ^{Curb, pave and gutter} edge of the sidewalks and to pave and gutter the said sidewalks under the direction of the Borough Surveyor and the Street Committee. * * *

[If neglected after thirty days' notice Street Committee to have work done and file lien therefor. See Quick street § 4.]

PARKS.

1. The following rules and regulations shall be adopted ^{Ord. 2 July, 1878} for the government and protection of Reeves Park, in the Borough of Phoenixville:

SECTION I, PENAL.

1. No person shall enter or leave the park except by ^{Rules of Reeves' Park} such gates or avenues as may be for such purposes arranged.

2. No person shall indulge in any threatening, abusive, insulting or indecent language in the park.

3. No person shall engage in gaming or commit any obscene or indecent act in the park.

4. No person shall carry fire-arms or shoot birds or throw stones or other missiles therein.

5. No person shall cut, break or in anywise injure or deface the trees, shrubs, plants, turf or any of the buildings, seats, fences, lamps or statuary in the park.

6. No person shall turn cattle, goats, swine, horses, dogs or other animals loose into the park.

7. No person shall injure, deface or destroy any notices, rules or regulations posted, or in any other manner permanently fixed for the government of the park.

8. No person shall engage in any play at baseball,

Exhibit 11

MUNICIPAL CODE

OF

CHICAGO:

COMPRISING THE

LAWS OF ILLINOIS RELATING TO THE CITY OF CHICAGO,

AND THE

ORDINANCES OF THE CITY COUNCIL;

CODIFIED AND REVISED

BY

EGBERT JAMIESON AND FRANCIS ADAMS.

PUBLISHED BY AUTHORITY OF THE CITY COUNCIL.

CHICAGO:

BEACH, BARNARD & Co., LEGAL PRINTERS.
1881.

person who shall be convicted of any such breach shall be adjudged to pay a fine of not less than three dollars nor more than one hundred dollars.

1683. In every prosecution brought for a violation of any ordinance of the city of Chicago, where the offense charged is one punishable under the laws of the State of Illinois as a misdemeanor, the court or magistrate trying the cause may upon conviction in lieu of the fine imposed by the ordinance or in addition thereto, cause the offender to be imprisoned in the house of correction for a period not exceeding three months.

1684. All the printed books containing the revised ordinances shall be deposited with the city comptroller. He shall deliver one copy thereof to each officer of the city, and to such other persons as the city council may direct.

1685. The mayor shall have power to extend to or reciprocate courtesies of other cities, by presenting to them a copy of the revised ordinances bound at the expense of the city in such manner as to him may seem suitable.

ARTICLE XLIII.

Parks and Public Grounds.

1686. The several public parks, squares and grounds in the city of Chicago, shall be known and designated by the names applied thereto respectively on the map of the city of Chicago published by J. Van Vechten and Snyder in the year 1877.

1687. It shall be the duty of the commissioner of public works to superintend all inclosed public grounds and keep the fences thereof in repair, the walks in order and the trees properly trimmed and improve the same according to plans approved by the city council. He shall likewise cause printed or written copies of prohibitions of this article to be posted in the said grounds or parks.

1688. No person shall enter or leave any of the public parks of the city of Chicago except by their gateways; no person shall climb or walk upon their walls or fences.

1689. Neither cattle, horses, goats, swine or other animals, except as herein provided, shall be turned into any one of the said parks by any person.

1690. All persons are forbidden to carry firearms or to throw stones or other missiles within any one of the public parks. All persons are forbidden to cut, break or in any way injure or deface

the trees, shrubs, plants, turf or any of the buildings, fences, bridges or other construction or property within or upon any of the said parks.

1691. No person shall converse with or in any way hinder those engaged in their construction.

1692. No person shall expose any article or thing for sale upon any of said parks, except such person shall have been previously licensed by the commissioner of public works, nor shall any hawking or peddling be allowed therein.

1693. No threatening, abusive, insulting or indecent language shall be allowed in any part of either of the said parks whereby a breach of the peace may be occasioned. No person shall be allowed to tell fortunes or play at any game of chance at or with any table or instrument of gaming, nor to do therein any obscene or indecent act.

1694. In case of any emergency where life or property is endangered, all persons if required so to do by the superintendent or any of his assistants, shall remove from the portion of either of said parks specified by the superintendent or his assistants and remain off the same until permission is given to return.

1695. The commissioner of public works may direct that any of the entrances to the public parks be closed at any time.

1696. No person shall bathe or fish in, or go or send or ride any animal in any of the waters of either of the said public parks, nor disturb any of the fish, water fowl or other birds in any of said parks, or any deer, sheep or other animal belonging to and preserved therein, nor throw or place any article or thing in the waters within either of said parks.

1697. No person shall post or otherwise affix any bills, notice or other paper upon any structure or thing within either of said parks nor upon any of the gates or inclosures thereof.

1698. No person shall without the consent of the commissioner of public works, play upon any musical instrument nor shall any person take into or carry or display in the said public parks any flag, banner, target or transparency. No military or target company civic or other shall be permitted to parade, drill or perform therein any military or other evolutions or movements. Nor shall any fire engine, hook and ladder truck, hose cart or other machine on wheels commonly used for the extinguishing of fires be allowed on any part of said parks without the previous consent of the commissioner of public works.

Exhibit 12

ART. XI.]

MISDEMEANORS.

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ARTICLE XI.

PROTECTION OF BIRDS.

SECTION

- 1. Disturbance of birds or nests prohibited.
- 2. Penalty for disturbing same.
- 3. Throwing stones, wood, &c., prohibited.

SECTION

- 4. Penalty for throwing same.
- 5. Protection of all birds, except hawks, &c., intended.
- 6. Duty of police.

SECTION 1. All persons are forbidden to molest, injure or disturb in any way, any small bird in the city of St. Louis, or the nest, young or brood of any small bird in said city.

Birds, or nests not to be disturbed. Ord. 8436, sec. 1.

SEC. 2. If any person shall willfully injure, molest, take or disturb in any way, any small bird in the city of St. Louis, or the nest, eggs, young or brood of any such small bird, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall forfeit and pay to said city not less than five dollars for each bird so by him injured, molested, taken or disturbed, and not less than twenty dollars for each nest of eggs or brood of young of any such small bird in the city of St. Louis, so by him injured, molested taken or disturbed.

Penalty for disturbing birds or nests. Ibid. sec. 2.

SEC. 3. No person shall throw from his hand any fragment of stone, wood, metal or other missile capable of inflicting injury, in any street, alley, walk or park of the city of St. Louis, or use or have in his possession ready for use in any street, alley, walk or park of the city of St. Louis, any sling, cross bow and arrow, air gun or other contrivance for ejecting, discharging or throwing any fragment, bolt, arrow, pellet, or other missile of stone, metal, wood or other substance capable of inflicting injury or annoyance.

Throwing stones, wood, &c., prohibited. Ibid. sec. 3.

SEC. 4. If any person shall throw from his hand, in any alley, street, walk or park of the city of St. Louis, any missile of wood, stone, metal or other substance, or sub-

Penalty. Ibid. sec. 4.

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stances capable of inflicting injury or annoyance, or use or have in his possession, ready for use in any street, alley, walk or park of the city of St. Louis, any sling, air gun, cross bow and arrow, or other contrivance for ejecting, discharging or throwing any missile, pellet, fragment or bolt of stone, metal, wood or other substance, or substances capable of causing injury or annoyance, he shall be deemed guilty of a misdemeanor, and on conviction thereof, be punished by a fine of not less than one nor more than twenty dollars for each offense.

All birds to be protected, except hawks, &c. Ibid. sec. 5.

SEC. 5. The birds intended to be protected by this article shall be and are defined as all varieties of birds except hawks, vultures and owls.

Duty of police. Ibid. sec. 6.

SEC. 6. It is made the special duty of the police force of the city of St. Louis, to enforce the provisions of this article, and arrest and bring to trial, all offenders against the same ; and any member of the police force conniving at any breach of the foregoing provisions, by failing to arrest or report the offender, shall, on conviction thereof, be subject to a fine of not less than five dollars.

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Exhibit 13

TOWER GROVE PARK.

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RULES AND REGULATIONS.

In accordance with the authority conferred by the Act creating Tower Grove Park, the Board of Commissioners have adopted the following rules and regulations:

All persons are forbidden—

1. To enter or leave the park except by the gateways.
2. To climb the fences.
3. To turn cattle, horses, goats or swine into the park or the avenues surrounding the park.
4. To carry firearms or to throw stones or other missiles within it.
5. To cut, break, or in any way injure or deface the trees, shrubs, plants, turf, or any of the buildings, fences, bridges, or other constructions upon the park;
6. Or to converse with, or in any way hinder, those engaged on the work of the park.
7. A pound is hereby established within the Tower Grove Park for the impounding of horses, cattle, sheep, goats, dogs and swine found trespassing upon said park or the adjacent avenues. All such animals found at large may be taken by any person or persons and driven or carried to the pound, and may be kept enclosed therein during five days, at the end of which time, if not previously claimed, they may be sold at public auction; provided, that, within two days after they shall have been impounded, notice of the sale shall have been conspicuously posted in the pound or vicinity.

Any person claiming property in such impounded animals before the day of sale, may recover the same, after suitable proof of his or her right thereto, upon payment for each animal of the sum of two dollars and the expenses of keeping; the expenses of keeping to be reckoned as follows:

For each horse, dog, or head of neat stock, sixty cents per day;

For each goat, swine, or sheep, twenty-five cents per day.

These charges shall be paid to the chief park keeper of Tower Grove Park, and the money thus collected shall by him be handed over within one week to the comptroller of the board.

If within one month after the sale of any impounded animals their former owner shall appear and claim the same, the treasurer shall, after deducting the full amount of the charges provided for above, pay over to him the proceeds of their sale; otherwise the amount shall be added to the funds of the board.

8. No animal shall travel on any part of the Tower Grove Park, except upon the drive or carriage road, at a rate exceeding six miles per hour. Persons on horseback shall not travel on the drive or equestrian road at a rate exceeding seven miles per hour.

9. No vehicle or riding shall be permitted on the walks, the same being devoted exclusively to pedestrians; nor shall any vehicle, horse, or burden, go

Exhibit 14

THE REVISED
ORDINANCES
OF THE
CITY OF DANVILLE.

CF

PUBLISHED BY AUTHORITY OF THE CITY COUNCIL.

REVISED AND ARRANGED BY

MANN, CALHOUN & FRAZIER.

DANVILLE, ILL. :
BOWMAN & FREESE, BOOK AND JOB PRINTERS.
1883.

CHAPTER XIX.

PARKS.

SECTION.

1. Committee on public grounds, etc. to have charge.
2. Entering Parks, etc.—Climbing on fences.
3. Turning animals into park, etc.
4. Firearms—Shooting—fire works prohibited.
5. Injury to trees, grass, buildings.
6. Selling, hawking, peddling, etc. forbidden.
7. Bathing, fishing, etc. prohibited.

SECTION.

8. Abusive, profane language, etc. prohibited.
9. Gaming, etc. prohibited.
10. Intoxicated persons, indecent or unlawful acts.
11. Fires in parks forbidden.
12. Carriages on turf, etc.— hitching horses to trees, etc.
13. Throwing stones, rubbish, etc. in parks.
14. Posting bills, etc. forbidden.

COMMITTEE ON PUBLIC GROUNDS, ETC., TO HAVE CHARGE OF PARKS.] § 1. It shall be the duty of the committee on Public Grounds and Buildings to superintend all inclosed public grounds or parks in said city, and keep the fences thereof in repair, the walks in order, the trees properly trimmed, and to improve the same according to plans approved by the city council.

PENALTY FOR LEAVING PARK EXCEPT AT GATEWAYS—CLIMBING ON FENCE, ETC.] § 2. Whoever shall enter or leave any of the public parks of this city except by their gateways, or shall walk or climb upon any of the fences inclosing, or in the same, shall be fined not less than one dollar nor more than ten dollars for each offense.

TURNING ANIMALS INTO PARK PROHIBITED.] § 3. Whoever shall turn any cattle, horses, goats, swine or other animals into any park of said city, or permit the same, or any of them, to run therein, shall be fined not less than three dollars, nor more than fifty dollars, for each offense.

FIRE-ARMS AND FIRE-WORKS FORBIDDEN.] § 4. Whoever shall carry any fire-arms into said parks, or shall fire off or discharge the same in, or into said parks, or any of them; or whoever shall shoot, fire or discharge any kind of fire-works therein, shall be fined not less than one dollar nor more than one hundred dollars, for each offense.

INJURY TO TREES, GRASS, BUILDINGS, ETC.] § 5. Whoever shall cut, break or injure in any way any tree, shrub or plant, in any such park; or shall cut, tramp, or injure in any way the turf or grass therein, or shall walk or lie upon the grass at any place where placards are posted directing persons to keep off, or not to walk upon the same; or shall cut, mark, deface or in any way injure any of the buildings, fences, bridges, or other constructions, or property of any kind, in any such park, shall be fined not less than one dollar, nor more than one hundred dollars for each offense.

Exhibit 15

PARK ORDINANCES.

IN BOARD OF PARK COMMISSIONERS, Aug. 20, 1886.

Voted, That the following rules, under the title of Ordinances, be adopted for the use and government of the Public Parks. *Provided, however*, that said rules shall not invalidate any pending prosecution or procedure, or any liability of any person for breach of any previous rule.

The Board of Park Commissioners of the City of Boston, 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 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, plant or turf, or any other thing or property.

2. To have possession of any freshly-plucked tree, bush or plant, or portion thereof.

3. To throw stones or other missiles ; to discharge or carry fire-arms, except by members of the Police Force in the discharge of their duties ; to discharge or carry fire-crackers, torpedoes, or fire-works ; 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 have possession of instruments of gambling ; to make orations, harangues or loud outcries ; 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 allow cattle, horses, or other animals, to pass over or stray upon the Park lands ; provided that this shall not apply to

Exhibit 16

CITY PARK.

- 30 Dec. 1887.
Gaming and
obscenity.
Firearms, etc. (7) No person shall engage in any gaming, nor commit any obscene or indecent act in the common.
- (8) No person shall carry firearms, or shoot in the common, or within fifty yards thereof, or throw stones or other missiles therein.
- Disturbance of
fish, birds or
animals. (9) No person shall disturb the fish or water fowl in the pool or pond, or birds in any part of the common, or annoy, strike, injure, maim or kill any animal kept by direction of the commissioners, either running at large or confined in a close, nor discharge any fireworks, nor affix any bills or notices therein.
- Fireworks.
Placards.
Injury to trees,
shrubbery,
statuary, etc. (10) No person shall cut, break, or in any wise injure or deface the trees, shrubs, plants, turf or any of the buildings, fences, bridges, structures or statuary, or foul any fountains or springs within the common.
- Dead animals,
etc. (11) No person shall throw any dead animal or offensive matter or substance of any kind within the boundaries of Penn's Common.
- Animals at
large. (12) No person shall turn cattle, goats, swine, horses, dogs or other animals loose into the common. Nor shall they be permitted in or around the common, unless accompanied by the owner; and whether accompanied by the owner or not, if any of said animals are found running at large in and about the said common, it shall be lawful for, and the park watchman or any of his assistants shall have full power and authority to impound them, or any of them, and if the said animals or any of them are not called for by their respective owners within forty-eight hours after the impounding of the same, it shall be lawful for the city authorities to sell and dispose of the said animals or kill the same.¹
- Impounding
and disposition
of estrays. (13) No person shall injure, deface or destroy any notices, rules or regulations for the government of the common, posted or in any other manner permanently fixed by order or permission of the commissioners of Penn's Common, within the limits of the same.
- Tearing down
notices. (14) No person shall be permitted to bring or lead horses within the limits of Penn's Common, or a horse that is not harnessed and attached to a vehicle, or mounted by an equestrian.
- Leading of
horses. (15) No person shall expose any article for sale within the common, without the previous license of the commissioners.
- Fakirs. (16) No person shall have any musical, theatrical or other entertainment therein, nor shall any military or other parade or procession, or funeral, take place in or pass through the limits of the common, without the license of the common commissioners.
- Musical enter-
tainments, etc.
Parades or fu-
neral proces-
sions. (17) No gathering or meeting of any kind, assembled through advertisement, shall be permitted in the common without the previous permission of the commissioners.
- Public meet-
ings. (18) No person shall engage in any play at base ball, cricket, shinney, foot ball, croquet, or at any other games with ball and bat, nor shall [any] foot race or horse race be permitted within the limits of the common, except on such grounds only as shall be specially designated for such purpose.
- Games of
sport.

¹ This rule amended as above by ordinance of June 26, 1895, Jour. 1895-96, App. 549.

Exhibit 17

OF THE CITY OF SAINT PAUL, FOR 1888.

689

RULES AND REGULATIONS OF THE PUBLIC PARKS AND GROUNDS
OF THE CITY OF SAINT PAUL.

1. No person shall drive or ride in any Park in the City of Saint Paul at a rate exceeding seven (7) miles per hour.
2. No person shall ride or drive upon any other part of any Park than the avenues and roads.
3. No coach or vehicle used for hire shall stand upon any part of any Park for the purpose of hire, unless licensed by the Board of Park Commissioners.
4. No person shall indulge in any threatening or abusive, insulting or indecent language in any Park.
5. No person shall engage in any gaming nor commit any obscene or indecent act in any Park.
6. No person shall carry firearms or shoot birds in any Park or within fifty yards thereof, or throw stones or other missiles therein.
7. No person shall disturb the fish or water fowl in any pool or pond or birds in any part of any Park, or annoy, strike, injure, maim or kill any animal kept by direction of the Board of Park Commissioners, either running at large or confined in a close; nor discharge any fireworks, nor affix any bills or notices therein.
8. No person shall cut, break or in anywise injure or deface the trees, shrubs, plants, turf, or any of the buildings, fences, bridges, structures or statuary, or foul any fountain, well or spring within any Park.
9. No person shall throw any dead animal or offensive matter, or substance of any kind into any lake, stream or pool, within the limits of any Park.
10. No person shall go in to bathe within the limits of any Park.
11. No person shall turn cattle, goats, swine, horses, dogs or other animals loose in any Park, nor shall any animals be permitted to run at large therein.
12. No person shall injure, deface or destroy any notices, rules or regulations for the government of any Park, posted or in any other way fixed by order or permission of the Board of Park Commissioners within the limits of any Park.
13. Complaints against any employe of any Park may be made at the office of the Superintendent of Parks.
14. No person shall use any Park drive for business purposes, or for the transportation of farm products, dirt or any like material, or for the passage of teams employed for such purposes.

Any person who shall violate any of the foregoing rules and regulations shall be guilty of a misdemeanor, and for each and every offense shall be fined not less than the sum of Five Dollars (\$5), nor more than Fifty Dollars (\$50), which sum shall be paid into the city treasury for park purposes.

JOHN D. ESTABROOK,
Superintendent.

Exhibit 18

[PUBLISHED BY AUTHORITY.]

THE
REVISED ORDINANCES

OF

SALT LAKE CITY,
Ordinances, etc.

WITH THE

CITY CHARTER AND AMENDMENTS THERETO.

FEBRUARY 14, 1888.

SALT LAKE CITY, UTAH:
PRINTED BY THE STAR PRINTING COMPANY.

1888.

Exhibit 18
Page 84

OF SALT LAKE CITY.

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CHAPTER XXVII.

OF LIBERTY PARK.

- 1. Mayor to control Park and appoint Keepers. Keepers given police powers.
- 2. When gates to be closed.
- 3. Drays, trucks, etc., not to travel upon drives.
- 4. Rate of speed. Racing prohibited.
- 5. Ven ting in Park prohibited.
- 6. Injuring property. Disturbance. Animals trespassing, etc. Firearms.
- 7. Rule in meeting vehicles.
- 8. Associations, etc., to get permit.
- 9. Penalty.

SECTION 1. The Mayor shall have the control and charge of Liberty Park, and shall have power to appoint one or more Park Keepers, whose duties shall be to have charge of the Park ,under the Mayor's direction, and to see that the provisions of this chapter are carried into effect; and for that purpose they are hereby given police powers and authorized to arrest any person violating any of the provisions of this chapter.

SEC. 2. All the gates of Liberty Park shall be closed at nine o'clock each evening; and all travel on the roads of said Park, or other use of the grounds between nine o'clock P. M. and five o'clock A. M., shall be unlawful except by permission of the Mayor.

SEC. 3. No dray, truck, wagon, cart or other vehicle carrying, or if not carrying, employed regularly in carrying goods, merchandise, manure, soil or other article of commerce or trade, shall be allowed to travel upon the drives of said Park.

SEC. 4 All persons are hereby prohibited from riding or driving upon the roads within said

Racing prohibited. Park at a rate of speed exceeding eight miles per hour, and it shall be unlawful for two or more persons to engage in racing with animals in said Park except by consent of the Keeper thereof.

Vending in Park prohibited. SEC. 5. No person shall vend or sell, or offer to vend or sell any article or thing whatever within said Park without the consent of the City Council.

Injuring property. SEC. 6. No person shall, within Liberty Park, cut, break, or in any way injure or deface any trees, shrubs, plants, buildings, fences or property of any kind; or indulge in noisy, boisterous, riotous, or indecent behavior, or use any boisterous or offensive language; or, except authorized by the Mayor: 1—Let loose any cattle, horses, goats, sheep or swine. 2—Drive a herd of said animals through the grounds. 3—Carry or discharge firearms. 4—Camp, lodge or tarry over night. 5—Ride or drive any horse or other animal, with or without vehicle, elsewhere than on the roads or drives for such purposes provided. 6—Catch or kill any birds or fish of any kind.

Disturbance.

Animals trespassing, etc.

Firearms.

Rule in meeting vehicles. SEC. 7. All persons in riding or driving in said Park, when meeting other animals or vehicles, shall pass to the right.

Associations, etc., to get permit. SEC. 8. When any company or association of persons exceeding fifty in number desire to resort to the Park for any lawful purpose, they, or one representing them, shall first get the permission of the Mayor.

Penalty. SEC. 9. Any person violating any of the provisions of this chapter shall, upon conviction, be liable to a fine of not to exceed fifty dollars.

Exhibit 19

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CITY OF TRENTON.

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.

Approved June 26th. 1890.

Vol. 6, p. 181.

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 20

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 21

ORDINANCES.

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15. No person shall have any musical or other entertain-^{Parades, etc.,}ment in the park, nor shall any parade or procession take^{prohibited.} 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.

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

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

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

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

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

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

SEC. 2. Any person who shall violate any of said rules and^{Penalty.} 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.

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

APPROVED—June 18th, 1890.

F. H. KELLER,
Mayor.

Exhibit 22

#1178

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,

SEC. 429. Record A of Ordinances, p. 143.

SECS. 430-432. Record B of Ordinances, p. 130.

SECS. 430-435. Charter, Section 73.

PUBLIC PROPERTY

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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

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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 23

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 24

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, firecrackers, 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 outcries; 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 whatsoever.
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.

*Pres. Secy
of Springfield
Mass. Parks
at the Dept.*

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

| | | |
|--|---|---------------------------------------|
| <p>DANIEL J. MARSH, <i>President,</i> ORICK H. GREENLEAF, JOHN E. TAYLOR, EVERETT H. BARNEY, WILLIAM F. CALLENDER, <i>Secretary,</i></p> | } | <p><i>Park Commissioners.</i></p> |
|--|---|---------------------------------------|

Exhibit 25

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.

Exhibit 26

PARK COMMISSIONERS.

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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.

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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 27

PARKS AND PUBLIC GROUNDS,

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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

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 28

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.

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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.

Exhibit 28

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ORDINANCES OF THE

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 28

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Exhibit 29

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 30

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 employes. Penalty, \$10 00

Adopted October 12, 1887.

Exhibit 31

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 32

REVISED ORDINANCES
OF THE
CITY OF CANTON
ILLINOIS.

abc

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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 33

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LOCAL ACTS, 1895.—No. 436.

Proviso. charge of the said commissioners: *Provided, however,* That ball, cricket, lawn tennis and other like games of recreation may be played upon such portions of said parks as may be designated from time to time by the commissioners and under such rules and regulations as may be prescribed by them.

Not to engage in sport liable to frighten horses. SEC. 43. No person shall engage in any sport or exercise upon said boulevard or park as shall be liable to frighten horses, injure travelers, or embarrass the passage of vehicles thereon.

Not to discharge firearms or fireworks. SEC. 44. No person shall fire or discharge any gun or pistol or carry firearms, or throw stones or other missiles within said park or boulevard, nor shall any person fire, discharge or set off any rocket, cracker, torpedo, squib or other fireworks or things containing any substance of any explosive character on said park or boulevard, without the permission of said commissioners, and then only under such regulations as they shall prescribe.

No person shall expose or offer any article or thing for sale, play any musical instrument, etc., without permission of commissioners. SEC. 45. No person shall expose any article or thing for sale or do any hawking or peddling in or upon said parks or boulevard, and no person, without the consent of said commissioners, shall play upon any musical instrument, or carry or display any flag, banner, target or transparency, nor shall any military or target company, or band or procession parade, march, drill or perform any evolution, movement or ceremony within any of said parks, or upon or along said boulevard, without the permission of said commissioners, and no person shall do or perform any act tending to the congregating of persons on said boulevard or in said parks.

Gambling and disorderly conduct. SEC. 46. No person shall gamble, nor make any indecent exposure of himself or herself, nor use any obscene language, or be guilty of disorderly conduct, or make, aid, countenance or assist in making any disorderly noise, riot, or breach of the peace, within the limits of the said parks or boulevards; and no person shall sell or dispose of any intoxicating liquors in or upon any public park without the consent of the said commissioners.

Intoxicating liquors. SEC. 47. All boats and vessels, carriages, railroad cars and other vehicles running for hire to and from said Belle Isle park, or any other park, shall be duly licensed and shall be subject to all the rules and regulations that may be established by said commissioners or by the common council from time to time, and no person shall carry on the business of carrying passengers to and from either of said parks unless their vehicles shall be so licensed. And no person commanding or having charge of any boat, carrying passengers for hire shall land or permit any passengers therefrom to land at any dock on Belle Isle park, excepting such as may be designated for that purpose by the commissioners, and no person having charge of any vessel shall fasten or tie the same at any wharf or dock in Belle Isle park, excepting for the purpose of receiving or discharging passengers as permitted by this section.

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

Exhibit 34

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, shrubbery, 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 35

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

Exhibit 35
Page 132

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 36

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.

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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 37

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 38

APPENDIX.

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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

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11/10/2023 10:53:00 AM

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APPENDIX.

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

LEGISLATIVE COMMISSION

APPENDIX.

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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 39

NEW HAVEN PUBLIC PARKS.

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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 40

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.

Exhibit 40
Page 146

PARKS—PROTECTION.

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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

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 3 Sean A. Brady – SBN 262007
 4 sbrady@michellawyers.com
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10 Attorneys for Plaintiffs

11 **UNITED STATES DISTRICT COURT**
 12 **CENTRAL DISTRICT OF CALIFORNIA**
 13 **SOUTHERN DIVISION**

14 RENO MAY, an individual;
 15 ANTHONY MIRANDA, an individual;
 16 ERIC HANS, an individual; GARY
 BRENNAN, an individual; OSCAR A.
 17 BARRETTO, JR., an individual;
 ISABELLE R. BARRETTO, an
 individual; BARRY BAHRAMI, an
 18 individual; PETE STEPHENSON, an
 individual; ANDREW HARMS, an
 19 individual; JOSE FLORES, an
 individual; DR. SHELDON HOUGH,
 20 DDS, an individual; SECOND
 AMENDMENT FOUNDATION; GUN
 21 OWNERS OF AMERICA; GUN
 OWNERS FOUNDATION; GUN
 22 OWNERS OF CALIFORNIA, INC.;
 THE LIBERAL GUN CLUB, INC.; and
 23 CALIFORNIA RIFLE & PISTOL
 ASSOCIATION, INCORPORATED,

24 Plaintiffs,

25 v.

26 ROBERT BONTA, in his official
 capacity as Attorney General of the
 27 State of California, and DOES 1-10,

28 Defendants.

Case No.: 8:23-cv-01696 CJC (ADSx)

**DECLARATION OF CLAYTON
 CRAMER IN SUPPORT OF
 PLAINTIFFS’ MOTION FOR
 PRELIMINARY INJUNCTION**

42 U.S.C. §§ 1983 & 1988

Hearing Date: December 4, 2023
 Hearing Time: 1:30 p.m.
 Courtroom: 9 B
 Judge: Hon. Cormac J. Carney

DECLARATION OF CLAYTON CRAMER

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DECLARATION OF CLAYTON CRAMER

1
2 1. My M.A. in History is from Sonoma State University in California.
3 teach history at the College of Western Idaho. I have nine published books, mostly
4 scholarly histories of weapons regulation. My 18 published articles (mostly in law
5 reviews) have been cited in *D.C. v. Heller*, 554 U.S. 570 (2008); *McDonald v.*
6 *Chicago*, 561 U.S. 742 (2010); *Jones v. Bonta*, 34 F.4th 704 (9th Cir. 2022) vacated
7 by *Jones v. Bonta*, 47 F.4th 1124 (9th Cir. 2022)(remanded to the district court for
8 further proceedings consistent with Bruen); *Young v. Hawaii*, 992 F.3d 765 (9th
9 Cir. 2021) cert, granted by *Young v. Hawaii*, 142 S.Ct. 2895 (judgment vacated and
10 case remanded to the Ninth Circuit for further consideration in light of Bruen);
11 *State v. Sieyes*, 168 Wash.2d 276 (Wash. 2010); *Senna v. Florimont*, 196 N.J. 469
12 (N.J. 2008); *Mosby v. Devine*, 851 A.2d 1031 (R.I. 2004). A comprehensive list of
13 my scholarly works and citations can be found at
14 <https://claytoncramer.com/scholarly/journals.htm>.

15 2. In several cases, my work has been cited in defense of laws limiting
16 firearms ownership: *State v. Roundtree* (Wisc. 2021), *State v. Christen* (Wisc.
17 2021), *King v. Sessions* (E.D.Penn. 2018). My work was also cited in the
18 *McDonald v. Chicago* (2010) dissent.¹

19 3. I am being compensated for services performed in the above-entitled
20 case at an hourly rate of \$350 for expert declarations. My compensation is not
21 contingent on the results of my analysis or the substance of any testimony.

22 **I. The Origins of California Concealed Carry Laws**

23 **A. The California Constitutional Convention (1849)**

24 4. The delegates discussed what individual rights should be listed in the
25 state constitution's bill of rights. Delegate Ord proposed, "Every person has a right
26 to bear arms for the defence of himself and the State." Delegate McCarver wanted
27 to add, "provided that they are not concealed arms." This is not surprising; in the
28

¹ *McDonald v. Chicago*, 130 S.Ct. 3022, 3132 (Breyer, J. diss.)

1 period before the Civil War, many states passed laws either prohibiting or
2 restricting the concealed carrying of deadly weapons. State constitutional
3 conventions often added such restrictions to existing arms guarantees to make sure
4 that the legislature could ban what was increasingly regarded as a cowardly way of
5 fighting-the use of "secret arms."²

6 5. McCarver, however, also believed that it would be best if there were
7 no provision preventing "the Legislature from regulating matters of this kind."³ He
8 thought guaranteeing a right to bear arms was not "a proper subject for the
9 Constitution." Other delegates agreed with McCarver that there should be no arms
10 provision in the state bill of rights-but not because the state should have the power
11 to regulate the carrying of weapons. Delegate Sherwood argued that denying an
12 individual the right to bear arms "would be null and void, inasmuch as it would be
13 in opposition to the Constitution of the United States," and then quoted the Second
14 Amendment. Sherwood thought an arms guarantee was unnecessary because the
15 Second Amendment already protected such a right.

16 6. Delegate Botts argued against adding the arms guarantee in this
17 particular location in the state constitution because he feared that it might not be a
18 strong enough protection; such a guarantee belonged in the section that specified
19 the powers of the legislature. Botts also claimed that it made little sense to exclude
20 it, "because it was contained in the Constitution of the United States. After taking
21 half-a-dozen provisions from that Constitution, word for word, such an objection
22 came with rather a bad grace."⁴ "Even Delegate Sherwood was persuaded by this
23 argument, admitting that the arms provision "directly touches the rights of every
24 citizen." When the convention voted on both Ord's proposal for a right to bear
25

26 ² See generally Clayton E. Cramer, CONCEALED WEAPON LAWS OF THE EARLY
27 REPUBLIC: DUELING, SOUTHERN VIOLENCE, AND MORAL REFORM (1999).

28 ³ John Ross Browne, REPORT OF THE DEBATES IN THE CONVENTION OF
CALIFORNIA, ON THE FORMATION OF THE STATE CONSTITUTION, IN SEPTEMBER
AND OCTOBER, 1849 47 (1850).

⁴ Id.

1 arms, and McCarver's amendment that the right not apply to concealed weapons,
2 both proposals died-and with it, any possibility of adding a right to keep and bear
3 arms to the California Constitution's bill of rights. ("The question was then taken,
4 and both the amendment, and amendment to the amendment, were rejected.")⁵

5 7. You cannot draw too strong a message from this series of back and
6 forth discussions, but it appears that some delegates argued that there was no need
7 for an individual right to keep and bear arms in California's Constitution, because
8 the Second Amendment already protected such a right, and other delegates arguing
9 that the right needed to be located elsewhere to be better protected. The only
10 delegate who clearly spoke against a right to bear arms was McCarver.

11 8. Today, McCarver is most remembered for another proposal he made a
12 few minutes later: that blacks would be forever banned from living in California.⁶
13 (Such provisions were added to many other state constitutions of the period;⁷
14 McCarver even played a part in Oregon adopting such a ban while a member of the
15 territorial legislature.⁸) In spite of considerable support from other delegates, this
16 proposal did not pass the California Constitutional Convention.

17 **B. California's First Concealed Weapon Law**

18 9. Not just mining camps, but even Gold Rush cities in California were
19 pretty wild places, and the absence of an effective police force caused many
20 Californians to regularly arm for self-defense. Visitor J.D. Borthwick described
21 how San Francisco was awash in places of entertainment with signs that
22 announced, "No weapons admitted." While Borthwick thought little of the
23 entertainments available, he did describe why it was nonetheless worth going:

24 if only to watch the company arrive, and to see the practical enforcement
25 of the weapon clause in the announcements. Several doorkeepers were

26 ⁵ Id.

27 ⁶ Id., at 44, 48.

28 ⁷ Clayton E. Cramer, BLACK DEMOGRAPHIC DATA, 1790-1860: A Sourcebook
32-35 (1997).

⁸ David Alan Johnson, FOUNDING THE FAR WEST: CALIFORNIA, OREGON, AND
NEVADA, 1840-1890 110 (1992).

1 in attendance, to whom each man as he entered delivered up his knife or
2 his pistol, receiving a check for it, just as one does for his cane or
3 umbrella at the door of a picture-gallery. Most men draw a pistol from
4 behind their back, and very often a knife along with it; some carried their
5 bowie-knife down the back of their neck, or in their breast; demure,
6 pious-looking men, in white neckcloths, lifted up the bottom of their
7 waistcoat, and revealed the butt of a revolver; others, after having
8 already disgorged a pistol, pulled up the leg of their trousers, and
9 abstracted a huge bowie-knife from their boot; and there were men,
10 terrible fellows, no doubt, but who were more likely to frighten
11 themselves than any one else, who produced a revolver from each
12 trouser-pocket, and a bowie-knife from their belt. If any man declared
13 that he had no weapon, the statement was so incredible that he had to
14 submit to be searched; an operation which was performed by the
15 doorkeepers, who, I observed, were occasionally rewarded for their
16 diligence by the discovery of a pistol secreted in some unusual part of
17 the dress.⁹

11 10. A search of newspapers of the period does show a lot of murders,
12 gunfights, and knifings. I can see why the California legislature felt that they had to
13 do something. But what? The legislature debated a ban on concealed carry
14 throughout the 1850s. Even those who supported such laws often had a narrow
15 notion of who needed to be restricted. During debates in February of 1856, the
16 state senator who represented Nevada County (appropriately, a derringer-shaped
17 county in California's foothills) indicated that he was in support of a bill to ban
18 concealed carry if it were for the purpose of disarming "Greasers."¹⁰ ("Greasers"
19 was a slang term used throughout the nineteenth and early twentieth century for
20 Mexicans¹¹). However, the concealed carry ban did not pass the legislature that
21 year.

22 11. Nothing happened on this subject until 1863. Did California have the
23 authority to regulate the bearing of arms? As the San Francisco newspaper the
24 DAILY ALTA CALIFORNIA explained the perceived need:

25 During the thirteen years that California has been a State, there have

26 _____
27 ⁹ J.D. Borthwick, *Three Years in California* [sic], 2 HUTCHINGS ILLUSTRATED
CALIFORNIA MAGAZINE at 171-2, October 1857.

28 ¹⁰ *Letter From Sacramento*, [San Francisco] DAILY ALTA CALIFORNIA,
FEBRUARY 19, 1856, 2.

¹¹ Win Blevins, *DICTIONARY OF THE AMERICAN WEST* 166 (2001).

1 been more deaths occasioned by sudden assaults with weapons
 2 previously concealed about the person of the assailant or assailed, than
 3 by all other acts of violence which figure on the criminal calendar...
 4 Heretofore there has been no law passed which would remedy the evil.
 5 Public opinion, as expressed through the action of our legislators, seems
 6 to have sanctioned the custom, barbarous though it be. For many
 7 sessions prior to the last, ineffectual efforts were made to enact some
 8 statute which would effectually prohibit this practice of carrying
 9 concealed weapons. A radical change of public sentiment demanded it,
 10 but the desired law was not passed until the last Legislature, by a
 11 handsome majority, enacted the subjoined act, entitled "An Act to
 12 prohibit the carrying of concealed weapons."¹²

13 12. The law banned concealed carrying of "any dangerous or deadly
 14 weapon" except for police officers or travelers.¹³ This law is similar to nature and
 15 language to laws passed mostly in the South, before the Civil War, to discourage
 16 dueling. (Yes, really: to discourage dueling, even though duelists did not conceal
 17 their weapons. The connection is real but very complex.)¹⁴

18 13. Not surprisingly, the law was not universally followed. Indeed, when I
 19 searched for "concealed weapon" in California newspapers from 1863 to 1870,
 20 there are hundreds of matches, some editorials complaining about the law's
 21 counterproductive effects, and many others involving violations of this law; there
 22 were doubtless more that did not make the newspapers.¹⁵ An example of a criminal
 23 case: Police Court, *Daily Alta California*, November 13, 1868. An example of an
 24 opposition editorial: Concealed Weapons, *Weekly Colusa Sun*, March 3, 1866.

25 14. What is fascinating, however, is that some of the same newspapers that
 26 had supported passage of the law in 1863, by 1869 and 1870, realized that all the
 27 good intentions were not enough-that the law was in some respects
 28 counterproductive, violated the Second Amendment, and needed to be repealed.

¹² *City Items*, DAILY ALTA CALIFORNIA, June 26, 1863, 1.

¹³ Theodore Henry Hittell, 1 *The General Laws of the State of California, From 1850 to 1864, Inclusive* 261 (1865) (citing Criminal Practice Act §§ 1585-1586).

¹⁴ Cramer, op. cit., 52-62.

¹⁵ California Digital Newspaper Collection, <https://cdnc.ucr.edu/?a=q&hs=1&r=1&results=1&txq=concealed+weapons&dafdq=&dafmq=&dafyq=1863&datdq=&datmq=&datyq=1870&puq=&txf=txIN&ssnip=ttx&oa=&oa=1&e=-----en--20--1--ttx-txIN-concealed+weapons-----1>

1 15. Unlike the other states that were early adopters of concealed weapon
2 bans, California repealed its ban on concealed carry in 1870 with no legislative
3 explanation as to why it was doing so. Even more peculiar, the act repealing the
4 law provided that any charges still pending would continue to trial “as if said Act
5 had not been repealed.”¹⁶

6 16. Newspaper coverage provides the only clues as to why the law was
7 repealed, and yet existing charges were allowed to go forward. Less than six years
8 after that editorial from the Daily Alta California supporting the concealed weapons
9 ban, the same newspaper ran an editorial arguing that the law was both impossible
10 to enforce and unconstitutional because it violated the Second Amendment:

11 The Federal Constitution says "the right of the people to keep and bear
12 arms shall not be infringed." The purpose of that provision, it is well
13 known, was to prevent the practice common in Europe in the last century
14 of seizing all the arms in the possession of the common people,
15 especially in times of political disaffection. As the sovereignty resides
16 in the people in America, they are to be permitted to keep firearms and
17 other weapons and to carry them at their pleasure. Under the rules of
18 general literary interpretation of the Constitutional provision, it is
19 evident that the prohibition of carrying concealed weapons is an
20 infringement of the right to bear arms.¹⁷

21 17. This being a long time ago, the editorial writer recognized that the U.S.
22 Constitution was not living, breathing, and constantly mutating. Instead:

23 The rules of legal interpretation, however, require us to find out first
24 what ‘the right to keep and bear arms’ was in 1791 when this provision
25 was adopted.... We have examined the question, and our opinion... is
26 that in 1791 there was a right of keeping and bearing arms, that it was
27 not limited in the matter of carrying concealed weapons, and that our
28 statute is an infringement of the right.

29 18. The editorial went on to argue that the statute was in error because it
30 criminalized the carrying of concealed weapons even when there was no criminal
31 intent in carrying a weapon. They argued instead that putting a gun in your pocket
32 is a convenience: “To put a thing in its customary and convenient receptacle is not

33 _____
34 ¹⁶ STATUTES OF CALIFORNIA... 1869-70 ch. 63 at 67 (1870).

35 ¹⁷ *The Carrying of Concealed Weapons*, DAILY ALTA CALIFORNIA, March 13,
36 1869, 2.

1 concealment. Concealment is a matter of motive. An article dropped by accident in
2 an out of the way place and lost irretrievably is not concealed.”¹⁸

3 19. Finally, the editorial argued that the law:

4 bothers the good and assists the bad. It disarms the orderly citizen and
5 places no obstruction in the way of the robber. Homicides were very
6 common some years ago in California, and their frequency was partly
7 due to the general custom among the miners of carrying revolvers and
8 large knives. They were mostly single men, who would occasionally
9 drink freely, and under the influence of strong liquor they did not
hesitate to take life in case of a quarrel. But of late years, families have
increased, dissipation has decreased, and drunken affrays are more rare.
At the same time, robbery on the highway, and especially in this city, is
more frequent.¹⁹

10 20. Instead, the editorial argued that repealing the law would only cause an
11 increase of “killing of robbers in self-defence, and that would be a benefit to the
12 community.”²⁰

13 21. The following year, the SACRAMENTO DAILY UNION published
14 an editorial along much the same lines, discussing the 1870 repeal of the concealed
15 weapon ban:

16 There is reason to believe it was generally observed by the vast majority
17 of good citizens. There is as good reason to believe it was not observed
18 by the vast majority of roughs, fighting men, and predatory characters.
19 In many cases of assault between quiet citizens and these last named
20 characters, it was found that the good citizen had to defend himself
21 unarmed against the predacious one with arms, the former suffering for
his respect of the law. It was also found that the police were apt to arrest
any quiet citizen on whom they discovered concealed weapons, while
they paid little attention to the roughs who were known to carry arms
habitually.²¹

22 22. The editorial explained that

23 a law essentially good in theory, became an abomination in practice, in
24 that it placed the peaceful citizen completely at the mercy of a class
25 whose offenses against order it was intended to check, but did not,

26 ¹⁸ Id.

27 ¹⁹ Id.

28 ²⁰ Id.

²¹ *Concealed Deadly Weapons*, SACRAMENTO DAILY UNION, December 16,
1870, 2.

1 owing to the remissness in duty of the guardians of the law.²²

2 23. Sacramento's experience with criminals was the immediate cause of
3 the repealing movement... where bands of armed roughs, scorning the law against
4 carrying concealed weapons, were perpetrating highway robberies on quiet,
5 unarmed citizens, who could not prepare for self-defense without danger of being
6 arrested and fined every day.²³

7 24. The editorial acknowledged that one of the good things hoped for had
8 happened in the intervening years:

9 It was reasoned with much plausibility that if the roughs once knew that
10 quiet citizens might prepare to defend themselves without danger of
11 being punished for misdemeanor, the bare suspicion that such a person
12 had about him a weapon would disarm the roughs and prevent robberies.
13 This has in fact been one of the results.²⁴

14 **C. The California Constitutional Convention (1878)**

15 25. California held another constitutional convention in 1878. The 1849
16 constitution seemed increasingly inadequate because of questions about water rights
17 and the "Chinese problem."²⁵

18 26. The 1878 convention seems not to have even discussed the question of
19 a right to keep and bear arms-except for one startling provision. The convention
20 was divided between a conservative, generally wealthy group, and what became
21 known as "the Workingmen," who represented a populist collection of white
22 laborers, intent on driving Asian immigrants from California.²⁶ They made many
23 proposals that are horrifying in their racism today and became part of the 1879
24 California Constitution.

25 27. Of most relevance to gun control was their demand that aliens who

26 ²² Id.

27 ²³ Id.

28 ²⁴ Id.

²⁵ Samuel Charles Wiel, 2 WATER RIGHTS IN THE WESTERN STATES: THE LAW OF
PRIOR APPROPRIATION 1166 (3d ed. 1911); John Robert Soennichsen, THE CHINESE
EXCLUSION ACT OF 1882 127-128 (2011).

²⁶ Emily J. Zackin, LOOKING FOR RIGHTS IN ALL THE WRONG PLACES: WHY
STATE CONSTITUTIONS CONTAIN AMERICA'S POSITIVE RIGHTS 200 (2013).

1 could not become citizens would be prohibited from bearing arms. Delegate
 2 O'Donnell introduced this request as a constitutional provision: "No alien who
 3 cannot become a citizen of the United States shall be allowed to bear arms."²⁷
 4 What sort of aliens could not become citizens of the United States? Until 1952, no
 5 Oriental (as persons of East Asian ancestry were then described) could become a
 6 naturalized citizen.²⁸ If you were born in the United States, you were a natural-
 7 born citizen, but an immigrant from the Far East would always be an alien.
 8 O'Donnell's proposal was "Referred to Committee on Chinese" where it seems to
 9 have silently died, or at least this text appears none of the three volumes of the
 10 Debates that I could find.²⁹

11 **D. California's Second Concealed Weapon Law & Pancho Villa**

12 28. Between 1870 and 1917, there was no statewide regulation of
 13 concealed carry, but some localities required a license to carry concealed and a fair
 14 number of convictions appear, with some associated case law.³⁰ Ex parte Cheney
 15 (Ca. 1891) upheld the ban with the interesting admission: "It is a well-recognized
 16 principle in government that the police requirements of a city are different from
 17 those of the state at large, and that stricter regulations are essential to the good order
 18 and peace of a crowded metropolis than are required in the sparsely peopled
 19 portions of the country."³¹

20 29. In the fiscal year ending June 30, 1910, there were 276 convictions
 21 across the state for concealed weapons-but these are in only 12 of California's 58
 22

23 ²⁷ State of California, 1 DEBATES AND PROCEEDINGS OF THE CONSTITUTIONAL
 24 CONVENTION OF THE STATE OF CALIFORNIA, CONVENED AT THE CITY OF SACRAMENTO,
 SATURDAY, SEPTEMBER 28, 1878 285 (1880).

25 ²⁸ Davis McEntire, RESIDENCE AND RACE: FINAL AND COMPREHENSIVE REPORT TO
 THE COMMISSION ON RACE AND HOUSING 269 (1960).

26 ²⁹ State of California, 1, 2, 3 DEBATES AND PROCEEDINGS OF THE CONSTITUTIONAL
 27 CONVENTION OF THE STATE OF CALIFORNIA, CONVENED AT THE CITY OF SACRAMENTO,
 SATURDAY, SEPTEMBER 28, 1878 (1880).

28 ³⁰ Ex parte Cheney, 90 Cal. 617, 27 P. 436 (1891); Ex parte Luening, 3 Cal.
 App. 76; 84 P. 445 (1906).

³¹ Ex parte Cheney, 90 Cal. 617 (Cal. 1891).

1 counties.³² While the counties without convictions might have simply been very
2 law-abiding, it is more likely that most did not have such bans.

3 30. In 1917, California again passed a concealed weapon statute. Instead
4 of completely prohibiting concealed carry (as the 1863 law had done), this law
5 made it a misdemeanor to carry concealed firearms in cities without a license—and
6 a felony for those previously convicted of a felony. (It was still legal to carry
7 concealed in unincorporated areas.)³³ Also for the first time, California required
8 registration of handgun sales, with a “Dealers’ Record of Sale” mailed to local law
9 enforcement.³⁴

10 31. What provoked the legislature to again pass a statewide law? I spent a
11 bit of time reading through the 1917 legislative journals trying to find the reason.³⁵
12 As is usual, with legislative journals, what is present are details of passage,
13 readings, committee and house votes, without any discussion of intent. Newspaper
14 coverage was no more illuminating.

15 32. In the previous year, California experienced a burst of anti-Mexican
16 sentiment as a result of Pancho Villa’s cross-border raid on Columbus, New
17 Mexico. Even conservative Republican newspapers such as the *Los Angeles Times*
18 (this was obviously a long time ago), which was far less prejudiced about race than
19 most newspapers of the era, went off the deep end in their fear and hatred of
20 Mexicans, many of whom were refugees from the Mexican Revolution.³⁶

21 33. In Los Angeles, Police Chief Snively feared that Mexicans
22

23 ³² State of California, FOURTEENTH BIENNIAL REPORT OF THE BUREAU OF
24 LABOR STATISTICS OF THE STATE OF CALIFORNIA, 1909-1910 380 (1910).

25 ³³ James H. Deering, SUPPLEMENT TO THE CODES AND GENERAL LAWS OF THE
26 STATE OF CALIFORNIA Act 889 §§ 3, 6 at 651, 652(1917).

27 ³⁴ Id. § 7 at 652.

28 ³⁵ State of California, JOURNAL OF THE ASSEMBLY DURING THE FORTY-SECOND
SESSION OF THE LEGISLATURE OF THE STATE OF CALIFORNIA 353, 797, 823, 827,
894, 904, 955, 974, 1669, 1961, 2290, 2405 (1917).

³⁶ Clayton E. Cramer, *Race and Reporting: The Los Angeles Times in Early 1916*,
available at <http://www.claytoncramer.com/unpublished/LATimesAndRace.pdf>.

1 sympathetic to Pancho Villa might take up arms, and gave orders that lacked any
2 legal authority:

3 Acting under orders from Chief Snively, the police department
4 yesterday took drastic action to prevent any local outburst on the part of
5 Villa sympathizers. The cordon of officers thrown about the Mexican
6 quarter was extended and reinforced and the embargo against the sale of
7 arms and liquor to Mexicans amplified and made general....³⁷

8 34. The article described the measures taken as being for the benefit of
9 Mexicans who have become excited over the action of the Federal government
10 against Villa and who have made threats of vengeance and violence:

11 No liquor will be sold to Mexicans showing the least sign of
12 intoxication.

13 No guns can be sold to Mexicans and all dealers who have used guns
14 for window displays have been ordered to take them from the windows
15 and to show them to no Mexican until the embargo is lifted.³⁸

16 35. At least part of what might have provoked Chief Snively unlawful
17 actions was that:

18 Three admitted anarchists, priding themselves upon being disciples of
19 the Magon brothers and all heavily armed, were taken into custody on
20 charges of carrying concealed weapons and were given sixty-day
21 sentences by Police Judge White....³⁹

22 36. The Magon brothers had no connection to Villa. Quite the opposite,
23 the Magon brothers regarded Villa as “just another parasite” preventing a socialist
24 revolution in Mexico.⁴⁰ Chief Snively seems to have missed these distinctions.
25 Nonetheless, there were some significant political demonstrations of pro-Villa
26 support among Mexicans living in Los Angeles, and it appears that Mexicans
27 immigrants were buying guns in what appeared to be unusual numbers.

28 37. News accounts suggest that these purchases, primarily of “heavy
29 revolvers,” might have been for defensive purposes. The Villa raid had inflamed

³⁷ Draw Teeth of War Breeders, LOS ANGELES TIMES, March 14, 1916, 2:1.

³⁸ Id.

³⁹ Id.

⁴⁰ Colin M. MacLachlan, ANARCHISM AND THE MEXICAN REVOLUTION: THE
POLITICAL TRIALS OF RICARD FLORES MAGON IN THE UNITED STATES 64 (1991).

1 anti-Mexican sentiment among Americans all along the border, and many Mexicans
 2 appeared to be buying handguns because they were afraid of being attacked, not to
 3 be aggressive.⁴¹ Was the statewide concealed weapon permit law—and the
 4 handgun registration requirement—driven by the somewhat understandable concern
 5 about Pancho Villa supporters in California? It is an interesting question, and one
 6 that requires more research. A search of California newspapers from 1915 to 1917
 7 for “concealed handgun” or “concealed weapon” found no matches relevant to
 8 legislative intent for the 1917 law.⁴²

9 E. California’s Third Concealed Weapon Law

10 38. What is far more certain is what motivated the next revision of
 11 California’s gun control laws, a package passed in 1923 that included the ancestor
 12 of California’s current discretionary concealed weapon permit law.⁴³ A variation of
 13 the Uniform Revolver Act passed in several American states in the 1920s, this law
 14 enhanced the punishments for various crimes committed with a handgun,⁴⁴ made
 15 carrying a handgun without a permit evidence of intention to commit a felony,⁴⁵
 16 required a concealed weapon permit anywhere in the state (not just in cities),⁴⁶ and
 17 also prohibited possession of concealable handguns by anyone who was not a U.S.

18
 19
 20 ⁴¹ *Draw Teeth of War Breeders*, LOS ANGELES TIMES, March 14, 1916, at 2:1,
 21 2:2; *State Troops Ready for War*, LOS ANGELES TIMES, March 27, 1916, at 1:9; *For*
 22 *the Safety of Los Angeles*, LOS ANGELES TIMES, March 16, 1916, at 2:4.

23 ⁴² *California Digital Newspaper Collection*, [http://cdnc.ucr.edu/cgi-](http://cdnc.ucr.edu/cgi-bin/cdnc?a=q&hs=1&r=1&results=1&txq=concealed+handgun&txf=txIN&ssnip=txt&o=20&dafdq=&dafmq=&dafyq=1915&datdq=&datmq=&datyq=1917&puq=&e=-1915---1917--en--20--1--txt-txIN-concealed+weapon-----)
 24 [bin/cdnc?a=q&hs=1&r=1&results=1&txq=%22concealed+weapon%22&txf=txIN](http://cdnc.ucr.edu/cgi-bin/cdnc?a=q&hs=1&r=1&results=1&txq=%22concealed+weapon%22&txf=txIN&ssnip=txt&o=20&dafdq=&dafmq=&dafyq=1915&datdq=&datmq=&datyq=1917&puq=&e=-1915---1917--en--20--1--txt-txIN-concealed+handgun-----)
 25 [&ssnip=txt&o=20&dafdq=&dafmq=&dafyq=1915&datdq=&datmq=&datyq=1917](http://cdnc.ucr.edu/cgi-bin/cdnc?a=q&hs=1&r=1&results=1&txq=%22concealed+weapon%22&txf=txIN&ssnip=txt&o=20&dafdq=&dafmq=&dafyq=1915&datdq=&datmq=&datyq=1917&puq=&e=-1915---1917--en--20--1--txt-txIN-concealed+handgun-----)
 26 [&puq=&e=-1915---1917--en--20--1--txt-txIN-concealed+handgun-----](http://cdnc.ucr.edu/cgi-bin/cdnc?a=q&hs=1&r=1&results=1&txq=%22concealed+weapon%22&txf=txIN&ssnip=txt&o=20&dafdq=&dafmq=&dafyq=1915&datdq=&datmq=&datyq=1917&puq=&e=-1915---1917--en--20--1--txt-txIN-concealed+handgun-----), last
 27 accessed April 7, 2015.

28 ⁴³ Stats. 1923, ch. 339, p. 695, the DANGEROUS WEAPONS CONTROL LAW of 1923.

⁴⁴ *Id.*, § 3.

⁴⁵ *Id.*

⁴⁶ Stats. 1923, ch. 339, § 5.

1 citizen.⁴⁷

2 39. What motivated passage of this law? Legislative reports, are as usual,
3 astonishingly sparse on the reasons, but as is sometimes the case, newspaper
4 coverage is more forthcoming. Governor Friend W. Richardson signed the law
5 after R. T. McKissick, “president of the Sacramento Rifle and Revolver Club,”
6 argued that this law preserved the “rights of those using firearms for competition or
7 hunting or for protection in outing trips.” McKissick was concerned that a more
8 stringent gun control law might be passed if Governor Richardson vetoed this one.
9 McKissick admitted that the provision prohibiting handgun ownership by non-
10 citizens was of questionable constitutionality, but that he believed that if it was
11 upheld, it would have a beneficial effect “in checking *tong* [gang] wars among the
12 Chinese and vendettas among our people who are Latin descent.”⁴⁸

13 40. Why did Richardson sign a law with racist intentions? When
14 Richardson ran for governor in 1922, he would not answer the question of whether
15 he was a member of the Ku Klux Klan—but the Klan enthusiastically endorsed
16 Richardson.⁴⁹ Perhaps Richardson had a hood and robe in his closet only brought
17 out for special occasions.

18 41. With such blunt statements of racist intent, not surprisingly, the
19 discriminatory effect of the new law was immediately recognized. The Mexican
20 consul in Los Angeles protested the alien handgun ban, since “a large proportion of
21 the foreigners in California were of Mexican descent.”⁵⁰ Mexican immigrants,
22 being white, could at least apply for citizenship. Asian immigrants were ineligible
23 for naturalization—and therefore were breaking the law if they owned a handgun.

24 42. The constitutionality of the alien handgun ban was challenged quite
25

26 ⁴⁷ Stats. 1923, ch. 339, § 2.

27 ⁴⁸ *New Firearms Law Effective on August 7*, SAN FRANCISCO CHRONICLE, July
15, 1923, at 3, col. 1.

28 ⁴⁹ David M. Chalmers, HOODED AMERICANISM: THE HISTORY OF THE KU KLUX
KLAN 124 (1981, 3rd ed.).

⁵⁰ Ricardo Romo, EAST LOS ANGELES: HISTORY OF A BARRIO 157 (1983).

1 soon after the new law took effect. A Mexican citizen was convicted of possession
2 of a .25 ACP pistol and sentenced to one to five years in prison. The California
3 Supreme Court upheld the conviction in 1924.⁵¹ And yet, in 1972, the California
4 Court of Appeals correctly determined that the handgun ban violated the equal
5 protection clause of the Fourteenth Amendment. (The rest of the package of laws
6 passed as part of that same bill was allowed to stand.)⁵²

7 43. California legislators did eventually admit the racism. “Among other
8 things, these laws denied the Chinese in California the right to own land or
9 property, the right to vote, and the right to marry a white person, denied children of
10 Chinese descent [*sic*] access to public schools, denied Chinese immigrants the right
11 to bear arms.”⁵³ [emphasis added]

12 II. What Dates Matter?

13 44. While the Bruen opinion held that “[W]e have generally assumed that
14 the scope of the protection applicable to the Federal Government and States is
15 pegged to the public understanding of the right when the Bill of Rights was adopted
16 in 1791,”⁵⁴ they also admitted that “that there is an ongoing scholarly debate on
17 whether courts should primarily rely on the prevailing understanding of an
18 individual right when the Fourteenth Amendment was ratified in 1868 when
19 defining its scope.”⁵⁵ In the dispute adjudicated in Bruen, the difference did not
20 matter: “the public understanding of the right to keep and bear arms in both 1791
21 and 1868 was, for all relevant purposes, the same with respect to public carry.”⁵⁶

24 ⁵¹ *In re Ramirez*, 193 Cal. 633 (1924).

25 ⁵² *People v. Rappard*, 28 Cal.App.3d 302 (1972)

26 ⁵³ California Assembly Concurrent Resolution No. 42.
27 https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=200920100ACR42

28 ⁵⁴ *New York State Rifle & Pistol Assn, Inc. v. Bruen*, 142 S. Ct. 2111, 2138 (2022).

⁵⁵ *Id.*, at 2139.

⁵⁶ *Id.*

1 **III. A History of “Sensitive Places” in Second Amendment Jurisprudence**

2 45. What are “sensitive places”? Heller tells us:

3 Although we do not undertake an exhaustive historical analysis today of
4 the full scope of the Second Amendment, nothing in our opinion should
5 be taken to cast doubt on longstanding prohibitions on the possession of
6 firearms by felons and the mentally ill, or laws forbidding the carrying
7 of firearms in sensitive places such as schools and government
8 buildings, or laws imposing conditions and qualifications on the
9 commercial sale of arms.⁵⁷

10 46. The accompanying footnote tells us: “We identify these presumptively
11 lawful regulatory measures only as examples; our list does not purport to be
12 exhaustive.” Because this question was not briefed in Heller, which concerned only
13 the right have a pistol in one’s home, it seems more accurate to say that this was not
14 only not “exhaustive,” but of questionable value for determining what are properly
15 considered “sensitive places.” Bruen’s discussion of “sensitive places” is primarily
16 to reject a broad definition of the term:

17 Although we have no occasion to comprehensively define “sensitive
18 places” in this case, we do think respondents err in their attempt to
19 characterize New York’s proper-cause requirement as a “sensitive-
20 place” law. In their view, “sensitive places” where the government may
21 lawfully disarm law-abiding citizens include all “places where people
22 typically congregate and where law-enforcement and other public-
23 safety professionals are presumptively available.”... But expanding the
24 category of “sensitive places” simply to all places of public
25 congregation that are not isolated from law enforcement defines the
26 category of “sensitive places” far too broadly. Respondents’ argument
27 would in effect exempt cities from the Second Amendment and would
28 eviscerate the general right to publicly carry arms for self-defense that
we discuss in detail below... Put simply, there is no historical basis for
New York to effectively declare the island of Manhattan a “sensitive
place” simply because it is crowded and protected generally by the New
York City Police Department.⁵⁸ [emphasis added]

47. What are “sensitive places”? This question is large enough that it can
be examined in far more detail than anyone would want to read. Suffice it to say

⁵⁷ *D.C. v. Heller*, 554 U.S. 570 (2008).

⁵⁸ *N.Y. State Pistol & Rifle Association v. Bruen* (2022).

1 that Bruen disposed of the question so quickly as to suggest the question was only
2 answered for three places:

3 Although the historical record yields relatively few 18th- and 19th-
4 century “sensitive places” where weapons were altogether prohibited—
5 e.g., legislative assemblies, polling places, and courthouses—we are
6 also aware of no disputes regarding the lawfulness of such
7 prohibitions.⁵⁹ [emphasis added]

8 48. Legislative bodies, where short-tempered persons have a history of
9 turning policy disputes into violent attacks⁶⁰ would seem a good example of a
10 “sensitive place” where a weapon might be inappropriate. Bruen’s list of “sensitive
11 places” (“legislative assemblies, polling places, and courthouses”) is hardly proof
12 that the Court has given a final word on the subject and it does not include
13 government buildings in general. Alternatively, the absence of such regulation
14 could also be interpreted as meaning that there is no historical tradition in favor of
15 “government buildings” in general being sensitive areas.

16 49. That some legislative bodies in the colonial period did restrict arms
17 possession in their presence might well be evidence in support of such areas being
18 “sensitive areas.” Certainly, the way Bolsheviks intimidated the delegates at the
19 first Duma after the overthrow of the Czar is a powerful lesson: “[I]n the ensuing
20 chaos, a sailor on guard raised his rifle and took aim at a stout SR delegate from
21

22 ⁵⁹ Id.

23 ⁶⁰ Rep. Preston Brooks’ caning of Sen. Charles Sumner on the floor of the Senate;
24 E. Benjamin Andrews, 3 HISTORY OF THE UNITED STATES: FROM THE EARLIEST
25 DISCOVERY OF AMERICA TO THE PRESENT DAY 227-228 (1894); “Many years ago,
26 when I began researching this book , it was far less timely and far more puzzling.
27 There seemed to be so much violence in the House and Senate chambers in the 1830s,
28 1840s, and 1850s. Shoving. Punching. Pistols. Bowie knives. Congressman brawling
in bunches while colleagues stood on chairs to get a good look. At least once, a gun
was fired on the House floor.” Joanne B. Freeman, THE FIELD OF BLOOD: VIOLENCE
IN CONGRESS AND THE ROAD TO THE CIVIL WAR “Author’s Note” (2018); Speaker of
the Arkansas House engaged in a fatal knife fight on the floor with another
representative. He was expelled for conduct unbecoming of a member. Raymond W.
Thorp, BOWIE KNIFE 4 (1948).

1 Moscow, Osip Minor, only to be stopped from squeezing the trigger at the last
2 second by a more sober comrade.”⁶¹

3 50. Polling places have a long history of political passions leading to
4 violence.⁶² Courthouses are often hotbeds of anger and violence.⁶³

5 51. Neither Heller nor Bruen makes any mention of government buildings
6 in general. Courthouses are government buildings; legislative bodies are
7 governments; in some places polling places are in government buildings; these are
8 only a subset of government buildings.

9 52. We also have pre-1791 examples that suggest government buildings
10 were not necessarily “sensitive places.” This letter from George Washington:

11 To Each County Lieutenant in the Northern District

12 Mount Vernon, August 2, 1755.

13 Sir: I intend myself the honour of waitg. upon your County, in order to
14 exercise the Militia; and shou' d be glad if you wou'd appoint your
15 Officer's to meet me at the Court Ho., or some other convenient place
16 with a Firelock, Ammunition, &c. on the of September next, and the

17
18 ⁶¹ Alexander Rabinowitch, *THE BOLSHEVIKS IN POWER: THE FIRST YEAR OF SOVIET RULE IN PETROGRAD* 122 (2007).

19 ⁶² Whites attacked the Grant Parish courthouse in a dispute about election
20 results. After accepting surrender of the blacks inside the courthouse they murdered
21 150 of them. Gabriel J. Chin, *The Jena 6 and the History of Racially Compromised*
22 *Justice in Louisiana*, 44 *HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW*,
369; LeeAnna Keith, . *THE COLFAX MASSACRE: THE UNTOLD STORY OF BLACK*
23 *POWER, WHITE TERROR AND THE DEATH OF RECONSTRUCTION* xii (2008).

24 ⁶³ Miss Verna Ware opened fire in the Gatesville courthouse in 1909, killing the
25 man she accused of seducing her, two others not involved in the case and wounding
26 a fourth. *Woman to Face Murder Charge*, *WAXAHACHIE [Tex.] DAILY LIGHT*, Feb.
27 8, 1909, 1; *Four People Wounded*, *PALESTINE [Tex.] DAILY HERALD*, Feb. 4, 1909,
28 2; Jury Verdict Not Guilty, *Liberty [Tex.] Vindicator*, Feb. 11, 1910, 1. Exchange of
gunfire from inside the courthouse left seven of the eleven dead, with 16 or 17
wounded. *The Talaquah Slaughter*, [Jonesboro, Tenn.] *Herald and Tribune*, May 2,
1872, 1. The murderer shot to death his wife, her father, and her uncle as they left
the courthouse from a grand jury hearing at which the murderer was apparently
under investigation for beating his wife. *Courthouse Lawn Shots Fatal To 4*,
[Marshall, Tex.] *MARSHALL NEWS MESSENGER*, Nov. 14, 1955, 1. Alas, I can cite
many more if needed.

1 Militia properly accoutre'd, the day following. I am Sir, etc.⁶⁴ [emphasis
2 added]

3 **IV. SB 2**

4 53. This new law contains “several places” wherein a concealed carry
5 licensee may not lawfully carry. The Legislative Counsel’s Digest includes: “an
6 unloaded firearm into, or upon the grounds of, any residence of the Governor, any
7 other constitutional officer, or Member of the Legislature” plus many other
8 locations. [emphasis added] This looks like the counsel mischaracterized the bill.

9 54. The actual text of the new law contains provisions that certainly fit
10 into the “sensitive places” standard, although even some of these might be arguable.
11 § 171b. (a) prohibits carrying of a firearm in public buildings “or at any meeting
12 required to be open to the public.” Certainly this fits into the legislative or
13 courthouse standard. Legislative meetings and public hearings in general bring out
14 the worst in people; the knowledge that firearms are present might intimidate
15 participants even if those weapons were concealed. I note a pre-1791 law of
16 relevance: “Because of the danger of Indian attack, and because much of the
17 population was neglecting to carry guns, every person above eighteen years of age
18 (except magistrates and elders of the churches) were ordered to “come to the
19 publike assemblies with their muskets, or other peeces fit for servise, furnished with
20 match, powder, & bullets, upon paine of 12d. for every default.”⁶⁵ Perhaps
21 colonial Americans were calmer than Californians. I have sat in legislative
22 hearings in the Idaho State Capitol where one of those getting up to speak during
23 public comment (and not about a gun law) had an openly holstered handgun; the
24 Idaho State Police officer present at the meeting seemed unconcerned.

25
26
27
28 _____
⁶⁴ 1 THE WRITINGS OF GEORGE WASHINGTON 158 (1931)

⁶⁵ 1 RECORDS OF THE GOVERNOR AND COMPANY OF THE MASSACHUSETTS BAY IN
NEW ENGLAND 190 (1853).

1 **A. Parking Associated with or Adjacent to Prohibited Areas**

2 55. Many of the prohibited areas include parking adjacent to or associated
3 with the prohibited area. I am unaware of any similar or analogous restrictions on
4 arms possession in the time periods identified by Bruen as relevant. This is
5 unsurprising. People walked almost everywhere in the cities (small as they were by
6 modern standards) and villages. Persons on horseback would have “parked” their
7 vehicles on public streets in front of buildings into which they might enter.

8 **B. Public Transit**

9 56. § 171.7(a) prohibits possession in any public transit facility. There is
10 no equivalent pre-1791 law because there was no public transit. As close as there is
11 to an analogous law is a 1636/7 Massachusetts statute: “And no person shall travel
12 above one mile from his dwelling house, except in places where other houses are
13 neare together, without some armes, upon paine of 12d. for every default.”⁶⁶ Also,
14 a 1631 Massachusetts law ordered “that noe [person] shall travel single betwixte
15 [this plantations] and Plymouthe, nor without some armes, though 2 or 3
16 togeathr.”⁶⁷ Rhode Island: “It is ordered, that noe man shall go two miles from the
17 Towne unarmed, eyther with Gunn or Sword; and that none shall come to any
18 public Meeting without his weapon.”⁶⁸

19 57. Travel on public transit is not terribly safe, or at least not safe enough
20 that it is unreasonable for a licensee to not be armed. A few examples just from
21 BART:

- 22 • “The suspect arrested in a fatal shooting outside the Lake Merritt
23 BART station in Oakland last week is now facing a murder charge,
24 according to authorities.”⁶⁹

25 _____
26 ⁶⁶ Id.

27 ⁶⁷ Id., at 85.

28 ⁶⁸ 1 RECORDS OF THE COLONY OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
IN NEW ENGLAND 94 (1856).

⁶⁹ Update: Suspect in deadly shooting outside Lake Merritt BART station charged
with murder, CBS SAN FRANCISCO, August 15, 2023,
19

- 1 • “A 17-year-old boy was arrested in connection to an alleged rape near
2 the Concord BART station Friday morning, authorities said. BART
3 police reported that the assault happened in a BART parking structure
4 shortly before noon Friday. An active investigation, including review
5 of surveillance video, is currently underway, according to agency
6 spokesperson Anna Duckworth.”⁷⁰
- 7 • “An afternoon shooting at the southwest 24th Street BART plaza today
8 left one person dead, officials have confirmed. Two suspects are at
9 large, according to BART spokesperson James Allison. BART police
10 are leading an investigation.”⁷¹
- 11 • “Man Who Fatally Stabbed Woman on BART Platform Is Convicted
12 of Murder.”⁷²
- 13 • “Oakland: Woman shot near Fruitvale BART station.”⁷³

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17 [https://www.cbsnews.com/sanfrancisco/news/update-suspect-in-deadly-shooting-
18 outside-lake-merritt-bart-station-charged-with-murder/](https://www.cbsnews.com/sanfrancisco/news/update-suspect-in-deadly-shooting-outside-lake-merritt-bart-station-charged-with-murder/), last accessed September 13,
19 2023.

20 ⁷⁰ Katie Lauer, *Teen arrested in sexual assault near Concord BART station*,
21 EAST BAY TIMES, August 7, 2023, [https://www.eastbaytimes.com/2023/08/05/teen-
22 arrested-in-sexual-assault-near-concord-bart-station/](https://www.eastbaytimes.com/2023/08/05/teen-arrested-in-sexual-assault-near-concord-bart-station/), last accessed September 13,
23 2023.

24 ⁷¹ Eleni Balakrishnan, *One dead in 24th Street BART Plaza shooting*, MISSION
25 LOCAL, December 18, 2022, [https://missionlocal.org/2022/12/one-dead-sf-bart-
26 plaza-shooting/](https://missionlocal.org/2022/12/one-dead-sf-bart-plaza-shooting/), last accessed September 13, 2023.

27 ⁷² Neil Vigdor, *Man Who Fatally Stabbed Woman on BART Platform Is
28 Convicted of Murder*, New York Times, March 10, 2020,
<https://www.nytimes.com/2020/03/10/us/john-cowell-trial-nia-wilson.html>, last
accessed September 13, 2023.

⁷³ Harry Harris, *Oakland: Woman shot near Fruitvale BART station*, San Jose
Mercury News, April 14, 2023,
[https://www.mercurynews.com/2023/04/14/oakland-woman-shot-near-fruitvale-
bart-station/](https://www.mercurynews.com/2023/04/14/oakland-woman-shot-near-fruitvale-bart-station/), last accessed September 13, 2023.

- 1 • “Cleaver-wielding convict terrorizes BART train passengers trapped in
2 underwater tunnel by pacing up and down train threatening them, then
3 slashing man in the back.”⁷⁴
- 4 • “A woman was shot and killed in Oakland last night, police said.
5 Officers were called to 40th Street near the MacArthur BART station
6 just before 8 p.m. after receiving a ShotSpotter alert. They found the
7 woman at the scene who had been shot by an unknown person, they
8 said.”⁷⁵

9 58. I only searched for serious crimes on BART because it has an easy
10 search acronym. I have been the victim of a robbery and a battery that put my left
11 arm in a cast for six weeks on a Santa Monica Municipal Bus in the 1960s; I am
12 confident that a search for crimes on public transit systems other than BART would
13 provide lots of other preventable tragedies.

14 59. It is not just that a licensee might protect herself from a crime but
15 might well protect others under attack. The protective effects of keeping violent
16 criminals afraid of a victim that shoots back is also a free rider issue; everyone
17 benefits when violent criminals do not know which other persons in the bus, train
18 carriage, transit platform or parking lot may threaten or actually shoot back. This
19 exchange of gunfire puts other passengers potentially at risk, but so does a police
20 officer and the law allows them to be armed.

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22
23 ⁷⁴ Claudia Aoraha, *A new low for San Francisco: Cleaver-wielding convict*
24 *terrorizes BART train passengers trapped in underwater tunnel by pacing up and*
25 *down train threatening them, then slashing man in the back*, [United
26 Kingdom] Daily Mail, May 11, 2023, <https://www.dailymail.co.uk/news/article-12074149/Cleaver-wielding-convict-terrorizes-BART-train-passengers-trapped-underwater-tunnel.html>, last accessed September 13, 2023.

27 ⁷⁵ *Woman shot dead near Oakland BART station, police say*, KTVU, November
28 14, 2022, <https://www.ktvu.com/news/woman-shot-dead-near-oakland-bart-station-police-say>, last accessed September 13, 2023.

1 60. § 26230 lists several places where licensees may not be armed. Some
2 are clearly contrary to Bruen’s standards; I am aware of no pre-1791 statutes similar
3 to or analogous to them. Bruen puts the burden is on California to produce such.

4 **C. Preschool or Child Care Facility**

5 61. § 26230(a)(2): “A building, real property, or parking area under the
6 control of a preschool or childcare facility, including a room or portion of a
7 building under the control of a preschool or childcare facility.”

8 62. There are no pre-1791 equivalent laws because there were no
9 equivalent facilities. I have never seen a preschool or child care facility referenced
10 in pre-1791 America because small children were generally under the care and
11 supervision of parents.

12 **D. Parks**

13 63. (a)(12): “A park, athletic area, or athletic facility that is open to the
14 public.”

15 64. There are no equivalent laws although there were equivalent locations
16 such as the commons of most towns.

17 **E. Hospitals**

18 65. (a)(7): “A building, real property, and parking area under the control of
19 a public or private hospital or hospital affiliate, mental health facility, nursing
20 home, medical office, urgent care facility, or other place at which medical services
21 are customarily provided.”

22 66. The very first hospitals appear before 1791, but they are rare. I have
23 never seen a law restricting arms possession in such places.

24 **F. Bars**

25 67. “A building, real property, and parking area under the control of a
26 vendor or an establishment where intoxicating liquor is sold for consumption on the
27 premises.” There are no bans on firearms in bars before 1791 of which I am aware.
28 Bruen puts the burden of proof on California. Alcohol and firearms should not mix,

1 but Colonial and early Republic practice shows that drinking while armed was
2 widespread, even if unwise. There are many examples both before 1791 and before
3 1868:

4 We met people coming from a militia muster, drunk, and staggering
5 along the lanes and paths; these unhappy souls have had their camp-
6 meeting, and shout forth the praises of the god of strong drink: glory be
7 to God, we have our camp-meetings too of longer continuance, and
8 more and louder shouting of glory, and honour, and praises to the God
9 of the armies of the earth.⁷⁶ [emphasis added]

8 68. And:

9 There is no space for a detailed examination of the charges against the
10 courage of the Virginians of the seventeenth century and of the poor quality of the
11 militia. There were only a few occasions when the militia was called out prior to the
12 French and Indian War, but the service was in each case as satisfactory as a militia
13 is apt to be. Had Mr. Wertenbaker been a reader of Dryden he would have
14 remembered that the poet said that the *chief object of militia-muster in England in*
15 *his day, was to get drunk.*⁷⁷ [emphasis added]

16 69. And:

17 The ringing of a steamboat bell at the head of the column filled up the ranks,
18 and the Racine Militia gallantly trained til noon, when they adjourned to the Fulton
19 House for dinner, where they all go so drunk they couldn't muster at all in the
20 evening.⁷⁸

21 70. It is unclear to what years this refers, but the other parts of the chapter
22 reference the antebellum period:

23 MILITIA MUSTER DAYS. On the second Saturday of October each
24 year there was a general muster at each county seat, when the various

25 ⁷⁶ 3 JOURNAL OF THE REV. FRANCIS ASBURY, BISHOP OF THE METHODIST
26 EPISCOPAL CHURCH, FROM AUGUST 7, 1771, TO DECEMBER 7, 1815 121 (1821).

27 ⁷⁷ 18:1 Book Review of Patrician And Plebeian In Virginia Or The Origin And
28 Development Of Social Classes In The Old Dominion," Virginia Magazine Of
History And Biography 346 (1910)

⁷⁸ Fanny S. Stone, ed., 1 RACINE BELLE CITY OF THE LAKES AND RACINE COUNTY
WISCONSIN 476 (1916).

1 companies drilled in battalion or regimental formation; and each
2 separate company met on its local muster grounds quarterly, and on the
3 fourth of July the commanding officers met at the court house to drill.
4 The Big Musters called most of the people together, and there was much
5 fun and many rough games to beguile the time. Cider and ginger cakes
6 were sold, and many men got drunk.⁷⁹

71. And:

6 At that time there was in each township at least one company of militia,
7 which was required to hold several meetings in the course of the year,
8 and at these the minister was always present. The military parade, with
9 the drums and fifes and other musical instruments, was a powerful
10 attraction for the boys, who came from all parts of the neighborhood to
11 the place at which the militia mustered. But on these occasions there
12 was one respect in which the minister's presence proved but a slight
13 restraint upon excess. There were then no temperance societies, no
14 temperance lecturers held forth, no temperance tracts were ever
15 distributed, nor temperance pledges given. *It was, to be sure, esteemed*
16 *a shame to get drunk; but, as long as they stopped short of this, people,*
17 *almost without exception, drank grog and punch freely with out much*
18 *fear of a reproach from any quarter. Drunkenness, however, in that*
19 *demure population, was not obstreperous, and the man who was*
20 *overtaken by it was generally glad to slink out of sight.* I remember an
21 instance of this kind. There had been a muster of a militia company on
22 the church green for the election of one of its officers, and the person
23 elected had treated the members of the company and all who were
24 present to sweetened rum and water, carried to the green in pailfuls, with
25 a tin cup to each pail for the convenience of drinking.

18 The afternoon was far spent, and I was going home with other boys,
19 when we overtook *a young man who had taken too much of the election*
20 *toddy*, and, in endeavoring to go quietly home, had got but a little way
21 from the green, when he fell in a miry place, and was surrounded by
22 three or four persons, who assisted in getting him on his legs again. The
23 poor fellow seemed in great distress, and his new nankeen pantaloons,
24 daubed with the mire of the road, and his dangling limbs, gave him a
25 most wretched appearance. It was, I think, the first time I had ever seen
26 a drunken man. As I approached to pass him by, some of the older boys
27 said to "Do not go too near him, for if you smell a drunken man it will
28 make you drunk."⁸⁰ [emphasis added]

27 ⁷⁹ John Preston Arthur, WESTERN NORTH CAROLINA A HISTORY (FROM 1730 TO
28 1913) 284 (1914).

⁸⁰ Parke Godwin, 1 A BIOGRAPHY OF WILLIAM CULLEN BRYANT, WITH EXTRACTS
FROM HIS PRIVATE CORRESPONDENCE 16-17 (1883).

1 72. The year is not clear but it is in a chapter titled "Mr. Bryant's Early
2 Life" and Bryant was born in 1797.

3 "At that time, it was less thought of, since it was the universal custom ,
4 in all regiments of the militia, with which I had any acquaintance, for
5 the officers, on every muster day, to get gloriously drunk in their
country's service."⁸¹

6 73. The date of this event is unclear but certainly before the publication
7 date of 1832!

8 **G. Colleges**

9 74. (a)(14): "Any area under the control of a public or private community
10 college, college, or university, including, but not limited to, buildings, classrooms,
11 laboratories, medical clinics, hospitals, artistic venues, athletic fields or venues,
12 entertainment venues, officially recognized university-related organization
13 properties, whether owned or leased, and any real property, including parking areas,
14 sidewalks, and common areas."

15 75. Colleges in the Colonial period often prohibited students from hunting,
16 but this does not appear to have been a prohibition on firearms possession. Harvard
17 in the early eighteenth century prohibited not only hunting, but also fishing and
18 skating, as distractions from the duties of a scholar; for similar reasons, Yale,
19 Princeton, King's College (now Columbia) prohibited many sports and recreational
20 activities such as field hockey, games involving balls, or swimming off campus.⁸² If
21 restrictions on hunting extended to a prohibition on firearms possession, it must have
22 been implied.

23 76. The evidence from the Colonial and Revolutionary periods shows not
24 just that students *could* have been armed with firearms, but in many colonies (and
25 states after the Revolution), students were *required* to be armed for militia duty
26

27 _____
28 ⁸¹ 3 NEW-ENGLAND MAGAZINE 111 (1832).

⁸² Ronald A. Smith, SPORTS AND FREEDOM: THE RISE OF BIG-TIME COLLEGE
ATHLETICS 9-10 (1988).

1 while at college. Different colonies and states had different age limits for militia
2 duty, but 16, 17, and 18 were all quite common.⁸³

3 77. It was not at all uncommon for states to exempt faculty (but not
4 students) from this obligation to be armed for militia duty, such as New Jersey did in
5 1778 (“That, after the passing of this Act, each and every Master or Teacher of a
6 publick School, wherein common School- Learning is taught, in any Village, Town
7 or Neighbourhood of any Part of this State, who shall in the Militia be actually and
8 bona fide employed in that Calling, and have under his Care and Tuition any
9 Number of Scholars or Pupils not less than fifteen, shall be entitled to an Exemption
10 from actual Service in the Militia;...”)⁸⁴ A few states, such as Connecticut,
11 exempted “the President, Tutors and Students of College” (along with a few other
12 occupations) from militia duty, and therefore the obligation to be armed,⁸⁵ but these
13 appear to be the exception.
14
15

16 ⁸³ 1 THE PUBLIC RECORDS OF THE COLONY OF CONNECTICUT, 1636-1776 15
17 (1850) (1637 statute “about the age of sixteen yeers”); Id. 542-543 (1650 statute “all
18 persons that are about the age of sixteene yeers”); 18 COLONIAL RECORDS OF THE
19 STATE OF GEORGIA 7 (1910) (1755 statute “All Male Persons from the Age of 16 to
20 60 years liable to bear arms”); 1 RECORDS OF THE GOVERNOR AND COMPANY OF THE
21 MASSACHUSETTS BAY IN NEW ENGLAND 190 (1853) (1636/7 law “every person
22 above eighteen years of age”); Acts and Laws, Passed by the General Court or
23 Assembly of the Province of New-Hampshire in New-England 91-97 (1716) (1716
24 law “That all Male Persons from Sixteen Years of Age to Sixty”); RECORDS OF THE
25 COLONY AND PLANTATION OF NEW HAVEN, FROM 1638 TO 1649 131-132 (1857)
26 (1644 law: “every male from 16 to 60 yeares olde”); THE GRANTS, CONCESSIONS,
27 AND ORIGINAL CONSTITUTIONS OF THE PROVINCE OF NEW-JERSEY 78 (Philadelphia:
28 W. Bradford, 1752) (1668 law “every Male from 16 Years and upwards, to the Age
of 60 Years, shall be furnished at their own Cost and Charge, with good and
sufficient Arms”); A COLLECTION OF ALL THE PUBLIC ACTS OF ASSEMBLY, OF THE
PROVINCE OF NORTH-CAROLINA: NOW IN FORCE AND USE... 215 (1751); ACTS AND
LAWS, OF HIS MAJESTIES COLONY OF RHODE-ISLAND, AND PROVIDENCE
PLANTATIONS IN AMERICA (1179 [1719]) (1746 law “all the Freemen and Servants...
between the Age of Sixteen Years, and Sixty”);

⁸⁴ Colony of New Jersey, ACTS OF THE COUNCIL AND GENERAL ASSEMBLY OF THE
STATE OF NEW-JERSEY... 65 (1784).

⁸⁵ State of Connecticut, ACTS AND LAWS OF THE STATE OF CONNECTICUT, IN
AMERICA 144 (1786).

1 78. Even states that sometimes exempted students as well as faculty from
 2 the duty to be armed for militia duty, such as Virginia did in 1757,⁸⁶ at other times
 3 exempted only faculty as with the 1785 militia law that exempted “all professors,
 4 and tutors at the University of William and Mary, and other public seminaries of
 5 learning...” but not students.⁸⁷ In this period, students were obligated by militia
 6 laws to arm themselves for duty, and there is no surviving evidence that colleges
 7 prohibited student possession of arms for such purposes.

8 **H. Casinos**

9 79. (a)(15): “A building, real property, or parking area that is or would be
 10 used for gambling or gaming of any kind whatsoever, including, but not limited to,
 11 casinos, gambling establishments, gaming clubs, bingo operations, facilities licensed
 12 by the California Horse Racing Board, or a facility wherein banked or percentage
 13 games, any form of gambling device, or lotteries, other than the California State
 14 Lottery, are or will be played.”

15 80. There are no equivalent laws from pre-1791 because there are no
 16 equivalent institutions. Gambling was in many colonies and pre-1791 states
 17 prohibited.⁸⁸

18 ⁸⁶ 7 STATUTES AT LARGE; BEING A COLLECTION OF ALL THE LAWS OF VIRGINIA...
 19 ch. 3 at 94-95 (1820).

20 ⁸⁷ 12 STATUTES AT LARGE; BEING A COLLECTION OF ALL THE LAWS OF VIRGINIA...
 21 10 (1823).

22 ⁸⁸ 1777: *An Act to Prevent Gaming, and Horse Racing*, LAWS OF GEORGIA 201
 23 (1800); *An Act to Prevent Card Playing, and Other Deceitful Practices* (1777)
 24 referenced in 1 PUBLIC ACTS OF THE GENERAL ASSEMBLY OF NORTH CAROLINA ch.
 25 5 at 448; *An Act to Revive Part of an Act entitled “An Act to Suppress Excessive*
 26 *Gaming”*, Id., at 448; 1764: *An Act to suppress excessive and deceitful Gaming*, 23
 27 STATE RECORDS OF NORTH CAROLINA: LAWS 1715-1776 ch. 35 at 838-840
 28 (“Whereas Card playing and other deceitful Gaming, hath been found injurious to
 the Inhabitants of this Province, and tend greatly to the discouragement of Industry,
 Corruption of Youth, and destruction of Families : For Remedy whereof.”; 1777:
 “WHEREAS, on the twentieth day of October, one thousand seven hundred and
 seventy-four, the honorable the Continental Congress did, on the part of the then
 United Colonies, (now free and independent States,) associate, agree and declare
 against every species of extravagance and dissipation, especially all horse-racing;”
 4 STATUTES AT LARGE OF SOUTH CAROLINA No. 1054 at 394-395 (1838); 1804:
 Maryland declared that in Baltimore “he, she or they, procure a livelihood, and

1 **I. Sporting Arenas**

2 81. (a)(16): “A stadium, arena, or the real property or parking area under
3 the control of a stadium, arena, or a collegiate or professional sporting or eSporting
4 event.” Such facilities did not exist before 1791.

5 82. There were almost certainly community sporting events, but they do
6 not suggest laws banning guns.

7 83. Frederick County, Maryland raised two companies of riflemen to join
8 the army forming outside of Boston. An eyewitness account of Captain Michael
9 Cresap’s rifle company of “upwards of 130 men” described a demonstration:

10 to show the gentlemen of the town their dexterity at shooting. A
11 clapboard, with a mark the size of a dollar, was put up; they began to
12 fire off-hand, and the bystanders were surprised, so few shots being
made that were not close to or in the paper.

13 When they had shot for a time in this way, some lay on their backs, some
14 of their breast or side, others ran twenty or thirty steps, and, firing,
15 appeared to be equally certain of the mark. With this performance the
16 company was more than satisfied, when a young man took up the board
17 in his hand, not by the end, but by the side, and holding it up, his brother
walked to the distance, and very coolly shot into the white; laying down
his rifle, he took up the board, and, holding it as was held before, the
second brother shot as the former had done.

18 By this exercise I was more astonished than pleased. But will you
19 believe me, when I tell you, that one of the men took the board, and
20 placing it between his legs, stood with his back to the tree, while another
drove the center?⁸⁹

21 84. Other accounts of Cresap’s company also report on their marksmanship:

22 _____

23 every woman who is generally reputed a common prostitute, and every juggler or
24 fortune-teller, or common-gambler, shall be adjudged a vagrant, vagabond,
25 prostitute or disorderly person, within the meaning of this act.” 2 GENERAL PUBLIC
26 STATUTORY LAW AND PUBLIC LOCAL LAW OF THE STATE OF MARYLAND Ch. 96 at
27 1620-21 (1840); 1748: ban on “Lotteries, playing of Cards and Dice, and other
28 Gaming for Lucre of Gain,” ACTS OF THE GENERAL ASSEMBLY OF THE PROVINCE OF
NEW JERSEY ch. 226 at 187 (1776); 1760: prohibited “all Shooting Matches for
Lucre of Gain,” “except on days of publick Training” as well as limiting the betting
on horse races 2 ACTS OF THE GENERAL ASSEMBLY OF THE PROVINCE OF NEW
JERSEY ch. 155 at 362-363 (1761). Give me some time; I can find more.

⁸⁹ JOHN THOMAS SCHARF, 1 HISTORY OF WESTERN MARYLAND 130 (1882).

1 [W]e mention a fact which can be fully attested by several of the
 2 reputable persons who were eye-witnesses of it. Two brothers in the
 3 company took a piece of board five inches broad and seven inches long,
 4 with a bit of white paper, about the size of a dollar, nailed in the centre;
 and while one of them supported this board perpendicularly between his
 knees, the other, at the distance of upwards of sixty yards, and without
 any kind of rest, shot eight bullets through it successively, and spared a
 brother's thigh!

5 Another of the company held a barrel stave perpendicularly in his hands
 6 with one edge close to his side, while one of his comrades, at the same
 7 distance, and in the manner before mentioned, shot several bullets
 through it, without any apprehension of danger on either side.

8 The spectators appearing to be amazed at these feats, were told that there
 9 were upwards of fifty persons in the same company who could do the
 10 same thing; that there was not one who could not plug nineteen bullets
 11 out of twenty, as they termed it, within an inch of the head of a tenpenny
 12 nail. In short, to prove the confidence they possessed in their dexterity
 at these kind of arms, some of them proposed to stand with apples on
 their heads, while others at the same distance, undertook to shoot them
 off; but the people who saw the other experiments declined to be
 witnesses of this.⁹⁰

13 85. Philip Gosse, an English naturalist visiting Alabama in the 1830s
 14 provided one of the more complete descriptions of the attitude of the population
 15 towards hunting and firearms. He also emphasized the high level of marksmanship
 16 in America:

17 But skill as a marksman is not estimated by quite the same standard as
 18 in the old country. Pre-eminence in any art must bear a certain relation
 19 to the average attainment; and where this is universally high, distinction
 20 can be won only by something very exalted. Hence, when the young
 21 men meet together to display their skill, curious tests are employed,
 22 which remind one of the days of old English archery.... Some of these
 23 practices I have read of, but here I find them in frequent use. "Driving
 the nail" is one of these; a stout nail is hammered into a post about half
 way up to the head; the riflemen then stand at an immense distance, and
 fire at the nail; the object is to hit the nail so truly on the head with the
 ball as to drive it home. To hit at all on one side, so as to cause it to
 bend or swerve, is failure; missing it altogether is out of the question.

24 **J. Public Library**

25 86. (a)(17): "A building, real property, or parking area under the control of
 26 a public library." What is a public library before 1791? There is the Library

27
 28 ⁹⁰ "From The Virginia Gazette (1775)" in Albert Bushnell Hart and Mabel Hill,
 CAMPS AND FIRESIDES OF THE REVOLUTION 230 (1918).

1 Company of Philadelphia founded by Benjamin Franklin in 1731, but this was “was
2 a subscription library and supported by members.” “The first free modern public
3 library was opened in 1833” in Peterborough, N.H. This was “was the first
4 institution funded by a municipality with the explicit purpose of establishing a free
5 library open to all classes of the community.” Boston opened a public library in
6 1848.⁹¹ I am unaware of any laws regulating being armed in public libraries before
7 1868.

8 **K. Airport or Passenger Vessel Terminal**

9 87. (a)(18): “building, real property, or parking area under the control of
10 an airport or passenger vessel terminal.” Before 1868, there were no airports. If
11 any passenger vessel terminal (a port in pre-1791 language) regulated arms
12 possession, I am unaware of it.

13 **L. Amusement Park**

14 88. (a)(19): “A building, real property, or parking area under the control of
15 an amusement park.” Amusement park? As close as early America gets to
16 amusement parks are “pleasure grounds.” Pre-1868 books are primarily about
17 private lands and are published in Britain.⁹² American books about parks that are
18 explicitly public are post-1868.⁹³

19 **M. Zoo or Museum**

20 89. (a)(20): “A building, real property, or parking area under the control of
21 a zoo or museum.” “Philadelphia Zoo, America’s first zoo, is renowned for
22 innovation in animal care and unwavering commitment to wildlife. A zoo of firsts,
23 Philadelphia Zoo has been a leader since opening its historic gates on July 1,
24 1874.”⁹⁴

25 _____
26 ⁹¹ American Library Association, <https://www.ala.org/aboutala/before-1876>, last
accessed September 15, 2023.

27 ⁹² Charles H.J. Smith, PARKS AND PLEASURE GROUNDS; OR PRACTICAL NOTES ON
COUNTRY RESIDENCES, VILLAS, PUBLIC PARKS, AND GARDENS (1852).

28 ⁹³ H.W.S. Cleveland, OUTLINE PLAN OF A PARK SYSTEM FOR THE CITY OF ST. PAUL
(1885).

⁹⁴ Philadelphia Zoo, *An American First*, <https://www.philadelphiAZoo.org/about-30>

1 90. There are American museums before 1791 such as the Charleston
2 Museum, founded in 1773.⁹⁵ I can find no evidence of restrictions on arms
3 possession.

4 **N. Nuclear Facilities**

5 91. (a)(21): "A street, driveway, parking area, property, building, or
6 facility, owned, leased, controlled, or used by a nuclear energy, storage, weapons,
7 or development site or facility regulated by the federal Nuclear Regulatory
8 Commission." There are of course no such facilities before 1791, but there is an
9 analogy: gunpowder storage facilities. It would be surprising indeed if such
10 magazines had no restrictions. I would also be surprised if federal law does not
11 already restrict firearms on nuclear facilities.

12 **O. Houses of Worship**

13 92. (a)(22): "A church, synagogue, mosque, or other place of worship,
14 including in any parking area immediately adjacent thereto, unless the operator of
15 the place of worship clearly and conspicuously posts a sign at the entrance of the
16 building or on the premises indicating that licenseholders are permitted to carry
17 firearms on the property."

18 93. Here there is a strong counterpart to pre-1791 law. Many colonies
19 required the carrying of guns to church.

20 94. Georgia, 1770: "'An act for the better security of the inhabitants by
21 obliging the male white persons to carry fire arms to places of public worship."
22 This law required all white male inhabitants to carry either a long gun or a pair of
23 pistols to church, and "That the church warden or church wardens of each
24 respective parish, and the deacons, elders or select men... to examine all such male
25 persons" to make sure that they were armed.⁹⁶

26 [the-zoo/t](#) accessed September 14, 2023.

27 ⁹⁵ Arna Bontemps Museum, *The Oldest Museums in the World*,
28 <https://www.arnabontempsmuseum.com/the-oldest-museums-in-the-world/>, last
accessed September 14, 2023.

⁹⁶ 1 COLONIAL RECORDS OF THE STATE OF GEORGIA 138-139 (1910).

1 95. Maryland, 1642: "Noe man able to bear arms to goe to church or
2 Chappell or any considerable distance from home without fixed gunn and 1 Charge
3 at least of powder and Shott."⁹⁷

4 96. Massachusetts, 1636/7: Because of the danger of Indian attack, and
5 because much of the population was neglecting to carry guns, every person above
6 eighteen years of age (except magistrates and elders of the churches) were ordered
7 to "come to the publike assemblies with their muskets, or other peeeces fit for
8 servise, furnished with match, powder, & bullets, upon paine of 12d. for every
9 default."⁹⁸

10 97. New Haven Colony, 1646: The colony imposed fines in 1649 on
11 several men "for not bringing ther armes to the meeting [church] on day when it
12 was their turne" and failure to bring slowmatch (for matchlock guns), bullets, flints,
13 and other accessories.⁹⁹

14 98. Plymouth Colony, 1641: "It is enacted That every Towneship within
15 this Government do carry a competent number of pieeces fixd and compleate with
16 powder shott and swords every Lord's day to the meetings--one of a house from the
17 first of September to the middle of November, except their be some just & lawfull
18 impedymment." While not terribly clear writing, it also seems to indicate that at least
19 one person from every home should bring either gun or sword.

20 99. Plymouth Colony, 1658: There is an order that 1/4 of the militia "carry
21 their armes" to church every Sunday, defined as "some serviceable peece and
22 sword and three charges of powder and bullets" or be fined "2 shillings and six
23 pence...."¹⁰⁰

24 100. South Carolina, 1743:

25 _____
⁹⁷ 3 ARCHIVES OF MARYLAND 103 (1885).

26 ⁹⁸ 1 RECORDS OF THE GOVERNOR AND COMPANY OF THE MASSACHUSETTS BAY IN
27 NEW ENGLAND 190 (1853).

28 ⁹⁹ RECORDS OF THE COLONY AND PLANTATION OF NEW HAVEN, FROM 1638 TO
1649 486 (1857).

¹⁰⁰ COMPACT WITH THE CHARTER AND LAWS OF THE COLONY OF NEW PLYMOUTH
115 (1836).

1 That within three months from the time of passing this Act , every white
2 male inhabitant of this Province , (except travellers and such persons as
3 shall be above sixty years of age,) who, by the laws of this Province is
4 or shall be liable to bear arms in the militia of this Province, either in
5 times of alarm or at common musters, who shall, on any Sunday or
6 Christmas day in the year, go and resort to any church or any other
7 public place of divine worship within this Province , and shall not carry
8 with him a gun or a pair of horse pistols, in good order and fit for service,
9 with at least six charges of gun- powder and ball , and shall not carry the
10 same into the church or other place of divine worship as aforesaid, every
11 such person shall forfeit and pay the sum of twenty shillings, current
12 money, for every neglect of the same...¹⁰¹ [emphasis added]

13 101. Virginia, 1619: This mandatory church attendance law also required
14 “all suche as beare armes shall bring their pieces swords, poudre and shotte.” There
15 was a three shillings fine for failing to be armed at church.¹⁰²

16 102. It is certainly true that these mandatory “bring your guns to church”
17 laws were in response to fear of attack by Indians or slaves, depending on the
18 colony and year. Of course, things are no different now; bloodthirsty monsters still
19 attack houses of worship, in the hopes that no one will shoot back.

20 **P. Banks**

21 103. (a)(23): “A financial institution or parking area under the control of a
22 financial institution.” I have never seen such a law in the time period. Banks may
23 have had their own rules on this, but private business rules are not laws.

24 **Q. Private Businesses**

25 104. (a)(26): “Any other privately owned commercial establishment that is
26 open to the public, unless the operator of the establishment clearly and
27 conspicuously posts a sign at the entrance of the building or on the premises
28 indicating that licenseholders are permitted to carry firearms on the property.”

105. There are no laws in the time period requiring a positive invitation for
persons carrying arms to enter a business. (And there are no licenses yet for
concealed carry of arms; concealed carry with a few exceptions was only prohibited
in a few states and then only starting in 1813.)

¹⁰¹ 7 STATUTES AT LARGE OF SOUTH CAROLINA 417 (1840).


¹⁰² Lyon G. Tyler, ed., NARRATIVES OF EARLY VIRGINIA, 1606-1625 273 (1907).

1 106. California is seeking not simply to allow businesses to exclude
2 licensees, but require an affirmative declaration that licensees are welcome. Could
3 California decree that unless a business had a “Blacks Allowed” sign, blacks were
4 prohibited entry? Yes, this would be contrary to the Fourteenth Amendment but
5 following Bruen, it would also be contrary to the Second Amendment right
6 incorporated against the states through the Fourteenth Amendment.

7 **V. Summary**

8 107. California’s “sensitive places” list includes many areas where there are
9 no pre-1791 laws limiting arms possession. In some cases, not only are there no
10 laws limiting possession in those places but there are such places and no analogs.
11 And in some cases, such as religious assemblies, the legal tradition not only
12 allowed but required carrying of loaded arms.

13
14 I declare under penalty of perjury under the laws of the State of California
15 that the foregoing is true and correct and was executed on September 28, 2023, in
16 Middleton, Idaho.

17
18 
19 Clayton Cramer
20 Declarant

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CERTIFICATE OF SERVICE
IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *May, et al. v. Bonta*
Case No.: 8:23-cv-01696 CJC (ADSx)

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

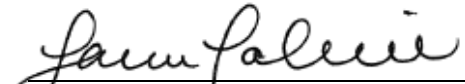
DECLARATION OF CLAYTON CRAMER IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Robert L. Meyerhoff, Deputy Attorney General
California Department of Justice
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Email: Robert.Meyerhoff@doj.ca.gov
Attorney for Defendant

I declare under penalty of perjury that the foregoing is true and correct.

Executed September 29, 2023.



Laura Palmerin

CERTIFICATE OF SERVICE