

Nos. 23-4354 and 23-4356

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**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.*

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**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

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**APPELLANT'S EXCERPTS OF RECORD  
VOLUME 7 of 11**

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January 19, 2024

*(Additional caption appears on next page)*

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

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

v.

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

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**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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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 HOLLY  
BREWER 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 Order of the Coif from the American Association of Law Schools (2008). The  
2 Order of the Coif Prize is biennial and the only book prize the American  
3 Association of Law Schools awards. A copy of my *curriculum vitae*, which includes  
4 a list of my publications and contributions, is attached as **Exhibit 1**.

5 4. Most of my other legal history scholarship relates to such topics as  
6 inheritance and land ownership, and the role of the high courts of common law  
7 England related to local decisions in the colonies and in the new United States. For  
8 more than 30 years, I have read and analyzed extensively local court records, high  
9 court records, legislative records, and other documents relating to common law  
10 courts and legal practices in England and in almost every colony and state in early  
11 America between 1607 and the 1830s. Many of my articles have also won prizes,  
12 including the prize for the best article published in the prior six years in the *William*  
13 *and Mary Quarterly*, the main journal in early American history for “Entailing  
14 Aristocracy: Ancient Feudal Restraints and Revolutionary Reform,” and most  
15 recently, the Sutherland Prize from the American Society for Legal History for  
16 “Creating a Common Law of Slavery for England and its New World Empire,”  
17 which appeared in the November 2021 issue of the *Law and History Review*.

18 5. My work on the legal status of children in early America, early modern  
19 Britain, and in the United States during the New Republic is widely assigned in law  
20 schools and by historians and also widely cited in legal academia. My work is  
21 respected as well on issues relating to citizenship and to voting. I was co-author and  
22 signatory to five amicus briefs, three for the Supreme Court, and two for a court of  
23 appeals. In the cases before the Supreme Court (*Gill v. Whitford* (2018) and *Rucho*  
24 *v. Common Cause* (2019)), which dealt with partisan gerrymandering, I was part of  
25 a panel of historians who recently contributed to a law professors’ and historians’  
26 brief in *U.S. vs. Rahimi*. I was the sole author of an amici brief for the 8th Circuit  
27 Court of Appeals in a case involving the ability of minors to carry firearms. I was  
28

1 also part of a panel of citizenship scholars in *Tuaua v. U.S.* (2014) on the question  
2 of the citizenship of those born in U.S. territories.

3 6. I have been invited to speak at many conferences on constitutional  
4 questions, including, for example, on a Presidential Panel during the summer of  
5 2023 at the Society for Historians of the Early American Republic. I gave a keynote  
6 speech at the British Legal History Association in 2017, and have given many  
7 papers at the annual conference of the American Society for Legal History. I have  
8 given invited lectures at many law schools, including Yale Law School, New York  
9 University Law School, Berkeley Law School, and Penn Law School, as well as  
10 colleges, including Oxford University and Stanford. I have participated in  
11 innumerable conferences as a panelist or as a commentator. I am a distinguished  
12 lecturer for the Organization of American Historians.

13 7. My work is read and cited by scholars across disciplines ranging from  
14 not only English and American history and law, but also political theory and  
15 philosophy. I was co-editor of the book series *Studies in Legal History*, which  
16 publishes with Cambridge University Press, for ten years, and currently chair the  
17 Membership Committee for the American Society for Legal History. I also  
18 currently chair the Littleton Griswold Prize Committee for the best book in legal  
19 history, a prize awarded by the American Historical Association, the most  
20 prestigious organization for historians. I teach classes in legal history of the early  
21 modern period, including classes on the origins of the United States Constitution  
22 and the comparative history of crime and punishment, as well as classes from the  
23 freshman to graduate levels in U.S. History.

#### 24 **RETENTION AND COMPENSATION**

25 8. I am being compensated for services performed in the above-entitled  
26 cases at an hourly rate of \$300/hour for record review and consultation, document  
27 preparation, and deposition and trial testimony. My compensation is not contingent  
28 on the results of my analysis or the substance of any testimony.

**BASIS FOR OPINIONS AND MATERIALS CONSIDERED**

1                   **BASIS FOR OPINIONS AND MATERIALS CONSIDERED**  
2           9.       The opinions I provide in this report is based on my review of the  
3 various documents filed in this lawsuit, review of the citations and relevant  
4 materials related to those citations, and my education, expertise, and research in the  
5 field of cultural, social, political and legal history. The opinions contained herein  
6 are made pursuant to a reasonable degree of professional certainty.

7           10.     I have been asked to review the claims made by Plaintiffs in the  
8 matters of *May v. Bonta* and *Carralero v. Bonta* that “California has hijacked the  
9 Supreme Court’s ‘sensitive places’ dicta to impose criminal penalties on almost all  
10 instances of the peaceable, public carry of firearms. Because California’s novel  
11 restrictions have no basis in early American laws or traditions, they are repugnant  
12 to the Constitution.” The evidence that they provide that these “sensitive places”  
13 existed then in any relevant form is deeply problematic. Our society has changed so  
14 profoundly that it is difficult to find historical analogues, particularly historical  
15 analogues of sites open to the public.

16           11.     I will focus here on the claims made about particular “sensitive places”  
17 that relate to children and where children might particularly visit: museums,  
18 libraries, playgrounds, zoos, sporting events and amusement parks.

19           12.     The *Carralero* Plaintiffs claim that these kinds of sites existed in early  
20 America, based on sources such as the websites of current societies/museums that  
21 have founding dates in the colonial era, as well as Benjamin Franklin’s circulating  
22 library. For example, they state the following on pages 14 to 15 of their brief:

23           SB2 also bans carry of firearms in any public library, see Cal. Pen. Code §  
24 26230(17), and in museums, see id. § 26230(20). There is no well-  
25 established, representative historical tradition banning firearms in these  
26 locations. Museums and libraries date back to the colonial era in the United  
27 States. For example, the Charleston Museum dates to 1773. *See About Us,*  
28 CHARLESTON MUSEUM, <https://bit.ly/3MPYhMB> (last visited Sept. 25,  
2023). The Peabody Essex Museum was founded by sea captains in Salem,  
Massachusetts in 1799 as the East India Marine Society. *See A Museum of*

1 *Art and Culture*, PEABODY ESSEX MUSEUM, <https://bit.ly/439jDtl> (last  
 2 visited Sept. 25, 2023). The Peale Center in Baltimore opened its doors in  
 3 1814. *See Our History*, THE PEALE, <https://bit.ly/41KAZvC> (last  
 4 visited May 23, 2023). New York’s first museum opened in 1804. *See About*  
 5 *Us*, N.Y.HIST. SOC’Y MUSEUM & LIBRARY, <https://bit.ly/3WkCcZF>  
 6 (last visited Sept. 25,2023). And Benjamin Franklin founded America’s first  
 7 lending library in Philadelphia in 1731. “AT THE INSTANCE OF  
 8 BENJAMIN FRANKLIN”: A BRIEF HISTORY OF THE LIBRARY  
 9 COMPANY OF PHILADELPHIA 5 (2015), <https://bit.ly/3vdBGQk>.

8 Such claims are erroneous, as they confuse private “subscription” libraries and  
 9 museums for members with those open to the public.

10 13. The well-known example of Franklin’s circulating library is an important  
 11 example of the first book-club type library—meaning an entity holding collections  
 12 of books or other reading materials that temporarily lends them out—in the  
 13 mainland colonies of what would become the United States. But it was not a public  
 14 library: it was a private club. As shown in the quoted excerpt above, the *Carralero*  
 15 Plaintiffs refer to Franklin’s private circulating library open only to private  
 16 members as a public library, then cite a source in support that begins by describing  
 17 it as a private club. That source shows clearly that it was not public. It begins with  
 18 the following sentences that describe the nature of the private club, which had  
 19 formal agreements between members.

20 On July 1, 1731, Benjamin Franklin and a number of his fellow  
 21 members of the Junto drew up “Articles of Agreement” to  
 22 found a library. The Junto was a discussion group of young men  
 23 seeking social, economic, intellectual, and political advancement. . . .  
 24 Franklin and his friends were mostly mechanics of moderate means.  
 25 None alone could have afforded a representative library. . . .  
 26 Fifty subscribers invested forty shillings each and promised to pay  
 27 ten shillings a year thereafter to buy books and maintain a shareholder’s  
 28 library. Thus “the Mother of all American Subscription Libraries” was  
 established.<sup>1</sup>

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<sup>1</sup> “*At the instance of Benjamin franklin*”: *A Brief History of the Library*  
 (continued...)



1           14. This was no public library, that is, a library open to the public where  
2 members of the public without an ownership stake can borrow books. Such public  
3 libraries did not exist at that time.<sup>2</sup> Thus, it is entirely unsurprising that there were  
4 no regulations restricting the right to bear arms covering this non-existent  
5 institution.

6           15. Likewise, there were no public museums in the Founding era. The  
7 *Carralero* Plaintiffs—citing the Museum’s current webpage, “Who are we”—claim  
8 that the Charleston Museum, founded in 1773, was a public museum. This is  
9 inaccurate. Rather, the historical record is clear that the “museum” was an offshoot  
10 of another subscription library like Franklin’s, the Charleston Library Society,  
11 founded by seventeen wealthy subscribers in 1748, to subscribe to periodicals from  
12 England. In 1773, they expanded their private collections to include objects. Thus,  
13 the Charleston Museum was not a public museum during the Founding era.<sup>3</sup>

14 Likewise, the *Carralero* Plaintiffs cite the example of the Peabody Essex Museum,  
15 founded in 1799, as a public museum, and links to their webpage. But the Peabody  
16 Essex Museum was called until 1867 the “East India Marine Society.” It was, like  
17 the others, a society with limited members. All visitors to the museum had to either

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19 *Company of Philadelphia* (Philadelphia: the Library Company, 2015), p. 1.  
20 [https://www.librarycompany.org/about/AttheInstance2015\\_98709140764695.pdf](https://www.librarycompany.org/about/AttheInstance2015_98709140764695.pdf).

21 <sup>2</sup> Modern public libraries provide services and resources far beyond this basic  
22 definition, and in these respects do not bear any resemblance at all to Benjamin  
23 Franklin’s circulating book club. Modern public libraries serve as recreational and  
24 educational centers for children, who routinely visit them with their families and  
25 schools.

26 <sup>3</sup> *Carralero* motion, pp. 14-15. The history of the founding of the Charleston  
27 Library Society is told in *A Catalog of the Books of the Charleston Library Society*  
28 (Charleston, SC: A.E. Miller, 1826).  
<https://books.google.com/books?id=8bMRAAAAIAAJ&dq=catalogue%20books%20charleston%20library%20society&pg=PR1#v=onepage&q=catalogue%20books%20charleston%20library%20society&f=false>

1 be a member or be introduced and brought by a member. It, too, was a private club  
2 with many private rules for its clientele.<sup>4</sup>

3 16. There also were no playgrounds or public zoos during the Founding  
4 era, neither in the colonies nor the new United States. The closest thing to a zoo  
5 would have been the royal zoo in London (in the Tower of London), which was  
6 open to the public in some cases and at some times, but certainly had guards and  
7 restrictions, not only to restrict and restrain visitors, but to protect the animals. It  
8 appears that this “royal menagerie” had its origins early in the medieval period, and  
9 began by housing large cats, symbols of royal power.<sup>5</sup> Being surrounded by guards  
10 and with quietly made policies, it had no need for a public statute to regulate the  
11 weapons of those who entered.<sup>6</sup> Even asking whether weapons were allowed would  
12 have seemed ridiculous at the time. Such “zoos” bear no relation to those of today  
13 subject to SB 2, which are open to the public, are routinely visited by children with  
14 their families or on educational school field trips, and host large numbers of  
15 visitors. Similarly, nothing resembling modern day playgrounds for children existed  
16 during the Founding era.

17 17. The *Carrelero* Plaintiffs additionally contend that venues analogous to  
18 stadiums, arenas and amusement parks were “widespread” during the Founding era,  
19 by making comparisons to very different kinds of institutions where children were  
20 unlikely to be present, and which would have held much smaller events.

21 \_\_\_\_\_  
22 <sup>4</sup> The *Carrelero* motion cites only the web page for the museum today, which  
23 actually makes clear, even there, that it was established as a society.  
24 <https://www.pem.org/about-pem/museum-history>. For details on who could visit,  
25 see Daniel Finamore “*Displaying the sea and defining America,*” *Journal for  
Maritime Research* 2002 4: 40–51.

26 <sup>5</sup> Carline Grigson, *Menagerie: The History of Exotic Animals in England,  
1100-1837* (Oxford: Oxford University Press, 2016).

27 <sup>6</sup> Such menageries were also, of course, across the ocean in the 1790s, no  
28 longer part of the same country.

1           18. The one purported Founding era analog to any of these places that they  
2 identify is horse races, and they cite two examples of these races in New Jersey and  
3 Virginia, respectively. Horse races were common, but with their attendees usually  
4 counted in the dozens, or possibly a hundred or more. Usually they were run on  
5 private estates, but sometimes on public greens, such as at Williamsburg in  
6 Virginia. Children might have been present occasionally, but so too would the town  
7 watch/militia be present at such public events, serving formally as a kind of  
8 security. On private estates, the crowds were doubtless even smaller, and they  
9 would have made their own rules.<sup>7</sup>

10           19. Cock-fights were another kind of event popular during the colonial and  
11 early national era, but they too would have been fought on private estates, and  
12 sometimes behind private taverns, such as the one that archeologists located behind  
13 a tavern in Williamsburg, Virginia. While doubtless a few young people attended  
14 such events, these were events, like horse races, that involved particularly the elite  
15 (and adults), and at which they gambled.<sup>8</sup>

16           20. It is not really fair to compare the limited and small sporting events of  
17 the eighteenth century, which were horse races or cock fights, to modern  
18 amusement parks and stadiums, which involve vastly more people and prominently  
19 include children as part of the crowds.

20           21. The best historical analogue to all of these sites, from public libraries  
21 to amusement parks, were the new public schools that began to be funded and built

22           <sup>7</sup> Rhys Isaac, *The Transformation of Virginia, 1740-1790* (Chapel Hill: UNC  
23 Press, 1980), 98-100.

24           <sup>8</sup> I would add that cock-fights (fights between roosters who had spears on  
25 their ankles and then fought to their death) were attended by very small crowds as  
26 compared with today's spectator sporting events. They would have been rarely  
27 attended by children. One account did acknowledge the presence of a fifteen year  
28 old: "While the bettors urged the cocks on to battle, a child of fifteen, who was near  
... leaped for joy and cried, 'Oh! it is a charming diversion!'" (p. 103). See Isaac,  
*Transformation of Virginia*, esp. 98-105.

1 in the wake of the American Revolution. The American Revolution initiated a state-  
2 led movement to provide access to education for most children, though of course it  
3 did not happen in the same way in every state, and there were racial and gender  
4 exceptions, beginning first on the level of public universities.

5 22. As these public schools began, they were in fact accompanied by  
6 relatively systematic rules barring weapons. Students attending college in this era  
7 were explicitly excluded from having to participate in the militia by most state  
8 militia statutes. They also, as one scholar has noted, still lived under the restrictive  
9 authority of colleges operating in loco parentis, which then had many harsh and  
10 restrictive regulations. Brian Jackson, *The Lingering Legacy of “In Loco*  
11 *Parentis”*: *An Historical Survey and Proposal for Reform*, 44 Vand. L. Rev. 1135  
12 (1991). Keeping and carrying of firearms were forbidden on campus at Yale  
13 College<sup>9</sup>, the University of Georgia<sup>10</sup>, the University of North Carolina<sup>11</sup>, and the  
14 University of Virginia<sup>12</sup>, reflecting the degree of authority a state institution could  
15 wield over legal infants under its care. These policies were implemented for the  
16 maintenance of public safety.

### 17 SUMMARY OF OPINIONS

18 23. There were no public libraries, museums, playgrounds, zoos,  
19 playgrounds, amusement parks or major sporting events during the colonial era.  
20

21 \_\_\_\_\_  
22 <sup>9</sup> *The Laws of Yale-College, in New-Haven, in Connecticut, Enacted by the*  
23 *President and Fellows, the Sixth Day of October, A.D. 1795*, at 26 (1800).

24 <sup>10</sup> *The Minutes of the Senatus Academicus 1799–1842*, p.73 University of  
25 Georgia Libraries (1976).

26 <sup>11</sup> Acts of the General Assembly and Ordinances of the Trustees, for the  
27 Organization and Government of the University of North Carolina 15 (1838).

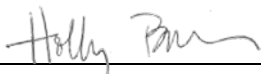
28 <sup>12</sup> University of Virginia Board of Visitors Minutes (October 4–5, 1824) 1,  
6–7 (1824), <https://encyclopediavirginia.org/entries/university-of-virginia-board-of-visitors-minutes-october-4-5-1824/>.

1 The closest analogue to these sites and events in the era of the new republic would  
2 have been new public schools, where firearm regulations often did exist.

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

5 Executed on November 1, 2023, at University Park, Maryland.

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Holly Brewer

# Exhibit 1

Curriculum Vitae

## Holly Brewer

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Personal website <http://earlymodernjustice.org/>

Database website <https://slaverylawpower.org/>

### Education

**University of California, Los Angeles** -- Ph.D. 1994

Dissertation: "Constructing Consent: How Children's Status in Political Theory Shaped Public Policy in Virginia, Pennsylvania, and Massachusetts, before and after the American Revolution."

C.Phil., 1991: Major Fields: American History, Colonial/New Republic.

Minor Fields: Early Modern British History, Political Theory.

M.A. in American History, 1989

**Harvard University** -- A.B. *Magna Cum Laude* in History and Science (Specializing in Physics and Early Modern European History), June, 1986. Undergraduate thesis: (*Magna Cum Laude*) "Madame du Chatelet and the Search for a Meta-Physics: Cartesian, Leibnizian, and Ultimately Newtonian."

### Teaching

Burke Professor of American History & Associate Professor, University of Maryland, January 2011–.

Professor, NCSU History Department, Fall 2010, Associate Professor, 2001-2010, Assistant Professor, 1994-2001.

Teaching Assistant, UCLA History Department, 1988-1992.

### Publications

#### Books & Digital History Project

*By Birth or Consent: Children, Law and the Anglo-American Revolution in Authority* for the Omohundro Institute of Early American History and Culture by the University of North Carolina Press, Chapel Hill, 2005.

–Winner of the 2008 Order of the Coif Biennial Book Award, Association of American Law Schools

–Winner of the 2006 J. Willard Hurst Prize from the Law and Society Association

–Winner of the 2006 Cromwell Prize from the American Society for Legal History

*Slavery, Law & Power: Debating Democracy and Justice in Early America and the British Empire.*

Project Director for digital history project. <https://slaverylawpower.org/>. Has received funding from the National Historic Publications and Records Commission (NHPRC) and the American Society for Legal History (ASLH).

#### Books in Progress

*The Kings' Slaves: Creating America's Plantation system*, book Ms. in progress. Contract from Princeton University Press.

*Transforming the Common Law: Domestic Authority in Early Modern Anglo-America*, accepted for publication based on prospectus (& partial ms.) by Cambridge University Press as part of their Cambridge Studies in Legal History, edited by Chris Tomlins and Michael Grossberg.

Articles

- [“Creating a Common Law of Slavery for England and its New World Empire,”](#) *Law and History Review*, 39:4 (November, 2021) 765-834.  
winner of the 2022 Sutherland Prize, American Society for Legal History
- [“The Royal Geographical Pastime: A Game from 1770,”](#) *Early American Studies*, July 2022.
- “The Myth of “Salutary Neglect”: Empire and Revolution in the long Eighteenth Century” in *Cambridge History of the Age of Atlantic Revolutions*, forthcoming Spring 2023.
- [“Not ‘Beyond the line’: Reconsidering Law & Power in the Origins of Slavery in the Early English Empire in the Americas,”](#) *Early American Studies*, 20 (4) Fall 2022, 619-639.
- Lauren Michalak, Jordan Sly, Holly Brewer, [“The Slavery, Law, and Power Project: Curating Debates over Slavery, Justice and Democracy”](#) *Scholarly Editing* 39 (April 2022). 1-12.
- [“Race and Enlightenment: The Story of a Slander”](#) *Liberties Journal*, November 2021.
- [“Hearing Nat Turner: Within the 1831 Slave Rebellion,”](#) *Law & Social Inquiry* 46(3), August 2021, 910-916.
- [“Slavery-Entangled Philosophy: Does Locke’s Entanglement with Slavery Undermine his Philosophy?”](#) AEON, September 12, 2018.
- [“Slavery, Sovereignty, and ‘Inheritable Blood’: Reconsidering John Locke and the Origins of American Slavery”](#) *American Historical Review* 122 (October 2017), 1038-1078. 15,000 views.  
--winner of the 2019 *Srinivas Aravamudan Prize* from the American Society for Eighteenth Century Studies for an article published in the previous year that pushes the boundaries, geographical and conceptual, of eighteenth-century studies by using a transnational, comparative, or cosmopolitan approach.  
--Honorable Mention for the 2019 *Clifford Prize*, American Society for Eighteenth Century Studies.
- “Constitutional Law,” in Joseph C. Miller, ed., *The Princeton Companion to Atlantic History* (Princeton: Princeton University Press, 2014), 281-285.
- [“Subjects by Allegiance to the King?: Tracing Subjects, Slaves, Suffrage and Sovereignty through the religious debates of the Early British Atlantic”](#) in Peter Onuf and Peter Thompson, eds., *State and Citizen in British America and the Early United States*, Charlottesville, University of Virginia Press, 2013, 25-51.
- [“Apprenticeship Policy in Virginia: From Patriarchal to Republican Policies of Social Welfare”](#) in *Children Bound to Labor in Early America*, ed. By Ruth Herndon and John Murray, Cornell UP, 2009, pp. 183-197.
- [“The Transformation of Domestic Law”](#) in Christopher Tomlins and Michael Grossberg, eds., *Cambridge History of Law in America*, Volume I (1580-1815), chapter 9 (Cambridge University Press, 2008).
- [“Tocqueville as Historian of the Struggle Between Democracy and Aristocracy in America,”](#) *The Tocqueville Review*, 27 (Fall, 2006), 381-402.
- [“The Historical Links between Children, Justice, and Democracy”](#) in *Hamline Journal of Law and Public Policy* (Special Issue resulting from the Conference on “Reassessing the Past, Present and Future Role of Children and Their Participation and Protection in American Law”) 28 (Fall, 2006), 339-355.
- “Children and Parents in Early America” in Daniel Vickers, ed., *Blackwell Companion to*



- Colonial American History*, Blackwell, 2005, #353.
- “Power and Authority in the Colonial South: The English Legacy and its Contradictions,” in *Britain and the American South: Encounters and Exchanges from the Colonial Times to the Present*, University of Mississippi Press, 2003.
- “Women and the Law in Colonial and Revolutionary America,” and “The Common Law” in *Women in American History*, Volume I (New York: Book Builders), Fall 2001, 6-10, 72.
- “Age of Reason? Children, Testimony and Consent in Early America,” in Christopher Tomlins and Bruce Mann, eds., *The Many Legalities of Early America*, UNC Press & Omohundro Institute of Early American History and Culture, 2001, 293-332.
- “Adventures in Teaching: A Field Trip to Colonial Williamsburg,” *Uncommon Sense*, Spring 2000, 20-32.
- “Entailing Aristocracy in Colonial Virginia: ‘Ancient Feudal Restraints’ and Revolutionary Reform,” *William and Mary Quarterly*, Third Series, 54 (1997), 307-46.
- winner of three prizes, including the Douglass Adair Memorial Award for 2000 for the best article published in the *William and Mary Quarterly* in the past six years and James L. Clifford Prize for 1998 for the best article on any aspect of eighteenth-century culture, given by the American Society for Eighteenth Century Studies
- “Beyond Education: Thomas Jefferson’s ‘Republican’ Revision of the Laws Regarding Children,” in James Gilreath, ed., *Thomas Jefferson and the Education of a Citizen: The Earth Belongs to the Living*, Library of Congress: Washington, D.C., 1999, 48-62.

### Articles in Progress

- “‘Man Stealing’ ‘Bond Slaverie & Villinage’: Reconsidering Slavery & Slave Law in Early Massachusetts and England’s Empire” *New England Quarterly*, accepted—needs revisions --
- “Marriage ‘Under the Age of Consent’: The Perils of Demography and the Power of Ideology.”

### Awards and Fellowships

#### Awards & Recognitions

- Srinivas Aravamudan award (and honorable mention for the Clifford Prize) for 2019 for “Slavery, Sovereignty, and Inheritable Blood,”* for an article that pushes the boundaries, conceptual and geographical, of Eighteenth Century Studies.
- Distinguished Lecturer for the Organization of American Historians*, 2015-present.  
<http://www.oah.org/about/oah-newsroom/new-speakers-added-to-roster-of-2015-16-distinguished-lectureship-program-speakers/>
- Biennial Book Prize of the Order of the Coif* for 2008, given by the Order of the Coif, the honor society of the Association of American Law schools for the book that "evidence[s] creative talent of the highest order" for *By Birth or Consent*.
- J. Willard Hurst Prize* for 2006, given by the Law and Society Association for the best book in sociolegal history published in 2005, for *By Birth or Consent*.
- Cromwell Prize* for 2006, given by the American Society for Legal History, for the best work in American Legal History by a junior scholar, for *By Birth or Consent*.
- Douglass Adair Memorial Award* for 2000, given by the Omohundro Institute of Early American History and Culture and the Claremont Graduate School, for the best article published in the *William and Mary Quarterly* in the past six years, for “Entailing Aristocracy in Colonial Virginia.”
- James L. Clifford Prize* for 1998 for the best article on any aspect of eighteenth-century culture, given by the American Society for Eighteenth Century Studies for “Entailing Aristocracy in Colonial Virginia.”
- Best Article published in the William and Mary Quarterly* in 1997, as chosen by the board of editors, for “Entailing Aristocracy in Colonial Virginia.” Awarded by National Society, Daughters of Colonial Wars.
- College of Humanities and Social Sciences Distinguished Research Award*, North Carolina State University,

Jeffrey L. Hansen Memorial Award for Distinguished Service to the Graduate Students Association (UCLA), 1992.

Stewart Prize for “contributing greatly to sense of Community at Harvard College,” 1985.

### **Fellowships & Scholarships**

#### **Digital Humanities Support:**

Catalyst Fund Grant, University of Maryland, to support [Slavery, Law, & Power](#), November 2022.

NHPRC (National Historic Preservation & Records Commission) grant to support the development of a digital Humanities Project [Slavery, Law, & Power](#), Dec. 2020 (for 2021) and Dec 2021 (for 2022-2023).

American Society for Legal History, small grant to support website [Slavery, Law, & Power](#), Nov. 2020.

#### **Fellowships**

William Nelson Crowell Foundation Grant to support legal history to work on my book on “The Kings’ Slaves: Creating America’s Plantation System,” for Spring, 2021.

Fellow at the Robert H. Smith International Center for Jefferson Studies at Monticello, May 2021.

Guggenheim Foundation Fellowship, 2014-2015.

Patrick Henry Writing Fellowship, C. V. Starr Center for the American Experience, Washington College, Fall, 2012.

National Humanities Center Fellowship, 2009-2010.

National Endowment for the Humanities Fellowship, 2009-2010 (concurrent)

National Endowment for the Humanities, Summer Stipend, 2008.

Scholarly Project Award, NC State, summer 2008.

Mellon Fellowship, Huntington Library, San Marino, CA, Spring, 2006.

National Endowment for the Humanities Fellowship, 1997-98.

Faculty Research and Professional Development Award, NC State, 1995.

Chancellor's Dissertation Year Fellowship (UCLA), 1992-3.

Littleton Griswold Grant, American Historical Association) for legal research, 1991-2.

Carey McWilliams Award (UCLA) for academic distinction, 1991-2.

University Fellowship (UCLA) for academic distinction, 1991-2.

Mabel Wilson Richards Scholarship (UCLA) for academic distinction, 1989-90.

Harvard College Scholarship for academic distinction, 1984-85 and 1985-86.

Elizabeth Carey Agassiz Award (Harvard) for academic distinction, 1984-85 and 1985-86.

### **Amicus Curiae (co-author and signatory)**

Brief of Amici Curiae Professors of History and Law in Support of Petitioner, *United States v. Rahimi*, No. 22-915 (U.S. Supreme Court 2023).

Brief of Amici Curiae Historian Holly Brewer in Support of Appellant and in Support of Reversal, *Worth v. Jacobson*, No. 23-2248 (8th Cir. 2023).

Brief of Amici Curiae Historians in Support of Appellees, *Rucho v. Common Cause*, Nos. 18-422, 18-726 (U.S. Supreme Court 2019).

Brief of Amici Curiae Historians in Support of Appellees, *Gill v. Whitford*, No. 16-1161, (US Supreme Court 2018).

Corrected Brief of Citizenship Scholars as Amici Curiae in Support of Appellants and Urging Reversal [at \_\_\_\_], *Tuana v. United States*, 788 F.3d 300 ,No. 13-5272,(U.S. Court of Appeals for the District of Columbia 2015).

### **Web, Newspaper, Magazine, Televised, YouTube & other public outreach (selected)**

Twitter historian since Feb 2019 @earlymodjustice. About 6,300 followers.

[Top 30 most influential Marylanders in Higher Education](#) (*Daily Record* April 29<sup>th</sup> 2022

Contributor to UK Open University’s OpenLearn platform. Long interview about Justice, Democracy, and Race for their course on “Understanding Politics.” Due to be released in summer 2022.

- [“How to Cure College’s Adjunct Addiction,”](#) *Washington Monthly*, August 4, 2021.
- [“The Divine Right of Wingnuts,”](#) *Washington Monthly*, March 23, 2021.
- [“Why Impeaching a Former President Wouldn’t have Surprised the Founders”](#) *Washington Monthly*, February 4, 2021.
- [“Can Trump’s Pardons Be Reversed”](#) with Timothy Noah, *Washington Monthly*, January 22, 2021.
- [“No, Thomas Jefferson didn’t rig the 1800 Vote Count.”](#) *Washington Monthly*, January 5, 2021 (first published on substack blog on December 31, 2020).
- [“More on that Jefferson Nonsense,”](#) on substack blog, January 5, 2021.
- [“Salutary Neglect? Reconsidering Empire”](#) for **College Board Advanced Placement in US History**, filmed October 2020, released via YouTube in November 2020 to AP students (one of a series of 8 lectures).
- [“Contextualizing Justice: John Locke and the Debates over Slavery & Absolutism in England’s Empire,”](#) Zoom lecture for the Conference on John Locke organized by Mercer University (supposed to be an in-person lecture but turned into a zoom/YouTube event in November 2020).
- [“Children in Colonial America”](#) C-Span Interview March 8, 2020.
- [“1619: Racial Slavery, Representative Democracy & . . . Empire?”](#) blog post for Society for US Intellectual History November 2019.
- [“Underrepresented Voices in the American Revolution: Hopes for Children & Women?”](#) for Massachusetts Council for Social Studies, July 2019.
- [“Slavery & the Declaration of Independence,”](#) Lancaster County Historical Society, Lancaster, Pennsylvania, May 2019.
- “Democracy as Process: Voting and Election Integrity in the Revolutionary Era” lecture at Gunston Hall (George Mason historic site), Virginia, November 2018.
- Panelist on forum on [“Civil Rights across the Centuries”](#) July, 2018 at the National Constitution Center, Philadelphia (televised and recorded):
- [“Struggling Over Democracy”](#) Society for U.S. Intellectual History Blog, Roundtable on James Kloppenberg’s *Toward Democracy: The Struggle for Self Rule in European and American Thought* (Harvard University Press, 2017), posted July 25, 2017
- [Interview about my AHR article on Locke & Slavery](#) for H-net & H-law.
- [One of ten historians](#) who participated in a roundtable at the **Smithsonian Museum of American history** to advise *US Treasury Secretary Lew* and *US Assistant secretary Rosie Rios* about the new currency, esp. the new \$10 bill and which women should be on it, but also other new bills and coins, and the meaning and purpose of currency generally, August 2015. [Here is a second](#) national press report about the roundtable:
- [“Kings as Tyrants and Enslavers: Reconsidering the Declaration of Independence through the Lens of the Original Draft,”](#) paper at the National Archives, June, 2015, part of a public presentation/conference on “Punctuating Happiness” that was jointly sponsored by the Institute for Advanced Study at Princeton and the National Archives. Here’s the [National Archives link](#) about the conference.
- Finally, here’s an article in [Perspectives on American history: the Newsmagazine of the American Historical Association](#) that summarizes and comments on my findings and on my presentation to the [“Punctuating Happiness” conference generally.](#)
- [Interview for the Society for the History of Childhood and Youth with Ryan Patrick](#) (posted April, 2015), approximately one hour on my first book and a bit about my second. Sent and posted on the main page of the Society for the History of Childhood and Youth (1700 members).

[Case 8:23-cv-01696-CJC-ADS Document 21-1 Filed 11/03/23 Page 18 of 28 Page ID #356](#)  
 “[Debating the Declaration](#)” lecture/televised and recorded webinar facilitated by the **National Humanities Center** and directed at K-12 teachers. Initial audience of 100 in September 2015 and permanently posted online.

**College Board:** Conducted televised/recorded Professional Development workshop for Advanced Placement U.S. History Teachers—Lecture and supplementary materials will reach as many as 12,000 AP U.S. History teachers on “module 2” (Colonial Period) on the new History standards (Feb, 2015).

“[Working Children](#)” for **Colonial Williamsburg Foundation**, website and interactive project on children and work in early America, consultant, 2014.

Reviewer and final editor for Website about [children in colonial London-town, Maryland](#), 2013.

Advisor for documentary film series on “History of American Law” to air possibly on public television or the History Channel.

Gilder Lehrman Foundation (K-12). Several lectures.

Older Op-Ed

with Laurie Burnham, “Disputed Elections: An American Tradition,” distributed via the History News Service 11/15/2000 to 64 newspapers and 4 wire services. Lead op-ed on Knight Ridder Tribune News Service wire on 11/17/2000. Published in at least 8 newspapers.

**Invited Presentations/Plenary Lectures:**

“*Relatively Radical: From the British Empire to the American Constitution*,” Goucher College, Constitution Day Lecture, September 2023.

“*Vice-Regal Power versus Little Parliaments in England’s Seventeenth Century Empire*,” for Conference on Parliamentary Cultures in Colonial Contexts, Jesus College, Oxford September 2023.

“*Colonial Charters & Struggles over Legal Power in 17th-Century England (on the Uses and Abuses of Legal History)*,” Conference on the Future of English and American Legal History, sponsored by the Notre Dame Law School, London, August 2023.

“*Federal Empire, Federal Republic: Legal Transformation and its limits in the New Republic*” Presidential Panel, Society for Historians of the Early American Republic, July 2023.

“*Contextualizing Justice: John Locke & the Religious Debates over Slavery, Law, and Power in England and its Empire*,” Keynote to the John Locke Society Conference, June 2023. Presented in January 2023 to the Columbia University Eighteenth Century Studies Seminar.

“*Neither King nor Justice: Locke on Power, Slavery, and Race*,” for Conference on Rethinking Locke, Oriel College, Oxford, April 2023.

“*John Locke on Power, Fashion & Injustice*” at Arizona State University, School of Civic and Economic Thought and Leadership, February 2023.

“*Property, Slavery, and Freedom: A Critique of C. B. Macpherson’s Transformative Influence Across Disciplines*” for conference on “Slavery and Slavery in Political Thought,” Oxford UK, July 2022.

“*‘Sacred rights of life and liberty’: Contests over the of Independence, British Slavery, and Structural Racism*,” International Center for Jefferson Studies (via zoom) April 29, 2021.

“*Contextualizing Justice*,” Plenary for A. V. Elliot Conference on John Locke, Mercer College, November, 2020 (via zoom).

“*Contingency, or Forks in the Road: Conclusion to my book manuscript on Slavery & Sovereignty in Early America and the British Empire*” Chicago, Empire & Atlantics Workshop (via zoom) September 2020.

“*‘How to Hide an Empire’ and Revolution(s): Illusions of Stability amidst a Turbulent Sea of Revolution in 18th c. Britain & its American Colonies*,” Chicago, Empires & Atlantics Mini-conference (via Zoom), July 24, 2020.

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- “*Suffer’d under his Tyrannie*”: Colonial Governance, feudal law, and the Iberian influence on Slavery in early America & the British empire” Yale University, Early Modern Empires Workshop, April 2019.
- “*‘Sheathed in Your Own Bowels’*”: Monarchy & Slavery Across the British Empire after the Restoration,” Plenary lecture for conference on “Rethinking the Origins of Slavery and Racism in Early America,” the 2019 Porter Fortune Symposium at the University of Mississippi, March 2019.
- “*Contextualizing Justice: John Locke and the Debates over Absolutism and Slavery in England’s Empire*” for interdisciplinary forum on “Empires and Atlantics” University of Chicago, March 2019.
- “*Contextualizing Justice: John Locke and the Debates over Absolutism and Slavery in England’s Empire*” invited lecture, Stanford Humanities Center, October 2018.
- “*Most agreeable to the monarchy under which we live’: Slavery, Power, & the Restoration*” invited lecture to the Center for the Study of Law and Society, University of California, Berkeley, School of Law, October 8, 2018.
- “*Creating a Common Law of Slavery for England and its New World Empire*” New York University Law School Legal History Colloquium, February 26, 2018.  
<http://www.law.nyu.edu/academics/colloquia/legalhistory>
- “*How England’s Kings Enslaved America*” Invited Plenary Lecture Mercer College (Georgia) February 2018 <https://afp.mercer.edu/events/2017-18/2017-18-speaker-series.cfm>
- “*Creating a Common Law of Slavery*” invited plenary for 2017 biennial meeting of the British Legal History Conference at the University College London & London School of Economics, July 2017 <http://www.laws.ucl.ac.uk/event/british-legal-history-conference>.
- “*Creating a ‘Fashion’ for Slavery in the Stuart Court(s)*,” conference on *The Pleasures of the Historical Imagination: A Conversation with John Brewer (no relation)*, Villa Salviati, European University Institute, Florence, Italy, June 2017.
- “*Slavery, Sovereignty, and ‘Inheritable Blood’*: Reconsidering John Locke and the Origins of American Slavery,” McNeil Center for Early American Studies, Summer Seminar Series, June 1, 2017.
- “*‘They being stolne’: Conflicting Views of Slavery and Governance in Early Massachusetts and the British Empire*” Massachusetts Historical Society, Partnership of the Historic Bostons reading group, June, 2017.
- “*Promises of Consent and Equality: Public Education and the American Revolution*” part of the Democracy Then & Now series of Lectures at the University of Maryland, October 2016.  
<http://dtn.umd.edu/news/watch-promises-consent-equality-public-education/>
- “*Reconsidering Slavery & Slave Law in Early Massachusetts*,” Massachusetts Historical Society on October 4, 2016.
- “*Restoring Monarchy & Establishing Slavery across England’s empire in the Americas*,” Reed College, Portland, Oregon, September 2016.
- “*‘Inheritable Blood’: Slavery and Sovereignty in Early America and the British Empire*” as plenary “Sivert O. and Majorie Allen Skotheim Lecturer” at Whitman College, Walla Walla Washington, September 2016.
- “*Creating a ‘Fashion’ for Slavery in the Stuart Court(s)*,” to the Center for Early Modern History, University of Minnesota, September 2016.
- “*Reconsidering the Ideological Origins of American Slavery: Locke’s Virginia Plan in Context*” Atlantic History Workshop, University of Minnesota, September 2016.
- Presentation on my book manuscript on “*Inheritable Blood*” at the Zuckerman Salon, University of Pennsylvania, March 2016.

- Case 8:23-cv-01696-CJC-ADS Document 21-1 Filed 11/03/23 Page 20 of 28 Page ID #358
- “*Kings as Tyrants and Enslavers: Reconsidering the Declaration of Independence through the Lens of the Original Draft*,” paper at the National Archives as part of a public presentation/conference on “Punctuating Happiness” that was jointly sponsored by the Institute for Advanced Study at Princeton and the National Archives (also see below under web/public outreach) June, 2015.
- “*Consent, Slavery, and Democracy*,” Keynote at conference on “Consent in Early America” at the Rothermere American Institute, Oxford (UK), March 2015.
- “*Slavery and Sedition*,” Triangle Early American History Seminar, co-sponsored by the Trinagle Early American History Seminar and the Triangle British History Seminar, Research Triangle, North Carolina, April 2015.
- “*Colonial America?*” two televised lectures record by College Board/AP to 12,000 AP teachers across country on new curriculum covering colonial period of American history (1607-1776). Released to public April 2015 (also see below under web/public outreach).
- “*Creating a Common Law of Slavery*” Yale Law School, October 2014.
- “*The Mysterious Death of Morgan Godwyn: Rethinking Press Censorship and the debates over slavery in the early British Empire*,” Huntington Library, invited participant at conference on the "American Republic of Letters," December, 2012.
- “*‘Twelve Judges in Scarlet’: The Seventeenth Century Contest over a common law of slavery*,” part of a panel on “Absolutism and Slavery” American Society for Legal History, St. Louis, November, 2012.
- “*‘Twelve Judges in Scarlet’: The Seventeenth Century Contest over a common law of slavery*,” University of Pennsylvania Law School, October, 2012.
- “*Slavery, Monarchy and Power in colonial America*” invited lecture as Patrick Henry Writing Fellow at the Starr Center, Washington College, September, 2012.
- “*The Mysterious Death of Morgan Godwyn: Rethinking Press Censorship and the debates over slavery in the early British empire*” Washington Area Group for Print Culture Studies, Library of Congress, September, 2012.
- “*Property in People: Making Slavery a Pillar of Capitalism via the Common Law*” invited presentation to the History Workshop at the University of Delaware, September, 2012.
- “*Twelve Judges in Scarlet: Reconsidering the Common Law Origins of Slavery*” invited presentation to the Triangle Early American History Seminar and Triangle Legal History Seminar (jointly) May 2011.
- “*Beyond Somerset: Reconsidering the Common Law Origins of Slavery*” pre-circulated paper for the Omohundro Institute Colloquium, January 2011.
- “*Slavery, Sovereignty, and 'Inheritable Blood' in the Wake of the Glorious Revolution: Rethinking the Shape of Empire*,” presentation as part of the American Origins Seminar at the Huntington Library, October, 2010.
- “*Beyond Somerset*” Keynote lecture to the British Group in Early American History (BGEAH), annual meeting, Oxford, September, 2010.
- “*Slavery, Sovereignty, and 'Inheritable Blood' in the Wake of the Glorious Revolution: Rethinking the Shape of Empire*,” invited lecture, Oxford University, February 2010.
- “*Transforming Coverture: Contesting Personal and Political authority in the common law of the early modern Anglo Atlantic, 1550-1820*” Stanford Seminar on Enlightenment and Revolution, Palo Alto, CA, January, 2010, and NYU law school, March 2010.
- “*‘Baptized, Catechized, and Bred Christians’: Tracing Subjects, Slaves, Suffrage and Sovereignty through the religious debates of the Early British Atlantic*” for conference on “State and Citizen in British America and the Early United States” Oxford, UK, April 2009.
- “*‘Baptized, Catechized, and Bred Christians’: Tracing Subjects, Slaves, Suffrage and Sovereignty through the*

religious debates of the Early British Atlantic” to the Bay Area Seminar in San Francisco, California, January 2010.

- “*Inheritable Blood: Of Slavery and Freedom, Aristocracy and Empire*” for panel on “Revolutions and the Law of Slavery” at the Organization of American Historians annual meeting, Seattle, Washington, March 2009.
- “*Slavery and 'Inheritable Blood' in the Wake of the Glorious Revolution: The Struggle over Locke's Virginia Plan of 1698*”, British Historical Studies Colloquium, Yale University, December 2008.
- “*Children's Rights, Hereditary Status, and the Constitution*” part of roundtable on “*The Origins of the Constitution: Beyond Beard*” Invited Panel for the Society of Historians of the Early American Republic, Philadelphia, July, 2008.
- “*'Inheritable Blood': The Ideological Origins of the Debate over Slavery in Virginia and the British Empire*” Atlantic Studies Seminar at the McNeil Center for Early American Studies, Philadelphia, January 2008.
- “*'Borne that Princes Subjects'? How the Religious debate over Infant Baptism Shaped the Political Debate over Consent in the Seventeenth Century Anglo-American World,*” Southern Conference on British Studies, Richmond, October, 2007.
- “*Baptized, Catechized, and Raised Christians: John Locke's 1698 Plan for Law Reform in Virginia as part of the Debates over Slavery, Education, and the Status of Subjects in the New World*” for Conference on Children and Education in the Transmission of Regional Culture, Watson-Brown Foundation/Institute for Southern Studies, Thomson, Georgia, September 2007.
- “*Marriages 'Under the Age of Consent': The Perils of Demography and the Power of Ideology*” given jointly at the Triangle Early American History Seminar and the Triangle Legal History Seminar, September 2007.
- Invited Speaker, Hurst Institute for Legal History (University of Wisconsin, Madison), July 2007.

#### **Panel Participation at Conferences (selected):**

- “[Somerset v. Stewart at 250: A Virtual Roundtable Discussion](#)” with Christopher Brown, Manisha Sinha, & Alan Taylor, American Philosophical Society, November 30, 2022.
- “Historians on the Constitution: The Past Faces the Present,” Panel at the Omohundro Institute for Early American History & Culture Annual Conference, Williamsburg, Virginia, October 2022. Moderated by Rosemarie Zagarrri (George Mason University) and featuring Kevin Arlyck (Georgetown University), Holly Brewer (University of Maryland), Andrew M. Schocket (Bowling Green State University), and Sarah L. H. Gronningsater (University of Pennsylvania)
- “[Toward an Open Access HTR program for Early Modern Paleography](#)” American Philosophical Society, June 2022.
- “The Problem of Custom in English & American Law: Slavery, Power, and Legitimacy 1619 through 1837” paper for panel on “Paper Empire” for the American Society for Legal History, November 2021.
- “[Cruel war against human nature itself: Understanding the American Revolution's Impact on Slavery within the Context of Imperial Governance](#)” paper for panel on Slavery and Race and the American Revolution, American Philosophical Society Conference on the “Meanings of Independence, October 2021.
- Panelist on roundtable on “Thinking the Empire Whole” at NACBS Vancouver, 2019.
- “Creating a fashion for slavery in the Stuart Court(s)” paper at the International Conference on Eighteenth Century Studies, Edinburgh, July 2019, and also at the Black Portraitures Conference, October 2019.
- “*Continuing Relevance of the Enlightenment,*” Panelist for Roundtable at the American Historical

Association Annual Meeting, Chicago, January 2019. #360

- “*Slavery and Power in early English America: Feudalism, Oathtaking, and the Centrality of Allegiance*” for Presidential Panel at the American Historical Association Annual Meeting on “Loyalty, Rights, Slavery and Power in Europe's New World Empires 16th-18th centuries,” Chicago, January 2019.
- “*Most agreeable to the monarchy under which we live: Slavery, Power, & the Restoration*,” for conference on “Monarchy and Modernity” at Cambridge University, Cambridge UK, January 2019.
- “*Children as a Window into Debates over Slavery in England's Seventeenth Century Empire*” for conference on “Writing History through Childhood” at Northwestern, October 2018.
- “*Adapting slavery from the Portuguese & Spanish: Creating an English 'feudal' and then property Law for England's new world empire*” for conference on “Arguing for the Rule of Law: Using the Hebrew Bible and Caricatures of Foreigners in British and Spanish America.” at Newberry Library, October 2108.
- “*Property in People and the Complexities of Capitalism*” paper for the Business History Association Conference, (Baltimore) April 2018 & for the Society for Historians of the Early American Republic, (Cleveland) July, 2018.
- “*Debating Property in People during the Seventeenth Century*” part of a panel on “Law and Intellectual history” US Intellectual History Conference, Stanford University, October, 2016.  
<http://s-usih.org/2016conference>
- “*Translating 'Slave' and 'Negro': Words, Meanings, & Legal Status in the Early English Caribbean*” for conference on Translation and Transmission in the Early Americas: The Fourth Annual Early Americanist Summit, June 2-5, 2016.  
<http://oieahc.wm.edu/conferences/supported/translation/index.html>.
- “*Creating a 'Fashion' for Slavery in the Stuart Court(s)*,” at conference on Restoration & Empire, University of Maryland, College Park, April, 2016.  
<https://restorationandbritishimperialism.wordpress.com/about-2/>.
- “*Sedition, Treason, Censorship & Slavery in England and its Empire*,” presentation at Renaissance Society of America annual meeting, Boston, March, 2016,  
<http://www.rsa.org/?page=2016Boston>.
- “*Sovereignty, Slavery & the Rights of Subjects in the Early English Empire*” at 22<sup>nd</sup> British Legal History Conference, Reading UK, July 2015.
- “*Slavery and Sedition*,” part of a panel on “Policing” at the American Society for Legal History, Denver, November 2014.
- “*Slaves as Aliens: Reconsidering the Boundaries of Subjects' Rights over Two Centuries*” Society for Historians of the Early American Republic, Baltimore, July, 2012.
- “*Performing Resistance to slavery amidst limits on freedom of the press and speech: widening our historical vision of the debates over slavery in the early British empire*” paper for the Society of Early Americanists Conference called “Triumph in my Song” University of Maryland, May, 2012.
- “*The Myth of "Salutary Neglect": Empire and Revolution in the Long Eighteenth Century*,” at the North American Conference on British Studies, November, 2011.
- “*J.R. Pole and the Historiography of Consent*,” presentation for roundtable on Pole at Society for Historians of the Early American Republic, Philadelphia, July 2011.
- “*Willing Women*” presentation for Conference on Married Women and the Law, Halifax, Nova Scotia, June 2011.
- “*Legally Bound*” for panel on Chris Tomlins' *Freedom Bound: Law, Labor, and Civic Identity*



Francisco, June 2011.

- “*Transforming Coverture: Contesting Personal and Political authority in the common law of the early modern Anglo Atlantic, 1550-1820*” American Society for Legal History Conference, Dallas, TX, November 2009.
- “*Baptized, Catechized, and Bred Christians’: Tracing Subjects, Slaves, Suffrage and Sovereignty through the religious debates of the Early British Atlantic*” at “The Early Chesapeake: Reflecting Back, Projecting Forward,” a conference supported by the Omohundro Institute at St. Mary’s City, Maryland, November, 2009.
- “*Slavery and ‘Inheritable Blood’ in the Wake of the Glorious Revolution: The Struggle over Locke’s Virginia Plan of 1698*”, given in short form at the National Association of British Studies Meeting, Cincinnati, Ohio, September, 2008 and the American Society for Legal History, Ottawa, Ontario, November 2008.
- “*Transforming the Common Law of Domestic Relations, England and America, 1550-1830*,” Berkshire Conference of Women’s Historians, Minneapolis, June, 2008.
- “*A Royalist Slave Code? Political Ideology, Lineage and Slavery in Seventeenth Century Virginia and the British Atlantic*” 14th-annual Omohundro Institute of Early American History and Culture Conference, Boston, June, 2008 (I gave the same paper at the Virginia Forum in Lynchburg, Virginia, April, 2008).
- “*William Fitzhugh’s Royalist Slave Code: Rethinking the Connections between Hereditary Status, Land, and Slavery in Seventeenth-Century Virginia*,” American Society for Legal History Conference, Baltimore, November 2006.
- “*The Historical Links between Children, Justice, and Democracy*,” Hamline University Law School, Minneapolis, for Conference on the Past, Present and Future Role of Children and their Participation and Protection in American Law, April 2006.
- “*Dependents and Independence: Reconsidering the Principles of the American Revolution*,” Consortium on the Revolutionary Era, Atlanta, March 2006.
- Forum on my book, Huntington Library, February, 2006.
- “*Tocqueville as Historian of Democracy and Aristocracy in America*,” Conference Commemorating the 200<sup>th</sup> Anniversary of Tocqueville’s Birth, Cerisy and Paris, May 2005, New Haven, September 2005.
- “*The Transformation of Domestic Law in Early America*,” Triangle Early American History Seminar, October, 2004.
- “*Perpetual Slavery, Land, and Status: Reconsidering the English Legacy of Liberty and Authority in the Colonial South*,” Triangle Early American History Seminar, March, 2003.
- “*Reconsidering the Colonial Chesapeake: Historiographic Reevaluations*,” at the Southern Historical Association, Baltimore, November, 2002.
- “*From Children’s Labor to Custody: The American Revolution and Welfare Policy in Virginia*,” for conference on “Proper and Instructive Education”: Children Bound to Labor in Early America,” McNeil Center for Early American History, Philadelphia, November, 2002.
- “*Marriage ‘under the age of Consent’: Reconsidering Women’s and Children’s lives in Seventeenth-Century Virginia and England*,” paper presented for the Jamestown Institute, Jamestown, Virginia, September, 2002.
- “*Perpetual Slavery, Land, and Status: Reconsidering the Laws of Perpetuities and their Connections to Religious and Political Ideology in Colonial America*,” American Society for Legal History, Chicago, November, 2001.
- “*Power and Authority in the Colonial South: The English Legacy and its Contradictions*,” for the 26<sup>th</sup> Annual Porter L. Fortune, Jr. History Symposium on the theme “Britain and the American South: Encounters and Exchanges from the Colonial Times to the Present” at the University of Mississippi, October, 2001.
- “*Revolutionary Ideology and the Decline in Apprenticeship: Reconsidering Welfare Policy in Virginia, 1750-*

- 1820" at a conference on "Pauper Apprenticeship in Early America," Toledo, Ohio, September, 2001.
- "*The Politics of Consent and the Legal Status of Children: The Emergence of Parental Custody in England and America, 1550-1820*," Seventh Annual Omohundro Institute of Early American History and Culture Conference, Glasgow, Scotland, July, 2001.
- with Vern Bullough, "*She Feared a Sin: Girls and Sex in Virginia and England, 1550-1820*," at the McNeil Center for Early American Studies/Omohundro Institute of Early American History and Culture Conference on Sexuality in Early America, Philadelphia, June, 2001.
- "*Understanding Intent: Children and the Transformation of Culpability in England and America, 1550-1820*," University of Pennsylvania Law School and McNeil Center for Early American Studies, September, 1999.
- "*Who Invented Kids?*," Colonial Williamsburg Symposium on "The American Family that Never Was," November, 1997.
- "*Children, Citizenship, and the American Revolution*," Organization of American Historians, San Francisco, April, 1997.
- "*Without Reason? Children, Testimony, and Consent in Early America*," Conference on the Many Legalities of Early America, Institute of Early American History and Culture, Williamsburg, November, 1996.
- "*Children and Crime: Defining Intent in Early America*," Social Science History Conference, New Orleans, October, 1996.
- "*Constructing Consent: Political Legitimacy and the Legal Status of Children in Early America*," Institute of Early American History and Culture, Williamsburg, Virginia, May, 1995.
- "*Dynamics of Politics in the Colonial South: Patriarchal Elements*," Historical Society of North Carolina, Greensboro, North Carolina, April, 1995.
- "*Confronting Rural Poverty: The Transformation of Welfare Policy in Frederick County, Virginia, 1750-1820*," Conference on After the Backcountry: Rural Life and Society in the Nineteenth-Century Valley of Virginia, Virginia Military Institute, Lexington, Virginia, March, 1995.
- "*Republican Ideology and Apprenticeship Policy in Virginia: A Shift in Social Welfare Policy?*" Social Science History Conference, Atlanta, Georgia, October, 1994.
- "*Children's Labor and Children's Citizenship: Poor Apprenticeship and the Increase of Parental Custody Rights in the New Republic*," North American Labor History Conference, Wayne State University, Detroit, Michigan, October, 1993.
- "*Limiting and Developing Individual Consent: Children and Eighteenth-Century Political Thought*," Society for the History of the Early American Republic, UNC-Chapel Hill, July 1993.
- "*Beyond Education: Thomas Jefferson's 'Republican' Revision of the Laws Regarding Children*," Conference on Thomas Jefferson and the Education of a Citizen in the American Republic, Library of Congress, Washington, D.C., May, 1993.
- "*Under the Protection of the State?: Limits on the Power of Parents and Masters Over Children 1750-1820*," Huntington Library, San Marino, California, March, 1993.
- "*'In Reasonable and Moderate Manner Only': Protecting Children from Abuse in American Courts in the Eighteenth Century*," South Central Society for 18th Century Studies, Louisiana State University, Baton Rouge, March, 1993.
- "*Why, Philip, Have Mercy!: Protection of Children from Abuse in Massachusetts, Pennsylvania and Virginia, 1750-1820*," Western Society for 18th Century Studies, University of California at Santa Barbara, February, 1993.
- "*Children in the Age of Reason: How Children's Place in Political Theory Shaped the Qualifications for Citizenship*," Midwestern Society for 18th Century Studies, Toledo, October, 1992.

Commentator (partial)

Commentator, Chair & Organizer for panel on "Vast Early America and American Exceptionalism" at AHA in New York City, January 2020.

- Commentator for panel at ASLH in Boston, November 2019.
- Commentator for panel on Capitalism and Property in the British Empire at NACBS November 2019.
- Commentator for panel on "Agitators for Citizenship in Antebellum America: Toward a New History of African American Citizenship," American Historical Association Annual Meeting, Chicago, January 2019.
- Commentator for panel on Chesapeake at Conference on Region and Nation in American Histories of Race and Slavery, co-sponsored by the Omohundro Institute of Early American History and Culture and the Smith Library at Mt. Vernon, Mt. Vernon, October 2016.
- Commentator for roundtable for book by Robert J. Cottroll "*The Long Lingered Shadow: Slavery, Race and Law in the American Hemisphere*," American Society for Legal History, October 2015.
- Commentator for panel on the "Boundaries of Citizenship in the New American Republic" at SHEAR, Philadelphia, July, 2014.
- Commentator and Chair of panel on "Women, Children, Slavery and the Law in North and South America" at the Berkshire Conference of Women's Historians, Toronto, May, 2014.
- Discussant for conference on the British Empire in the Seventeenth and Eighteenth Centuries, Huntington Library, Pasadena, January, 2010.
- Discussant for panel "Outsiders looking in" for Southern Association for Women's Historians, Columbia, South Carolina, June, 2009.
- Discussant for paper on women in early Virginia at the Symposium on Early Virginia, Charlottesville, August, 2007.
- Discussant for panel on inheritance law in Early America for Eleventh Annual Institute Conference, Santa Barbara, June 2005.
- Discussant for panel on dependence in Colonial Virginia for Eighth Annual Institute Conference, June 2002.
- Discussant for panel on Virginia and Florida in the Atlantic Economy at a Conference on the Emergence of the Atlantic Economy, Charleston, October, 1999.
- Discussant/Chair for panel on Women in the New Republic, at Society of Early Americanists Conference, Charleston, March, 1999.
- Discussant/Chair for "Children and the Law in Early America" a panel at the American Society for Legal History annual meeting, Minneapolis, October, 1997.
- Discussant for paper "Women, Economic Opportunity, and Wealth Accumulation Strategies on the Frontier," at the Economic History Association, Durham, September, 1998.

Book Reviews (selected)

- Abigail L. Swingen, *Competing Visions of Empire: Labor, Slavery, and the Origins of the British Atlantic Empire* (Yale, 2015), in *William & Mary Quarterly* 74 (2017): 808-811.
- Christopher Tomlins, *Freedom Bound: Law, Labor, and Civic Identity in Colonizing English America, 1580-186*, *Law & Society Review* (2012) 46: 651-654.
- Rhys Isaac, *Landon Carter's Uneasy Kingdom: Revolution and Rebellion on a Virginia Plantation*, *North Carolina Historical Review*, 82 (2005), 260-261.
- Linda Sturtz, *Within Her Power: Propertied Women in Colonial Virginia*, *Virginia Magazine of History and Biography*, 112 (2004): 304-306.
- Terry Snyder, *Brabbling Women: Disorderly speech and the law in early Virginia*, *Journal of American History* 91 (2004), 991.
- Gillian Brown, *The Consent of the Governed: The Lockean Legacy in Early American Culture*, *William and Mary Quarterly*, 60 (2003), 235-238.
- Peter S. Onuf, *Jefferson's Empire: The Language of American Nationhood* for H-SHEAR, January, 2001.
- Richard A. Chused, *Private Acts in Public Places: A Social History of Divorce in the Formative Era of American Family Law*, *Law and History Review* 15 (1997), 185-8.

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 Marvin L. Michael Kay and Lorin Lee Cary Slavery in North Carolina, 1748-1775, *North Carolina Historical Review* 73 (1996), 242-3. #364

### **Professional Organizations and Responsibilities**

Littleton Griswold Prize Committee (for the best book in Legal History), American Historical Association, 2021-2024. Chair 2023-2024.  
 Council, McNeil Center for Early American History, Philadelphia, 2021--.  
 Co-Editor for American Society for Legal History book series, *Studies in Legal History*, which publishes with Cambridge University Press, 2010-2021.  
 Co-Chair of Membership Committee, American Society for Legal History, 2019--.  
 National History Center, Program Committee, committee of the American Historical Association 2014--.  
 Co-organizer, Washington Early American Seminar Series, a group that meets monthly during term time, 2011--.  
 Co-organizer, Washington Early American Seminar Mini-Conference (via zoom), October 2020.  
 Omohundro Institute [“Coffeehouse”](#) Coordinator on “Slavery, Law, & Power” April-June 2021.  
 Member of Fellowship Committee, Huntington Library, 2020/21.  
 Chair of Clifford Prize Committee, American Society for Eighteenth Century Studies, 2020 (member of that committee, 1999).  
 Council of the Omohundro Institute for Early American History and Culture, Fall 2012-2015.  
 Member of the Constitutional Revision Committee 2013-2014, Chair of Inclusive Practices sub-committee on Publications & Outreach, 2019--.  
 Chair of Website Redesign Committee for the American Society for Legal History, 2013-2014, member of that committee 2018—.  
 Member of editorial board for *Law & History Review*, 2010—.  
 Reviewer of manuscripts for UNC Press, Chicago, Yale & other presses.  
 Reviewer for National Humanities Center Fellowships 2012--.  
 Reviewer of fellowship applications for National Endowment for Humanities, 2012, 2019.  
 Co-organizer of Conference on “Restoration and Empire” with Laura Rosenthal in English, University of Maryland, College Park, April, 2016.  
 American Society for Legal History, local arrangements committee, Washington DC, 2015.  
 American Historical Association, Chair of Teaching Prize Committee, 2009-2012.  
 Co-organizer of a conference, “Political Arithmetick” of empires in the Early Modern Atlantic, a conference co-sponsored by the Omohundro Institute of Early American History and Culture and the Department of History, University of Maryland, March 17-19, 2012.  
 Coordinator of the Early Americas Workshop, a Washington area group that brings together scholars of the Americas for quarterly meetings, with support from the Kislak foundation., 2011-2012, member of board 2012-2014.  
 Organizer of the *Triangle Early American History Seminar*, a group that includes faculty and graduate students from all area universities and visiting scholars at the National Humanities Center. We met monthly to discuss our work and that of visiting scholars, 1997–2011. From Spring 2007, I co-organized with Kathleen Duval of UNC.  
 Program Committee for the Organization of American Historians Annual Meeting, Houston, 2011, member of local arrangements committee for Annual Meeting, Washington DC 2020.  
 Program Committee for the American Society for Legal History, Philadelphia 2010.  
 Board of Directors for the American Society for Legal History, 2010-2012.  
 Prize Committee for the Cromwell Dissertation Prize, American Society for Legal History, 2007, Cromwell Book Prize, 2008, 2009.  
 Prize Committee for the Biennial Order of the Coif Book Award, 2008-2009.  
 Program Committee for Thirteenth Annual Institute of Early American History and Culture Conference, Jamestown, June 2007.  
 Advisory Editorial Committee, *North Carolina Historical Review*, 2001-2004.  
 Program Committee for American Society for Legal History Annual Conference, 2003.  
 Referee for articles, *Law and History Review*, 2000--.  
 Referee for book manuscripts, University of Pennsylvania Press, University of Georgia Press, UNC Press, and others.

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 #365  
 Advisory Board, American Society for Eighteenth-Century Studies On-Line project, 2000-2001.  
 Advisory Board, H-SHEAR, 2000-2004.  
 Member, Program Board for Third Annual Institute of Early American History and Culture  
 Conference, June, 1997.  
 American Historical Association 1987--.  
 Omohundro Institute for Early American History and Culture 1990--.  
 McNeil Center for Early American History 2006--.  
 American Society for Legal History 1992--.  
 Organization of American Historians 1987--.  
 Social Science History Association 1994-5, 1996-7.  
 General Editor, *UCLA Historical Journal* 1989-93. Book review editor 1991-2.  
 Institute of Historical Research, University of London, Member, 1992--.

### **University Administrative Experience & Advising**

Elected Representative for Council of University System Faculty, University System of Maryland,  
 2021-2024.  
 Chair, Legislative Affairs Committee 2021-2022.  
 Chair, Council of University System Faculty, 2022-2023.  
 Director, Undergraduate Studies History Department, 2022--.  
 Senator for University Senate, UMD-College Park, 2019-2022.  
 Co-Chair of UMD-PACT committee on Open & Expanded Access for UMD Libraries 2020--.  
 President of UMD Chapter of AAUP American Association of University Professors) 2021-22;  
 Vice-President of AAUP (UMD Chapter 2020-2021--.  
 Member of ERG (Elections, Representation, and Governance) Committee of University Senate,  
 UMD-College Park, 2019-2021.  
 Member of Committee on Library Strategic Plan 2019-2020.  
 Director of Honors Program, Department of History, UMD, 2013-2018.  
 University Senate Library Committee, 2016-2018.  
 Search Committee in U.S. Military History, UMD, 2017-2018.  
 Summer Research Fellowship Selection Committee, UMD graduate school, spring 2017.  
 Committee on Restructuring the Graduate School, University of Maryland, 2016-2017.  
 Miller Center Board member, Department of History, UMD, 2011-2018.  
 Graduate Committee, UMD History Dept., 2012-2016 (break during 2014/2015 year).  
 Chair, Collegiate Council, College of Arts & Humanities, 2012-2014.  
 Chair, Search Committee for Associate Director of the new scholars program in "Justice and  
 Legal Thought," Fall, 2013.  
 Search Committee on America and the World, UMD History Dept., 2012-2013.  
 Undergraduate Committee, UMD History Dept., 2012-14.  
 Dean's Senior Scholar Prize Committee, UMD, 2011-2012.  
 Chair of Tenure Committee for Richard Bell, 2011-2012.  
 Chancellor's Dissertation Prize Committee Member UMD, 2011-2012.  
 Undergraduate Advisor, NC State 2002-2010 (won award for best in college, 2005).  
 Search Committee in British/British Atlantic History, NC State, 2006-7.  
 Search Committee in American Environmental History, NC State, 2003-4.  
 Search Committee in pre-1800 North American History, Duke University, 2001-2002.  
 Strategic Planning Committee (NC State), History Department, 1995-2000, 2003-2010.  
 University Bookstore Committee (NC State), 1999-2002 (Chair, 2001-2002).  
 Graduate Committee (NC State), History Department, 1995-97, 1998-2000, 2001-2003.  
 Curriculum Committee (NC State), History Department, 2001-2003, Chair 2002-2003.  
 Martin Luther King Committee (NC State), 1998-2001.  
 Taskforce on Family Leave Policy (NC State), 1999-2000.  
 Budget Committee (NC State), History Department, 1998-2000.  
 Advisor, History Club (NC State), 1996-97, 1999-2000.  
 Erika Fairchild Committee (NC State), 1996-97.

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Speakers and Ceremonies Committee (NC State), History Department, 1990-97.  
Academic Senate (UCLA), Graduate Division, Graduate Representative 1991-92, 1992-93.  
Graduate Students Association (UCLA), Forum Representative, 1989-90 and 1990-91.  
Social Science Council (UCLA), History GSA Representative, 1989-92.

### References

Professor Ruth Bloch, UCLA (emeritus), Early American History  
Professor John Brewer, California Institute of Technology (emeritus), British History  
Professor Sarah Barringer Gordon, University of Pennsylvania, Arlin M. Adams Professor of Constitutional Law and a Professor of History  
Professor Michael Grossberg, Indiana University, Bloomington, American Legal History  
Professor David Konig, Washington University in St. Louis, Early American History and Law  
Professor Bruce Mann, Carl F. Schipper, Jr. Professor of Law at Harvard Law School  
Professor Mary Beth Norton, Cornell (emeritus), Mary Donlon Alger Professor of American History  
Professor Carole Pateman, UCLA (emeritus), Political Theory  
Professor Jack Rakove, Stanford, W. R. Coe Professor of History and American Studies, Professor of Political Science, Professor, by courtesy, of Law.  
Christopher Tomlins, Elizabeth J. Boalt Professor of Law, Berkeley Law, Jurisprudence and Social Policy Program

1 ROB BONTA  
 Attorney General of California  
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 MARK R. BECKINGTON  
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 9 *Attorneys for Rob Bonta, in his Official Capacity as  
 Attorney General of the State of California*

10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
 12

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

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

**DECLARATION OF PATRICK J.  
 CHARLES 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

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





1 Supreme Court of the United States, federal Circuit Courts of Appeal, federal  
2 District Courts, and State supreme courts. A true and correct copy of my curriculum  
3 vitae is attached as **Exhibit 1** to this declaration.

4 7. For the past 13 years I have served as a historian for the United States  
5 Air Force (USAF) in several capacities, including deploying several times with  
6 Special Operations Forces (SOF) for contingency operations in Afghanistan and the  
7 Middle East. I currently serve as the Oral History and Studies Division Chief for  
8 the Air Force Historical Research Agency (AFHRA) located at Maxwell Air Force  
9 Base, Alabama, where I oversee all Department of Air Force (DAF) oral history  
10 interviews and historical studies.

11 8. This declaration was compiled and completed outside my official  
12 duties for the USAF and DAF. Moreover, the contents and opinions expressed in  
13 this declaration are solely my own, and not those of the USAF, DAF, AFHRA,  
14 Department of Defense, or the federal government.

15 **I. THE HISTORY OF “SENSITIVE PLACES” THROUGH THE NINETEENTH**  
16 **CENTURY**

17 9. For nearly five centuries in England, from the late thirteenth century  
18 through the late eighteenth century, what constituted a “sensitive place” in which  
19 arms bearing could be regulated or altogether restricted was rather broad. It  
20 encompassed densely populated areas, as well as areas where people regularly  
21 congregated for lawful purposes or conducted commerce. The text “fairs” and  
22 “markets” language contained within the 1328 Statute of Northampton makes this  
23 abundantly clear. 2 Edw. 3, c. 3 (1328) (Eng.). So too do several other English legal  
24 sources. For instance, in 1351, Edward III issued a proclamation declaring it was  
25 unlawful to “go armed” with dangerous weapons “within the City of London, or  
26 within the Suburbs, or any other places between the said city and the Palace of  
27 Westminster...except the officers of the King...” *Royal Proclamation as to the*  
28 *Wearing of Arms in the City, and at Westminster; and as to Playing at Games in the*

1 *Palace at Westminster*, MEMORIALS OF LONDON AND LIFE 268-69, 273 (H.T. Riley  
2 ed., 1868). Similarly, in John Carpenter’s 1419 treatise *Liber Albus*, it stipulates  
3 that “no one, of whatever condition he be, go armed in the said *city [of London] or*  
4 *in the suburbs*, or carry arms, by day or by night, except the va[]lets of the great  
5 lords of the land, carrying the swords of their masters in their presence, and the  
6 serjeants-at-arms of his lordship the King, of my lady the Queen, the Prince, and the  
7 other children of his lordship the King, and the officers of the City, and such  
8 persons as shall come in their company in aid of them, at their command, for saving  
9 and maintaining the said peace; under the penalty aforesaid, and the loss of their  
10 arms and armour.” JOHN CARPENTER, LIBER ALBUS: THE WHITE BOOK OF THE CITY  
11 OF LONDON (Henry Thomas Riley ed., 1861); *see also id.* at 229, 555, 556, 558,  
12 560, 580 (providing other examples denoting that going armed in densely populated  
13 public places was unlawful).

14 10. As it pertains to express restrictions on carrying dangerous weapons  
15 into specific locations, English law was relatively silent. This is because English  
16 restrictions on going armed in “sensitive places” were worded quite broadly, and  
17 therefore there was no need for the law to carve out individual locations. Churches  
18 or places of worship are one notable exception. *See* 4 Hen 4, c. 29 (1403) (“no Man  
19 be armed nor bear defensible armor to Merchant Towns Churches nor  
20 Congregations in the same, nor in the Highways, in affray of the Peace or the  
21 King’s Liege people”).

22 11. As to whether this broad, English understanding of what constituted a  
23 “sensitive place”—that is where arms bearing could be restricted—traveled across  
24 the Atlantic, local enforcement records did not survive for historical posterity, and  
25 therefore it is impossible for historians or anyone to reconstruct exactly how often,  
26 when, and where armed carriage restrictions were enforced. Most instances of legal  
27 enforcement were done at the local level, and, as a result, the records of said  
28 enforcement have been lost to time. And those records of enforcement that have

1 miraculously survived often require time consuming, archival research, not ad hoc,  
2 keyword digital searches. *See, e.g.,* Laura Edwards, *Weapons and the Peace*, DUKE  
3 CTR. FOR FIREARMS LAW (Jul. 25, 2023),  
4 <https://firearmslaw.duke.edu/2023/07/weapons-and-the-peace/>.

5 12. What the historical record does unequivocally inform is that armed  
6 carriage restrictions and the English common law against ‘going armed’ in urban  
7 and densely populated locations indeed made their way into the American Colonies  
8 and subsequent United States. *See* Patrick J. Charles, *The Faces of the Second*  
9 *Amendment Outside the Home: History Versus Ahistorical Standards of Review*, 60  
10 CLEV. ST. L. REV. 1, 31-32 (2012). Additionally, historians can state with certainty  
11 that state and local governments were well within their authority to prohibit armed  
12 assemblies circa the late eighteenth century, no matter whether said assemblies  
13 were deemed the militia or not. *See* Patrick J. Charles, *The 1792 National Militia*  
14 *Act, the Second Amendment, and Individual Militia Rights: A Legal and Historical*  
15 *Perspective*, 9 GEO. J.L. & PUB. POL’Y 323, 326,-27, 374-90 (2011); AN ACT TO  
16 PREVENT ROUTS, RIOTS, AND TUMULTUOUS ASSEMBLIES, AND THE EVIL  
17 CONSEQUENCES THEREOF, SEPTEMBER SESSION, CHAPTER VIII (Mass. 1786); AN  
18 ACT FOR THE MORE SPEEDY AND EFFECTUAL SUPPRESSION OF TUMULTS AND  
19 INSURRECTIONS IN THE COMMONWEALTH, SEPTEMBER SESSION, CHAPTER IX (Mass.  
20 1787); AN ACT TO PREVENT ROUTS, RIOTS, AND TUMULTUOUS ASSEMBLIES (N.J.  
21 1797); AN ACT TO PREVENT HUNTING WITH FIRE-ARMS IN THE CITY OF NEW-YORK,  
22 AND THE LIBERTIES THEREOF (NY 1763); AN ACT AGAINST RIOTS AND RIOTERS (Pa.  
23 1705); *see also* WILLIAM RAWLE, A VIEW OF THE CONSTITUTION OF THE UNITED  
24 STATES 126 (2d ed., 1829) (noting that the Second Amendment “ought not...in any  
25 government...be abused to the disturbance of the public peace,” which included the  
26 assembling “of persons with arms, for an unlawful purpose”). This is because it had  
27  
28

1 long been understood that any armed assemblage required the consent of  
2 government officials.<sup>1</sup>

3 13. The mid-to-late nineteenth century saw state and local governments  
4 within the United States enacting express, location specific armed carriage  
5 restrictions.<sup>2</sup> Beginning with state laws, in 1869 Tennessee enacted a law  
6 restricting the carrying of dangerous weapons into “any election...fair, race course,  
7 or other public assembly of the people.” PUBLIC STATUTES OF THE STATE OF  
8 TENNESSEE SINCE THE YEAR 1858, at 108 (James H. Shankland ed., 1871), *available*  
9 *at* <https://catalog.hathitrust.org/Record/010432413>. Not long thereafter, in 1870,  
10 Texas enacted a law restricting the carrying of dangerous weapons “into any church  
11 or religious assembly, any school-room or other place where persons assembled for  
12 educational, literary, or scientific purposes, or into a ball room, social party, or  
13 other social gathering, composed of ladies and gentlemen, or to any election  
14 precinct on the day or days of any election, where any portion of the people of this  
15 state are collected to vote at any election, or to any other place where people may  
16 be assembled to muster or to perform any other public duty, or any other public  
17 assembly...” 2 GEORGE W. PASCHAL, A DIGEST OF THE LAWS OF TEXAS:  
18 CONTAINING THE LAWS IN FORCE, AND THE REPEALED LAWS ON WHICH RIGHTS  
19 REST FROM 1864 TO 1872, at 1322 (1873), *available at*  
20 <https://catalog.hathitrust.org/Record/010448003>. That very same year, Georgia  
21 enacted a law providing that “no person in said State of Georgia be permitted or  
22 allowed to carry about his or her person any . . . pistol or revolver, or any kind of

23 <sup>1</sup> This understanding of the law goes all the way back to the 1328 Statute of  
24 Northampton. *See* 2 Edw. 3, c. 3 (1328) (Eng.); *see also* 3 CALENDAR OF CLOSE  
25 ROLLS, RICHARD II, 1385-1389, at 399-400 (May 16, 1388, Westminster) (H.C.  
Maxwell-Lyte ed., 1914); 1 CALENDAR OF CLOSE ROLLS, RICHARD II, 1377-1381, at  
34 (December 1, 1377, Westminster) (H.C. Maxwell-Lyte ed., 1914).

26 <sup>2</sup> There are, of course, a few exceptions, such as two mid-seventeenth century  
27 Maryland laws that prohibited dangerous weapons within legislative assemblies.  
28 1647 Md. Laws 216; 1650 Md. Laws 273. But other than these two Maryland laws,  
the historical record until the mid-to-late nineteenth century provides very little in  
the way of express “sensitive” locations where armed carriage could be prohibited.

1 deadly weapon, to any Court of justice, or any election ground, or precinct, or any  
2 place of public worship, or any other public gathering in this State...” ACTS AND  
3 RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA PASSED...AT  
4 THE SESSION OF 1870, at 421 (1870), *available at*  
5 <https://catalog.hathitrust.org/Record/100143502>.

6 14. In 1874, Missouri followed suit by enacting a restriction on carrying  
7 “any kind of fire-arms...or other deadly weapon” into “any place where people may  
8 be assembled for educational, literary or social purposes, or to any election precinct  
9 on any election day, or into any court-room during the sitting of court, or into any  
10 other public assemblage of persons meet for other than militia drill or meetings...”  
11 ACTS OF THE...GENERAL ASSEMBLY OF THE STATE OF MISSOURI 43 (1874),  
12 *available at* <https://catalog.hathitrust.org/Record/000534559>; *see also* LAWS OF  
13 MISSOURI: GENERAL AND LOCAL LAWS PASSED AT THE REGULAR SESSION OF THE  
14 TWENTY-EIGHTH GENERAL ASSEMBLY 50-51 (1875), *available at*  
15 <https://catalog.hathitrust.org/Record/000534559> (same). In 1883, Missouri  
16 amended the law to increase the fine. LAWS OF MISSOURI PASSED AT THE SESSION  
17 OF THE THIRTY-SECOND GENERAL ASSEMBLY 76 (1883), *available at*  
18 <https://catalog.hathitrust.org/Record/000534559>.

19 15. In 1889, Arizona enacted a law providing that “[i]f any person shall go  
20 into any church or religious assembly, any school room, or other place where  
21 persons are assembled for amusement or for educational or scientific purposes, or  
22 into any circus, show or public exhibition of any kind, or into a ball room, social  
23 party or social gathering, or to any election precinct on the day or days of any  
24 election, where any portion of the people of this Territory are collected to vote at  
25 any election, or to any other place where people may be assembled to minister or to  
26 perform any other public duty, or to any other public assembly, and shall have or  
27 carry about his person a pistol or other firearm . . . he shall be punished by a fine  
28 not less than fifty nor more than five hundred dollars, and shall forfeit to the County

1 the weapon or weapons so found on his person.” ACTS, RESOLUTIONS AND  
2 MEMORIALS OF THE FIFTEENTH LEGISLATIVE ASSEMBLY OF THE TERRITORY OF  
3 ARIZONA 30-31 (1889), *available at*  
4 <https://catalog.hathitrust.org/Record/010083734>. Then there was the state of  
5 Oklahoma, which in 1890 restricted the carrying of dangerous weapons “into any  
6 church or religious assembly, any school room or other place where persons are  
7 assembled for public worship, for amusement, or for educational or scientific  
8 purposes, or into any circus, show or public exhibition of any kind, or into any ball  
9 room, or to any social party or social gathering, or to any election, or to any place  
10 where intoxicating liquors are sold, or to any political convention, or to any other  
11 public assembly...” STATUTES OF OKLAHOMA 1890, at 495-96 (Will T. Little, L.G.  
12 Pitman, & R.J. Barker eds., 1891), *available at*  
13 <https://catalog.hathitrust.org/Record/010447936>.

14 16. In addition to the above state laws, there was an abundance of mid-to-  
15 late nineteenth century ordinances restricting the carrying of dangerous weapons in  
16 so-called “sensitive places.”<sup>3</sup> The reason that so many localities enacted these  
17 ordinances was the prevalence of the legal concept of “firearms localism”—this  
18 concept being a preference among state and local lawmakers to regulate firearms  
19 and deadly weapons more strictly at the local rather than the state level. *See* Joseph  
20 Blocher, *Firearms Localism*, 123 YALE L.J. 82, 112-16 (2013).<sup>4</sup> One example is

21 \_\_\_\_\_  
22 <sup>3</sup> *See, e.g., An Ordinance, July 9, 1891, reprinted in WACO DAILY NEWS*  
23 *(Tx), July 12, 1891, at 8 (Exhibit 2)* (“If any person shall go into any church or  
24 religious assembly, any schoolroom, or other place where persons are assembled for  
25 amusement or for educational or scientific purposes, or into any circus, show or  
26 public exhibition of any kind, or into any ball room, or social party or social  
gathering or to any election precinct on the day or the days of any election, where  
any portion of the people of the State are collected to vote at any election, or to any  
other place where people may be assembled to muster, or to perform any public  
duty, or to any other public assembly, and shall have or carry about [their] person a  
pistol or other fire-arm...[they] shall be punished by a fine...”).

27 <sup>4</sup> Many mid-to-late nineteenth century state laws and local government  
28 charters bear this out. *See, e.g., ACTS OF THE GENERAL ASSEMBLY OF THE*  
*COMMONWEALTH OF KENTUCKY 1066, 1076 (1893), available at*

(continued...)

1 that of Columbia, Missouri, which in 1890 passed an ordinance expressly  
 2 restricting the carrying of dangerous weapons “into any church, or place where  
 3 people have assembled for religious worship; or into any school room, or place  
 4 where people are assembled for educational, literary or social purposes; or into any  
 5 court room, during the sitting of court, or to any election precinct on any election  
 6 day; or into any other public assemblage of persons met for any lawful purpose...”  
 7 *Chapter XVII: Carrying Concealed Weapons—Firing Guns, Pistols, Fire Crackers,*  
 8 *Etc.*, May 22, 1890, reprinted in GENERAL ORDINANCES OF THE TOWN OF  
 9 COLUMBIA, IN BOONE COUNTY, MISSOURI 34, 35 (Lewis M. Switzler ed., 1890),  
 10 available at <https://catalog.hathitrust.org/Record/001754262>.<sup>5</sup> The Columbia

11 <https://catalog.hathitrust.org/Record/010134273> (providing all Kentucky cities “of  
 12 the third class” wide latitude to “regulate the sale of fire-arms, and to prevent the  
 13 carrying of concealed deadly weapons” and make “all police regulations to secure  
 14 and protect the general health, comfort, convenience, morals and safety of the  
 15 public”); THE LAWS OF THE STATE OF KANSAS 118, 134 (1871), available at  
 16 <https://catalog.hathitrust.org/Record/100836175> (providing all Kansas cities “of the  
 17 third class” wide latitude to “prohibit and punish the carrying of firearms or other  
 18 deadly weapons, concealed or otherwise”); LAWS OF THE STATE OF INDIANA PASSED  
 19 AT THE FIFTY-FIRST REGULAR SESSION OF THE GENERAL ASSEMBLY 201, 202  
 20 (1879), available at <https://catalog.hathitrust.org/Record/008892461> (1879 law  
 21 providing all Indiana towns the authority “to regulate or prohibit the use of  
 22 firearms, fireworks, or other things tending to endanger persons and property”);  
 23 ACTS OF TENNESSEE: EXTRAORDINARY SESSION 48, 55 (1885), available at  
 24 <https://catalog.hathitrust.org/Record/100666682> (providing the mayor and alderman  
 25 of the city of Knoxville the authority to “prevent and suppress the sale of fire-arms  
 26 and carrying of concealed weapons”); ACTS OF THE ONE HUNDRED AND TWELFTH  
 27 LEGISLATURE OF THE STATE OF NEW JERSEY AND THE FORTY-FOURTH UNDER THE  
 28 NEW CONSTITUTION 483, 501 (1888), available at  
<https://catalog.hathitrust.org/Record/010134285> (1888 law providing all New  
 Jersey towns the authority “to regulate or prohibit the use of firearms and the  
 carrying of weapons of any kind”); THE COMPLETE CODES AND STATUTES OF THE  
 STATE OF MONTANA IN FORCE JULY 1, 1895, at 424, 427 (1895), available at  
<https://catalog.hathitrust.org/Record/010447759> (providing all Montana “city or  
 town council[s]” the authority to “prevent and suppress the sale of firearms the  
 carrying of concealed weapons”); see also Patrick J. Charles, *The Fugazi Second  
 Amendment: Bruen’s Text, History, and Tradition Problem and How to Fix It*, 71  
 CLEV. ST. L. REV. 623, 662 n.256, 685 n.406 (2023) (providing more than two  
 dozen examples of firearms localism within state laws and local government  
 charters).

<sup>5</sup> See LAWS OF MISSOURI: GENERAL AND LOCAL LAWS PASSED AT THE  
 REGULAR SESSION OF THE TWENTY-NINTH GENERAL ASSEMBLY 158, 166 (1877),  
 available at <https://catalog.hathitrust.org/Record/000534559> (1877 Missouri state  
 law empowering city and town councils, such as Columbia, with the authority to

(continued...)

1 ordinance mirrored Missouri state law, and was not the only Missouri locality to do  
2 so. The localities of Gainesville (1896),<sup>6</sup> Huntsville (1894),<sup>7</sup> Leonard (1891),<sup>8</sup>  
3 Marceline (1892),<sup>9</sup> Ridgeway (1893),<sup>10</sup> Rocheport (1895\*),<sup>11</sup> and Warrensburg  
4 (1890),<sup>12</sup> all enacted similar ordinances. Meanwhile, other Missouri localities,

5  
6  
7 “prohibit and punish the carrying of firearms and other deadly weapons, concealed  
8 or otherwise”). Like Columbia, Webb City, Missouri and Huntsville, Missouri  
9 enacted similar laws. *See Ordinance No. 577: An Ordinance Defining What Shall*  
10 *constitute Misdemeanors or Offenses Against the City of Webb City, and Providing*  
11 *Penalties Therefor*, May 15, 1905, reprinted in REVISED ORDINANCES OF THE CITY  
12 OF WEBB CITY, MISSOURI, 1905, at 99, 100 (1905), available at  
<https://catalog.hathitrust.org/Record/008604358>; *An Ordinance in Relation to*  
*Carrying Deadly Weapons*, July 17, 1894, reprinted in THE REVISED ORDINANCES  
OF THE CITY OF HUNTSVILLE, MISSOURI OF 1894, at 58-59 (1894), available at  
<https://everytownlaw.org/documents/2022/12/huntsville-mo-1894.pdf/>.

13 <sup>6</sup> *Ordinances, of the Incorporation of the Town of Gainesville*, May 26, 1896,  
14 reprinted in OZARK COUNTY NEWS (Gainesville, MO), June 4, 1896, at 1 (**Exhibit**  
15 **3**) (“It shall be unlawful for any person...to go into any public gathering or place  
16 where people are assembled for any lawful purpose, with any kind of fire-arms...or  
17 other deadly weapon...”).

18 <sup>7</sup> *An Ordinance in Relation to Carrying Deadly Weapons*, July 17, 1894,  
19 reprinted in THE REVISED ORDINANCES OF THE CITY OF HUNTSVILLE, MISSOURI OF  
20 1894, at 58-59 (1894), available at  
<https://everytownlaw.org/documents/2022/12/huntsville-mo-1894.pdf/>.

21 <sup>8</sup> *Ordinance No. 23: Ordinance Concerning the Carrying of Deadly*  
22 *Weapons*, July 6, 1891, reprinted in SHELBY COUNTY HERALD (Shelbyville, MO),  
23 July 29, 1891, at 4 (**Exhibit 4**).

24 <sup>9</sup> *Ordinance No. 9*, September 12, 1892, reprinted in MARCELINE JOURNAL-  
25 MIRROR (MO), October 28, 1892, at 8 (**Exhibit 5**).

26 <sup>10</sup> *Town Ordinance No, XXVIII: An Ordinance in Relation to Misdemeanors*,  
27 April 3, 1893, reprinted in RIDGEWAY JOURNAL (MO), April 6, 1893, at 4 (**Exhibit**  
28 **6**).

<sup>11</sup> *An Ordinance: Misdemeanors*, undated, reprinted in ROCHEPORT  
COMMERCIAL (MO), September 20, 1895, at 8 (**Exhibit 7**) (“If any person shall  
carry concealed upon or about his person any deadly or dangerous weapon, or shall  
go into any court, or into any public assemblage of persons met for a lawful  
purpose, having upon or about his person any kind of fire arms...or other deadly  
weapon...shall be deemed guilty of a misdemeanor...”). The asterisks next to  
Exhibits 7, 10, and 20 indicate that the actual date that the respective ordinances  
were enacted is unknown, but because those ordinances appeared in print for those  
respective years, it is assumed those are the years of enactment (or at least no later  
than that year).

<sup>12</sup> *Concealed or Deadly Weapons*, June 5, 1890, reprinted in JOHNSON  
COUNTY STAR (Warrensburg, MO), June 7, 1890, at 4 (**Exhibit 8**).



1 including Collins (1887),<sup>13</sup> Craig (1880\*),<sup>14</sup> Cuba (1881),<sup>15</sup> Granby (1873)<sup>16</sup> just to  
2 name a few, enacted ordinances restricting the carrying of dangerous weapons  
3 within their “corporate” or “incorporate” limits, whether such carrying was open,  
4 concealed, or both. This meant that the carrying of dangerous weapons within these  
5 localities’ commercial and public epicenters was legally deemed off limits.

6 17. Localities throughout the state of Kansas enacted similar ordinances.  
7 Indeed, in the case of Stockton, Kansas, persons were prohibited from carrying  
8 dangerous weapons “into any church or place where the people have assembled for  
9 public worship, or into any school room or place where people have assembled for  
10 educational, literary or social purposes, or to any election on any election day, or  
11 into any court room during the sitting of court, or into any other public assemblage  
12 of persons ...or shall go upon the public streets or public places of the city...”  
13 *Ordinance No. 76: An Ordinance Prohibiting Deadly Weapons*, July 1, 1887,  
14 *reprinted in* STOCKTON REVIEW AND ROOKS COUNTY RECORD (KS), July 1, 1887, at  
15 1 (**Exhibit 13**). However, most Kansas localities that enacted restrictions on the

16  
17 <sup>13</sup> *Town Ordinances: Adopted by the Board of Trustees of the Town of*  
18 *Collins, Mo.: Ordinance No. 4*, May 2, 1887, *reprinted in* OSCEOLA ADVANCE  
19 (Osceola, MO), July 7, 1887, at 4 (**Exhibit 9**) (“Any person who shall carry any  
20 concealed weapon or any revolver, pistol, knife or dirk which may not be concealed  
within the corporate limits of the town of Collins, shall...be fined...except  
however, that upon good cause shown, the board may grant a permit to any citizen  
of good reputation to carry weapons for self defense.”).

21 <sup>14</sup> *Ordinances of Craig, Mo.: Ordinance No. 8—Carrying Concealed*  
22 *Weapons*, undated, *reprinted in* CRAIG WEEKLY GAZETTE (MO), October 13, 1880,  
at 4 (**Exhibit 10**) (“Any person who shall within the corporate limits of said city of  
23 Craig, carry of have upon his person, any concealed weapon or weapons, shall be  
adjudged guilty of a misdemeanor...”).

24 <sup>15</sup> *Revised Ordinances: Ordained and Established May 24, 1881: Chapter*  
25 *VIII: Misdemeanors*, May 24, 1882, *reprinted in* CRAWFORD MIRROR (Steelville,  
26 MO), July 27, 1882, at 1 (**Exhibit 11**) (“If any person be found carrying concealed  
about his person in the corporate limits, any kind of fire arms...or other deadly  
27 weapon, within the limits of said town he shall be fined....”).

28 <sup>16</sup> *Ordinances of the Town of Granby: No. 8: An Ordinance Concerning the*  
*Carrying of Weapons*, October 30, 1873, *reprinted in* GRANBY MINER (Granby,  
MO), November 1, 1873, at 2 (**Exhibit 12**) (“That any person within the corporate  
limits of the town of Granby who shall be found carrying, either openly or  
concealed, any pistol...or any other offensive weapon...shall be fined...”).

1 carrying of dangerous weapons in “sensitive places” did so by making their entire  
2 “corporate” or “incorporate” area off limits, whether such carrying was open,  
3 concealed, or both. Abilene (1870),<sup>17</sup> Arkansas City (1885),<sup>18</sup> Beloit (1872),<sup>19</sup>  
4 Caldwell (1885),<sup>20</sup> Coolidge (1886),<sup>21</sup> Elk City (1898),<sup>22</sup> Harper (1887\*),<sup>23</sup> Howard

6  
7 <sup>17</sup> *An Ordinance Relating to the Carrying of Fire Arms and Other Deadly*  
8 *Weapons*, to take effect on May 20, 1870, *reprinted in* ABILENE WEEKLY  
9 *CHRONICLE* (KS), May 12, 1870, at 1 (**Exhibit 14**) (“That any person who shall  
10 carry, within the limits of the town of Abilene, or commons, a pistol, revolver...or  
11 other dangerous weapon...either openly or concealed, except to bring the same and  
12 forthwith to deposit it or them at their house, boarding house, store room or  
13 residence, shall be fined...”).

10 <sup>18</sup> *Ordinance No. 1*, May 11, 1885, *reprinted in* ARKANSAS CITY WEEKLY  
11 *TRAVELER* (KS), May 20, 1885, at 4 (**Exhibit 15**) (“That any person carrying any  
12 deadly or dangerous weapons, such as loaded fire-arms...or any other weapons  
13 which when used are liable to produce death or great bodily harm, unconcealed,  
14 within the corporate limits of the city” shall pay a fine of \$1 to \$10, and the  
15 carrying of said weapons “concealed” will pay a fine of \$5 to \$25).

14 <sup>19</sup> *An Ordinance in Relation to the Carrying of Fire-Arms or Other Weapons*,  
15 September 9, 1872, *reprinted in* БЕЛОIT GAZETTE (KS), September 19, 1872, at 4  
16 (**Exhibit 16**) (“That any person who shall be found within the corporate limits of  
17 this city with any revolver, pistol...or any other dangerous or deadly weapon  
18 concealed or otherwise shall be deemed guilty of a misdemeanor...”).

16 <sup>20</sup> *Revised Ordinances of the City of Caldwell*, undated, *reprinted in*  
17 *CALDWELL ADVANCE* (KS), May 4, 1885, at 2 (**Exhibit 17**) (“Any person carrying  
18 any deadly or dangerous weapon, such as firearms...or any other weapon which  
19 when used is liable to produce death or great bodily harm, unconcealed, within the  
20 corporate limits of the city” shall pay a fine of \$10 to \$100, and carrying of said  
21 weapons “concealed” will pay a fine of \$15 to \$100).

19 <sup>21</sup> *An Ordinance Concerning Offenses in the Nature of Misdemeanors*, April  
20 26, 1886, *reprinted in* BORDER RUFFIAN (Coolidge, KS), May 1, 1886, at 1  
21 (**Exhibit 18**) (“It shall be unlawful for any person or persons to display or make any  
22 improper use of any deadly weapon within the corporate limits of this city...Any  
23 person or persons, other than the duly appointed and commissioned officers of this  
24 city, or officers of this county or State, carrying concealed deadly weapons...within  
25 the corporate limits of the city, shall, upon conviction, be deemed guilty of a  
26 misdemeanor.”).

24 <sup>22</sup> *Ordinance No. 165*, March 7, 1898, *reprinted in* ELK CITY ENTERPRISE  
25 (KS), March 11, 1898, at 2 (**Exhibit 19**) (“That any person within the corporate  
26 limits of said city of Elk City who...shall carry or have on his or her person in a  
27 concealed manner, or otherwise any pistol...or any deadly weapon...shall be  
28 deemed guilty of a misdemeanor...”).

26 <sup>23</sup> *Ordinance No. 180*, undated, *reprinted in* HARPER DAILY SENTINEL (KS),  
27 August 23, 1887, at 2 (**Exhibit 20**) (“That it shall be unlawful for any person to  
28 carry any deadly or dangerous weapon, such as fire arms...within the incorporate  
limits of said city.”).

1 (1889),<sup>24</sup> Kendall (1887),<sup>25</sup> Meade Center (1885),<sup>26</sup> Mount Hope (1887),<sup>27</sup> and  
2 Scandia (1893)<sup>28</sup> are just a few examples in this regard.

3 18. Ordinances restricting the carrying of dangerous weapons in localities'  
4 entire "corporate" or "incorporate" areas were not limited to the states of Missouri  
5 and Kansas. Much like armed carriage licensing laws, Charles, *The Fugazi Second*  
6 *Amendment, supra*, at 569-65, ordinances restricting the carrying of dangerous  
7 weapons in "corporate" or "incorporate" areas proliferated across the United States  
8 during the mid-to-late nineteenth century, *id.* at 709-10. For instance, Asheville,  
9 North Carolina enacted an ordinance prohibiting the carrying of "pistols, bowie-  
10 knives, sling-shots, billeys, [and] other deadly weapons (officers excepted) within  
11 the corporate limits..." *Ordinances of the Town of Asheville*, in force as of June 1,  
12 1882, *reprinted in* ASHEVILLE WEEKLY CITIZEN (NC), June 3, 1882, at 1 (**Exhibit**  
13 **26**). Similarly, in 1874, Lake Charles, Louisiana passed an ordinance prohibiting

14 \_\_\_\_\_  
15 <sup>24</sup> *Ordinance No. 72: An Ordinance to Prevent Carrying Concealed Weapons*  
16 *and the Discharge of Firearms*, May 16, 1889, *reprinted in* CITIZEN (Howard, KS),  
17 May 22, 1889, at 3 (**Exhibit 21**).

18 <sup>25</sup> *Ordinances: Of the City of Kendall, in the County of Hamilton, State of*  
19 *Kansas*, undated, *reprinted in* KENDALL FREE PRESS (KS), March 23, 1887, at 1  
20 (**Exhibit 22**) ("It shall be unlawful for any person or persons to display or make any  
21 improper use of any deadly weapon within the corporate limits of this city...Any  
22 person or persons, other than the duly appointed and commissioned officers of this  
23 city, or officers of this county or State, carrying concealed deadly weapons...within  
24 the corporate limits of the city, shall, upon conviction, be deemed guilty of a  
25 misdemeanor.").

26 <sup>26</sup> *City Ordinances*, November 23, 1885, *reprinted in* MEADE GLOBE (Meade  
27 Center, KS), November 28, 1885, at 2 (**Exhibit 23**) (prohibiting all persons "not  
28 authorized by the laws of the United States or the state of Kansas" from carrying a  
"pistol...or other deadly weapons" within the "incorporate limits").

29 <sup>27</sup> *Ordinance No. Twelve: Peace, Good Government and Welfare*, May 4,  
30 1887, *reprinted in* MOUNT HOPE CLARION (KS), May 5, 1887, at 3 (**Exhibit 24**)  
31 (prohibiting all except officers and travelers from carrying "firearms...or other  
32 deadly weapons, concealed, within the corporate limits," and "any person under the  
33 age of twenty one years of age" from "carrying any deadly weapon, concealed or  
34 otherwise").

35 <sup>28</sup> *Ordinance No. 79*, December 27, 1893, *reprinted in* SCANDIA JOURNAL  
36 (KS), January 5, 1894, at 8 (**Exhibit 25**) (prohibiting the concealed carry of any  
37 "pistol...or other deadly weapon" within the "corporate limits" except for persons  
38 "engaged in a lawful occupation and of good moral character" who are "granted a  
permit to carry such concealed weapons").

1 the carrying of any “weapon or weapons...within the corporate limits...such as  
2 Bowie knives, pistols, revolvers, dirks...or any other dangerous weapon...” *The*  
3 *Town Council*, June 20, 1874, *reprinted in* LAKE CHARLES ECHO (Lake Charles,  
4 LA), July 18, 1894, at 4 (**Exhibit 27**). The same was true for the Pennsylvania  
5 capital city of Harrisburg, which in 1873 enacted an ordinance prohibiting the  
6 carrying of “any pistol, dirk-knife, slung-shot or deadly weapon, within the city  
7 limits...except police officers...” LOUIS RICHARDS & JAMES M. LAMBERTON, A  
8 DIGEST OF LAWS AND ORDINANCES FOR THE GOVERNMENT OF THE CITY OF  
9 HARRISBURG, PENNSYLVANIA IN FORCE AUGUST 1, A.D. 1906, at 557-58 (1906),  
10 *available at* <https://catalog.hathitrust.org/Record/100565572>.

11 19. There are other local ordinance examples.<sup>29</sup> Historically speaking,  
12 however, it is impossible to state with specificity just how many localities

13 <sup>29</sup> *See, e.g., Ordinance No. 20*, February 6, 1900, *reprinted in* WELLSTON  
14 NEWS (OK), February 9, 1900, at 4 (**Exhibit 28**) (prohibiting “within the town” of  
15 Wellston, Oklahoma the carrying of “any pistol, dirk or bowie knife or other deadly  
16 weapon” whether done in a “concealed or unconcealed manner”); *Misdemeanors:*  
17 *Chapter 12, By Laws and Ordinances*, undated, *reprinted in* LAWRENCE DEMOCRAT  
18 (Lawrenceburg, TN), July 26, 1895, at 4 (**Exhibit 29**) (“That is shall not be lawful  
19 for any person to carry about their person any pistol...or other deadly weapon  
20 within this Corporation...”); *An Ordinance Prohibiting the Carrying of Concealed*  
21 *Weapon and Fixing the Punishment Therefor*, January 23, 1895, *reprinted in* PERRY  
22 DAILY TIMES (OK), February 2, 1895, at 2 (**Exhibit 30**) (prohibiting the concealed  
23 carry of dangerous weapons across the city of Perry, Oklahoma, and all carrying of  
24 dangerous weapons within the “corporate limits”); *Will Be Enforced*, STATE RIGHTS  
25 DEMOCRAT (Albany, OR), March 9, 1894, at 3 (**Exhibit 31**) (reprint of Albany,  
26 Oregon Ordinance No. 152 prohibiting “any person or persons [from carrying] any  
27 deadly or dangerous weapons of any kind whatever in a concealed manner within  
28 the corporate limits...”); THE REVISED ORDINANCES OF PROVO CITY, UTAH 96  
(1893), *available at* <https://catalog.hathitrust.org/Record/009037720> (“Every  
person who shall wear, or carry upon his person any pistol, or other fire arm,  
slungshot, false-knuckles, bowieknife, dagger or any other dangerous or deadly  
weapon within the city limits of this city is guilty of an offence, and upon  
conviction thereof shall be liable to a fine in any sum not exceeding twenty-five  
dollars, or to be imprisoned in the city jail not exceeding twenty-five days, or to  
both fine and imprisonment.”); *Ordinances: Chapter VIII: Deadly Weapons*,  
August 11, 1891, *reprinted in* SANTA FE WEEKLY SUN (NM), August 15, 1891, at 4  
(**Exhibit 32**) (“That it shall be unlawful for any person to carry a deadly weapon,  
either concealed or unconcealed, within the limits of the city of Sante Fe, unless the  
same be carried in lawful defense of himself, his family or his property, the same  
being at the time threatened with danger, or unless by order of legal authority...”);  
*Ordinance—Continued: Chapter VII: Deadly Weapons*, undated 1891, *reprinted in*  
THE RUSTLER (Cerrillos, NM), September 11, 1891, at 5 (**Exhibit 33**) (“That it shall  
(continued...)”)

1 maintained “sensitive places” ordinances by the close of the nineteenth century.  
2 Like most local government records up to the close of the nineteenth century, many  
3 local ordinances have been lost to time. Indeed, often localities published their  
4 ordinances in local newspapers, and, in fact, it is from local newspapers that I was  
5 able to locate many “sensitive places” ordinances. But as any professional historian  
6 or archivist can attest, the records of local ordinances that have survived for  
7 historical posterity are only a fragment of the whole.

8  
9 be unlawful for any person to carry a deadly weapon, either concealed or  
10 unconcealed, within the limits of the Town of Cerrillos, unless the same be carried  
11 in lawful defense of himself, his family or his property, the same being at the time  
12 threatened with danger, or unless by order of legal authority...”; *Ordinance No.*  
13 *2133*, July 23, 1889, *reprinted in* OMAHA WORLD-HERALD (NE), August 4, 1889, at  
14 12 (**Exhibit 34**) (“It shall be unlawful for any person to wear under his clothes, or  
15 concealed about his person, any pistol or revolver, colt, billy, slug-shot, brass  
16 knuckles or knuckles of lead, dirk, dagger, or any knife resembling a bowie knife,  
17 or any other dangerous or deadly weapon within the corporate limits of Omaha.”);  
18 *Ordinance No. 11*, December 4, 1882, *reprinted in* BLACK HILLS WEEKLY JOURNAL  
19 (SD), December 8, 1882, at 1 (**Exhibit 35**) (“That is shall be, and it is hereby  
20 declared to be unlawful for any person to carry, openly or concealed, any musket,  
21 rifle, shot gun, pistol...or any other dangerous or deadly weapon within the  
22 corporate limits of the town of Rapid City, Dakota  
23 territory...me[re]...transportation from one place to another” excluded); *Ordinance*  
24 *No. 44*, May 8, 1883, *reprinted in* ARIZONA DAILY STAR (Tucson, AZ), May 19,  
25 1883, at 3 (**Exhibit 36**) (“If any person within the corporate limits if the city of  
26 Tucson carry concealed upon his person any gun, pistol, bowie-knife, dagger, or  
27 other deadly weapon, he shall be deemed guilty of... a misdemeanor”); *An*  
28 *Ordinance (No. 18): Regulating the Keeping and Bearing of Deadly Weapons*,  
August 19, 1873, *reprinted in* GALVESTON DAILY NEWS (TX), August 28, 1873, at  
4 (**Exhibit 37**) (“That any person carrying on or about his person, saddle or vehicle,  
within the corporate limits of the city of Galveston, any pistol [or other dangerous  
weapons]...for the purposes of offense or defense...unless he has reasonable  
grounds for fearing an unlawful attack on his person, and that such attack shall be  
immediate and pressing” will be a pay between \$25 and \$100); *An Ordinance to*  
*Prevent the Carrying of Arms*, April 9, 1873, *reprinted in* DAILY TIMES  
(Chattanooga, TN), April 24, 1873, at 1 (**Exhibit 38**) (“That if any person shall,  
within the corporate limits of the City of Chattanooga, either publicly or privately  
carry any dirk, sword-cane, Spanish stiletto, belt or pocket pistol, Bowie knife or  
any large knife of like form or size to a Bowie knife, brass knuckles or slung shot,  
[they] shall be deemed guilty of a misdemeanor and...shall be fined not less than  
fifty dollars and confined in the city jail not less than thirty days.”); *An Ordinance*  
*Prohibiting the Carrying of Fire Arms and Concealed Weapons*, undated, *reprinted*  
*in* NEBRASKA CITY NEWS (NE), July 7, 1869, at 3 (**Exhibit 39**) (“That it shall be,  
and it is hereby declared to be unlawful for any person to carry openly or  
concealed, any musket, rifle, shot gun, pistol...or any other dangerous or deadly  
weapons, within the corporate limits of Nebraska City,  
Nebraska...mere...transportation from one place to another” excluded).

1           20. Despite being unable to fully reconstruct the exact number “sensitive  
2 places” laws, what is known upon examining all the state and local “sensitive  
3 places” laws from a macro level is that come the mid-to-late nineteenth century  
4 state and local governments maintained the authority to restrict the carrying of  
5 dangerous weapons in a variety of “sensitive places” where people were known to  
6 congregate. Such “sensitive places” categories included 1) churches and places of  
7 worship; 2) places where large public assemblies generally took place, *i.e.*, parks,<sup>30</sup>  
8 town squares, and the like; 3) polling places and other buildings where political  
9 activity generally took place; 4) schools and institutions of higher learning; 5)  
10 places where events of amusement took place, *i.e.*, places where people congregate  
11 for large planned events; and 6) bars, clubs, social venues, or anywhere in which  
12 alcohol or psychoactive or mood altering drugs were purchased or consumed.

13           21. What historically buttresses that each of these categories were  
14 generally understood to be “sensitive places” is the fact that there is no historical  
15 evidence that informs otherwise. As far as I am aware, not one nineteenth century  
16 court of law found any of these “sensitive places” categories to be  
17 unconstitutional.<sup>31</sup> The same is true for nineteenth century legal commentary—not  
18 one said commentary calls these “sensitive places” categories into constitutional

19           <sup>30</sup> For some “park” examples, see Charles, *The Fugazi Second Amendment*,  
20 *supra*, at 710-12 and accompanying notes.

21           <sup>31</sup> In fact, the opposite is true. See *State v. Shelby*, 90 Mo. 302, 468–69 (Mo.  
22 1886); *State v. Wilforth*, 74 Mo. 528, 530–31 (Mo. 1881); *Owens v. State*, 3 Tex.  
23 App. 404 (Tex. App. 1878), reprinted in CASES ARGUED AND ADJUDGED IN THE  
24 COURT OF APPEALS OF THE STATE OF TEXAS 404–8 (Vol. 3, 1878); *Hill v. State*, 53  
25 Ga. 472, 473–75 (Ga. 1874); *English v. State*, 35 Tex. 473, 473–74, 476 (Tex.  
26 1873); *Andrews v. State*, 50 Tenn. 165, 168 (Tenn. 1871). See also *The Supreme*  
27 *Court: On Carrying Concealed Weapons*, STATE JOURNAL (Jefferson City, MO),  
28 April 12, 1878, at 2 (**Exhibit 40**) (copy of 1878 Missouri Supreme Court decision  
*State v. Reando*, upholding a constitutional challenge to the state’s “sensitive  
places” law). The case cannot be found in the Missouri Supreme Court Historical  
Database but was briefly reported in a contemporaneous issue of *The Central Law*  
*Journal*. See *Abstract of Decisions of the Supreme Court of Missouri: October*  
*Term, 1877*, 6 CENTRAL L. J. 16, 16 (1878) (“The act of the legislature prohibiting  
the conveying of fire-arms into courts, churches, etc.... is constitutional. It is a  
police regulation not in conflict with the provisions of the organic law...*State v.*  
*Reando*.”).

1 question. This is rather important because *Bruen* denotes that when it comes to the  
2 “sensitive places” doctrine a *lack* of historical evidence disputing their lawfulness  
3 *presumes* their constitutionality. 142 S. Ct. at 2133.

## 4 **II. THE HISTORY OF RESTRICTIONS ON LIQUOR AND ARMS BEARING**

5 22. All the while armed carriage licensing laws and “sensitive places”  
6 laws were spreading across the country, so too were laws regulating liquor and  
7 arms bearing. It is difficult to state with specificity when the first law restricting  
8 arms bearing and liquor came into existence in the American Colonies. *See, e.g.,*  
9 *General Court for Elections, Boston, May 28, 1679*, reprinted in 2 MILITARY  
10 OBLIGATION: THE AMERICAN TRADITION: PART 6. MASSACHUSETTS ENACTMENTS  
11 125 (1947), *available at* <https://catalog.hathitrust.org/Record/100721030>  
12 (prohibiting the bringing to any militia muster or training “any wine, strong liquor,  
13 cider, or any other inebriating” drinks). What is known is that by the mid-eighteenth  
14 century, many colonial lawmakers viewed liquor and arms bearing as a potentially  
15 dangerous combination. For instance, in 1746, New Jersey made it unlawful “to sell  
16 any strong Liquor” to any militiaman during the “Days or Times that they are  
17 obliged to appear in Arms at the Place of Mustering or Training, or within a Mile  
18 thereof, until after they are dismissed for that day”—militiamen on leave from their  
19 commanding officers excluded. *An Act for Better Settling and Regulating the*  
20 *Militia of the Colony of New-Jersey, for the Repelling of Invasion, and Suppressing*  
21 *Insurrections and Rebellions, May 8, 1746*, reprinted in ACTS OF THE GENERAL  
22 ASSEMBLY OF THE PROVINCE OF JERSEY 139, 146 (1776), *available at*  
23 <https://catalog.hathitrust.org/Record/010448351>. Similarly, in 1756, Delaware  
24 made it unlawful to “expose to sale at or Bring on any Pretence whatsoever any  
25 strong Liquor” to any militia muster or meeting. *An Act for the Establishing a*  
26 *Militia in this Government, March 24, 1756*, reprinted in 2 MILITARY OBLIGATION:  
27 THE AMERICAN TRADITION: PART 3. DELAWARE ENACTMENTS 10, 12 (1947),  
28

1 available at <https://catalog.hathitrust.org/Record/100721030>; *see also An Act for*  
2 *Regulating the Militia of the Province of Maryland*, May 22, 1756, reprinted in  
3 2 MILITARY OBLIGATION: THE AMERICAN TRADITION: PART 5. MARYLAND  
4 ENACTMENTS 83, 93 (1947), *available at*  
5 <https://catalog.hathitrust.org/Record/100721030> (prohibiting the selling, disposing,  
6 or vending of “Strong Liquor” at “any place of training or at any other Place within  
7 Five Miles of any Place of training”).

8 23. After the ratification of the Constitution, many lawmakers continued to  
9 view liquor and arms bearing as a potentially dangerous combination. *See, e.g., An*  
10 *Act for the Regulation of the Militia of New-Jersey*, June 13, 1799, reprinted in  
11 LAWS OF THE STATE OF NEW JERSEY 436, 444 (William Patterson ed., 1800),  
12 *available at* <https://catalog.hathitrust.org/Record/010448353> (“Any person, who  
13 shall bring any kind of spiritous liquors to the place of exercise, shall forfeit such  
14 liquors...”); *New Militia Law: An Act for the Regulation of the Militia of the*  
15 *Commonwealth of Pennsylvania*, April 11, 1793, reprinted in INDEPENDENT  
16 GAZETTEER (Philadelphia, PA), April 20, 1793, at 1, 4 (**Exhibit 41**) (“No company  
17 or regiment shall meet at a tavern on any of the days of exercise, nor shall march to  
18 any tavern before they are discharged, and any person who shall bring any kind of  
19 spiritous liquors to such place of training, shall forfeit such liquors so brought...”);  
20 AN ACT FOR THE BETTER REGULATION OF THE MILITIA, IF THE CITY OF BALTIMORE,  
21 PASSED BY THE LEGISLATURE OF MARYLAND, DECEMBER SESSION, 1817, at 15  
22 (1818), *available at* [https://archive.org/details/gpl\\_1337206/page/n9/mode/2up](https://archive.org/details/gpl_1337206/page/n9/mode/2up) (law  
23 prohibiting militia members from “appear[ing] drunk”). Of course, not every state  
24 enacted liquor-related arms bearing restrictions, nor did every locality effectively  
25 enforce them. But this is in part why the state militias fell into such disrepute by the  
26 mid-nineteenth century. *See, e.g., Lena London, The Militia Fine 1830-1860*, 15  
27 MILITARY AFFAIRS 133, 136 (1951) (“The excessive consumption of liquor at  
28 militia musters resulted in more than just inebriation. Disorderly conduct and riots



1 were often the outcome.”); PATRICK J. CHARLES, ARMED IN AMERICA: A HISTORY  
2 OF GUN RIGHTS FROM COLONIAL MILITIAS TO CONCEALED CARRY 79, 130 (2018)  
3 (containing historical images of the militia drinking alcohol during musters).

4 24. As for non-militia based restrictions on liquor and arms bearing, the  
5 territory of New Mexico appears to have been the forefront. Therein, in 1852, it was  
6 made unlawful for “any person” to carry “fire arms or other deadly weapons” into  
7 any “ball where Liquors are sold...” LAWS OF THE TERRITORY OF NEW MEXICO,  
8 PASSED BY THE SECOND LEGISLATIVE ASSEMBLY IN THE CITY OF SANTA FE 69  
9 (1853), *available at* <https://catalog.hathitrust.org/Record/010476920>. However, it  
10 was not until after the Civil War—after lawmakers and public officials began to  
11 increasingly witness the negative consequences of alcohol on war veterans<sup>32</sup>—that  
12 broad, general restrictions on liquor and arms bearing began to spread across the  
13 country. On the state level, Kansas (1867),<sup>33</sup> Mississippi (1878),<sup>34</sup> Missouri  
14 (1879),<sup>35</sup> Oklahoma (1890),<sup>36</sup> and Wisconsin (1883)<sup>37</sup> all enacted liquor-related  
15 arms bearing restrictions.

16 <sup>32</sup> “*Half the Time Unfit for Duty*”: Alcoholism in the Civil War, NATIONAL  
17 MUSEUM OF CIVIL WAR MEDICINE, September 2, 2021, *available at*  
<https://www.civilwarmed.org/alcoholism/>.

18 <sup>33</sup> *An Act to Prevent the Carrying of Deadly Weapons*, February 23, 1867,  
19 *reprinted in* LAWS OF THE STATE OF KANSAS 25 (1867), *available at*  
<https://catalog.hathitrust.org/Record/100836175> (prohibiting any “person under the  
influence of intoxicating drink” from carrying dangerous weapons).

20 <sup>34</sup> *Laws of the State of Mississippi: An Act to Prevent the Carrying of*  
21 *Concealed Weapons, and For Other Purposes*, February 28, 1878, *reprinted in*  
22 CLARION-LEDGER (Jackson, MS), March 13, 1878, at 3 (**Exhibit 42**) (“That it shall  
not be lawful for any person to sell to...any person intoxicated, knowing him to  
be...in a state of intoxication, any” dangerous weapons).

23 <sup>35</sup> REVISED STATUTES OF THE STATE OF MISSOURI, 1879 at 224 (1879),  
24 *available at* <https://catalog.hathitrust.org/Record/002030306> (law prohibiting any  
person from carrying any dangerous weapons “upon his person when intoxicated or  
under the influence of intoxicating drinks”).

25 <sup>36</sup> STATUTES OF OKLAHOMA 1890, *supra*, at 496 (prohibiting the carrying of  
26 dangerous weapons “to any place where intoxicating liquors are sold”).

27 <sup>37</sup> *An Act to Prohibit the Use and Sale of Pistols and Revolvers*, April 7,  
1883, *reprinted in* LAWS OF WISCONSIN 290 (1883), *available at*  
28 <https://catalog.hathitrust.org/Record/005877100> (“It shall be unlawful for any  
person in a state of intoxication, to go armed with any pistol or revolver.”).

1           25. And given the prevalence of firearms localism during the mid-to-late  
2 nineteenth century, *see supra* pp. 9-10, so too did many localities. Much like  
3 “sensitive places” and armed carriage licensing laws during this period, it is  
4 impossible to historically pinpoint just how many localities enacted ordinances  
5 governing liquor and arms bearing. Many localities made intoxication and unlawful  
6 arms bearing separate offenses, each with their own penalty or fine. Other localities,  
7 however, combined the two offenses into one. Such was the case for Grand  
8 Junction, Colorado circa 1899, which made it unlawful to not only “carry  
9 any...weapon or weapons when drunk or in a state of intoxication,” and to “sell,  
10 barter, loan or deliver any such weapon or weapons to any drunk or intoxicated  
11 person.” *Ordinance No. 83: Article VIII: Offensives Affecting the Public Safety*,  
12 June 30, 1899, *reprinted in* GRAND JUNCTION NEWS (CO), July 8, 1899, at 4, 7  
13 (Exhibit 37). In 1895, Rocheport, Missouri enacted an ordinance, prohibiting the  
14 carrying of “any...weapon upon or about [their] person when intoxicated or under  
15 the influence of intoxicating drinks...” *An Ordinance: Misdemeanors*, undated,  
16 *reprinted in* ROCHEPORT COMMERCIAL (MO), September 20, 1895, at 8 (Exhibit 7).  
17 Meanwhile, in 1891, Lyons, Kansas enacted an ordinance prohibiting the carrying  
18 of any “pistol, bowie knife, dirk or other deadly weapon” with the city limits by  
19 anyone “not engaged in any legitimate business” or “under the influence of  
20 intoxicating drink...” *Ordinance No. 179*, September 7, 1891, *reprinted in* LYONS  
21 REPUBLICAN (KS), September 10, 1891, at 4 (Exhibit 43). There are indeed other  
22 examples to point to,<sup>38</sup> but none as broad as the prohibition adopted by two of the

23           <sup>38</sup> *Town Ordinance No. 21*, August 7, 1894, *reprinted in* K COUNTY  
24 DEMOCRAT (Blackwell, OK), August 23, 1894, at 8 (Exhibit 44) (prohibiting the  
25 general carrying of dangerous weapons within the “corporate limits,” but also  
26 prohibiting all “public officers” from carrying if “under the influence of  
27 intoxicating drinks”); *An Ordinance—To Prohibit Intoxication Breach of the Peace,*  
28 *Carrying of Deadly Weapons...and to Repeal Certain Ordinances in Said City*,  
December 22, 1887, *reprinted in* WALLACE COUNTY REGISTER (KS), December 24,  
1887, at 7 (Exhibit 45) (“Any person who shall, while intoxicated be found  
carrying on his person, a pistol...or other deadly weapon, shall upon conviction be  
fined in a sum not exceeding \$100, or by imprisonment in the city jail not

(continued...)

1 country's three most populous cities—New York and Brooklyn respectively. Both  
2 enacted prohibitions on the selling, loaning, or giving of any dangerous weapon to a  
3 person that posed “any danger to [the] life” of others, which naturally would have  
4 precluded the selling, loaning, or giving of any dangerous weapons to any  
5 intoxicated persons. *See* METROPOLITAN BOARD OF HEALTH: CODE OF HEALTH  
6 ORDINANCES, AND RULES AND SANITARY REGULATIONS 52 (1866), *available at*  
7 <https://catalog.hathitrust.org/Record/008905639>; *Sanitary Code*, July 15, 1873,  
8 *reprinted in* BROOKLYN UNION (NY), August 21, 1873, at 1 (**Exhibit 47**).

9 26. As far as I am aware, not one nineteenth century legal commentator or  
10 nineteenth century court of law found any liquor-related arms bearing restriction  
11 unconstitutional. In fact, the opposite is true. *See Shelby*, 90 Mo. at 468-69; *see*  
12 *also Tipler v. State*, 57 M. 365 (1880), *reprinted in* 57 REPORTS OF CASES IN THE  
13 SUPREME COURT FOR THE STATE OF MISSISSIPPI (1880) (noting that the  
14 reasonableness exception to the state's armed carriage law could not apply to  
15 instances of “idle threats” or “the offspring of intoxication”); *Concealed Weapons:*  
16 *Judge Brannon's Decision on This Subject*, WHEELING REGISTER (WV), October  
17 15, 1883, at 1 (**Exhibit 48**) (noting that the principal purpose of most armed  
18 carriage restrictions are to prevent an “armed riot or affray,” particularly during  
19 “dangerous moments of anger or intoxication”).

### 20 **III. PLAINTIFFS' RELIANCE ON “BRING ARMS TO CHURCH” LAWS IS** 21 **HISTORICALLY MISPLACED**

22 27. From the mid-seventeenth through the late eighteenth century, it is  
23 indeed true, as the *May* Plaintiffs point out, that several American Colonies enacted  
24 laws requiring church parishioners to bring their arms to church. *See May* MPA

25  
26 \_\_\_\_\_  
27 exceeding 3 months.”); *Ordinance No. 39*, January 4, 1886, *reprinted in* DADE  
28 COUNTY ADVOCATE (Greenfield, MO), January 21, 1886, at 4 (**Exhibit 46**)  
(prohibiting the carrying of dangerous weapons by those “intoxicated, or under the  
influence of intoxicating drinks”).

1 (Dkt. No. 13-1), at 22. However, in proffering this historical evidence to the court,  
2 the *May* Plaintiffs do not present it in proper historical context.

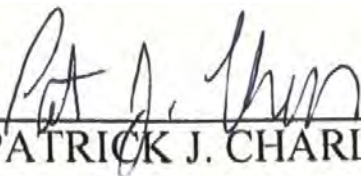
3 28. First and foremost, it must be noted that many “bring your arms to  
4 church” laws are antecedents of slavery and were principally intended to quell  
5 potential slave revolt. *See, e.g.*, 7 THE STATUTES OF LARGE OF SOUTH CAROLINA  
6 417-19 (1840) (reprint of a 1743 South Carolina law requiring white persons to  
7 bring arms to church for the “better ordering and government negroes and other  
8 slaves”); *see also* SALLY E. HADDEN, SLAVE PATROLS: LAW AND VIOLENCE IN  
9 VIRGINIA AND THE CAROLINAS 140-41 (2001). To be clear, these laws are inherently  
10 racist. For example, a 1770 Georgia law required white persons to bring arms to  
11 church for the purpose of quelling “internal dangers and insurrections.” 19 THE  
12 COLONIAL RECORDS OF THE STATE OF GEORGIA (pt. 1) 137-38 (1911). The law was  
13 an updated version of a 1757 Georgia law of a similar name that also required white  
14 persons to bring arms to church to quell “domestick insurrections.” 1 THE EARLIEST  
15 PRINTED LAWS OF THE PROVINCE OF GEORGIA, 1755-1770, at 15 (1978).

16 29. Secondly, all other ‘bring your gun to church’ laws—that is laws that  
17 were not intended to quell slave revolts or subjugate people of color—were enacted  
18 with the express purpose of training government sponsored “well regulated”  
19 militias. *See, e.g.*, 6 WILLIAM WALLER HENING, THE STATUTES AT LARGE; BEING A  
20 COLLECTION OF ALL THE LAWS OF VIRGINIA FROM THE FIRST SESSION OF THE  
21 LEGISLATURE, IN THE YEAR 1619, at 534 (1819) (1755 Virginia law declaring it will  
22 be lawful for militia officers to require all militiamen “to go armed to their  
23 respective parish churches” for training). To be clear, ‘bring your gun to church’  
24 militia laws were not ‘right to carry to church’ laws. Rather, they were compulsory  
25 laws enacted within the constitutional confines of state plenary power to call forth  
26 and muster the militia for training or internal security. *See Charles, 1792 National*  
27 *Militia Act, supra*, at 344-46, 374-90 (outlining the history of this state plenary  
28 power over the militia); *see also Presser v. Illinois*, 116 U.S. 252 (1886) (affirming

1 state plenary power to muster, assemble, and train the militia); *District of Columbia*  
2 *v. Heller*, 554 U.S. 570, 620-21 (2008) (noting that nothing in *Heller* seeks to  
3 upend *Presser*'s holding of forbidding bodies of men from marching or assembling  
4 with arms). The point is that the historical evidence, when placed in context  
5 suggests that colonial and later state governments had sufficient leeway to enact  
6 time, place, and manner restrictions when it came to public arms-bearing and armed  
7 assemblage. To interpret these 'bring your guns to church' militia laws as Plaintiffs  
8 suggest is to break the bounds of historical elasticity. It would ultimately mean that  
9 any eighteenth century law that legally compelled persons to do a particular act  
10 could make said act forever a constitutional right, and any modern law that restricts  
11 or prohibits said act is ipso facto unconstitutional. Such a utilization of history for  
12 law would create a dangerous precedent that would ultimately upend many state  
13 police powers.

14  
15 I declare under penalty of perjury under the laws of the United States of  
16 America that the foregoing is true and correct.

17 Executed on October 30, 2023, at Auburn, Alabama .

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PATRICK J. CHARLES

# Exhibit 1

PATRICK J. CHARLES

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## EDUCATION

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**Queen Mary-University of London School of Law**, LLM Legal Theory and History with Distinction, Dec 2014.  
Legal Theory and History Full Scholarship Recipient  
Peer Review Editor, Queen Mary Law Journal

**Cleveland-Marshall School of Law**, Juris Doctor, May 2009.  
2008 Judge John R. Brown Award for Legal Writing (\$10,000 award given annually to best student article, note, comment or paper in the United States)

**George Washington University**, B.A. History with Honors, International Affairs Conflict & Security,  
International Affairs European Affairs, Jun 2005.

## EXPERIENCE

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**Air Force Historical Research Agency, USAF**, Maxwell AFB, AL *Oral History and Studies Div Chief* 07/23 – Pres

**Air Force Historical Research Agency, USAF**, Maxwell AFB, AL *Lead Research Team Archivist* 04/22 – 9/23

**U.S. Special Operations Command, Legislative Affairs, USAF**, Washington, DC *Legislative Liaison* 01/21 – 4/22

**U.S. Senate, Office of U.S. Senator Martin Heinrich**, Washington, DC *Legislative Fellow* 01/20 – 01/21

**Dept of State, Office of U.S. Foreign Assistance Resources**, Washington, DC *Legislative Analyst* 07/19 - 01/20

**U.S. Special Operations Command, USAF**, MacDill AFB, FL *Senior Historian* 07/16 - 07/19

**Journal of Immigration, Asylum, and Nationality Law**, London, UK *Peer Review Editor* 09/15 - 09/18

**24th Special Operations Wing, USAF**, Hurlburt Field, FL *Historian* 08-14 - 07/16

**352nd Special Operations Group, USAF**, Mildenhall, UK *Historian* 12/10 - 08/14

**Immigration Reform Law Institute**, Washington, DC *Legal Analyst/Legal Historian* 5/09 - 12/10

**United States Marine Corps**, Shanghai, China *Sergeant/Assistant Detachment Commander* 8/97 - 8/02

## FELLOWSHIPS AND GRANTS

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United States Air Force, Air Force Legislative Fellows Program, July 2019-April 2022.

Eisenhower Foundation Research Travel Grant 2019, Dwight D. Eisenhower Presidential Library, Abilene, KS.

Carl Albert Congressional Research Center Visiting Scholars Grant 2018, University of Oklahoma, Norman, OK.

Bordin-Gillette Research Fellowship 2018, University of Michigan Bentley Historical Library, Ann Arbor, MI.

Clark-Yudkin Research Fellowship 2013-14, United States Air Force Academy Library, Colorado Springs, CO.

## BOOK PUBLICATIONS AND BOOK CHAPTERS

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“The ‘Reasonable Regulation’ Right to Arms: The Gun Rights Second Amendment Before the Standard Model,” *A Right to Bear Arms?: The Contested Role of History in Contemporary Debates on the Second Amendment*, Jennifer Tucker, Barton C. Hacker, and Margaret Vining eds. (Smithsonian Institution Press, 2019).

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“A Historian’s Assessment of the Anti-Immigrant Narrative in *NYSRPA v. Bruen*,” *Second Thoughts: A Blog from the Center for Firearms Law at Duke University*, August 4, 2021.

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“The Black Panthers, NRA, Ronald Reagan, Armed Extremists, and the Second Amendment,” *Second Thoughts: A Blog from the Center for Firearms Law at Duke University*, April 8, 2019.

“The 90th Anniversary of NRA’s First Guiding Legislative Policies and the Implications for *NYSRPA v. City of New York*,” *Second Thoughts: A Blog from the Center for Firearms Law at Duke University*, December 1, 2019.

“The Untold, Somewhat Embarrassing Story Behind the NRA’s Laudatory Messages from Presidents Roosevelt, Truman, and Eisenhower,” *Second Thoughts: A Blog from the Center for Firearms Law at Duke University*, September 23, 2019.

“The NRA is Blaming Journalists for Gun Violence,” *Slate*, May 25, 2018.

“Why Does the NRA Almost Always Win?” *Buzzfeed News*, March 23, 2018.

“Conceal-Carrying the Day: We Debated Arming More People in the 1920s as a Solution to Gun Violence. The Idea Lost then, But It’s Winning Now,” *Slate*, March 6, 2018.

“Propaganda Machinery: How the NRA Pioneered the Right-Wing Art of Demonizing the Media,” *Slate*, February 28, 2018.

“How the Gun Lobby Came to Be So Powerful,” *Newsweek*, February 16, 2018.

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“Justice Thomas Needs a History Lesson in the History of the 2nd Amendment,” *History News Network*, December 11, 2015.

“The Hollow Impact of *Moore v. Madigan* on Gun Control?” *Huffington Post*, December 12, 2012.

“The Tale of Two Second Amendments,” *Huffington Post*, September 7, 2012.

“Placing the Declaration of Independence in Historical Context: Thoughts on Educating Current and Future Generations About America’s Founding Document,” *ConSource Blog*, August 4, 2012.

Encyclopedia Entries “Second Amendment” and “Gun Control,” *Encyclopedia Britannica*, December 2010.

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#### **PUBLISHED BOOK REVIEWS**

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“Governing Immigration Through Crime: A Reader,” 28 *Journal of Immigration, Asylum, and Nationality Law* 409 (2014).

“The Latino Threat: Constructing Immigrants, Citizens, and the Nation,” 28 *Journal of Immigration, Asylum, and Nationality Law* 193 (2014).

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#### **PRESENTATIONS, PANELS, AND DEBATES**

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“5th Annual Firearms Research Works in Progress Workshop,” Texas A&M University School of Law, June 7-8, 2023.

“Debate with Stephen P. Halbrook: What Rights Does the Second Amendment Guarantee Outside the Home,” Federalist Society, November 17, 2021 (available online).

“Militias Challenge Gun Laws in Virginia: ‘It’s About Shooting Tyrants in the Face,’” *CBS News*, November 12, 2020 (available online).

“NRA Origins and 1930s Politics,” C-SPAN 3 American History TV, Washington, DC, January 3, 2020 (available online).

“A Right to Bear Arms? The Contested Role of History in Contemporary Debates on the Second Amendment,” 2020 American Historical Association Meeting, January 3, 2020.

“Jim Bohannon Show: *Armed in America* Book Talk,” *Westwood One Affiliates*, April 19, 2019 (available online).

“Law and Society Series: The Second Amendment 228 Years Later,” Riley Institute and Charleston Law Review, Charleston, SC, February 2019.

“Book Talk: History of Gun Rights in America,” National Constitution Center, Philadelphia, PA, February 2018 (available online).

“Guns in American Society,” Wesleyan University, Middletown, CT, October 2017.

“Firearms and the Common Law Tradition,” Aspen Institute, Washington, DC, September 2016.

“Fifty Years of 7th Special Operations Squadron History,” Duxford Imperial War Museum, Cambridge, UK, May 2014.

“History and the Meaning of the Constitution,” Cleveland-Marshall School of Law, Cleveland, Ohio, April 2014.

“How Much Do We Really Know About Our Gun Laws?” *NPR WBEZ 91.5 Afternoon Shift*, Chicago, IL, January 14, 2013 (available online).

“The Second Amendment is First on Our Minds,” *NPR WBEZ 91.5 Morning Shift*, Chicago, IL, January 14, 2013 (available online).

“The Second Amendment Steps Outside,” *Huffington Post Live*, New York, NY, December 12, 2012 (available online).

“The Objective Dilemma Facing State Immigration Enforcement,” Indiana University School of Law—Indianapolis Junior Faculty Workshop, Indianapolis, Indiana, March 2012.

“Does the Second Amendment Extend Outside the Home?” Cleveland-Marshall School of Law, Cleveland, Ohio, March 2012.

“Foreign Affairs Preemption and the Federal-State Spheres of Government,” St. John’s University School of Law Immigration Symposium, New York, New York, March 2012.

“The History and Evolving Conceptions of the Right to Bear Arms,” Fordham School of Law Second Amendment Symposium, New York, New York, March 2012 (available online).

“State Policy Potpourri: Some Comparative Assessments,” and “Curtailing Birthright Citizenship,” Washburn School of Law Breaching Borders Symposium, Topeka, Kansas, October 2011 (available online).

“Law Enforcement Authority to Verify Immigration Status: *Estrada v. Rhode Island*,” Law Enforcement and Public Safety Channel, Washington, District of Columbia, April 2010.

“*McDonald v. City of Chicago*: An Anglo-American Right to Arms?” Cleveland-Marshall School of Law, Cleveland, Ohio, April 2010.

“Debate with Clark M. Neilly on *McDonald v. City of Chicago*,” Akron University School of Law Federalist Society, Akron, Ohio, April 2010.

“Keynote Speaker for ‘Chamber to Chambers: Second Amendment Symposium,’” and “Panelist for ‘Who’s Right to Bear Arms?’” Northeastern University School of Law, Boston, Massachusetts, March 2010.

“Bearing Arms in the Ohio Constitution,” Cleveland-Marshall School of Law, Cleveland, Ohio, April 2008.

“Washington’s Decision: George Washington’s Decision to Reaccept Black Enlistments,” Trenton Chamber of Commerce Patriot Week, Trenton, New Jersey, December 2006.

## AWARDS

Joint Civilian Service Commendation Award, July 2019.

Allan S. Major Award for Air Force History Program Excellence, July 2016 (Air Force Level Award).

24th Special Operations Wing Supervisory Civilian of the Quarter, Civilian Category IV, July 2015.

Allan S. Major Award for Air Force History Program Excellence, July 2014 (Air Force Level Award).

352d Special Operations Group Supervisory Civilian of the Quarter, Civilian Category II, March 2013.

352d Special Operations Group Supervisory Civilian of the Quarter, Civilian Category II, March 2012.

Air Force Special Operations Command Excellence in Periodic History Award, February 2012.

Judge John R. Brown Award for Excellence in Legal Writing, August 2008 (National Award).

Certificate of Commendation, Commanding Officer, Marine Security Guard Battalion, May 2002.

Meritorious Mast, United States Marine Corps, April 2000.

Meritorious Mast, United States Marine Corps, August 1999.

Navy and Marine Corps Achievement Medal, United States Marine Corps, July 1999.

Certificate of Commendation, Commanding Officer, Marine Aviation Support Group, April 1998.

# Exhibit 2

# Unprecedented Bargains.

## Ladies Muslin Underwear.

During the next two weeks we will have on sale for a limited time the Morrison, Foster Underwear Co., of Baltimore a large invoice of assorted Muslin Underwear. The goods are **CONSIGNED** to us unadvised with the understanding that the factory supplying heavy summer underwear for fall wear during the coming months, but owing to manufacturing trouble east and west a heavy overstock is the result hence an effort to sell a southern outlet for the overproduction. Having no Middle Tennessee department and not wanting to put in a line of these goods this late in the season we to reduce the entire lot, write the firm to advise what disposition they wished made of them, and in reply they sign us in order to save their expenses of freight both ways to place the goods on sale **FOR THEIR ACCOUNT** and without a price limit for two weeks and at the expiration of the time to return them all unsold goods. The line is displayed in our windows with prices attached and offers an opportunity to buy ladies' underwear these merchandise at a minimum cost. Will be pleased to have the goods and prices compared with offerings at other houses.



Corner Eighth and Austin Streets.

## WACO FURNITURE GO.

UNDERTAKING  
COFFINS, CASKETS, SROUBS, ETC.

**AN ORDINANCE**  
 It is ordained by the city council of the city of Waco:  
 Section 1. That this public peace and order of the ordinance of the city of Waco be amended by adding Article Article 115.  
 Article 115. Any person who, in this city shall commit an aggravated assault or an aggravated assault and battery upon the person of another, shall upon conviction be fined in any case not less than twenty-five nor more than one hundred dollars, or imprisonment in the jailhouse not less than one month nor more than two years, or he have both fine and imprisonment, but not one exempt with a minimum of five months shall be included in the same sentence that he would be entitled to under the statutes of the state as a justification of his mitigation of the penalty. An aggravated assault and aggravated assault with a deadly weapon as defined in Title XV, Chapter 2 of the penal code of the state of Texas.  
 Section 2. That this ordinance shall not apply to a force team and shall not apply to a group.  
 Enacted July 9, 1921.  
 Approved: C. C. McMillen,  
 Mayor.  
 Passed: J. J. Gage, City Secretary.

By referendum, he further amended by adding Article Article 115, to read as follows:  
 Art. 115. If any person shall in this city commit an aggravated assault or an aggravated assault and battery upon the person of another, shall be fined not less than twenty-five nor more than one hundred dollars, or imprisonment in the jailhouse not less than one month nor more than two years, or he have both fine and imprisonment, but not one exempt with a minimum of five months shall be included in the same sentence that he would be entitled to under the statutes of the state as a justification of his mitigation of the penalty. An aggravated assault and aggravated assault with a deadly weapon as defined in Title XV, Chapter 2 of the penal code of the state of Texas.  
 Section 2. That this ordinance shall not apply to a force team and shall not apply to a group.  
 Enacted July 9th, 1921. Approved: C. C. McMillen,  
 Mayor.  
 Passed: J. J. Gage, City Secretary.

### Local Muslin News.

The meeting held to connect the American Overseas Bank, National Building, with the Texas Central, National and Waco is to be in a grand street car from 11:30 a. m. to the 12th of July. Mr. Cook, a friend of Waco and the Texas Central, has just been elected president of the July, 1921, and the Waco and New Orleans street car will be in 1922. Many local companies will be good times in Waco, and the Texas Central is what that building National Administration of Waco and the Waco. The meeting's success Waco really will be meeting. There will be the first American national street car will be in a short time and that makes the first.

**Special Operations.**  
 The building on North Third street, east of the corner, will be finished in a few days.

A lot of property in the corner of 11th and 12th, in the year 1921, will be for \$200 to \$300.

The 11th street building, was destroyed by fire, in the month of March, 1921, and the loss is \$100,000.

Building houses, and how in all parts of Waco. Business property that has been burned.

**For \$100 per acre - 100 acres.**  
 100's, Fourth street, Waco, Texas.

**Buy For Cash.**

Joe Hillier has some very fine building paper which he will sell at 25 cents per roll. The same quantity of this paper is sold at his office, under Hotel Royal.

**Good to a Better Place.**  
 In the morning June 28th, 1921, we were in the office at my own place in Franklin, one hour from my old home before we moved there over in 1914, 1915.  
 Joe S. Thompson.

I have for sale a splendid business building consisting of a two story brick frame in a high state of completion, with a splendid location in the middle of the city. If you want a fine home or your place. Price low, terms in cash.  
 Mr. F. H. Hinton.

Proper has the best of milk.  
 Cooper has the best of cream.  
 Cooper has the best of sausage.  
 Cooper has the best of beef.  
 Cooper has the best of veal.  
 Taylor, corner 11th and Franklin.

### A Short Address Here on the Point.

**For our Citizens.**—The machine you give your time, you reduce the tax millions, but you do not reduce the tax. We took good part in their education and we believe that we had a right to do with getting that reduction in anybody else in Waco. There are certain other things that we took part in too, all of one we are proud to be able to. We think the more of the taxes at this time to build public buildings was very ill-considered, yet you know that the cotton harvest was as big as anybody and it is the biggest in certain years. Get the idea.

Get the matter we wanted to say was that we are making a very big reduction on all our stuff. We can sell you a \$25 stove for \$16, a \$25 refrigerator for \$15—more be sold— a \$25 sewing machine for \$17.50.

We have never been undersold by any one. We can give you all the time you need. We can see a cash payment, down, the

Exhibit 2  
Page 033

# Exhibit 3





# Exhibit 4

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

**ORDINANCE NO. 23.**

**AN ORDINANCE CONCERNING THE CARRYING OF  
DEADLY WEAPONS.**

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

**SECTION 1.** If any person shall carry concealed upon or about his person any deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school-room or place where people are assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill or meetings called under the militia law of this state, having upon or about his person any kind of fire-arms, bowie-knife, dirk, dagger, slung-shot or other deadly weapon, or shall in the presence of one or more persons, exhibit any such weapons in a rude, angry or threatening manner, or shall have or carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall directly or indirectly sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall upon conviction be punished by a fine of not less than fifty nor more than two hundred dollars.

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

Passed and approved July 6th, 1891.  
T. P. MANUEL, Chairman Board of Trustees.  
I. N. WATSON, Village Clerk.

**TRUSTEE'S SALE**

# **Exhibit 5**

**ORDINANCE NO. 9.**

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

**In Relation to Miscellaneous Offenses and Their Penalties.**

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

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

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

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

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

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

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

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

**SEC. 8.** Every person who shall carry concealed upon or about his person any deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people have assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill or meetings called under the militia law of this state, having upon or about his person any kind of fire arms, bowie-knife, dagger, slung-shot, or other deadly weapon, or shall in the presence of one or more persons exhibit any such weapon in a rude or threatening manner, or shall have or carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drink, or shall directly or indirectly sell or deliver, loan or barter, to any minor any such weapon without the consent of the parent or guardian of such minor, shall, upon conviction, be punished by a fine of not less than fifty, nor more than one hundred, dollars.

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

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

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

Read three times and passed and approved this 12th day of March, 1892.

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

ATTEST: J. HEMMING, City Clerk.

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# **Exhibit 6**



deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people have assembled for educational, literary or social purposes, or to any election precinct on any election day in said village, or into any court room during the sitting of court, or into any public assemblage of persons met for any lawful purpose, other than military drill or meetings called under the military law of the state, having on or about his person any kind of fire arms, bowie knife, dirk, dagger, slung shot or other deadly weapon, or shall, in the presence of one or more persons, exhibit any such weapon in a rude, angry or threatening manner, or shall have or carry any such weapon on or about his person when intoxicated or under the influence of intoxicating drinks, or shall directly or indirectly sell or deliver, loan or barter to any minor any such weapon, without the consent of his parent or guardian, he shall, upon conviction, be adjudged guilty of a misdemeanor, and fined in a sum not less than twenty-five nor more than one hundred dollars. Provided that this section shall not apply to officers or persons whose duty it is to execute warrants or suppress breaches of the peace, nor to persons traveling peaceably through said village, not a resident of said county.

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

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



# **Exhibit 7**

**An Ordinance.**  
MISDEMEANORS.

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

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

Sec. 2. CONCEALED WEAPONS. If any person shall carry concealed upon or about his person any deadly or dangerous weapon, or shall go into any court room during the sitting of the court, or into any public assemblage of persons met for a lawful purpose, having upon or about his person any kind of fire arms, bowie knife, dirk, dagger, slunk-shot, or other deadly weapon, or shall, in the presence of one or more persons, exhibit any such weapon in a rude, angry and threatening manner, or shall have or carry any such weapon upon or

about his person when intoxicated or under the influence of intoxicating drinks; or shall, directly or indirectly, sell or deliver, loan or barter, to any minor any such weapon without the consent of the parent or guardian of such minor, he shall be deemed guilty of a misdemeanor and punished by a fine not less than ten dollars nor more than twenty-five dollars.

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

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

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

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

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

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

# Exhibit 8

Secretary.

**Concealed or Deadly Weapons.**

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

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

Sec. 1. If any person shall within this city carry concealed upon or about his person any deadly or dangerous weapon or shall go into any church or place where people have assembled for religious worship, or into any school room, or place where people are assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any Court room during the sitting of court or into any other public assemblage of persons met for any lawful purpose than for Militia drill or meetings called under the militia law of this state, having upon or about his person any kind of fire arms, bowie knife, dirk, dagger, slung shot or other deadly weapons, or shall in the presence of one or more persons, exhibit any such weapons in a rude, angry, or threatening manner or shall have or carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drinks or shall directly or indirectly sell or deliver, loan or barter, to any minor without the consent of the parents or guardian of such minor he shall upon conviction be punished by a fine of not less than fifty or more than two hundred dollars or by imprisonment not less than five days or more than six months or by both such fine and imprisonment.

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

Passed June 3, 1890.  
Approved June 5, 1890.

A. H. Gilkeson, Dry Goods Co. are

# **Exhibit 9**

**TOWN URBANITIES**  
Adapted by the Hon. J. M. ...

**BILIOUSNESS**  
BILIOUSNESS  
BILIOUSNESS

**HEADACHE**  
HEADACHE  
HEADACHE

**STOMACH, LIVER AND BOWELS**  
STOMACH, LIVER AND BOWELS  
STOMACH, LIVER AND BOWELS

**WANTED**  
WANTED  
WANTED

**HOMEOPATHIC**  
HOMEOPATHIC  
HOMEOPATHIC

**SPECIFICS**  
SPECIFICS  
SPECIFICS

**GOLDEN MEDICAL DISCOVERY**  
GOLDEN MEDICAL DISCOVERY  
GOLDEN MEDICAL DISCOVERY

**CONSUMPTION**  
CONSUMPTION  
CONSUMPTION

**CHRONIC DISEASES**  
CHRONIC DISEASES  
CHRONIC DISEASES

**WATERBURY'S LIVER AND BOWEL PILLS**  
WATERBURY'S LIVER AND BOWEL PILLS  
WATERBURY'S LIVER AND BOWEL PILLS

**\$500 REWARD**  
\$500 REWARD  
\$500 REWARD

**CASTORIA**  
CASTORIA  
CASTORIA

**STOMACH, LIVER AND BOWELS**  
STOMACH, LIVER AND BOWELS  
STOMACH, LIVER AND BOWELS

**WANTED**  
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**HOMEOPATHIC**  
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WATERBURY'S LIVER AND BOWEL PILLS

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WATERBURY'S LIVER AND BOWEL PILLS  
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**\$500 REWARD**  
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**Royal St. John and White**  
Royal St. John and White  
Royal St. John and White

**THE ROYAL ST. JOHN**  
THE ROYAL ST. JOHN  
THE ROYAL ST. JOHN

**THE COVER CAN BE USED AS A WORK BOX**  
THE COVER CAN BE USED AS A WORK BOX  
THE COVER CAN BE USED AS A WORK BOX

**FOLDING DESK**  
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**THOMAS AMRINE**  
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**FURNITURE!**  
FURNITURE!  
FURNITURE!

**UNBURNABLE GOODS**  
UNBURNABLE GOODS  
UNBURNABLE GOODS

**PATENTS**  
PATENTS  
PATENTS

**WANTED**  
WANTED  
WANTED

**HOMEOPATHIC**  
HOMEOPATHIC  
HOMEOPATHIC

**SPECIFICS**  
SPECIFICS  
SPECIFICS

**GOLDEN MEDICAL DISCOVERY**  
GOLDEN MEDICAL DISCOVERY  
GOLDEN MEDICAL DISCOVERY

**CONSUMPTION**  
CONSUMPTION  
CONSUMPTION

**CHRONIC DISEASES**  
CHRONIC DISEASES  
CHRONIC DISEASES

**WATERBURY'S LIVER AND BOWEL PILLS**  
WATERBURY'S LIVER AND BOWEL PILLS  
WATERBURY'S LIVER AND BOWEL PILLS

**\$500 REWARD**  
\$500 REWARD  
\$500 REWARD

J. E. Wells, Town Clerk.

Be it ordained by the Board of Trustees of the inhabitants of the town of Collins, Missouri:

Sec. 1.—Any person found intoxicated within the corporate limits of said town shall be arrested and confined in the calaboose or town jail until he shall become sober which he shall be taken before the chairman of the board of trial. If such person be found guilty he shall fined not less than Three nor more than Ten dollars for each offense.

Sec. 2.—Any person who shall use any profane, obscene or indecent language, or talk in a loud or unseemly manner, or make any other loud or unusual noise, or threaten violence or quarrel or challenge any person to fight or intentionally obstruct or assist in such a quarrel obstructing the passage of any street, alley or sidewalk, or encourage or entice any person or persons to challenge, quarrel or fight, or prevent or attempt to prevent the arrest of any person or persons, or prevent the suppression of any fight or disturbance within the corporate limits of said town shall, on conviction, be fined not less than One nor more than Ten dollars for each offense.

Sec. 3.—Any person or persons who shall in any manner disturb the peace of any person or family or citizens of said town shall, on conviction be fined not less than one nor more than fifty dollars for each offense and if any damage to property has been done, shall forfeit to the town for the use of the person so damaged double the amount of the loss occasioned by such damage.

Sec. 4.—Any person or persons who shall resist any officer of said town in the discharge of his duties in any manner whatever, or any person, who shall when required, refuse to assist any marshal or deputy marshal of said town in making arrests, quelling riots or executing process shall, on conviction, be fined not less than one nor more than fifty dollars but each time that such person or persons shall so resist or refuse.

Sec. 5.—Any person who shall within the corporate limits of said town, engage in any fight, fray, brawl, riot or tumultuous gathering, or who shall strike, beat, wound or assault another, shall, on conviction be fined not less than one nor more than fifty dollars for each offense.

Sec. 6.—Any person who shall carry any concealed weapon or any revolver, pistol, knife or dirk which may not be concealed within the corporate limits of the town of Collins, shall, upon conviction be fined not less than ten nor more than fifty dollars for each offense, except however, that upon good cause shown, the board may grant a permit to any citizen of good reputation to carry weapons for self defense.

Sec. 7.—Any person who shall draw or flourish in a threatening manner any firearms or dangerous weapons within the corporate limits of said town, shall upon conviction be fined not less than ten nor more than seventy five dollars for each offense.

Sec. 8.—Any person who shall discharge any firearms within the corporate limits of said town shall on conviction be fined not less than one nor more than fifteen dollars for each offense.

Sec. 9.—Any person who shall build a bonfire after 10 o'clock p. m. within the corporate limits of said town shall on conviction be fined not less than one nor more than ten dollars for each offense.

Sec. 10.—Any person who shall fortuitously and unnecessarily ride or drive any animal or animals through the streets of said town or shall run, drive or lead any horse, mule, cow, ox, bull or cow upon, or hitch any such animal to any pavement sidewalk or awning post, or who shall leave any team of horses or mules standing in the streets of said town, harnessed to a vehicle and not secured, shall upon conviction, be fined in a sum not exceeding twenty dollars.

Sec. 11.—Any person who shall intentionally expose his person within the corporate limits of said town or the common hereto attached, shall on conviction be fined not less than five nor more than fifty dollars for each offense, and this section shall be construed to prohibit any person bathing in Coon Creek within the jurisdictional limits of the town.

Sec. 12.—Any person who shall in any manner obstruct the passage of any street, alley, side walk or crossing shall on conviction be fined not more than twenty dollars for each offense, and shall pay the cost of removing such obstruction.

Sec. 13.—Any person who shall sweep throw or place any straw, ashes, horse, slavings, sawdust, or other rubbish or litter on any sidewalk or street or in any gutter or sewer of said town shall on conviction be fined not more than ten dollars and shall pay the costs of removing such rubbish or litter; but this section shall not apply to persons constructing any building.

Sec. 14.—Any person who shall establish, maintain or commit a nuisance upon or in any manner beyond any lot, street, yards, alleys or commons within the corporate limits of the town of Collins, shall on conviction be fined not less than twenty dollars for each offense.

Sec. 15.—Any person who has no visible means of support and shall be found loitering about the streets of said town, or frequenting dram shops and places of doubtful repute, shall be deemed a vagrant, and any person convicted of being a vagrant shall be fined not less than five nor more than twenty dollars.

Passed by the Board, May 2nd, 1887.  
J. E. Wells, Town Clerk.



# **Exhibit 10**

**City Ordinances of Craig, Mo.**

**MISDEMEANORS.**

**ORDINANCE No. 1.—For Disturbance The Peace.**  
Be It Ordained by the Board of Aldermen of the City of Craig, Missouri, as follows:  
Any person who shall willfully disturb the peace and quietude of any inhabitants of the city of Craig, by loud, profane, vulgar or obscene language, or by loud and unusual noise, or by obscenity and unruly conduct, shall be adjudged guilty of a misdemeanor and fined therefor in any sum not less than two dollars, nor more than twenty dollars.  
P. B. Cook, President. C. H. Thayer, Mayor.

**ORDINANCE No. 2.—Disturbance On The Streets.**  
Be It Ordained by the Board of Aldermen of the City of Craig, Missouri, as follows:  
Any person who shall be found intoxicated on any street, alley, or public place, or in any business house in the city of Craig, shall be adjudged guilty of a misdemeanor and upon conviction shall be fined in any sum not less than two dollars, nor more than twenty dollars.  
P. B. Cook, President. C. H. Thayer, Mayor.

**ORDINANCE No. 3.—Persons Using Profane or Abusive Language.**  
Be It Ordained by the Board of Aldermen of the city of Craig, Missouri, as follows:  
Any person who shall willfully within the corporate limits of said city of Craig use toward any person, profane, obscene or abusive language as defined to provoke a breach of the peace, shall be adjudged guilty of a misdemeanor and shall upon conviction be fined in any sum not less than two dollars, nor more than twenty dollars.  
P. B. Cook, President. C. H. Thayer, Mayor.

**ORDINANCE No. 4.—A Bill to Prevent Quarreling, Etc.**  
Be It Ordained by the Board of Aldermen of the city of Craig, Missouri, as follows:  
Any person, or persons, found within the corporate limits of said city of Craig, fighting, challenging, quarreling, or threatening to fight, shall be adjudged guilty of a misdemeanor and shall upon conviction be fined in any sum not less than one dollar, nor more than fifty dollars.  
P. B. Cook, President. C. H. Thayer, Mayor.

**ORDINANCE No. 5.—A Bill For the Protection of Property.**  
Be It Ordained by the Board of Aldermen of the city of Craig, Missouri, as follows:  
Any person who shall willfully or knowingly destroy or injure the property of any citizen of said city of Craig, or any property of and belonging to said city, or shall destroy or injure any stable, barn, or agricultural tree, or orchard, or vine, or who shall cut, mow, or deliver, or in anywise injure any hay, straw, or stack, or any other property, within the corporate limits of said city of Craig, shall be adjudged guilty of a misdemeanor, and shall upon conviction be fined in any sum not less than one dollar, nor more than one hundred dollars.  
P. B. Cook, President. C. H. Thayer, Mayor.

**ORDINANCE No. 6.—A Bill for the Punishment For Hiding Ores.**  
Be It Ordained by the Board of Aldermen of the city of Craig, Missouri, as follows:  
Any person who shall hide or drive any horse or other animal across any railroad, or shall ride or drive any horse or other animal upon any sidewalk within the corporate limits of said city of Craig, at any other point or place along the line of any such railroad other than at a public crossing of the same, shall be adjudged guilty of a misdemeanor and shall upon conviction be fined in any sum not less than one dollar, nor more than ten dollars.  
P. B. Cook, President. C. H. Thayer, Mayor.

**ORDINANCE No. 7.—A Bill to Restrain Persons from Fast and Careless Driving.**  
Be It Ordained by the Board of Aldermen of the city of Craig, Missouri, as follows:  
Any person who shall ride or drive any horse or other animal, in or upon any street or alley within the corporate limits of said town in a careless, reckless manner, or at an unusual rate of speed, or at a greater speed than ten miles per hour, shall be adjudged guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than one dollar, nor more than ten dollars.  
P. B. Cook, President. C. H. Thayer, Mayor.

**ORDINANCE No. 8.—Carrying Concealed Weapons.**  
Be It Ordained by the Board of Aldermen of the city of Craig, Missouri, as follows:  
Any person who shall within the corporate limits of said city of Craig, carry or have upon his person, any concealed weapon or weapons, shall be adjudged guilty of a misdemeanor, and shall upon conviction be fined in any sum not less than one dollar, nor more than ten dollars.  
P. B. Cook, President. C. H. Thayer, Mayor.

**ORDINANCE No. 9.—Indecent Exposure of Person.**  
Be It Ordained by the Board of Aldermen of the city of Craig, Missouri, as follows:  
Any person who shall willfully expose his or her person publicly, in a vulgar and indecent manner within the corporate limits of said city of Craig, shall be adjudged guilty of a misdemeanor and shall upon conviction be fined not less than two dollars, nor more than twenty dollars.  
P. B. Cook, President. C. H. Thayer, Mayor.

**ORDINANCE No. 10.—Scurvily Hitching Teams.**  
Be It Ordained by the Board of Aldermen of the city of Craig, Missouri, as follows:  
Any person who shall have any horse, mule, or ass, in or upon any street or alley within the corporate limits of said city of Craig, without having securely hitched and led such horse, mule, or ass, to some firm and safe post, rack, or other fastening, shall be adjudged guilty of a misdemeanor and upon conviction shall be fined not less than two dollars, nor more than twenty dollars.  
P. B. Cook, President. C. H. Thayer, Mayor.

**ORDINANCE No. 11.—Hitching Animals to Proper Places.**  
Be It Ordained by the Board of Aldermen of the city of Craig, Missouri, as follows:  
Any person who shall hitch, tie, or attach any horse or other animal to any fence, tree, or building within the corporate limits of said city of Craig, without the consent of the owner or person under whose control such fence, tree, or building shall be first had and obtained, shall be adjudged guilty of a misdemeanor and shall upon conviction be fined not less than one dollar, nor more than ten dollars.  
P. B. Cook, President. C. H. Thayer, Mayor.

**ORDINANCE No. 12.—To Restrain Persons From Keeping Gaming Tables, Etc.**  
Be It Ordained by the Board of Aldermen of the city of Craig, Missouri, as follows:  
Any person who shall within the corporate limits of said city of Craig set up, or keep any table or gaming device, commonly called A. B. C., Faro Bank, P. O. Bank, Equity Race, or any kind of gambling table or device to be played upon with cards, dice or dominoes, for money or property, shall be adjudged guilty of a misdemeanor and shall upon conviction be fined in any sum not less than five dollars, nor more than fifty dollars.  
P. B. Cook, President of Board. C. H. Thayer, Mayor.

**ORDINANCE No. 13.—To Restrain Persons From Gambling, Etc.**  
Be It Ordained by the Board of Aldermen of the city of Craig, Missouri, as follows:  
Any person who shall within the corporate limits of said city of Craig bet, or wager, money, property, or other article or thing of value upon any game played with cards, dice, or dominoes, or upon the toss of any kind of matter whatsoever, shall be adjudged guilty of a misdemeanor and shall upon conviction be fined in any sum not less than two dollars nor more than twenty dollars.  
P. B. Cook, President of Board. C. H. Thayer, Mayor.

**ORDINANCE No. 14.—For the Suppression of Houses of Ill Fame.**  
Be It Ordained by the Board of Aldermen of the city of Craig, Missouri, as follows:  
Any person who shall within the corporate limits of said city of Craig set up, establish, or keep a lawless house, brothel house, or ill name or reputation, or house assigned, shall be adjudged guilty of a misdemeanor and shall upon conviction be fined in any sum not less than ten dollars, nor more than one hundred dollars.  
P. B. Cook, President. C. H. Thayer, Mayor.

**ORDINANCE No. 15.—A Bill for the Punishment of Vagrants.**  
Be It Ordained by the Board of Aldermen of the city of Craig, Missouri, as follows:  
Any person who may be found within the corporate limits of said city of Craig in any public place, or who may be found in any place where liquor is sold or drunk without any visible means of support, or who may be found in any place where he is not engaged in any lawful business, shall be adjudged guilty of a misdemeanor and shall upon conviction be fined in any sum not less than one dollar, nor more than ten dollars.  
P. B. Cook, President of Board. C. H. Thayer, Mayor.

**ORDINANCE No. 16.—To Restrain Persons from Selling Intoxicating Liquors On Sunday.**  
Be It Ordained by the Board of Aldermen of the city of Craig, Missouri, as follows:  
Any person who shall within the corporate limits of said city of Craig, sell, or attempt to sell, or engage in the sale of any goods, wares or merchandise as a peddler, in or out of his store, or in any other place, shall be adjudged guilty of a misdemeanor and shall upon conviction be fined in any sum not less than one dollar, nor more than ten dollars, provided that this section shall not be construed as affecting in any manner any Druggist in selling the prescription of any regular physician.  
P. B. Cook, President. C. H. Thayer, Mayor.

**ORDINANCE No. 17.—Licensing Peddlers.**  
Be It Ordained by the Board of Aldermen of the city of Craig, Missouri, as follows:  
Any person who shall within the corporate limits of said city of Craig engage in or attempt to engage in the sale of any goods, wares or merchandise as a peddler, in or out of his store, or in any other place, shall be adjudged guilty of a misdemeanor and shall upon conviction be fined in any sum not less than one dollar, nor more than ten dollars, provided that this section shall not be construed as affecting in any manner any Druggist in selling the prescription of any regular physician.  
P. B. Cook, President. C. H. Thayer, Mayor.

**As You Believe It.**  
That in this town there are more persons getting their store every day whose lives are made miserable by Indigestion, Dyspepsia, Sour and Stomach Troubles, Liver Complaints, Constipation, when for these we will sell them Shilo's Vegetable Compound to cure them. Sold by W. B. Boyer.

**A BARGAIN OFFERED.**  
Mr. Porter & Hatcher offer their Blacksmith Shop, Building and two Forges, and tools to run them, FOR SALE.  
The Shop has a good run of lathe and the fire will give good pressure every thing they offer the same for sale the shop is well located, is 65 feet deep and 35 feet wide—a one story frame, fronting on two streets. Some one can get a bargain by buying on the fire, or addressing W. B. Boyer & Hatcher, Craig, Mo.  
For the finest wool and washing soap go to Boyer.

**Do not suffer from Indigestion or any complaint of the Stomach and Bowels, you will obtain great relief by using the Family and Druggist Compound, which has the property of gently relieving these organs and placing them in a good healthy condition.**  
We challenge the world.  
When we say we believe, we have evidence to prove that Shilo's Compound Cure is decidedly the best large medicine made, in so much that it will cure a Rheumatism, Chloric Cough in one half day, and relieve Asthma, Bronchitis, Whooping Cough, Croup, and all other ailments of Consumption cough (that will not cure) it will cure where they thought it impossible to take, halibone is the strongest child and we guarantee that we say. Price, 10cts. 50cts and a large supply for the country to the West, or Back Issues are Shilo's Compound Cure. Sold by W. B. Boyer.

**Hilly & Heston, FRANKERS, CRAIG, MO.**  
Do a general banking business. Loan money, buy and sell exchange, make collections of all accounts payable at the best possible rates, receive deposits subject to check or order, will also draw money on all time deposits. We possess a complete supply with all the latest and most improved machinery and business with us. Use promptly in repayment of all accounts.  
**CRAG Fashion BAZAR, MRS. M. E. SMITH.**  
Has now a full line of NEW HILLSIDE GOODS, Such as: Batts, Ribbons, Flowers, Trimmings, Silks, Ornaments, and Notions, Hosiery, Edgings, Laces, Embroideries, of all shades. Ribbons, Coat Buttons, and Ladies' Fencing Goods, as cheap as they can be had in Craig. No. 10 and learn her prices on the New Stock. [67]

**Dentistry!**  
Dr. D. W. TRINQUE, SURVEYOR, DENTIST, Office in the GARRETT BUILDING, CRAIG, MO. Over Frontier Store, on Front street.  
**FEED, SALE AND TRADE Stable!**  
J. W. Bird & Son, PRINCIPALS, CRAIG, MISSOURI.  
Keep on hand stock of hay, made in stable condition, also, straw, bran, and other feed. Also, a full line of feed, such as: clover, timothy, alfalfa, and other feeds. Also, a full line of feed, such as: clover, timothy, alfalfa, and other feeds. Also, a full line of feed, such as: clover, timothy, alfalfa, and other feeds.  
**Mark Ye Hungry Moron!**  
If you longer get tired of CRAG, go to  
**J. E. Williams' Restaurant!**  
And Be Filled.  
Spirits conventional, I keep Coffee, Creams, Dried Fruit, Biscuits, Cakes, and other delicacies. Clean, neat, comfortable. Diners, Barbers.  
**Bread, Cakes and Pies,** and have them on hand.  
No. 10 and see us, and we will do you good.  
**NEW HARVEST SHOES,** J. E. Druggen, Proprietor, East Side Front Street, Craig, Mo.  
**Saddles And Harness** COLLARS, BRIDLES, HAIRLES, WHIPS, BUSHINGS, Etc.  
I wish to inform the public that I am now ready to furnish anything in my line at the most reasonable terms at short notice.  
The Best Article of Harness, Oil Knap in stock.  
**GIVE ME A CALL!**  
I will be REPLENISHED, and at prices no insurance business.  
**Doek Wells & Co., DRUGGISTS, CRAIG, MO.**  
Keep the best French Brandy, Port, and Malaga, always in stock, and will do lowest possible prices.  
**CASH PAID FOR BUTTERHORN STOCK.**  
Give us a Call for elastic meats.  
We will always pay the best prices for such as Hides.  
**W. M. BOYER, Druggist!**  
At Gene & White's old stand, CRAIG, MO.  
Do not mistake and not demand more than the city, to be happy.  
**DRUGS, MEDICINES, CHEMICALS,** Family, etc., E. School Books, Stationery, Musical Instruments, Stationery, Perfumery, and Toilet Articles, Wall Paper, window glass, large and small.  
**Fancy Groceries, Cigars, Tobacco and Confectionaries.**  
Fishes and other choice Haddock, Parsley, etc., as an appetizer for the country to the West, or Back Issues are Shilo's Compound Cure. Sold by W. B. Boyer.  
**Prescriptions Carefully at all hours.**

**ORDINANCE No. 8—Carrying Concealed Weapons.**

Be It Ordained by the Board of Aldermen of the city of Craig, Missouri, as follows :

Any person who shall within the corporate limits of said city of Craig, carry or have upon his person, any concealed weapon or weapons, shall be adjudged guilty of a misdemeanor, and shall upon conviction be fined in any sum not less than one dollar, nor more than ten dollars.

P. B. Cook, President.

C. H. Thayer, Mayor.

# Exhibit 11

# Crawford Mirror.

AN INDEPENDENT NEWSPAPER, DEVOTED TO HOME INTERESTS.

VOL. 10. STEELVILLE, MO, THURSDAY, JULY 27, 1882. NO. 70.

**THE MIRROR.**

Subscription Rates:  
\$1.50 per year in Advance.  
\$1.00 per year in Advance, if paid for in advance.  
Single Copies, 5 Cents.

Advertisements:  
First insertion, 10 Cents per line per week.  
Second insertion, 7 Cents per line per week.  
Third insertion, 5 Cents per line per week.  
Longer notices, by special arrangement.

**REVISED ORDINANCES.**  
Enacted and Published May 24, 1881.

**CHAPTER I.**  
**Officers.**  
The Board of Trustees shall consist of five members, to be elected by the voters of the town of Cuba, on the first Monday in June of each year, and shall hold office until the first Monday in June of the next year.

**CHAPTER II.**  
**Qualifications of Officers.**  
No person shall be eligible for election as a member of the Board of Trustees unless he is a citizen of the United States, and has resided in the town of Cuba for at least one year immediately preceding the day of his election.

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Second insertion, 7 Cents per line per week.  
Third insertion, 5 Cents per line per week.  
Longer notices, by special arrangement.

**CHAPTER III.**  
**Board of Trustees.**  
The Board of Trustees shall meet on the first Monday in June of each year, and shall hold office until the first Monday in June of the next year.

**CHAPTER IV.**  
**Board of Assessors.**  
The Board of Assessors shall consist of three members, to be elected by the voters of the town of Cuba, on the first Monday in June of each year, and shall hold office until the first Monday in June of the next year.

**CHAPTER V.**  
**Board of Public Works.**  
The Board of Public Works shall consist of three members, to be elected by the voters of the town of Cuba, on the first Monday in June of each year, and shall hold office until the first Monday in June of the next year.

**CHAPTER VI.**  
**Board of Health.**  
The Board of Health shall consist of three members, to be elected by the voters of the town of Cuba, on the first Monday in June of each year, and shall hold office until the first Monday in June of the next year.

**CHAPTER VII.**  
**Board of Fire Wardens.**  
The Board of Fire Wardens shall consist of three members, to be elected by the voters of the town of Cuba, on the first Monday in June of each year, and shall hold office until the first Monday in June of the next year.

**CHAPTER VIII.**  
**Board of Police.**  
The Board of Police shall consist of three members, to be elected by the voters of the town of Cuba, on the first Monday in June of each year, and shall hold office until the first Monday in June of the next year.

**CHAPTER IX.**  
**Board of Firemen.**  
The Board of Firemen shall consist of three members, to be elected by the voters of the town of Cuba, on the first Monday in June of each year, and shall hold office until the first Monday in June of the next year.

**CHAPTER X.**  
**Board of Firemen.**  
The Board of Firemen shall consist of three members, to be elected by the voters of the town of Cuba, on the first Monday in June of each year, and shall hold office until the first Monday in June of the next year.

Approved May 24, 1881.  
Attest: J. A. GIBBS, Clin.  
M. H. HULLER, Clerk.

**CHAPTER VII.**  
**Licenses.**  
*As it relates to the Board of Trustees of the Town of Cuba.*

Sec. 1. There shall be levied on all dress shops duly licensed by the county court of Crawford county, Missouri, within the corporate limits of this town, or within one-half mile of said limits, a tax of fifty dollars per annum to be collected semi-annually: license to be issued and signed by the chairman of the board of trustees and attested by the clerk. All persons refusing to pay said license tax, shall upon conviction be fined not less than ten nor more than one hundred dollars.

Sec. 2. The marshal is hereby ordered to levy and collect a tax of twenty-five dollars for every circus or menagerie for each day's exhibition, and a tax of five dollars for each side show accompanying same, and a tax of three dollars for every slight of hand show, minstrel troupe, and all other exhibitions for each exhibition, except hand shows or exhibitions for benevolent purposes.

Sec. 3. This ordinance shall be in force and effect from and after its approval.

Approved May 21, 1881.  
Attest: J. A. GIBBS, Clin.  
M. H. HULLER, Clerk.

**CHAPTER VIII.**  
**Misdemeanors.**  
*As it relates to the Board of Trustees of the Town of Cuba.*

Sec. 1. If any person, or persons shall put any animal, canine or feline thereof, offal or any other filth into any well, spring, brook or branch of which use is made for domestic purposes, every person so offending shall be deemed guilty of a misdemeanor and fined in a sum not less than ten nor more than fifty dollars.

If any person shall remove or cause to be removed and place upon premises his seal or public signs any seal animal carcass or part thereof or other refuse to the annoyance of the citizens of the town or any of them, every person so offending shall be deemed guilty of a misdemeanor and fined in a sum not less than ten nor more than fifty dollars and if such nuisance be not removed within three days thereafter it shall be deemed a special offense against the provisions of this section.

Sec. 2. If any owner, or owners, acquiesce or occupants of any slaughter-house wherein any pigs, hogs or other animals are slaughtered either in said house, or on the premises of the said owner, shall permit the same to remain unclean between the 1st day of April and the 1st day of October in each year to the annoyance of the citizens of this town or any of them, every person so offending shall be fined in any sum not less than five nor more than fifty dollars, and if said nuisance be not removed in five days thereafter it shall be deemed a special offense against the provisions of this section, and every neglect of such succeeding five days thereafter shall be considered an additional offense against the provisions of this section.

Sec. 3. Whenever complaint shall be made to the chairman of the board by the street commissioner, marshal or any member of the board or trustees or on the oath or affidavit of any citizen of the town that any person is loitering or permitting his or her property, or premises to remain so unclean or filthy as to be a public nuisance it shall be the duty of the chairman to issue a summons to the owners of such premises (if he be a resident of the town, or if not a resident, to the person occupying or having charge of such premises) commanding such person to appear before the board of trustees on a day therein named, and show cause why such nuisance or filthy premises should not be declared a nuisance; such summons shall be served at least five days before the meeting of the board by reading the same in the presence and hearing of the party, or by leaving a copy with some member of the family over the age of fifteen years, and upon return of the summons the board shall examine into the facts and if the testimony shall warrant they shall declare such premises to be a nuisance and order the same to be abated either by removal or cleaning, and if any person shall permit or continue such nuisance for three days after such order of abatement such person shall be deemed guilty of a misdemeanor and fined not less than five dollars nor more than twenty-five dollars and costs, and the chairman may at his discretion order the marshal to have such nuisance abated and the costs thereof to be taxed against the defendant in other cases in the case.

Sec. 4. Every person who shall set upon keep a common gaming table or a lawful house or a lawful shall upon a conviction be adjudged guilty of a misdemeanor and be punished by a fine not exceeding five hundred dollars.

Sec. 5. Every person who shall knowingly lease or let to another a house or building for the purpose of being used or kept as a gaming house, tavern, or lawful house shall upon a conviction be adjudged guilty of a misdemeanor and punished by a fine not exceeding five hundred dollars.

Sec. 6. Every person who shall shoot off or discharge any gun or pistol or other fire arms within the corporate limits of this town shall be adjudged guilty of a misdemeanor and fined in any sum of not less than one nor more than ten dollars.

Sec. 7. If any person shall run or drive or cause to be run or driven upon any public streets or public roads within the limits of this town, any horse or horses or other animals so as to interrupt travelers thereon or put to flight the horses by the order or driver he shall upon conviction be adjudged guilty of a misdemeanor and punished by a fine of not less than five nor more than twenty dollars.

Sec. 8. If any two persons shall voluntarily or by agreement engage in any fight or use any blows or threaten toward each other in any angry or quarrelsome manner or do each other any wrong or injury, or if any person shall assault or strike another to the terror or disturbance of the citizens, the person or persons so offending shall be adjudged guilty of a misdemeanor and fined in any sum not less than three nor more than five dollars.

Sec. 9. If any person shall make use of any profane or obscene language in a loud or boisterous manner so as to annoy or disturb any of the citizens of the town, or if any person shall be guilty of indecent exposure in or before any public place in and town or shall be found in a state of lewdness, indecent, every person so offending shall be deemed guilty of a misdemeanor and fined in any sum not less than one nor more than ten dollars.

Sec. 10. If any person be found carrying concealed about his person the corporate limits, any kind of fire arms, bowie knife, dirk, dagger, slung shot, or other deadly weapons, within the limits of said town he shall be fined in a sum not less than three nor more than twenty-five dollars provided this section shall not apply to any person whose duty it is to bear arms in discharge of his duty imposed by law.

Sec. 11. Every person who shall be convicted of obstructing a street, crossing or side walk by leaving any carriage or horse or horse standing in sidewalk or by blocking teams or horses on or across the same shall be guilty of a misdemeanor and fined not less than one nor more than ten dollars.

Sec. 12. Every minor who shall be convicted of getting on or entering any railroad engine, coach or car while running or standing on the main or side track of any company within the corporate limits of said town or use such engines shall have some legitimate business thereon, shall be deemed guilty of a misdemeanor and fined not less than one nor more than ten dollars.

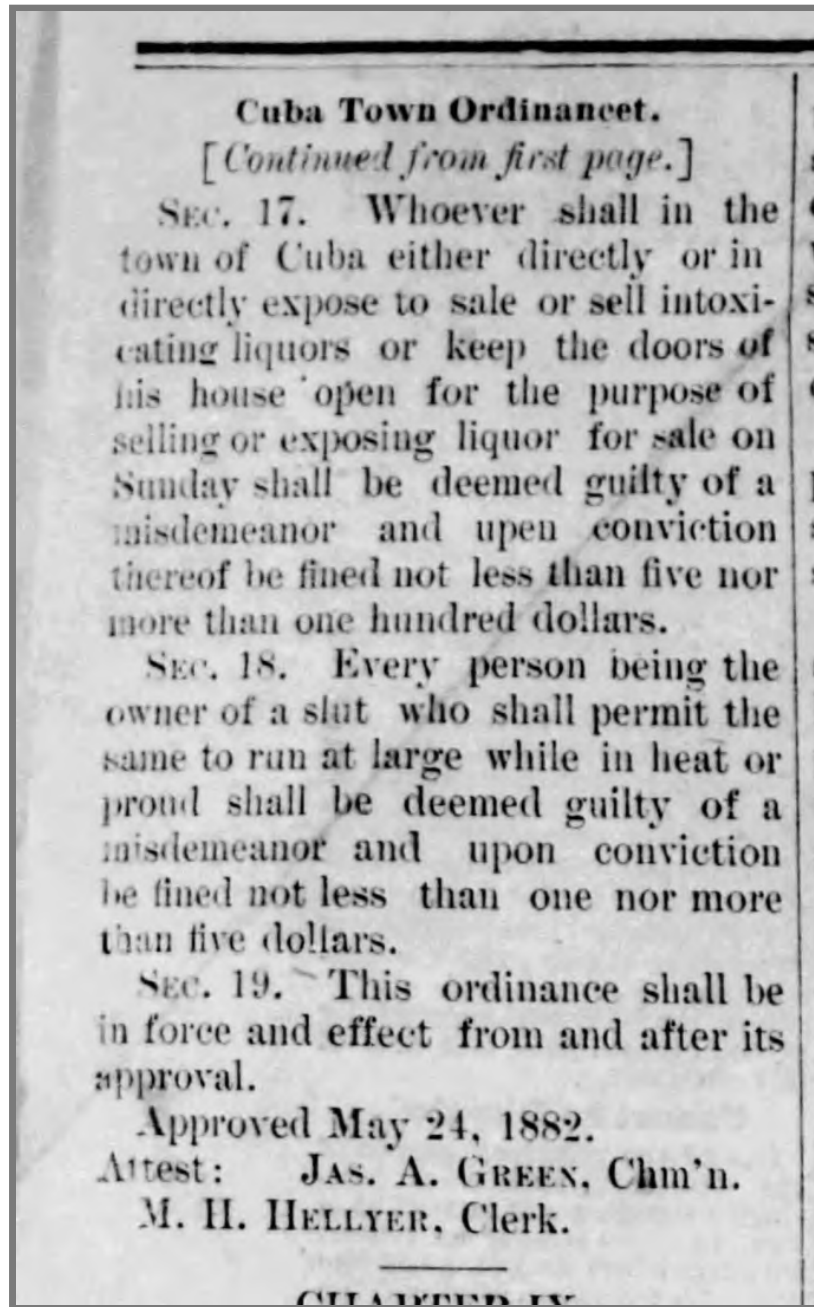
Sec. 13. Every person who shall be convicted of maliciously and cruelly poisoning and maiming, beating, torturing any horse, oxen or other cattle in the limits of the town of Cuba, whether it belongs to himself or another shall be deemed guilty of a misdemeanor and fined not less than ten nor more than one hundred dollars.

Sec. 14. Every person who shall be convicted of leaving a team of horses standing in the streets of said town without being severely fastened shall be deemed guilty of a misdemeanor and fined in a sum not less than one nor more than ten dollars.

Sec. 15. Every person who shall be convicted of playing at base ball in the corporate limits on the 1st day of the week commonly called Sunday, shall be deemed guilty of a misdemeanor and fined not less than one nor more than fifty dollars.

Sec. 16. Whoever on the town of Cuba shall fire in unwarlike address or any man and woman who shall lawfully and lawfully exhibit together being unarmed, or guilty of abatement with person shall be deemed guilty of a misdemeanor and upon conviction be fined not less than five nor more than one hundred dollars.

— Continued on Eighth page.



# Exhibit 12





W. S. MESPLAY, Clerk.

NO. 8.

AN ORDINANCE concerning the carry-  
ing of weapons.

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

Sec. 1. That any person within the cor-  
porate limits of the town of Granby who  
shall be found carrying, either openly or  
concealed, any pistol, metallic knuckles,  
slingshot, large knife, or any other offensive  
weapon (except an official in the lawful  
discharge of his duty, or a person having  
such weapon for the purpose of some im-  
mediate lawful purpose) shall be fined not  
less than five nor more than fifteen dol-  
lars.

Passed and adopted October 30, 1873.

M. I. WILLIAMS, Chm'n.  
W. S. MESPLAY, Clerk.

# Exhibit 13





#429

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[SEAL] F. A. CHIPMAN, C. W. SMITH,  
City Clerk. Mayor.

Published July 1, 1887.  
ORDINANCE NO. 76.

AN ORDINANCE PROHIBITING CARRY-  
ING DEADLY WEAPONS.

*Be it ordained by the Mayor and  
Councilmen of the City of Stockton,  
Kansas.*

SEC. 1.—If any person shall carry up-  
on or about his person any deadly or  
dangerous weapons, or shall go into  
any church or place where people have  
assembled for public worship, or into  
any school room or place where people  
have assembled for educational, liter-  
ary or social purposes, or to any elec-  
tion on any election day, or into any  
court room during the sitting of court,  
or into any other public assemblage of  
persons not met for any unlawful pur-  
pose, or shall go upon the public streets  
or public places of the city having  
upon or about his person any kind of  
fire arms, bowie knife, dirk, dagger,  
sling shot or other deadly weapon, or  
shall in any of the places above named  
exhibit such weapon in a rude, angry  
or threatening manner, or shall direct-  
ly or indirectly, sell or deliver, loan or  
barter to any minor, any such weapon  
without the consent of the parent or  
guardian of said minor, he shall upon  
conviction be punished by a fine of not  
less than ten nor more than fifty dol-  
lars. Provided, this ordinance shall  
not apply to peace officers of the city  
or state.

SEC. 2.—This ordinance shall take effect  
from and after its publication in The  
Rooks County RECORD.

Approved, C. W. SMITH,  
Attest, F. A. CHIPMAN, Mayor.  
City Clerk.



# Exhibit 14



# Exhibit 15



**Ordinance No. 1.**

Relating to certain petty offenses, defining the same, providing for the punishment thereof, and amending Article 2.

Enacted by the mayor and council of the city of Arkansas City:

**Section 1.** That any person drawing a pistol, revolver, knife or any other deadly weapon upon another person, unless an officer of the law in the discharge of his duty, shall, upon conviction thereof, be fined in any sum not less than \$10 nor more than \$100.

**Sec. 2.** That any person who shall, by words, signs or gestures, provoke or attempt to provoke another to commit an assault and battery, or other breach of the peace within the limits of the city, shall upon conviction, be fined in a sum not less than \$3 or more than \$25.

**Sec. 3.** That any person who shall curse, swear, quarrel, or use violent and threatening language or make any great noise so as to disturb the peace of any person within the limits of the city, shall upon conviction, be fined in a sum not exceeding \$25.

**Sec. 4.** That any person who shall be found within the corporate limits of the city of Arkansas City in a state of intoxication or drunkenness, shall be fined in a sum not exceeding \$10.

**Sec. 5.** That any person carrying any deadly or dangerous weapons, such as loaded firearms, stunguns, pistols, or dir-knives, or any other weapons which when used are liable to produce death or great bodily harm, unlicensed, within the corporate limits of the city, shall, upon conviction, be fined in a sum not less than \$1 or more than \$10.

**Sec. 6.** That any person or persons carrying any of the weapons mentioned in section 5 of this ordinance concealed about his person, shall upon conviction thereof, be fined in a sum not less than \$5 or more than \$25.

**Sec. 7.** That any person or persons discharging any firearm, letting off any fire-crackers or squibs, or throwing any fire-balls, or making any bonfire in the limits of the city, shall upon conviction, be fined in any sum of not less than \$3 or more than \$10, provided, that this section shall not apply to the 24th or 25th day of December, or the 1st day of January, or the 4th day of July, or the 22d day of February; and provided further that this section may be suspended on other days by the mayor; neither shall this section apply to the discharge of firearms in licensed shooting galleries, nor to the shooting of dogs running at large in violation of city ordinance.

**Sec. 8.** That any and every person who shall ride or drive any horse, mule or other animal at an immoderate speed, on a road within the city limits, shall be fined in a sum not exceeding \$25.

**Sec. 9.** That any and all persons riding, driving or leading any horse, mule, cow, or any cattle upon or across any sidewalks within the city limits, shall upon conviction, be fined for each offense any sum not less than one or more than ten dollars.

**Sec. 10.** That any man or woman who are not married to each other, who shall lewdly shake with each other, or shall sleep or occupy the same apartment for lewd and lascivious purposes within the city limits, shall upon conviction, each be fined in any sum not to exceed one hundred dollars.

**Sec. 11.** That every person who shall make an indecent exposure of his person within the city, shall upon conviction, be fined in any sum not to exceed one hundred dollars.

**Sec. 12.** That any person or persons who shall in any way obstruct the street crossings in the city, shall upon conviction thereof, be fined in a sum not less than one dollar or more than five dollars.

**Sec. 13.** That any person or persons destroying or damaging any city property, shall upon conviction, be fined in a sum not less than the amount of damage caused.

**Sec. 14.** That any person or person who shall knowingly or willfully create a false alarm of fire within the city of Arkansas City, by building bonfires for that purpose, or by raising the fire bell or by the cry of fire, shall upon conviction thereof, be fined in a sum not less than five dollars or more than fifty dollars.

**Sec. 15.** That any person beating, or jarring or twisting any animal in an immoderate, cruel or unnecessary manner shall upon conviction, be fined in a sum not to exceed fifty dollars.

**Sec. 16.** For hitching any team or animal to any lamp post, watering post, or growing trees along the streets of Arkansas City, or teaming or breaking any horse or mule on any street, or between the 1st day of March and the 1st day of October, hitching, training, breaking or displaying or showing any stallions on any street, a fine of not less than three or more than ten dollars.

**Sec. 17.** That any person who shall be convicted and fined, under any provision of this ordinance or any ordinance of the city, who shall fail to pay such fine and costs of prosecution, shall perform such work for the city as the mayor shall direct, and all persons working for the city shall be allowed 50 cents per day in satisfaction of such fine and costs.

**Sec. 18.** The fine specified in the foregoing ordinance shall in no case include costs.

**Sec. 19.** This ordinance to take effect and be in force from and after its publication once in the Arkansas City Traveler.

Approved May 11th, 1885.  
F. SCURRYMAN, Mayor.  
Attor. Jas. Beckwith, City Clerk.

# Exhibit 16

**Ordinance No. 5.**  
An ordinance in relation to the carrying of fire-arms or other weapons.  
*Be it ordained by the Mayor and Councilmen of the City of Beloit.*  
Section 1. That any person who shall be found within the corporate limits of this city with any revolver, pistol, gun, sword, dagger, dirk or any other dangerous or deadly weapon concealed or otherwise shall be deemed guilty of a misdemeanor; Provided, that this act shall not be construed in such a manner as to prevent any person or persons from carrying a gun or rifle through the street for the known and avowed purpose of hunting in the country.  
Approved Sep. 9th, 1872.  
T. F. HERSEY,  
L. J. BEST, Mayor.  
City Clerk.

# **Exhibit 17**





ate one hundred dollars.

the Sec. 10. Any person carrying any  
 ne- deadly or dangerous weapon, such  
 ort as firearms, slung shot, sheath or  
 to dirk knife or any other weapon  
 ab- which when used is liable to produce  
 the death or great bodily harm, uncon-  
 eet cealed, within the corporate limits  
 to of the city, shall upon conviction,  
 all be fined in a sum not less than ten.  
 ty, nor more than one hundred dollars.

aly Sec. 11. Any person or persons  
 the carrying any deadly or dangerous  
 nst weapons concealed about their per-  
 re- son, such as firearms, slung shot,  
 ce sheath or dirk knife, brass knuckles  
 as or any other weapon, which when  
 his used are liable to produce death or  
 aid great bodily harm and injury, shall,  
 ete upon conviction be fined in a sum  
 ng not less than fifteen nor more than  
 ria- one hundred dollars for each and  
 un- every offense.

rg- Sec. 12. Any person who shall  
 di- within the limits of the city, dis-  
 me- charge or shoot off any gun, pistol,  
 and or other firearms, shall upon convic-  
 be tion thereof, be fined not less than  
 ate one nor more than twenty-five dol-  
 the lars.

Sec. 13. Any person who shall

# Exhibit 18





VIOLATING THIS SECTION SHALL BE DEEMED guilty of a misdemeanor,

**CONCEALED DEADLY WEAPON.**

SEC. 8. Any person or persons, other than the duly appointed and commissioned officers of this city, or officers of this county or State, carrying concealed deadly weapons, such as pistols, revolvers, slung-shots, dirks or bowie-knives, within the corporate limits of the city, shall, upon conviction, be deemed guilty of a misdemeanor.

**OPEN LEWDNESS AND DISORDERLY HOUSES.**

SEC. 9. If any person shall be guilty of open lewdness or other notorious act of public indecency tending to debauch the public morals, or shall maintain or keep a lewd house or place of fornication, or shall keep a common, ill-governed and disorderly house, to the encouragement of idleness, gaming, drinking, fornication or other misbehavior, or who shall keep and maintain a common bawdy house, or house of ill-fame, shall, on conviction, be deemed guilty of a misdemeanor.

**DRUNKENNESS.**

SEC. 10. If any person shall be drunk in any highway, street, or in any public place or building, or if any person shall be drunk in his own house, or in any private building or place, disturbing his family or others, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding twenty-five dollars, or by imprisonment in the calaboose or county jail for a period not exceeding thirty days. Prosecutions under this section must be commenced within thirty days after the said misdemeanor is alleged to have been committed.

**WEAPONS TO MINORS.**

SEC. 11. Any person who shall sell trade, give, loan or otherwise furnish any pistol, revolver or toy pistol, by which cartridges or caps may be exploded, or any dirk, bowie-knife, brass knuckles, slung-shot, or other dangerous weapon to any minor, or to any person of notoriously unsound mind, shall be deemed guilty of a misdemeanor, and shall, upon conviction before the Police magistrate, or any Justice of the Peace acting in such capacity, be fined not less than five nor more than one hundred dollars.

**POSSESSION OF A MINOR**

SEC. 12. Any minor who shall have in

# Exhibit 19

[Published March 11th, 1898.]

**Ordinance No. 165.**

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

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

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

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

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

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

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

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

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

# Exhibit 20

**DAILY SENTINEL.**  
PUBLISHED EVERY EVENING.

J. L. BURNHAM, Editor.

Office—Harper, Kansas. First National Bank Building, Central street north.  
 By Carrier, per week, in advance, \$1.00  
 By Mail, per month, in advance, \$3.00  
 By Mail, per year, in advance, \$30.00  
 Single Copies, 5 Cts.

**Ordinance No. 179.**  
(First published, August 23, 1887.)  
An ordinance legalizing the erection of calaboose and declaring its use.  
Be it ordained by the Mayor and Council of the city of Harper:

**SECTION 1.** That the calaboose herebefore erected under the provisions of Ordinance No. 13, approved December 27, 1880, be and the same is hereby declared to be the only and legal calaboose of said city, and the marshal and police of said city of Harper are directed to use the same in all cases of arrest, when confinement is necessary.

**Sec. 2.** This ordinance shall take effect and be in force from and after its passage on being published according to law in the Harper Daily Sentinel.

Attest: J. W. HARR, Mayor.  
ANSEL BURNHAM, Clerk.

**Ordinance No. 180.**  
(First published, August 23, 1887.)  
An ordinance defining and punishing misdemeanors.  
Be it ordained by the Mayor and Council of the city of Harper:

**SECTION 1.** That it shall be unlawful for any person within the limits of the city of Harper to publish, utter, or use abusive language towards another person, or publicly use profane, blasphemous, obscene, abusive or offensive language, or to disturb the good order and quietude of the city by violent, tumultuous, offensive or disorderly conduct, or by violently or maliciously assaulting another, or by quarreling or fighting with another person under any pretense whatever.

**Sec. 2.** That it shall be unlawful for any person able to work and support himself in an honest and respectable calling to be found loitering or standing about any of the streets, alleys or public grounds or public places within the city of Harper not having any regular or lawful business, or who shall occupy for the purpose of loitering or any other purpose without permission of the owner or party entitled to the possession thereof, any room, shed, porch or other place, other than such as is kept for that purpose, and all gamblers, tricksters and disorderly persons, or Gipsies, fortune-tellers, street beggars and all persons without visible means of support and unemployed in any business, or laborer within said city, and all persons who harbor any of the persons and characters, described in this section, are declared vagrants, and shall be deemed guilty of a misdemeanor.

**Sec. 3.** That it shall be unlawful for any person within the limits of the city of Harper in any manner or by any means to disturb the peace and quiet of any assemblage of persons not for religious worship by making any unusual noise or by rude or indecent behavior or conduct, or in any manner by profane discussion within any place of worship or so near the same as to disturb the order or solemnity thereof, any such conduct shall be deemed a misdemeanor.

**Sec. 4.** That it shall be unlawful for any person within the limits of this city to disturb any lawful assemblage of people by rude or indecent behavior, or by making intentionally any unusual noise at or near such assemblage.

**Sec. 5.** That it shall be unlawful for any person within the city limits to knowingly give or make any false alarm of fire, or to ring any church or other bell at unusual hours, or for any purpose other than calling the people to assemble or for an alarm in case of actual fire, or other danger threatening the city or the inhabitants.

**Sec. 6.** That it shall be unlawful for any person to ride or drive any horse, mule or other animal at a rapid or reckless rate of speed, either with or without a vehicle attached thereto, through any of the streets, alleys or public grounds of the city, or to engage in any horse or mule race within said city, or to drive or place any wagon or vehicle upon any paved or plank sidewalk, or leave the same or any animal standing on or across any foot-way crossing any street or alley in the city.

**Sec. 7.** That it shall be unlawful for any person under the age of 18 years to climb on, hang over, ride upon any railroad, engine or car within the limits of said city; provided, this ordinance does not prevent any such persons from entering the cars at the depot when not in motion.

**Sec. 8.** That it shall be unlawful for the owner or person lawfully in possession of any horse, mule, cow, hog or other animal, to allow or permit the same to run at large within the corporate limits of said city or to picket the same, so that any such animal can cross any street or alley with picket rope while so picketed out, and in addition to the fine hereinafter imposed for the violation of this section, any such animal found running at large within the limits of said city may be taken up by the city marshal or police and impounded, and for each animal so impounded, the marshal shall be entitled to receive 50 cents for taking up and impounding and 25 cents each day for keeping and feeding, same to be paid by the owner or person for him, before removing same from the pound, or care of the marshal, and said sums are hereby declared to be a lien on such animals so impounded.

**Sec. 9.** That it shall be unlawful for any person owning or having in possession any contagious disease, or allow it to remain within the city limits of said city of Harper.

**Sec. 10.** That it shall be unlawful for any person (not an officer in the discharge of duty) to draw a pistol, revolver, knife or any other deadly weapon upon another or to assault another person therein.

**Sec. 11.** That it shall be unlawful for any person to be found drunk, or in a state of intoxication in any street, alley, public parks or other public place within the corporate limits of the city of Harper.

**Sec. 12.** That it shall be unlawful for any person to carry any deadly or dangerous weapon, such as fire arms, slugs, shot, slugs or duck knife, billie, brass or metal truncheon or any other dangerous implement, which, when used, are liable to produce death or great bodily harm, within the corporate limits of said city.

**Sec. 13.** That it shall be unlawful for any person or persons to discharge or shoot off any gun, pistol or other fire arm, or to fire, shoot or discharge any squib, fire crackers, rockets, torpedos or any other species of fire works within the corporate limits of said city.

**Sec. 14.** That it shall be unlawful for any person to stand for mares or pats in any market or stallion or jack within the corporate limits except it be away from all public places or places of business and that under close cover so as not to be seen from the out side of place of building.

**Sec. 15.** That it shall be unlawful for any butcher, or owner, or keeper of any animal or cause or permit it to be done within the corporate limits of said city and it shall be unlawful for any owner or keeper of any butcher shop, meat market, or other place for storing or selling meat to build any fire or permit it to be done by others out of doors and within the city limits for the purpose of rendering lard or tallow, boiling water or other purpose. And it shall be unlawful for any person to build or permit to be built any fire out of doors in the city limits so as to endanger the property of any person of said city.

**Sec. 16.** That it shall be unlawful for any person or persons to keep or allow to be kept for any purpose whatever any bog, hog, pig or pigs or swine of any kind, on any lot within the original townsite of Harper, and the keeping of any such is hereby declared to be a nuisance and in addition to the fine imposed, it is made the duty of the marshal to cause such nuisance to be abated.

**Sec. 17.** That it shall be unlawful for any person or persons to stack any hay, straw, or other combustible matter on any lot in the original townsite of Harper. All hay or straw kept on a lot to be kept in tight buildings and well protected and it is made the duty of any person or persons owning or having in control any lot or piece of ground in any of said original town to see that no loose hay, straw, shavings, or other combustible matter be left on said lot or piece of ground under their control.

**Sec. 18.** That it shall be unlawful for any person or persons by self, clerk, agent or otherwise to keep any house, room or place for the purpose of allowing or permitting persons to assemble and play at any game or games of roulette, faro, keno, cards, gift enterprises, check-back, hazard or any other gambling game or gambling device by whatever name known or called, within the limits of said city, and the keeping of any such prohibited place shall be a separate and distinct offense for each day the same is so kept or used.

**Sec. 19.** That it shall be unlawful for any person or persons or corporations or companies to occupy more than three feet of the sidewalk on Main street or Central Avenue in front of their respective place of business for the purpose of displaying goods and said three feet, if not used to be on the side of walk next to the building.

**Sec. 20.** That it shall be unlawful for any person, persons or corporation to erect or maintain any barbed wire fence on the line of any lot adjoining or along any street in said city.

**Sec. 21.** That it shall be unlawful for any person or persons to set up, run, maintain, carry on or engage in any gambling, device, games of chance, or licensed, three card monte, table of soap, or other commodity with chance of money or things connected therewith, or any other of the so-called street games or riddle rigs or devices, intended to gain something from the public outside of legitimate trade, street jewelry and lottery sales, and all species of ring picking and all other sleight-of-hand tricks and performance within the corporate limits.

**Sec. 22.** That any person, persons or corporations who shall violate any one or more of the foregoing sections of this ordinance, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than one dollar nor more than one hundred dollars for each offense, and on such conviction, shall stand committed to the public jail or calaboose until the fine and cost are paid.

**Sec. 23.** All ordinances in conflict with this are hereby repealed.

**Sec. 24.** This ordinance shall take effect and be in force from and after its passage on being approved and published in the manner required by law in the Harper Daily Sentinel.

Attest: J. W. HARR, Mayor.  
ANSEL BURNHAM, Clerk.

**Ordinance No. 181.**  
(First published, August 23, 1887.)  
An ordinance to restrain and prohibit prostitution, or keeping houses of ill-fame.  
Be it ordained by the Mayor and Council of the city of Harper:

**SECTION 1.** That it shall be unlawful for any person or persons within the corporate limits of the city of Harper to keep a house of ill-fame or place resort to for the purpose of prostitution or lewdness, or to keep a disorderly or ill-governed house or place for the practice of fornication or for the resort of persons of evil name or reputation, or dishonest conversation, or to knowingly permit or suffer other persons to meet at his or their house or place for such purposes, or commit or suffer to be committed therein any immoral, indecent, or other improper or vulgar conduct or behavior, or any tipping, revelling, rioting or disturbance and all persons, male or female, who resort to such disorderly house, or house of ill-fame, for purposes of prostitution or debauchery, shall be deemed guilty of a misdemeanor and on conviction shall be fined in any sum not less than \$10 nor more than \$100 and cost of prosecution and shall stand committed until fine and cost are paid.

**Sec. 2.** That it shall be unlawful for any female, unmarried, to submit herself to, or have illicit intercourse with, any person at any time or place within the limits of the city of Harper, or to suffer herself to be taken to any hotel or other place for the purpose of illicit intercourse, and it shall be unlawful for any man to entice or cause any female to go to any place within the city of Harper for the purpose of having illicit intercourse or does have illicit intercourse with such person, and any person or persons, male or female, who violates any of the provisions of section 2 of this ordinance shall be guilty of a misdemeanor and on conviction thereof shall be fined in any sum not less than \$10 nor more than \$100 and cost of prosecution and shall stand committed until fine and cost are paid.

**Sec. 3.** This ordinance shall take effect and be in force from and after its passage and publication according to law in the Harper Daily Sentinel.

Attest: J. W. HARR, Mayor.  
ANSEL BURNHAM, Clerk.

**Ordinance No. 182.**  
(First published, August 23, 1887.)  
An ordinance relating to the health and cleanliness of the city.  
Be it ordained by the mayor and council of the city of Harper:

**SECTION 1.** That it shall be unlawful for any person, persons or corporation

SON therewith.

SEC. 11. That it shall be unlawful for any person to be found drunk, or in a state of intoxication in any street, alley, public parks or other public place within the incorporate limits of the city of Harper.

SEC. 12. That it shall be unlawful for any person to carry any deadly or dangerous weapon, such as fire arms, slung shots, sheath or dirk knife, billies, brass or metal knuckles or any other dangerous implement, which, when used, are liable to produce death or great bodily harm, within the incorporate limits of said city.

Sec 13. That it shall be unlawful for

# Exhibit 21



[Published May 22, 1889.]

**ORDINANCE NO. 72**

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

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

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

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

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

Passed May 16, 1889.

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

R. F. GLENN,  
Mayor of the city of Howard.

Attest: W. D. BURNS, City Clerk,

# Exhibit 22

of Clerk.

m- Be it ordained by the Mayor and Councilmen  
of the City of Kendall, Hamilton County,  
to Kansas:

ry SECTION I.  
nd DISCHARGING FIREARMS.  
ais If any person shall within the corporate  
limits of the City of Kendall, fire or discharge  
any gun, fowling-piece, pistol, revolver, or  
firearm of any kind or description, or any  
other thing containing powder or combusti-  
bles, or anything made of nitro-glycerine,  
without first having obtained permission  
from the Mayor in writing, every such per-  
son shall be deemed guilty of a misdemeanor.

ire SECTION II.  
on INDECENT DRESS AND LEWD CONDUCT.  
of Any person who shall appear in any public  
place within the corporate limits of the city  
in a state of nudity, or a dress or garb not  
belonging to his or her sex, or an indecent or  
lewd dress or shall make an indecent expo-  
sure of his or her person, or be guilty of any  
lewd or indecent behavior, shall be deemed  
guilty of a misdemeanor.

re SECTION III.  
a OBSCENE BOOKS, &C.—INDECENT PLAYS.  
as Any person who shall exhibit, sell or offer to  
sell, or give away, any indecent, lewd or ob-  
scene book, picture or other thing or  
shall exhibit or perform any indecent  
play or other representation, every such  
person shall be deemed guilty of a  
misdemeanor.

of SECTION IV.  
ke PLYING THE VOCATION OF A PROSTITUTE.  
ter Any prostitute or lewd woman who shall  
n- within the corporate limits of this city, by  
ed word, sign, letter, picture, action, or the  
of distribution of cards or other thing, ply her vo-  
ca- tion upon the streets, at any door, or win-  
ag- dow of any house of this city, or at any other  
li- place within the limits of the same, shall be  
ne- deemed guilty of a misdemeanor.

ch SECTION V.  
ip- CRUELTY TO ANIMALS.  
Any person who shall inhumanly and unnec-  
essarily beat, injure, or maltreat any dumb an-  
imal or animals within the corporate limits of  
this city, shall be deemed guilty of a misde-  
meanor.

bre SECTION VI.  
ju. DISPLAY OF DEADLY WEAPONS.  
It shall be unlawful for any person or  
persons to display or make any im-  
proper use of any deadly weapon within the  
corporate limits of this city. Any person vi-  
olating this section shall be deemed guilty of a  
misdemeanor, and it shall be the duty of the  
City Marshal and all police officers of said  
city to arrest any and all persons found vi-  
olating this section, with or without process.

ou SECTION VII.  
at FIRM CRACKERS, &C.  
ou The explosion of fire crackers, torpedoes,  
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**OBSCENE BOOKS, &c.—INDECENT PLAYS.**  
Any person who shall exhibit, sell or offer to sell, or give away, any indecent, lewd or obscene book, picture or other thing or shall exhibit or perform any indecent play or other representation, every such person shall be deemed guilty of a misdemeanor.

**SECTION IV.**  
**PLYING THE VOCATION OF A PROSTITUTE.**  
Any prostitute or lewd woman who shall within the corporate limits of this city, by word, sign, letter, picture, action, or the distribution of cards or other thing, ply her vocation upon the streets, at any door, or window of any house of this city, or at any other place within the limits of the same, shall be deemed guilty of a misdemeanor.

**SECTION V.**  
**CRUELTY TO ANIMALS.**  
Any person who shall inhumanly and unnecessarily beat, injure, or maltreat any dumb animal or animals within the corporate limits of this city, shall be deemed guilty of a misdemeanor.

**SECTION VI.**  
**DISPLAY OF DEADLY WEAPONS.**  
It shall be unlawful for any person or persons to display or make any improper use of any deadly weapon within the corporate limits of this city. Any person violating this section shall be deemed guilty of a misdemeanor, and it shall be the duty of the City Marshal and all police officers of said city to arrest any and all persons found violating this section, with or without process.

**SECTION VII.**  
**FIRE CRACKERS, &c.**  
The explosion of fire crackers, torpedoes, street, alley or other public place within the corporate limits of said city, such person or persons shall be deemed guilty of a misdemeanor and fined not less than one nor more than ten dollars, in default of payment of said fine he or they shall be confined in the calaboose not less than ten or more than twenty days.

**SECTION XXII.**  
**CONCERNING THE CITY CLERK, CITY TREASURER, MARSHAL, AND STREET COMMISSIONER.**  
**ART. 1—**There are hereby created the offices of City Clerk, City Treasurer, City Marshal and Street Commissioner. The City Clerk shall keep a record faithfully of all proceedings of the Mayor and Council in books provided for that purpose.  
**ART. 2—**The Treasurer shall safely keep all monies, notes, bonds and credits coming into his possession by virtue of his office and shall give a bond of five thousand dollars to the City of Kendall with at least two securities, conditional that he will faithfully account for all monies, notes, bonds and other credits coming into his possession by virtue of his office, said bond to be approved by the Mayor and Council. He shall pay out money only on the order of the Mayor attested by the City Clerk, which order shall also bear the seal of the city.  
**ART. 3—**The City Marshal shall be the Chief of Police, and shall be charged with the preservation of the peace and good order of the city under the ordinances thereof and under the instructions of the Mayor and Council.  
Approved March 18th, A. D., 1887.  
[Attest] H. E. BATH,  
T. A. JOHNSON, Mayor,  
Clerk.

# Exhibit 23



costs are paid or replevied.  
 [Published Nov., 28th 1885.]  
 ART. VI. SEC. I.  
 WEAPONS.  
*Sec. 11.* Be it ordained by the  
 mayor and councilmen of Meade  
 Center in the state of Kansas, that it  
 shall be unlawful for any person or  
 persons who are not authorized by  
 the laws of the United States or of  
 the state of Kansas or of the said  
 city of Meade Center, who shall be  
 found within the incorporate limits  
 of said city of Meade Center, carry-  
 ing on his person a pistol, bowie  
 knife, dirk, or other deadly weapons,  
 shall be subject to arrest upon charge  
 of misdemeanor and upon conviction  
 shall be fined in any sum not exceed-  
 ing \$25, and stand committed until  
 paid or replevied.  
 [Publishen Nov., 28th 1885.]  
 ART. VII. SEC. I.



# Exhibit 24

doubt.

**ORDINANCE NO. TWELVE,**

**Peace, Good Government and  
General Welfare.**

Be it ordained by the Mayor and Councilmen of the city of Mt. Hope Kansas.

SEC. 1. That any person who shall beat, wound or assault another, or obstruct, oppose, or resist any city officer in the discharge of his duty, shall upon conviction be fined in any sum not less than three dollars nor more than twenty-five dollars and costs of suit.

SEC. 2. That any person, not an officer or traveler, who shall carry any knives, (except pocket knives) firearms, brass knucks, slung shots or other deadly weapons, concealed, within the corporate limits of the city of Mt. Hope, shall be deemed guilty of an offense, and upon conviction thereof shall be fined for each and every offense, the sum of ten dollars and costs of suit.

SEC. 3. That any person under the age of twenty one years of age, who shall be found carrying any deadly weapon, concealed or otherwise, shall be deemed guilty of an offense, and upon conviction thereof, shall be fined in any sum not more than ten dollars and costs of suit. PROVIDED, this does not apply to any one leaving the city on a hunting expedition, or returning therefrom.

SEC. 4. That whoever disturbs any assembly of people met for a lawful purpose, or shall disturb the peace and quiet of the city, or any neighborhood, family or person, within the corporate limits of the city of Mt. Hope, by any improper conduct, or by loud or unusual noises, vulgar or offensive language, quarreling, fighting or challenging to fight or display any firearms or other deadly weapons, shall be deemed guilty of an offense, and upon conviction thereof be fined in any sum not less than three dollars, nor more than twenty-five dollars and costs of suit.

SEC. 5. That whoever discharges any firearms, or throws any stones or missiles by the hand or by the means of any device, or shall break, mar, deface, injure or destroy, any property, public or private, real or personal, not his own, within the corporate limits of the city of Mt. Hope, shall be deemed guilty of an offense and upon conviction thereof be fined in any sum not less than three dollars, nor more than twenty-five dollars and costs of suit.

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SEC. 6. That any tramp or any person found wandering, tramping, loafing or begging about, within the corporate limits of the city of Mt. Hope, without any visible means of support or honestly endeavoring to seek employment shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not more than ten dollars and costs of suit.

SEC. 7. That any person who shall be found drunk or intoxicated or who shall be guilty of any disorderly conduct on any public street or alley or in any public place, within the corporate limits of the city of Mt. Hope shall be deemed guilty of an offense, and upon conviction thereof be fined in any sum not less than three dollars nor more than twenty dollars and costs of suit.

SEC. 8. That any person who shall be found gambling, owning directing or conducting any game of chance or gambling device, or playing thereat, and any person who shall let, rent or permit his property to be used as a gaming house club room or place where any game of chance or gambling device is kept, conducted or allowed to be carried on, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars and costs of suit. PROVIDED this shall not apply to any game for social amusement, where no bets or charges are made and no stakes are played for.

SEC. 6. That this ordinance shall be in full force and effect after its publication in the Mt. Hope Mentor one issue.

Passed by the city council May 4th, 1887.  
E. J. LENHART, City Clerk.

APPROVED.  
S. M. JOHNS, Mayor  
[Published in the Mt. Hope Mentor May 5th, 1887.]

# Exhibit 25

[Published January 5, 1894.]

**ORDINANCE No. 79.**

An ordinance relating to crimes and punish-  
ments.

Be it ordained by the mayor and council of the  
City of Scandia:

**SECTION 1.** Every person who shall, within  
the corporate limits of the city of Scandia, dis-  
turb the peace of the city, or of any religious,  
political or other lawful meeting, or who shall  
disturb the peace of any neighborhood, family or  
person, shall be deemed guilty of a misdemeanor,  
and upon conviction thereof shall be fined in any  
sum, not less than Three (\$3.00) Dollars, nor  
more than Fifty (\$50.00) Dollars.

**SECTION 2.** Every person who shall, within  
the corporate limits of the city of Scandia, use  
any indecent, improper, obscene or profane lan-  
guage; or who shall be guilty of any indecent,  
lewd, obscene or lecherous conduct, shall upon  
conviction, be adjudged guilty of a violation of  
this ordinance, and be punished by a fine of not  
less than One (\$1.00) Dollar nor more than Ten  
(\$10.00) Dollars.

**SECTION 3.** Every person who shall, within  
the corporate limits of the city of Scandia, be in-  
toxicated, shall, upon conviction, be fined, for the  
first offense, in any sum not less than Three  
(\$3.00) Dollars, nor more than Twenty-five  
(\$25.00) Dollars. And for each subsequent con-  
viction of a similar offense, within six months, in  
any sum not less than Five (\$5.00) Dollars, nor  
more than Fifty (\$50.00) Dollars.

**SECTION 4.** Every person who shall, within  
the corporate limits of the city of Scandia, set up,  
keep, or operate any table or gambling device,  
with cards, dice, or any other kind of gambling  
device, adapted, designed and devised for the  
purpose of playing any games of chance, luck or  
skill, for money, property, chips or any other  
thing of value, or who shall induce, entice or  
permit, any person or persons, to play or bet at  
or upon, or about such gambling table or device,  
shall upon conviction be fined in any sum not less  
than Ten (\$10.00) Dollars, nor more than Fifty  
(\$50.00) Dollars.

**SECTION 5.** Every person who shall be found  
within the corporate limits of the city of Scandia,  
without visible means of support, or some legiti-  
mate business, shall be notified by the city mar-  
shal to at once depart from said city and remain  
outside thereof and if such notice be not com-  
plied with, or if, after leaving, such person shall  
return, they shall be deemed guilty of vagrancy,  
and the city marshal shall forthwith arrest such  
person and upon conviction they shall be fined  
in any sum not exceeding Fifty (\$50.00) Dollars.

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

**SECTION 7.** Every person who shall, within  
the corporate limits of the city of Scandia, com-  
mit any assault, or assault and battery, upon the  
person of another, or who shall beat, strike or  
threaten another with bodily injury, shall be  
deemed guilty of an unlawful disturbance of the  
peace of the city, and upon conviction shall be  
punished by a fine of not less than Five (\$5.00)  
Dollars, nor more than Fifty (\$50.00) Dollars.

**SECTION 8.** Every person who shall, within  
the corporate limits of the city of Scandia, play  
at, upon, or about, or wager any money, or thing  
of value, upon any gambling tables and devices  
set out and described in Section Four (4) of this  
ordinance, shall upon conviction be punished by  
a fine of not less than Two (\$2.00) Dollars, nor  
more than Twenty-five (\$25.00) Dollars.

**SECTION 9.** Every person who shall, within  
the corporate limits of the city of Scandia, make  
any lewd, obscene or indecent exposure of their  
person, in any public place; or who shall expose  
to view, in any public place, any lewd, obscene  
or indecent print, picture, writing or book, shall  
upon conviction be fined in any sum not less than  
Two (\$2.00) Dollars, nor more than Fifty (\$50.00)  
Dollars.

**SECTION 10.** Every person who shall, within  
the corporate limits of the city of Scandia, keep,  
harbor or maintain any female, knowing her to  
be a public prostitute, shall upon conviction be  
fined in any sum not exceeding Fifty (\$50.00)  
Dollars.

**SECTION 11.** Every person who shall, within  
the corporate limits of the city of Scandia, dis-  
charge any fire-arm, rocket, glass powder, fire-  
works, or any combustible or explosive material,  
without first obtaining a permit therefor from the  
mayor, shall upon conviction be fined in any sum  
not exceeding Twenty-five (\$25.00) Dollars.

**SECTION 12.** Every person who shall, within  
the corporate limits of the city of Scandia, ob-  
struct any street, alley, sidewalk or crossing, by  
placing thereon any team, wagon, buggy, cart,  
vehicle, boxes, barrels, wood, stone, coal, dirt,  
rubbish, or by making any excavation therein, or  
erecting any structure thereon; and every railway  
engineer, conductor, yard master, or other person  
having charge of any railway train engine or car,  
who shall permit any engine, train or car, or any  
part thereof, to obstruct any street, alley, cross-  
ing or sidewalk longer than ten minutes at any  
one time, shall upon conviction be fined in any  
sum not exceeding Twenty-five (\$25.00) Dollars.  
*Provided*—That the mayor and council may issue a  
permit allowing any person to obstruct a drag-  
gaged portion of any street, alley or sidewalk

temporarily, to meet the exigencies of business.

**SECTION 13.** Every person who shall, within  
the corporate limits of the city of Scandia, wil-  
fully and maliciously annoy any other person, or  
mat, break, injure, or destroy, any property of  
another, or tear down, injure, deface, or destroy  
any sign, fence, gate, building, door, window, or  
any other property, or open or leave open any  
door, window, gate or entrance to any house,  
barn or inclosure, shall upon conviction be fined  
in any sum not exceeding Fifty (\$50.00) Dollars.

**SECTION 14.** Every person who shall, within  
the corporate limits of the city of Scandia, be a  
leaper or inmate of a house of prostitution, broth-  
el, bawdy house, or house of assignation, or dis-  
orderly house of any kind, and every person who  
shall frequent, or patronize, or be found within  
such house, shall upon conviction be fined in any  
sum not less than Five (\$5.00) Dollars, nor more  
than Fifty (\$50.00) Dollars.

**SECTION 15.** Every person who shall, within  
the corporate limits of the city of Scandia, drive,  
or ride, any team, horse or mule along or upon  
any street, alley, highway or bridge, at so fast a  
pace as to endanger the safety of others, shall  
upon conviction be fined in any sum not exceed-  
ing Twenty-five (\$25.00) Dollars.

**SECTION 16.** Every person who shall, within  
the corporate limits of the city of Scandia, with-  
ly throw any stone, brick, wood, or other sub-  
stance likely to cause injury, at another person,  
or any horse, window, door, vehicle or animal,  
shall upon conviction be fined in any sum not ex-  
ceeding Fifty (\$50.00) Dollars.

**SECTION 17.** Every person who shall, within  
the corporate limits of the city of Scandia, leave  
any team, horse, mule or other animal tied upon  
any street or alley an unreasonable length of  
time without proper care, or in cold, stormy and  
inclement weather longer than necessary, shall  
upon conviction be fined in any sum not exceed-  
ing Twenty-five (\$25.00) Dollars.

**SECTION 18.** Every person who shall, within  
the corporate limits of the city of Scandia, permit  
any horse, mule, swine, cattle, chickens or other  
fowl, or stock of any kind, belonging to them, to  
run at large, or who shall lard, herd or pasture  
any stock on the streets or alleys, or who shall  
leave any team, horse or mule upon the streets  
without being properly tied, shall upon conviction  
be fined in any sum not less than Two (\$2.00)  
Dollars, nor more than Fifty (\$50.00) Dollars.  
And it is hereby made the duty of the city mar-  
shal to take up and impound, or properly care  
for, all stock found running at large, lardered or  
being herded or pastured upon the streets and  
alleys. For each animal taken up and impound-  
ed, or otherwise cared for, the city marshal shall  
be entitled to receive a sum not exceeding \$1.00  
Dollar, and for keeping such animal the further  
sum of, not to exceed, Twenty-five cents per day.  
Every animal taken up and impounded must be  
claimed by the owner within ten days; and if not  
so claimed, the city marshal shall advertise the  
same for sale, and sell to the highest bidder for  
cash. The proceeds shall be applied to the cost  
of taking up and keeping such animal, and the  
balance shall be paid into the city treasury for  
the use of the owner. *Provided*—If no owner  
be found within three months the proceeds shall  
become the property of the city.

**SECTION 19.** Every person who shall, within  
the corporate limits of the city of Scandia, de-  
stroy or injure any fruit tree, shade tree, orna-  
mental tree, hedge or shrubbery, belonging to  
another, or who shall allow any team, horse,  
mule or other animal belonging to them, so to do,  
shall upon conviction be fined in any sum not ex-  
ceeding Fifty (\$50.00) Dollars.

**SECTION 20.** Every person who shall, within  
the corporate limits of the city of Scandia, permit  
or allow any team, horse, mule, or other animal  
belonging to them, to go upon or along any side-  
walk, or who shall drive or lead any animal, or  
animals, upon such walks, at any place not a reg-  
ular crossing, shall upon conviction be fined in  
any sum not exceeding Twenty-five (\$25.00)  
Dollars.

**SECTION 21.** All prosecutions for any viola-  
tion of this ordinance shall be before the police  
judge, and in all cases of conviction the police  
judge shall forthwith commit the defendant to  
the city prison until the fine assessed against him  
and all costs of prosecution are paid. At any  
time after commitment the mayor may order the  
city marshal to post the defendant at work upon  
the streets until the fine is worked out at the rate  
of One (\$1.00) Dollar per day.

**SECTION 22.** Ordinances number Six (6), num-  
ber Twenty-four (24), number Thirty-five (35),  
and all ordinances and parts of ordinances in  
conflict herewith, are hereby repealed.

**SECTION 23.** This ordinance shall take effect  
and be in force from and after its passage, ap-  
proved and publication in the SCANDIA JOURNAL.

Passed the council December 15, 1893.  
Approved this 17th day of December 1893.  
C. S. LYONS, Mayor.  
STATE OF KANSAS, REPUBLIC COUNTY, ss:  
I hereby certify the foregoing to be a true and  
correct copy of the original ordinance, as passed  
by the council and approved by the mayor, and  
now on file in my office.  
J. C. WALKER, City Clerk.

**GEORGE F. PAGE,**  
Attorney at Law & Notary Public  
Scandia, Kansas.

IMPORTANT NOTICE.

ALL PERSONS INDEBTED TO J. W. PIMNEY & CO., WILL PLEASE CALL AND SETTLE AT ONCE.

We need our Money.

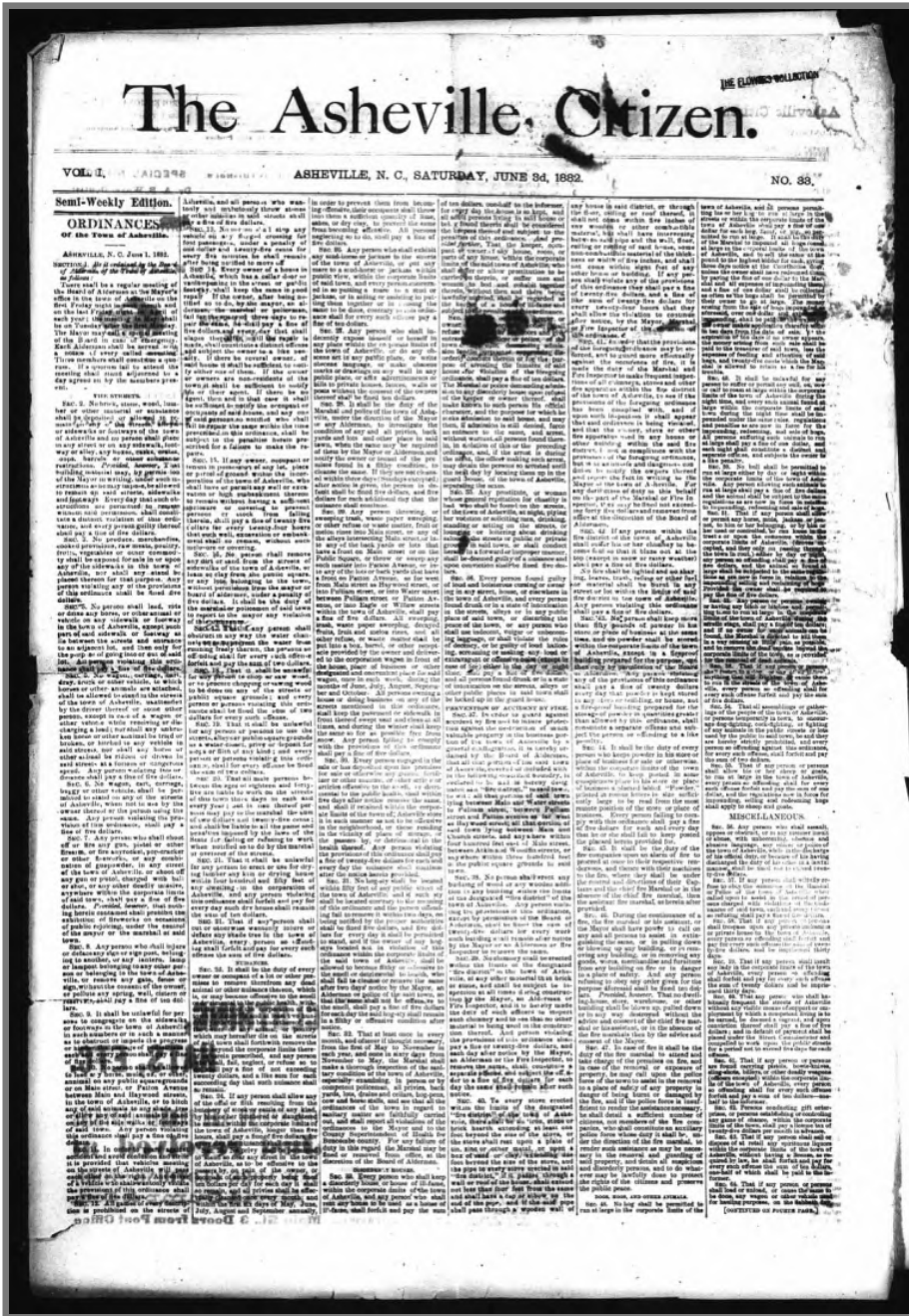
return, they shall be deemed guilty of vagrancy, and the city marshal shall forthwith arrest such person and upon conviction they shall be fined in any sum not exceeding Fifty (\$50.00) Dollars.

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

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

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# Exhibit 26





placed under the Street Commissioner and compelled to work upon the public streets for a period not to exceed five days for each offense.

**Sec. 61.** That if any person or persons are found carrying pistols, bowie-knives, sling-shots, billeys, or other deadly weapons (officers excepted) within the corporate limits of the town of Asheville, every person so offending shall for every such offense forfeit and pay a sum of ten dollars—one-half to the informer.

**Sec. 62.** Persons conducting gift enterprises, or persons establishing or controlling any game of chance within the corporate



# **Exhibit 27**



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

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

# Exhibit 28

**THE WELLSTON NEWS.**  
 BEEMAN BROS., PROPRIETORS.

Entered at the Post Office at Wellston, Oklahoma, as Second-class Mail matter.

**PUBLISHED EVERY FRIDAY EVENING.**

**SUBSCRIPTION RATES.**  
 One Year in Advance ..... \$1.00  
 Six Months ..... .50  
 Three Months ..... .30

**ADVERTISING RATES.**  
 10 cents per inch single column per month.  
 Less a discount of 10c per week. All advertising charges in advance. Estimates on job work furnished on application.

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

**Wellston Markets.**  
 Corned every Friday.

Butter	15
Eggs	12 1/2
Bacon	7 1/2
Dry salt meat	7
Potatoes	7 1/2
Onions	7 1/2
Flour	170-180
Corn	20
Castor Beans	85
Seed Cotton	2 1/2
Cotton lint	7.00
Hogs	4.00

**Resolution No. 1.**  
**INTRODUCED BY ORDINANCE COMMITTEE.**  
 Be it resolved by the President and Board of Trustees of the Town of Wellston, that the Clerk of said Town of Wellston be, and he is hereby authorized, directed and required to publish and print in pamphlet form, all of the resolutions, by-laws and ordinances of said Town of Wellston that have heretofore, or are at this time duly enacted and published by the Board of Trustees of said Town of Wellston; and to such pamphlet said Clerk shall attach his certificate, showing that the said pamphlet contains all of the resolutions, by-laws and ordinances which have been duly passed and published, and not repealed by the Board of Trustees of the said Town of Wellston on or before the 6th day of February, 1900; and said certificate shall further certify that the said resolutions, by-laws and ordinances so published are full, true and correct copies of the originals of which they purport to be, and when so published, the same shall be evidence in all courts.

Passed, made and established at a regular meeting of the Board of Trustees of the Town of Wellston, this 6th day of February, 1900.

W. H. BUMBLE,  
 Attest: Pres. Board of Trustees.  
 FRANK E. BEEMAN,  
 Town Clerk.

**Ordinance No. 20.**  
 An ordinance declaring certain acts to be an offence, and prescribing a penalty therefor.

Be it enacted by the President and Board of Trustees of the Town of Wellston.

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

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

**Section No. 3.** That any person who shall in this town disturb or disquiet any congregation or assembly met for religious worship, by making noise, or by rude or indecent behavior, or profane or obscene discourses within their place of worship or so near any worshipping assembly or congregation as to disturb the solemnity of the meeting, shall be deemed guilty of an offence and shall be fined in any sum not less than one dollar nor more than ten dollars.

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

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

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

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

**Section No. 8.** That any person who shall in this town throw any ball, stone, brick, piece of wood or other hard substance in or across any street, or alley, or at or against any house, building, or vehicle with intent to injure any person, or with intent to injure any such house, building or vehicle, and furthermore it shall be unlawful to pitch or catch any ball on any of the public streets of the town of Wellston, and any such person shall be deemed guilty of an offence and shall be fined in any sum not exceeding ten dollars.

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

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

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

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

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

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

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

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

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

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

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

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

**Partnership Statement.**  
 Territory of Oklahoma, }  
 Lincoln County, } ss.  
 This is to certify that Henry J. Cullen, residing at Wellston, Oklahoma, and Walter P. King, residing at Wellston, Oklahoma, have formed a partnership and are now conducting business as such partnership at Wellston, said Territory.

That the place of business of such partnership is at Wellston, Lincoln County, Oklahoma Territory.

That the style and firm name of such partnership is "Cullen & King."

sum not exceeding ten dollars.

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

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



# Exhibit 29



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

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

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

# **Exhibit 30**

An Ordinance prohibiting the carrying of concealed weapon and fixing the punishment therefor,  
Be it ordained by the mayor and councilmen of the city of Perry,  
SECTION 1. It shall be unlawful for any person in the city of Perry to carry concealed on or about his person, saddle or sabbiebags, any pistol, revolver, bowie knife, dirk, dagger, razor, slingshot, sword, cane, spear, metal knuckles or any other kind of knife or instrument manufactured or sold for the purpose of defense except in this ordinance provided.  
SEC. 2. It shall be unlawful for any person in the corporate limits of the city of Perry to carry upon or about his person any pistol, revolver, bowie knife, dirk knife, loaded cane, billy, metal knuckles or any other offensive or defensive weapon, except as in this article provided.  
SEC. 3. It shall be unlawful for any person within the corporate limits of the city of Perry, to sell or give to any minor, any of the arms or weapons designated in sections one and two of this article.  
SEC. 4. Public officers while in the discharge of their official duties or while going from their homes to their place of duty or returning therefrom shall be permitted to carry arms, but at no other time and under no other circumstances, provided, however, that if any public officer be found carrying such arms while under the influence of intoxicating drinks, he shall be deemed guilty of a violation of this ordinance as though he were a private person.  
SEC. 5. Persons shall be permitted to carry shot guns or rifles for the purpose of hunting, having them repaired, or for killing animals, or for the purpose of using them in public muster or military drills or while traveling or removing from one place to another, and not otherwise.  
SEC. 6. It shall be unlawful for any person to point any pistol or any other deadly weapon, whether loaded or not at any other person or persons either in anger or otherwise.  
SEC. 7. Any person violating the provisions of any one of the foregoing sections, shall, upon conviction be fined in not less than Twenty Five Dollars and not more than Fifty Dollars, or imprisonment not more than 90 days or both.  
SEC. 8. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.  
SEC. 9 This ordinance shall take effect and be in force from and after its passage approved and publication.  
Approved this 23 day of Jan. 1895.  
(ATTEST) W. A. STONE, Mayor.  
[SEAL]  
G. W. PURSELL, City Clerk.

BUSINESS LOCALS.

# Exhibit 31





# Exhibit 32

the	<b>ORDINANCES:</b>	place
not	<b>CHAPTER VIII.</b>	who
	<b>DEADLY WEAPONS.</b>	and b
ir-	Be it ordained by the City Council	all pe
or	of the City of Santa Fe:	instr
ner	Sec. 1. That it shall be un-	sion
ered	lawful for any person to carry a	locks
	deadly weapon, either concealed or	good
	unconcealed, within the limits of	of his
	the city of Santa Fe, unless the same	be de
ay	be carried in lawful defense of him-	mit t
ch	self, his family or his property, the	the p
rs-	same being at the time threatened	each
int	with danger, or unless by order of	any
ent	legal authority, or unless such per-	than
to	son be a regular authorized officer	ment
	of the law in the discharge of his	labor
	official duties.	less
ip-	Sec. 2. Deadly weapons, with-	days
tas	in the meaning of the preceding	
lt-	section, shall be construed to mean	Atte
the	any and all kinds and classes of guns,	Pass
of	pistols and revolvers, slung shots,	
to	loaded or sword canes or sand-bags	
	and all kinds and classes of weapons	
ant	and instruments, by whatever name	
on	they may be called, by which a dan-	
nd	gerous wound can be inflicted.	Be i
ith	Sec. 3. Any person convicted	th
id-	of a violation of sections 1 or 2 of	
ve	this chapter, shall be punished by a	and
the	fine of not less than five dollars nor	the
	more than fifty dollars, or by impris-	licet
	onment in the county jail or city	the
pro	prison for a period not less than ten	one
as	days nor more than sixty days, or	her
HE	by both such fine and imprisonment,	lice
he	in the discretion of the court.	
nd	N. T. THORNTON,	
en	Mayor.	or
ted	Attest: J. D. HUGHES,	liqu
	Clerk.	that
	Passed August 11, 1891.	sam
will		who
		tha

# Exhibit 33

ORDINANCE--Continued.

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

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

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

CHAPTER III. POLICE JUDGE AND MARSHAL.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER V.--BREACHES OF THE PEACE.

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

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

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

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

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

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

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

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

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

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

CHAPTER VI.--NUISANCES.

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

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

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

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

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

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

CHAPTER VII.--DEADLY WEAPONS.

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

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

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

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

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

Sec. 4. Any person who shall be found guilty of discharging any fire-arm within 300 yards of any habitation in the said Town of Cerrillos shall be fined on conviction thereof, not less than five dollars nor more than Twenty-five dollars, unless the same shall be in defense of himself, his family, or property.

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

Attest: C. A. Whited, Clerk.

A. J. Kendall, Notary Public.

Justice of the Peace.

All notary work given prompt attention and careful execution.

THE CERRILLOS SUPPLY CO

Advertisement for The Cerrillos Supply Co. featuring an image of a large ornate metal container. Text includes: Dealers in Hardware, Stoves, Tinware, Furniture, Queensware, Glassware. Lists: Lamps, Woodenware, Paints, Oils, Glass, Miners' Supplies. Products: 200# Giant and Black Powder always in stock. 150# Studebaker Wagons, both light and heavy, Boggies Road Carts, etc.

Iron and Steel.

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

Miller & Legace,

Advertisement for Miller & Legace, Pure Drugs and Medicines. Dealers in Stationery, Toilet Goods, Perfumeries, Paints, Oils, Varnishes Wall Paper, Glass, Cigars and Tobacco. Prescriptions Carefully Compounded. L. G. Jones' New Building. Cerrillos, N. M.

# Exhibit 34



be imprisoned not exceeding thirty days.

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

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

# Exhibit 35



\*\*\*  
**Ordinance No. 11.**

Be it ordained by the president and board of trustees of the town of Rapid City:

SECTION 1. That it shall be, and it is hereby declared to be unlawful for any person to carry, openly or concealed, any musket, rifle, shot gun, pistol, sabre, sword, bowie knife, dirk, sword cane, billy, slung shot, brass or other metallic knuckles, or any other dangerous or deadly weapon within the corporate limits of the town of Rapid City, Dakota territory.

Provided, that nothing herein contained shall prevent the carrying of such weapon by a civil or military officer, or by a soldier in discharge of his duty, nor by any other person for meer purposes of transportation from one place to another.

Sec. 2. Upon complaint before the justice of the peace of the town, that an offence in violation of this ordinance has been committed, he shall inquire into the circumstances of the case, to determine whether the charge is well founded, and exercise his own discretion as to the dismissal. If the complaint shall be made good and the party arrested shall be adjudged guilty by the said justice of the peace, he shall fine the offender not less than ten nor more than fifty dollars, with the costs of prosecution.

Sec. 3. All funds assessed and collected under this ordinance shall be paid to the treasurer and be credited to the general revenue fund.

Sec. 4. This ordinance shall take effect and be in force from and after its passage and approval and publication as provided by law.

Approved December 4th, 1882.  
Attest: JOHN R. BRENNAN, President.  
A. C. TUCKER, Clerk.

\*\*\*

—New novelties for the ladies at the Montana Store of Felix Poznansky.

# Exhibit 36



<p>ent in l who eath, time shall ours  d the is the ne to  n ad- of the ng of pses. in the grave n the f the</p>	<p>exceeding six months or be punished by both such fine and imprisonment. Sec. 15. If any person shall within the cor- porate limits of the city of Tucson carry con- cealed upon his person any gun, pistol, bowie- knife, dagger or other deadly weapon, he shall be deemed guilty of having committed a misde- meanor and upon conviction thereof shall be fined in any sum not exceeding three hundred dollars or be imprisoned in the County or City jail for any period of time not exceeding six months or be punished by both such fine and imprisonment; provided that this section shall not be construed to apply to sheriffs, con- stables or police officers, when exercising their legitimate duties. Sec. 16. If any saloon, gambling house, house of prostitution, dance house keeper or pro- prietor of any place wherein intoxicating or</p>	<p>sum alty fense not le dolla Sec other or bu feet missi Fire dolla ing t same Sec in a kept vesse penal</p>
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# **Exhibit 37**

**A N ORDINANCE (No. 18)**  
 Regulating the keeping and bearing of deadly weapons.

*Be it ordained by the City Council of the city of Galveston:*

**SECTION 1.** That any person carrying on or about his person, saddle or vehicle, within the corporate limits of the city of Galveston, 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, or carried for purposes of offense or defense, unless he has reasonable grounds for fearing an unlawful attack on his person, and that such 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 of Texas or the city of Galveston, as a militiaman in actual service, or as a peace officer or policeman, shall be fined in a sum of not less than twenty-five dollars nor more than one hundred dollars, and in default of payment thereof shall be confined in the jail for a period not less than ten days nor more than three months, and whilst so confined shall be required to work on the streets of said city, or any public work under the control of the City Council for the period of such confinement; *provided*, that this section shall not be so construed as to prohibit any person from keeping or bearing arms on his or her premises, or at his or her place of business, nor to prohibit sheriffs, their deputies, or other revenue officers, or other civil officers, from keeping or bearing arms whilst engaged in the discharge of their official duties, nor to prohibit persons travelling through the city of Galveston from keeping or carrying arms with their baggage.

**SEC. 2.** That 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 such 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.** That this ordinance shall take effect and be of force on and after its due publication as prescribed by the city charter.

Approved August 19th, 1873.  
 C. W. HURLEY, Mayor.

Attest:  
 C. C. ALLEN, Clerk. aug20 1873

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**A N ORDINANCE (No. 19)**

# Exhibit 38

**An Ordinance to Prevent the Carrying of Arms.**

SECTION 1. *Be it Ordained by the Board of Mayor and Aldermen of the City of Chattanooga,* That if any person shall, within the corporate limits of the City of Chattanooga, either publicly or privately carry any dirk, sword-cane, Spanish stiletto, belt or pocket pistol, Bowie knife or any large knife of like form or size to a Bowie knife, brass knuckles or slung shot, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars and confined in the city jail not less than thirty days.

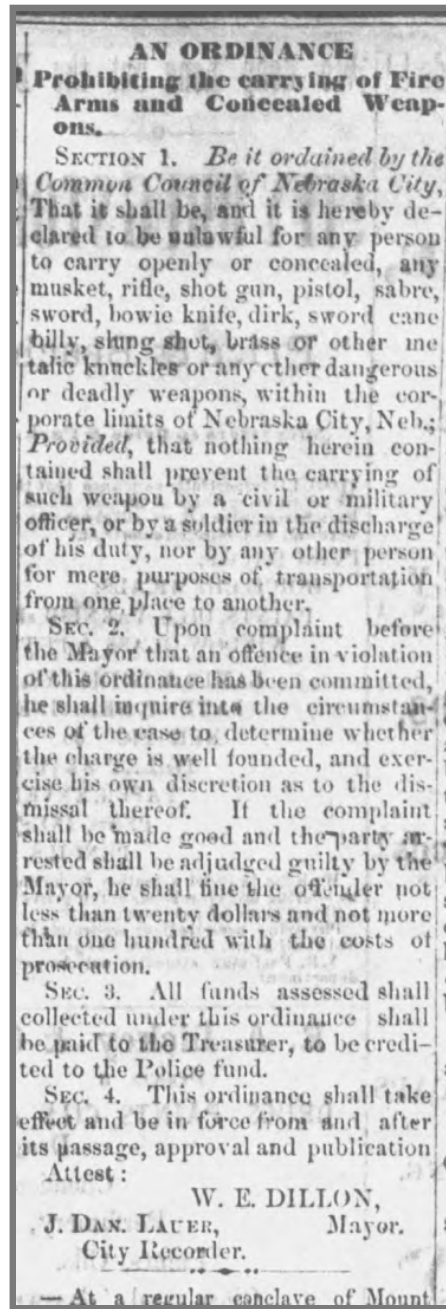
SEC. 2. *Be it further Ordained,* That it be and is hereby made the duty of the Marshal and police force to arrest any and all parties found carrying any weapon in violation of the above section, and any policeman who shall fail or refuse to strictly enforce this ordinance by refusing or neglecting to arrest any party known by him to be in violation of this ordinance, shall be at once dismissed from the police force.

SEC. 3. *Be it further Ordained,* That all ordinances or parts of ordinances in conflict with any of the provisions of this ordinance be and the same are hereby repealed, and that this ordinance take effect from and after its passage.

Approved April 9th, 1873.  
E. M. WIGHT, Mayor.  
W. T. CATE, Recorder.



# Exhibit 39



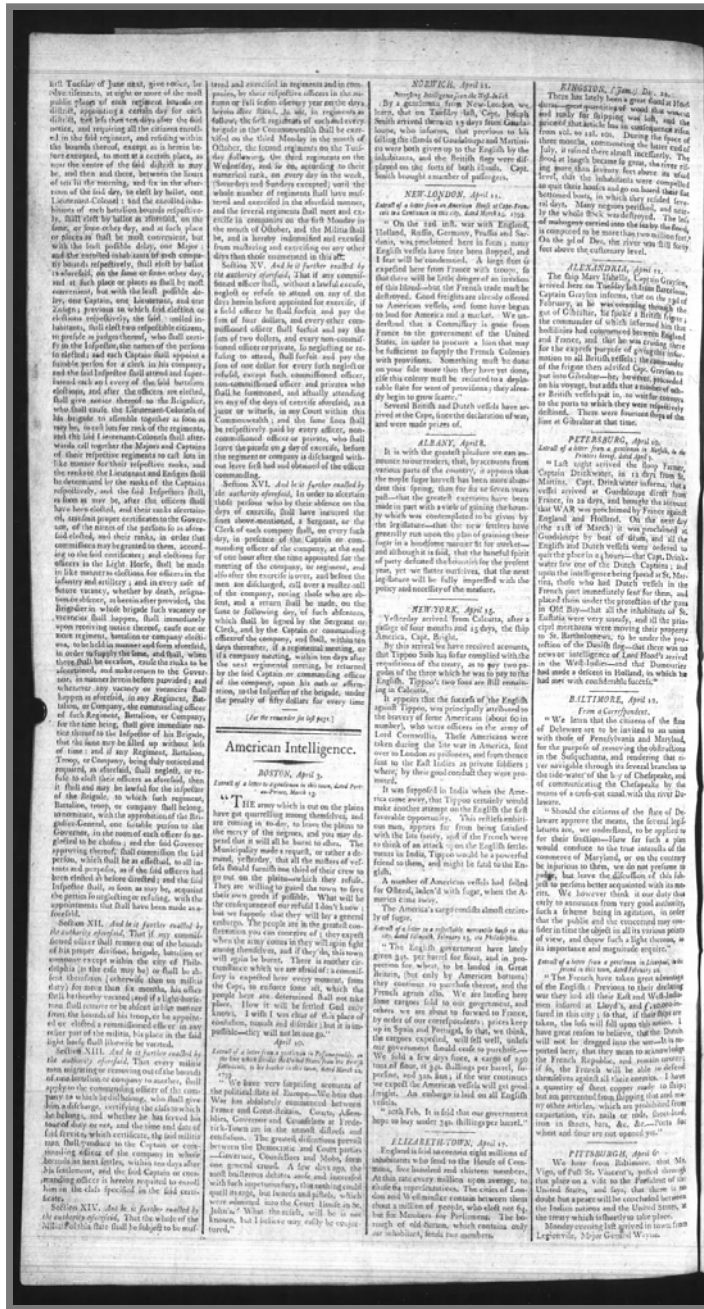
# Exhibit 40



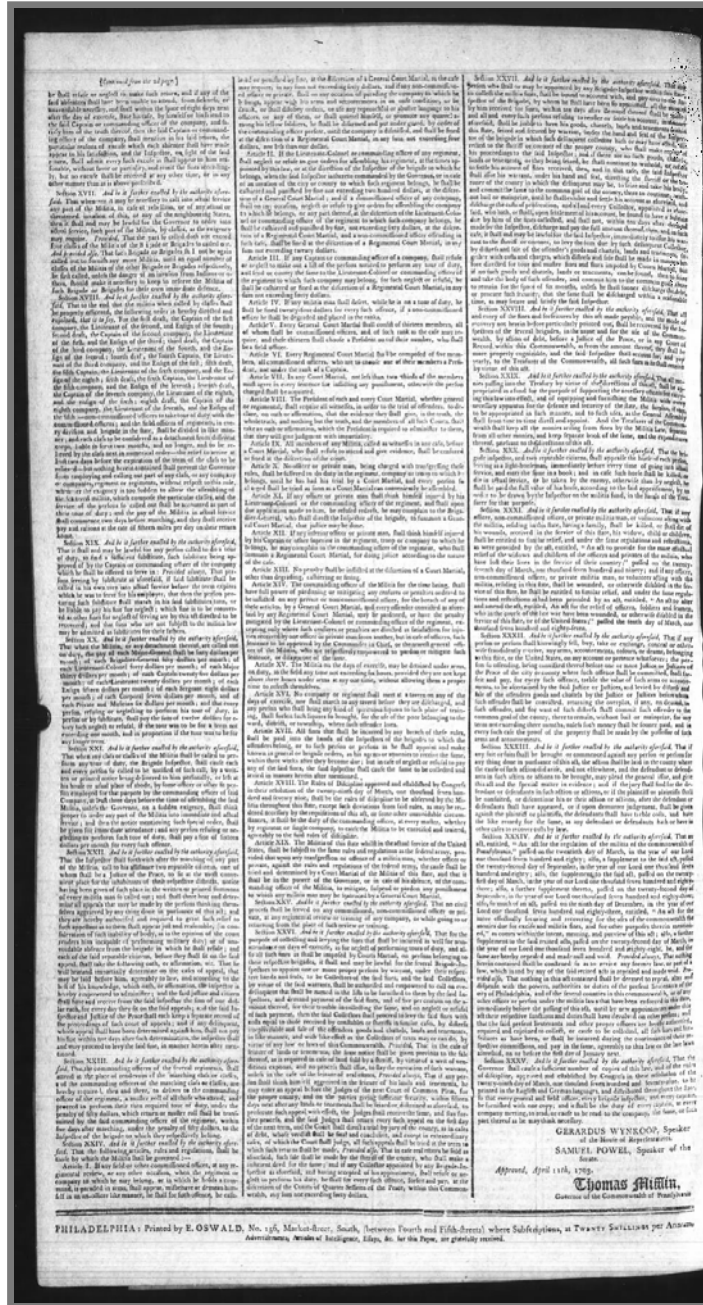


# Exhibit 41









above three hours under arms at any one time, without allowing them a proper time to refresh themselves.

Article XVI. No company or regiment shall meet at a tavern on any of the days of exercise, nor shall march to any tavern before they are discharged, and any person who shall bring any kind of spirituous liquors to such place of training, shall forfeit such liquors to be brought, for the use of the poor belonging to the ward, district, or township, where such offender lives.

Article XVII. All fines that shall be incurred by any breach of these rules, shall be paid into the hands of the Inspectors of the brigades to which the offenders belong or to such person or persons as he shall appoint to receive the same.

# Exhibit 42



# Exhibit 43

## ORDINANCE NO. 179.

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

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

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

Sec. 1. Any person who is not engaged in  
any legitimate business, any person under  
the influence of intoxicating drink, who shall  
be found within the limits of the City of  
Lyons, carrying on his person a pistol, bowie  
knife, dirk or other deadly weapon, shall be  
subject to arrest upon charge of misdemeanor,  
and upon conviction shall be fined in a sum  
not exceeding fifty dollars, or by imprison-  
ment in the city jail not exceeding one  
month, or by both such fine and imprison-  
ment.

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

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

Passed and approved, Sept. 7th, 1891.

[seal] E. A. RICHARDS, Mayor.

Attest:—A. E. Magoffin, City Clerk.

# Exhibit 44

**TOWN ORDINANCE NO. 21.**

An Ordinance regulating and prohibiting the carrying of deadly weapons: Be it ordained by the Board of Trustees of the town of Blackwell:

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

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

**SECTION 3:**—Public officers, while in the discharge of their duties, or while going from their homes to their place of duty, or returning therefrom, shall be permitted to carry arms, but at no other time and under no other circumstances. Provided, however, that if any public officer be found carrying such arms while under the influence of intoxicating drinks, he shall be deemed guilty of a violation of this ordinance as though he were a private person.

**SECTION 4:**—Persons shall be permitted to carry shotguns or rifles for the purpose of hunting, having them repaired, or for killing animals, or for the purpose of using the same in public muster or military drills, or while travelling or moving from one place to another, and not otherwise.

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

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

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

Passed August 23, 1894.  
JOHN B. MAY, President.  
ALBERT BECK, B. HUFF, Town Clerk.  
JAMES M. GIBBS, Public Trustee.  
First publication in the K County Democrat August 23, 1894.



# Exhibit 45

Queen's lecture here before she leaves the Co.

**AN ORDINANCE**—To prohibit intoxication, breach of the peace, carrying of deadly weapons, the use of obscene language, the discharge of fire arms, and to close places of amusement on Sunday, in the city of Wallace, Kansas, and to repeal certain ordinances in said city.

Be it ordained by the Mayor and Councilmen of the City of Wallace, in the State of Kansas:

Sec. 1. If any person shall be drunk in any highway, street or in any public place or building, or if any person shall be drunk in his own house or private building or place abetting his family or others, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$25 or by imprisonment in the city jail for a period not exceeding 30 days.

Sec. 2. Any person who shall wilfully disturb the peace or quiet of any person, family or neighborhood, shall upon conviction thereof be fined in a sum not exceeding \$10, or by imprisonment in the city jail not exceeding 3 months.

Sec. 3. Any person who shall, while intoxicated be found carrying on his person, a pistol, bowie-knife, dirk or other deadly weapon, shall upon conviction be fined in a sum not exceeding \$10, or by imprisonment in the city jail not exceeding 3 months.

Sec. 4. Any person who shall carry concealed or otherwise upon his person, any pistol, bowie knife, dirk or deadly weapon, shall upon conviction be fined in any sum not exceeding \$10, or by imprisonment in the city jail not exceeding 3 months. Provided, however, that this shall not apply to any peace officer, of the State, County or Cities of the State, and provided further that if it shall appear in the court trying witness under this section, that the accused was engaged in any legitimate business or calling, that would necessitate the carrying of any such weapon, such person shall be acquitted.

Sec. 5. Any person who shall discharge any fire arms, rockets, powder firework fireworks or other dangerous or combustible material, upon any street, lot, grounds, alleys or in the vicinity of any building, shall upon conviction be fined in any sum not exceeding \$10, or by imprisonment in the city jail not exceeding 3 months. Provided however, that it shall appear in the court, trying offenses under this section, that the offense charged was committed by the accused in defense of his person or property or in celebrating any national holiday, public event, and that the same was done in such a manner as not to endanger the lives or property of another, such person shall be acquitted.

Sec. 6. Any person who shall speak, utter or use any obscene language in any public place in the presence and hearing of any female shall upon conviction be fined in any sum not exceeding \$10, or by imprisonment in the city jail not exceeding 3 months.

Sec. 7. Any person who shall on the first day of the week, commonly called Sunday, keep open any billiard room, ball or pin alley, skating rink, house, ground or other place of amusement, shall upon conviction be fined in any sum not exceeding \$10, or by imprisonment, in the city jail not exceeding 3 months.

Sec. 8. Whoever shall aid, assist, or counsel another to commit any of the offenses prohibited by this ordinance shall be deemed guilty of the same offense as the principal and convicted accordingly notwithstanding the principal may not have been charged with the offense.

Sec. 9. All fines and costs imposed by the Police Judge under this ordinance shall be by commitment of the accused to the city jail until the same is paid and the offenses herein denominated and prohibited shall extend to all such acts committed within the corporate limits of the city of Wallace.

Sec. 10. That an ordinance entitled, an ordinance relating to the carrying of deadly weapons, passed Nov. 25th, 1887, and published Dec. 2nd, 1887, and an ordinance, without title passed Nov. 15th, 1887, published Nov. 18, 1887, are hereby repealed, and this ordinance shall take effect and be in force from and after its publication in the Wallace County Register, passed and approved Dec. 22nd, 1887.

Attest: Geo. W. FRENCH, A. B. CRYSTAL, Clerk. Mayor. City of Council.

# Exhibit 46

**Ordinance No. 317,**  
*Additional Penal Ordinance—Deadly  
 or Dangerous Weapons—Malicious  
 Mischief—Shop lifting.*

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

**SECTION I.** 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 assemble 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 (whether National, State, School or Municipal), or into any Court room during the sitting of Court, or into any other public assemblage of persons not for any lawful purpose other than for Militia drill or meetings called under the militia laws of the state, having upon or about his person any kind of fire arms, bowie-knife, dirk, dagger, stung-shot, or other deadly weapon, or shall in the presence of one or more persons exhibit any such weapon in a rude, angry and threatening manner, or shall have or carry any such weapon upon or about his person when intoxicated, or under the influence of intoxicating drinks, or shall directly or indirectly sell or deliver, loan or barter to any minor, any such weapon, without the consent of the parent or guardian of such minor (within the limits of the City of Greenfield) he shall upon conviction thereof be fined not less than Fifty Dollars, nor more than Two Hundred Dollars, or be imprisoned in the County Jail not longer than six months, or may be punished by both such fine and imprisonment.

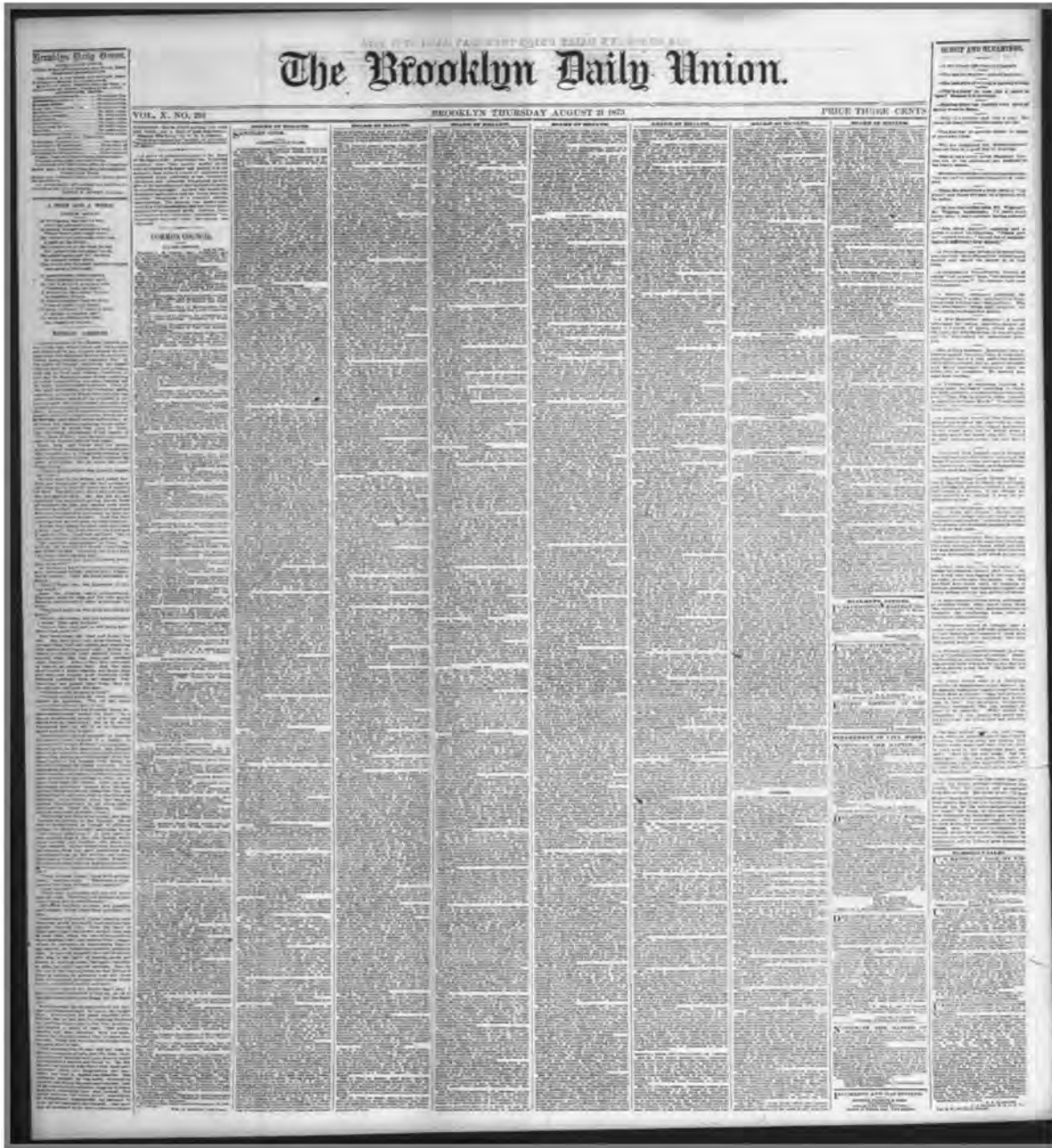
**SECTION II.** Every person who shall willfully and maliciously injure or remove any saddle, bridle, halter, hitch-rein, buggy or wagon harness, the personal property of another, or who shall willfully and maliciously remove any top or nail from the axle of any buggy, wagon or other vehicle, or otherwise injure the same, the personal property of another, or who shall willfully or maliciously remove, deface or otherwise injure anything which is the personal property of another, and without the owners consent shall conceal, hide or do any act with the personal property of another, willfully and maliciously which is calculated to cause damage or injury to another or his property, shall upon conviction thereof be fined therefor in any sum not exceeding Fifty Dollars, or may be imprisoned in the County Jail not longer than six months, or may be punished by both such fine and imprisonment.

**SECTION III.** Every person who shall willfully conceal about his person any article of personal property belonging to another, with intent to convert the same to his own use, or shall willfully carry away from any dwelling house, shop or store, or from any public house any personal property not his own, or shall be guilty of any petit larceny ordinarily termed "Shop-lifting", shall upon conviction thereof be fined in any sum not exceeding One Hundred Dollars, or shall be committed to the County Jail for a term not exceeding six months or may be punished by both such fine and imprisonment.

**SECTION IV.** This ordinance shall be in full force and effect from and after its passage.

Passed and approved January 4th 1884  
 W. L. B. BRIDGES, Mayor  
 W. R. McREYNOLDS,  
 President Board Aldermen  
 ATTEST: SETH C. HOYT, City Clerk

# Exhibit 47



**BOARD OF HEALTH.**

**SANITARY CODE.**

**ADOPTED JULY 15, 1873.**

At a meeting of the Board of Health, for the city of Brooklyn, held at 66 Court street, on the 15th day of July, A. D., 1873.

Present—James Jourdan, the President of the Board of Health, Joseph C. Hutchinson, M. D., and J. T. Conkling, M. D., members of the said Board.

The said Board of Health by virtue of, and in pursuance of the authority conferred by section 9 of chapter 107 of the Laws of 1871, entitled "An act to establish a Board of Health in and for the city of Brooklyn, passed March 29, 1872," which said section declares that said Board shall possess within the city of Brooklyn, all the authority, and be charged with all the duties (unless otherwise provided for in this act) conferred or imposed upon the Metropolitan Board of Health, under an act entitled "An act to create a Metropolitan Sanitary District and Board of Health therein for the preservation of life and health, and to prevent the spread of disease," passed February twenty-sixth, eighteen hundred and sixty-six, chapter seventy-four, and also all the powers conferred by the amendments to said act, passed April nineteenth, sixteenth hundred and sixty-six, and May twenty-fifth, eighteen hundred and sixty-seven, and also all the powers conferred by any act amendatory thereof, and also all the powers applicable to Brooklyn, conferred by an act for the regulation of tenement and lodging houses in the cities of New York and Brooklyn, passed May fourteenth, eighteen hundred and sixty-seven, and also all the powers conferred by an act to authorize the abatement and prevention of certain nuisances, deemed dangerous to the public health in the city of Brooklyn, passed April twenty-third, eighteen hundred and sixty-seven, and also all the authority, duty and powers, whether given by any law or by ordinance made thereunder heretofore (for the purpose of preserving or protecting life or health, or preventing disease) conferred upon or now being exercised by the Board of Health of the city of Brooklyn, are hereby exclusively conferred upon, and shall hereafter be exclusively exercised by the aforesaid Board of Health of the city of Brooklyn, the members and officers thereof," do hereby direct, order, ordain and enact as follows:

**DEFINITIONS OF TERMS.**

**SECTION 1.** That the terms "Board," "this Board," and "said Board," shall be held to mean the "Board of Health of the City of Brooklyn;" that the word "Department" wherever used herein, shall be held to mean the "Board of Health of the City of Brooklyn;" that the words "person," "owner," "tenant," "lessee," "occupant," "contractor," "party," "manager," "Board," and "officer," shall respectively be held to apply to and include, both jointly and severally, each and all owners, part-owners, tenants, lessees, occupants, managers, contractors, parties in interest, persons, officers, boards and corporations who may sustain the relations, or may be in like position of any one or more thereof referred to in any ordinance or regulation; that every order, ordinance or regulation declared applicable to the built-up portion of Brooklyn, shall, so far as the subject-matter thereof is applicable (save as to interments), and so far as this Board has authority to make the same, be held to include and apply to the built-up portions of said city; that every word or phrase anywhere herein defined shall be held to include the same sense wherever used; that the words "city," or "this city," or "said city," whenever used herein, shall be held to mean the city of Brooklyn; that the word "regulations" shall be held to include "special regulation," (which latter will be from time to time issued, and will contain more detailed provisions that can be herein con-

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to a person or persons, or to any person, or to fire any gun or other firearm or rock-blast in any public street, alley, or place within the built-up portions of said city, where any human life may be imperilled.

SEC. 174. That no person shall sell, loan, or give to, or allow to be taken by any other person, any fire-arm, or other deadly or dangerous weapon, when there shall be any reason for such first named person to think or believe that any danger to life may illegally result from the giving, loaning, selling, or from the use of such arm or weapon.

SEC. 175. That no large, or church bell shall be rung or tolled at any funeral in said city without a permit therefor from this Board, nor shall such bell be rung or tolled at any other time therein to the prejudice or peril of the life or health of any human being.



# Exhibit 48

**HIDDEN WEAPONS**

#522

**Judge Brannon's Decision on This Subject.**

**HIS CONCLUSIONS VERY SWEEPING.**

**The Law Recognizes No Difference in Persons and All Should be Prohibited from This Practice.**

BRANNON, W. Va., October 12.—At the late term of the Circuit Court of Upshur county, a young man by the name of Long was tried on an indictment for carrying a pistol contrary to the act of 1892. The evidence for the prosecution was that Long was seen going along the public highway with a revolver in his hand.

The defense proved that Long was a peaceable citizen of good moral character and that he carried the weapon because that in passing along that road a short time previously, he had been pursued by a panther, and was alarmed for his safety.

**The Judge Ruled Not**

that part of the evidence relating to the danger of a panther, as an animal was not contemplated by the act of the Legislature which refers to the danger of bodily harm from some person as justifying the carrying of such weapons embraced in the law.

A verdict of guilty was rendered by the jury, and in the motion to arrest judgment and set aside the verdict, an able and elaborate argument was made by the prisoner's counsel. The ground set forth was the unconstitutionality of the law—first conflicting with the Second and Fourteenth amendments to the federal constitution, and also conflicting with our State constitution, which

**Prohibits Class**

legislation, it being contended that the feature which allows persons of good character and peaceable habits, under certain contingencies, to be exempt from the penalties of the law, is legislation in favor of a class.

The decision rendered by Judge Henry Brannon, who presided sustained the law. As the law is one which has universally met with public favor, and one that has evoked eloquent eulogies from the benches in various parts of the State, your correspondent called upon Judge Brannon with a request that a copy of his decision be furnished for publication. From that Honorable gentleman it is clear, concise, and well-deduced.

**is taken as conclusive.**

**I hereby appear it**

The habit of carrying deadly weapons had become so prevalent and harmful, that the Legislature, regarding the old statute insufficient, passed an act in 1892, forbidding a person to carry about his person any revolver or other pistol, dirk, bowie-knife, razor, slung shot, billy, metallic or other false knuckles, or any other dangerous or deadly weapon of like kind or character.

In this case it is urged that this act is void, because in violation of the Second Amendment of the Federal Constitution, which provides that "a well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed," and also because it grants the right to carry weapons for self defense only to persons who are quiet and peaceable citizens of good character and standing, and thus

**Violates the Fundamental Principle**

that all citizens stand equal before the law; and violates that provision of the Fourteenth amendment prohibiting States from passing "any law which shall abridge the privileges or immunities of citizens, or deny to any person within their jurisdiction the equal protection of the laws."

It is a very grave act for a court to overthrow and defeat an act of the Legislature, and should be done only when its unconstitutionality is manifest. Where the repugnance to the Constitution is undoubted, the judge must yield to that high duty of respecting that highest law, the will of the people expressed in the Constitution, rather than the will of the Legislature; but never where he is doubtful, and all doubts go in favor of the act. All courts hold this doctrine. *Bridges v. Shaler*, 6 W. Va.

Is it the right of the citizen to wear

any of the species of weapons which are immediately dangerous to the lives of others of good character to carry weapons. These exceptions in the act are useful and necessary; but who will say that it is useful or necessary privilege to the citizen to go abroad through the land wearing these deadly weapons?

But, it is argued here that the act discriminates between citizens, by allowing persons of good character the right of self defense, while denying it to others. It does not deny the right of self-defense, if a person of the worst character were assailed and in such danger as to warrant the exercise of the right of self-defense and with his pistol were to slay his adversary, he could not be indicted for carrying a pistol beforehand. It is not a denial of the right of self-defense, it only denies to the dangerous persons the right to arm beforehand and carry weapons, because they are a danger to the place, whereas the law-abiding are not.

**Law-abiding are Not.**

The power of regulation vested in the Legislature for police purposes and the maintenance of morals, law and order for the good of society are necessarily wide, even though it may seem to work discrimination between persons.

The right to earn a livelihood is a great right; yet no one can practice law, keep a hotel or sell liquor without proving a good moral character. Such has been the law for years, and no one has questioned its validity. A doctor must now prove a good character to practice. These powers of apparent discrimination must exist *ex necessitate rei*, from the necessity of the case. Liberty to the citizen is a great attribute and deserving of all protection; but it must be liberty regulated by law and consistent with the interests of organized society, not mere self-willed, arbitrary license. But suppose this feature limited the right to carry weapons for self-defense to persons of character were lawful, it should not destroy the whole act. A court which should be of opinion that this particular feature is void, would direct it by allowing the jury to prove the danger not ending over them, and that

**He Carried the Weapon**

in self-defense, and dispensing with proof of character. The act admits the main feature, the right to carry for self-defense, but adds the condition of good character; but this latter provision is not so intimately connected with the self-defense provision that it may not be separated from it and the self-defense clause stand independent of it and be executed without it. Cooley says: "A statute may contain some unconstitutional provisions, and yet the same act may contain other useful and salutary provisions not obnoxious to any just constituted exception. It could be inconsistent with all just principles of constitutional law to adjudge these enactments void, because they are associated with the same act; but not connected with it, or dependent on others which are unconstitutional. Where, therefore, a part of a statute is unconstitutional, the fact does not authorize the courts to declare the remainder void, unless all the provisions are connected in subject matter dependent on each other, operating together for the same purpose, or otherwise so connected together in meaning that it cannot be presumed the Legislature would have passed

**The One Without the Other.**

The constitutional and unconstitutional provisions may even be in the same section, and yet be perfectly distinct and separable, so that the first may stand through the last fall. The point is not whether they are contained in the same section; for the distribution into sections is purely artificial, but whether they are essentially and inseparably connected in substance. If, when the unconstitutional portion is struck out, that which remains is complete in itself, and capable of being executed in accordance with the apparent legislative intent, wholly independent of that which was rejected, it must be sustained.

The Fourteenth Amendment does not apply. The right to carry the weapon prohibited by this act is not a "privilege or immunity" within its meaning, nor does it deny the equal protection of the law. It is likely not designed to apply to the right to bear arms, for the other amendment applies to that subject, and there is no need for this as to this subject. It has other objects in view a discussion of which would make this opinion too long but if it

**Could be at All Applied**

to this subject, it would not grant the right to bear arms such as those prohibited by this act, and the remarks above would answer this point.

whipped the earth and insidious arms prohibited by this act? Or does the second amendment only guarantee the right to bear large arms, such as are useful in war and in defense of liberty against arbitrary power? Clearly the latter only. In days of tyranny long ago, when non-archaic power sought supreme way and to trample down freedom, history tells us that one of its favorite methods was the

#### Disarming of the People

is a wrenching from their hands and homes those arms useful and effective in defense of liberty and dangerous only to tyrants. In this free country this amendment was incorporated to avoid the dangers of the past. Another reason for its adoption was this: Standing armies had been engines of oppression in the past, and American sentiment was opposed to them, and as a substitute reliance was placed on the citizen militia, and to render it efficient it was desirable to train it to the use of arms common in war. The intimate connection in the amendment of this provision about learning arms with the language, "a well regulated militia being necessary to the security of a free state," shows that military efficiency and regular liberty were in the mind of its draftsmen rather than individual privilege. It intended, it defends individual privilege to save the right of the citizen to keep at his home and premises arms ordinarily used in war, and has no reference to small weapons which may be hidden in the pocket and first seen when drawn to do their deadly work. The lives of the people and the public peace are the highest objects of the protection of the law, and this act does

#### These High Objects,

in view. The pistol, the bowie-knife, the stiletto, the slungshot, the billy and the knuckles are the weapons of the ruffian and law breaker, are used in the riot or affray, are dangerous in moments of anger or intoxication, and from them a vast amount of murder, bodily injury and family distress arise, and from them many a bitter tear has flowed. Certainly it was never intended by the constitution to prohibit the Legislature from protecting the lives of the people and the public peace from their greatest foes; it was not intended to withhold the power to regulate within the bounds of prudence and usefulness the bearing of these weapons. It certainly can not be converted into a license to the evil disposed to make their persons walking arsenals to run rampant over the peace of the State, and disarm the Legislature of power to regulate or check it. Such a construction would make the Constitution defend lawlessness, tumult and anarchy, and sacrifice law, order and public security. I cannot yield to this dangerous construction. The construction of law must be reasonable. The act is wise and salutary, is doing good in this State, and the courts

#### should sustain it.

The great law writer Bishop, in his work on statutory crimes, sustains this view. Speaking of this clause in the Federal Constitution, he says:

"As to its interpretation, if we look at the question in the light of judicial reason, without the aid of specific authority, we shall be led to the conclusion that the provision protects only the right to 'keep' such 'arms' as are used for purposes of war in distinction from those which are employed in quarrel, brawls and fights between unadvised individuals, since such only are properly known by the name of 'arms,' and such only are adapted to promote 'the security of a free State.' In the manner the right to 'bear' arms refers merely to the military way of using them, not to their use in bravado or affray. In Georgia and Kentucky such acts have been held void, but in Arkansas, Alabama, Tennessee and Pennsylvania, they have been sustained, and Bishop says the Arkansas doctrine is approved generally by American courts. Remember that this act recognizes the right to keep and carry a pistol about one's dwelling house or premises, carrying it from the

#### Place of Purchase

home, and from home to a place of repair and back again, and only prohibits their carriage on the premises of others and in

1 ROB BONTA  
 Attorney General of California  
 2 MARK R. BECKINGTON  
 R. MATTHEW WISE  
 3 Supervising Deputy Attorneys General  
 TODD GRABARSKY  
 4 JANE REILLEY  
 LISA PLANK  
 5 ROBERT L. MEYERHOFF  
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 9 *Attorneys for Rob Bonta, in his Official Capacity as  
 Attorney General of the State of California*

10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
 12

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

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

**DECLARATION OF DR. MARY  
 FISSELL IN SUPPORT OF  
 DEFENDANT'S OPPOSITION TO  
 PLAINTIFFS' MOTIONS FOR  
 PRELIMINARY INJUNCTION**

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

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





1 impose order in cities experiencing increasing waves of poverty.<sup>5</sup> The only patients  
2 in such places were people with no other choice.<sup>6</sup>

3 7. Almshouses were disciplinary institutions in which inmates' behavior  
4 was highly regulated and governed by rules.<sup>7</sup> In the Boston Poor House in 1739, for  
5 example, rules specified that inmates must hear prayers twice a day and could not  
6 smoke in bed, curse and swear, fight, or beg from visitors, who were forbidden  
7 from bringing liquor into the house.<sup>8</sup> Inmates had their days tightly scheduled,  
8 structured around mealtimes, mandatory prayers twice a day, and oakum picking  
9 (that is, unpicking rotting rope to make ships' caulking).<sup>9</sup> Faking illness to avoid  
10 work was punished, although the genuinely ill received medical care.<sup>10</sup>

11 8. Voluntary hospitals were modeled upon England's infirmary system,  
12 which had developed in the eighteenth century.<sup>11</sup> Philadelphia's Pennsylvania  
13 Hospital was founded in 1752; New York Hospital was organized in the early  
14 1770s, but did not open its door to patients until 1790; and Massachusetts General  
15  
16  
17

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18 <sup>5</sup> David M. Oshinsky, *Bellevue: Three Centuries of Medicine and Mayhem at America's*  
19 *Most Storied Hospital*, (New York: Doubleday, 2016), 13-36; Toba Schwaber Kerson,  
20 "Almshouse to Municipal Hospital: The Baltimore Experience," *Bulletin of the History of*  
*Medicine*. Vol. 55 Issue 2, (Summer 1981): 203-220; Wallis, "Poor Women and the Boston  
Almshouse".

21 <sup>6</sup> Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore*,  
22 (Baltimore: Johns Hopkins University Press, 2009); John K. Alexander, "Institutional  
Imperialism and the Sick Poor in Late Eighteenth-Century Philadelphia: The House of  
Employment vs. The Pennsylvania Hospital," *Pennsylvania History*. Vol. 51 Issue 2 (Spring  
1984): 101-117.

23 <sup>7</sup> "Rules and Orders for the Management of the Work House in Boston," in *The*  
24 *Eighteenth-Century Records of the Boston Overseers of the Poor*, ed. Eric Nellis and Anne  
Decker Cecere, Boston: (The Colonial Society of Massachusetts, 2007), 975-79.

25 <sup>8</sup> "Rules and Orders for the Management of the Work House in Boston," in *The*  
*Eighteenth-Century Records of the Boston Overseers of the Poor*, ed. Eric Nellis and Anne  
Decker Cecere, Boston: (The Colonial Society of Massachusetts, 2007), 975-79.

26 <sup>9</sup> Rules and Orders for the Management of the Work House in Boston," 979, 977, 978.

27 <sup>10</sup> "Rules and Orders for the Management of the Work House in Boston," 978.

28 <sup>11</sup> Mary E. Fissell, *Patients, Power and the Poor in Eighteenth-Century Bristol*,  
Cambridge: Cambridge University Press, 1991.

1 Hospital followed in 1821.<sup>12</sup> Admissions to such hospitals were not based solely  
2 upon medical considerations, but on relationships of patronage and charity. In some  
3 institutions, a potential patient needed a letter from one of the hospital's donors;  
4 people had to draw upon their existing networks of patronage.<sup>13</sup> In others, a hybrid  
5 of social and medical procedures governed admission.<sup>14</sup> At the Pennsylvania  
6 Hospital, for example, a person seeking care was first seen by one of the doctors,  
7 but then by two of the hospital's visiting committee, well-to-do men who donated  
8 their time to the hospital. Only trauma cases were admitted with only a medical  
9 examination. The goal was always to distinguish between "worthy" and "unworthy"  
10 recipients of the hospital's care.<sup>15</sup> No mention was made of specific rules governing  
11 patients' behavior in voluntary hospitals, because it was assumed that those who  
12 had managed to navigate the networks of charity and patronage to gain admission  
13 were going to be well-behaved.<sup>16</sup>

14 9. Such hospitals also cherry-picked their patients in order to have good  
15 recovery rates; the goal was to return a working man or woman to health and  
16 financial stability. For example, patients with ailments that seemed infectious often  
17 were not admitted, lest they spread disease.<sup>17</sup> Chronic ailments, including  
18 consumption, the single biggest killer, were excluded, as were venereal diseases due  
19 to their immoral character, although the Pennsylvania Hospital took a few paying  
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21 \_\_\_\_\_  
22 <sup>12</sup> William H. Williams, "The "Industrious Poor" And The Founding of The Pennsylvania  
23 Hospital," *Pennsylvania Magazine of History & Biography*. Vol. 97 Issue 4, (Oct 1973): 431-443;  
24 Eric Larrabee, *The Benevolent and Necessary Institution; The New York Hospital, 1771-1971*,  
(Garden City, N. Y.: Doubleday, 1971); Nathaniel Ingersoll Ingersoll, *A History of the*  
*Massachusetts General Hospital*, (Boston: J. Wilson & son, 1851)

<sup>13</sup> Rosenberg, *Care of Strangers*, 22-6.

<sup>14</sup> Rosenberg, *Care of Strangers*, 22-6.

<sup>15</sup> William H. Williams, "The "Industrious Poor" and the Founding of the Pennsylvania  
26 Hospital," *Pennsylvania Magazine of History & Biography*. Vol. 97 Issue 4, (Oct 1973): 431-443,  
see 440-441.

<sup>16</sup> William Gunn Malin, *Some Account of the Pennsylvania Hospital, Its Origin, Objects,*  
27 *and Present State*, (Philadelphia: Printed by T. Kite & co., 1832), 6.

<sup>17</sup> Rosenberg, *Care of Strangers*, 23.



1 patients with such diseases.<sup>18</sup> Many who suffered from such ailments ended up in  
2 almshouses.

3 10. Aside from rules, personal accounts provide perspective on what  
4 actually happened in almshouses and hospitals. One of the best witnesses to life in  
5 such institutions is a clergyman, Ezra Stiles Ely, who published a book about his  
6 experiences ministering to people in New York City's Almshouse and Hospital.<sup>19</sup>  
7 The Almshouse was a place of last resort, for the sick, elderly, lunatic, and blind;  
8 when the Hospital decided a patient was incurable, they were moved to the  
9 almshouse.<sup>20</sup> Ely was critical of overcrowding and disorder in the institution,  
10 providing detailed accounts in which he complained about men and women housed  
11 in the same rooms and entering into sexual relations, about prostitutes who would  
12 not reform, and about inmates accessing drink.<sup>21</sup> However, the scenes of  
13 deprivation and disorder that he described never included weapons of any kind,  
14 which suggests that no weapons were present in the institution.<sup>22</sup>

15 11. Inpatient mental health care was very rare in the American colonies  
16 and early republic.<sup>23</sup> Pennsylvania Hospital was an exception, housing what were  
17 called "lunatics," or the mad.<sup>24</sup> In the hospital, the insane, whose care might be paid  
18 for by their families, had a higher ratio of attendants to patients than nurses to the  
19 sick, indicating the realization that the mentally ill might need higher levels of  
20 management. Those who were able performed various forms of labor, such as

21 \_\_\_\_\_  
22 <sup>18</sup> Rosenberg, *Care of Strangers*, 24; Francis R. Packard, *Some Account of the*  
*Pennsylvania Hospital*: 29-30.

23 <sup>19</sup> Ezra Stiles Ely, *The Journal of the Stated Preacher to the Hospital and Almshouse, in*  
*the City of New-York, for the year of Our Lord 1811*, (New-York: Published by Whiting and  
24 Watson, J. Seymour, printer, 1812).

<sup>20</sup> Ezra Stiles Ely, *The Journal of the Stated Preacher*, 74.

<sup>21</sup> Ezra Stiles Ely, *The Journal of the Stated Preacher*, 22, 85, 86.

<sup>22</sup> Ezra Stiles Ely, *The Journal of the Stated Preacher*.

26 <sup>23</sup> David Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New*  
*Republic*, (Boston: Little, Brown, 1971).

27 <sup>24</sup> Nancy Tomes, "The Domesticated Madman: Changing Concepts of Insanity at the  
28 Pennsylvania Hospital, 1780-1830," *Pennsylvania Magazine of History & Biography*, Vol. 106  
Issue 2 (Apr 1982): 271-286.

1 knitting and chopping firewood.<sup>25</sup> It was only in the nineteenth century that  
2 separate asylums for the mentally ill were first built in America, sometimes in rural  
3 locations outside major cities, environments that were seen as beneficial to  
4 patients.<sup>26</sup>

5 12. Fever hospitals were temporary institutions erected during epidemics.  
6 They were often intended to isolate the sick, and limit the spread of disease.<sup>27</sup>  
7 During the 1793 yellow fever epidemic in Philadelphia, for example, the Guardians  
8 of the Poor appropriated an estate outside the city and fever patients were housed in  
9 the outbuildings. Chaos reigned as the epidemic raged on, and ultimately, about  
10 half of the patients in the fever hospital died.<sup>28</sup> Again, the patients of the fever  
11 hospital were the city's poorest; many of the city's better-off residents had fled the  
12 city and others were treated in their homes.<sup>29</sup>

### 13 SUMMARY OF OPINIONS

14 13. Hospitals in late eighteenth and early nineteenth century America were  
15 very different from the high-tech medical workplaces that exist today. In early  
16 America, almost anyone with any financial resources received medical treatment in  
17 their home, not in an institution. The "worthy" poor might seek admission to a  
18 hospital if their medical complaints were treatable and they could activate networks  
19 of patronage to get a recommendation for admission. Anyone else went to  
20 almshouses. The two specialized types of hospitals, mental asylums and fever

21 <sup>25</sup> Malin, *Some Account*, 20, 18.

22 <sup>26</sup> Rothman, *The Discovery of the Asylum*; Nancy Tomes, *A Generous Confidence: Thomas Story Kirkbride and the Art of Asylum-Keeping, 1840-1883*, (Cambridge: Cambridge University Press, 1984).

23 <sup>27</sup> Toba Schwaber Kerson, "Almshouse to Municipal Hospital: The Baltimore Experience," *Bulletin of the History of Medicine*. Vol. 55 Issue 2, (Summer 1981): 203-220.

24 <sup>28</sup> J. H. Powell, *Bring Out Your Dead*, (Philadelphia, University of Pennsylvania Press 1949). 233-59.

25 <sup>29</sup> Billy G. Smith, *Ship of Death: A Voyage that Changed the Atlantic World*, (New Haven: Yale University Press, 2013), 206-241; Jacquelyn C. Miller, "Beyond Therapeutics: Technology and the Question of Public Health in Late-Eighteenth-Century Philadelphia," in J. Worth Estes, et. al, eds, *A Melancholy Scene of Devastation: The Public Response to the 1793 Philadelphia Yellow Fever Epidemic*, (Canton, MA: Published for the College of Physicians of Philadelphia and the Library Company of Philadelphia by Science History Publications/USA, 1997).

1 hospitals, were also only for the poor. All of these institutions were oriented to  
2 disciplining and improving the morals of their inmates as well as treating their sick  
3 bodies.

4 14. To the extent that early hospital rules do not specify that inmates or  
5 visitors could not carry firearms, this absence is due to the fact that the nature of  
6 these institutions made it very unlikely that such a rule would be necessary. First,  
7 the patients of these early hospitals were too impoverished to have the money  
8 needed to acquire firearms; because this patient population did not own firearms,  
9 there was no need for a specific rule prohibiting patients from carrying them.  
10 Second, the emphasis that early America's hospitals placed upon order and  
11 control—and the rules they imposed upon patients in their attempts to enforce such  
12 order and control—would have made specific rules prohibiting the carry of firearms  
13 redundant.

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

16 Executed on October 20, 2023, at Baltimore, Maryland.

17 

18 \_\_\_\_\_  
19 Dr. Mary Fissell  
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# Exhibit 1

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## MARY E. FISSELL

### Education

PhD History and Sociology of Science, University of Pennsylvania, May 1988.  
MA History and Sociology of Science, University of Pennsylvania, May 1984.  
BA History, University of Pennsylvania, May 1981.

### Research Interests

Early-modern science and medicine; the patient's perspective in the history of medicine; gender, sexuality, and the history of the body; popular culture; books and reading in early modern England and the Atlantic world.

### Positions Held

July 2023-June 2024, Interim Director, Department of the History of Medicine, The Johns Hopkins University.  
Sept. 2022 - present, Inaugural J. Mario Molina Professor in the History of Medicine, May 2005 - Aug 2022, Professor, Department of the History of Medicine, Department of the History of Medicine, Johns Hopkins University. Hopkins University.  
July-Dec. 2013, Acting Director, Department of the History of Medicine, The Johns Hopkins University.  
Nov. 1994 - May 2005, Associate Professor, Department of the History of Science, Medicine, and Technology, Johns Hopkins University; additional appointments in the History and History of Science Departments.  
Jan. 1992-Oct. 1994, Assistant Professor, Department of the History of Science, Medicine, and Technology, Johns Hopkins University.  
July 1988-Dec. 1991, Lecturer and Research Associate, Wellcome Unit for the History of Medicine, University of Manchester.

### Additional Professional Roles

Fall, 2020, Curator, "Picturing Pandemic Baltimore" photography exhibition, <https://tinyurl.com/ppbalt>.

June-Nov 2020, WHO Western Pacific Region COVID-19 "Futures" think tank.  
January 2019, Marie Jahoda Visiting Chair in International Gender Studies, Ruhr Universität, Bochum, Germany.  
Jan 2016-present, Project Organizer, Reading Early Medicine (REM), digital humanities project (with Elaine Leong, MPIWG Berlin).  
Jan 2014-July 2020, Director, Online Program in the History of Medicine, The Johns Hopkins University.  
Jan-July 2013, Visiting Fellow, History and Philosophy of Science, Cambridge University.  
Jan 2012-present, Life Member, Clare Hall, Cambridge University.  
Jan-July 2011, Visiting Fellow, Clare Hall, Cambridge University.  
Jan-July 2011, Co-Curator, *Books & Babies*, exhibit, Cambridge University Library, Cambridge, England. <http://www.lib.cam.ac.uk/exhibitions/Babies/index.html>; <http://www.bbc.co.uk/news/health-14110843>.  
Sept 2006-April 2007, Director, Folger Seminar, "Vernacular Health and Healing", Folger Shakespeare Institute, Washington, DC.  
Jan. 2006-July 2021, Co-Editor, *Bulletin of the History of Medicine*.  
1996-99, Section Editor, *Oxford Dictionary of National Biography*, "Women and Medicine".  
July 2023-June 2024 Acting Director, Dep't of the History of Medicine, The Johns Hopkins University.

## Publications

### Books

*Patients, Power and the Poor in Eighteenth-Century Bristol*, Cambridge: Cambridge University Press, 1991.

Manchester Women's History Group (six member group including Mary Fissell), *Resources for Women's History in Greater Manchester*, Manchester: National Labour History Museum, 1993.

*Vernacular Bodies: The Politics of Reproduction in Early Modern England*, Oxford: Oxford University Press, 2004. [<http://www.oup.co.uk/isbn/0-19-926988-2>]. Paperback edition, Fall, 2006. See Forum on *Vernacular Bodies*, *Journal of Women's History*, 22 (3), 2010: 185-213.

### Articles

"'The Sick and Drooping Poor' in Eighteenth Century Bristol", *Social History of Medicine*. 1989; 2(1): 35-58.

"The Disappearance of the Patient's Narrative", in Andrew Wear and Roger French, eds., *Medicine in an Age of Reform*, London: Routledge, 1991: 92-109.

"Charity Universal: The Founding of the Bristol Infirmary", in Lee Davison, et al., eds., *Stilling the Grumbling Hive: Debates on Social and Economic Problems in England 1698-1740*, Stroud: Alan Sutton, 1992: 121-144.

"Readers, Texts and Contexts: Vernacular Medical Works in Early Modern England." in Roy Porter, ed., *The Popularization of Medicine 1650-1850*, London: Routledge, 1992: 72-96.

"Health in the City: Putting Together the Pieces." *Urban History*. 1992; 19 (3): 251-56.

"Innocent and Honourable Bribes: Medical Manners in Eighteenth-Century England." in Robert Baker, Dorothy Porter and Roy Porter, eds., *The Codification of Morality: Historical and Philosophical Studies of the Formalization of Western Medical Morality in the Eighteenth and Nineteenth Centuries*, Dordrecht: Kluwer Press, 1993: 19-45.

"Eighteenth-century Medical History." *Eighteenth Century Life*. 1995; 19(2): 98-102.

"Gender and Generation: Representing Reproduction in Early Modern England", *Gender and History*, 7 (1995): 433-456. Reprinted in *The Sexualities in History Reader*, ed. Kim Phillips and Barry Reay, London: Routledge, 2001.

"Constructing Vermin in Seventeenth-Century England", *History Workshop Journal*, no. 47 (1999): 1-29. Reprinted in *Identity and Alterity*, ed. William Chester Jordan and Angela Creager, Rochester: University of Rochester Press, 2002.

and Kathleen Coyne Kelley, "Virtuous Bodies: Constructing a History of the Hymen", in *Attending to Early Modern Women*, ed Jane Donawerth and Adele Seeff, College Park: University of Maryland Press, (2000): 96-98.

"Hairy Women and Naked Truths: Gender and the Politics of Knowledge in *Aristotle's Masterpiece*," *William and Mary Quarterly* 60 (2003): 43-74.

"Making a Masterpiece: The *Aristotle* Texts in Vernacular Medical Culture." in Charles E. Rosenberg, ed., *Right Living: An Anglo-American Tradition of Self-Help Medicine*, Baltimore: Johns Hopkins University Press, (2003): 59-87.

and Roger Cooter, "Exploring Natural Knowledge: Science and the Popular in the Eighteenth Century", *Cambridge History of Science*, vol. 4, *Science in the Eighteenth Century*, ed. Roy Porter, Cambridge University Press, (2003): 145-179.

"Making Meaning from the Margins: The New Cultural History of Medicine." John Warner and Frank Huisman, eds., *Medical History: The Stories and their Meanings*, Baltimore: Johns Hopkins Press, (2004): 364-89.

"The Politics of Reproduction in the English Reformation." *Representations* 87 (Summer 2004): 43-81.

"The Marketplace of Print" in Mark Jenner and Pat Wallis, eds. *Medicine and the Market in England and Its Colonies*, London: Palgrave, (2007): 108-132.

"Introduction: Women, Health, and Healing in Early Modern Europe", *Bulletin of the History of Medicine* 82 (Spring 2008): 1-17.

"The Doctor-Patient Relationship", Robert Baker and Lawrence McCullough, eds., *The Cambridge History of Medical Ethics*, Cambridge: Cambridge University Press, (2009): 501-17.

"Healing Spaces", in Laura Lunger Knoppers, ed., *The Cambridge Companion to Early Modern Women's Writing*, (Cambridge: Cambridge University Press, 2010).

"Going Vernacular", *Journal of Women's History*, 22 (3), (2010): 209-213.

"Popular Medical Books", Joad Raymond, ed. *Oxford History of Popular Print Culture, vol 1: Beginnings to 1660*, (Oxford: Oxford University Press, 2011): 418-431. Volume is winner of the Sixteenth Century Society and Conference (SCSC) Bainton Literature Prize.

"A Book of Receipts of All Sorts: Elizabeth Strachey, 1693-1730s", in Michael Sappol, ed, *Hidden Treasure*, (New York: Blast Books, 2012): 204-5.

"Women and Medicine." in *Oxford Bibliographies in Renaissance and Reformation*, Ed. Margaret King. New York: Oxford University Press, 2013.

"Material Texts and Medical Libraries in the Digital Age", *RBM a Journal of Rare Books Manuscripts and Cultural Heritage*, (2014): 135-145.

"Remaking the Maternal Body in England, 1680–1730", *Journal of the History of Sexuality*, Vol. 26, No. 1, January 2017, 114-139.

"Man-Midwifery Revisited", in *Reproduction: Antiquity to the Present Day*, ed. Nick Hopwood, Rebecca Flemming, Lauren Kassell, (Cambridge: Cambridge University Press, 2018): 319-332.

"Aristotle's Masterpiece", in *Reproduction: Antiquity to the Present Day*, ed. Nick Hopwood, Rebecca Flemming, Lauren Kassell, (Cambridge: Cambridge University Press, 2018): 672.

with Jeremy Greene et al, editor, Special Issue on COVID-19, *Bulletin of the History*



*of Medicine*, 94:4 (2020).

with Jeremy Greene, et. al., "Introduction", Special Issue on COVID-19, *Bulletin of the History of Medicine*, 94:4 (2020): 543-561.

with Guido Alfani, Mary Augusta Brazelton, et. al., "History as a Partner In Public Health: A Report of the Foresight Think Tank on the History of Pandemics", WHO.

with Suzanne Bell, "A Little Bit Pregnant? Productive Ambiguity and Fertility Research", *Population and Development Review* vol. 47:2 (June 2021): 1-22.

Sally Pezaro, Karen Maher, and Mary Fissell, "Midwives Need a Useable Past to Shape their Future", *The Lancet*, vol. 399, issue 10329, p.1046-1047, March 12, 2022, DOI:[https://doi.org/10.1016/S0140-6736\(22\)00231-8](https://doi.org/10.1016/S0140-6736(22)00231-8).

with Elizabeth Atkins, "Marking Maternity: Integrating Historical and Archaeological Evidence for Reproduction in the Late Eighteenth and Early Nineteenth Centuries", in *The Material Body: Embodiment, History and Archaeology in England, 1700-1880*, ed. Elizabeth Atkins and Karen Harvey, (Manchester: Manchester University Press, 2023): 47-80.

#### Forthcoming/In Press:

"Reproducing Ballads," in *Early Modern Medicine: A Source-Centered Introduction*, ed. Olivia Weisser, (London: Routledge Press, 2024).

"Prying in the the Secrets of Nature: Reading Aristotle's Masterpiece," in *Sources and Methods in the History of Sexuality*, ed. Anna Clark and Elizabeth Williams, (London: Routledge, 2025).

"Medicine, Science, and Magic," in *The New Cambridge History of Britain, Volume 5: 1500-1750*, ed. Susan Amussen and Paul Monod, (Cambridge: Cambridge University Press, 2025).

"Pigeons and Blasphemy: Tracing Abortion in Colonial Courtrooms," *Nursing Clio*.

Interview, *History of Pharmacy and Pharmaceuticals*, special issue on abortion.

#### Non-Peer-Reviewed Articles

"Women and Water". *Women's Health in Primary Care*. 1998; 1(1): 110.

"Domestic Consumption". *Women's Health in Primary Care*. 1998; 1(2): 198.

"The Birth of Gossip". *Women's Health in Primary Care*. 1998; 1(3): 298.

[and subsequent monthly columns to March 2001]

Recent Invited Lectures:

Nov. 2018, "Under the Bed and in the Factory Canteen: 20th-century Readers of *Aristotle's Masterpiece*" The History of the Medical Book, Huntington Library, San Marino, CA.

Jan. 2019, "The Extraordinary Affair at Walworth: An Abortioneer in Early 19th Century London", Inaugural Marie Jahoda Lecture, Ruhr Universität, Bochum, Germany.

Jan. 2019, "Aristotle's Masterpiece – The Young Folks Bible: Sexual Knowledge and Courtship, 1680-1800", University of Bielefeld, Bielefeld, Germany.

Jan. 2019, "Reading Sex: The History of a Popular Medical Manual, 1684-1930" Institute for Ethics, History and Theory of Medicine, LMU, Munich, Germany.

March 2020, "Before Sex Ed", Center for the History of Science, Technology, and Medicine, Philadelphia.

March 2022, "The Extraordinary Affair at Walworth: An Abortioneer in 19th Century London", Delbert McQuade Distinguished Lectureship in History, Juniata College, Huntingdon, PA.

Sept. 2022, Inaugural Lecture, J. Mario Molina Professorship, Johns Hopkins University.

March 2023, "Abortion and the Reformation: Women, Witchcraft, and Repression" University of Maryland, Baltimore County.

April 2023, "The Long View", Abortion History Workshop, Exeter University, Exeter, UK.

April 2023, "Abortion and the Reformation: Women, Witchcraft, and Repression" Montclair State University, Montclair, NJ.

Recent Outreach, Podcasts, etc.

Nov. 2022, "Cesarean Section Surgery in 16th Century England", That Shakespeare Life, <http://www.cassidycash.com/ep238>

Feb. 2022, BBC History Extra, "Periods, fertility & childbirth: a pre-modern history", <https://shows.acast.com/historyextra/episodes/periods-fertility-childbirth-a-pre-modern-history>

Sept. 2021, "Making Babies in the 17th Century", *Not Just the Tudors*, podcast, <https://play.acast.com/s/not-just-the-tudors/makingbabiesinthe17thcentury>

March 2021 JHU DAR Women's History Month Talk: "Call the Midwife: Sarah Stone, Eighteenth-century Midwife"

Feb. 2021 JHU SAIS European Alumni meeting: “The Pandemic in Global Historical Context”

Dec. 2020 BBC History Extra, “The History of Medicine: Everything You Wanted to Know”  
<https://www.historyextra.com/period/modern/history-medicine-medical-everything-you-wanted-know-podcast/>

Nov. 2020 “*Aristotle’s Masterpiece: Early Modern Sex Ed*”, Historical Perspectives On Contemporary Issues, CHSTM, <https://www.chstm.org/earlymodernsexed>

“Pandemics Come and Go. The Way People Respond to Them Barely Changes.”  
*Washington Post*, May 7, 2020. <https://www.washingtonpost.com/outlook/2020/05/07/coronavirus-bubonic-plague-london/>

March 2017, Undark podcast: <https://soundcloud.com/undark-magazine/ep12-wear-and-tear#t=0:00>.

“When the Birds and the Bees Were Not Enough: Aristotle’s Masterpiece”, *Public Domain Review*, August 20, 2015, <http://publicdomainreview.org/2015/08/19/when-the-birds-and-the-bees-were-not-enough-aristotles-masterpiece/>

### Reviews

Book reviews in *Isis*, *Bulletin of the History of Medicine*, *Social History of Medicine*, *Journal of Interdisciplinary History*, *Medical History*, *History and Philosophy of the Life Sciences*, *Journal of British Studies*, etc., etc.

### **Grants and Awards**

1992-93 Course development grant, Hughes Foundation.  
1997-8 Fellowship, Shelby Cullom Davis Center for Historical Studies, History Department, Princeton University.  
1997 Fellowship, American Council of Learned Societies (declined).  
2000 Fellowship, Folger Institute, Folger Shakespeare Library, Washington, DC.  
2001-2002 Grant, National Library of Medicine (NIH 1 G13 LM07054-01).  
2005 *Vernacular Bodies*, Honorable Mention, Katharine Briggs Folklore Award.  
2010-2012, Grant, National Library of Medicine (NIH 1G13LM010198-01).  
2023 Discovery Grant, The Johns Hopkins University, \$100,000.  
2023 Teaching Improvement Grant, The Johns Hopkins University, \$12,000.

### **University Service**

Medical School Admissions Committee, 1992-1995.  
Medical School Admissions Screening Committee, 1996-1998.  
Medical School Council, 1995-1999.  
Dean's Teaching Fellowship Selection Committee, 1993, 1995, 1998.  
Women's Studies Faculty Board, 1995-2000, 2014-15.  
Organized departmental colloquium series. 1992-1993, 1996-1997, 1999-2000.  
Organized series of outside speakers on "Women, Medicine and History", funded by Hughes Foundation. 1992-1995.  
Consultant, Mary Garrett website, Chesney Archives, 2003-5  
Chair search committee, Chinese Medicine, 2004.  
Chair search committee, Early Medicine, 2005-6.  
Member, search committee, 2011-12.  
Professionalism Sub-Committee, Curriculum Reform, 2004-6.  
Co-Director, Scholarly Concentration, designed, implemented, and taught medical school program in history of medicine. 2009-2012.  
Chair, Website Committee, oversaw planning and design of new department website. 2013-14.  
Director, Online Program In the History of Medicine, 2014-2020. Directed creation and implementation of new online program, including accreditation, curriculum development, administration, and pedagogy.  
Member, PhD COVID Relief Fellowship Selection Committee, 2021-2.

### **Professional Societies and Service**

Member: American Association for the History of Medicine; American Historical Association; North American Conference on British Studies.

Honorary Secretary, Society for the Social History of Medicine (U.K.), 1990-1992.  
Article Prize Committee, Berkshire Conference of Women in History, 1993-97.  
Program Committee, American Association for the History of Medicine, 1996.  
Osler Prize Committee, American Association for the History of Medicine, 1996, 1999.  
Shryock Prize Committee, American Association for the History of Medicine, 2003, chair 2005.  
Education and Outreach Committee, American Association for the History of Medicine, 2003-6.  
Advisory Board member, H-Sci-Med-Tech, 2006-present.  
Jameson Prize Committee, American Historical Association, 2009.  
Chair, Dan David Prize Committee, "Past", 2021.  
Referee for *American Historical Review*, *William and Mary Quarterly*, *Medical History*, *Social History of Medicine*, *Bulletin of the History of Medicine*, *Gender & History*, etc.  
Referee for university presses including Yale, Oxford, Chicago, Manchester, etc.  
Referee for Wellcome Trust, Hannah Foundation, Philadelphia Area Consortium in

the History of Science, ACLS, Folger Institute, Huntington Library, Research Triangle; Institute for Advanced Study, Advanced Study, etc.  
Vice-President, president-elect, American Association for the History of Medicine, May 2022-2024  
Chair, Task Force on the Future of Meetings, American Association for the History of Medicine, May 2023-

### **Conferences (last 5 years)**

Organized conference, "The History of the Medical Book," The Huntington Library, San Marino, CA, Nov. 2018.  
Organized panel, "Teaching and Researching the Early Modern with Digital Tools", Renaissance Society of America, March 2019.  
Organized panel, "Digital Tools for Teaching Early Medicine to a New Generation," AAHM, May 2021.  
Organized panel, "Publication and Patient Privacy: A Round-Table on Editorial Practice" AAHM, May 2021.  
Speaker, WHO Western Pacific Region COVID-19 "Futures" Conference, August 2021.  
Presentation: "Print, Pills, and Promotion in Seventeenth-Century London", AAHM, May 2022.  
Co-organized "Roe v. Wade at 50" workshop and public panel, The Johns Hopkins University, March 2023.  
Commentator: "Art and Abortion," 2 sessions, Association for Art History, London, England, 2023.

### **Invited Presentations (last 5 years)**

April 2018, (joint keynote address with Karin Wulf, Director, Omohundro Institute of Early American History and Culture), "Rethinking Narratives of Family and Kinship in the British Atlantic", MACBS, U MD College Park.  
April 2018, "Becoming Obscene", SUNY Buffalo, Buffalo, NY.  
Nov. 2018, "Under the Bed and in the Factory Canteen: 20th-century Readers of *Aristotle's Masterpiece*" The History of the Medical Book, Huntington Library, San Marino, CA.  
Jan. 2019, "The Extraordinary Affair at Walworth: An Abortioneer in Early 19th Century London", Inaugural Marie Jahoda Lecture, Ruhr Universität, Bochum, Germany.  
Jan. 2019, "Aristotle's Masterpiece – The Young Folks Bible: Sexual Knowledge and Courtship, 1680-1800", University of Bielefeld, Bielefeld, Germany.  
Jan. 2019, "Reading Sex: The History of a Popular Medical Manual, 1684-1930" Institute for Ethics, History and Theory of Medicine, LMU, Munich, Germany.  
March 2020, "Before Sex Ed", Center for the History of Science, Technology, and Medicine, Philadelphia.

March 2022, ““The Extraordinary Affair at Walworth: An Abortion Provider in 19th Century London”, Delbert McQuade Distinguished Lectureship in History, Juniata College, Huntingdon, PA.  
Sept. 2022, Inaugural Lecture, J. Mario Molina Professorship, Johns Hopkins University.  
March 2023, "Abortion and the Reformation: Women, Witchcraft, and Repression," University of Maryland, Baltimore County, Baltimore.  
April 2023, “The Long View”, Abortion History Workshop, Exeter University, Exeter, UK.  
April 2023, "Abortion and the Reformation: Women, Witchcraft, and Repression," Montclair State University, Montclair, NJ.

### **Recent Outreach**

Dec. 2016, Interviewed on NPR program, "The Seahorse in Your Brain: Where Body Parts Got Their Names."

March 2017, Interviewed on Undark podcast: <https://soundcloud.com/undark-magazine/ep12-wear-and-tear#t=0:00>.

BBC History Extra consultant, Fall 2020.

Chaired commentary, “Viriditas”, Alkemie (early music concert), Art, Health and Healing, Johns Hopkins School of Medicine, April 2021.

“Pandemics”, SAIS European Alumni Conversation, April 2021.

### **Courses Taught**

#### Undergraduate:

Humans and Animals, 1993, 1996.

History of Modern Medicine, [undergraduate course team-taught with Dr. Harry Marks], 1996, 1997, 2001, taught solo 2003, 2006.

History of Medicine: Antiquity to the Scientific Revolution, 2009, 2011, 2012, 2014, 2019, 2021.

Health and Healing in Early-Modern England, 1993, 1996.

Making Monsters: The Natural History of the Unnatural, [team-taught with Dr. Gabrielle Spiegel & Dr. Ruth Leys], 1994.

Women and Medicine, 1993, 1994, 1995, 2002.

Medicine and Magic, 1993.

#### Graduate:

A History of the Early Modern Body, 1994.

History of Modern Medicine, [team-taught with Dr. Harry Marks], 1992, 93, 94, 95,

96, 97, 99, 01, 03, taught solo 2006.  
History of Medicine: Antiquity to the Scientific Revolution, 2009, 2011, 2012, 2014, 2019, 2021.  
Online Survey 1: Classical Antiquity to the Early Middle Ages 2016, 2018, 2019, 2020.  
Online Survey 2: Medicine from the Black Death to the Scientific Revolution, 2016, 2018, 2020.  
Online Introduction to the History of Medicine, 2016; 2017, 2018.  
Online Research Practicum, 2017, 2019.  
What is the Cultural History of Medicine (Science and Technology)?, 2002.  
An Introduction to Historical Methods, 1998, 2005, 2007.  
Popular Knowledge, 1993, 1999, 2003, 2006.  
Colonial Knowledge, 2008.  
Medicine from Patients' Perspectives, 1992, 1995.  
Issues in Early Modern Medicine, 2004, 2006, 2008.  
Online Program Methods in the History of Medicine, 2020.  
The Work of Healing: Medicine and Materiality, 2020.

Medical School:

Social History of the Patient (PAS 2 selective), 1995, 1996, 1998, 1999, 2000.  
Historical Perspectives on Gender, Race and Medicine (PAS 1 selective), 2003, 2004, 2007, 2008.  
Scholarly Concentration in the History of Medicine 2009-2010

**Mentoring**

Advisees:

Nyssa Strottman, MA 1994, currently practicing law.  
Susan Ferry, PhD 2003.  
Maggy Brown, 1992-1996, deceased.  
Trudy Eden, 1992-1998, completed PhD with another advisor 1999, associate professor, Northern Iowa State University.  
Kathleen Crowther, PhD 2000, associate professor, University of Oklahoma.  
Shoshanna Green, 1993-96.  
Alexa Green, PhD 2007, nursing school.  
Allison Kavey, 1999-2003, completed PhD with another advisor 2003, assistant professor, John Jay College of Criminal Justice.  
Manon Parry, MA 2002, Assistant Professor, University of Amsterdam.  
Massimo Petrozzi, PhD 2010, Archivist, The Computer Museum, Mountain View, CA.  
Melissa Grafe PhD 2009, Director, Cushing-Whitney Medical Historical Library, Yale University, CT.  
Nick Stanzo MLA 2004.  
Olivia Weisser PhD 2010, associate professor, U Mass Boston.  
Barbara Chubak MA, MD 2007; assistant professor, Einstein College of Medicine,

NY.

Lisa Boulton, PhD 2014.

Alicia Puglionesi, PhD 2014, writer and independent scholar.

Katherine Arner, PhD 2014, History Department, Park School, Baltimore.

Seth LeJacq, PhD 2016; assistant professor, New York Institute.

Claire Gherini, PhD co-supervised with History Dep't 2016, assistant professor, Fordham University.

Brooke Lansing, History Dep't, PhD 2023, post doc JHU.

Michelle Silva, MA 2022.

Paul Child, MA 2023, prof. Sam Houston State.

Chris Sloffer, MA 2023.

Anna Weerasinghe, PhD 2023, working in communication, Washington DC.

Emily Clark, student.

Sheridon Ward, co-supervised History Dep't, student.

Katarina Sawtelle, MA student.

Cole Giller, MA student.

Ryan Falk, MA student.

Julie Lemmon, MA student.



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 Attorney General of the State of California*

10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
 12

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

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

**DECLARATION OF LEAH  
 GLASER IN SUPPORT OF  
 DEFENDANT’S OPPOSITION TO  
 PLAINTIFFS’ MOTIONS FOR  
 PRELIMINARY INJUNCTION**

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

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

27  
 28

**DECLARATION OF LEAH GLASER**

1  
2 I, Leah Glaser, declare under penalty of perjury that the following is true and  
3 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 these  
6 cases. For this engagement, I have been asked to provide an expert opinion on the  
7 history/development of parks and State Parks in the United States and California,  
8 including whether modern day parks and State Parks existed around 1791 and/or  
9 1868. I have been further asked to provide an expert opinion on the  
10 history/development of particular cultural spaces and institutions, generally, in the  
11 United States and California, including whether modern versions existed around  
12 1791 and/or 1868.

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

**BACKGROUND**

16  
17 3. I am a tenured, full Professor of History at Central Connecticut State  
18 University and coordinator of the Public History program. For the last 20 years, I  
19 have taught college-level courses on American History, the history of the American  
20 West, Public History, and, more recently Environmental History, for which I focus  
21 on historic preservation. I have taught students and supervised over 40 capstone  
22 projects on topics primarily related to Connecticut history.

23 4. I earned a PhD in American History, the American West and Public  
24 History from Arizona State University, where I also earned a Master's degree in  
25 Public History. During and since my 8 years in the West, I worked for several  
26 entities whose missions address public land use and resource management,  
27 including the Salt River Project, the United States Bureau of Reclamation (USBR)  
28 and the National Park Service (NPS) in Alaska and Pennsylvania. I also worked as

1 a consultant for the cities of Tucson and Tempe, Arizona, and for the State of  
2 Connecticut (in the 2023 case of *Nastri v. Dykes*) and the County of Fairfax,  
3 Virginia (in the 2023 case of *LaFave v Fairfax County*). A copy of my complete  
4 CV is attached as **Exhibit 1**.

5 5. Since 2009, I have also been a leader in encouraging inclusion of  
6 environmental issues as a central component in the field of Public History,  
7 including in an issue of the professional journal I edited and as a theme for two  
8 national conferences, one in Hartford in 2019. From 2010 to 2013, I conducted  
9 extensive research into Connecticut forests and parks in anticipation of the  
10 centennial of the Connecticut Park and Forest Commission. I presented conference  
11 papers (see CV), and published on the topic for connecticuthistory.org (Connecticut  
12 Humanities), and I edited an issue of Connecticut Explored, the popular history  
13 magazine of the state, on the relationship between Connecticut and the American  
14 West, including the state's influence on national public land policy and the  
15 activities of Samuel Colt involving mining investment. I am currently co-editing a  
16 book on the cultural significance of trees in American history, for which I wrote an  
17 essay that focuses on forestry in Connecticut.

18 6. I am currently contracted with the National Council on Public History  
19 (NCPH) and the NPS to conduct a Historic Resource Study of the soon to be  
20 established Coltsville National Historic Park in Hartford, Connecticut.

21 7. I currently serve on the Connecticut State Historic Preservation  
22 Council, the Board of Connecticut Preservation Action and the Advisory Board of  
23 Wesleyan University's Center for the Study of Guns and Society, the first academic  
24 center in the U.S. dedicated to interdisciplinary humanities study and teaching on  
25 the social and cultural history of firearms.

26 8. I am aware of this lawsuit, have reviewed the Complaints filed by  
27 Reno May, et al. and Marco Antonio Carralero, et al. in this matter, and am familiar  
28 with the claims and allegations of the Complaints.

1           9.     The testimony in this Declaration is based upon a combination of my  
2 professional training, research, and work experiences in my various academic roles  
3 and personally reviewing relevant documents, rules, regulations, and historical  
4 sources of information. Any information I obtained from those outside sources is  
5 consistent with my own understanding.

6           10.    This Declaration is presented in a form that is much different from  
7 academic writings. It reflects an accurate recounting of my research and  
8 conclusions regarding this historical period and the subject matter discussed.  
9 However, given the time constraints at issue in this case, as well as the fact it  
10 prepared in connection to a pending lawsuit, it is not drafted at the level of depth,  
11 nor with the historical context and discussion of scholarship that would be expected  
12 for academic writing. Thus, I reserve the opportunity to supplement this declaration  
13 to reflect any additional research or context that may be necessary.

#### 14                                   **RETENTION AND COMPENSATION**

15           11.    I am being compensated for services performed in the above-entitled  
16 cases at an hourly rate of \$250/hour for record review and consultation and  
17 document preparation, and \$300/hour for deposition and trial testimony. My  
18 compensation is not contingent on the results of my analysis or the substance of any  
19 testimony.

#### 20                                   **BASIS FOR OPINION AND MATERIALS CONSIDERED**

21           12.    The opinion I provide in this report is based on my review of the  
22 various documents filed in this lawsuit, relevant historical documents, current  
23 historical scholarship in peer-reviewed journals and books, as well as thirty years  
24 engaged in the field of History and these topics through my education, expertise,  
25 and research in the fields of American, environmental, western, cultural, and public  
26 history. The opinions contained herein are made pursuant to a reasonable degree of  
27 professional certainty.

28

## SUMMARY OF OPINIONS

### Overview

13. Just prior to the Civil War (1861), and accelerating during and following Reconstruction (1870s), the growing American industrial economy and the rise of big business changed the nature of work and fueled labor needs. In the meantime, world events and these very labor needs encouraged and accelerated immigration to increasingly congested and ill-equipped cities. The separation of leisure and labor in an industrial era separated the workplace from home and community life, and it is thus very difficult to directly compare leisure and labor activities today to what existed at the nation's founding. While in some cases there may be prior versions in different forms, the development of the parks, playgrounds, museums, libraries, stadiums, and other cultural spaces of public gathering that we have today coincides with industrialization and the development of its labor force. They are all, therefore, spaces specifically designed to accommodate the needs of dense, urban populations for purposes of leisure time. They are products of and reflect a range of responses to industrial era changes that accelerated after the passage of the Reconstruction Acts beginning in the 1870s. This also explains why most such places tended to have origins in cities of the Northeast, where industrialization first dictated the economy and daily life. In my opinion, these spaces of cultural activity today are not analogous to what would have existed in the colonial and early America era (1791).

### Open and "Common" Space Preservation in 18<sup>th</sup> and 19<sup>th</sup> Century New England

14. The idea of setting aside land, (which in many cases was land deemed undesirable for farming and industrial uses), expressly for (primarily municipal and national) public parks began as a mid-19<sup>th</sup> century movement in response to the rapid urbanization and industrialization of the East as well as the American West. The development of the state park system emerged through national and municipal

1 efforts, led by Progressive era ideologies advocating that public resource policy  
2 should address “the greatest good for the greatest number of people.” A great  
3 number of thinkers defined ideas about public land use and management at all  
4 levels, but urban park designer Frederick Law Olmsted and his firm had a particular  
5 influence on defining the purpose and management of California’s park system. He  
6 and other “park-builders” based their ideas about use and purpose on philosophies  
7 of natural resource conservation, land preservation and health, both mental and  
8 physical. The state park movement, based on similar ideals, expanded primarily in  
9 the twentieth century when city parks grew insufficient and workers gained access  
10 to automobiles allowing them to leave the city for less manicured and more  
11 “natural” and meditative spaces. These ideas and practices reflected anxious  
12 responses to the rapid changes brought by new technology, urbanization, the  
13 industrial economy, and western expansion.

14 15. Historical context is critical for understanding the purpose and  
15 function of modern-era parks. Early English settlers in the original thirteen colonies  
16 brought with them the belief that land ownership equated to independence and self-  
17 sufficiency. However, early New England towns featured centralized public land,  
18 known as commons, or greens, for planting and shared grazing, around which many  
19 built their homes. Access to the commons was a legal property right. According to  
20 some, the tradition dates back to medieval England and is intended to protect  
21 livestock from wild animals, for use by commoners who did not own much land, or  
22 for public markets and fairs, but that is still highly debated. By the Colonial era,  
23 places like the Boston Commons allowed multiple people to access the natural  
24 resources of pasture and trees. Communities managed use and regulated access to  
25 and among private individuals to prevent overuse at town meetings. Access  
26 remained a property right that could be bought and sold. English colonists of the  
27 Connecticut Colony established a green as a central feature in the nation’s oldest  
28

1 planned city of New Haven, Connecticut. While it is managed by the city, it  
2 continues to be owned by a private group of citizens.<sup>1</sup>

3 16. As the primary public space in the community, “town greens” also  
4 served as public gathering spaces, particularly religious, and many historic churches  
5 continue to occupy prominent sites adjacent to these public spaces today. As  
6 Michael Lawson explained, the line between labor and leisure did not exist at this  
7 time, for example, craftsmen, journeymen and farmers worked at home. Likewise,  
8 people used sites like greens and the Boston Commons for a huge spectrum of  
9 purposes, including play and strolling. Communities also used them for formal  
10 military exercises, public executions, the grazing of their animals, and sometimes  
11 dumping grounds for discarded household items. While Colonial-era towns  
12 reserved these shared public spaces, such as commons, town squares, plazas, or  
13 greens, for a variety of shared uses and purposes, the idea and purpose of parks in  
14 the nineteenth century was more specific and deliberate in purpose.<sup>2</sup>

15 17. After the Revolutionary War, in the 1820s and 30s, improvements in  
16 roads allowed some people to move further away from the town center, and the  
17 green became more of a commercial and civic center. Some claim the Boston  
18 Common was America’s first public park because Boston began to make this shift  
19 in the 1820s. Boston and other local, municipal governments established parks as  
20 antidotes for the mental and physical stress and dehumanizing effects of heavy  
21 industrialism, development, and urbanization in an era driven by the political and  
22  
23

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24 <sup>1</sup> Rob Shirley, *Village Greens of England: A Study in Historical Geography*,  
25 Durham theses, Durham University, 11-12, 21 (1994). Available at Durham E-  
26 Theses Online: <http://etheses.dur.ac.uk/6120/>

27 <sup>2</sup> Michael Rawson, *Eden on the Charles: The Making of Boston* (Harvard  
28 University Press, 2014), 22-73.

1 economic opportunities of western expansion and the development of western  
2 natural resources for manufacturing purposes.<sup>3</sup>

3 **Frederick Law Olmsted and the Mid-Nineteenth Century Origins of**  
4 **Municipal (and later National) Parks**

5 18. Only in the mid-late nineteenth century, in response to  
6 industrialization and urbanization, did most greens evolve into a place of refuge and  
7 recreation, as public, urban parks. The modern notion of parks began in the decade  
8 before the Civil War. It evolved out of a sense of anxiety over profound social and  
9 economic changes of “modern” life. Municipal parks such as Central Park in New  
10 York City proliferated throughout the Northeast region since the 1850s, shaping  
11 public perceptions of state parks and forests. The landscaping and manicured, or  
12 “parklike,” maintenance of the green corresponded with a larger movement,  
13 beginning shortly before the Civil War, to find ways to beautify the increasingly  
14 industrialized cities, and recall the pastoral and agrarian roots so central to core  
15 American values.

16 19. In the mid-nineteenth century, cities looked to set aside nature for  
17 urban workers, and urban planners saw parks as a physical and deeply spiritual  
18 escape from the harshness of urban and industrial life into nature. Landscape  
19 architect Frederick Law Olmsted envisioned and articulated a model of the urban  
20 park in his designs for places like New York City’s Central Park, Boston’s Emerald  
21 Necklace, and parks in smaller cities in other states. Municipal park design  
22 essentially began with Olmsted, who witnessed how the growth of cities and  
23 industry had transformed northeastern rural landscapes, as well as the lands and  
24 resources in the American West.

25  
26  
27 <sup>3</sup> Rawson and Eric Lehman, *Connecticut Town Greens* (Globe Pequot,  
28 Illustrated edition, August 1, 2015), xi-xvi.



1           20.    Olmsted’s parks echo the aesthetic of the mid-nineteenth century  
2 Hudson River Valley (HRV) school of painters influenced by the Romantic style.  
3 He later translated their naturalistic landscape vision to western lands, depicting  
4 vast fields and vistas, majestic mountains, and calming lakes and streams, where  
5 man was inconsequential. His landscapes lured out thousands of explorers and  
6 homesteaders. Hartford’s Frederic Church, the founder of the HRV painting school,  
7 was an early advocate of national parks, particularly Niagara Falls in New York,  
8 which was established in 1885 and is now the nation’s oldest state park.<sup>4</sup> These  
9 images convinced many Americans that nature was important to physical,  
10 emotional and mental health, and defined the spiritual core of a newer nation, the  
11 equivalent of the cathedrals of Europe.

12           21.    The landscapes of artists like Thomas Moran and Albert Bierstadt,  
13 who painted his first Yosemite landscape in 1864 after he camped there the year  
14 before, also greatly influenced public perceptions of western lands and inspired the  
15 federal government to establish its first preserve in Yellowstone National Park in  
16 1872 and then Yosemite National Park in 1890. Like the popular HRV School and  
17 other nineteenth century landscape painters, Olmsted envisioned a controlled but  
18 naturalistic landscape. He designed his parks as pastoral and naturalistic landscapes,  
19 where urban residents could feel invigorated and escape the harsh realities of  
20 industrial work without losing the comforts of the city.

21           22.    Olmsted also developed his philosophy about the influence of natural  
22 beauty on moral and social behavior from close family friend and spiritual advisor,  
23 Reverend Horace Bushnell. Bushnell’s sermons, including “Unconscious  
24 Influence,” and others in the Transcendentalist movement (e.g., Ralph Waldo  
25 Emerson and Henry David Thoreau) of the 1820s and 30s surely inspired young  
26

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27           <sup>4</sup> California first designated Yosemite a state park, but Congress later  
28 designated it as the second national park behind Yellowstone.

1 Olmsted’s ideas about nature and “public parks as instruments of moral influence  
2 and reform and the value of passive recreation and unconscious mental and spiritual  
3 refreshment...” as well as communal well-being as a way of coping with and  
4 healing from the stresses of industrial revolution.<sup>5</sup> Olmsted’s philosophies about the  
5 essential purposes of urban parks as a natural space reserved for the general public  
6 for passive contemplation and spiritual renewal in pastoral surroundings continued  
7 to provide the model for urban park design.

8 23. Olmsted’s vision resonated with many, although not everyone seemed  
9 to understand the concept and the use of a park in the same way. Worker volatility,  
10 as seen in numerous street strikes beginning in the 1870s, also contributed to  
11 support for urban parks. Genteel ideas about recreation like those of Bushnell and  
12 Olmsted stressed receptive (or passive) recreation (e.g., arts, music) to restore the  
13 soul, but people disagreed about whether parks served a therapeutic role or that of  
14 amusement and/or activity, and interpreted recreation in different ways. Conrad  
15 Wirth, who served as NPS Director in the 1950s, reflected both interpretations  
16 when he began his memoir quoting Transcendentalist Henry David Thoreau, then  
17 wrote, “The importance of reserving space for what we have come to call recreation  
18 has long been understood.”<sup>6</sup>

19 24. After New York City’s Central Park, several cities across New  
20 England began establishing parks in 1860s. In the West as well, anxiousness about  
21 urbanization overtaking rural and “natural” places and the proliferation of urban  
22

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23  
24 <sup>5</sup> “Olmsted in Connecticut: Landscape Documentation Project, Statewide  
25 Context and Survey Report (September 2022), 20-25, 58-59; George Scheper. “The  
26 Reformist Vision of Frederick Law Olmsted and the Poetics of Park Design,” *The  
New England Quarterly* 62: 3 (1989), 378.

27 <sup>6</sup> Conrad Wirth, *Parks, Politics, and the People* (Norman: University of  
28 Oklahoma Press, 1980), 3-5.

1 power helped create support to establish city as well as national parks.<sup>7</sup> With the  
2 start of the Civil War in 1861, Olmsted took leave as director of Central Park to  
3 work in Washington, D.C., as Executive Secretary of the U.S Sanitary Commission,  
4 which predated the Red Cross.<sup>8</sup>

### 5 **Western Expansion, Industrialization, and Urbanization**

6 25. Much of Colonial America was based upon an agrarian economy. By  
7 1791, those who crafted the Declaration of Independence and the Constitution  
8 defended independence by declaring “natural rights,” rooted in the ideas of the  
9 Enlightenment, the intellectual and philosophical movement that swept through  
10 Europe in the 17th and 18th centuries. Property was one of the “natural rights.”  
11 Many of the founding fathers, especially Thomas Jefferson, valued and celebrated  
12 farming as a noble, ideally independent, self-sufficient existence, in a natural,  
13 pastoral setting. He advocated and promoted America as an “agrarian nation,” and  
14 he wove this idea into the Northwest Ordinance of 1785 and 1787, the law that set  
15 out the plan for America’s western expansion, distribution of public lands for  
16 settlement and criteria for statehood.

17 26. After the Civil War, the proliferation of the railroad and technology  
18 spurred settlement out west. The urbanization of the agrarian nation, and the  
19 realization that not every part of arid western lands could be farmed, became  
20 important factors in the federal government setting aside other lands for public use.

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21  
22 <sup>7</sup> Roy Rosenzweig, *Eight Hours for What We Will: Workers and Leisure in*  
23 *an Industrial City, 1870-1920*, Interdisciplinary Perspectives on Modern History.  
24 (Cambridge; New York: Cambridge University Press, 1985); Alexander Von  
25 Hoffman, *Local Attachments: The Making of an American Urban Neighborhood,*  
26 *1850 to 1920* (Johns Hopkins Paperbacks Ed., 1996); *Creating the North American*  
27 *Landscape.* (Baltimore: Johns Hopkins University Press, 1996); Stephen Hardy,  
28 “Parks for the People: Reforming the Boston Park System, 1870-1915,” *Journal of*  
*Sport History* 7:3 (Winter 1980), 5-24. 18.

<sup>8</sup> Olmsted tended to the wounded during the American Civil War. Exhausted,  
in 1863 he took a job managing a gold mining estate in California.

1           27. In the West, most lands remained in the public domain, while in the  
2 original thirteen colonies land remained largely under private ownership. The  
3 federal government bequeathed California with the responsibility to manage the  
4 first public state park in the country (Yosemite Valley and the nearby Mariposa Big  
5 Tree Grove) on June 30, 1864, predating Congress’s establishment of the first  
6 National Park (1872), yet initially managed by Frederick Law Olmsted, whose  
7 Central Park had ignited the municipal park movement.

8           28. President Lincoln signed legislation placing Yosemite into California’s  
9 trust in 1864, before the end of the Civil War. Like the transcontinental railroad and  
10 the Homestead Act, the decision about public land use asserted federal power,  
11 imbuing the federal government with new responsibilities to facilitate public access  
12 to public lands and its natural resources. Former National Park Superintendent Rolf  
13 Diamont and Landscape Historian Ethan Carr argue that the Civil War played a  
14 central role in the creation of a Yosemite Park. They argue that there is a direct  
15 connection between the state/national parks movement, begun with the  
16 establishment of Yosemite State Park in California, and the post-Civil War laws  
17 and “constitutional reforms to significantly broaden people’s relationship to their  
18 national government,” which raised their expectations of government’s role in  
19 improving public life.”<sup>9</sup>

20           29. Naturally, Olmsted, who had designed Central Park to realize  
21 republican and democratic ideals centered on the people and their enjoyment,  
22 received the appointment to chair the Yosemite Commission. Between September  
23 1864 and August 1865, Olmsted wrote the Commission’s entire founding report,  
24 which served as a “blueprint” for all future parks: national and state. Olmsted  
25 characterized the landscape as an act of “equity and benevolence” for all citizens  
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27           <sup>9</sup> Rolf Diamont and Ethan Carr, “Three Landscapes: An Excerpt from  
28 Olmsted and Yosemite,” *Park Stewardship Forum* 38:3, 2022.

1 aiding in the nation’s recovery and reconstruction. Olmsted addressed this point  
2 directly in the third paragraph of the Yosemite Report, citing the Civil War’s  
3 influence on the events leading to the park’s establishment and arguing for the  
4 government’s obligation “to provide means of protection for all its citizens in the  
5 pursuit of happiness against the obstacles, otherwise insurmountable, which the  
6 selfishness of individuals or combinations of individuals is liable to interpose to  
7 that pursuit.” Recreation was key to that pursuit, and he emphasized that the  
8 government obligation to preserve the site was aimed toward the populace, rather  
9 than individuals.<sup>10</sup>

10 30. Regarding management, Olmsted first stressed preservation to  
11 maintain the natural scenery as closely as possible, in its present condition “as a  
12 museum of natural science,” without compromising public access, “that is to say,  
13 within the narrowest limits consistent with the necessary accommodations of  
14 visitors, of all artificial constructions and the prevention of all constructions  
15 markedly inharmonious with the scenery or which would unnecessarily obscure,  
16 distort or detract from the dignity of the scenery.” He further stressed that the  
17 management should include certain oversight, stating: “It should, then, be made the  
18 duty of the Commission to prevent a wanton or careless disregard on the part of  
19 anyone entering the Yosemite or the Grove, of the rights of posterity as well as of  
20 contemporary visitors, and the Commission should be clothed with proper authority  
21 and given the necessary means for this purpose.” And Olmsted wrote that:  
22 “[W]ithout means taken by government to withhold them from the grasp of  
23 individuals, all places favorable in scenery to the recreation of the mind and body  
24 will be closed against the great body of the people. For the same reason that the  
25 water of rivers should be guarded against private appropriation and the use of it for  
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27 <sup>10</sup> Frederick Law Olmsted, “The Yosemite Valley and the Mariposa Big Tree  
28 Grove,” 1865. [https://www.nps.gov/parkhistory/online\\_books/anps/anps\\_1b.htm](https://www.nps.gov/parkhistory/online_books/anps/anps_1b.htm)

1 the purpose of navigation and otherwise protected against obstruction, portions of  
2 natural scenery may therefore properly be guarded and cared for by government. To  
3 simply reserve them from monopoly by individuals, however, it will be obvious, is  
4 not all that is necessary. It is necessary that they should be laid open to the use of  
5 the body of the people....”<sup>11</sup>

6 31. When Yosemite homesteaders protested their rights to property by  
7 earlier legislation all the way the Supreme Court, the Court affirmed the  
8 constitutionality of the 1864 Yosemite Act to allow the government to set land  
9 aside for a different purpose, especially before it has been surveyed. The decision  
10 helped support the park idea, and indeed, in 1872, the same year as the decision,  
11 Congress reserved and established the first national park in what was then  
12 Wyoming Territory, that is, Yellowstone National Park, which was described as a  
13 “public park or pleasuring-ground for the benefit and enjoyment of the people.”<sup>12</sup>  
14 Twenty-five years after Yosemite became a state park, in 1890, the federal  
15 government designated the Yosemite National Park. In 1905, California granted its  
16 first state park, Yosemite Valley and the Mariposa Grove of Big Trees to the federal  
17 government, completing the Yosemite National Park boundaries.<sup>13</sup>

18 32. As seen in the prior discussion of Central Park, this concept of  
19 “enjoyment” for “people” or the “public,” is repeated throughout most literature  
20 across the board upon the creation of parks at local, state, and national levels, and

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21 <sup>11</sup> Olmsted, “Yosemite Report;” see also Rolf Diamant and Ethan  
22 Carr, *Olmsted and Yosemite: Civil War, Abolition, and the National Park Idea*  
23 (United States: Library of American Landscape History, 2022).

24 <sup>12</sup> For the text of laws relating to the national park system, see Hillary A.  
25 Tolson, *Laws Relating to the National Park Service and the National Parks and*  
*Monuments* (Washington, DC: Government Printing Office, 1933).

26 <sup>13</sup> Theodore A. Goppert, *The Yosemite Valley Commission, “The*  
27 *Development of Park Management Policies, 1864-1905, California State College,*  
28 *Hayward, MA Thesis, 1972.*

1 repeated for decades afterward. It echoes Progressive era philosophies about  
2 managing resources for the collective good and protecting them against individual  
3 or corporate exploitation.

4 33. The Department of Agriculture created a Division of Forestry in 1881  
5 to “provide timber for the purposes of western agrarian settlement,” eventually  
6 becoming the U.S. Forest Service in 1901.<sup>14</sup> Both public forests and parks served to  
7 protect natural resources, but forests followed the Progressive era idea of efficient  
8 resource use for the “greatest good” of the most people while National Parks served  
9 to preserve natural resources for the enjoyment and benefit of present and future  
10 generations.

### 11 **Progressive Reform (1880s-1920s)**

12 34. During what historians refer to as the Gilded Age, the proliferation of  
13 technology transformed an agrarian nation into an industrial economy, thereby  
14 challenging national values and identities. The changes yielded an increasingly  
15 imbalanced allocation of resources, both in monetary wealth and in access to  
16 natural, political, and social resources. Vocal, often middle class, reformers alarmed  
17 by the rapid changes protested against corruption and the consolidation of wealth,  
18 which in their view compromised the values of equality in the United States. They  
19 collectively developed programs and laws that could address anxiety about a  
20 rapidly growing diverse population and changing landscape. Urbanization and wage  
21 labor challenged American identity and values around economic opportunity and  
22 political participation, not to mention public health. In 1890, Congress realized big  
23 businesses were limiting competition through monopolies and passed the Sherman  
24 Antitrust Act, regulating such corporate behavior. At the turn of the century,  
25 Progressive reformers found a like mind in President Theodore Roosevelt, a well-

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27 <sup>14</sup> Harold K. Steen, *The U.S. Forest Service: A Centennial History* (Seattle,  
28 WA: University of Washington Press), 3-21.

1 known supporter of Progressive reforms such as fair housing standards and natural  
2 resource conservation. Progressives embraced the Conservationist philosophy that  
3 discouraged waste, and advocated for expert-directed and scientifically planned  
4 management of natural resources, particularly forests, for the benefit of the *public*  
5 *good*— often, but not always, defined in economic as well as social terms.

### 6 **Conservation vs Preservation**

7 35. Two schools of thought regarding natural resource management for  
8 future generations dominated the Progressive era: preservation as exemplified by  
9 parks, and conservation, efficient natural resource use and management, as  
10 exemplified by forests and other public lands. Conservation and development seem  
11 like opposing inclinations, but in 1910, Gifford Pinchot, the first chief of the United  
12 States Forest Service (and the founder of scientific forestry in the United  
13 States), asserted that, “The first principle of conservation is development, the use of  
14 natural resources now existing on this continent for the benefit of the people who  
15 live here now. There may be just as much waste in neglecting the development and  
16 use of certain natural resources as there is in their destruction.”<sup>15</sup> He advocated for  
17 the scientifically planned development of natural resources, particularly forests.  
18 Like the preservationists, resource conservation served “the greatest good to the  
19 greatest number of people for the longest time.”<sup>16</sup>

20 36. These environmental philosophies came to a head in 1911 with a very  
21 public debate that epitomized the different ideas about the environment: the battle  
22 over damming the Yosemite Valley to serve the growing city of San Francisco. A  
23 supporter of conservation, Gifford Pinchot, fought and won the highly public and  
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25 <sup>15</sup> Gifford Pinchot, “The Fight for Conservation,” 1910 (University of  
26 Washington Press, 1967, reprint), 42-43.

27 <sup>16</sup> Gifford Pinchot in Char Miller, *Gifford Pinchot: Selected Writings*  
28 (University Park, PA: Penn State University Press, 2017), 110.



1 political debate against his former friend John Muir and the preservation-minded  
2 Sierra Club he headed.

3 37. Neither the public, nor Congress, trusted the Forest Service to protect  
4 cherished sites of natural beauty, but both Pinchot and Henry Graves, Dean of the  
5 Yale School of Forestry and a Chief of the USFS, insisted that creating a park  
6 board, in addition to the Forest Service, was wholly unnecessary. The dispute led to  
7 a lengthy debate about what constituted a forest, and what constituted a park.<sup>17</sup>  
8 Congress dismissed the foresters' view that forests could serve the same purpose as  
9 parks by establishing the NPS within the Department of the Interior in 1916 to  
10 protect exceptional lands for "public enjoyment."<sup>18</sup>

11 38. Olmsted's son, Frederick Law Olmsted, Jr. drafted the statement of  
12 purpose paragraph in Section 5 of the 1916 NPS bill: "That the parks, monuments  
13 and reservations herein provided for shall not at any time be used in any way  
14 contrary to the purpose thereof as agencies for promoting public recreation and  
15 public health through the use and enjoyment by the people of the said parks,  
16 monuments and reservations, and of the natural scenery and objects of interest  
17 therein, or in any way detrimental to the value thereof for such purpose."<sup>19</sup>

### 18 **The State Park Movement**

19 39. The state's Yosemite Commission worked and planned for several  
20 decades to develop the park for public use and tourism before the federal  
21 government absorbed the park under NPS jurisdiction in 1890. The state's drawn-  
22 out process was largely due to the California legislature, which had protested the

23 <sup>17</sup> Steen, 113-114

24 <sup>18</sup> An Act to establish a National Park Service, and for other purposes. Pub.  
25 L.Tooltip Public Law (United States) 64-235, H.R. 15522, 39 Stat. 535,  
26 enacted August 25, 1916.

27 <sup>19</sup> Quote in Diamont and Carr from 8 Letter From Frederick Law Olmsted Jr.  
28 to Frank Pierce, Acting Secretary of the Interior, December 31, 1920, Frederick  
Law Olmsted National Historic Site 109.

1 use of land for such a purpose and refused to fund it, but also because those (often  
2 businessmen) appointed to the Commission lacked the expertise to understand how  
3 to manage the landscape and its unique environment. There was therefore little  
4 visitation between 1865 and 1890.

5 40. The Yosemite Commission brought in the Sierra Club to help address  
6 vandalism in 1894. Sierra Club recommendations helped the Commission develop  
7 initial Park rules entitled “Rules and Regulations for the Convenience and Safety of  
8 campers and Tourists and the Preservation of the Valley.” These rules included, in  
9 addition to camping site assignments, leaving all firearms at the gate office during  
10 visits to the Park. Elsewhere under “Rules and Regulations,” was a strict  
11 prohibition on the discharge of firearms in Yosemite Valley and the Mariposa  
12 Grove and a request for men who could patrol the park and enforce the  
13 regulations.<sup>20</sup>

14 41. The development of an “American System of Manufacturing” and  
15 mass production accelerated urbanization across the country, and the rapid change  
16 into the twentieth century triggered tremendous social anxiety and political tensions  
17 between rural and urban power. Concerns included urban density, poverty, disease,  
18 crime, labor conflicts, unsanitary living environments, unsafe working conditions,  
19 and an overworked labor force. To many urban reformers, modernity had destroyed  
20 leisure and family time and the worker was in desperate need for outlets of  
21 recreation. Horace McFarland, President of the American Civic Association and a  
22 key figure in the City Beautiful Movement articulated the “American Park Idea.” In  
23 a 1910 speech, McFarland argued that like the ideas for municipal parks in the  
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25 <sup>20</sup> See Goppert, 50-71, 98; “Biennial Report of the Commissioners to Manage  
26 the Yosemite Valley and the Mariposa Big Tree Grove,” (United States: T.A.  
27 Springer, state printer, 1894), 11-12, 25; Biennial Report of the Commissioners to  
28 Manage the Yosemite Valley and the Mariposa Big Tree Grove. United States: T.A.  
Springer, state printer, 1896), 29. See **Exhibit 2**.

1 1850s, county and state parks could also serve a broader purpose that fell  
2 somewhere in between the city park and the national park. “If, when a natural  
3 wonder is found to be of national importance and to need national protection, it may  
4 properly be controlled by the nation, surely a location or opportunity too large for  
5 local or municipal control may as properly be controlled by the state.” In line with  
6 other proponents, he agreed that state parks “must be unmistakably beautiful, they  
7 must present to the enjoyment of all some consistent unspoiled type of landscape.”  
8 He added that parks should be accessible by the public and ideally connected by  
9 parkways—indicating that he saw the park system and recreation as integrated with  
10 parkways across the state. He asserted that state parks should lie no more than a  
11 day’s travel to industrial populations, and that ideally, a state should hold an acre of  
12 land per 1000 population.<sup>21</sup> Seemingly as an afterthought, he added that another  
13 characteristic of the state park “may well be the inclusion of historical sites, to be  
14 suitably and permanently marked so that in a sense of life of the state as man has  
15 dealt with it is persevered for future generations, as well as the natural features of  
16 the state as Nature made them. Not infrequently both of these characters may be  
17 combined to advantage in one state.”<sup>22</sup>

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20 <sup>21</sup> J. Horace McFarland, President, American Civic Association, “A Brief  
21 Discussion of the Later Development of the Recreation Movement” by J. Horace  
22 McFarland, President, American Civic Association, Washington Convention,  
23 December 14, 1910, SFPC, Wilkins, Documents 1909-1915, State Archives;  
24 McFarland, “State Park- Their size and character” Parks and Recreation, volume 5,  
25 p. 471. 1921-22.

26 <sup>22</sup> J. Horace McFarland, President, American Civic Association, “A Brief  
27 Discussion of the Later Development of the Recreation Movement” by J. Horace  
28 McFarland, President, American Civic Association, Washington Convention,  
December 14, 1910, SFPC, Wilkins, Documents 1909-1915, State Archives;  
McFarland, “State Park- Their size and character” Parks and Recreation, volume 5,  
1921-22, p. 471.

1           42. State park systems gained momentum with the increase in leisure time,  
2 urban density, and recreational access, and the proliferation of the automobile,  
3 which allowed more people of all socioeconomic backgrounds to escape the city for  
4 short periods of time. In order to protect the exclusiveness of the National Park  
5 designation, NPS Director Stephen Mather, born in California, organized the first  
6 meeting of the National Association of Parks in Des Moines, Iowa in 1921 to  
7 encourage all states to adopt a park system and coordinate their efforts. California  
8 was in regular attendance.<sup>23</sup>

9           43. This National Conference on (State) Parks grew out of the National  
10 Park movement, but was an independent body of delegates from several states.<sup>24</sup> Its  
11 stated objective was “to urge upon our governments, local, county, State, and  
12 National, the acquisition of additional land and water areas suitable for recreation,  
13 for the study of natural history and its scientific aspects, and the preservation of  
14 wild life, as a form of the conservation of our natural resources...”<sup>25</sup>

15           44. State parks could be beneficial in that they would not be held to the  
16 same high standards of selection as National Parks. Others saw state parks as more  
17 “natural,” and hosting far less *organized* recreative activities than municipal  
18 parks.<sup>26</sup> Albert Turner, who served as the state park secretary and primary official  
19 for Connecticut’s State Park Commission and on the executive committee of the  
20 National Conference on State Parks, emphasized that a state park’s purpose, like

21           <sup>23</sup> “Proceedings of the National Conference on State Parks,” 1922, 1923,  
22 1924. GoogleBooks.

23           <sup>24</sup> Ney C. Landrum, *The State Park Movement in America a Critical Review*,  
24 2004; State Park Anthology: Rebecca Conard, “The National Conference on State  
25 Parks: Reflections of Organizational Genealogy,” *George Wright Forum* 14:4  
(1997), 47-93.

26           <sup>25</sup> Conard, 35.

27           <sup>26</sup> Thomas R. Cox, “From Hot Springs to Gateway: The Evolving Concept of  
28 Public Parks, 1832-1976,” *Environmental Review* 5: 1 1981: 14-26.

1 urban parks, was one of public mental health, an essential refuge from the stresses  
2 of modern urban life.<sup>27</sup>

3 45. The definition of a park, however, varied by state, and Mather believed  
4 each state should determine its own park development. As Historian Rebecca  
5 Conard observed, “A common vision of parks as special places, whether they be  
6 valued for their scenic quality, their recreational amenities, their scientific  
7 attributes, or their educational potential, makes it incumbent that public land  
8 management agencies serve as society’s fulcrum to balance demands of ‘the public’  
9 who would enjoy parks to environmental ruin with those of ‘the public’ who would  
10 unnecessarily limit access to them.”<sup>28</sup>

11 46. The development of State Park systems therefore emerged through  
12 national and municipal efforts, led by Progressive era (1880s-1920s) ideologies, to  
13 reserve certain lands for both the purposes of environmental preservation and public  
14 use. The state park movement inherited Progressive era philosophies as it expanded  
15 upon the spiritual purpose of a park into that of “play,” or recreational use, where  
16 authorities designated certain areas for certain uses. Due to the preservation  
17 purposes of parks, stewardship required establishing expectations regarding public  
18 behavior in these new shared spaces.

19 47. The “park-builders” based these ideas about collective use and purpose  
20 on philosophies of natural resource conservation and land preservation, but also  
21 advanced natural spaces for the social good, including both mental and physical  
22 health. These ideas and practices reflected anxious responses to the rapid changes  
23 brought by new technology, urbanization, the industrial economy and western

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25 <sup>27</sup> Report of the State Park Commission to the Governor, 1920, 23.  
Connecticut Digital Archive, <http://hdl.handle.net/11134/30002:21895214>.

26 <sup>28</sup> Conard, 40; Stephen Mather to Albert Turner, February 6, 1922. Series 2,  
27 Box 3, Folder 1, RG 079:017 State Park and Forest Commission, Connecticut State  
28 Archives, Hartford, CT.

1 expansion. Numerous worker strikes encouraged better hours through welfare  
2 capitalism (company concessions) and workplace reforms that restricted work hours  
3 to 8-10 hours a day.<sup>29</sup> Along with the affordability of personal automobiles,  
4 increased leisure time allowed industrial workers to escape their urban environment  
5 and gain access to increased recreational opportunities, to escape the city for less  
6 manicured and more “natural” and meditative spaces.

7 48. Albert Turner, the Field Secretary Connecticut’s State Park  
8 Commission hired in 1914, served on the organization’s executive committee. That  
9 same year, Turner implored the newly founded National Conference on State Parks  
10 to distinguish forests and parks. “We have supposed the Park to be first of all for  
11 recreation, and the Forest for economic purposes- to wit, namely to grow timber.  
12 This subtle distinction seems to be confined almost entirely to the old Nutmeg  
13 state...”<sup>30</sup> Turner saw the definition of parks as fluid, but consistently stressed the  
14 conservationist philosophy that conceived parks and forests as shared, public spaces  
15 set aside for the “greatest good for the greatest number of people.” Regarding  
16 proposed rules and regulations for use of the State Parks, he asked the Commission  
17 “to make the rules as few and simple as is consistent with the preservation of the  
18 public property and individual freedom. In general, that measure of freedom may be  
19 permitted which does not interfere with the rights or enjoyment of others, pollute

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22 <sup>29</sup> See Roy Rosenzweig, *Eight Hours for What We Will: Workers and Leisure*  
23 *in an Industrial City, 1870-1920* (Cambridge University Press, 1985), Wayne F.  
24 Stormann, The ideology of the American urban parks and recreation movement:  
25 Past and future, (*Leisure Sciences*, 13:2, 1991) 137-  
151, DOI: [10.1080/01490409109513132](https://doi.org/10.1080/01490409109513132), and the Fair Labor Standards Act of  
1938, 52 Stat. 1060 through 52 Stat. 1070

26 <sup>30</sup> Turner to Miss Harlean James, December 31, 1921, Series 2, Box 3, Folder  
27 1, RG 079:017 State Park and Forest Commission, Connecticut State Archives,  
28 Hartford, CT.

1 the waters, or injure the forest-growth. This would involve the prohibition of  
2 firearms, but not the gathering of nuts, berries, or wild flowers....”<sup>31</sup>

3 49. In 1918, the Commission adopted a general “form of notice,” to be  
4 posted in all parks addressed “To the Citizens of Connecticut,” explaining that the  
5 state park “belongs to you,” the general public. It stated that “there is a reason for  
6 every rule and regulation made... It is desired that this park shall be used for picnic  
7 parties, camping, and outdoor life by the people of Connecticut, provided the park  
8 is used in a wholesome and reasonable way, and the trees, shrubs, and plants are not  
9 injured, and all rubbish is placed in receptacles prepared for it, or buried, or burned.  
10 The People using this state park should not monopolize it, nor disturb, nor  
11 unpleasantly intrude upon other parties using it.” Fires outside of stone fireplaces  
12 were prohibited, and “the use of firearms or having them in your possession is  
13 forbidden, also the killing or disturbing of wild animals, birds, or birds’ nests.”<sup>32</sup>

14 50. Turner laid out his “system” approach, which other state park officials  
15 would cite as a model for other states, as well, stressing such factors as natural  
16 suitability, beauty, fitness; historical or traditional association; distribution with  
17 regards to centers of population, size, accessibility, and level of development of  
18 park properties.<sup>33</sup> Turner believed that state parks had a specific purpose quite  
19 different from city parks, which were more art than science, more “museum-like”  
20 than natural. State parks provided a more natural, less landscaped aesthetic to the  
21 controlled movement and limited recreative options in the Olmstedian city parks,  
22 without departing from those basic values. The 1920 annual report continued to  
23 debate the purposes of state parks: public recreation, historical association, and/or  
24 natural and scenic beauty. Turner began to emphasize a state park’s purpose as one  
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26 <sup>31</sup> Annual Report, Report of State Park Commission, 1914, 29.

27 <sup>32</sup> Report of the State Park Commission, State of Connecticut (1918), 30-31.

28 <sup>33</sup> Annual Report, Report of State Park Commission, 1914, 23-20.

1 of public mental health, an essential refuge from the stresses of modern urban life,  
2 and he called out the carrying and use of firearms as an example, even for a  
3 recreative activity like hunting. “Why do we issue hunting licenses by tens of  
4 thousands to “sportsmen” who frequently tramp the woods all day without getting a  
5 legitimate shot at a moving thing? Must we forever be condemned to carry a gun as  
6 an excuse for the pleasure of walking in the woods?”<sup>34</sup> Firearms, associated with  
7 hunting, were incompatible with wildlife preservation, but also with the spiritual  
8 and special purpose of a public park as a peaceful refuge and remedy for the  
9 dangers of the city.

10 51. In California, after the establishment of Yosemite as a National Park, a  
11 grassroots campaign began to preserve the redwoods in the Santa Cruz Mountains.  
12 Thereafter California continued to seek to preserve other natural spaces, while  
13 acquisition efforts took years. The state created the California Redwoods State  
14 Park, and the Humboldt and Del Norte State Parks in 1918. By 1925, the state  
15 administered its six parks under three different administrations with little financial  
16 support for development.<sup>35</sup>

17 52. In 1927, the California state legislature established a state park  
18 commission and authorized it to undertake a comprehensive survey to guide the  
19 “ultimate development of a comprehensive, state park system” as a means of  
20 “conserving and utilizing the scenic and recreational resources of the state.” The  
21 commission hired Frederick Olmsted, Jr. who like his father had advocated for  
22 national and state parks.<sup>36</sup> As part of Olmsted, Jr.’s survey, he divided the state into  
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24 <sup>34</sup> Report of the State Park Commission to the Governor, 1920, 23.  
25 Connecticut Digital Archive, <http://hdl.handle.net/11134/30002:21895214>.

26 <sup>35</sup> Beatrice Ward Nelson, *State Recreation: Parks, Forests, and Game*  
*Reserves, National Conference on State Parks, 1928.* 36-44.

27 <sup>36</sup> Olmsted, Jr. also planned Palos Verdes Estates (1923), and moved there  
28 with his family in 1927.



1 regions and consulted with local residents and experts; his process and criteria  
2 remained policy through the 1950s. Olmsted, Jr. also served as a National Park  
3 Board advisor for nearly his whole life.<sup>37</sup>

4 53. The rising popularity of and access to the car in the 1930s increased  
5 recreational demand and park visitation. At the same time, there were fewer  
6 appropriations for acquiring additional lands. The Great Depression provided  
7 additional opportunity for state conservation efforts through expansion of federal  
8 programming and powers in New Deal programs like the Civilian Conservation  
9 Corps (CCC) initiated in 1933, one of President Franklin Delano Roosevelt's  
10 flagship work programs. It served as a boon for California's recreational and  
11 economic forest development. By 1934, California had 49 parks offering relief  
12 during the economic crisis. The parks covered 300,000 acres, and they expanded  
13 further in 1964 and 1984, as automobile access expanded opportunities to more  
14 sites. The state also established more parks closer to cities to engage urban  
15 populations.

16 54. California State Park Rules and Regulations echoed the stipulations of  
17 the Yosemite Commission, that "Firearms are not allowed, and must be sealed or  
18 checked at the warden's office."<sup>38</sup>

19 55. The Digest of Laws Relating to State Parks," published in 1936, lists  
20 firearms bans in several states. As part of its "Rules and Regulations," Connecticut  
21 explained the purpose of parks as public spaces and included "The use of firearms  
22 or having them in possession is forbidden, also the killing or disturbing of wild  
23

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24 <sup>37</sup> Frederick Law Olmsted, Jr. "Report of the Director of the Survey to the  
25 California State Park Commission," December 29, 1928 in National Association for  
26 Olmsted Parks 14:1 (Spring 2012); Rolf Diamont, Ethan Carr, and Lauren Meir,  
27 The Olmsteds and the National Park Service, Northeast Regional History Program,  
28 NPS, US Department of the Interior, 2020), 113-126.

<sup>38</sup> "Digest of Laws relating to State Parks," Volumes I (National Park  
Service: Department of the Interior, 1936), 20. See **Exhibit 3**.

1 animals, birds, or birds' nests." Indiana had a similar strategy, stating "Firearms are  
2 prohibited at all times." Kansas and Michigan forbade firearms in its state parks.  
3 See **Exhibit 4**. New York prohibited "the possession of any firearms or fireworks  
4 of any kind" within park areas, but had laws specific to each park, some related  
5 specifically to hunting, and others not. The Central New York State Parks  
6 Commission further instructed in Ordinance No. 4 that "no person except  
7 employees or officers of the commission shall carry firearms of any description  
8 within the park." In Ohio, "Shooting of firearms of any description or the carrying  
9 of firearms, either loaded or unloaded, in any state park under the control of the  
10 Ohio State Archeological and Historical Society" was "positively forbidden."  
11 Virginia instructed visitors that that "Firearms are prohibited at all times." West  
12 Virginia prohibited shooting anywhere near a park or "other place where persons  
13 gather for purpose of pleasure" in Section 6054, Code of 1932."<sup>39</sup>

14 56. In 1939, California adopted a Department of Natural Resources in its  
15 Public Resources Code (Chapter 93 in Laws of 1939). The State Park Commission  
16 designated all parks as game reservations, and thus hunting was not allowed. In  
17 1951, the Division of Fish and Game was charged with designating public shooting  
18 grounds, not in the parks, and not under the jurisdiction of the Division of Beaches  
19 and Parks.<sup>40</sup>

20 57. From 1945 until approximately 1966, California operated its parks  
21 under a "Division of Beaches and Parks" within that Department. The Division was  
22 responsible for "all parks, beaches, monument sites, landmark sites, and sites of  
23

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24 <sup>39</sup>"Digest of Laws relating to State Parks," Volumes I (National Park Service:  
25 Department of the Interior, 1936), 27, 35, 55, 77, 122 (**Exhibit 4**); "Digest of Laws  
26 relating to State Parks," Volumes II and III (National Park Service: Department of  
the Interior, 1936), 190, 195, 201, 205, 310, 347, 368, 397 (**Exhibit 5**).

27 <sup>40</sup> Flavel Shurtleff, Planning and Zoning Commission, "Digest of Laws  
28 Relating to State Parks," (Washington, DC, National Conference on State Parks,  
1955), 12-18.

1 historic interest created or acquired by the State,” excepting Balboa Park in San  
2 Diego and the State Fair Grounds in Sacramento. It was empowered to administer,  
3 protect and develop such areas “for the enjoyment of the public.” The Division was  
4 “authorized to establish rules and regulations for the government and administration  
5 of the State Park System not inconsistent with law; and may confer on the Chief of  
6 the Division of Beaches and Parks and such other employees as it may designate  
7 full authority and powers of peace officers for the parks. Any person who violates  
8 the established rules and regulations to be guilty of a misdemeanor (Chapter 93 in  
9 Laws 1939).”

10 58. In 1966, the California Department of Parks and Recreation was  
11 created and assumed the Division of Beaches and Parks’ jurisdiction over parks and  
12 beaches, among other things. Cal. Pub. Resources Code, § 53.

13 59. Public Resources Code Section 5001, subdivision (a), provides  
14 in part that: “California’s state parks are a true reflection of our state’s collective  
15 history, natural and cultural heritage, and ideals. The state parks can be models of  
16 healthy, natural, and sustainable ecosystems and they can also commemorate  
17 important cultural traditions or historic events. To remain relevant now and into the  
18 future, state parks must protect California’s heritage and be welcoming in order that  
19 visitors may understand and appreciate these special places that have been set aside  
20 for their inspiration and enjoyment.” California law forbids the carrying,  
21 possession, or discharge of any firearm “across, in, or into any portion of any unit”  
22 of a state park, except in designated hunting areas.<sup>41</sup>

23 60. Today, California has the largest state park system in the United  
24 States, with a total of 280 units, totaling nearly 1.4 million acres.

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25 <sup>41</sup> “Firearms not having a cartridge in any portion of the mechanism . . . may  
26 be possessed within temporary lodging or mechanical mode of conveyance when  
27 such implements are rendered temporarily inoperable or are packed, cased, or  
28 stored in a manner that will prevent their ready use.” CAL. CODE REGS., tit. 14, §  
4313; see Pub. Resources Code, § 5003.

## Recreational and Cultural Gathering Spaces

61. Over time, recreation extended beyond parklike activities, however, and this demand led to the development of more spaces of leisure in or at the outskirts of cities. While for leaders like Olmsted parks served as a primary outlet for the ills of industrialism, recreation took many forms and created many new spaces for public gathering.

62. In the Colonial Era, work, entertainment, and socializing all took place far more often in and near the home than in large public gatherings. People gathered for leisure in the theatre and music halls with minstrel shows and novelty acts in the mid-nineteenth century, all this growing increasingly popular in the 1830s, likely as improved transportation allowed both audiences and entertainers to travel further distances.<sup>42</sup> In his classic study of working class leisure, Historian Roy Rosenzweig characterized the factory as a place of workplace discipline, separated from the socializing, drinking, sharing and storytelling that had been part of artisan workshop life. Factory work moved leisure and social time to taverns and saloons, pool and dance halls. Efforts to limit workday hours began as early as the 1840s.<sup>43</sup>

63. Park advocates like Olmsted and Turner often described parks as spaces akin to museums for the working class. Museums and libraries in early America were not the centers of extensions of public education or the family outing destinations that they are today, rather they were primarily the private collections of the wealthy, often of a scientific variety. Few, by the late 18<sup>th</sup> century, would be open to the public.<sup>44</sup> These included Charleston Museum (1773), Pierre Eugène Du Simitière's American Museum in Philadelphia (open only from 1782 to 1784),

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<sup>42</sup> Foster Rhea Dulles, *A History of Recreation: America Learns to Play*, New York Meredith Publishing Company, 1965.

<sup>43</sup> Rosenzweig, *Eight Hours for What You Will*, 38-50.

<sup>44</sup> Andrea Stulman Dennett, *Weird and Wonderful: The Dime Museum in America* (New York: New York University Press, 1997), 1 as quoted in NHL.

1 Scudder’s Museum in New York City (1791-1841) and Charles Willson Peale’s  
2 Philadelphia Museum (1786–1845). They were primarily for artifacts and personal  
3 objects, and associated with the intellectual pursuits of the learned and/or upper  
4 class, often naturalistic, ethnological, and zoological. Peale’s “Museum” even  
5 featured a live menagerie, a predecessor to the zoo, but almost by definition for the  
6 purpose of private, not public viewing.<sup>45</sup> Scudder’s and the Peale Museum inspired  
7 P.T. Barnum’s opening of the American Museum in New York City in 1842 as a  
8 place for “instructional entertainment.” It included a research library, exhibit space,  
9 and lecture hall. He even created the “Ocean and River Gardens” exhibit,  
10 America’s first public aquarium, in 1857. It was primarily with the post-Civil War  
11 era, however, that he found success. Interested in profit, Barnum sought his  
12 audience with the “common man,” the museum catered his collections and exhibits  
13 to the working class, and he is certainly one of the founders, along with people like  
14 Buffalo Bill, who resonated with audiences through what we know today as popular  
15 culture. He began traveling shows in the 1870s and 80s, eventually merging with  
16 the Ringling Brothers for the well-known circus. Barnum’s museums, like other  
17 “dime museums” catered to the masses at all levels of culture, and he supported  
18 scholarly and research-based museums such as the Smithsonian Institute and the  
19 Barnum Museum at Tufts University in Medford, Massachusetts. Barnum opened  
20 his circus which included a menagerie and curiosity museum in 1871.<sup>46</sup>

21  
22  
23 <sup>45</sup> Philadelphia was the first city to open a zoo in 1874, but Central Park  
24 included one in the mid-nineteenth century. Alexander, *Museums in Motion, 110-*  
25 *116*; Golden Gate Park in San Francisco added a zoo in the 1930s, but it regularly  
26 displayed a range of animals, from exotic to farm, throughout the 1880s and into  
27 the twentieth century. Young, 38; “Animals of Golden Gate Park,” at “Historical  
28 Images of San Francisco,” accessed October 15, 2023,  
[https://opensfhistory.org/Photoset/Animals\\_of\\_Golden\\_Gate\\_Park](https://opensfhistory.org/Photoset/Animals_of_Golden_Gate_Park).

<sup>46</sup> Adams, et. al.

1           64. Even the Smithsonian Institution—which was created by Congress in  
2 1846 following a gift from Englishman James Smithson—was similarly based  
3 around large private collections. By establishing the Smithsonian in 1846 as “an  
4 establishment for the increase and diffusion of knowledge,” Congress had the  
5 federal government assume the role of preserving the nation’s history, but it did not  
6 realize its museum form until 1873, when the primary function extended beyond  
7 collections to public education as a venue through which to democratize  
8 knowledge. It then received many of the exhibitions from Philadelphia’s Centennial  
9 Exposition, constructing a new building to house it, completed in 1881. However,  
10 as William Walker discusses in his new book, *A Living Exhibition*, the “castle” still  
11 did not quite resemble the cultural centers of large themed exhibits and family  
12 public programming we know today until after World War II.<sup>47</sup>

13           65. The American Museum of Natural History and the Metropolitan  
14 Museum of Art (1870) in New York City and the Boston Museum of Fine Arts  
15 (1876), grew out of private collections, and catered increasingly to the adult middle  
16 and upper classes.<sup>48</sup>

17           66. The end of the Reconstruction period coincides with America’s  
18 centennial celebration in 1876, with the World’s Fair in Philadelphia, Pennsylvania,  
19 also known as the Centennial Exposition, which tended to display the kind of  
20 spectacle and public exhibitions we associate with today’s museum exhibit spaces.  
21 Directed toward large crowds of varying social and economic class, these more  
22 resembled today’s blockbuster museums, festivals and amusement parks. The  
23 privately funded and organized, but federally supported (congressional

24           <sup>47</sup> William Walker, *A Living Exhibition: The Smithsonian and the*  
25 *Transformation of the Universal Museum* (Amherst, MA: University of  
26 Massachusetts Press, 2013).

27           <sup>48</sup> William Walker, *A Living Exhibition: The Smithsonian and the*  
28 *Transformation of the Universal Museum*. Amherst, MA: University of  
Massachusetts Press, 2013.

1 appropriation took the form of a loan) Columbian Exposition and fairs in Chicago  
2 in 1893, Buffalo in 1901—and even an international exposition in San Francisco in  
3 1894—served to assert America’s unity, economic, political, cultural, and  
4 technological power to its citizens and to the world. Thousands attended, and  
5 officials anticipated, planned, and provided public security for the masses. The  
6 World’s Fairs inspired global collecting world-wide.

7 67. At its 1893 fair, to accommodate the unusually large crowds of over  
8 15,000, Chicago assembled a police force explicitly to provide safety and security  
9 to its attendees, with a special “secret service” as “a branch of the physical force of  
10 the Fair under the Department of Works, deriving its authority from the State,  
11 operating on park territory...”<sup>49</sup> These fairs collectively coalesced and solidified  
12 American identity after the fracture of the Civil War.

13 68. Similarly growing out the success of the World’s Fairs, amusement  
14 parks, most notably Coney Island in New York City, which opened as the first  
15 enclosed amusement park in 1895, served as one of the original sites of leisure for  
16 the working class.<sup>50</sup>

17 69. Like other deliberately designed and defined cultural spaces, there is  
18 no true analogue for modern playgrounds in America prior to the late-nineteenth  
19 and twentieth century. By conception and definition, Progressive era reformers  
20 conceived and designed these urban places to offer safe spaces for leisure and play,  
21 and within those spaces, dictate behavior by organizing and purposing those spaces.  
22 While European gardens inspired public park design, historians have characterized  
23 such late nineteenth century reformers as using both parks and playgrounds for

24 <sup>49</sup> R.W. M’Clughry, General Superintendent Chicago Police, and John  
25 Bonfield, Chief Secret Service World’s Columbian Exposition, “Police Protection  
26 at the World’s Fair,” 1893.

27 <sup>50</sup> See Roy Rosenzweig, “Eight Hours for What We Will: Workers and  
28 Leisure in an Industrial City, 1870-1920” (Cambridge, MA: Cambridge University  
Press, 1983), 127-152.

1 social control, repeatedly insisting on regulating proper behavior. It was, however,  
2 more complicated than that. Planners like Olmsted and civic leaders held sincere  
3 beliefs about nature and concerns for public health in the cities, but workers and  
4 children often revised the design and use of these spaces, often using them less for  
5 enlightenment and repose, and more for play-centered activities. Middle and upper  
6 classes would embrace this notion of sports and recreation in the mid- to late-  
7 nineteenth century.

8 70. Designers of mid-nineteenth century parks like Frederick Law  
9 Olmsted did not initially include playgrounds in urban park planning, favoring  
10 passive recreation over active. In most public places in the world, playgrounds did  
11 not become ubiquitous until the twentieth century. The concept of educating  
12 children through play was just emerging. In the early 1800s, Germany educational  
13 reformer Friedrich Fröbel’s kindergartens featured sand gardens to encourage the  
14 development of morally, mentally, and physically healthy children. American  
15 Elizabeth Palmer Peabody opened the first English-language kindergarten in the  
16 United States in the 1860s.<sup>51</sup> Progressive social reformers like John Dewey saw  
17 playspaces for children as educational.<sup>52</sup> Interestingly, San Francisco claims the  
18 first playground in the nation as early as 1888, Sharon’s Quarter.

19 71. Progressive reformers formed the Playground Association of America  
20 (PAA) in 1906 and it was under their guidance that playgrounds established a moral  
21 code of child development with directed child-centered activities.<sup>53</sup> Officers

22 \_\_\_\_\_  
23 <sup>51</sup> Robert D. Putnam, *Bowling Alone: The Collapse and Revival of the  
American Community* (New York, NY: Simon & Schuster, October 2020), 395.

24 <sup>52</sup> Putnam, *Bowling Alon*, New York, NY: Simon & Schuster, (October  
25 2020), 393; Walter de Burley Wood, *The Playground Movement in America and its  
26 Relation to Public Education* (Board of Education. London, England: His Majesty  
Stationary Office, 1913).

27 <sup>53</sup> Kim Hart, “The History of Playgrounds and the First Playgrounds,” AAA  
28 State of Play, [aaastateofplay.com](http://aaastateofplay.com), (2021); Playground Association of



1 included well-known Progressives like Honorary President Theodore Roosevelt,  
2 Honorary Vice President famed muckraker journalist Jacob Riis (author of *How the*  
3 *Other Half Lives*, published in 1890), Horace McFarland of the City Beautiful  
4 movement, and Jane Addams, founder of the well-known Hull House in Chicago, a  
5 Settlement House which supported immigrants' assimilation into American life.  
6 Representatives from San Francisco, Los Angeles, and San Diego attended the first  
7 convention of the PAA.<sup>54</sup>

8 72. Reformers hoped to mediate the crowded, unsanitary, and unsafe  
9 living conditions of urban cities, and the working-class demand for play spaces.  
10 The great influx of immigration from the 1880s through the 1910s overwhelmed  
11 city tenements with immigrant families. Populations outpaced housing and space.  
12 Urban children played in the streets. In some places, playing in the street became so  
13 dangerous that it became illegal. Furthermore, prior to child labor laws in the  
14 1930s, many older urban children were simply not available for daytime play.

15 73. Formally designated American playgrounds began with places like  
16 Jane Addams' Hull House in Chicago and other major cities at the turn of the  
17 twentieth century. Such settlement houses, located near tenements and poor  
18 immigrant worker neighborhoods, began to host fenced-in playgrounds as a way to  
19 support immigrant families, but also a vehicle for assimilating children in spaces  
20 distanced from their parents and neighborhoods.<sup>55</sup> Early on, such places were

21 \_\_\_\_\_  
22 America, Playground and Recreation Association of America. *The Playground*  
23 (New York, NY: Executive Committee of the Playground Association of America,  
24 April, 1923).

24 <sup>54</sup> Kaitlin O'Shea, "How We Came to Play: The History of Playgrounds,"  
25 <https://savingplaces.org/stories/how-we-came-to-play-the-history-of-playgrounds/>;  
26 Playground Association of America, *The Playground* ((New York, NY: Executive  
27 Committee of the Playground Association of America, April 1907-1909).

27 <sup>55</sup> O'Shea; Playground Association of America, *The Playground* (1907-  
28 1909).

1 highly regulated, with separate areas for boys and girls and trained playground  
2 workers to organize play and provide instruction on acceptable behavior when  
3 needed.<sup>56</sup>

4 74. Efforts to assimilate immigrant families also influenced the  
5 proliferation of local public libraries. Benjamin Franklin did start the nation's first,  
6 again in Philadelphia, "Library Company," but it operated by member subscription.  
7 After he donated it to a town in Franklin, Massachusetts, the town voted in 1790 to  
8 offer them for free and it served as a model for towns and cities. Boston Public  
9 Library did not open until 1848, coinciding with the arrival of German and Irish  
10 immigrants. During and after World War I, both museums and libraries served as  
11 Americanization vehicles for immigrants, the latter growing especially popular with  
12 the passage of the 1917 Immigration Act that required literacy to gain citizenship.

13 75. Spectator events became more popular in the mid-nineteenth century.  
14 Foster Rhea Dulles argued that as villages broke up, informal games and activities  
15 declined. Event sites included theaters and race tracks, but games like baseball also  
16 evolved from children's play and gained popularity. Other sports skewed toward  
17 amateur athletic clubs, especially for the middle and upper class, with croquet,  
18 skating, archery, and rowing. Intercollegiate sports also grew in popularity in the  
19 1860s and 1870s.<sup>57</sup>

20 76. Formal baseball teams formed in about 1842 when business and  
21 professional men organized teams and games in Hoboken, New Jersey. The Boston  
22 Common hosted games in the 1850s, and the game began to attract spectators  
23 across the country until the Civil War interrupted momentum. Basketball did not

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25 <sup>56</sup> Henry Curtis, *Education Through Play*, New York, NY: The MacMillan  
26 Company. (1915), 63-65; Robert D. Putnam, *Bowling Alone: The Collapse and  
27 Revival of the American Community*, New York, NY: Simon & Schuster, (October  
28 2020), 393-394.

<sup>57</sup> See Dulles, *A History of Recreation*.

1 begin as a game until the 1890s. Rhea Dulles argued that limited leisure time  
2 restrained the numbers of spectators that such games might attract, although there  
3 were certainly exceptions.<sup>58</sup>

4 77. When union activity of the late nineteenth century saw wages rise and  
5 limits to work hours, and with the introduction of affordable transportation in the  
6 form of the streetcar, urban centers saw significant participation in commercialized  
7 leisure, and what one would now understand as mass culture, that could unite an  
8 ethnically diverse population.<sup>59</sup> Historian Roy Rosenzweig characterized those who  
9 saw commercial profits in offering what historians like Kathy Peiss have coined as  
10 “cheap amusements” as “recreational entrepreneurs;” referring to those who created  
11 large theaters and amusement parks, spaces specifically designed to cater to  
12 communities and large crowds.<sup>60</sup>

13 78. The prosperity of the 1920s included the availability of credit, which  
14 meant more disposable income and leisure time for the working class, and this is  
15 the time when states begin to focus on acquiring parklands for recreational activity  
16 as well.

### 17 **Conclusion**

18 79. It is my opinion, as a professional historian, that the park idea was part  
19 of a concerted movement for a far more defined, and different, notion about public  
20 use and behavior than the greens and commons in Colonial America. Rather, the  
21 park movement is far more a reflection of the Civil War and Reconstruction era that

22 \_\_\_\_\_  
23 <sup>58</sup> Dulles, *A History of Recreation*, 182-200.

24 <sup>59</sup> Rosenzweig, *Eight Hours for What We Will*, 171-221; John Kasson,  
25 *Amusing the Million: Coney Island at the Turn of the Century* (New York: Hill and  
26 Wang, 1978); Kathy Peiss, *Cheap Amusements: Working Women and Leisure in  
Turn-of-the-Century New York* (Philadelphia, PA: Temple University Press, 1986).

27 <sup>60</sup> Rosenzweig and see Kathy Peiss, *Cheap Amusements: Working Women  
28 and Leisure in Turn-of-the-Century New York* (Philadelphia: Temple University  
Press, 1985).

1 shook and shifted political, economic, and regional identities. The post-war period  
2 saw rapid changes in American life from industrialization, urbanization, and  
3 immigration. The words and work of America's most influential park designer and  
4 steward, Frederick Law Olmsted, articulated and defined the park movement he  
5 began and influenced at the local, state, and national levels, prescribing certain uses  
6 and behaviors for those shared spaces. Formal and designated parks served as  
7 places of physical and deeply spiritual escape from the harshness of urban and  
8 industrial life into nature. Olmsted conceived and designed parks as places of  
9 preservation as well as physical recreation and mental refuge, not conservation. It  
10 would therefore be consistent to restrict firearms as well as hunting in such places.  
11 Carrying firearms was very much inconsistent with the lofty and transcendentalist  
12 views of Progressive era conservationists and preservationists when they  
13 established public parks for collective "public enjoyment."

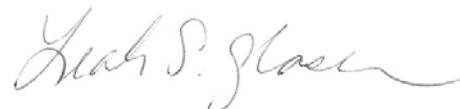
14 80. Similarly, as responses to and products of the industrial era, cultural  
15 sites of public gathering today have little similarity to places in colonial America.  
16 In colonial and early America, sites of leisure, recreation and entertainment stayed  
17 in and/or close to home and community. After Reconstruction, museums, fairs,  
18 parks, and spectator sports evolved in form and purpose out of political and  
19 business leaders' need and desire to control behavior and provide a diverse, restive,  
20 and growing labor class population with entertainment, leisure, and recreation at a  
21 time when an industrial economy and urban space now rigidly defined the  
22 workplace.

23 81. This Declaration is based on my knowledge as a trained Historian of  
24 the American West, and as a Public Historian who has worked in federal land use  
25 agencies such as the National Park Service and the Bureau of Reclamation, and  
26 taught about American culture and its cultural institutions. It addresses the context  
27 and form in which several types of cultural spaces began in the United States. When  
28 initially conducting any original archival research on this topic, it was specific to

1 Connecticut. Furthermore, I was not looking specifically for references to firearms  
2 and hunting, nor to California. My initial questions focused upon debates about the  
3 purpose and use of parks, searching for definitions delineating parks from forests.  
4 For this declaration, I have included background knowledge regarding California  
5 and enlisted cursory research available online, as well as some recent scholarship.  
6 There may some more explicit discussion of prohibition or regulation in undigitized  
7 archives, like the Yosemite and State Park Commission reports, papers, and  
8 correspondence in the California State Archives, land deeds that may include  
9 provisions beyond maintenance, or patrolling reports, that could imply something  
10 more specific about the regulations. There are also likely additional resources,  
11 including correspondence that could provide evidence of intent for these public land  
12 reservations in California, or further insight into the values and definitions around  
13 recreation, including additional evidence regarding public attitudes towards  
14 firearms in these spaces, but I had neither the time nor access to locate and evaluate  
15 those sources.

16  
17 I declare under penalty of perjury under the laws of the United States of  
18 America that the foregoing is true and correct

19 Executed on October 31, 2023, at New Britain, Connecticut.

20  
21 

22 \_\_\_\_\_  
Leah S. Glaser

# Exhibit 1

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**EDUCATION**

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*Master of Arts* in Public History: Historic Preservation emphasis. December 1996  
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**Central Connecticut State University**, New Britain, CT  
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HIST 492: Public History Intern Experience (Undergraduate)

HIST 302: Introduction to Public History (Undergraduate)

HIST/LTN 316: History of the American West to 1890 (Undergraduate)

HIST/LTN 317: History of the American West from 1890 (Undergraduate)

HIST 305: Connecticut and the Nation (Undergraduate online)

HIST 301: The Historical Imagination: Immigration/ Mexican Immigration and Labor/  
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HIST 162: History of American Life II (Undergraduate /classroom and online)

HIST 100: US Environmental History

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*Supervise capstone projects for MA in Public History (40 to completion)*

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*Class Projects:*

"Rooted in History:" Connecticut Tree Stories, Grating the Nutmeg, podcast, HIST 405/505, Spring 2021.

"Pandemic in Perspective," Online Exhibit, CCSU Burrirt Library, HIST 302, Fall 2020.

Women's Suffrage Transcription Project, Connecticut State Archives, HIST 302, Fall 2019.

Latino History Harvest, HIST 405/505, Spring 2017-2018.

Iwo Jima Biography Project, HIST 302, Fall 2014-2018.

Glaser

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“Historic Structure Reports,” Coltsville National Historic Park, Hartford, CT, HIST 511, Fall 2016 and Spring 2017.  
New Britain Industrial Museum Visitors’ Survey, HIST 302, Fall 2016.

“Triumph Through Adversity: The Borinqueneers,” Exhibit, New Britain Visitors’ Center Gallery, New Britain, CT, HIST 302, Fall 2015.

“Voices from Vietnam,” Veterans History Project, CCSU, HIST 302, Fall 2014.

“The History of Homelessness in New Britain,” HIST 405/505, Spring 2012.

**Quinnipiac University**, Hamden, CT

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Introduction to Public History

The Gilded Age and Progressive Era

The West in American History to 1900

United States History (to 1877 and from 1877)

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American Cultural History from 1865 to Present

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## PUBLICATIONS

### Books

w/ Philip Levy, eds. *Branching Out: The Public History of Trees*. Amherst, MA: University of Massachusetts Press (Public History in Historical Perspective series), *under contract*.

*Interpreting Energy at Museums and Historic Sites*. Lanham, MD: American Association of State and Local History (AASLH)/ Rowman and Littlefield (*Interpreting History series*), 2023.

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Favorably reviewed in 13 prominent and prestigious academic journals including the *American Historical Review*, *Journal of American History*, *Western Historical Quarterly*, the *Pacific Historical Review*, and the *Montana Magazine of Western History*.

*The History, Values, and Visions of Carollo Engineers*. Walnut Creek, CA: Carollo Engineers, 2003.

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### Book Chapter

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“‘An Absolute Paragon of Paradoxes:’ Native American Power and the Electrification of Arizona’s Reservations,” in Sherry L. Smith and Brian Frehner, eds. *Indians and Energy: Exploitation and Opportunity in the American Southwest*. Santa Fe, NM: School of Advanced Research Press, 2010.



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3

**Edited Journal**

Guest Editor (theme issue), "Public History and Environmental Sustainability," *The Public Historian* 36:3 (August 2014).

**Articles in Academic Journals**

"Hidden Gems: Hopewell Furnace National Historic Site," *Pennsylvania Magazine of History and Biography*, Special Issue on Energy (October 2015), 353-355.

w/ Nicholas Thomas, "Sam Colt's Arizona: Investing in the West," *Journal of Arizona History* 56:1 (Spring 2015), 29-52.

"Identifying and Defining Issues of Environmental Sustainability in Public History" *The Public Historian* 36:3 (August 2014), 10-16.

"Let's Sustain This!" *The Public Historian* 36:3 (August 2014), 130-144.

"Beyond the Boom/Bust Cycle: Locating Enduring Stories in the Cultural Resources of the West," in *Field Notes, Western Historical Quarterly* 41 (Summer 2010): 218-226.

"Nice Towers, eh? Evaluating a Transmission Line in Arizona," *CRM: Cultural Resource Management* 20:14, U.S. Department of the Interior, National Park Service (1997): 23-24.

"Working for Community: The Yaqui Indians at the Salt River Project," *Journal of Arizona History* 37: 4 (Winter 1996): 337-356.

**Articles in Popular Magazines, Newspapers**

"Trees as Memorials and Witnesses to History," *Connecticut Explored* (Spring 2021): 14-19.

"Readers Respond to Removal of Christopher Columbus Statues," *Hartford Courant* (June 26, 2020).

"Historic Preservation Checks a Lot of Boxes," *Connecticut Preservation News* (January/February 2019): 4-5.

"Taking Away Conservation Funds Hurts the State," editorial, *Hartford Courant* (June 20, 2017).

Guest Editor (theme issue), "Connecticut in the West," *Connecticut Explored* (Winter 2017).

- "Sam Colt Mines the Arizona Territory," *Connecticut Explored* (Winter 2017).
- "Western Ideas for Eastern Lands," *Connecticut Explored* (Winter 2017).

**Reports (peer-reviewed)**

w/ Elizabeth Correia. National Register of Historic Places, "Congregation Mishkan Israel," Hamden, New Haven County, Connecticut, approved by Connecticut State Historic Preservation Review Board, March 2021.

National Register of Historic Places, "New Haven Armory," New Haven, New Haven County, Connecticut, approved by Connecticut State Historic Preservation Review Board, December 4, 2020.

Glaser, Leah S. et al. National Register of Historic Places, "Downtown New Britain," New Britain, Hartford County, Connecticut, National Register #93000771. Reviewed/approved by Connecticut State Preservation Board, December 7, 2015. Submitted to National Park Service February 2016. Listed May 3, 2016.

Glaser, Leah S. (chair) with Maren Bzdek, Priya Chhaya, Rebecca Conard, David Glassberg, William Ippen, Melinda Jetté, and Angela Sirna (National Council on Public History Task Force on Environmental Sustainability), "Public History and Environmental Sustainability: A Role for the National Council on Public History," White Paper, submitted to the NCPH Board in September, 2014.

Connecticut State Register of Historic Places, "1631 Chapel Street," New Haven, New Haven County, Connecticut, Reviewed/approved by Connecticut Historic Preservation Council, 2006.

Connecticut State Register of Historic Places, "Short Beach Union Chapel," New Haven, New Haven County, Connecticut, Reviewed/approved by Connecticut Historic Preservation Council, 2006.

National Register of Historic Places, "Ball's Oyster Dock," Branford, New Haven County, Connecticut, Reviewed/approved by Connecticut State Preservation Board, 2006.

National Register of Historic Places, "Perry Avenue Bridge," Norwalk, Fairfield County, Connecticut, Reviewed/approved by Connecticut State Preservation Board, 2006.

National Register of Historic Places, "Westville Village Historic District (Boundary Increase)," Reviewed/approved by Connecticut State Preservation Board, 2005.

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National Register of Historic Places, “Knickerbocker Golf Club,” New Haven, New Haven County, Connecticut, Reviewed/approved by Connecticut State Preservation Board, 2005.

“An Industrial Place in a Rural Space: The Administrative History of Hopewell Furnace National Historic Site.” Philadelphia, PA: Northeast Regional Office/ National Park Service/ Bloomington, IN: Organization of American Historians, August 2005.

“The Navajo Indian Irrigation Project.” Bureau of Reclamation History Program, Denver, CO, 1998.

“The San Juan-Chama Project.” Bureau of Reclamation History Program, Denver, CO, 1998.

“The EMA Transmission Line,” No. AZ-6- B. Historic American Engineering Record (HAER), National Park Service, Western Region, 1996.

### Encyclopedia Entries

“Dynamic Tensions: Conservation and Development in Connecticut to 1920s.” *ConnecticutHistory.org*. Connecticut Humanities Council, September 2012.

“A Public Responsibility: Conservation and Development in Connecticut in the Twentieth Century.” *ConnecticutHistory.org*. Connecticut Humanities Council, September 2012.

“Hopewell Furnace National Historic Site,” *United States Geography* Database. ABC-CLIO, Santa Barbara, CA. (posted August 2011).

### Blog and Newsletter Publications

“Guidelines for Historic Tree Preservation.” *History@Work* in “Public Historians in our Climate Emergency” series. [www.ncph.org](http://www.ncph.org) (October 5, 2021).

“From the Desk of Leah Glaser: Hey Texas! Read my Electricity Book.” UNP Guest Blog, University of Nebraska Press, March 1, 2021.

Michelle McClellan, Carolyn Barske Crawford, and Leah Glaser. “Repairing National Register Nominations: Educational Institutions and The National Register Process.” *History@Work*, The NCPH Blog, [www.ncph.org](http://www.ncph.org), July 28, 2020.

“Public History and Sustainability: An Overview and Invitation.” *History@Work*, [www.ncph.org](http://www.ncph.org), (June 7, 2013).

“A Point Paper from the Public Historians and Sustainability Working Group.” *History@Work*, [www.ncph.org](http://www.ncph.org), (July 20, 2012).

w/ Will Ippen. “Public History and Sustainability,” *Public History News* 32:4 (September 2012), 11.

“Public Historians Take on Climate Change.” *History@Work* (April 29, 2012).

w/ Jannelle Warren-Findley. “Negotiating Histories: Perspectives on Public History.” *Perspectives: A Newsletter of the American Historical Association* (May 1999).

### Reviews

Book Review of Richard F. Hirsch, *Powering American Farms: The Overlooked Origins of Rural Electrification*. Baltimore, MD: Johns Hopkins University Press, 2022 in *Business History Review* 97:1 (May 2023), 180-183.

Book Review of Debra Reid and David Vail, *Interpreting the Environment at Museums and Historic Sites*. Lanham, MD: AASLH/Rowan and Littlefield, 2019 in *The Public Historian* 43:2, (May 2021), 167-169.

Book Review of Casey P. Cater, *Regenerating Dixie: Electric Energy and the Modern South*. (History of the Urban Environment.) Pittsburgh, Pa.: University of Pittsburgh Press, 2019 in *American Historical Review* 126:1 (March 2021), 352-353.

Book Review of Marisa Elena Duarte, *Network Sovereignty: Building the Internet Across Indian Country*. Seattle, WA: University of Washington Press, 2017 in *Pacific Historical Review* (2018), 43-44.

Exhibit Review of “Rising Tides: Fairfield’s Coast: Past to Future,” Fairfield Museum and History Center, Fairfield, CT in *The Public Historian* 39:2 (May 2017), 91.

Book Review of James Robert Allison, III, *Sovereignty for Survival: American Energy Development and Indian Self-Determination*. New Haven, CT: Yale University Press, 2015 in *Journal of American History* 103: 3 (December 2016), 841-842.

- Glaser 5
- Book Review of David B. Danbom, ed. *Bridging the Distance: Common Issues of the Rural West*. Forward by David M. Kennedy. Salt Lake City, UT: University of Utah Press, 2015 in *Western Historical Quarterly* 21 (July 2016), 488-489.
- Book Review of Don E. Albrecht, *Rethinking Rural: Global Community and Economic Development in the Small Town West*, Pullman: University of Washington Press, 2014 in *Environment, Space, Place* (Fall 2015).
- Book Review of Greg Gordon, *When Money Grew on Trees: A.B. Hammond and the Age of the Timber Baron*. Norman: University of Oklahoma Press, 2014 in *Journal of American History* 101:4 (2015), 1287-1288.
- Book Review of Diane Barthel-Bouchier, *Cultural Heritage and the Challenge of Sustainability*. Walnut Creek, CA: New Left Press, 2013 in *H-Environment, H-Net Reviews* (June 2014).
- Book Review of Paul Hirt, *The Wired Northwest: The History of Electric Power, 1870s–1970s*. Lawrence, KS: University Press of Kansas, 2012 in *Western Historical Quarterly* 44 (Autumn 2013), 355-356.
- Book Review of Mary S. Melcher, *Pregnancy, Motherhood, and Choice in Twentieth Century Arizona*. Tucson, AZ: University of Arizona Press, 2012 in *Journal of Arizona History* 54:3 (Autumn 2013), 349-530.
- Book Review of Ronald M. James, *Virginia City: Secrets of a Western Past*. Historical Archaeology of the American West Series. Lincoln: University of Nebraska Press and the Society for Historical Archeology, 2012 in *Western Historical Quarterly* 43:4 (Winter 2012), 526-527.
- Exhibit Review of “Making Connecticut,” Connecticut Historical Society Museum in *Connecticut History* 51:1 (Spring 2012), 103-107.
- Book Review of Brian Q. Cannon, *Reopening the Frontier: Homesteading in the Modern West*. Lawrence: University Press of Kansas, 2009 in *American Historical Review* 116: 2 (April 2011), 484.
- Book Review of Marsha Weisiger, *Dreaming of Sheep in Navajo Country*. Seattle: University of Washington Press, 2010 in *Agricultural History* 85:2 (Spring 2011), 261-2.
- Book Review of David Grayson Allen, *The Olmsted National Historic Site and the Growth of Historic Landscape Preservation*. Boston: Northeastern University Press, 2007 in *Connecticut History* 47:1 (Spring 2008), 174-176.
- Exhibit Review of “Remembering Our History: The Chinese American Presence in Phoenix,” Phoenix Museum of History in *The Public Historian* 24:3 (Summer 2002), 86-88.

### CONFERENCE Participation

- Chair, “Telling a Revolving American Story: Museums and Firearms History,” October 13, 2023  
 “Current Perspectives on the History of Guns and Society,”  
**Center for the Study of Guns and Society**, Wesleyan University, Middletown, CT
- Participant, Working Group: “Five Year Combined BA/MA in Public History,” April 2023  
**National Council on Public History**, “To Be Determined,” Atlanta, GA
- Participant, Working Group: “Developing Partnerships and Teaching Cultural Heritage and Heritage Tourism in the University Classroom” April 2023  
**National Council on Public History**, “To Be Determined,” Atlanta, GA
- Chair, “Museums and Firearms History,” October 14, 2022  
 “Current Perspectives on the History of Guns and Society,”  
**Center for the Study of Guns and Society, Wesleyan University**, Middletown, CT
- Organizer and Participant, “Environmental Stewardship and Storytelling through the Humanities,” May 19, 2021  
**Campuses for Environmental Stewardship 2021 Summit**, Maine Campus Compact (virtual).  
<http://mainecomcompact.org/ces-summit-2021/>
- Participant, **National Council on Public History**, “The Presence and Persistence of Stories,” March 2021  
 Salt Lake City, UT (virtual)
- Participant, Working Group: “Public Historians in our Climate Emergency” March 2020  
**National Council on Public History**, “Threads of Change,” Atlanta, GA (virtual)
- Co-Chair, *Local Arrangements Committee*, April 2018- March 2019

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<i>Member, Program Committee,</i>	
<b>National Council on Public History, "Repair Work," Hartford, CT</b>	
<i>Planner/ Coordinator, Public Plenary, "Considering Coltsville: A Revolving Story," Center Church, Hartford</i>	
<b>National Council on Public History, "Repair Work," Hartford, CT</b>	March 2019
A conversation with community leaders and local gun safety advocates about the future of Coltsville in Hartford, a city facing serious concerns about gun violence.	
<u>What role will the park play in communities most affected?</u>	
<i>Participant, Structured Conversation: "Trees, Preservations, and Public Historians: Challenges and Opportunities"</i>	
<b>National Council on Public History, "Repair Work," Hartford, CT</b>	March 2019
<i>Participant, Working Group: "Repairing National Register Nominations,"</i>	
<b>National Council on Public History, "Repair Work," Hartford, CT</b>	March 2019
<i>Co-Chair, "History on the Fly: Gun Violence, Gun Safety, and Gun Rights,"</i>	
<b>National Council on Public History, "Power Lines," Las Vegas, NV</b>	April 2018
<i>Co-Chair, Local Arrangements Committee, Planning and Presentation (Awards Breakfast Presentation) for Annual NCPH Conference 2019, "See You in Hartford"</i>	
<b>National Council on Public History, "Power Lines," Las Vegas, NV</b>	April 2018
<i>Participant, Structured Conversation: "Resources and Best Practices for Public History Education and Training and Environmental Sustainability"</i>	
<b>National Council on Public History, "Power Lines," Las Vegas, NV</b>	April 2018
<i>Participant, Working Group: "Public History Education and Sustainability,"</i>	
<b>National Council on Public History, "In the Middle," Indianapolis, IN</b>	April 2017
<i>Paper, "Urban Tree Preservation in this Era of Climate Change,"</i>	
<b>National Council on Public History, "Challenging the Exclusive Past," Baltimore, MD</b>	March 2016
<i>Invited Panelist, "Old Roots, New Routes," Connecticut Trust for Historic Preservation, Hartford, CT</i>	
<b>Connecticut Trust for Historic Preservation,</b>	October 2015
<i>Panelist, "Sustaining Historic Preservation as a Cultural Practice: A Structured Conversation"</i>	
<b>National Council on Public History, "On the Edge," Nashville, TN</b>	April 2015
<i>Co-facilitator, "Memorials and Violence and the American West" Discussion,</i>	
<b>Western Historians in the Northeast Region, Yale University, New Haven, CT</b>	May 2014
<i>Invited Panelist, "Sustaining Public History in a Changing Climate- A State of the Field Roundtable,"</i>	
<b>New England Historical Association, Springfield College, Springfield, MA</b>	April 2014
<i>Co-Chair, Program Committee</i>	
<b>National Council on Public History, "Sustainable Public History," Monterey, CA</b>	March 2014
<i>Co-Moderator, Public Plenary, A Conversation with Keynote Speaker Richard Heinberg, "The End of Growth,"</i>	
<b>National Council on Public History, "Sustainable Public History," Monterey, CA</b>	March 2014
<i>Chair, "Public History and Environmental Sustainability Task Force White Paper: Feedback,"</i>	
<b>National Council on Public History, "Sustainable Public History," Monterey, CA</b>	March 2014
<i>Discussant, "Beyond Saving: Achieving Sustainability in Historic Preservation" Working Group</i>	
<b>National Council on Public History, "Sustainable Public History," Monterey, CA</b>	March 2014
<i>Paper, "Choo, Choo (Cough, Cough): Interpreting and Preserving Western Scenic Railroads in the Era of Sustainability," Western History Association, "Vital Signs," Tucson, AZ</i>	
<b>Western History Association,</b>	October 2013
<i>Co-Chair, Program Committee, Planning for Annual NCPH Conference 2014.</i>	
<b>National Council on Public History, Ottawa, ON, Canada</b>	April 2013
<i>Paper, "Western Ideas for Eastern Lands: The Influence of Western Environmental Policies on Connecticut's State Parks and Forests, 1913-1943,"</i>	
<b>Western History Association, "Boundary Markers and Border Crossings," Denver, CO</b>	October 2012

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<i>Paper</i> , “‘Now, That’s the Smell of History!’ Addressing Environmental Sustainability in Historic Preservation,” <b>Preservation Education: Best Practices</b> , Providence, RI	September 2012
<i>Organizer, Co-facilitator</i> , Working Group: “Public History and Sustainability,” <b>National Council on Public History/ Organization of American Historians</b> , Milwaukee, WI	April 2012
<i>Organizer, Chair, Panelist</i> , “Public History and Sustainability” Roundtable, <b>American Society for Environmental History</b> , Phoenix, AZ	April 2011
<i>Chair</i> , “Many Languages, Cultures, and Wests: Contestation of American Education in the Southwest and the United States.” <b>Western History Association</b> , “Many Wests,” Lake Tahoe, NV	October 2010
<i>Organizer and Chair</i> , “Green Planning: Green Jobs for Liberal Arts Majors,” <b>Global Environmental Sustainability Symposium</b> , “A Green Economy for a Sustainable Future,” Central Connecticut State University, New Britain, CT	April 2010
<i>Organizer, Chair, Panelist</i> , “History in the Balance: Reconciling the Management of Natural and Cultural Resources in the National Parks” Roundtable, <b>National Council on Public History/ American Society for Environmental History</b> , Portland, OR	March 2010
<i>Organizer, Co-facilitator</i> , Working Group: “Recycling Buildings? Reframing Historic Preservation in the Language of Sustainability and the Green Economy,” <b>National Council on Public History/ American Society for Environmental History</b> , Portland, OR	March 2010
<i>Panelist</i> , “The Electric West” Roundtable <b>Western History Association</b> , “The Wired West,” Denver, CO	October 2009
<i>Co-Organizer</i> , “Memory and the American West” Discussion, <b>Western Historians in the New England Region</b> , Amherst, MA	May 2009
<i>Discussant</i> , “So You’re Teaching in a Public History Program,” Working Group <b>National Council for Public History</b> , Providence, RI	April 2009
<i>Organizer</i> , “Recycling Buildings: Historic Preservation and Embodied Energy” <b>Global Environmental Sustainability Symposium: Renewable Energy and Carbon Neutrality</b> , Central Connecticut State University, New Britain, CT	April 2009
<i>Chair</i> , “Learning the Hard Way: A Century of National Park Planning,” <b>American Historical Association</b> , New York, NY	January 2009
<i>Organizer and Chair</i> , Roundtable: “Historic Preservation IS Smart Growth,” <b>Statewide Smart Growth Conference</b> , New Haven, CT	November 2008
<i>Paper</i> , “Power to the Indians: The Production and Use of Electricity on Arizona’s Reservations,” <b>Indians and Energy: Exploitation and Opportunity in the American Southwest Symposium and Conference</b> at the School of American Research, Santa Fe, New Mexico (September 2007) and at Clements Center for Southwestern Studies, Southern Methodist University, Dallas, TX (April 2008), respectively.	September 2007/ April 2008
<i>Panelist</i> , “Environmental History and Changes at Hopewell,” <b>Hopewell Furnace National Historic Site Natural Resources Roundtable</b> , Birdsboro, PA Sponsored by the National Park Service	August 2003
<i>Panelist</i> , “The Founding Legislation and Intent of Hopewell Furnace National Historic Site,” <b>Hopewell Furnace National Historic Site Natural Resources Roundtable</b> , Birdsboro, PA Sponsored by the National Park Service	June 2003
<i>Paper</i> , “Power Through Diversity: Rural Electrification to Arizona’s White Mountains,” <b>Arizona History Convention</b> , Pinetop/Lakeside, AZ	April 2001
<i>Paper</i> , “Native American Power: The Navajo Tribal Utility Authority,” <b>Western History Association</b> , Portland, OR	October 1999
<i>Paper</i> , “Surviving Across the Border: Yaqui Immigration to the United States, 1880-1940,” <b>National Association for Chicano and Chicana Studies</b> , Mexico City, Mexico	June 1998
<i>Paper</i> , “Guadalupe’s Current Problems and Past Issues,” <b>National Council for Public History</b> , Albany, NY	May 1997
<i>Paper</i> , “Working for Community: The Yaqui Indians at the Salt River Project,” <b>Arizona History Convention</b> , Sierra Vista, AZ	April 1996

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**HONORS and AWARDS**

*Excellence in Teaching Honor Roll*, Central Connecticut State University, 2008-9, 2016-17, 2017-18, 2018-19, 2019-20, 2020-21, 2021-22, 2022-23.

State of Connecticut Board of Regents for Higher Education,  
*Connecticut State University System-Wide Norton Mezvinsky Research Award*, 2012.

State of Connecticut Board of Regents for Higher Education,  
*Central Connecticut State University-Level Norton Mezvinsky Research Award*, 2012.

*Best Graduate Student Paper*, "Working for Community: The Yaqui Indians at the Salt River Project," Arizona Historical Convention, 1996.

**GRANTS**

"Finding your Place: Teaching the History of People of Color in Connecticut through Place-Based Learning,"  
*Spotlight on Humanities in Higher Education, Grant, National Endowment for the Humanities*, 2023-24.  
\$60,000.

Consultant, Institute of Museums and Library Services w/ Connecticut Historical Society, Hartford, CT, "Community Historian Project," 2021. < \$200K

Participant/ Consultant, National Park Service Battlefield Preservation Interpretation Grant, "Forgotten Voices of the Revolutionary War," w/ CRIS Radio, Windsor, CT. October 2021-May 2023.

Sabbatical Leave, "Love and War: Climate and Trees," Spring 2020.

*Campuses for Environmental Stewardship Grant*, (awarded with Dr. Charles Button, *et. al.*). 2019. \$7000

*National Endowment for the Humanities/ American Library Association Grant*, Host on-campus screenings of PBS' *Latino Americans* (awarded with Heather Rodriguez (Sociology) for Latino Studies). Recruited and booked up guest speakers. Involved students through class projects (see load credit), 2015-16. \$10,000

Sabbatical Leave, "Public History and Sustainability," Spring 2013.

*Faculty Development Grant*, "The National Council on Public History 2014 Conference: Making CCSU a Leader in Public History Education, 2013-14 (awarded with Professor Heather Prescott). \$1350

*Faculty Development Grant*, "Public History and Sustainability," 2010-2011. \$900

*CCSU Community Engagement Grant*, "Local History and Community Development: Homelessness and Affordable Housing in New Britain," 2011-2012. \$1000

*CCSU Community Engagement Grant*, "Sustainability Education Programs for the CCSU Community and Beyond," 2010-2011. \$1000

*Dean's Research Initiative Grant*, College of Arts and Sciences, Central Connecticut State University, 2008. \$900.

*Associated Students of Arizona State University (ASASU) Graduate Research Grant*, 2000.

*Charles Redd Center for Western Studies Upper Division and Graduate Student Summer Research Award*, 2000.

*Max Millett Family Fund Summer Research Award*, 2000.

**OTHER PROFESSIONAL WORK EXPERIENCE****National Park Service**

March 2023-present

*Project Historian*

Conduct Historic Resource Study for Coltsville National Historical Park

**Attorney General's Offices, Several States***Historical Expert/ Consultant*

March 2023-present

Provided historical declarations primarily about state park history for pending cases on the prohibition of firearms.

**Connecticut Department of Energy and Environmental Protection**

October 2021-October 2022

*Historical Consultant*

Drafted text for an interpretative panel with Dr. Stephen Amerman and Ms. Rachel Sayet, MA (Mohegan) on Native use and connections for Sleeping Giant State Park, in Hamden.

**Arcadis, Inc.**

August 2019-March 2021

*Historical Consultant*

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National Register nomination for Goffe Street Armory and text for an interpretative panel for 71 Shelton Street, both in the City of New Haven.

**Department of Public Works**, New Britain, CT January 2014-*present*  
*Writer, Contributor, and Content Development* for Downtown Way-finding and Historic Signage project

**New Britain Historic District Commission**, New Britain, CT January 2014-December 2015  
*Historical Consultant*  
 Worked with Commission and State Historic Preservation Office to revise a draft, develop, further research, document, write, and submit the New Britain Downtown Historic District for listing on the National Register of Historic Places.

**Morgan, Angel, and Associates**, Washington, DC 2004-2012 (*intermittent*)  
*Historical Consultant*

**Wild and Scenic River, Lower Farmington River and Salmon Brook Study Committee, National Park Service**, Simsbury, CT Fall 2009  
*Lead Consultant* of Cultural Landscape Study. Senior researcher for reviewing and documenting the cultural landscape of the lower Farmington River and Salmon Brook for proposal to Congress to designate the river as a National Wild and Scenic River. Worked with Public History MA students (one former and one current as my co-consultants).

**New Haven Preservation Trust**, New Haven, CT October 2004-September 2007  
*Historical Consultant, Secretary/ Recorder for New Haven Historic District Commission, and Volunteer*

**Greater New Haven Holocaust Memory, Inc.** New Haven, CT October 2005- May 2007  
*Curriculum Committee*  
 Consulted on the development of grade school curriculum to examine the role and function of memorials and memory.

**Virginia Center for Digital History**, University of Virginia, Charlottesville, VA April-August 2004  
*Contract Historian*  
 Identified online primary documents for and wrote bibliographic summaries on several topics in American History corresponding to Virginia Standards of Learning. Teachers in Virginia use these essays to help guide development of eleventh grade curriculum.

**National Park Service/ Organization of American Historians**, Philadelphia, PA July 2002-June 2004  
*Contract Historian*  
 Researched and wrote administrative history of Hopewell Furnace National Historic Site in Pennsylvania to inform park's general management plan regarding the management and preservation of the park's resources.

**Carollo Engineers**, Walnut Creek, CA March 2002-December 2003  
*Contract Historian*  
 Researched, documented, and wrote published corporate history of a sanitary engineering company. Also authored script for company training video.

**City of Tucson**, Tucson, AZ December 1999-July 2000  
*Litigation Consultant*  
 Provided historical research support for law firm representing Tucson in unresolved court case regarding telephone utilities and property issues. Provided information for opposing council in formal deposition.

**National Park Service**, Anchorage, AK June 1-August 11, 1999  
*Cultural Landscape Historian, GS-170-7/9*  
 Compiled data, explored sites, assessed historical and cultural significance, and developed inventories, maps, and histories for cultural landscapes (CLIs) in accordance with federal preservation regulations for Alaska parks.

**United States Bureau of Reclamation**, Lands, Recreation, and Cultural Resources Office, Lakewood, CO May 28-September 30, 1998  
*Historian, GS-170-5/7*  
 Co-authored 100+ page draft describing the development of Reclamation's hydroelectric power program (see publications). Conducted primary research and drafted historical studies of historic Reclamation projects.

**Salt River Project Archives**, Phoenix, AZ June 1995-November 1996  
*Research Historian*  
 Conducted historical research and analysis for water and power corporation.

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<b>CONFERENCES/WORKSHOPS/ PROFESSIONAL DEVELOPMENT, TRAINING and SKILLS</b>	
“Connecticut’s Sites of Conscience,” <b>CT Humanities/State Historic Preservation Office</b> Mashantucket Pequot Museum, Mashantucket/Ledyard, CT	August 8, 2022
“The Presence and Persistence of Stories,” <b>National Council on Public History</b> , Salt Lake City, UT (virtual)	March 2021
Certified Interpretative Guide Training, <b>National Association for Interpretation</b> , Fort Collin, CO (virtual).	January 6-9, 2021
<b>Past Forward Online</b> , a conference of the <b>National Trust for Historic Preservation</b> (virtual)	October 27-30, 2020
“Migrations, Meeting Grounds, and Memory,” <b>Western History Association</b> (virtual)	October 12-17, 2020
“Dismantle Preservation Unconference.” (virtual)	July 28, 2020
“Coltsville in Context: Presentation and Public Discussion Scholars” Roundtable for Coltsville National Historic Park, Church of the Good Shepherd, Hartford, CT	March 26, 2019
“Preservation in a Changing Environment,” <b>Connecticut State Historic Preservation Office</b> , Storrs, CT	May 18, 2017
“Olmsted Parks in Transition,” <b>Connecticut Chapter of the American Society of Landscape Architects</b> , Hartford, CT	April 28, 2017
The Future of the Past in Connecticut: The National Historic Preservation Act at 50,” <b>New Haven Preservation Trust/ CT Trust for Historic Preservation/ State Historic Preservation Office</b> , New Haven, CT	October 29, 2016
“Preserving Diverse Communities: Making Historic Tax Credits Work,” <b>Connecticut Preservation Action</b> Symposium, Mashantucket, CT	October 7, 2016
“Keeping History Above Water: A Conference on Sea-level Rise and Historic Preservation,” <b>Newport Restoration Foundation</b> , et. al., Newport, RI	April 11, 2016
“Connecticut Preservation Now! Challenges and Opportunities in Funding” <b>Connecticut Preservation Action</b> Symposium, Bridgeport, CT	November 2015
<b>Connecticut Main Street Center</b> , 2015 Awards Gala, New Britain, CT	June 8, 2015
“Precision Valley Symposium,” <b>Springfield Armory National Historic Site</b> and <b>Springfield Technical Community College</b> , Springfield, MA	May 2015
“Where There’s a Mill, There’s a Way! Effective Strategies for Restoring, Repurposing, and Redeveloping Connecticut’s Historic Mills and Factories.” <b>Torrington Historic Preservation Trust</b> , Warner Theater, Torrington, CT	May 2015
Advocacy Day for History, Preservation, and the Humanities. <b>Connecticut League of History Organizations</b>	April 2015
“New Money for Old Places: Revenue Sources for Gap Funding: A Seminar for Developers, Contractors, Architects, and Historic Preservationists,” <b>Connecticut Preservation Action</b> Symposium, Bloomfield, CT	January 2012
“New Money for Old Places: Historic Preservation Incentives for the Economy,” <b>Connecticut Preservation Action</b> Symposium, Hartford, CT	September 2010
Short Course on <i>Historic Preservation: Sustainability</i> , “ <i>Green Building: Tools and Strategies for Sustainable Reuse</i> ” <b>Cornell University Historic Preservation Planning Program</b> , Cornell AAP Center, New York, NY	June 2008
<i>New Faculty Meetings with Provost: College Teaching</i> <b>Central Connecticut State University</b> , New Britain, CT	Fall 2006
<i>Summer Technology Institute</i> <b>Chandler Gilbert Community College</b> , Chandler, AZ	June 2000, May 2001
Training in technology for teaching and curriculum development. <i>Teaching Tools Workshop</i> <b>Arizona State University</b> , Tempe, AZ	Fall 1999



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*Automating Processing Practices and Finding Aids* February 1996  
**Society of American Archivists**  
*Identification and Management of Traditional Cultural Places* Spring 1997  
**National Preservation Institute**  
*Oral History Workshop* Fall 1996  
**Southwest Oral History Association**

**PROFESSIONAL ACTIVITY**

***Professional Affiliations, past and present***  
National Council on Public History; Western History Association, Western Historians in the Northeast Region;  
American Society of Environmental History, American Association of State and Local History

**SERVICE to the Community**

*Council Member, Connecticut Historic Preservation Council*, Hartford, CT June 2016- *present*  
State appointment by the Governor.

*Advisory Board Member, Center for the Study of Guns and Society,* October 2022-*present*  
**Wesleyan University**, Middletown, CT

*Speaker, "Branching Out: Preserving Tree History in the Era of Climate Change,"* May 10, 2023  
**Fairfield Museum and History Center**, Fairfield, CT.

*Invited Speaker, "The Goffe Street Armory: Putting History in Historic Preservation,"* February 21, 2021  
John Herzan Lecture Series, **New Haven Preservation Trust**, New Haven, CT.

*Invited Speaker, "Talking About Preservation: Future Preservationists,"* September 18, 2020  
**Preservation Connecticut**

*Invited Speaker, "Colleague Circle: Digital Internships,"* June 19, 2020  
**CT League of History Organizations**

*Member, Spring Forward (A Task Force for Housing Equity)* in Hamden, CT September 3, 2020- *present*

*Member, Desegregate Connecticut* July 2020-*present*

*Guest, "Through Local History: A Stronger Sense of Place,"* February 13, 2018  
*Where We Live w/ Lucy Nalpathanchil*, **WNPR**, Hartford, CT

*"Iwo Jima Biography Project at CCSU,"* November 7, 2015; May 27, 2017

*Interview on WTIC News- Talk 1080* with Steve Parker, CBS Connecticut.

*"Tour of Walnut Hill Park,"* New Britain, CT for "Olmsted Parks in Transition," April 29, 2017  
**Connecticut Chapter of the American Society of Landscape Architects**

*Panelist, "Salon at Stowe,"* **Harriet Beecher Stowe Center**, Hartford, CT April 2017

*Invited Speaker, "Sam Colt Mines the West,"* *Grating the Nutmeg/ Connecticut Explored* February 28, 2017

*Board Member, Whitneyville Cultural Commons*, Hamden, CT January 2016-*present*  
Helped oversee the creation of this non-profit, non-denominational community center located in a historic church and parish that serves to develop, preserve, and maintain the aesthetic, spiritual, and social center of the neighborhood, while envisioning a future where every community has valuable resources preserved for perpetual public use, with just and equitable access to enhance the quality of life for all.

*President, Connecticut Preservation Action*, Hamden, CT June 2015- *July 2018*  
*"Taking Away Conservation Funds Hurts the State,"* *Hartford Courant* July 20, 2017  
*"Testimony Regarding SB90: An Act Regarding Responsible Development,"* February 19, 2016  
**Committee of Planning and Redevelopment**, Connecticut Legislature, Hartford, CT

*Host, "Preserving Diverse Communities: Making Historic Tax Credits Work,"* October 7, 2016  
**Connecticut Preservation Action** Symposium, Mashantucket, CT

*"Connecticut Preservation Now! Challenges and Opportunities in Funding"* November 2015  
**Connecticut Preservation Action** Symposium, Bridgeport, CT

*Board Member, Connecticut Preservation Action*, Hartford, CT February 2010- June 2015, July 2018-*present*  
Work with Connecticut state legislature to preserve funding for historic preservation in Connecticut. Set monthly meeting agendas, testify to legislature. Plan symposia.

Glaser	12
“Testimony Regarding Elimination of the Community Investment Act,” <b>Finance, Revenue and Bonding Committee</b> , Connecticut Legislature, Hartford, CT	March 9, 2015
<i>Board of Directors, Jewish Historical Society of New Haven</i> , New Haven, CT Archives Committee	2016-present
<i>Board of Trustees, Jewish Historical Society of New Haven</i> , New Haven, CT	2014-2016
<i>Invited Panelist</i> , “Surviving Academic Motherhood,” <b>Southern Connecticut State University</b> , New Haven, CT	April 15, 2016
“Testimony Regarding HB 5150: An Act Concerning Tree Wardens’ Notices on Trees and Shrubs Prior to Removal, Tree Removal along State Highways and Clean-up by Public Utility Corporations following Certain Tree Removal,” <b>Environment Committee</b> , Connecticut Legislature, Hartford, CT	February 19, 2016
<i>Invited Participant</i> , “Imagining the Future of Parks,” <i>Next Parks</i> , Coltsville Workshops, <b>National Park Service</b> and <b>Van Allen Institute</b> , Hartford, CT	December 7, 2015 November 16, 2015
The two workshops brought together key stakeholders- NPS staff, historians, local residents, designers, government officials, social programs- to brainstorm and develop ideas for innovative visitor experiences, partnerships, and stories to guide future planning and programming of the new Coltsville National Historic Park. Invited to give part of tour on “Coltsville National Historic Park and Sustainability.”	
<i>Grant Advisory Committee</i> , “Come Home to Downtown,” <b>Connecticut Main Street Program</b> , New Britain, CT	February 2014-Summer 2015
<i>Advisor/ Consultant</i> , <u>Way-Finding and Historic Signage Project</u> <b>Department of Public Works</b> , City of New Britain, CT	January 2014-present
<i>Invited Speaker</i> , “The Downtown New Britain National Register Historic District: A Proposal” <i>Trinity-on-Main</i> , <b>New Britain Historic Preservation Commission</b> , New Britain, CT	October 2014
<i>Invited Keynote Speaker</i> , “The History and Architecture of the Knickerbocker Golf Clubhouse,” <u>Knickerbocker Golf Club 70<sup>th</sup> Anniversary Gala</u> , <b>Knickerbocker Golf Club</b> , New Haven, CT	September 2014
<i>Workshop Leader</i> , “Western Expansion,” <b>American Voices, Teaching American History</b> , Central Connecticut State University, New Britain, CT	January 2011
<i>Panelist</i> , “Making Use of Old Buildings,” <i>Where We Live</i> with John Dankowsky, <b>WNPR</b> , Hartford, CT	September 16, 2010
<i>Lecture</i> , “The Role of Art in Western History,” <b>New Britain Museum of American Art</b> , New Britain, CT	November 2, 2009
<i>Lecture and Workshop</i> , “Energy and the Development of Natural Resources in the West” “Technology and the West” <b>Teaching American History</b> Grant, Capitol Region Education Council (CERC), Hartford, CT	July 24, 2009 April 30, 2009
“Researching Your Historic House,” <b>Fair Haven Homeowner’s Association</b> , Fair Haven Public Library, New Haven, CT	April 5, 2008
“Water Rights in the City of Tempe: Past and Present.” <b>Moving Waters: The Colorado River and the West</b> , Lecture Series, Tempe Public Library, Tempe, AZ	April 2002

# Exhibit 2

## REPORT OF YOSEMITE VALLEY COMMISSIONERS.

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

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

MARCH 9, 1894.

*To the Yosemite Commission, etc.:*

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

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

For the committee.

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

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

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

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

II. Campers will deposit all firearms, unloaded, with the Guardian, **Exhibit 2** therefor, and the same will be returned when the owners leave the Valley.

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

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

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

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

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

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

MAY 5, 1894.

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

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

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

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

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

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

Very respectfully,  
(Signed:)

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

Exhibit 2

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REPORT OF YOSEMITE VALLEY COMMISSIONERS.

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IX.

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

X.

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

XI.

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

XII.

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

XIII.

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

XIV.

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

XV.

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

XVI.

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

XVII.

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

Exhibit 2  
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# Exhibit 3

V. STATE PARK RULES AND REGULATIONS.

California State Park System

This is Your Park

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

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

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

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

Do not destroy State property. It is your property.

Place all garbage and other refuse in garbage cans.

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

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

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

Please confine travel to paths and roads.

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

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



# Exhibit 4

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

#### V. STATE PARK RULES AND REGULATIONS.

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

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

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

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

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

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

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

No park employee is permitted to accept tips.

#### It is Permitted:

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

## V. STATE PARK RULES AND REGULATIONS.

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

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

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

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

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

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

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

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

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

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

#### VII. STATE PARK RULES AND REGULATIONS

##### This is YOUR PARK

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

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

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

#### IV. STATE PARK RULES AND REGULATIONS.

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

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

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

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

# Exhibit 5

5. Papers, garbage, and refuse of all kinds shall be placed in the receptacles provided for that purpose.

6. No person shall post or affix, or cause to be posted or affixed any printed or written bill, placard, sign, advertisement, or other notice upon any tree, post, fixture or structure within the park system. Nor shall any person deface, damage, or destroy any notice of the rules, regulations, ordinances or signs for the Government of said park system which shall have been posted by order of the Commission.

7. No picnics shall be held upon park property except at such places as are designated by signs.

8. The following acts and activities are prohibited within the park areas under jurisdiction of this Commission except by permit:-

The possession of any firearms and fireworks of any kind; making or building fires except in fireplaces provided by park authorities; carrying any musical instrument; carrying or displaying flags, banners, placards of any kind; delivering speeches or orations; holding parades or other demonstrations; conducting religious or other ceremonies; soliciting alms or contributions for any purpose; the taking of commercial equipment for the taking of motion and sound pictures.

9. No person shall disobey an order of a park patrolman or other park official when such official is engaged in the enforcement of a State or park ordinance; nor shall he use bad, obnoxious or indecent language, nor act in a disorderly or suspicious manner.

10. No intoxicating liquors or beverages shall be brought, caused to be brought, or drunk within the limits of the State parks, nor shall any intoxicated person enter or remain upon any portion of the park system, except that intoxicating liquors and beverages may be sold by such persons and at such places as may be specifically authorized by the Niagara Frontier State Park Commission.

11. No booth, tent, stall, stand, or other structure shall be erected for any purpose, and no begging, hawking, peddling, advertising, or soliciting shall be done; nor any article or service be advertised, or caused to be advertised or offered for sale, or hire, within the property limits of lands under the jurisdiction of this Commission, except by written permit of the Commission.

12. No commercial vehicles, or any vehicle displaying any advertising placard or advertisement of any kind, shall be driven within the park or over the parkways of said park system for advertising, demonstration, or other purposes.

13. Motorists shall obey all signs regulating traffic placed in the parks and along the parkways under the jurisdiction of this Commission. In no instance shall a vehicle be operated at a greater rate of speed than thirty (30) miles per hour. Where one direction in roads is designated, traffic in the opposite direction is prohibited. Bus and taxicab parking areas will not be for the use of privately owned vehicles. All vehicles must be parked in parking areas provided.



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

5. COMMERCIAL ENTERPRISES.

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

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

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

6. FIREARMS.

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

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

7. HUNTING AND FISHING.

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

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

8. PUBLIC NUISANCE.

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

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

9. SIGNS.

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

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

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

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

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

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

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

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

Ordinance No. 4

Prohibited Uses

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

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

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

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

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

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

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

Discharge of fire-arms.

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

Disposal of garbage.

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

State landings may be used by all boats.

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

Permit to build boat house or private landing required.

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

Permission to cut trees.

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

Duty of lessees as to woods, refuse, etc.

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

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

Limitation of speed of water craft in canal.

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

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

Alteration of roads leading to parks,

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

Park roads,

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

No race discrimination,

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

Hunting in parks prohibited,

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

	excess of revenues derived for school purposes, except upon resolution of the park board advising the school board of its willingness to contribute the necessary funds for the maintenance of such additional schools;
Encourage summer homes; leases.	To encourage the erection of summer cottages and summer homes, may make term permits or leases for such purposes, but no lease may be made on the slopes of Sylvan Lake or within view of the Lake; the minimum rental for a site to be \$10 annually, and the Board may cancel the lease in case of failure to comply with such permit or lease, or to pay the rental. No leases may be made for homes along the highway but only upon locations designated by the Board;
Sale of timber.	May contract for and sell timber on any of the State lands in the Park, but not in excess of 100,000 lumber feet in any one year. No trees may be cut adjacent to the highway, except as may be necessary to improve the appearance of growing conditions. Proceeds derived from the sale of timber are to be placed in the General Fund of the State, except where such timber is from school land, in which case the proceeds are to be credited to the permanent school fund and applied to the purchase price of said land;
Superintendent.	Is directed to employ a Superintendent to care for the park property, manage and execute park enterprises and activities, direct and supervise other employees, and perform such other duties as the Board requires. The Board may also employ such other personnel as may be necessary, including a park Forester, or the Superintendent may be required to act as such;
Park Forester.	
Rules and regulations. Game warden.	May make and enforce necessary rules and regulations, and designate one or more employees as game wardens to enforce the provisions of the Act or any of the laws of the State;
Annual reports to Governor.	Must annually file with the Governor a report of all funds received from any source during the preceding year and a statement of all moneys paid out; including a report of all lands purchased, the price paid therefor, the lands rented and rental paid therefor; also a detailed report of all property sold or disposed of and the price received therefor.
State-wide park plan.	Is directed to formulate and recommend a State-wide plan for a State park system, embracing the different scenic and recreational areas in different sections of the State and report to the next Legislature.
Hunting regulated, Firearms; dogs.	Hunting, trapping, killing or capturing game animals or game birds within the boundaries of the park is unlawful except under such regulations as may be prescribed by the Board. It is also unlawful to carry firearms therein or or permit dogs to run at large.