

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

MARYLAND SHALL ISSUE, INC., *et al.*,

*Plaintiffs,*

v.

LAWRENCE HOGAN, in his capacity  
as GOVERNOR OF MARYLAND, *et al.*,

*Defendants.*

Case No. 1:16-cv-03311-ELH

**BRIEF OF *AMICUS CURIAE* EVERYTOWN FOR GUN SAFETY  
IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

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**CORPORATE DISCLOSURE STATEMENT**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure, Everytown for Gun Safety states that it has no parent corporations and has no stock. Accordingly, no publicly held company owns 10% or more of its stock.

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**INTEREST OF AMICUS CURIAE**

Everytown for Gun Safety (“Everytown”) is the nation’s largest gun-violence-prevention organization, with over five million supporters spread across all fifty states, including tens of thousands of Maryland residents and the mayors of fourteen Maryland cities. It was founded in 2014 as the combined effort of Mayors Against Illegal Guns, a national, bipartisan coalition of mayors combating illegal guns and gun trafficking, and Moms Demand Action for Gun Sense in America, an organization formed after the murder of twenty children and six adults in an elementary school in Newtown, Connecticut. Everytown also includes a large network of gun violence survivors who are empowered to share their stories and advocate for responsible gun laws.

Everytown’s mission includes defending gun-safety laws through the filing of *amicus* briefs providing historical context, social science, and doctrinal analysis that might otherwise be overlooked. Everytown has filed such briefs in several recent cases, including in the Fourth Circuit and the District of Maryland. *See, e.g., Kolbe v. Hogan*, No. 14-1945, 2016 WL 1572325 (4th Cir. April 18, 2016); *Malpasso v. Palozzi*, No. 1:18-cv-01064-MJG (D. Md. June 15, 2018); *see also, e.g., Colo. Outfitters Ass’n v. Hickenlooper*, Nos. 14-1292, 14-1290, 2015 WL 1955140 (10th Cir. Apr. 29, 2015); *Silvester v. Harris*, No. 14-16840, 2015 WL 1606313 (9th Cir. Apr. 1, 2015). Everytown respectfully submits this *amicus* brief to address the historical antecedents and relevant social science concerning the challenged legislation and regulations, enacted under Maryland law, that are before this Court.

## INTRODUCTION

This case is about the right of the people of Maryland to be free from gun violence and a state’s power to pass laws to protect that freedom. *Every day*, 96 Americans are killed and 246 are injured by gunshot.<sup>1</sup> The legislation and regulations enacted by Maryland to address gun violence at issue in this litigation are neither drastic nor novel. Indeed, requirements to purchase firearms, such as background checks and mandated training, are longstanding, widely accepted measures adopted by many states. They are deeply embedded in our nation’s history—in some cases, pre-dating the ratification of the Second Amendment—and have proven to be effective in reducing public harm and saving lives. Quite simply, Maryland’s common-sense gun regulations are not subject to a viable Second Amendment challenge.

Plaintiffs challenge several aspects of Maryland’s Firearm Safety Act of 2013 (the “FSA”), in particular, the provision mandating that most individuals obtain a Handgun Qualification License (an “HQL”) before acquiring a firearm.<sup>2</sup> This brief will focus on Plaintiffs’ challenges to two of the HQL Law’s provisions, *i.e.*, the requirements that an applicant receive live-fire training and undergo an enhanced background check in order to receive a permit to purchase a firearm.<sup>3</sup> This brief will show that: (1) the HQL Law’s training

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<sup>1</sup> See Everytown for Gun Safety, Report: *Gun Violence in America*, dated August 8, 2018, *available at* [https://everytownresearch.org/wp-content/uploads/2018/08/Gun\\_Violence-America-REPORT-080818C.pdf](https://everytownresearch.org/wp-content/uploads/2018/08/Gun_Violence-America-REPORT-080818C.pdf); *see also* Brady Campaign: Key Gun Violence Statistics, *available at* <http://www.bradycampaign.org/key-gun-violence-statistics>.

<sup>2</sup> This provision of the FSA, along with the implementing regulations, are referred to herein as the “HQL Law.” For a full and complete list of the HQL Law’s requirements, and exceptions, we respectfully refer the Court to Exhibit 2 of Defendants’ Motion for Summary Judgment, DKT 59, at Ex. 2 (§ 5-117.1 of the Public Safety Article of Maryland Code Annotated), DKT 59-2.

<sup>3</sup> Plaintiffs challenge several other aspects of the HQL Law, such as the cost of an application for a HQL and the alleged 30-day “waiting period” to obtain a gun. *See* First Am. Compl., DKT 13 (“Compl.”), at ¶¶ 3, 40. While this brief focuses on the constitutionality of the HQL Law’s requirements for live training, § 5-117.1(d), and background check, § 5-117.1(f), the other challenged aspects of the law plainly pass constitutional muster as well, for the reasons set forth by the State in Defendants’ Memorandum in Support of Summary Judgment, DKT. 59-1 (“Defs’ Br.”), at 20-29. And, as the State’s memorandum also shows, Plaintiffs’ standing to maintain this suit is highly doubtful. *Id.* 11-16.

requirement is consistent with the original understanding of the Second Amendment because, at the time of the ratification, government training mandates were nearly universal; (2) the HQL Law's requirement that those seeking to purchase a firearm undergo a thorough identification and background check process is longstanding and was, in fact, specifically identified as lawful by the Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570 (2008); and (3) live, in-person training, like that mandated by the HQL Law, reduces the risks of mishandling or irresponsibly storing firearms.

### **ARGUMENT**

The Second Amendment question here is not complicated. The Fourth Circuit, like most circuits, applies a two-step approach when analyzing Second Amendment challenges. First, it assesses “whether the challenged law imposes a burden on conduct falling within the scope of the Second Amendment’s guarantee” as historically understood, and, if it does, then it applies a form of heightened, means-end scrutiny. *United States v. Chester*, 628 F.3d 673, 680 (4th Cir. 2010). The training and background check requirements of the HQL Law easily pass constitutional muster at both of these steps.

*First*, the American historical tradition supports the constitutionality of a firearms training requirement and a requirement that those seeking to purchase firearms undergo a thorough identification and background check process. The historical record demonstrates that mandatory firearms training was widespread at the time of the founding and ratification of the Second Amendment. Moreover, laws requiring a thorough identification and background check process, many of which are well over a century old, are precisely the kind of “longstanding” restrictions—prohibiting “the possession of firearms by felons and the mentally ill” and regulating “the commercial sale of arms”—that the Supreme Court emphasized in *Heller* as “presumptively lawful.” *District of Columbia v. Heller* (“*Heller I*”), 554 U.S. 570, 626, 635

(2008); *see also McDonald v. City of Chicago*, 561 U.S. 742, 786 (2010). Accordingly, the training and background check requirements of the HQL Law fall outside the scope of the Second Amendment and do not conflict with any Second Amendment-protected rights.

*Second*, social science research and empirical evidence demonstrate that even if the challenged training and background check requirements of the HQL Law fall within the scope of the Second Amendment, each would readily satisfy intermediate scrutiny and thus, for that reason too, be held constitutional. The State has presented such voluminous research and evidence in its motion papers, *see* Defs.’ Br. 20-27, which the additional findings presented herein further support, on the efficacy of firearms training. As set forth below, studies overwhelmingly show that firearms training results in safer gun use. Further, even beyond the firearms context, studies show that the type of hands-on training required by the HQL Law is substantially preferred and arguably the most effective. This evidence further supports the constitutionality of the HQL Law.

**A. TRAINING REQUIREMENTS AND BACKGROUND CHECKS FOR PERMITS TO PURCHASE ARE PRESUMPTIVELY LAWFUL, LONGSTANDING REGULATIONS OUTSIDE THE SCOPE OF THE SECOND AMENDMENT**

The first step of the Second Amendment analysis often requires courts step into the role of a historian. As the Supreme Court found in *Heller I*, the Second Amendment did not *create* a new right, but rather *codified* a pre-existing one. 554 U.S. at 592-94 (“[I]t has always been widely understood that the Second Amendment . . . codified a *pre-existing right*.”). Therefore, as a general matter, the scope of the Second Amendment—and critically the *limits* to that scope—are determined by evaluating the right to bear arms as that right was historically understood. *See Chester*, 628 F.3d at 678. (“[D]etermining the limits on the scope of the [Second Amendment] right is necessarily a matter of historical inquiry.”).

In *Heller I*, the Supreme Court identified examples of “presumptively lawful regulatory

measures” that do not impinge on the Second Amendment right, such as “longstanding prohibitions on the possession of firearms by felons and the mentally ill” and “laws imposing conditions and qualifications on the commercial sale of arms.” 554 U.S. at 626-27, 627 n.26, 635.<sup>4</sup> *Heller I* provides the framework for lower courts to analyze Second Amendment challenges. Lower courts must determine, using historical evidence and the clues provided by the Supreme Court, whether a particular regulation is “longstanding” such that it falls outside the scope of the Second Amendment. And as several courts have recognized post-*Heller I*, a law need not “mirror limits that were on the books in 1791” to be considered longstanding, *Skoien*, 614 F.3d at 641, and can even qualify as longstanding where it “cannot boast a precise founding-era analogue,” *NRA v. BATF*, 700 F.3d 185, 196 (5th Cir. 2012).

Here, the historical evidence is substantial and unambiguous. Laws mandating training as part of militia service were nearly universal during the founding period. Similarly, laws requiring background checks and analogous identification for permits to purchase firearms date back over a century. In fact, as held by the Supreme Court, regulations on “the commercial sale of arms” intended to prevent “the possession of firearms by felons and the mentally ill” are “longstanding,” “presumptively lawful,” and “permissible.” *Heller I*, 554 U.S. at 626-27, 627 n.26, 635. Given this backdrop, summary judgment in favor of the State is warranted at step one of the Fourth Circuit’s Second Amendment framework on history alone.

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<sup>4</sup> See *United States v. Skoien*, 614 F.3d 638, 639-41 (7th Cir. 2010) (en banc) (noting that “prohibitions on the possession of firearms by felons and the mentally ill” have been found to be sufficiently longstanding, despite the fact that “[t]he first federal statute disqualifying felons from possessing firearms was not enacted until 1938” and that “the ban on possession by all felons was not enacted until 1961”); see also *Friedman v. City of Highland Park*, 784 F.3d 406, 408 (7th Cir. 2015) (noting that “*Heller* deemed a ban on private possession of machine guns to be obviously valid” despite the fact that “states didn’t begin to regulate private use of machine guns until 1927,” and that “regulating machine guns at the federal level” did not begin until 1934).

**1. Firearms Training Was Required by Law in Nearly All of the States at the Time of the Second Amendment’s Ratification.**

The Second Amendment clearly was not originally understood to prohibit state governments from mandating firearms training. At the time of this country’s founding, firearm ownership went hand-in-hand with membership in a militia. *Id.* at 595-96 (collecting sources showing that “the ordinary definition of the militia” at the time of the founding was “all able-bodied men”). Membership in a militia, in turn, went hand-in-hand with mandatory participation in firearms training. As the constitutions of the United States and Maryland make clear, militias were meant to be “well regulated”—or in other words, *trained*. See U.S. Const. amend. II (“A *well regulated* Militia, being necessary to the security of a free State . . . .” (emphasis added)); Md. Const. (1776) art. 28 (“[A] *well-regulated* militia is the proper and natural defense of a free government.” (emphasis added)). “[T]he adjective ‘well-regulated’ implies nothing more than the imposition of proper discipline and *training*.” *Heller I*, 554 U.S. at 597 (emphasis added). The militia clauses of the Constitution contemplate that states would train their militia before arming them. See U.S. Const. art. I, § 8, cl. 16 (Congress has the power to call forth, organize, arm, and discipline the militia); U.S. Const. art. I, § 8, cl. 17 (states have the “Authority of training the Militia”).

In the years leading up to the ratification of the Constitution in 1788 and the Second Amendment in 1791, many states enacted laws regulating their militias that required militia members be trained on the proper use of firearms. State laws in effect at the time of ratification define the membership of the militia (generally able-bodied men under the age of fifty), the weapons a militiaman must own, and *the regular training a militiaman must undergo*. For example:

In 1778, **New Jersey** enacted “An Act for the Regulating, Training and Arraying of the Militia,” which required militiamen “assemble, properly armed and accoutered” on the

first Monday seven months of the year, at a location designated by the commanding officer, and “spend the Remainder of the Day in Training and Exercise.” 1778 N.J. Sess. Laws 21, at 42, 46 §§ 14-15.<sup>5</sup>

In 1779, **Vermont** enacted “An Act for Forming and Regulating the Militia; and For Encouragement of Military Skill, for the Better Defen[s]e of This State,” which required its militia (defined as “all male persons, from sixteen years of age to fifty”) to “bear arms and duly attend all musters, and military exercise of their respective troops.” 1779 Vt. Sess. Laws, at 57, 59.

In 1782, **Delaware** enacted legislation requiring every company in its militia (defined as “every able-bodied effective Male white Inhabitant between the Ages of eighteen and fifty Years”) to “be exercised and instructed once in every Month” save three, and that every battalion “be properly trained and disciplined” bi-annually. 1782 Del. Sess. Laws, at 1, 3 §§ 1, 5-6.

In 1783, **Pennsylvania** supplemented its militia law to require all companies “be exercised.” See Statutes at Large of Pennsylvania from 1682 to 1801, Volume 11, at 93-94.

In 1784, **Georgia** revised its militia law to require militia companies assemble to “train and exercise” up to six times per year. See The Colonial Records of the State of Georgia, Volume 19, Part 2, at 350-51.

In 1786, both **North Carolina** and **New York** passed legislation requiring militiamen assemble and train. In **North Carolina**, each captain was required to “instruct [his militia company] in the necessary exercises and maneuvers” four times per year, as each colonel was, but once per year. See 1786 N.C. Sess. Laws, at 407, 411 § 11. In **New York**, militiamen were required to “rendezvous four times in every year, for the purpose of training, disciplining, and improving in martial exercises,” and officers were required to attend the trainings of multiple companies “in order to introduce uniformity in the manoeuvres and discipline of the regiment.” 1786 New York Sess. Laws 25, at 220, 222.

In 1791, the **South Carolina** legislature amended its 1784 “Act for the Regulation of the Militia of this State,” noting in the law’s preamble that “[d]oubts have arisen” as to whether its militia law was “rendered ineffective” by the ratification of the Constitution of 1788, and declared it “shall continue to be in full force and effect.” 1791 S.C. Sess. Laws at 16. The law required “regimental or battalion musters or training” lasting no more than one full day, held not more than three times per year. *Id.*

When Congress exercised its power under the Militia Clauses and enacted the Militia Act in 1792, it made clear that all militiamen were expected to train with their firearms. The Act

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<sup>5</sup> All of the historical materials referenced herein are included in the Appendix submitted herewith.



required all “free, able-bodied white male citizens” of the ages of eighteen to forty-five to enroll in the militias, equip themselves with, among other tools of the trade, “a good musket or firelock,” and “appear so armed, accoutered and provided, *when called out to exercise* or into service.” Militia Act of 1792 § 1 (emphasis added). To implement the Act, **Connecticut, New Hampshire, Massachusetts, and Rhode Island** all enacted laws requiring militia training.<sup>6</sup>

At the time the Second Amendment was ratified, the federal government, the states, and the citizenry thus understood and accepted that the right to own firearms did not prohibit the government from mandating that gun owners receive training to use their weapons safely and proficiently. That is because, as the Supreme Court found in *Heller I*, the Second Amendment codified the right to bear arms as it already existed and was understood at the time of ratification. *Heller I*, 554 U.S. at 592 (noting that “the Second Amendment, like the First and Fourth Amendments, codified a *pre-existing* right.”). The far more extensive training required during the founding means that Maryland’s training requirement does not impinge on the scope of the Second Amendment right as originally understood. Maryland’s training, in contrast to the extensive historical training, is limited to four hours and firing one round of ammunition—rather than an obligation to appear, musket in tow, at whatever location selected by one’s commanding officer, to train multiple times per year. Because laws requiring gun owners to receive training clearly comport with the original public meaning of the Second Amendment, the Court need not reach the second prong of the Second Amendment analysis with respect to plaintiffs’ challenge

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<sup>6</sup> See 1792 Conn. Sess. Laws 423, 428 (mandating training three days per year, at which the commanding officer would instruct the troops “in the use of arms and discipline of war”); 1792 N.H. Sess. Laws at 441-42 (“instruction in military discipline” to occur twice per year); 1793 Mass. Acts at 172, 185 § 25 (“every Captain or Commanding Officer of a company, shall call his company together three days in each year for company discipline”); 1794 R.I. Sess. Laws at 14, 22 § 12 (meetings twice per year “for the Purpose of training, disciplining and improving them in martial Exercise” with senior ranks meeting once every two years for the same purpose).

to the firearms training requirement of the HQL Law.<sup>7</sup>

**2. Background Checks for Permits to Purchase Are Among the Longstanding Regulations Identified in *Heller I* and Are Consistent with More than a Century of Legal Tradition.**

Laws requiring that persons seeking to purchase firearms undergo a background check also have a lengthy historical pedigree, tracing back more than a century. Indeed, these laws are among those that the Supreme Court specifically identified in *Heller I* as “longstanding,” “presumptively lawful,” and “permissible.” *See Heller*, 554 U.S. at 626-27, 627 n.26 (noting the decision did not “cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill,” or “conditions and qualifications on the commercial sale of arms.”); *id.* at 635 (describing such laws as “exceptions” to the right to bear arms).<sup>8</sup>

The relevant history here dates back to at least the early twentieth century. State legislatures began to pass laws requiring background checks for permits to purchase guns in 1911. In that year, **Delaware** forbade sales of firearms to minors or “any intoxicated person,” and required that the purchaser be “positively identified” prior to the sale. Vol. 26 Del. Laws 15, at 28-29 §§ 3-4. Also in 1911, **New York** passed the Sullivan Act, requiring permits to possess firearms, which function much like the HQL Law. 1911 N.Y. Laws 195, at 442 § 1914 (seller must, before delivering the firearm to the purchaser, “require such purchaser to produce a permit”); *see also* 1913 N.Y. Laws 1627, c. 608 (establishing requirement that magistrate be

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<sup>7</sup> Several states, including California, Connecticut, Hawaii, Massachusetts, Rhode Island, and the District of Columbia, continue to require gun safety training in order to possess a firearm. *See* Licensing, Giffords Law Center, available at <http://lawcenter.giffords.org/gun-laws/policy-areas/gun-owner-responsibilities/licensing/>. Many other countries require training, including a practical assessment to prove one can use a firearm safely, in order to obtain a gun. *See* How to Buy a Gun in 15 Countries, N.Y. Times, March 2, 2018, available at <https://www.nytimes.com/interactive/2018/03/02/world/international-gun-laws.html>.

<sup>8</sup> *Cf., e.g., Silvester v. Harris*, 843 F.3d 816, 830 (9th Cir. 2016) (Thomas, C.J., concurring) (“On its face, California’s waiting period law is a condition or qualification on the sale of guns: It imposes a brief delay—to permit compliance with background check requirements and provide a ‘cooling off’ period—as a prerequisite to acquiring a gun.”)

“satisfied of the good moral character of the applicant and provided that no good cause exists for the denial of such application”).

Other states soon followed suit, passing laws requiring that a person attempting to procure a firearm first obtain a permit from a municipal judge or sheriff following a determination that the individual was not prohibited by law from possessing a firearm and was of good moral character. *See, e.g.*, 1918 Mont. Laws 2, at 6 § 3 (**Montana**: “No permit shall be given by the sheriff until he is satisfied that the person applying for such permit is of good moral character and does not desire such fire arm or weapon for any unlawful purpose.”); 1919 Hawaii Sess. Laws 166 (**Hawaii**: prohibiting the sale of handguns “unless the person desiring to purchase the same shall first have obtained from the sheriff . . . a written permit for such purchase”); 1919 N.C. Sess. Laws 397, § 3 (**North Carolina**: “before the clerk . . . shall issue any such license or permit, he shall fully satisfy himself . . . as to the good moral character of the applicant”); 1921 Mo. Laws at 691 § 2 (**Missouri**: “Such permit shall be issued . . . if the sheriff be satisfied that the person applying for the same is of good moral character and of lawful age, and that granting of the same will not endanger the public safety.”); 1927 N.J. Laws at 742, 746 §§ 7, 9 (**New Jersey**: permit should be granted to persons of “good character” and “good repute” who are not subject to exclusions due to age, insanity, drug use, and criminal convictions).

Many of these laws required the prospective purchaser to affirmatively *prove* his identity and good moral character by providing *evidence*—for example, sworn affidavits of sponsors—in order to receive a permit to possess a firearm. *See* 1913 Or. Laws, at 497 § 2 (**Oregon**: “[N]o judge, city recorder or justice of the peace shall issue such permit until said applicant has furnished him with an affidavit from the at least two reputable freeholders as to the applicant’s

good moral character.”).<sup>9</sup> Some of these laws, including **New York’s** Sullivan Act as amended in 1931, required that the fingerprint of the purchaser be taken, to be kept on file with the police or to serve as identifying information on the licensee’s license. 1931 N.Y. Laws 792, at 2391 § 5.10 (requiring that “the officer to whom the application is made shall ascertain if the applicant has been convicted of [a] crime and shall cause the finger prints of such applicant . . . to be taken” and kept on file with the state authorities and police); 1927 Mich. Pub. Acts 372, at 887-88 § 6 (**Michigan:** “Every license issued hereunder shall bear the imprint of the right thumb of the licensee, or, if that not be possible, of the left thumb or some other finger of such licensee.”).

Another approach commonly adopted by state legislatures in the early twentieth century was implementing a mandatory “waiting period” between the time of purchase and delivery of a firearm wherein records were collected by the purchaser and submitted to law enforcement for review as part of its background check on the purchaser. For example, in 1923, the United States Revolver Association (“U.S.R.A.”) drafted a proposed uniform law setting forth certain categories of individuals prohibited from purchasing firearms, and the National Conference of Commissioners on Uniform State Laws approved a revised version of this law as the Uniform Firearms Act in 1926. *See* Charles V. Imlay, *The Uniform Firearms Act*, 12 A.B.A. J. 767, 767 (1926). The restriction set forth by the Uniform Firearms Act were supported by influential firearms organizations, including the National Rifle Association, which fiercely lobbied for its adoption. *See Sportsmen Fight Sullivan Law*, 23 J. Criminology 665 (1932). Almost

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<sup>9</sup> *See also* Vol. 30 Del. Laws 28, at 55-56 (1919) (**Delaware:** requiring “two freeholders resident in the County wherein the sale is made [to] positively identify the purchaser before the sale can be made”); 1919 N.C. Sess. Laws 197, at 398 § 3 (**North Carolina:** “[B]efore the clerk of the Superior Court shall issue any such license or permit, he shall fully satisfy himself by affidavits, oral evidence, or otherwise, as to the good moral character of the applicant therefor.”); 1923 Ark. Acts 430, at 379-80 § 2 (**Arkansas:** permit to be issued “if the applicant be a person of good moral character, whose conduct, past record and occupation is such as to prove . . . that he is a person of good character”).

immediately, several states enacted variations of the restrictions on prohibited persons set forth in the U.S.R.A. model law.<sup>10</sup> Under these laws, felons, minors, non-citizens, drug addicts, “habitual drunkards,” and mentally ill persons were expressly prohibited from owning firearms. In order to obtain a firearm, a prospective purchaser had to provide a firearms seller with information sufficient to prove that he was not prohibited by law from owning a firearm, which was shared with law enforcement and, coupled with a mandatory waiting period, allowed local officials to run a simple background check and object to the sale if needed. These laws have remained largely in effect since their enactment in the early twentieth century. Currently, twenty states and the District of Columbia have laws on the books similar to Maryland’s, requiring all firearms purchasers to first undergo a background check.<sup>11</sup>

In sum, the background check requirement of the HQL Law is clearly “longstanding,” with historical antecedents reaching back to the early 1900s. And, as the Supreme Court emphasized in *Heller I*, such laws regulating the sale of firearms in order to prevent them from falling into the hands of felons and other dangerous people, are “presumptively lawful” and “permissible.” *Heller*, 554 U.S., at 626-27, 627 n.26, 635; *see, e.g.*, 1923 Cal. Stat. 339, at 695-96 (**California**); 1923 N.D. Laws 226, at 379-80 (**North Dakota**: background checks coupled with felon dispossession); *see also* 1927 Mass. Acts 325-26, at 413, 415-16 (**Massachusetts**);

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<sup>10</sup> *See, e.g.*, 1923 Cal. Stat. 339, at 696-97 § 2 (**California**); 1923 Conn. Pub. Acts 252, at 3707; 1923 N.D. Laws 266 (**North Dakota**); 1923 N.H. Laws 118 (**New Hampshire**); 1925 Ind. Acts 207 (**Indiana**); 1925 Mich. Pub. Acts 313 (**Michigan**); 1925 Or. Laws 260 (**Oregon**); 1931 Tex. Gen. Laws 267 (**Texas**); 1931 Pa. Laws 158, at 497, 499 § 9 (**Pennsylvania**); 1935 S.D. Sess. Laws 208, at 355-56 § 9 (**South Dakota**); 1935 Wash. Sess. Laws 172, at 599, 601 § 9 (**Washington**); 1936 Ala. Laws 82, at 51, 53 § 9 (**Alabama**).

<sup>11</sup> *See* Cal. Penal Code §§ 27545, 27850-28070; Colo. Rev. Stat. 18-12-112; Conn. Gen. Stat. §§ 29-33(c), 29-36l(f), 29-37a(e)-(j); Del. Code tit. 11, § 1448B, tit. 24, § 904A; D.C. Code Ann. § 7-2505.02; Haw. Rev. Stat. Ann. §§ 134-2, 134-13; 430 Ill. Comp. Stat. 65/1 – 65/15a, 720 Ill. Comp. Stat. 5/24-3(k); Iowa Code §§ 724.15 – 724.20; Md. Code Ann., Pub. Safety §§ 5-101(t), 5-124; Mass. Gen. Laws ch. 140, §§ 121, 129B, 129C, 131, 131A, 131E, 131P; Mich. Comp. Laws §§ 28.422, 28.422a; Neb. Rev. Stat. Ann. §§ 69-2404, 69-2407, 69-2409; Nev. Rev. Stat. § 202.254; N.J. Stat. Ann. § 2C:58-3; N.Y. Gen. Bus. Law § 898; Or. Rev. Stat. §§ 166.435, 166.436; N.C. Gen. Stat. §§ 14-402 – 14-404; 18 Pa. Cons. Stat. § 6111(b), (c), (f)(2); R.I. Gen. Laws §§ 11-47-35 – 11-47-35.2; Rev. Code Wash. § 9.41.113; Vt. Stat. Ann. § 4019.

1927 Mich. Pub. Acts 372, at 887-88 (**Michigan:** permit to purchase requirements coupled with felon dispossession). Accordingly, the HQL Law is strongly supported by history and, under the binding precedent of the Supreme Court and the Fourth Circuit, does not infringe upon or fall into the scope of the Second Amendment.

**B. SOCIAL SCIENCE EVIDENCE SUPPORTS THE CONSTITUTIONALITY OF MARYLAND’S PERMIT-TO-PURCHASE LAW**

Even assuming, solely for the purposes of argument, that the challenged provisions of the HQL Law fall into the scope of the Second Amendment, they satisfy the applicable level of intermediate scrutiny and are thereby constitutional. The State has demonstrated this thoroughly in its summary judgment papers, including through the use of social science research and empirical evidence. *See* Defs.’ Br. 20-27. Set forth below for the consideration of this Court is additional such research and evidence concerning the live-training requirement of the HQL Law which support its constitutionality.

**1. The Applicable Intermediate Scrutiny Standard and the State’s Submissions.**

As the State has explained, intermediate scrutiny is the appropriate standard at step two of the Court’s Second Amendment analysis in this case. *See* Defs.’ Br. 18-19. Intermediate scrutiny requires the challenged law be “reasonably adapted to a substantial government interest.” *Kolbe*, 849 F.3d at 133, 139 (quoting *United States v. Masciandro*, 638 F.3d 458, 471 (4th Cir. 2011)). It cannot be questioned that Maryland has a substantial—and, indeed, compelling—interest in the public safety of its citizens and reducing the toll of gun violence. *See id.*; *see also United States v. Salerno*, 481 U.S. 739, 755 (1987); *Woollard v. Gallagher*, 712 F.3d 865, 878, 882 (4th Cir. 2013). Further, the HQL Law is “reasonably adapted” to “substantially serve” this critical interest. *Woollard*, 712 F.3d at 881-82.

**2. In-Person, Hands-On Firearms Training Improves the Ability of Applicants to Competently and Safely Use Their Firearms.**

Even beyond what is set forth by the State, there exists substantial evidence supporting the reasonableness of the HQL Law's firearms training requirement. In the United States, approximately 500 people die from unintentional gunshot wounds every year, and 17,737 are unintentionally injured.<sup>12</sup> It should come as no surprise that quantitative, qualitative, and anecdotal evidence show that training and unintentional shootings are inversely related. In short, more firearm training yields fewer unintentional shootings. For example, in a 2015 study, when volunteers with different levels of firearm experience and training participated in simulations requiring decisions about firearm use, volunteers with less training were more likely to engage in unsafe practices, such as placing a finger immediately on the trigger after receiving the weapon.<sup>13</sup> Conversely, when Wisconsin adopted mandatory hunter safety training, the number of hunting-related injuries and fatalities declined.<sup>14</sup> This is why multiple states, including California, Connecticut, Hawaii, Massachusetts, Rhode Island, and the District of Columbia, require gun safety training in order to possess a firearm.<sup>15</sup> And even the gun lobby supports firearm education and training.<sup>16</sup>

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<sup>12</sup> See Center for Disease Control and Prevention, Injury Prevention and Control, WISQARS Injury Report, available at <https://www.cdc.gov/injury/irs/index.html> (data reflecting five-year average for 2012 through 2016).

<sup>13</sup> See Joseph Vince Jr., *et al.*, Firearms Training and Self-Defense, Mount St. Mary's University, The National Gun Victims Action Council (2015) at 26, 32, available at [https://www.gunvictimsaction.org/downloads22/FirearmsTrainings%20\\_StudyDocument\\_F\\_062115.pdf](https://www.gunvictimsaction.org/downloads22/FirearmsTrainings%20_StudyDocument_F_062115.pdf).

<sup>14</sup> See Brenda VonRueden, *et al.*, Fifty Years of Hunter Safety, Wisconsin Natural Resources (June 2017), at 18, available at <https://dnr.wi.gov/wnrmag/2017/06/Safety.PDF>.

<sup>15</sup> See Licensing, Giffords Law Center, available at <http://lawcenter.giffords.org/gun-laws/policy-areas/gun-owner-responsibilities/licensing/>; <http://lawcenter.giffords.org/gun-laws/policy-areas/gun-owner-responsibilities/licensing/>. Many other countries require training, including a practical assessment to prove one can use a firearm safely, in order to obtain a gun. See How to Buy a Gun in 15 Countries, N.Y. Times, March 2, 2018, available at <https://www.nytimes.com/interactive/2018/03/02/world/international-gun-laws.html>.

<sup>16</sup> See National Rifle Association, NRA Gun Safety Rules, available at <https://gunsafetyrules.nra.org/>; Second Amendment Foundation, Millions of New Gun Owners Need the Right Kind of Training, available at

Studies also show that gun owners in states that do not mandate training often do not receive any training at all. It is estimated that only about sixty percent of gun owners have received any formal training on firearm use and safety.<sup>17</sup> Researchers in this study did not exclude gun owners who receive training as part of their jobs, such as law enforcement, so this statistic likely far overstates how many gun owners voluntarily receive firearm training. Finally, the “live-fire” component of the HQL Law requires individuals attend live, in-person training on gun safety. Maryland’s decision to require in-person attendance is amply supported by a wide range of non-firearm studies showing that hands-on learning more broadly results in higher levels of retention and achievement than lecture-based classes across a variety of topics and among all ages groups.<sup>18</sup> Notably, studies show the significant impact of hands-on training and active learning on participants receiving *movement*-related instruction. For example, among medical professionals administering CPR, those who received hands-on training significantly outperform those who received the same instruction, but passively by lecture.<sup>19</sup>

Training is also an unquestioned professional requirement of being armed in both the public and private sectors. For example in Maryland, law enforcement officers and armed

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<https://www.saftd.org/saftd-training-blog/firearms-training-blog/millions-of-new-gun-owners-need-right-kind-of-training>.

<sup>17</sup> See Ali Rowhani-Rahbar, *et al.*, Formal Firearm Training among adults in the USA: Results of National Survey, 10 *Inj. Prev.* 116, 164 (2018) (61 percent had received training), *available at* <https://www.ncbi.nlm.nih.gov/pubmed/28698176>; David Hemenway, *et al.*, Firearm Training and Storage, 273 *J. Am. Med. Ass’n* 46, 47 (1995) (56 percent had received training).

<sup>18</sup> See Scott Freeman, *et al.*, Active Learning Increases Student Performance in Science, Engineering, and Mathematics, 111 *National Academy of Sciences* 23 (June 10, 2014), *available at* <http://www.pnas.org/content/111/23/8410> (college students test scores improved with active learning); Katie Ash, Hands on Learning v. Lecturing, *Educationweek.com* (Jan. 30, 2009), *available at* <https://bit.ly/2fmkajM> (middle school students performed better when learning through hands-on projects).

<sup>19</sup> See H. M. Karim, Comparison of Effectiveness of Class Lecture Versus Workshop-Based Teaching of Basic Life Support on Acquiring Practice Skills Among the Health Care Providers, *Int’l J. Crit. Illn. Inj. Sci.* (Apr-Jun 2016), *available at* <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4901828/>.



security guards are required to complete firearm training programs before receiving a license to work.<sup>20</sup> Hands-on instruction is the preferred training approach for federal workers who carry firearms such as court deputies, TSA and USPS workers, law enforcement officials, and members of the military, navy, air force, and national guard.<sup>21</sup> Law enforcement officers agree that training is critical to know how to handle a gun safely—and to be able to use a weapon effectively in defense of one’s self and others.<sup>22</sup> As the D.C. Circuit noted, such “anecdotal evidence showing the adoption of training requirements in most every law enforcement profession that requires the carrying of a firearm,” and “a professional consensus in favor of safety training” support the common-sense conclusion that training can improve firearm safety practices and reduce unintentional shootings. *Heller v. District of Columbia* (“*Heller II*”), 801 F.3d 264, 279 (D.C. Cir. 2015) (relying on such evidence in upholding D.C.’s firearm safety training requirement as constitutional).

Accordingly, for all these reasons as well as those set forth in the State’s motion, the HQL Law’s adoption of a live-training requirement is reasonably tailored to advance the government’s compelling interest of advancing public safety.

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<sup>20</sup> See Md. Code Regs. §§ 12.04.02 et seq. (2018) (law enforcement); §§ 29.04.01 et seq. (security guards). See also Defs.’ Br. at 27-28.

<sup>21</sup> See, e.g., Bernard D. Rostker, Evaluation of the New York City Police Department Firearm Training and Firearm-Discharge Review Process, RAND (2008) at 25-26 (NYPD rookie program), available at [http://www.nyc.gov/html/nypd/downloads/pdf/public\\_information/RAND\\_FirearmEvaluation.pdf](http://www.nyc.gov/html/nypd/downloads/pdf/public_information/RAND_FirearmEvaluation.pdf).

<sup>22</sup> Joseph Vince Jr., et al., *Firearms Training and Self-Defense*, Mount St. Mary’s University, The National Gun Victims Action Council (2015), at 15 (interviewing police officers on importance of firearm training), available at [https://www.gunvictimsaction.org/downloads22/FirearmsTrainings%20\\_StudyDocument\\_F\\_062115.pdf](https://www.gunvictimsaction.org/downloads22/FirearmsTrainings%20_StudyDocument_F_062115.pdf); Joshua Holland, *Tactical Experts Destroy NRA’s Heroic Gunslinger Fantasy*, The Nation, October 5, 2015, available at <https://www.thenation.com/article/combat-vets-destroy-the-nras-heroic-gunslinger-fantasy/> (interviewing former ATF SWAT agent on importance of practical firearm training).

## CONCLUSION

For the foregoing reasons, *amicus* Everytown for Gun Safety respectfully urges this Court to grant the Defendants' Motion for Summary Judgment.

Respectfully submitted,

Dated: August 24, 2018

/s/ Thad A. Davis

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**CERTIFICATE OF SERVICE**

I, Thad Davis, hereby certify that on August 24, 2018, I electronically filed the foregoing with the Clerk of the Court of the United States District Court for the District of Maryland by using the CM/ECF system. All participants are registered CM/ECF users, and will be served by the CM/ECF system.

/s/ Thad A. Davis  
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**Appendix of Historical Authority**

**American laws in the 18th and early 20th centuries**

1778 N.J. Sess. Laws 42 .....	Add. 001
1779 Vt. Sess. Laws 57 .....	Add. 016
1782 Del. Sess. Laws 3 .....	Add. 026
Statutes at Large of Pennsylvania from 1682 to 1801, Vol. 11, at 93-94 .....	Add. 042
The Colonial Records of the State of Georgia, Vol. 19, Part 2, at 350-51 .....	Add. 045
1786 N.C. Sess. Laws 407 .....	Add. 048
1786 N.Y. Sess. Laws 220 .....	Add. 060
1791 S.C. Sess. Laws 16 .....	Add. 068
Militia Act of 1792 .....	Add. 070
1792 Conn. Sess. Laws 423 .....	Add. 075
1792 N.H. Sess. Laws 441 .....	Add. 083
1793 Mass. Acts 172 .....	Add. 094
1794 R.I. Sess. Laws 14 .....	Add. 116
26 Del. Laws 28 (1911) .....	Add. 128
1911 N.Y. Laws 442 .....	Add. 130
1913 N.Y. Laws 1627 .....	Add. 134
1913 Or. Laws 497 .....	Add. 138
1918 Mont. Laws 6 .....	Add. 142
30 Del. Laws 55 (1919) .....	Add. 143
1919 Haw. Sess. Laws 166 .....	Add. 145
1919 N.C. Sess. Laws 397 .....	Add. 147

1921 Mo. Laws 691 .....	Add. 150
1923 Ark. Acts 379 .....	Add. 153
1923 Cal. Stat. 695 .....	Add. 155
1923 Conn. Pub. Acts 3707 .....	Add. 163
1923 N.D. Laws 379 .....	Add. 167
1923 N.H. Laws 138 .....	Add. 172
1925 Ind. Acts 495 .....	Add. 176
1925 Mich. Pub. Acts 473 .....	Add. 183
1925 Or. Laws 468 .....	Add. 187
1927 Mass. Acts 413 .....	Add. 195
1927 Mich. Pub. Acts 887 .....	Add. 199
1927 N.J. Laws 742 .....	Add. 206
1931 N.Y. Laws 2391 .....	Add. 214
1931 Pa. Laws 497 .....	Add. 220
1931 Tex. Gen. Laws 447 .....	Add. 226
1935 S.D. Sess. Laws 355 .....	Add. 228
1935 Wash. Sess. Laws 599 .....	Add. 232
1936 Ala. Laws 51 .....	Add. 238

**Journal Articles**

Charles V. Imlay, <i>The Uniform Firearms Act</i> , 12 A.B.A. J. 767 (1926) .....	Add. 242
<i>Sportsmen Fight Sullivan Law</i> , 23 J. Criminology 665 (1932) .....	Add. 245

STATE OF NEW-JERSEY, 1778.

Continuance. 22. AND IT IS HEREBY FURTHER ENACTED, That this Act shall continue in Force to the End of the next Sitting of the Legislature, and no longer.

Passed at Trenton, April 4, 1778.

C H A P. XXI.

An ACT for granting a Bounty upon Wool, Flax and Hemp, raised and sold within the State of New-Jersey.

Preamble. WHEREAS increasing the Quantity of Wool, Flax and Hemp in this State, may be of singular Advantage to the Inhabitants thereof.

Bounty. Sect. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same, That from and after the Publication of this Act, any Person raising and felling, within this State, either Wool, Flax or Hemp, shall be entitled to receive from the Publick, as a Bounty on the same, the Sum of One Shilling per Pound for good merchantable Sheeps Wool; Nine-pence per Pound for good clean well dressed Flax; and Four-pence per Pound for like Hemp, so raised and sold by any Person residing within this State, to any Inhabitant of the same; which Bounty shall be paid to any Person who shall raise and sell any of the aforesaid Articles, over and above the Quantity sufficient for his or her Family's Use, upon his or her producing a Receipt for the same from the Purchaser, specifying the Seller's Name, the exact Weight of the Article sold, with the Time and Place of Sale; the Truth of which Receipt shall be attested on Oath or Affirmation, before any Justice of the Peace of the County in which he resides; and being exhibited to the Treasurer of the State, he is hereby authorized and directed to pay all such Sums of Money as shall be expressed in all Receipts so taken, attested and exhibited; and the same shall be his sufficient Voucher for the Payment of so much out of the State Treasury.

Continuance. 2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That this Act shall continue and be in Force for two Years after the Publication hereof, and from thence to the End of the next Sitting of General Assembly, and no longer.

Passed at Princeton, April 14, 1778.

C H A P. XXII.

An ACT for the Regulating, Training and Arraying of the Militia.

Preamble. WHEREAS a well ordered and well disciplined Militia is at all Times necessary to the Safety and Preservation of the State, and more especially when the Invasion and Hostilities of a powerful Fleet and Army

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 WILLIAM LIVINGSTON, Esquire, Governor.
 

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Army call for every vigorous Means of Defence: AND WHEREAS the Laws now in Force for the Regulation and Government of the Militia are in many Respects ineffectual, and, from their Number and Diversity, difficult to be comprehended and executed ;

*Sec̄t. 1.* BE IT THEREFORE ENACTED *by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same,* That from and after the Publication hereof, the Militia of this State shall be divided into two Brigades, as follows, *to wit,* The Militia of the Counties of *Middlesex, Somerset, Essex, Bergen, Morris and Sussex,* shall form one Brigade. And the Militia of the Counties of *Hunterdon, Burlington, Monmouth, Gloucester, Salem, Cumberland and Cape-May,* shall form the other Brigade.

Militia to be divided into two Brigades.

2. AND BE IT ENACTED, That each Brigade shall be commanded by a Brigadier or Colonel-Commandant, who shall be empowered to appoint a Major of Brigade.

By whom commanded,

3. AND BE IT ENACTED, That each Regiment or Battalion shall be officered with a Colonel, a Lieutenant-Colonel and a Major ; and also with an Adjutant, a Quarter-Master, and, when Circumstances will admit, a Chaplain and a Surgeon ; which regimental Staff-Officers shall be appointed by the Field-Officers, or a Majority of them ; PROVIDED ALWAYS, That where two Majors have been heretofore appointed and commissioned in any Regiment or Battalion, both shall be continued ; but Vacancies happening in the Office of second Major, shall not henceforward be supplied.

And how officered.

4. AND BE IT ENACTED, That each Company of the Militia shall be officered with a Captain, a Lieutenant and an Ensign, and also provided with any Number not exceeding four Serjeants and four Corporals, to be elected by the Companies respectively ; and the Commission Officers of each Company shall appoint for the same a Drummer and a Fifer : PROVIDED ALWAYS, That where two Lieutenants have been heretofore appointed and commissioned in any Company, both shall be continued ; but Vacancies happening in the Office of second Lieutenant, shall not henceforward be supplied.

Companies, how officered.

5. AND BE IT ENACTED *by the Authority aforesaid,* That the said General, Field and other Commission Officers and Staff-Officers respectively, shall be commissioned by the Governor or Commander in Chief for the Time being, upon due Certification of their Election or Appointment from those who elect or appoint them respectively, or by their Order ; and the Non-commission Officers of Companies shall act under Warrants or Certificates from the Captains or commanding Officers of the Companies to which they severally belong.

Officers, by whom commissioned, &amp;c.

6. AND BE IT ENACTED *by the Authority aforesaid,* That each and every Officer, duly elected and commissioned, shall, within two Weeks after receiving his Commission, repair to some Justice of the Peace, or other Person duly authorized by *Dedimus Potestatem* to administer the Oaths of Abjuration and Allegiance, as prescribed in an Act, intitled, *An Act for the Security of the Government of New-Jersey,* passed the nineteenth Day of September, One Thousand Seven Hundred and Seventy-

And to take the Oaths.

Penalty for  
Neglect.

fix, and there take and subscribe the said Oaths in due Form, a Certificate of which such Justice, or other Person authorized as aforesaid, shall give to the Officer taking the Oaths, who shall transmit it to the Clerk of the Peace of the County, to be entered in a Roll kept for that Purpose. And if any Officer shall neglect to apply and take and subscribe the said Oaths within the Term above limited, he shall, for such Default, forfeit and pay the Sum of *Six Pounds*, to be recovered before any Justice of the Peace of the County wherein such Officer may reside, by any Person who shall sue for the same, one Moiety to the Prosecutor, and the other to the Justice, to be by him paid to the Collector of the County, for the Use of the State; and shall moreover be disqualified and rendered incapable of executing his Office; and his Place shall be supplied by a new Election.

Vacancies of  
Commission  
Officers, how  
filled up.

7. AND BE IT ENACTED, That in every Case where a Vacancy or Vacancies shall happen, by Death, Resignation or otherwise, of any Commission Officer or Officers of any Company, the Captain or commanding Officer of such Company shall, within thirty Days thereafter, call a Meeting of the same; and the Officers and Privates who shall meet at the Time and Place appointed, shall nominate a Clerk to manage the Election, and certify the same when made; and shall, by Plurality of Voices, elect such Officer or Officers as may be wanting. And if the Captain or commanding Officer shall neglect or refuse to give Orders for assembling the Company as aforesaid, he shall forfeit for such Offence *Six Pounds*, to be recovered and applied as aforesaid. And if the Company, on due Notice given, shall neglect to assemble and elect as aforesaid, the Field-Officers of the Regiment or Battalion, or a Majority of them, shall appoint the Officer or Officers necessary to supply the Vacancy or Vacancies in the same, or annex the said Company to any adjacent Company or Companies in the Regiment or Battalion, as they may think proper: PROVIDED ALWAYS, That where no Commission Officer shall remain in any Company, the nearest Field-Officer of the Regiment or Battalion shall give the Orders for assembling the Company as aforesaid.

Proviso.

Vacancies of  
Non-commission  
Officers, how  
supplied.

8. AND BE IT ENACTED, That all Vacancies happening in the Non-commission Officers of any Company, shall be supplied as often as necessary by such Company, when assembled for Training; and if the Company refuse to elect such Non-commission Officers, they shall be appointed by the Commission Officers of the Company, or any two of them; and if any Person shall refuse to serve as a Serjeant, Corporal, Drummer or Fifer, when duly elected or appointed for that Effect, he shall be fined the Sum of *Three Pounds*, to be recovered and applied as aforesaid: PROVIDED ALWAYS, and it is hereby Enacted, That no Person shall be fined more than once in the Space of a Year for refusing to serve in any Office to which he may be elected or appointed.

Lists of effective  
Men to be  
kept, &c. and  
who not to be  
enrolled.

9. AND BE IT ENACTED by the Authority aforesaid, That the Captain or commanding Officer of each Company shall keep a true and perfect List or Roll of all effective Men between the Ages of sixteen and fifty Years residing within the Bounds of such Company: PROVIDED ALWAYS, That the Delegates representing this State in the Congress of the United States, the Members of the Legislative-Council and General Assembly, the Judges and Justices of the Supreme and Inferior Courts, the Judge of the Court of Admiralty, the Attorney-General, the Secre-



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tary, the Treasurer, the Clerks of the Council and General Assembly, the Clerks of the Courts of Record, the Governor's private Secretary, Ministers of the Gospel of every Denomination, the Presidents, Professors and Tutors of Colleges, Sheriffs and Coroners, one Constable for each Township, to be selected by the Court of Quarter-Sessions of the County, two Ferry-men for each publick Ferry on the *Delaware*, below the Falls at *Trenton*, and one for every other publick Ferry in this State, and Slaves, shall not be borne upon any such List or Roll, or be liable to military Duty.

10. AND BE IT ENACTED, That the Captain or commanding Officer of each Company shall make Return of the Commission and Non-commission Officers and Privates of his Company, and of the State of their Arms, Accoutrements and Ammunition, in the Months of *March* and *October* every Year, to the Colonel or commanding Officer of the Regiment or Battalion to which such Company may belong, under Penalty of *Three Pounds* for each Default; and the Colonel or commanding Officer of each Regiment or Battalion shall make Return of his Regiment or Battalion, and of the State of their Arms, Accoutrements and Ammunition, in the Months of *April* and *November* every Year, to the Brigadier or Colonel-Commandant of the Brigade to which such Regiment or Battalion may belong, under Penalty of *Six Pounds* for each Default; and the Brigadier or Colonel-Commandant of each Brigade shall make Return of his Brigade in the Months of *May* and *December* every Year, to the Commander in Chief of the State, under Penalty of *Ten Pounds* for each Default; which several Penalties shall be recovered from the Officer whose Duty it is to make the Return, by a Justice of the Peace of the County where the Offender may reside, at the Instance of the Officer to whom the Return is in any Case directed to be made, and paid to the Collector of the County where recovered, for the Use of the State.

Returns to be made.

11. AND BE IT ENACTED, That every Person enrolled shall constantly keep himself furnished with a good Musket, well fitted with a Bayonet, Steel Ramrod and Worm, a Cartridge-box, twenty-three Rounds of Cartridges sized to his Musket, a Priming-wire, Brush and twelve Flints, a Knap-sack and Canteen, under the Forfeiture of *Six Shillings* for the Want of a Musket, and *One Shilling* for the Want of any of the other Articles whenever called out to Training or Service, to be recovered and applied as herein after is directed: PROVIDED ALWAYS, That if any Person be furnished as aforesaid, with a good Rifle Gun, the Apparatus necessary for the same, and a Tomahawk, it shall be accepted in Lieu of a Musket and the Bayonet, and other Articles belonging thereto.

How to be equipped.

Provido.

12. AND BE IT ENACTED, That each Person enrolled shall also keep at his Place of Abode one Pound of good merchantable Gun-Powder and three Pounds of Ball, sized to his Musket or Rifle; and for Want of either, shall forfeit the Sum of *Three Shillings*, to be recovered and applied as herein after is directed: PROVIDED ALWAYS, and it is hereby Enacted, That if any Person enrolled shall, by a Majority of the Commission Officers of the Company to which he may belong, be deemed and adjudged unable to purchase the Arms, Accoutrements and Ammunition above specified, he shall be exempted from Forfeiture for any Deficiency therein, until he can procure them, or they are provided for him.

And provided.

Provido.

Examination  
of Arms, &c.

Penalty for  
Neglect.

13. AND BE IT FURTHER ENACTED, That the Captain or commanding Officer of each Company shall, once in every four Months, order a Serjeant to call at the Place of Abode of each Person enrolled as aforesaid, for the Purpose of examining the State of his Arms, Accoutrements and Ammunition; of which the said Serjeant shall make exact Report to the Officer issuing the Orders; and if any Captain or commanding Officer of any Company shall neglect his Duty in this Respect, he shall forfeit and pay the Sum of *Six Pounds* for each Offence, to be recovered and applied as herein after is directed; and if any Serjeant shall neglect his Duty in this Respect, he shall forfeit and pay for each Offence the Sum of *Forty Shillings*, to be recovered and applied as herein after is directed.

Time of Meeting,  
and Fines  
for Omission.

14. AND BE IT ENACTED by the Authority aforesaid, That each Company shall assemble, properly armed and accoutred, not later than one o'Clock in the Afternoon of the first *Monday* in the Months of *April, May, June, September, October, November* and *December* every Year, at such Place as the Captain or commanding Officer of the Company shall appoint, and there spend the Remainder of the Day in Training and Exercise; and that the Penalty, in case of Absence, shall be as follows: On a Captain, *Thirty Shillings*; on a Lieutenant or Ensign, *Twenty Shillings*; on a Non-commission Officer or Private any Sum not under *Seven Shillings and Six-pence*, nor above *Fifteen Shillings*, and in due Proportion for attending later than the Hour above limited.

Two Field-  
Days in a  
Year.

Penalty for  
Absence.

Provifo.

15. AND BE IT ENACTED, That each Regiment or Battalion shall assemble, properly armed and accoutred, twice in the Year, at such Times and Place or Places as the Field-Officers, or a Majority of them, shall direct for the Purpose of Training and Exercise; and that the Penalty, in case of Absence, shall be as follows: On a Colonel, *Five Pounds*; on a Lieutenant-Colonel, *Four Pounds*; on a Major, *Three Pounds*; on a Captain or any Staff-Officer, *Forty Shillings*; on a Lieutenant or Ensign, *Thirty Shillings*; on a Non-commission Officer or Private, any Sum not less than *Ten Shillings*, nor more than *Twenty Shillings*, and in due Proportion for attending later than the Hour specified in the Order for meeting: PROVIDED ALWAYS, That if the local Situation of the Companies composing any Regiment or Battalion be such as may render it inconvenient to assemble the Whole at the same Time and Place, it shall and may be lawful for the Field-Officers, or a Majority of them, to assemble such Regiment or Battalion by Parts, at different Times and in different Places, each Part being assembled twice in a Year.

Misbehaviour  
on Duty, Pe-  
nalty there-  
for.

16. AND BE IT ENACTED, That if any Field or other Commission Officer or Staff-Officer, at any regimental Review or monthly Training, or on any other Occasion when the Regiment, Battalion or Company to which he may belong, or in which he holds Command, is paraded in Arms, shall misbehave or demean himself in an unofficer-like Manner, he shall, for such Offence, be cashiered or punished by Fine, at the Discretion of a General or Regimental Court-Martial, as the Case may require, in any Sum not exceeding *Ten Pounds*; and if any Non-commission Officer or Private shall, on any Occasion of parading the Company to which he belongs, appear with his Arms and Accoutrements in an unfit Condition, or be found drunk, or shall disobey Orders, or use any reproachful or abusive Language to his Officers, or any of them, or shall quarrel him-

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self, or promote any Quarrel among his Fellow-Soldiers, he shall be punished by Fine in any Sum not under *Four Shillings*, nor exceeding *Fifteen Shillings*, or be disarmed and put under Guard by Order of the commanding Officer present, until the Company is dismissed.

17. AND BE IT FURTHER ENACTED, That if the Colonel or commanding Officer of any Regiment or Battalion shall, on any Occasion when it may be necessary, neglect or refuse to give Orders for assembling his Regiment or Battalion at the Direction of the Brigadier or Colonel-Commandant of the Brigade, he shall be cashiered or punished by Fine at the Discretion of a General Court-Martial, not exceeding *Fifty Pounds*, to be recovered and applied as herein after is directed; and if the Captain or commanding Officer of any Company shall, on any Occasion where it may be necessary, neglect or refuse to give Orders for assembling his Company at the Direction of the Colonel or commanding Officer of the Regiment or Battalion to which such Company may belong, he shall be cashiered or punished by Fine at the Discretion of a Regimental Court-Martial, not exceeding *Fifteen Pounds*, to be recovered and applied as herein after is directed; and if any Serjeant or Corporal shall neglect or refuse to warn the Company to which he may belong, on any Occasion when it may be necessary, agreeably to the Orders of the Captain or commanding Officer thereof, he shall be subject to a Fine of any Sum not exceeding *Three Pounds*, to be recovered and applied as herein after is directed.

Penalty on Officers neglecting to assemble the Militia.

18. AND BE IT ENACTED, That the Captain or commanding Officer of each Company shall at all Times keep a true List of his Company, divided into eight Parts or Classes, as nearly equal as possible, and reckoned from one to eight numerically; a Copy of which he shall transmit to the Colonel or commanding Officer of the Regiment or Battalion on every Occasion of making a Return of the Company as aforesaid, under Penalty of the like Fine or Forfeiture for Non-Performance: PROVIDED ALWAYS, That the Artillery Companies shall be excepted from this Regulation.

Lists to be kept, &c.

Proviso.

19. AND BE IT ENACTED by the Authority aforesaid, That it shall and may be lawful for the Governor or Commander in Chief for the Time being, with the Consent of the Legislature, when sitting, and during their Recess, with the Advice and Consent of the Privy Council, on Requisition of the Congress of the United States, or upon Application of the Commander in Chief of the Army of the United States, or of any General Officer commanding a Division or Detachment thereof, or of the executive Power of any of the adjoining States, or on other similar Emergency, to order into actual Service in any of the said adjoining States, such and so many Classes of the Militia as may be necessary, not exceeding four at any one Time, to be drawn alike from the several Companies of such Regiments or Battalions as are to furnish the Detachment, and officered accordingly. And in case any Difficulty arise in officering such Detachment, the Brigadier or Colonel-Commandant of each Brigade shall determine the Tour of Duty of the Regimental Officers; the Colonel or commanding Officer of each Regiment or Battalion shall determine the Tour of Duty of the Commission Officers of the Companies; and that the Captain or commanding Officer of each Com-

Who empowered to call out the Militia,

And determine the Tour of Duty.

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pany shall determine the Tour of Duty of the Non-commission Officers of his Company.

Four Classes may be kept out by Reliefs.

20. AND BE IT ENACTED, That it shall and may be lawful for the Governor or Commander in Chief for the Time being, with the Advice and Consent of the Privy Council, to call out, station and continue by Reliefs, as a Defence to the State within the same, such and so many Classes as may at any Time be necessary, not exceeding four, to be arrayed and officered as aforesaid.

The Whole may be called in case of sudden Invasion.

21. AND BE IT FURTHER ENACTED, That it shall and may be lawful for the Governor or Commander in Chief for the Time being, in case of sudden Invasion, Insurrection, Sedition or Alarm, to call out and array the whole of the Militia, or such and so many entire Regiments or Battalions, situated near to the Place where the Force is required, as he may think necessary to repel the Invasion, and restore the Peace of the State.

When Officers may act without Orders.

22. AND BE IT ENACTED, That it shall and may be lawful for the Captain or commanding Officer of any Company, and he is hereby required and commanded to assemble his Company in every such Case, and oppose the Invaders or Insurgents, without waiting for Orders from the Colonel or commanding Officer of the Regiment or Battalion to which such Company may belong; and for the Colonel or commanding Officer of each Regiment or Battalion to assemble his Regiment or Battalion for the same Purpose, without waiting for Orders from his superior Officer: PROVIDED ALWAYS, That every Officer so acting without Orders, shall make Report of his Proceedings in due Form, as soon as possible.

Proviso.

Term of Service.

23. AND BE IT ENACTED, That when not more than half the Militia is called out and embodied, no Detachment shall be continued in Service more than one Month at the same Time.

Officers, &c. refusing to serve in their Tour, how punished.

24. AND BE IT ENACTED, That if any Field or other Commission Officer or Staff-Officer shall neglect or refuse to serve in his proper Tour, when a Part only of the Militia is called, or to march immediately with his Regiment, Battalion or Company when the Whole are called, he shall, for each Default, be tried by a General or Regimental Court-Martial, as the Case may require; and if convicted, shall be cashiered and rendered incapable of holding any military Office for the Space of one Year, or shall be punished by Fine, not under *Ten Pounds*, nor above *Fifty Pounds*; and if any Non-commission Officer or Private shall neglect or refuse to serve in his Tour, or within the Space of one Day after Notice given find a sufficient Substitute to serve in his Stead, to be approved by the Captain or commanding Officer of the Company, or shall neglect or refuse to render personal Service when the Whole of the Militia are called, he shall, for each Default, be fined not less than *Five Pounds*, nor above *Fifty Pounds*.

Fines, by whom assessed.

25. AND BE IT ENACTED *by the Authority aforesaid*, That all Fines and Forfeitures herein before declared and imposed, for the Assessment, Recovery or Application of which no special Provision is made, shall be assessed by the military Officers, and recovered and applied in Manner herein

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herein after directed ; and all military Officers impowered to assess Fines and Forfeitures, are also impowered to judge of and admit reasonable Excuses in Discharge of the Whole or a Part thereof, always having strict Regard to the Rank, Condition and Estate of the Offender or Delinquent, and the Circumstances of the Offence.

26. AND BE IT ENACTED *by the Authority aforesaid*, That the Colonel or commanding Officer of each Regiment or Battalion shall hear and decide upon the Reasons assigned by any other Field-Officer thereof for military Default punishable by Fine ; provided such Reasons be offered within ten Days ; and the Field-Officers of each Regiment or Battalion, or a Majority of them, shall meet at some convenient Time, not exceeding fifteen Days after any regimental Training or Review, or after any Call of the Whole or a Part of such Regiment or Battalion into actual Service, if it may be necessary ; of the Time and Place of which Meeting Notice shall be conveyed by Direction of the Colonel or commanding Officer to all concerned ; and shall then and there hear and decide upon the Excuses of the Captains or commanding Officers of Companies and Staff-Officers. And the Captain or commanding Officer of each Company shall hear and determine upon the Reasons offered by any Subaltern Officer thereof, for military Default punishable by Fine ; provided such Reasons be offered within ten Days ; and the Commission Officers of each Company, or a Majority of them, shall meet at some convenient Time, not exceeding fifteen Days after any Training of the Company, or any Call of a Part or the Whole thereof into actual Service ; of the Time and Place of which Meeting due and seasonable Notice shall be given by Advertisement, ten Days before such Meeting, or otherwise, as the Captain or commanding Officer may think best, and shall then and there hear and decide upon the Excuses of the Non-commission Officers and Privates.

Excuses, who  
to decide  
upon them.

27. AND BE IT ENACTED, That the Colonel or commanding Officer of each Regiment or Battalion shall, within twenty Days after any Training, or Call of the Whole or a Part thereof into Service, make out or cause to be made out a List for the District of each Company of such Field-Officers, Captains, or commanding Officers of Companies, and Staff-Officers, residing within the Bounds thereof, as have incurred any Fine or Forfeiture, and remain liable to the Payment thereof, and for the Recovery of which no special Provision is herein made, with the Fine or Forfeiture annexed to each Name, which he shall transmit to some Justice of the Peace also residing within the Bounds of such Company, or to some Justice of the same County nearest thereto ; who, on Receipt thereof, shall issue his Warrant to the nearest Constable of the County, for the levying of the said Fines and Forfeitures, with Costs ; which, when recovered, shall be paid to the Collector of the County, for the Use of the State.

Lists of Officers  
incurring  
Fines, &c. to  
be made, &c.

28. AND BE IT FURTHER ENACTED, That the Captain or commanding Officer of each Company shall, within twenty Days after any Training of such Company, or Regimental Review, or after any Call of the Whole or a Part thereof into Service, make out or cause to be made out a List of the Subalterns, Non-commission Officers and Privates, from whom any Fines are due and payable, for the Recovery of which no special Provision is herein made, with the Fines or Forfeitures annexed

Subalterns  
and Privates.

annexed to the Names respectively, which he shall transmit to some Justice of the Peace residing within the Bounds of the Company, or to some Justice of the County who may be nearest thereto; who, upon Receipt thereof, shall proceed as in the last foregoing Section is directed: **PROVIDED ALWAYS, and it is hereby Enacted,** That if, by Reason of a general Call of the Militia, or a large Proportion thereof in any Part of the State, all the Field-Officers of any Regiment or Battalion, or so many of them, or all the Commission Officers of any Company, or so many of them, shall be absent that the Duties required in the four preceding Sections cannot be performed within the Times limited, the same shall be performed as soon thereafter as Circumstances will allow.

Proviso.

Fines of Officers, by whom recovered.

29. **AND BE IT ENACTED;** That the Fines and Forfeitures of the Colonel or commanding Officer of any Regiment or Battalion shall be demanded and recovered by any Justice of the Peace of the County in which he may reside, at the Instance of the Officer next in Command, or any other commissioned Officer, and paid to the Collector of such County, for the Use of the State.

Minors, &c.

30. **AND BE IT ENACTED,** That the Fines and Forfeitures of Minors living with their Parents, or others having the proper Care and Charge of them, and those of Apprentices and Servants, shall be paid by their respective Parents, Masters, Mistresses, or such as have the Care and Charge of them, or levied on their Goods and Chattels.

No Distress to be levied on Arms, &c.

31. **AND IT IS HEREBY FURTHER ENACTED,** That no Distress shall be levied on the Arms, Accoutrements or Ammunition of any Non-commission Officer or Private, unless he shall be possessed of more than are necessary for his own Use and Equipment. And in every Case where no Goods, other than Arms, Accoutrements and Ammunition can be found, or not sufficient whereon to levy Execution, the Offender shall be committed to Gaol till the Fine and Costs are fully paid.

Court of Appeal,

32. **AND BE IT ENACTED,** That on the Day of each regimental Training or Review, the Colonel or commanding Officer of each Regiment or Battalion shall nominate two Justices of the Peace residing within the Bounds of such Regiment or Battalion, who, together with any one of the Field-Officers of the same, shall constitute a Court for hearing and determining upon Appeals of such Persons as may think themselves aggrieved by any Fines imposed as aforesaid, to continue till the next regimental Training; and shall also fix the Times of their Meeting, which shall be set up in Writing, or declared to the Regiment or Battalion: **And the said Court, or any two of them, shall have Power to moderate or remit any Fine or Forfeiture, for just and equitable Reasons; and a Certificate from them, or any two of them, shall entitle the Appellant to receive from the Collector of the County the Sum so remitted: PROVIDED ALWAYS,** That no Appeal be allowed unless the Money be first paid, and the Appeal prosecuted at the next Meeting of the said Court.

Their Power.

Age disputed.

33. **AND BE IT ENACTED,** That in all Cases of Doubt respecting the Age of any Person enrolled or intended to be enrolled in the Militia, the Party questioned shall prove his Age, to the Satisfaction of the Officers of the Company within the Bounds of which he may reside, or a Majority of them.

34. **AND**

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34. AND BE IT ENACTED, That every Person enrolled as herein before is directed, intending to remove from the Company to which he may belong, into the Bounds of another within the State, shall, previous to such Removal, apply to the Captain or commanding Officer of the Company from which he is about to remove, who shall give him a Discharge and Certificate, specifying the Time when and how long he was last in Service, which he shall produce to the Captain or commanding Officer of the Company into the Bounds of which he shall so remove, within ten Days after such his Removal, and enrol himself accordingly; and if any Person shall neglect to apply for such Discharge and Certificate, or to produce it and enrol himself as aforesaid, he shall be subject to a Fine of *Five Pounds*, to be recovered before any Justice of the Peace of the County, by any Person who will sue, one Moiety to the Prosecutor, and the other to the Justice, to be by him paid to the Collector of the County, for the Use of the State; and every Person who may be enrolled agreeably to the Description of this Act, removing from any of the neighbouring States into this State, shall, within ten Days after his coming within the Bounds of the Company into which he shall so remove, be enrolled by the Captain or commanding Officer thereof.

Persons removing, to have Certificates.

35. AND, that Detachments of the Militia may on all Occasions be well armed, accoutred and provided; BE IT ENACTED, That the Commission Officers of each Company, or any of them, be, and they hereby are empowered and directed to take by Impressment from such of their Company as have Arms, Accoutrements and Ammunition, and are not at the Time called into Service, a Number and Quantity sufficient to equip and furnish such as are so called, and are destitute thereof, giving Receipts for, and taking Appraisements of the same; and if any Person entrusted with any such Arms, Accoutrements and Ammunition shall, by wilful Neglect or Misuse, lose, endamage or expend the same, the Value thereof shall be recovered from him by the Officer who impressed them, or other Officer of the Company, before any Justice of the Peace of the County, and paid to the Owner; but if the Person entrusted with such Arms, Accoutrements or Ammunition be not of Ability to make Payment, or if the said Arms, Accoutrements or Ammunition be lost, damaged or expended in Action, or by unavoidable Accident, they shall be paid for or made good by the State: PROVIDED ALWAYS, That in order to ascertain that any such Arms, Accoutrements or Ammunition were lost, damaged or expended in Action or by unavoidable Accident, a Certificate, signed by the commanding Officer of the Company or Party in which the Person served when they were so lost, damaged or expended, and setting forth the Fact, shall be produced.

Detachments of Militia, Mode of equipping them.

Proviso.

36. AND BE IT ENACTED, That the Colonel or commanding Officer of each Regiment or Battalion shall be, and he hereby is empowered to employ from Time to Time, when necessary, Workmen to repair and clean, and to take the Charge and Care of all publick Arms in the Regiment or Battalion, and to draw on the County Collector for the necessary Expence.

Workmen may be employed to repair Arms.

37. AND BE IT ENACTED, That the Colonel or commanding Officer of each Regiment or Battalion, and the Captain or commanding Officer of any Company be, and each of them hereby is empowered to administer

Oaths may be administered.

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administer an Oath or Affirmation, on any necessary Occasion in the Execution of this Act.

Process, when  
not to be  
served.

38. AND BE IT ENACTED, That no civil Process shall be served on any Non-commission Officer or Private at any regimental Review or Training of any Company, or while going or returning from the Place of such Review or Training.

Ferriage.

39. AND BE IT ENACTED, That no Officer or Private shall, on the Way to or from the Place of regimental Review or Training of any Company, be obliged to pay more than one third the usual Rate of Ferriage, or be charged any Toll for passing over Toll-Bridges; and if any Ferryman or Keeper of a Toll-Bridge shall presume to refuse a Passage, or to make Demand contrary to the Direction of this Act, he shall, for each Offence, forfeit and pay the Sum of *Three Pounds*, to be recovered by any Person who will sue for the same, one Moiety to the Prosecutor, and the other to the Justice, to be by him paid to the Collector of the County, for the Use of the State.

Militia, how  
governed.

40. AND BE IT FURTHER ENACTED, That the Militia of this State, when in actual Service, shall be subject to the Rules and Articles of War established for the Government of the regular Troops of the United States: PROVIDED ALWAYS, That the Militia shall be tried by Courts Martial composed of their own Officers only: AND PROVIDED ALSO, That the Pains and Penalties inflicted by any Court-Martial shall not extend to the taking of Life or Limb, or to any corporal Punishment, unless in the Cases following, *that is to say*, Any Officer or Private who shall hold a treacherous Correspondence with, or give Intelligence to the Enemy, or who shall desert to the Enemy, or who shall misbehave before the Enemy, or shamefully abandon any Post, or who shall speak Words inducing others to offend in any of these Instances, shall, on due Conviction, suffer Death, or such other Punishment as a General or Regimental Court-Martial shall direct.

Pay and Ra-  
tions.

41. AND BE IT ENACTED, That the Militia, while in actual Service, shall be entitled to the same Pay and Rations as the regular Forces of the United States.

Bounty.

42. AND WHEREAS the Militia, when called into Service, are not entitled to any Bounty, Arms or Cloathing, at the publick Expence, and therefore their Reward is not equal to that of the regular Troops; BE IT THEREFORE ENACTED, That when the Militia, or any Detachment thereof, are called out on Duty, each Non-commission Officer and Private shall receive *Thirty Shillings* by the Month as a Bounty, over and above the stated Pay, to be drawn from the Treasury by the Paymasters of the Militia from Time to Time appointed; and the Officers whose Duty it may be, are hereby required to make out separate Pay-Rolls of the said Bounty.

Adjutants,  
their Rank  
&c.

43. AND WHEREAS the Adjutants of the several Regiments of Militia in this State have heretofore held a higher Rank than those in the regular Forces of the United States, which Arrangement may, on many Occasions, if continued, be productive of Difficulty and Inconvenience; BE IT ENACTED, That the Adjutants of each Regiment or Battalion shall



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shall henceforward hold the Rank of a Lieutenant, and be entitled to the Pay and Rations of a Captain.

44. AND BE IT ENACTED *by the Authority aforesaid*, That the Troops of Horse Militia already formed agreeably to Law in several Parts of this State, shall be completed and kept up, and that no Troop shall be formed in Addition, except by Act of the Legislature: PROVIDED ALWAYS, That the Officers of any Troop of Horse, who shall not within three Months from the Publication hereof complete the same, shall forfeit their Commissions, and such Troop shall accordingly be disbanded. Troops of Horse to be kept up;

45. AND BE IT ENACTED, That the Establishment of each Troop of Horse shall be a Captain, a Lieutenant, a Cornet, four Serjeants, a Trumpeter and twenty-nine Privates; and that the Officers shall hold the same Rank respectively with the Officers of the Foot Militia having like Command. Establishment thereof;

46. AND BE IT ENACTED, That each Non-commission Officer and Private of every Troop of Horse shall at all Times keep himself provided with a good Horse, a Saddle properly furnished with Cloth, Breast-plate and Pad, a double reined Bridle, a Carbine, and Belt with a running Swivel, a Pair of Pistols and Holsters, a Cartridge-box, with twelve Rounds of Cartridges sized for his Carbine and Pistols, a Sword and Belt, Boots and Spurs, a Cloak which will cover all the Arms and Accoutrements, with such other Articles of Armour and Furniture, made in like Form and manner as are usual and accustomed in the Equipment of Cavalry; and shall also keep at his Place of Abode one Pound of good merchantable Gun-powder and three Pounds of Ball, sized to his Carbine and Pistols, under the Penalty of forfeiting *Six Pounds* for the Want of a Horse, *Thirty Shillings* for the Want of a Saddle and Bridle, *Twenty Shillings* for the Want of a Carbine or Pistols, and *Five Shillings* for the Want of any other necessary Article, whenever called out to Training or Service. And how to be equipped;

47. AND BE IT ENACTED, That each Troop of Horse shall be under the Command and Direction of the Colonel or commanding Officer of the Regiment or Battalion within the Bounds of which the Captain or commanding Officer of such Troop may reside, and shall assemble for Training and Exercise, and in case of Alarm or other Exigency, with such Regiment or Battalion, and in all other Respects, except as is before specified and declared, shall be under the same Regulations with the Companies of Foot Militia. By whom commanded.

48. AND BE IT ENACTED, That each Horseman, when in actual Service, shall be allowed *Two Shillings and Six-pence* by the Day, as a Compensation for the Use of his Horse. Compensation for Horses.

49. AND BE IT FURTHER ENACTED, That no Minor, Apprentice or Servant shall be allowed to enter himself into any Troop of Horse or Company of Artillery, without the Consent of those under whose Government, Care or Direction such Minor, Apprentice or Servant may be; and generally, no Person who is not able to provide himself with the Furniture and Equipment of a Horseman, shall be allowed to enter himself into any such Troop. Apprentices not suffered to enter, unless, &c.

50. AND

Companies of  
Artillery to  
be kept up,

50. AND BE IT ENACTED *by the Authority aforesaid*, That the Companies of Artillery already formed agreeably to Law, in several Parts of the State, shall be completed and kept up; and their Establishment of Officers and Privates, and also their Equipment, shall be conformable to the Establishment and Equipment of Artillery Companies in the regular Forces of the United States; and the Officers shall hold the same Rank respectively with the Officers of the other Militia having like Command; and moreover the Fines and Forfeitures inflicted on the Officers and Privates for any Default, shall be similar to those inflicted on the regimented Militia.

By whom  
commanded.

51. AND BE IT FURTHER ENACTED, That each Company of Artillery shall be under the Command and Direction of the Colonel or commanding Officer of the Regiment or Battalion within the Bounds of which the Captain or commanding Officer may reside, and shall assemble with the same, as is herein before provided, with respect to the Troops of Horse, and in all other respects, except as is herein before excepted and declared, shall be under the same Regulations with the Companies of the other Militia, as far as Circumstances will admit.

Justices re-  
ceiving Fines,  
to keep Ac-  
counts, &c.

52. AND BE IT ENACTED *by the Authority aforesaid*, That every Justice of the Peace within this State, who shall receive any Fines or Forfeitures as aforesaid, shall keep an exact Account of the same, and shall, once in four Months at least, pay to the Collector of the County the Sums of Money so by him received, deducting as a Compensation for his Trouble *Six-pence* in the *Pound*; and any Justice of the Peace who shall neglect to keep such Account and make such Payment, or who shall neglect or refuse to do any Duty, Matter or Thing enjoined on him by this Act, shall, for each Offence, be liable to a Fine of *Twenty Pounds*, to be recovered by the Collector of the County, to and for the Use of the State, in any Court having Cognizance thereof, and shall also on every Default of Payment be subject to an Action of Debt at the Suit of the said Collector, on Behalf of the State, for Recovery of the Sum detained, with Costs.

County Col-  
lector to  
keep Ac-  
counts, &c.

53. AND BE IT FURTHER ENACTED, That the Collector of each County shall keep a true and fair Account of all Monies by him received in Virtue of this Act, and, after Payment, of all Sums remitted on Appeal as aforesaid, and deducting *Three-pence* in the *Pound* for his Trouble, shall pay the Balance remaining in his Hands into the Treasury, on or before the first Day of *November*, yearly and every Year. And if the Collector of any County shall neglect to keep such Account and make such Payment, he shall be liable to a Fine of *Fifty Pounds*, to be recovered by the Treasurer, in any Court of Record, to and for the Use of the State, and shall moreover be subject to an Action of Debt at the Suit of the Treasurer, on Behalf of the State, for Recovery of the Sum detained, with Costs.

Justice's and  
Constable's  
Fees.

54. AND BE IT ENACTED, That a Justice of the Peace shall be entitled to *One Shilling* for each Warrant of Distress granted for any Purpose of this Act, and a Constable shall be entitled to *Five Shillings* for Execution thereof; which Fees shall be levied with the respective Fines and Forfeitures.

55. AND

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55. AND WHEREAS in some Townships, Precincts and Wards of this State, Constables may not have been regularly chosen, or having been chosen, may refuse to act, by which Means the Execution of this Law may be impeded and avoided; BE IT THEREFORE ENACTED, That where there is no Constable, or the Constable or Constables may refuse to act, it shall and may be lawful to and for any Justice of the Peace to direct his Warrant to any Non-commission Officer or Private of the Militia, who is hereby empowered and enjoined to execute the Office of a Constable for any Purpose of this Act; and the said Non-commission Officer or Private shall receive the like Fees, and be subject to the like Fines and Forfeitures for Refusal or Neglect of Duty, as a Constable in the like Case might and ought to receive and be subject to.

Constable refusing to act, &c. who to supply his Place.

56. AND WHEREAS Justice and Equity requires, that those who are exempted from actual Service in the Militia, should by pecuniary Means contribute in a full Proportion to render the Burden of the publick Service equal, and to provide for the Support and Defence of the State; BE IT FURTHER ENACTED, That upon and out of the Estates Real and Personal of those who are exempted from actual Service as aforesaid, on Account of Age, Inability of Body, Office or otherwise, there shall yearly and every Year, during the Continuance of this Act, be levied and collected, over and above all other Taxes, *Six-pence* in the *Pound* Value, with the like Sum on Certainties as was levied and collected in the Year wherein *Twelve Thousand Five Hundred Pounds* was raised, agreeably to and under the same Penalties as are expressed in an Act, intitled, *An Act to settle the Quotas of the several Counties in this Colony for the levying Taxes*, passed the sixth Day of *December*, One Thousand Seven Hundred and Sixty-nine: PROVIDED ALWAYS, That every Person exempted as aforesaid, who shall at his own Expence fit out and keep properly equipped and accoutred, as directed by this Act, two Sons, Apprentices or Servants, such Sons being under Age, and living in his Service, shall on that Account be released from this Tax; and every Person who shall so fit out and keep equipped and accoutred one Son, Apprentice or Servant, such Son being under Age, and living in his Service, shall be subject to the Payment of Half such Tax only.

Exempts to pay a Tax.

57. AND BE IT ENACTED by the Authority aforesaid, That the Monies passing into the Treasury by Virtue of the Directions of this Act, shall be appropriated as a Fund for the Benefit and Relief of such Officers and Privates of the Militia of this State as are wounded and disabled, and of the Widows and Children of such as fell in Battle, or otherwise lost their Lives in the Service of the State, and to such other Purposes as the Legislature may direct.

Appropriation of certain Monies.

58. AND WHEREAS several Persons have for necessary Purposes from Time to Time been exempted from Enrolment, military Duty, or the Tax levied on Exempts as aforesaid, by particular Acts of the Legislature; BE IT ENACTED by the Authority aforesaid, That the Persons so exempted shall continue to enjoy the Immunities granted to them respectively, as far and as long as the said Acts may extend and continue the same, any Thing in this Act contained to the contrary notwithstanding.

Exemption continued.

59. AND BE IT FURTHER ENACTED, That no Person, not being a Subject of this State, or of any of the United States, who already has deserted

Deserters, &c. not to be enrolled.

ferted or hereafter may desert from the Enemy in the Course of the present War, shall be enrolled in any Company of Militia of this State.

Act, &c. repealed.

60. AND IT IS HEREBY FURTHER ENACTED AND DECLARED, That the Act, intituled, *An Act for the better regulating of the Militia*, passed the fifteenth Day of *March*, One Thousand Seven Hundred and Seventy-seven, and the three several Acts supplementary thereto, be, and they hereby are repealed and made void.

*Passed at Princeton, April 14, 1778.*

C H A P. XXIII.

*An ACT to raise a Fund by Taxation for discharging the Debts and defraying the necessary Expences of the State of New-Jersey.*

Preamble.

**W**HEREAS Provision ought to be immediately made for supporting the Government of this State, and for discharging the Debts and necessary Expences thereof; the most proper and equitable Means of effecting which will be by a Tax on the Inhabitants: AND WHEREAS by the late Ravages and Devastations committed by the Enemy in the State, and their present Vicinity to many Parts of it, divers of the Counties are so depopulated and impoverished, that the Quotas formerly settled for each are disproportionate, and therefore laying a definite Rate on the *Pound Value* of Estates, and a fixed or limited Sum on sundry Articles usually called *Certainties*, is the best Mode at this Time of levying the said Tax;

Taxes, on whom and what levied.

*SECT. I.* BE IT THEREFORE ENACTED by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same, That the said Tax shall be assessed, levied and raised on the several Inhabitants of this State, their Lands and Tenements, Goods and Chattels, in Manner following, *that is to say*,

All Householders, the Tax of whose rateable Estate, exclusive of *Certainties*, does not amount to *Twenty Shillings*, shall be rated at the Discretion of the respective Assessors and chosen Freeholders, not under *Five Shillings* nor above *Five Pounds*.

All Merchants, Traders and Shopkeepers shall, for their Stores and Shops, exclusive of other Estate, be rated at the Discretion of the respective Assessors and chosen Freeholders, not under *Ten Shillings* nor above *Twenty Pounds*.

Every Ferry shall be rated at the Discretion of the respective Assessors and chosen Freeholders, not above *Ten Pounds*.

Every single Man, whether he lives with his Parents or otherwise, who keeps a Horse, Mare or Gelding, shall be rated at the Discretion of the respective Assessors, not under *Twenty-five Shillings* nor above *Fifty Shillings*.

Every single Man, whether he lives with his Parents or otherwise, who does not keep a Horse, Mare or Gelding, shall be rated at the Discretion of the respective Assessors, not under *Fifteen Shillings* nor above *Thirty Shillings* :

that they are released and their estate put into their own hands and improvement.

AN ACT FOR FORMING AND REGULATING THE MILITIA; AND FOR  
ENCOURAGEMENT OF MILITARY SKILL, FOR THE BETTER DEFENCE OF  
THIS STATE

16 FEB 1779

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the state of Vermont, in general assembly met, and by the authority of the same, that the governor of this state, for the time being, shall be captain general and commander in chief; and the deputy governor for the time being, shall be major general, of and over all the military forces within the same.

That all the military companies in this state, shall be formed into regiments, as followeth viz.

That the military companies in the several towns included in the limits hereafter described viz.

Beginning on the west bank of Connecticut River, where the same enters into the state of the Massachusetts-Bay; from thence up said river to the northeast corner of the township of Westminster; thence west by the needle of the compass, to the county line; thence southerly on said line until it comes to the north line of the Massachusetts-Bay aforesaid; from thence easterly on said line, to the place of beginning, be and are hereby made and declared to be one entire and distinct regiment; and shall be distinguished and called by the name of the first regiment.

The military companies in the several towns and gores included in the limits hereafter described, viz.

Beginning at the south-west corner of the township of Pownal; from thence northerly in the line of this state, to the north-west corner of Arlington; thence east a parallel line, until it strikes the county line; thence southerly on said county line, until it comes to the north line of the state of Massachusetts-Bay; thence westerly on said Massachusetts line to the place of beginning, be, and is hereby made and declared to be one entire and distinct regiment; and shall be distinguished and called by the name of the second regiment.

The military companies in the several townships and gores included in the limits hereafter described, viz.

Beginning at the northeast corner of the township of Westminster, on Connecticut River, and running northerly up said river, to the southeast corner of the township of Norwich; thence westerly on the southerly lines of the towns of Norwich and Sharon, and to continue the same course to the county line; thence southerly on said line, until it comes to the northwest corner of the first regiment; thence easterly on said line, to the place of beginning, be, and is hereby made and declared to be one entire and distinct regiment; and shall be distinguished and called by the name of the third regiment.

The military companies in the several townships and gores included in the limits hereafter described, viz.

Beginning at the southeast corner of the township of Norwich, on the west bank of Connecticut River; thence running northerly on said river, until it comes to the forty-fifth degree of northern latitude; thence west on said line, until it comes to the county line; thence southerly on said county line, until it comes to the northwest corner of the third regiment; thence easterly on the north line of said third regiment, to the place of beginning, be and is hereby made and declared to be one entire and distinct regiment; and shall be distinguished and called by the name of the fourth regiment.

The military companies in the several townships and gores included in the limits hereafter described, viz.

Beginning at the northeast corner of the second regiment; from thence running northerly on the county line, until it comes to the forty-fifth degree of north latitude; thence running west on Canada line, until it comes to Lake Champlain; then turning southerly on the west line of this state, until it comes to the northwest corner of the second regiment; thence running easterly with the north line of the second regiment, until it comes to the first mentioned bounds, be and is hereby made and declared to be one entire and distinct regiment; and shall be distinguished and called by the name of the fifth regiment.

That where, by the aforesaid division, or by any division which shall be hereafter made, it shall so happen that any of the said military companies shall be divided, and put part into one regiment, and part into another regiment; in such case, such company or companies shall belong to that regiment, to which the major part of the company doth belong.

That there shall be in each regiment, from time to time, appointed by the soldiery and freemen within the same, a colonel, lieutenant colonel, and major, who shall be commissioned by the governor of this state, for the time being.

That the colonel, or officers commanding in each regiment, as often as he shall see cause, shall require the captain, or chief officers of each company in his regiment, to meet at such time and place as he shall appoint, to confer with them, and give in charge such orders as shall by them, or the major part of them, be judged meet, for the better ordering military affairs, and promoting military skill and discipline in said regiment.

And the said colonel, lieutenant colonel, and major of each regiment, are hereby empowered to dignify the several companies belonging to their respective regiments, calling to their assistance the commissioned officers of the respective companies of said regiment.

And be it further enacted by the authority aforesaid, that all male persons, from sixteen years of age to fifty, shall bear arms, and duly attend all musters, and military exercise of the respective troops and companies, where they are inlisted, or do belong, except ministers of the gospel, counsellors, justices of the peace, the secretary, judges of probate, and superior and inferior courts, the president, tutors, and students at collegiate schools, masters of arts, allowed physicians and surgeons, representatives or deputies for the time being, schoolmasters, attorneys at law, one miller to each gristmill, sheriffs and constables for the time being, constant jurymen, tanners who make it their constant business, lamed persons, or others disabled in body, producing a certificate thereof from two able physicians or surgeons, to the acceptance of the two chief officers of the company whereto the person seeking dismissal appertains, or the chief officers of the regiment to which such company belongs.

That every listed soldier and other householder, shall always be provided with, and have in constant readiness, a well fixed firelock, the barrel not less than three feet and a half long, or other good firearms, to the satisfaction of the commissioned officers of the company to which he doth belong, or in the limits of which he dwells; a good sword, cutlass, tomahawk or bayonet; a worm, and priming wire, fit for each gun; a cartouch box or powder and bullet pouch; one pound of good powder, four pounds of bullets for his gun, and six good flints; on penalty of eighteen shillings, for want of such arms and ammunition as is hereby required, and six shillings for each defect; and like sum for every four weeks he shall remain unprovided: that each company shall chuse some suitable person to be clerk, who shall be sworn to the faithful discharge of his office, before some counsellor or justice of the peace, which oath shall be administered in the words following, viz.

You ..... do solemnly swear by the ever-living God, that you will faithfully execute the office of clerk of the military company of foot, commanded by captain ..... until another shall be chosen and sworn in your room; and will do equal right and justice to all men, to the best of your judgment and abilities, according to law. So help you God.

And every clerk so chosen and sworn, shall give his attendance in the field, with his sword by his side, on every of the muster or training days, by his captain or chief officer appointed, to call over the roll of the soldiers, and to take notice of their defects, by their absence or otherwise.

And every such clerk shall take an exact list of all the soldiers within his limits, twice in every year at least, and deliver to the captain or commanding officer of the company of which he is clerk, a true copy of such list twice in every year if thereto required; and also deliver a true and exact account of the number of officers and soldiers contained in his list, to the colonel or chief officer of the regiment to which said company belongs, attested by him as clerk, sometime in the month of April annually and oftener if by such chief officer required; on penalty of forfeiting the sum of ten pounds for every such neglect, to the use of the company to which he belongs; which fine shall be levied by distress and sale of the offenders goods, by warrant from the chief officer of said company, directed to the constable of the town in which said clerk dwells.

And every such clerk is hereby authorized and required to execute all lawful warrants, by his superior officers to him directed, and for the levying any fine or fines on delinquents, together with necessary charges arising thereon; being by virtue of such warrant as fully empowered thereto as constables are in other cases, and shall have the same fees, and shall account for such fines to the chief officer of the company whereto he belongs.

That the colonel or chief officer of each regiment, shall be, and is hereby empowered and authorized, upon any alarm, invasion, or notice of the appearance of an enemy, either by water or land, to assemble in military array, and put in warlike posture, the whole militia of the regiment under his command, or such part of them as he shall think needful; and being so alarmed, to lead, conduct, and employ them, as well within the regiment whereto they belong, as in any other adjacent place in this state; for the assisting, securing and relieving, any of the



subjects of the united and independent states of America, or their forts, towns, or places, that shall be assaulted by any enemy, or in danger thereof; and with them, by force of arms to encounter, repel, pursue, kill and destroy such enemy, or any of them, by any fitting ways, enterprises or means whatsoever.

And the colonel, or chief officer of any regiment, so taking to arms, or leading forth any party of men, shall forthwith post away the intelligence, and occasion thereof to the captain general or commander in chief for the time being, and to the commanding officer of the northern department for the time being; and shall attend and observe such directions and orders as he shall receive from time to time, from him the said captain general.

That when any town or place in this State shall be assaulted, attacked, or set upon by Indians, or any other enemy, it shall be lawful for, and in the power of the chief commissioned officer or officers of the company or companies, in such place so assaulted, attacked, or set upon, to call forth all such soldiers under his or their command, and to martial, order, and dispose them in the best manner, to defend the place so beset; and to encounter, repel, pursue, and destroy the enemy; and, if need so require, to assist a neighbour town, when assaulted or set upon as aforesaid: and in case any officer or soldier shall refuse to muster, and march, according to orders given him for the purposes aforesaid, by his superior officer; such officer shall be cashiered, and forfeit and pay to the treasurer of the town where such officer belongs, a sum in proportion to the wages such officer, so neglecting, would be entitled to for such service, with the soldier; who is, for such neglect, by this act, to pay a fine of eighteen pounds, to be applied for the purpose of employing soldiers in the service of this and the United States; and to be recovered by bill, plaint, or information, in any court proper to try the same.

And whereas, for the speedy and effectual defence of this and the United States of America, to raise men on sudden emergencies, and for particular services, by detaching part of the militia for that purpose:—

Wherefore, that the same, when ordered by the general assembly, or the governor and council, in the recess of the assembly, may be rendered effectual,

Be it enacted by the authority aforesaid, that whenever the general assembly, or the governor and council as aforesaid, shall resolve or order that any certain number or proportion of effective men shall be detached, or draughted out of the respective regiments of militia in

this state, or any of them, for any particular service, or to be in readiness therefor on a sudden emergency, according as the general assembly, or governor and council shall judge proper; and that if in consequence and pursuance of such resolve or order, any captain, or chief officer of any company, shall cause his company to be warned to assemble and muster at such time and place as he shall appoint, which he is directed to do when required by his superior officer to detach or draught any part thereof, for the purpose aforesaid; every soldier belonging to such company, being duly warned, shall appear, and attend such muster according to such warning; and for neglect thereof, shall forfeit and pay to the treasurer of the town where he dwells, the sum of twelve pounds, to be recovered by bill, plaint, or information in any court proper to try same.

And if any soldier shall in any manner be duly and legally detached or draughted, for the purpose and service or services aforesaid, and shall neglect or refuse reasonably to muster, join to, or proceed with the troops he is appointed to serve with (being duly noticed thereof), he shall forfeit and pay the sum of eighteen pounds, to be recovered as aforesaid and to be applied for the purpose of employing soldier or soldiers, to perform such service: and for want of goods or estate to answer the same, shall be disposed of in service to any subject of this or the United States of America, to satisfy the same: any law, usage, or custom, in any wise heretofore to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, that if at any time it shall appear to the captain, and other commissioned officer or officers of any company, that the following method is more convenient, he may and shall have a right to proceed accordingly, that is to say,

The captain, or commanding officer, shall, with the advice of his under officers, make a roll of all the men's names that he has a right to command, and then divide them into as many divisions as he has orders to draught or detach men, always having reference to those who have done most in the present war, as well as the estates of men; and when it shall so happen that the divisions or classes cannot be equal in number, such officer, with the advice of his under officers then present shall make all such classes as near equal as possible, by connecting men of interest, poor men, and those that have been at most expence in the present war, together in one class.

Then such commanding officer shall make out a list of each person's name that is connected in one class, and give such list to some one man in each class, ordering each class to furnish one man, appointing

a time and place for such men to meet, in order to muster or march to the place they may be ordered to.

And in case any such class shall refuse or neglect to furnish a man, as aforesaid, then such officer shall immediately hire one man for every class so neglecting or refusing, as cheap as may be, pledging the faith of this state for the payment of such sum.

And such captain, or commanding officer so hiring man or men, for any class or classes, with the advice of as many of his under officers as may be convenient, shall make out each man's proportion of the cost of hiring as aforesaid (always having particular regard to those that have done most in this war, as well as the estates of persons), and issue his warrant thereon to his clerk, or some other meet person, directing him to take of the goods and chattels of such persons, in such proportion as his warrant shall direct, as also for the cost; and such clerk or other meet person, shall sell such goods or chattels at public vendue, and return to the captain or commanding officer the money which his warrant shall direct; which shall be disposed of to pay the engagement of the captain or commanding officer, to the soldier who engages or does the service; and the cost being paid, the overplus, if any there be, shall be repaid to the owner of the goods or chattels so sold.

And every person authorized by any captain, or commanding officer of any company of the militia of this state, to serve such warrant, is hereby authorized, and fully impowered, if he should at any time meet with opposition in the execution of his warrant, to command a sufficient number of the militia to his assistance; and all persons are hereby directed to assist such person in the execution of his warrant.

And be it further enacted by the authority aforesaid, that if any general officer shall at any time receive orders from the captain general, or commander in chief, requesting him to call together any regiment or regiments of militia within this state, or any part or parts of such regiment or regiments and to march them for the immediate defence of this, or the United States of America, agreeable to such orders, and shall neglect or refuse to put the same in execution, agreeable thereto, shall forfeit and pay to the treasurer of this state, the sum of three hundred pounds, to be recovered in the manner aforesaid.

And in case any field or other officer, commanding any regiment of militia within this state, shall refuse or neglect to put in immediate execution, any order or orders he may receive from the captain general, or from the general officer to whom any such order had been previously issued by the captain general, for the purposes aforesaid; such officer

shall, for such refusal or neglect, forfeit and pay to the public treasurer of this state, two hundred pounds, to be recovered as aforesaid.

And in case any captain or other commanding officer of any company of militia within this state, shall refuse or neglect to put in immediate execution, any orders he may receive from any of his superior officers for the purposes aforesaid; or in case any such captain, or other commissioned officer of any such company of militia, who may be nominated, and to whose lot it of course falls to take the command of any number of soldiers so detached or draughted from the company or companies of the regiment to which such officer does belong, shall neglect or refuse to perform such service, shall, for such neglect or refusal, be cashiered, and suffer the penalty as aforesaid for a commissioned officer; and the next commissioned officer to whose lot it shall in course fall, shall forthwith take such command; and said officer so neglecting or refusing to perform his tour in the service, thereto required for his commanding officer, shall be reduced to the ranks; and that if any commissioned officer of any military company, shall lay down his place, or give in his commission without liberty from the captain general; and if any sergeant, clerk or corporal of such company, shall lay down his place without liberty from the colonel or chief officer of the regiment whereto such sergeant, clerk or corporal doth belong; every such officer shall be listed in the roll of the company in the limits whereof he resides, and do all duties and services as private sentinels are by law required to do: that all such persons that are not fifty years of age, who have been sergeants of the foot, in any company within this state, or such as have sustained such office in any war, who shall dwell in the limits of any other company than that in which they have sustained such office, shall be, and are hereby freed from doing duty as private sentinels, and shall be required only to be present, to attend the exercise in such place or office as they have before served in. And if any such officer shall refuse or neglect to be present on days of exercise when required and to attend the duty of his office, he shall be liable to the same fine as others who sustain the same office in any particular company are liable to; and all commissioned officers of the like kind shall be excused from attending.

That all fines, penalties and forfeitures, arising by virtue of this act, or any breach thereof, shall be levied on the goods and chattels of the respective delinquents, if they be not minors; and on the goods or chattels of the parents, masters or guardians of such delinquents as are minors; and shall be for the use of the respective companies to which

such person or persons fined do belong (except such fines as are otherwise disposed of in this act).

And every person chosen by any company for their drummer, or fifer, upon his accepting said service shall provide himself a good drum, or fife, and constantly attend service when required, on penalty of ten shillings fine for each day's neglect; to be levied by warrant from the two chief officers of the company to which such drummer or fifer doth belong.

Be it further enacted by the authority aforesaid, that in any town in this State, where there are thirty able bodied men, or more that are freed by the laws of this state from doing duty in the militia companies formed in said towns, on account of age or commissions, etc., that it shall and may be lawful for them to form themselves into a military company, choosing for said company one captain, one lieutenant, and one ensign, who shall be commissioned by the governor of this state, and under the command of the field officers of the regiment where they live, and to which they belong.

Be it further enacted by the authority aforesaid, that where there be twenty or more of the before described persons inclining as aforesaid, it shall and may be lawful for them to form themselves into a military company, choosing one captain, and one lieutenant, to be commissioned and commanded as aforesaid.

Be it further enacted by the authority aforesaid, that where there are two towns lying and joining together, where either of the before mentioned numbers of the before mentioned persons are inclined to form themselves into such company, under such regulations as before mentioned, it shall and may be lawful, and they shall be commissioned and commanded as aforesaid.

Be it further enacted by the authority aforesaid that each and every person in this state who are by law exempted from doing military duty (ministers of the gospel, president, tutors and students in college only excepted), and do not comply with the preceding paragraph of this act, as to forming into a military company, shall be under the command of the military officers within their respective towns, with respect to doing their proportion in the present war.

AN ACT IMPOWERING COLLECTORS TO COLLECT RATES

20 FEB 1779

Be it enacted, and it is hereby enacted by the representatives of the freemen of the state of Vermont, in general assembly met, and by

the authority of the same, that whensoever any town, society or other community, which by law are or shall be enabled and authorized to grant and levy any rate, or tax, for the answering or defraying the necessary changes and expences thereof, shall in any of their lawful meetings, agree upon and grant a rate or tax, to be levied upon such town, society, or other community, for any of the purposes for which by law they are or shall be impowered to grant such rate or tax, they shall choose some meet person to be collector of such rates or taxes; and the selectmen, or a committee appointed for that purpose, shall take proper care that such rates be accordingly made for the assessment of the several persons to be taxed, and deliver the same to such collector.

And upon application made to some assistant, or justice of the peace, such assistant or justice, is hereby authorized and directed to grant a warrant for the collecting such rate or tax; which warrant shall be directed to such collector appointed to collect the same, requiring and impowering him to gather and collect such rate or tax, according to the grant thereof made as aforesaid.

And that all such collectors, authorized and directed to gather any rates or taxes whatsoever, duly laid and assessed on any of the inhabitants of this State, shall have full power and authority to collect the same, according to such warrant as shall be given them; and shall have the same power and authority to command assistance in the execution of their office (when need shall require), as is by law given to a sheriff or constable, in the execution of their office: and all persons are hereby required to yield due obedience thereunto.

Provided always, such collector show and read his warrant or authority to the persons whose assistance is commanded.

AN ACT FOR THE ORDERING AND DISPOSING OF TRANSIENT PERSONS

15 FEB 1779

Be it enacted, and it is hereby enacted by the representatives of the freemen of the state of Vermont, in general assembly met, and by the authority of the same, that the selectmen of each respective town in this state, shall be and are hereby authorized and impowered to warn any transient person (residing in such town that is not of a quiet and peaceable behaviour, or is in their opinion like to be chargeable to such town) to depart out of such town, except such person does obtain a vote of the inhabitants of such town in legal town meeting, to remain in such town; and if any such person or persons being so warned, do not leave

[ 1 ]

Anno Millefimo Septingentesimo Octogesimo secundo.

An ACT for establishing a Militia within this State.

1. WHEREAS a well regulated Militia is the proper and natural Defence of a free State, and as the Laws heretofore made for the Regulation thereof, are found to be inadequate to the good Purposes thereby intended, Be it therefore Enacted by the General Assembly of Delaware, and it is hereby Enacted by the Authority of the same, That the late Lieutenants and Sub-Lieutenants in each County of this State, shall, and they are hereby directed, within one Month from the passing of this Act, to deliver to the Colonel, or Commanding Officer of each Battalion in his County, a true Transcript from his Book, as far as relates to the District or Division for such Battalion respectively, and the Sub-Divisions for Companies therein, and the Descriptions of such Sub-Divisions: Whereupon the Colonel, or Commanding Officer of each Battalion shall deliver a Description of each Sub-Division respectively to the Captain or Commanding Officer of that Sub-Division or Company, who, in the Month of April, in every Year, shall make an exact Return to the said Colonel or Commanding Officer of the Battalion, of the Names and Surnames of every able-bodied effective Male white Inhabitant between the Ages of eighteen and fifty Years, then residing in his Sub-Division, and what Arms and Accoutrements each Man, mentioning him, is possessed of; a Copy of which Return the said Colonel or Commanding Officer shall immediately transmit to the President or Commander in Chief.

Preamble.

The late Lieutenants and Sub Lieutenants to deliver Descriptions of Battalions and Companies, Districts, &c.

Captains to make annual Returns of Arms, &c.

Copies whereof to be transmitted to the President.

2. And be it Enacted, That the President or Commander in Chief, in Case of the Vacancy of the Place of a Colonel in any of the Regiments of Militia of the State, may and shall issue a Commission of Lieutenant-Colonel Commandant of the Regiment in which such Vacancy is, or may happen, to the Lieutenant-Colonel of such Regiment; and in Case of the Vacancy of the Place of Lieutenant-Colonel or Major of any Regiment, or of the Place of Captain, Lieutenant or Ensign of any Company of a Regiment, that the President or Commander in Chief may

Vacancies in the Militia Line, how supplied.

A

[ 2 ]

may and shall appoint such Person as he shall judge most suitable to fill such Vacancy, and issue a Commission to him accordingly.

Quarter-Masters, &c. how appointed.

Serjeants, &c. how.

Penalty for neglecting to serve.

3. *And be it Enacted*, That the Field Officers of each Battalion shall appoint a Quarter-Master, and Adjutant, a Drum and a Fife-Major, for the Battalion, and the commissioned Officers of each Company shall appoint four Serjeants, four Corporals, one Drum and one Fife, for their respective Companies, every of whom, not being one of the People called Quakers, shall severally serve for one Year, in the respective Stations to which they may be so appointed, under the Penalty of Three Pounds, to be recovered and applied as Fines and Forfeitures under Five Pounds are herein after directed to be recovered and applied.

Militia to be divided into Classes.

4. *And be it Enacted*, That in the Month of *April* next ensuing, the Captain or Commanding Officer of each Company shall call the Persons enrolled therein together, giving due Notice, and shall divide them into eight Classes, as nearly equal in Number to each other, as conveniently may be, allotting a Serjeant or a Corporal on the Roll to each Class, and eight Slips of Paper numbered respectively from one to eight being prepared, every Private shall determine, by drawing a Ballot, what Class he is to serve in; and in Case any of the Persons enrolled as aforesaid, shall neglect to attend at the Time and Place appointed for classing the said Company, or if present, shall refuse to draw as aforesaid, then the said Captain or Commanding Officer thereof shall appoint one disinterested Freeholder, to draw for the Absentees or Persons so refusing; and when the Classes shall be so settled, the Captain or Commanding Officer of each Company shall form a Roll consisting of the eight Classes, and the Names and Surnames of the Men in each Class, numbered according to the Order of Ballotting, which he shall keep for his own Use and Direction, transmitting forthwith a Copy thereof, with a List of his commissioned and non-commissioned Officers prefixed; to the Colonel or Commanding Officer of the Battalion, who shall enter the same in his Book: And the said Captain or Commanding Officer shall in the Month of *April*, in the Year of our Lord One Thousand Seven Hundred and Eighty-three, and in the Month of *April* in every succeeding Year, add to the said Roll the Names and Surnames of all such Male white Inhabitants between the Ages aforesaid, who in the next preceding twelve Months have removed to and are then residing in that Sub-Division, or have therein attained to the Age of eighteen Years, except as herein after are excepted, annexing them respectively to such Class or

Rolls thereof to be formed, and transmitted to the Colonel.



Classes as may still render all the Classes of a Company as nearly equal in Number to each other as conveniently may be.

5. *And be it Enacted*, That every Company shall be duly exercised and instructed once in every Month, except the Months of *July, January and February*, at such Time and Place as the Captain or Commanding Officer shall direct, and every Battalion shall also be reviewed twice in every Year, and be properly trained and disciplined, at such Time and Place as the Colonel or Commanding Officer shall direct, and at such other Times and Places as the President or Commander in Chief shall think necessary, and shall order; such Days of Review to be considered as the Day of Exercise for that Month.

Militia how often to be exercised.

6. *And be it Enacted*, That every Person between the Ages of eighteen and fifty, or who may hereafter attain to the Age of eighteen Years (Clergymen and Preachers of the Gospel of every Denomination, Judges of the Supreme Court, Sheriffs, Keepers of the public Gaols, School-Masters teaching a Latin School, or having at least twenty English Scholars, and indented Servants *bona Fide* purchased, excepted) who is rated at Six Pounds, or upwards, towards the Payment of public Taxes, shall, at his own Expence, provide himself; and every Apprentice, or other Person, of the Age of eighteen and under twenty-one Years who hath an Estate of the Value of Eighty Pounds, or whose Parent is rated at Eighteen Pounds towards the public Taxes, shall, by his Parent or Guardian, respectively, be provided with a Musket or Firelock with a Bayonet, a Cartouch-Box to contain twenty-three Cartouches, a Priming-Wire, a Brush and six Flints, all in good Order, on or before the first Day of *June* next, and shall keep the same by him at all Times, ready and fit for Service, under the Penalty of Twenty Shillings for every two Months Neglect or Default, to be paid by such Person, if of full Age, or by the Parent or Guardian of such as are under twenty-one Years, the same Arms and Accoutrements to be charged by the Guardian to his Ward, and allowed at settling the Accounts of his Guardianship.

What Persons shall provide Arms, &c.

Penalty for neglecting to keep them in Repair.

7. *And be it Enacted*, That every Male white Person within this State, between the Ages of eighteen and fifty, or who shall hereafter attain to the Age of eighteen Years (Clergymen and Preachers of the Gospel of every Denomination, Members of the General Assembly, Justices of the Supreme Court, Justices of the Courts of Common Pleas, Justices of the Peace, Sheriffs, Keepers of the public Gaols, School-Masters teaching a Latin School, or having at least twenty English Scholars, and indented Servants *bona Fide* purchased, excepted) shall attend at the Times and Places appointed in Pursuance of this Act for

Penalty on Privates for Non-attendance, &c.

the Appearance of the Company or Battalion to which he belongs; and if any non-commissioned Officer or Private, so as aforesaid required to be armed and accoutred with his Fire-lock and Accoutrements aforesaid in good Order, or if any Male white Person, between the Ages aforesaid, although not required to be so armed and accoutred, shall neglect or refuse to appear on the Parade and answer to his Name when the Roll is called over, which the commanding Officer is hereby directed to cause to be done at the Distance of one Hour after the Time appointed for Meeting, not having a reasonable Excuse, to be adjudged of by a Court-Martial to be appointed by the commanding Officer of the Company, which shall consist of a Subaltern and four Privates, the Subaltern to be President thereof, every such Person shall forfeit and pay the Sum of Three Shillings and Nine-pence for every such Neglect or Refusal, and if the said Court Martial shall adjudge, that such Person had not a reasonable Excuse for such Neglect or Refusal, he shall pay the Costs of any Suit or Prosecution afterwards had or commenced for the said Fine and Forfeiture, although the same may not be recovered by the Officer suing for the same in the Manner herein after directed.

How to be ad-  
judged.

8. *And be it Enacted;* That every Person required to attend as aforesaid, at the Time and Place of Exercise in Company, or in Battalion, who shall then and there appear, and shall neglect or refuse to answer to his Name when the Roll is called over, or to obey the lawful Commands of his Commanding Officer, or to perform his Exercise with the Care and Attention requisite therein, being convicted of any of the said Offences, by a Court-Martial to be appointed as aforesaid, shall forfeit and pay the Sum of Seven Shillings and Six-pence for every such Offence.

For Neglect of  
Duty, the Pe-  
nalty.

9. *And be it Enacted;* That if any Person of the Age of eighteen, and under twenty-one Years, who is hereby required to attend at the Time and Place of Exercise in Company or in Battalion, shall neglect or refuse to appear on the Parade and answer to his Name when the Roll is called over, or shall then and there appear and shall neglect or refuse to answer to his Name when the Roll is called over, or to obey the lawful Commands of his Commanding Officer, or to perform his Exercise with the Care and Attention requisite therein, the Fines and Penalties by this Act in such Case to be incurred by him, shall be recovered of his Parent, Guardian or Master (if found to be the Fault of the Master) in the same Manner as if such Parent, Guardian or Master had personally incurred such Fines and Forfeitures, and shall in the Case of a Guardian be by him charged to his Ward when of Age.

Fines incurred  
by Minors, of  
whom to be  
recovered.

10. *And be it Enacted,* That every commissioned Officer who shall neglect or refuse to appear at the Time and Place appointed for Exercise in Battalion, having no reasonable Excuse, to be adjudged of by such of the Officers present as the Colonel or Commanding Officer for that Day shall appoint, and there do and perform his Duty according to his Office and Station, shall forfeit and pay, if a Colonel, Thirty Shillings; if a Lieutenant-Colonel, Twenty-two Shillings and Six-pence; if a Major, Fifteen Shillings; if a Captain, Ten Shillings; and if a Subaltern or Staff-Officer, Seven Shillings and Six-pence: And every commissioned Officer who shall refuse or neglect to appear at the Time and Place appointed for Exercise on other Muster Days, having no reasonable Excuse, to be adjudged of by the Officers present, or a Majority of them, shall forfeit and pay the Sum of Ten Shillings, if a Captain, and the Sum of Seven Shillings and Six-pence if a Subaltern.

Commissioned Officers to be fined for Neglect of Duty.

11. *And be it Enacted,* That the commissioned Officers of every Company shall appoint such Serjeant thereof as they shall judge best qualified for that Business to be Clerk thereto, who shall keep in a Book, to be provided by him for that Purpose, to be viewed and examined from Time to Time by the Commanding Officer thereof, a fair and exact Account of all Fines and Forfeitures incurred by Persons belonging to the same, noting therein at the Time and Place appointed for Meeting in Company or in Battalion the Names of the Persons belonging to his Company and then absent; a Transcript of which Entries the said Clerk shall deliver to the Treasurer of his Battalion once in three Months, by whom he shall be paid Thirty Shillings a Year for his Services aforefaid as Clerk.

A Clerk to be appointed for each Company,

his Duty,

and Pay.

12. *And be it Enacted,* That the Commanding Officer of every Company is hereby impowered and required to sue for and recover, in the Manner herein after directed, all Fines and Forfeitures incurred as aforefaid by any non-commissioned Officer or Private belonging to his Company, and being so recovered, shall forthwith pay over the same into the Hands of the Treasurer of the Battalion to which he doth belong, deducting One Shilling in the Pound for collecting the same: And if any such Commanding Officer shall neglect or refuse to sue for and recover all Fines and Forfeitures incurred in his Company once in every three Months, and pay over the same, agreeable to the Directions of this Act, he shall forfeit and pay the Sum of Five Pounds for the first Offence, and for the second and every other Offence the Sum of Ten Pounds.

The Captain of each Company to sue for Fines incurred therein.

Penalty for Neglect.

13. *And be it Enacted,* That it shall and may be lawful for the  
 B commissioned

A Treasurer  
for each Battal-  
ion to be chof-  
en annually.

commissioned Officers of each Battalion to meet on the first *Saturday of August* next, and on the first *Saturday of August* annually thereafter, during the Continuance of this Act, at the Place where such Battalion usually meets, and being so met, to choose by Ballot, to be taken under the Inspection of the Field Officers, or such of them as attend, one reputable Freeholder, not being one of the said commissioned Officers, to be Treasurer to such Battalion for the Year thence next ensuing.

He shall give  
Bond,

14. *And be it Enacted*, That the Treasurer of each Battalion in the several Counties of this State, before he enters on the Duties by this Act required of him, shall give Bond to the Colonel of the same, in such Sum and with such Sureties as he shall approve of, conditioned for the faithful Performance of the Duties hereby enjoined him, and shall pay over all such Sums of Money as shall come into his Hands, in Pursuance of this Act, in the Manner herein directed; and at the Expiration of the Year for which he was chosen shall render an Account to the General Assembly, or their Committee, of all Monies that have come into his Hands as Treasurer of said Battalion, and in what Manner he hath disposed of the same, and the Balance remaining in his Hands, if any, shall forthwith, after such Account rendered, be paid over to his Successor in the said Office, after deducting Sixpence in the Pound for his Trouble.

and account  
with the Ge-  
neral Assem-  
bly.

Appropriation  
of the Fines.

15. *And be it Enacted*, That all Fines and Forfeitures that shall be paid into the Hands of any Treasurer of a Battalion, in Pursuance of this Act, shall be applied for the Purpose of purchasing Arms, Accoutrements and Ammunition for the Use of the Battalion, as the President or Commander in Chief from Time to Time shall order and direct, and for purchasing such Drums, Colours and Fifes for the several Companies, and also for paying Adjutants, Drummers and Fifers, and in such Manner as the Field-Officers thereof, shall, from Time to Time, order and direct.

16. *Provided always, and be it Enacted*, That no Ammunition shall be delivered for the Use of any Battalion until the same be made up into Cartridges, which the President or Commander in Chief is hereby required to have done at the Expence of the State.

Public Arms,  
&c. who to, be  
accountable  
for, in Case of  
Waste,

17. *And be it Enacted*, That whenever any Arms, Accoutrements, or Ammunition shall, by Order of the President or Commander in Chief, be delivered by the Treasurer of the Battalion, or any other Person in whose Hands the same may be, for the Use of such Battalion, the Commanding Officer thereof shall give a  
Receipt

Receipt for the same, accurately specifying the Articles received, and the Number of Arms, Accoutrements and Cartridges respectively, who upon delivering them to the Commanding Officers of Companies, shall take Receipts in like Manner, and the said Commanding Officers of Companies, upon delivering them to the Privates, shall make Entries in a Book, fairly kept, specifying the Articles and the Numbers as aforesaid, and the Names of the Persons respectively, into whose Hands they were by him delivered, which Persons respectively shall be accountable to him for the full Value of every of the said Articles received by them, in Case of Abuse, Waste or Imbezzlement, to be sued for and recovered by him, in the Manner herein after directed, and the said Commanding Officers of Companies shall be accountable to the Treasurer for the full Value of every of the said Articles respectively received by them, in Case of Abuse, Waste or Imbezzlement, to be sued for and recovered by the said Treasurer in like Manner.

18. *Provided always, and be it Enacted*, That the Commanding Officer of a Battalion shall be accountable to the Treasurer thereof, in Manner before-mentioned, for every of the said Articles by him received as aforesaid, for which he shall not produce such Receipts from the Commanding Officers of Companies as are herein before directed to be taken.

or neglecting to take Receipts therefor.

19. *And be it Enacted*, That the President or Commander in Chief shall have full Power and Authority, in Case of Invasion, Rebellion or Insurrection within this State, or in Case of actual Invasion of the State of *Maryland, New-Jersey, Pennsylvania*, or the Eastern Shore of *Virginia*, to call into Service such Part of the Militia, by Classes, as to him shall seem necessary, the first Draught to be composed of the Class Number one of each Company, and in Case the first Draught shall not be sufficient for the Exigency, then the Class Number two shall be drawn, and so on by Classes, from Time to Time, as Occasion may require. And to the End, that each particular Draught may be suitably officered, the following Order is hereby directed and enjoined: That is to say, For the first Draught, the Captain of the first Company, the first Lieutenant of the second Company, the second Lieutenant of the Third Company, and the Ensign of the fourth Company. For the second Draught, the Captain of the second Company, the first Lieutenant of the first Company, the second Lieutenant of the fourth Company, and the Ensign of the third Company. For the third Draught, the Captain of the third Company, the first Lieutenant of the fourth Company, the second Lieutenant of the first Company, and the Ensign of the second Company. For the fourth Draught, the Captain of the fourth Company,

President may call out the Militia, upon Invasion, &c.

Draughts how officered.

Company, the first Lieutenant of the third Company, the second Lieutenant of the second Company, and the Ensign of the first Company. For the fifth Draught, the Captain of the fifth Company, the first Lieutenant of the sixth Company, the second Lieutenant of the seventh Company, and the Ensign of the eighth Company. For the sixth Draught, the Captain of the sixth Company, the first Lieutenant of the fifth Company, the second Lieutenant of the eighth Company, and the Ensign of the seventh Company. For the seventh Draught, the Captain of the seventh Company, the first Lieutenant of the eighth Company, the second Lieutenant of the fifth Company, and the Ensign of the sixth Company. For the eighth Draught, the Captain of the eighth Company, the first Lieutenant of the seventh Company, the second Lieutenant of the sixth Company, and the Ensign of the fifth Company.

Rotation of  
Duty among  
Field Officers,  
how ascertain-  
ed.

20. *And be it Enacted*, That the several Colonels, Lieutenant-Colonels and Majors of the Regiments composing a Brigade in each County, shall on or before the twentieth Day of *April* next ensuing, meet together and decide the Rotation of Duty among them, by several and separate Lots in numerical Order, as aforesaid in the several Lines of Office ; which being done, a Roll thereof shall be immediately made and subscribed by them all, and returned to the Brigadier-General of the Brigade, and by him, he first taking a Copy thereof, without Delay, be transmitted to the President or Commander in Chief ; and if the Field-Officers aforesaid shall neglect to decide the Rotation of Duty, or to return the Roll subscribed as aforesaid to the Brigadier-General, or if Brigades or Detachments shall be composed of Classes from different Counties, the Field-Officers shall take their Tour of Duty according to their respective Ranks, in such Manner as the President or Commander in Chief shall direct and order, each Class to be considered as Detachments from different Corps, liable to serve any Term not exceeding six Weeks, and to be relieved by the Class next in numerical Order, the Relief to arrive at least two Days before the Expiration of the Term of the Class to be relieved : But nothing herein contained shall prevent the President or Commander in Chief from employing or calling out the Whole of any Battalion where it may be necessary, or the Whole of any Company, without Respect to this Rule, whenever the Exigency is too sudden to assemble the Militia which compose the particular Classes. And the Militia in actual Service shall receive the same Pay and Rations as continental Troops, their Pay to commence two Days before their Marching by Classes ; and receive Pay and Rations till their Return Home : Provided that not more than one fourth of the Classes of the Militia shall be sent and kept out of this State at any Time,

Militia how  
relieved.

Their Pay and  
Rations.

Time, nor shall any Part of the Militia be retained in actual Service out of this State, longer than the Invasion of the adjoining State continues.

Not to be kept out of the State longer than, &c.

21. *And be it Enacted,* That in Case of the Absence of the President or Commander in Chief of this State, on any Insurrection, Rebellion or Invasion, the General or Commanding Officer in the military Line, in each County respectively, is hereby authorized and directed to issue his Orders, to call out such Part of the Militia as he may judge immediately necessary, and shall forthwith transmit an Account thereof, to the President or Commander in Chief.

Who may call out the Militia in the Absence of the President.

22. *And be it Enacted,* That the Brigadier-General of each Brigade, upon receiving Orders from the President or Commander in Chief, for any Class or Classes of Militia, to be called out by Virtue of this Act, shall give due Notice thereof to the Commanding Officers of Battalions, they to the Commanding Officers of Companies respectively, who shall forthwith give the same to the Class or Classes ordered to march, and without Delay certify in Writing under their Hands respectively, to the Commanding Officer of the Battalion, in what Manner such Orders have been executed, and shall make Returns in Writing of those who are then sick or absent out of the County; and for such Service each Commanding Officer of a Company shall receive from the Treasurer of a Battalion, out of the Fines and Forfeitures incurred by this Act, the Sum of Seven Shillings and Sixpence, and no more: And such Commanding Officer of the Battalion shall forthwith transmit a Copy of such Returns to the Brigadier-General aforesaid. And if the Commanding Officer of a Battalion shall neglect or refuse to give such Notice as he is hereby directed to give, or if the Commanding Officer of a Company shall neglect or refuse to give such Notice as he is hereby directed to give, or to certify as aforesaid, he shall forfeit and pay to the Treasurer of the Battalion the Sum of Ten Pounds.

How Notice shall be given to the Classes ordered to march.

Penalty for Neglect.

23. *And be it Enacted,* That if any Person of the Age of eighteen and under twenty-one Years, who is by this Act required to march with his Class, Company or Battalion, shall neglect or refuse so to do, the Fines and Penalties by this Act in such Case to be incurred by him, shall be recovered of his Parent, Guardian, or Master (if found to be the Fault of the Master) in the same Manner as if such Parent, Guardian or Master had personally incurred such Fines and Forfeitures, and shall, in the Case of a Guardian, be by him charged to his Ward when of Age.

Fines incurred by Minors for neglecting to march, of whom recovered.

24. *And be it Enacted,* That every Field-Officer within this State,

C

Officers not  
taking their  
Tour of Duty,  
to be fined.

State, who shall refuse or neglect to take his Tour of Duty, when the Militia of this State shall be called into actual Service by Classes, Companies or Battalions, having no sufficient Excuse, to be adjudged of by a Court-Martial, to be appointed by the Commanding Officer of the Brigade to which he belongs, shall forfeit and pay, if a Colonel Thirty Pounds, if a Lieutenant-Colonel Twenty-two Pounds and Ten Shillings, if a Major Fifteen Pounds: And every other commissioned Officer who shall refuse or neglect to march with his Class, Company or Battalion, when the same shall be called into actual Service, and continue with the same until such Class, Company or Battalion is discharged, having no reasonable Excuse, to be adjudged of by a Court-Martial, to be appointed by the Colonel of the Battalion to which he belongs, shall forfeit and pay the Sum of Ten Pounds if a Captain, and the Sum of Seven Pounds and Ten Shillings if a Subaltern or Staff-Officer. And every non-commissioned Officer and Private (Members of the General Assembly, Justices of the Courts of Common Pleas, and Justices of the Peace, in the Case of actual Invasion of the State of *Maryland, New-Jersey, Pennsylvania,* or the Eastern Shore of *Virginia,* excepted) who shall refuse or neglect to attend, at the Time and Place appointed for any Class or Company to meet, or, having met, shall refuse to march with his Class or Company, and continue with the same until such Class or Company is discharged, not having a reasonable Excuse, to be adjudged of by a Court-Martial, to be appointed by the Commanding Officer of the Company in the Manner herein before directed, shall forfeit and pay the Sum of Five Pounds: And the Commanding Officer of every Company shall immediately after the Return of a Class or Classes of his Company, or of his Company from a Tour of Duty, return to the Treasurer of the Battalion a true List, containing the Names of every Person belonging to the said Class or Classes, or Company who hath failed in performing the Duties hereby required of him, and such Commanding Officer neglecting or refusing to return a List as aforesaid, shall forfeit and pay the Sum of Ten Pounds.

Privates not  
marching with  
their Classes,  
&c. to be fined.

Captains to  
return Lists of  
Delinquents.

Privates may  
substitute on  
Detachments.

25. *And be it Enacted,* That every Private shall be allowed to substitute on Detachments an able-bodied effective Private in his Stead, to be approved of by the Commanding Officer of the Company, and such Substitute serving out the Tour of Duty for which he is substituted, the Person substituting him shall be discharged from that Tour, but shall nevertheless take his own Tour of Duty whenever it returns again in the Order wherein it shall have been settled as aforesaid; and that in Case of Sickness or other unavoidable Accident an Officer shall be prevented from taking his Tour of Duty on any Detachment, the next to him in the Order of Detachment, shall supply his Place, and the  
Person



Person so prevented, shall, in Return, take the proper Tour of Duty, on Detachments, of the Person so supplying his Place.

26. *And be it Enacted*, That the firing of four Muskets successively and distinctly, and the Beating of a Drum immediately after for fifteen Minutes successively, or the firing of two Cannon at four Minutes Distance of Time, and the Beating of a Drum immediately after for fifteen Minutes successively, within this State, shall be Signals of, and be deemed and taken to be an Alarm; and the Commanding Officer of each Company who shall have Notice of an Alarm, shall forthwith cause the Assemble to be beat; use his utmost Diligence to collect the Company under his Command, and send immediate Notice to all the Field Officers in the Neighbourhood, and to the Commanding Officer, or in Case of his Absence, to some commissioned Officer of the next Company, who shall in like Manner give Notice to Field Officers, and to an Officer of the next Company, and so on till the Notice become general, and the Field Officers shall immediately repair, and the Officers of Companies shall immediately march with their Companies respectively and in proper Order, to such Place of Rendezvous as shall be appointed by the Commanding Officer; and upon every such Alarm every Officer of a Company under the commanding Officer thereof, and every Private, shall and is hereby required immediately to repair with his Arms, Accoutrements, and Ammunition, to the Habitation of the Commanding Officer of the Company, unless some other Place be appointed as aforesaid for that Purpose, and shall obey all such lawful Commands as shall be given him, and after such Company is formed, it shall be considered as in actual Service and full Pay, and so shall remain until discharged: And all Officers and Privates shall continue in Service on such Alarm as long as the Commanding Officer shall judge expedient; and if any Person or Persons, except a commissioned Officer, shall presume to make the Signals of an Alarm as aforesaid, within this State, he or they shall forfeit and pay for such Offence the Sum of Fifty Pounds.

What shall  
be deemed an  
Alarm.

who may  
make an A-  
larm.

27. *And be it Enacted*, That if any Field Officer shall not perform the Duties belonging to his Station in Case of an Alarm, having no reasonable Excuse, to be adjudged of by a Court Martial to be appointed by the Commanding Officer of the Brigade to which he belongs, he shall forfeit and pay, if a Colonel, Twenty Pounds, if a Lieutenant Colonel, Fifteen Pounds, and if a Major, Ten Pounds. And every other commissioned Officer who shall not perform the Duties belonging to his Station in Case of an Alarm, having no reasonable Excuse, to be adjudged of by a Court-Martial to be appointed by the Commanding Officer

Officers and  
Privates neg-  
lecting their  
Duty on an  
Alarm, the  
Penalty.

cer

cer of the Battalion to which he belongs, shall forfeit and pay, if a Captain, Six Pounds Thirteen Shillings and Four-pence, and if a Subaltern or Staff-Officer, Five Pounds; and every non-commissioned Officer and Private who shall not perform the Duties required of him in Case of an Alarm, not having a reasonable Excuse, to be adjudged of by a Court-Martial to be appointed by the Commanding Officer of the Company which he belongs to, in the Manner herein before directed, shall forfeit and pay Three Pounds Six Shillings and Eight-pence. And the Commanding Officer of every Company shall immediately after it is discharged from attending on an Alarm, return to the Treasurer of the Battalion a true List containing the Names of every Person belonging to his Company who hath failed in performing the Duties required of him on such Alarm, and such Commanding Officer neglecting or refusing to return a List as aforesaid, shall forfeit and pay the Sum of Six Pounds Thirteen Shillings and Four-pence.

Delinquents  
liable to Costs,  
altho, &c.

28. *And be it Enacted*, That if any Court-Martial herein before directed to be appointed, shall respectively adjudge, that a Field Officer, other commissioned Officer, non-commissioned Officer or Private, had no reasonable Excuse for not performing the Duties respectively required of him, in Case of a Call of the Militia upon any Invasion, Rebellion, or Insurrection as aforesaid, or on an Alarm, such Field Officer, other commissioned Officer, non-commissioned Officer or Private, respectively, shall pay the Costs of any Suit or Prosecution afterwards had or prosecuted against him for the Fines and Forfeitures to which he is hereby respectively made liable, although the same may not be recovered by the Person suing for the same in the Manner herein after directed.

Officers guilty  
of a Breach of  
Duty to be re-  
moved.

29. *And be it Enacted*, That if any commissioned Officer shall neglect or refuse to perform any Thing herein before directed to be done by him, the President or Commander in Chief is hereby required to remove him from his Office, and appoint another in his Place, and to issue a Commission to the Person so appointed accordingly, it being first adjudged by a Court Martial to be appointed respectively as the Rank of the Officer may be, in the Manner herein before directed, that such Officer had no reasonable Excuse for the Non-performance of his Duty.

Deserters al-  
lowed no Pay  
for Duty pre-  
vious to De-  
sertion.

30. *And be it Enacted*, That every Captain and other Officer of the Militia, who shall hereafter make out a Pay-Roll, shall insert therein, as well the Names of those who shall have deserted, if any there shall be, as of those who shall serve out their Tour, and note such Deserters as having deserted, but shall not annex any

any Pay for the Time they did Duty, previous to their Defection.

31. *And be it Enacted*, That in Case of Invasion, Rebellion or Infurrection as aforesaid, the President or Commander in Chief, or, in his Absence, the General or Commanding Officer in the military Line, in each County respectively, is hereby impowered to issue Warrants to proper Persons, for impressing Horses and Carriages, as the Service may require.

Who may issue  
impress Warrants  
in the  
President's  
Absence.

32. *And be it Enacted*, That the President or Commander in Chief may commissionate three Brigadier-Generals, and also one Major-General, when those Offices become vacant, to command the Militia of this State, which Major-General is hereby impowered to appoint an Aid-de-Camp, and each of the said Brigadier-Generals to appoint a Brigade-Major.

The President  
may appoint a  
Major-General,  
&c.

33. *And be it Enacted*, That a proper Person may be appointed by the President or Commander in Chief, to be Commissary of military Stores and Provisions, in each of the Counties of this State, whose Business and Duty shall be to collect together all public Arms and Military Stores, and the same securely and safely to keep in some convenient and proper Place, in good Order and fit for Service, and not to deliver out any of the said Arms, Stores or Provisions, but by Virtue of an Order in Writing from the President or Commander in Chief, or, in his Absence, and in Case of Emergency, by an Order from the Officer commanding the Militia in the respective Counties, and to take proper Receipts for all Arms, Stores and Provisions delivered out, and make Report of the Condition of the Arms, Stores and Provisions in his Care and Custody, once in every three Months, to the President or Commander in Chief; and the said Commissary is hereby directed to keep a just and fair Account of all Arms, Stores and Provisions which may come to his Hands as aforesaid, and of the Delivery thereof.

Commissaries  
to be appointed.

Their Duty.

34. *And*, in Order to enable the said Commissaries respectively, to afford a Supply of Provisions on any sudden call of small Detachments of Militia into Service, *Be it Enacted*, That it shall and may be lawful for the County-Treasurers respectively, to pay upon the Order of such Commissary, countersigned by the Commanding Officer of the Battalion to which the Detachment may belong, a Sum of Money not exceeding One Shilling for each Man, for every twenty-four Hours such Detachment is necessarily kept in Service, for the Expenditure of which Money the said Commissary shall forthwith account with the Commanding Officer of that Battalion, whose Certificate of such accounting shall be a

Supplies of  
Provisions for  
Detachments,  
how procured.

D

Discharge

Discharge to the Commissary for the Disposition of such Money, a Duplicate of which Account and Certificate shall be returned by the Commanding Officer of the Battalion, to the General Assembly at their next Sitting thereafter; and the Order so countersigned and Receipt thereon shall be a sufficient Voucher for the County Treasurer's paying the same, in his Account with the State-Treasurer.

What Articles of War the Militia shall be subject to.

35. *And be it Enacted*, That the Militia of this State, as well without as within the State, be subject only to such Articles of War as are or may be established by the General Assembly thereof, and shall be tried only by their own Officers.

Bounty for marching out of the State.

36. *And be it Enacted*, That the Sum of Three Pounds be allowed to every non-commissioned Officer and Private in the Militia of this State, who shall march out of the same with his Class when ordered, and continue in the Service six Weeks; and in Proportion for any shorter Time, if regularly discharged, over and above his monthly Pay and Rations.

Persons disabled to be supported.

37. *And be it Enacted*, That if any Person, either Officer or Private shall happen to be wounded or disabled upon any Invasion, or in any military Service under this Act, he shall be taken Care of, supported and maintained, according to his Rank and Dignity, at the public Charge of this State, during the Time of his Disability.

Militia exempt from Arrests.

38. *And be it Enacted*, That no Person or Persons, by this Act directed to meet and muster, or perform any military Duty, shall be liable to be arrested, or taken by any Sheriff, Constable or other Officer, in any civil Action whatsoever, on the Day of such Meeting, in going to, remaining at, or returning from the Place of such Meeting for Muster, or other military Duty, but every such Arrest shall be *ipso Facto* void, and the Officer making the same, shall be liable to an Action of Trespass for false Imprisonment, at the Suit of the Party so arrested, and he shall be forthwith set at Liberty and discharged from the Custody of such Officer, by Order of any one Judge or Justice of the Peace of the County where such Arrest is made, or of the Captain of the Company to which such Person doth belong; and the Arms and Accoutrements aforesaid, of every Person required by this Act to provide and keep the same for military Service, shall be, and are hereby declared to be exempt and privileged from all Distresses, Executions, Extents, Attachments or other Procefs whatsoever; and any civil Officer distraining, seizing, attaching, or taking the same in Execution, shall forfeit and pay the Sum of Three Pounds, to the Party grieved; to be recovered at the Suit of

Their Arms privileged from Distresses, &c.

of said Party, in the same Mode other Debts or Demands under Five Pounds are made recoverable by the Laws of this State, and any Sale of said Arms and Accoutrements, so as aforesaid exempt, made by any Officer, shall be null and void.

39. *And be it Enacted*, That any Fine or Forfeiture under Five Pounds, that may be incurred under this Act, shall be sued for and recovered as Debts of Forty Shillings or under, may now be sued for and recovered, and all and every of the Fines and Forfeitures of Five Pounds and upwards, by this Act made payable, the Mode of recovering which is not herein before particularly pointed out, shall be sued for and recovered by the Treasurer of the Battalion to which the Officer or Person incurring the same belongs, by Summons or Warrant, and Execution, from under the Hand and Seal of a Justice of the Peace, in the Neighbourhood where the Person charged resides, directed to the Sheriff of the County, requiring him to levy the same on the Goods and Chattels of the Delinquent, and the same cause to be appraised by two Freeholders, and after being publicly advertised ten Days, to make Sale thereof, and after Payment of the Fine or Forfeiture to the Treasurer suing for the same, together with Costs and Charges, pay the Overplus, if any, to the Owner, and if Goods and Chattels sufficient to discharge the same cannot be found, that then the Justice granting such Precept, shall certify the Proceedings had thereon, to the Prothonotary of the County, who is thereupon required to issue a *Fieri Facias* for the levying of the Fines and Forfeitures aforesaid, on the Lands or Tenements of such Delinquent.

Fines under £. 5. how recovered.

above £ 5 how.

40. *Provided always, and be it Enacted*, That if any Person or Persons shall think him, her or themselves aggrieved by the Judgement of the Justice aforesaid, in any Suit of Five Pounds and upwards, he, she or they may appeal before the Justice aforesaid, and on the Parties giving sufficient Security within six Days next after any such Judgement, to prosecute such appeal in the Court of Common Pleas of the County with Effect, the Justice shall receive the same, and stay further Process, and the said Justice shall return every such Appeal on the first Day of the next Term, and the Court shall direct the Trial by Jury as in other Cases of Debt, whose Verdict shall be final and conclusive, and all such Appeals shall be tried at the Term to which such Returns shall be made; any Law, Custom, or Usage to the Contrary notwithstanding.

Persons aggrieved may appeal.

41. *And be it Enacted*, That if any Suit or Action shall be brought against any Officer, civil or military, for doing the Duty enjoined or required of him by this Act, he may plead the general

Officers sued, their Remedy.

general Issue and give this Act in Evidence; and if the Plaintiff in such Suit or Action shall discontinue the same, be nonsuited, or a Verdict pass against him, or Judgement be given against him, he shall pay the Defendant treble Costs.

Continuance  
of this Act.

42. *And be it Enacted*, That this Act shall continue in Force so long as the present War between the *United States of America* and *Great-Britain* shall continue, and from thence until the End of the Sitting of the next General Assembly, and no longer.

Former Acts  
repealed.

43. *And be it Enacted*, That an Act of the General Assembly of this State, intituled, "An Act for establishing a Militia within this State," another Act, intituled, "A Supplement to an Act for establishing a Militia within this State," and another Act, intituled, "An additional supplementary Act to the Act, intituled, An Act for establishing a Militia within this State," be and are hereby repealed and made void; except so far as relates to the Duty of Treasurers of Battalions respectively, who shall continue to act until the Treasurers herein before directed to be appointed shall be chosen.

*Signed, by Order of the House of Assembly,*

SIMON KOLLOCK, *Speaker.*

*Signed, by Order of the Council,*

THOS. COLLINS, *Speaker.*

*Passed at Dover,*

*February 5, 1782.*

THE

Statutes at Large

OF

PENNSYLVANIA

FROM

1682 to 1801

COMPILED UNDER THE

AUTHORITY OF THE ACT OF MAY 19 1887 BY

JAMES T. MITCHELL AND HENRY FLANDERS

COMMISSIONERS

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VOLUME XI

1782

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HARRISBURG PUBLISHING CO., STATE PRINTER.

1888

Add. 042

and skilful freeholders to appraise, on oath or affirmation, the horses and accoutrements of persons serving as light horse.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the several and respective officers, who shall hereafter be elected or appointed, agreeable to the aforesaid act, shall serve respectively as officers of the militia for and during the term of three years; and in case of death, resignation or cashiering by a court-martial, the vacancy shall be supplied by election in the same manner as the officers were first elected by the aforesaid act, any law, custom or usage to the contrary notwithstanding.

(Section VII, P. L.) Provided always, That any officer cashiered shall not be capable of being re-elected.

[Section VI.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That no person shall be capable of electing officers or to be elected, who has not taken an oath or affirmation of allegiance, according to law, to this or some one of the United States; anything in the act to which this a further supplement to the contrary notwithstanding, young men who have arrived to the age of eighteen years since the time limited by law for taking the oath or affirmation of allegiance as aforesaid, and all such who have mustered or performed a tour of militia duty excepted.

[Section VII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the returns hereafter to be made, by the captains or commanding officers of companies, of the delinquents on all days of exercise, together with the fines by them received from any such delinquents, shall be upon oath or affirmation.

[Section VIII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act the whole of the militia of this state shall be subject to be exercised in companies, under their respective officers, as followeth, that is to say; in the city of Philadelphia and districts annexed, in companies, on the two last Mondays in the month of April; and the first battalion, in battalion, on the first Monday in the month of May; the second battalion on the Tuesday following; the third battalion on the Wednesday; and so



on, according to their numerical rank, on every day of the week Saturday and Sunday excepted until the whole number of battalions shall have mustered in the aforesaid manner; and in autumn or fall season of the year, shall meet to exercise in companies, the two first Mondays in the month of September; and the first battalion, in battalion, on the third Monday of the said month; the second battalion on the Tuesday following; the third battalion on the Wednesday; and in this manner until the whole number of battalions have mustered, except as before excepted, and in each and every county in the following manner, that is to say; in companies, the two last Mondays in the month of April; and in battalion, in the following manner, to wit: The first battalion shall meet, in battalion, on the first Monday in the month of May; the second battalion on the Tuesday following; the third battalion on the Wednesday; and so on, according to the days of the week (Saturday and Sunday excepted) until the whole number of battalions belonging to each county shall have mustered in this manner, and in companies, the first and second Mondays in the month of October; and the first battalion, in battalion, on the next succeeding Monday; the second battalion on the Tuesday following; the third on the Wednesday, and in this manner until the whole number of battalions belonging to each county, according to their ranks, severally shall have mustered on any day it may happen, except as before is excepted; and the militia shall be and is hereby indemnified and excused from mustering on any other days than those enumerated in this act.

[Section IX.] (Section XI, P. 1.) And be it further enacted by the authority aforesaid, That if any commissioned officer shall neglect or refuse to attend on any of the days appointed for exercise in company as aforesaid (unless prevented by sickness, or some other unavoidable accident) such commissioned officer shall forfeit and pay the sum of ten shillings, and any non-commissioned officer or private, and all enrolled persons so refusing or neglecting (except as before excepted) shall forfeit and pay the sum of five shillings, and upon a battalion day, a field officer who shall neglect or refuse to attend shall forfeit and pay the sum of forty shillings, and every other officer, non-

THE  
COLONIAL RECORDS  
OF THE  
STATE OF GEORGIA

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VOLUME XIX.  
PART II.

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STATUTES, COLONIAL AND REVOLUTIONARY  
1774 TO 1805.

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COMPILED AND PUBLISHED UNDER AUTHORITY  
OF

THE LEGISLATURE

BY

ALLEN D. CANDLER, A. M., LL. D.

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ATLANTA, GA.  
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1911.

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 Revising and Amending Militia Laws.
 

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lawful to and for the Colonel or Lieutenant Colonel of any of the Regiments or Battalions of this state, or in his absence the next Commanding field Officer to call together And Assemble, within his County, all or any of the Companies belonging to his Battalion or Regiment and cause them to be trained, Mustered, and exercised as he shall think fit: PROVIDED such Trainings Musterings, and exercisings do not exceed Twice in One twelve Months, unless by Order of his honor the Governor as aforesaid. —

AND BE IT FURTHER ENACTED by the Authority aforesaid That every Captain, or other Inferior Commissioned Officer of any Company in any Battalion, who shall refuse or neglect to Conduct or lead his Company, or attend the same to the place of Rendezvous for any General Muster exercising or training as aforesaid; under the Orders of the Officer Commanding Agreeable to the Directions of this Act Without Proper and sufficient excuse to a General Court Martial, to be held for that purpose; shall for the first Offence forfeit and pay a sum not exceeding five pounds, for the second Double the sum, And for the third, shall be Rendered incapable of holding a Commission —

AND BE IT FURTHER ENACTED that it shall And may be lawful to and for the Captains of the Different Companies of each battalion or  
 Regiment

STATUTES, COLONIAL AND REVOLUTIONARY, 1774-1805. 351

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Revising and Amending Militia Laws.

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Regiment within this state, and they are hereby Required to assemble, Muster train and exercise, or Cause to be Mustered trained and Exercised their respective Companies, giving Notice of the same by beat of Drum or otherwise in such expeditious Manner as the Colonel or Officer Commanding the Regiment shall think fit, at any place, or places for Ordering Musters; PROVIDED the same does not exceed six times each Year, and that such Muster, training and exercising be within the district or division the said Company belongs to — —

AND BE IT FURTHER ENACTED that the several Captains or Commanding Officers of Companies in the Different Battalions or Regiments, shall Respectively enter enlist and enroll the names of all the male free inhabitants from the age of Sixteen to fifty as aforesaid within their respective companies districts or divisions and shall cause the several persons so enrolled and enlisted notice being given of the same, to appear at the times and places appointed for ordinary muster in each respective districts or division, and the publishing of which as aforesaid, shall be deemed a sufficient summons within the intent of this act to oblige the persons so entered and enrolled liable to appear as well at such ordinary musters, as at any general musters which may be held as aforesaid, and the persons so enrolled shall be deemed and held to be enlisted in and to belong  
to

# A N A C T

For forming and regulating the Militia within this State, and for repealing all the laws heretofore made for that purpose.

Passed 24th June, 1786.

*WHEREAS it is the duty and interest of every State, to have the Militia thereof properly armed, trained, and in complete readinejs to defend against every violence or invasion whatever : and whereas the laws now in force respecting the regulation of the Militia, are insufficient for those purposes :*

Preamble.

§ I. **B**E IT THEREFORE ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES, IN GENERAL-COURT CONVENED, and by the AUTHORITY of the same, That the several laws, clauses and paragraphs of laws relative to regulating the militia, be and hereby are repealed, and declared null and void.

Repealing clause.

§ II. AND BE IT FURTHER ENACTED, by the AUTHORITY aforesaid, That the training band, so called, shall consist of all the able bodied male persons within the State, from sixteen years old to forty, excepting members of Congress, members of the Senate, and the House of Representatives for the time being, Secretary of the State, all Civil Officers, Students of Colleges and Academics, Ministers of the Gospel, Elders and Deacons of Churches, Church Wardens, Grammar School Masters, Masters of Arts, people denominated Quakers, Selectmen for the time being, all commissioned Officers, and all non-commissioned Officers, of more than thirty-five years of age, who have served as such three years, shall not be compelled to serve in the training band, unless they have the offer of serving in the same, or a higher rank than they formerly held : also, all persons employed as masters of vessels of more than thirty tons burthen, other than fishing vessels, and vessels coasting to and from this to the other *American* States, Constables, Sheriffs, Deputy-Sheriffs, Negroes, Indians and Mulattoes : also, all such Physicians, Surgeons, Ferry-men and Millers, as the Selectmen in the several towns where they reside.

Training band.

Persons exempted.

## M I L I T I A A C T.

reside, may think proper to excuse, and furnish with a certificate that they ought to be excused from common and ordinary trainings.

Field-officers.

§ III. AND BE IT FURTHER ENACTED by the AUTHORITY aforesaid, That there shall be one colonel, one lieutenant-colonel, and two majors, to each regiment of foot ; which officers shall divide the regiments into companies, consisting as nearly as may be, of sixty-eight privates, and shall determine the rank of each company ; and that each company shall be commanded by a captain, two lieutenants, and an ensign ; the captains and subalterns shall appoint four sergeants, four corporals, one drummer, and one fifer, to each company, and shall, from time to time, direct and appoint one of their sergeants to act as clerk.

*And in order to prevent, as much as possible, the inconveniences which may arise, from incorporating the soldiers of different towns into one and the same company,*

Companies how to be formed.

§ IV. BE IT FURTHER ENACTED, That each town which can furnish thirty-two privates, and the proper number of commissioned and non-commissioned officers, shall be entitled to form one company ; such towns as have ninety-six privates, exclusive of necessary officers, shall form two companies of forty-eight privates each ; and when the numbers are increased to one hundred and eighty-four, they are to form two companies of sixty-eight, and one of forty-eight privates ; and so on from time to time, making sixty-eight the full proportion of privates for a company, and forty-eight the additional number for dividing it, and forming a new one. And in all towns which have several companies, if, after forming some companies of sixty-eight privates, there shall remain a surplus of less than forty-eight, they shall be divided among the other companies, as the field-officers shall think proper ; and if they amount to forty-eight privates, exclusive of the necessary number for officers, they shall be formed into a separate company : and where any town has less than thirty-two privates and a proper number for officers, they shall be joined to such other corps as the field-officers shall think proper, until they amount to that number, when they are all to be formed into a separate company ; and all able-bodied soldiers belonging to places not incorporated, are to be annexed to such companies as the field-officers shall direct ; and the field-officers of the  
respective

**M I L I T I A A C T .**

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respective regiments, shall have power, from time to time, to alter, divide, and arrange, the companies in their regiments, agreeable to the rules aforesaid.

§ V. AND BE IT FURTHER ENACTED BY THE AUTHORITY aforesaid, That all male persons from forty to sixty years of age, and capable of bearing arms, who are exempted by the first section of this Act, from common and ordinary trainings, and are not included in that part of the Militia called the training band, shall constitute an alarm list, (excepting only members of Congress, of the Senate and House of Representatives, Secretaries, Ministers of the Gospel, President, and Officers and Students of Colleges, Preceptors and Assistants of Academies, and their Students for the time being, people called Quakers having a certificate from the clerk of their societies, Ferry-men, Indians, Negroes and Mulattoes,) and shall, in all respects, be equipped with arms and accoutrements, as is by this Act directed for those of the training band : and those of the alarm list shall, by the respective brigadiers, be divided into companies, not to exceed ninety-six, nor less than thirty-two, in number : which companies so divided and formed, are to be commanded by a captain, holding the rank of colonel ; a lieutenant, holding the rank of lieutenant-colonel ; and an ensign, holding the rank of major ; and are to be elected by the major part of the alarm list present ; the brigadier, or such field-officer as he shall order, being present, and presiding at said election : and are to proceed to the choice of non-commissioned-officers in the same manner as companies in the training band ; each company is to be provided with one drummer and one fifer.

Alarm List.

Persons ex-  
empted.

§ VI. AND BE IT FURTHER ENACTED BY THE AUTHORITY AFORESAID, That the commanding-officer of each alarm company, shall, once in every six months, call his company together, and examine their arms and accoutrements ; and every deficiency of arms or accoutrements, neglect of duty, or disobedience of orders, in any of the persons who compose the alarm list, shall be punished in the same manner as by this Act is provided against those of the training band.

Alarm List to  
be mustered  
twice a year.

§ VII. AND BE IT FURTHER ENACTED BY THE AUTHORITY aforesaid, That every non-commissioned officer and soldier, both in the alarm list and training band, shall be provided, and have constantly in readiness, a good musquet, and a bayonet fitted thereto, with a

Equipage.

R

good

Add. 050

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## M I L I T I A A C T.

Those unable  
— to be e-  
quipt at the  
expence of  
the town.

Penalty for  
embezzlem't

Selectmen to  
provide tools

good scabbard and belt, a worm, priming-wire and brush, a cartridge-box that will hold, at least, twenty-four rounds, six flints, and a pound of powder, forty leaden balls fitted to his gun, a knap-sack, a blanket, and a canteen that will hold one quart. Such of the training band as are under the care of parents, masters, or guardians, are to be furnished by them with such arms and accoutrements; and such of the training band, or alarm list, as shall be unable to furnish themselves, shall make application to the selectmen of the town, who are to certify to his captain, or commanding officer, that he is unable to equip himself; and the said selectmen shall, at the expence of the town, provide for, and furnish, such person with arms and equipments; which arms and equipments shall be the property of the town at whose expence they are provided: and if any person, so furnished, shall embezzle, or wilfully destroy, the same, he shall be punished by any court proper to try the same, upon complaint made by the selectmen of said town, by being publickly whipped, not exceeding twenty stripes: and the selectmen of each and every town shall provide one-twentieth part as many spades, or iron shovels, with handles, as there are rateable polls in said town; and an equal number of pickaxes, narrow axes, and hoes, one-third of each kind, and deposit the same in some safe place, for the use of the Militia, upon an alarm; the expence of which is to be borne by the town: and the selectmen of each town are to provide, at the cost and charge of said town, one drum and one fife, for the use of each company belonging to said town; and are hereby empowered to tax the polls and estates of the inhabitants of their respective towns, to defray the expences which they may be compelled, in consequence of this Act, to lay out.

Captains, &c  
to equip  
themselves.

§ VIII. AND BE IT FURTHER ENACTED, That all captains and subalterns be furnished with a half-pike, an esponton, or fuscée and bayonet; and also with a sword, or hanger; and that they provide themselves with those arms, within one month after receiving their commissions, under penalty of being cashiered by sentence of a court-martial.

Train-Bands  
— By whom  
returns are to  
be made.

§ IX. AND BE IT FURTHER ENACTED BY THE AUTHORITY aforesaid, That the several captains, and commanding officers of companies, in the train bands, shall cause true and accurate returns, of their companies, to be made to the colonel, or officer commanding the regiment



regiment to which they belong, at or before the first day of *March*; and said colonel, or commanding officer, is to cause a proper return of his regiment to be made, to his brigadier, by the first day of *April*; and the brigadiers are to make a proper return of their brigades to the major-general, or officer commanding the division in which said brigade may fall, on, or before, the first day of *May*; and the said major-general, or commanding officer of the divisions, is to lodge a return of the whole Militia in this State, with the Secretary, on, or before, the first day of *June*: all which are to be made annually, that the General Assembly may, from time to time, be able to ascertain the military force of the State.

§ X. AND BE IT FURTHER ENACTED by the AUTHORITY aforesaid, That the Alarm companies shall make their returns to the brigadier within whose district they may fall, in the same manner as is directed for the train band; and captains of artillery, to make returns to the colonel or commanding-officer of the regiment by the first day of *May*, and to lodge a return in the Secretary's office by the first day of *June*, annually; all returns to give a state of the respective corps on the first day of *January* preceding the time limited for making such returns: and all companies or detachments of the train band and alarm list shall, in time of action, upon an alarm, or on a field day, receive their orders from the brigadier or officer commanding the brigade to which they are annexed.

Alarm—  
by whom re-  
turns are to  
be made.

§ XI. AND BE IT FURTHER ENACTED by the AUTHORITY aforesaid, That each captain or commanding officer of the train band, shall call his company together four times every year, to examine their arms and accoutrements, and to instruct them in the necessary exercises and manœuvres; and each colonel or commanding officer of a regiment shall call his regiment together once every year, if ordered by his superior officer, for the same purpose. And each captain or commanding officer of a company, who shall neglect to call his company together as aforesaid, shall, for each neglect, pay a fine of *three pounds*: and each colonel or commanding officer of a regiment, who shall neglect to call his regiment together once a year, as aforesaid, shall pay a fine of *ten pounds* for each offence.

Each compa-  
ny to be mus-  
tered 4 times  
a year.

Penalty.

§ XII. AND BE IT FURTHER ENACTED by the AUTHORITY aforesaid, That if any commanding officer shall neglect or refuse to call his  
regiment

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Penalty for  
not calling  
regiment to-  
gether.

regiment together, on any special occasion, at such time and place as his superior officer shall order, and be thereof convicted, by a court-martial appointed, as in this act is hereafter provided, he shall be cashiered; and if any officer, on a training or mustering day, refuse to obey the orders of his superior officer, he shall, upon being convicted thereof by a court-martial, be cashiered.

Notice.

§ XIII. AND BE IT FURTHER ENACTED by the AUTHORITY afore-  
said, That it shall be sufficient notice, for any non-commissioned  
officer or private to appear with his arms and accoutrements, as the  
commanding-officer shall direct, to be informed thereof by a non-  
commissioned officer, or by a notification left at his usual place of  
abode, which notification shall be signed by the clerk, or some com-  
missioned officer; and if any private shall, after such notification,  
unnecessarily neglect to appear with his arms and accoutrements, he  
shall pay a fine of *three shillings*; and each non-commissioned offi-  
cer, for such neglect or refusal, a fine of *six shillings*, for non-appear-  
ance, which is to be levied by distress and sale of such delinquent's  
goods and chattels by warrant under the hand and seal of the captain  
or commanding-officer of said company; and for want thereof, upon  
his body; and the clerk who is to levy the same, is to observe the  
same rules and regulations in making said distress, as the laws have  
pointed out for collecting rates and taxes, and shall have one quarter  
part of said fine for his trouble and customary fees: *Provided never-  
theless*, That no such warrant shall be issued until fifteen days after  
the day of appearing, that the said delinquent may have time to make  
his excuse (if any he has) for his non-appearance, which is to be  
made to the commanding-officer of the company.

Parents, &c.  
liable to a  
Penalty.

§ XIV. AND BE IT FURTHER ENACTED, That parents, masters,  
and guardians, shall be liable for the neglect and non-appearance of  
such persons as are under their care, (and are liable by law to train)  
and are to be proceeded against for the penalty, in the same manner, as  
by this act is provided, against other delinquents.

Officers to  
yield obedi-  
ence.

§ XV. AND BE IT FURTHER ENACTED by the AUTHORITY afore-  
said, That on all training and muster days every officer shall yield  
due obedience to his superior officers; and every non-commissioned  
officer and soldier shall yield intire and due obedience to the com-  
mands and orders of their respective officers. And if any officer  
shall,

shall, on such days, neglect or refuse to obey the orders he may receive from his superior officer, he shall be liable to be cashiered by sentence of a court-martial, and the superior officer may immediately put such delinquent in arrest, and report him and his offence to the brigadier, if the offender is under the rank of a field-officer : and the brigadier is hereby impowered to appoint a court-martial for such trial, and to approve the sentence ; which being done, the said officer shall be deemed incapable of ever holding any military post, or office, in this state. And in case the offender is of the rank of a field-officer, or of higher rank, his offence is to be reported to the major-general, who is hereby impowered to appoint a court-martial to try such offender, and to approve the sentence ; which being done, the offender shall be deemed incapable of ever holding any military office within this state. All courts-martial, appointed by the major-general, shall consist of thirteen members, the president of which is, at least, to be of equal rank with the officer who is to be tried. All courts-martial appointed by the brigadier, is to consist of seven commissioned officers, the president of which is to be of the rank of captain. The members of all courts-martial are to be sworn by the president, and the president is to be sworn by the member next in rank in the court-martial : and the president of every regiment, brigade, and general court-martial, shall have power to administer an oath to every witness, in order to the trial of offenders.

§ XVI. AND BE IT FURTHER ENACTED, That if any non-commissioned officer, or soldier, shall prove refractory, or disobedient, on a training or muster day, or shall insult or abuse his officers, or either of them, or treat them with disrespect or contempt, the commanding officer present may order the offender to be immediately tried, by five commissioned officers, if so many should be present, and if not, by so many as are on the field ; who are impowered to punish the offender, by ordering him to run the gantlet, or to ride the wooden horse.

Disobedience  
punished.

*And that no abuse of power may take place among the officers,*

§ XVII. BE IT FURTHER ENACTED, by the AUTHORITY aforesaid, That every officer, appointing a court-martial, shall appoint some suitable person to act as judge-advocate, who is to make a fair record of the whole proceedings, and the officer who appointed the

Judge-advocate to be appointed.

S

fame,

same, is to lodge a copy thereof in the Secretary's office, within one month after the trial, or as soon after as may be, that the members of the General Court may have opportunity to examine the same, and correct any abuse which may have taken place.

Officers, &c.  
to provide 3  
days' provi-  
sion.

§ XVIII. AND BE IT FURTHER ENACTED, That when the militia of any town in this State, or any part thereof, shall be drawn forth for immediate defence of this, or any of the United States, each officer or soldier, shall provide for himself, at least three days' allowance of provisions; and the selectmen of such town shall immediately cause carriages to attend them with further necessary provisions, and utensils to cook the same, and shall continue to forward to the quartermaster or assistant, in said regiment, sufficient supplies for the part of the militia from their respective towns, until they shall be notified by the commanding officer, or by the quartermaster, that the same can be otherwise supplied. And the selectmen are directed to lay their accounts of provisions supplied by them, as also of utensils lost or damaged, and of cost of transporting the same, before the General Court, for allowance; and to produce receipts from the quartermaster or his assistant, for such part thereof as shall be delivered to them respectively.

Stock of  
powder to be  
kept.

§ XIX. AND BE IT FURTHER ENACTED by the AUTHORITY aforesaid, That there shall be a stock of powder, and other ammunition, in each town provided, and constantly kept, which shall be, one barrel of gun-powder containing a hundred pounds weight, three hundred pounds of leaden balls of different sizes, and buck shot, and three hundred flints, for every sixty soldiers, and the same proportion for every greater or lesser number. And the selectmen of each town are hereby impowered to raise money, by tax, on the polls and estates of their towns, for the purpose aforesaid, in the same manner as other town charges are assessed; and are to pursue the same rules for collecting the same, as are pursued in collecting other taxes.

Military  
Watches.

§ XX. AND BE IT FURTHER ENACTED, That officers commanding divisions, brigades, or regiments, may appoint military watches, or guards, when an invasion of the State is apprehended, in such place, and under such regulations, as they may judge necessary; and all officers and soldiers, under their command, are to yield strict obedience to their orders and directions.

*And*

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*And whereas there may be frequent occasion, upon an invasion of this, or any of the United States, to draught men to serve against the enemy :*

§ XXI. BE IT THEREFORE ENACTED by the AUTHORITY aforesaid, That when it shall happen, that there be an immediate call for a number of soldiers to serve in such war, and a sufficient number not appearing, by voluntary enlistment, for that purpose, it shall and may be lawful for the officers commanding regiments, on receiving orders from their brigadiers, to issue warrants to the captains of the several companies, to call the same together as soon as convenient, and to draught such a proportion thereof as shall be specified in their respective warrants, unless a sufficient number shall then appear by voluntary enlistment. And the commanding officers of alarm companies are, upon receiving orders from their brigadiers, to proceed to draught, in like manner, such number of able bodied men as the brigadier shall direct. The number of men to be draughted shall be apportioned by the major-general to the several brigades, and by the brigadiers to the several regiments and alarm companies in their respective brigades, and by the commanding officer of each regiment to the several companies which compose it.

Captain to  
draught men

§ XXII. AND BE IT FURTHER ENACTED, That when any person draughted to serve, as aforesaid, shall refuse or neglect to make a reasonable excuse, to the acceptance of the majority of the officers of the company to which he belongs, or to pay into the hands of the officer by whom he is so draughted, the sum of *forty shillings*, (to be paid to the selectmen for the purpose of hiring soldiers) he shall be held and taken to be a soldier in the service for which he was so draughted. And if any soldier shall neglect or refuse to march, when ordered thereto, according to the mode prescribed in this Act, unless he produces a discharge from his commanding officer, or provides some able bodied man in his stead, to the acceptance of the officer by whom he was so draughted, it shall and may be lawful for such officer, and he is hereby required, to confine said delinquent, and send him to some officer appointed to act in the service for which this delinquent was draughted.

Penalty for  
not serving.

§ XXIII. AND BE IT FURTHER ENACTED BY THE AUTHORITY aforesaid, That, in the absence of the major-general, the next commanding officer shall make the appointment of men to be draughted ;  
and

In absence of  
M. Gen. the  
next in com-  
m'd to make  
appointment

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and in cases of emergency, it may be done by the President and Council, in the recess of the General-Court; and that, in all cases where the Act requires any duty from an officer, the next in command (in case of the death or absence of his superior or superiors) is to perform the same.

Signals to be fixed.

§ XXIV. AND BE IT FURTHER ENACTED by the AUTHORITY aforesaid, That the signals for an alarm, are to be fixed by the captain-general, and may, by him, be altered from time to time, and proper notice thereof is to be by him given to the several officers; and if any non-commissioned officer or soldier shall, upon the alarm being given, unnecessarily neglect to appear properly armed and equipped, at such time and place as the commanding-officer shall appoint, the said delinquent being either of the training-band or alarm-list, shall pay a fine of *forty shillings*; and every soldier ordered to do duty on a guard, or military watch, who shall neglect, or refuse the same, shall pay a fine of *six shillings*; and all persons serving on said guards or military watches, shall be punishable for misconduct while in such service, by a court-martial to be appointed by the commanding-officer of such guard, provided he be a field-officer, and in case he is not, then by the commanding officer of the regiment to which he belongs, and the commanding-officer of the watch, or guard, may confine him for trial; provided nevertheless, that the punishment inflicted by sentence of the court-martial, shall not exceed running the gantlet, or riding the wooden horse.

Penalty for refusing to warn, &c.

§ XXV. AND BE IT FURTHER ENACTED by the AUTHORITY aforesaid, That when any non-commissioned officer shall refuse or neglect, to notify or warn any of the non-commissioned officers or private soldiers of the company to which he belongs (being thereto ordered by his superior officer) he shall pay a fine of *twelve shillings*.

Mode of recovering fines.

§ XXVI. AND BE IT FURTHER ENACTED by the AUTHORITY aforesaid, That every fine and forfeiture arising by breach of any article or clause of this Act, for which no special mode of recovery has been pointed out, may be recovered by action, bill, plaint, or information, in any court of record. All fines and forfeitures when recovered, shall be paid into the hands of the selectmen or treasurer of the

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the town, where such offender hath his usual place of abode, for hiring soldiers for the war, and purchasing drums, fifes, and other military equipments.

§ XXVII. AND BE IT FURTHER ENACTED by the AUTHORITY aforesaid, That in case of an actual invasion of this State, the whole of the militia thereof, that may be ordered out to oppose the enemy, shall, from the time of their marching for that purpose, be under the rules and regulations of the late Continental army; subject, however, to such orders and commands as may be given them from the Legislature of this State. And the officer commanding the same, shall be amenable to, and triable by, the Legislature of this State, or by such court as they may appoint, for all neglects of duty, and for all crimes and misdemeanors, committed by him when acting within the State; as also in any other of the United States, unless he shall be annexed to an army commanded by a superior Continental general, who may have sufficient authority to try and punish the same; and in case the militia of this State, or any part thereof, shall be, at any time, ordered out to assist in defence of any other of the United States, the said militia shall be subject, from the time of marching to the time of return, to the rules and regulations of the late Continental army.

Militia to be under the rules of the late Continental army.

*And that no failure may happen in any court-martial appointed by virtue of this Act,*

§ XXVIII. BE IT FURTHER ENACTED, That all persons called to give evidence, in any case, before such court, who shall refuse to appear, or appearing, shall refuse to give evidence, shall be committed to the common gaol of the county where such court is sitting, there to remain six months, unless sooner released therefrom by the justices of the superior court; and the president is to lodge the accusation against him with the prison keeper. The oath to be administered to witnesses, in court-martial, is to be in the following form, viz.

*YOU swear, the evidence you shall give, in the case now in bearing, shall be the truth, the whole truth, and nothing but the truth.*

*So help you GOD.*

The oath administered to members of the court-martial, previous to trial, is to be in the following form, viz.

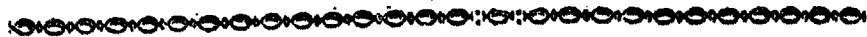
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YOU

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APPROPRIATION OF CERTAIN SUMS GRANTED.

*YOU swear, that you will well and truly try, and impartially determine, the cause of the prisoner now to be tried, according to the rules for regulating the militia of this State. So help you GOD.*



A N A C T

For appropriating certain Monies, arising by Acts of this State

*W H E R E A S there is no appropriation of certain sums granted by Acts of this State, for payment of the Continental debt, and for supporting the civil government of this State*

Therefore,

§ 1. **B**E IT ENACTED, That all monies arising by any Acts or laws of this State, for duties, or imports and exports, and for levying duties on tonnage, poundage, and for raising powder and light money, be paid by the respective officers collecting the same, into the Treasury of this State; and that all monies paid into the Treasury, by virtue of an Act passed the twenty-eighth day of February, one thousand seven hundred and eighty-six, entitled, "An Act for supplying the Treasury of this State, with *ten thousand five hundred pounds*, for the purpose of discharging the specie part of a requisition of Congress of the twenty-seventh of September last, said to be this State's quota of the interest of the foreign debt of the United States, be paid by the Treasurer to the Continental Loan-officer within this State, from time to time, as the same may be collected, the said Treasurer taking a receipt or receipts for the same.





**Militia,  
when to  
rendez-  
vous.**

**Regiment-  
al parades.**

**Adjutant  
general,  
duty of.**

**Brigade  
inspector.**

the brigade. That on every enlistment of a volunteer into the horse, artillery or light infantry, the captains of such troops or companies respectively shall immediately certify the same to the captain of the beat from which such volunteer shall enlist. That each regiment shall be provided with State and regimental colors, at the expence of the field officers, and each company with a drum and fife at the expence of its commissioned officers. That all the militia of the State shall rendezvous four times in every year, for the purpose of training, disciplining, and improving in martial exercises; twice by companies within their beats once by regiments, and once by brigades; the time and place of rendezvous for the companies to be appointed by the colonel, or commanding officer of the regiment, and arranged on different days, that the field and staff officers may have an opportunity of attending the several companies exercised in detail, in order to introduce uniformity in the manœuvres and discipline of the regiment. That each commanding officer of a regiment shall appoint a regimental parade at some convenient place as nearly central as may be within the district of his regiment, and each brigadier general shall appoint a brigade parade at some convenient place within the district of his brigade, as nearly central as may be, at which brigade parade such brigade shall rendezvous on such days as the commander in chief shall appoint by general orders; and which days shall be so arranged that the adjutant general may be enabled to visit and review them at their respective brigade parades. That there shall be an adjutant general of the militia whose duty shall be to distribute all orders from the commander in chief to the several corps; and once in every year review the brigades; to attend the respective brigades on their respective parades; and the regiment of infantry and companies of artillery and cavalry during the time of their being under arms, pursuant to this act; and shall inspect their arms, and ammunition accoutrements and clothing, superintend their exercises and manœuvres, and introduce a system of military discipline throughout the State, agreeable to such orders as he shall from time to time receive from the commander in chief; to furnish blank forms of different returns that may be required, and explain the principles on which they shall be made; that within three weeks after he shall have finished his annual review he shall deliver to the commander in chief a return of all the militia of the State, reporting the actual situation of the arms, accoutrements and ammunition of the several corps, their delinquencies, and every other thing which in his judgment may relate to their police and the general advancement of good order and military discipline; that he shall have the rank of lieutenant colonel and shall be allowed as a full compensation for all the services he is required to perform by this act, at and after the rate of two hundred and fifty pounds for every year. That to every brigade there shall be an inspector, to rank as major, whose duty it shall be to attend the regimental parades, and shall then and there inspect their arms, ammunition accoutrements and clothing; superintend their exercises and manœuvres, and introduce a proper system of military discipline throughout his brigade, agreeable to such orders as he may, from time to time receive from the adjutant general. That at the annual brigade rendezvous the light infantry companies or the regiments composing the brigades shall be formed into a regiment to be commanded by such field officers as the commanding officer of the brigade shall appoint for that service. That when so embodied they shall continue together together at least four days, and perform such manœuvres and evolutions under the direction of the adjutant general as he shall assign them. That the artillery company and troop of horse belonging to each

brigade shall during such service, be attached to and remain with the regiment of light infantry, and be subject to the orders of the commanding officer thereof. That every regimental commissioned officer shall report his acceptance of his appointment within ten days from his receiving notice thereof, to the commanding officer of the regiment; who shall in like manner within ten days make return thereof to his brigadier. The commissioned officers of cavalry and artillery shall also notify the acceptance of their appointments within ten days after they have received notice, to their captains; and the captains shall make similar returns to their brigadiers within ten days. That a general court martial shall consist of thirteen commissioned officers who shall appoint their own judge advocate which judge advocate shall tender to each member, and each member is hereby enjoined to take the following oath —

Commissi-  
oned  
officers, to  
report ac-  
ceptance.

General  
courts  
martial.

You do swear, that you will well and truly try, and determine, according to evidence, the matter now depending between the people of the State of New York, and the prisoner or prisoners to be tried; and you do further swear that you will not divulge the sentence of the court until the same shall be approved of pursuant to this act. Neither will you upon any account at any time whatsoever disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof by a court of justice in a due course of law; so help you God

Oath of  
members.

And the president is hereby authorized to tender to the judge advocate, who is hereby enjoined to take the following oath

You do swear that you will not upon any account at any time whatsoever disclose or discover the vote or opinion of any particular member of the court martial unless required to give evidence thereof as a witness by a court of justice in a due course of law; and that you will not divulge the sentence of this court until the same shall be approved pursuant to this act; so help you God.

Oath to  
judge ad-  
vocate.

That every commissioned officer who shall be convicted by a general court martial of having refused or neglected to perform any of the duties of his office, shall be punished according to the nature and degree of his offence at the discretion of the said court either by fine or removal from his office *Provided* no fine shall exceed ten pounds for the first offence, or fifty pounds for any subsequent offence; which fine shall be levied and collected by warrant under the hand and seal of the commanding officer of the brigade directed to any serjeant of the regiment to which such officer on whom such fine is imposed may belong in like manner as the fines herein aftermentioned to be recovered of non commissioned officers and privates for neglect or refusal of duty. That the commanding officer of a brigade may order courts martial for the trial of offences within his brigade; the members of which shall be warned for that duty by the brigade major, who is to keep a roster for that purpose. That the proceedings and sentence of every court martial by which any officer shall be removed from office, shall be in writing, signed by the president thereof; and that all proceedings and sentences shall by the president be delivered to the commanding officer of the brigade, to be by him transmitted to the commander in chief, who shall approve or disapprove of the same in orders; and that all other proceedings and sentences of brigade courts martial shall be delivered by the president thereof to the commanding officer of the brigade who shall approve or disapprove of the same in orders. That a court martial for the trial of general officers shall be ordered by the commander in chief, and composed of general and field officers, who

Brigade  
courts  
martial.

Courts  
martial for  
trial of  
general  
officers.

shall be warned to that duty by the adjutant general, from a roster to be by him kept for that purpose. That the proceedings and sentences of such courts shall be transmitted by the presidents thereof to the commander in chief, who shall confirm or disapprove of the same in general orders. *Provided*, that no sentence of a court martial on a general officer shall go farther than removal from office. That all sentences of courts martial by which any officer shall be removed, and which shall be approved by the commander in chief, shall by him from time to time be laid before the council of appointment, to the end that the person administering the government of this State for the time being, by and with their advice and consent, may appoint others instead of the officers so removed from office. That every non commissioned officer or private who shall neglect to appear when warned in pursuance of this act, without sufficient excuse, shall for every day he neglects to appear at the brigade rendezvous, forfeit the sum of twenty shillings, and shall for every day he neglects to appear at the regimental or company parades, forfeit the sum of eight shillings; and if he shall not be armed and equipped according to the directions of this act, when so appearing, without sufficient excuse, he shall for every deficiency forfeit the sum of one shilling, and appearing without a musket the sum of four shillings. That the commissions to be granted to officers of the militia shall be numbered, and the officers of the same grade shall take rank according to the numbers marked on their respective commissions, and when officers of different corps shall meet on duty the rank of officers of the like grade shall be determined by ballot, by the commanding officer of the whole then present. That one brigade, regiment or company of foot, (except the light infantry companies herein before mentioned) shall not be considered as older or having rank or preference of the other; but each brigade, regiment or company shall be posted in the line or on command as the commanding officer shall think proper.

**Non-commissioned officers and privates, penalty for failure to appear when warned.** That all fines arising from offences in a company only, shall be adjudged of and imposed by the commissioned officers of the said company, or the major part of them; and all fines to arise from offences on calling out the regiment, or brigade, with respect to the non commissioned officers and privates shall be adjudged and inflicted by the major part of the field officers of the regiment; and shall be levied with costs, not exceeding three shillings, by warrant from the colonel, or commanding officer of the regiment, or captain or commanding officer of the company, as the case may be, directed to one or more serjeants; by distress and sale of the goods and chattels of the offenders respectively. And in case any such defaulter shall be under age, and live with his father or mother, or shall be then an apprentice or servant, the master or mistress, or father or mother, as the case may be shall be liable to pay the said fine with costs: And in default of payment the said serjeant shall levy the same upon the goods and chattels of such father or mother, or master or mistress; such fines when recovered, to be paid by the serjeant or serjeants, to the officer granting such warrant, whose duty it shall be to account for, and pay the same to the commanding officer of the brigade; and such commanding officer shall pay the same into the treasury of this State.

**Order of rank of officers.** That the city and county of New York shall raise one regiment of artillery, to consist of as many companies as the commander in chief shall judge necessary, not to exceed four; which companies shall consist of the same number of officers, non commissioned officers and mærosses, as the artillery companies herein before mentioned; that such regiment of artillery shall have three field officers, shall be armed and accoutred in the same manner as the other artillery companies men-

**Fines, disposal of**

**Fines, how payment of enforced**

**New York city, regiment of artillery in.**

tioned in this act, until further provision is made therein by law; and shall be called out to exercise by orders from the commander in chief at least six times in every year, and be subject to the same fines and penalties as are inflicted by this act for the neglect or refusal to do duty, or being deficient in any arms or equipments.

*And be it further enacted by the authority aforesaid,* That the commander in chief for the time being, may, in case of invasion or other emergency, when he shall judge it necessary, order out any proportion of the militia of the State to march to any part thereof, and continue as long as he may think necessary, and likewise, may, in consequence of an application from the executive of any of the United States, on an invasion or an apprehension of an invasion of such State, at his discretion, order any number of the militia, not exceeding one third part thereof, to such State; *Provided* they be not compelled to continue on duty out of this State more than forty days at any one time. That while in actual service in consequence of being so called out, they shall receive the same pay and rations, and be subject to the same rules and regulations as the troops of the United States of America.

*And be it further enacted by the authority aforesaid,* That the lieutenant governor, members and officers of Congress, and their servants not citizens of this State, members of senate and assembly the clerks of senate and assembly, the chancellor, chief justice and other justices of the supreme court, judge of the court of probates, and all other judicial officers, secretary, treasurer, attorney general, and auditor of this State, surveyor general, registers of courts, sheriffs, coronors, and gaolers, two ferry men employed to each boat and the surrogates in the several counties; all ministers or preachers of the gospel, physicians and surgeons, except in their respective professions and callings, the professors tutors and students of Columbia college, post officers and stage drivers who are employed in conveying the mails of the post office of the United States, all school masters engaged for six months, the actual attendant of every grist mill, and the fire men of the cities of New York and Albany, and of the township of Brooklyn and twenty fire men to be from time to time appointed by the majority of the magistrates of the county of Albany residing in the township of Schenectady, notwithstanding their being above sixteen and under forty five years of age, shall be and hereby are exempted from training or doing duty in the militia.

*And be it further enacted by the authority aforesaid* That all persons being of the people called Quakers who would otherwise be subject to military duty by virtue of this act, and who shall refuse personal military service, shall be exempted therefrom on paying annually the sum of forty shillings each for such exemption; such sum to be assessed on each of them respectively by the assessors, and collected by the collectors of the districts wherein they respectively reside, with the contingent charges of the county, and paid to the county treasurer, who shall pay the same into the treasury of this State, to be applied toward the support of government. And it is hereby made the duty of every captain of infantry within three months after he shall have received his commission, and yearly and every year thereafter, on the first Monday of June in every year, to make a list of the names of all and every person and persons within his beat who being of the people called Quakers shall neglect or refuse personally to perform military service, and deliver such list in the city of New York to the clerk of the said city, and in each of the other counties of this State to the supervisor of the town, precinct or district where such person or persons so neglecting or refusing to perform military service shall respectively reside: And the clerk

of the said city of New York shall forthwith after receiving such lists, deliver the same to the mayor aldermen and commonalty of the said city in common council convened, and the mayor, recorder and aldermen of the city of New York or any three of them in the said city, and the supervisors or major part of them of each of the other counties of this State respectively shall at their first meeting after the delivery of such lists, cause tax lists to be made out according to such lists so delivered, with warrants thereon under their hands and seals directed to the collector of the ward town, precinct or district, in which such persons named in such lists respectively reside for levying the sum of forty shillings of the goods and chattels of each of the persons named in the same lists. And the said collectors are hereby respectively authorized and required to demand and receive of each of the persons named in such tax list the said sum of forty shillings; and in default of payment such collector shall levy the said sum of forty shillings by distress and sale of the goods and chattels of the person so neglecting or refusing to pay the same; and in case any person named in such tax list shall be under age and live with his father or mother shall be then an apprentice or servant the master or mistress or father or mother as the case may be, shall be liable to pay the said sum of forty shillings for such person so under age; And in default of payment the collector shall levy the same by distress and the sale of the goods and chattels of such father or mother master or mistress. And the said respective collectors shall respectively pay the said monies to the city or county treasurer, deducting their fees for collecting, on or before the first Monday of January in every year; and the county treasurers shall respectively pay the same to the treasurer of this State, deducting his fees for receiving the same, on or before the first Monday in March in every year. And the collectors and county treasurers shall have the like fees for collecting and receiving the said monies, as they are respectively entitled to for collecting and receiving the monies raised for defraying the necessary contingent charges of the said city or counties.

Compensa-  
tion of  
militia  
directed to  
remain  
embodied.

*And be it further enacted by the authority aforesaid,* That the non commissioned officers and privates of the companies of artillery, cavalry and infantry, which by this act are directed to remain embodied for the purpose of being trained and instructed in military discipline, after the other enroled militia of this State are dismissed, shall be allowed and paid for every day which they shall so remain as aforesaid longer than the said enroled militia, each two shillings.

Muster-  
rolls, how  
made out.

*And be it further enacted by the authority aforesaid,* That the captains of the respective companies of artillery, cavalry and infantry, which shall remain embodied as aforesaid, shall make out and deliver to the inspector of the brigade to which such companies shall respectively belong, a roll of their respective companies, specifying the names of the non commissioned officers and privates who have actually been in the field as aforesaid, and the times which they have so been in the field. And that the said inspector shall muster the said companies on the day next before the day of their dismissal, and shall certify the exact state of such companies respectively upon the muster roll thereof, and subscribe his name thereto; which muster roll being subscribed and sworn to by the captains of such companies respectively before the brigadier or commanding officer of the brigade, shall by the said captains together with a pay roll, be delivered to such brigadier or commanding officer of the brigade.

Muster and  
pay-rolls  
to be certi-

*And be it further enacted by the authority aforesaid,* That when the muster rolls and pay rolls of the said companies respectively shall be

delivered as aforesaid to the brigadier or commanding officer of the respective brigades, the said brigadier or commanding officer of the brigade shall cause the major of brigade to make out an abstract of the whole of the pay of the said companies of cavalry artillery and infantry of his brigade, which muster rolls pay rolls and abstracts being severally examined and certified by the said brigadiers or commanding officers of the brigades respectively, shall be transmitted to the treasurer of the State.

fed and delivered to treasurer.

*And be it further enacted by the authority aforesaid,* That when the muster rolls, pay rolls and abstract shall have been delivered in manner aforesaid to the treasurer of the State, the said treasurer shall and may and he is hereby authorized and directed to pay to the captains of such companies respectively, upon application therefore the amount of the pay of their respective companies, to be specified in their pay rolls as aforesaid, out of any unappropriated monies in the treasury; and such captains shall as soon as conveniently may be pay the same to such non commissioned officers and privates respectively who are entitled to the same, or their executors or administrators.

Treasurer to pay amounts to captains of companies.

*And be it further enacted by the authority aforesaid* That the commander in chief shall from time to time arrange the militia in two divisions as nearly equal as circumstances in his opinion will admit of.

Two divisions to be formed.

*And whereas* from the great extent of the counties of Washington and Montgomery, some of the inhabitants would be subject to great expence and difficulty, if they were obliged to attend at regimental & brigade parades;

*Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful for the respective commanding officers of the militia in each of the said counties to exempt such persons from attending regimental and brigade parades, as shall live at a greater distance than thirty miles from such parades aforesaid.

Certain persons in Montgomery and Washington counties exempted from parades.

*And whereas,* from the insular situation of the county of Richmond it will be attended with much inconvenience and expence if the militia thereof should be compelled for the purpose of improving in military discipline to attach themselves to the militia of any other county. Therefore

*Be it farther enacted by the authority aforesaid,* That the militia of the said county of Richmond shall be formed into one regiment to consist of as many companies as the commander in chief shall judge necessary, which regiment shall meet four times in the year in the manner and during the periods which the other militia of this State are directed to meet; but such regiment shall be inspected in the said county by such inspector of the militia of the city and county of New York as the commander in chief shall direct, and shall be attached to and considered as part of the militia of the city and county of New York, and be subject to the immediate command of the senior brigadier of the said city and county as part of his brigade.

Richmond county, separate regiment in.

*And be it further enacted by the authority aforesaid* That if a sufficient number of volunteers shall not offer themselves to compose the infantry companies of any regiment it shall and may be lawful from time to time when a deficiency in the complement of any such company shall arise, to and for the field officers of the regiment to cause a list to be made of all the young men enroled in the district of such regiment above the age of sixteen and under the age of twenty six years, and who shall not already have enlisted in the said infantry companies, and shall by lot determine which of the said young men shall be compelled to attach themselves to the said companies of infantry.

Infantry companies not filled by volunteers, to be filled by draft.

Invasion,  
calling out  
of militia  
in case of.

*And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for any major general or commanding officer of a brigade or commanding officer of a regiment when and as often as any invasion may happen to order out the militia under their respective commands for the defence of this State, giving notice of such invasion and every circumstance attending the same, as early as possible to their immediate commanding officer, by whom such information shall be transmitted with the utmost expedition to the commander in chief ; and that in cases of insurrections the commanding officer of the regiment within the limits of which any such insurrection may happen shall immediately assemble his regiment under arms, and having transmitted information thereof to the commanding officer of the brigade and to the commander in chief shall proceed to take such measures to suppress such insurrection as to any three of the judges or justices of the county in which such insurrection shall happen shall appear most proper and effectual. And if any person be wounded or disabled while in actual service in opposing any invasion or insurrection or in suppressing the same, he shall be taken care of and provided for at the public expence, without having any regard to the rank such person may hold.

Commissary of  
military  
stores.

*And be it further enacted by the authority aforesaid* That it shall and may be lawful for the person administering the government of the State for the time being, by and with the advice and consent of the council of appointment, to appoint a commissary of military stores, who shall be allowed at and after the rate of forty pounds per annum : And such commissary shall have the charge and keeping of ordinance, and military stores of the State, subject to such orders and instructions in the execution of his duty as he shall receive from the commander in chief.

Penalties  
for refusal  
to obey  
orders, etc.

*And be it further enacted by the authority aforesaid* That every non commissioned officer and private who shall neglect or refuse to obey the orders of his superior officer while under arms shall forfeit twenty shillings for every such offence, and if any such non commissioned officer or private enroled to serve in either of the companies of artillery cavalry or infantry shall refuse or neglect to perform such military duty or exercise as he shall be required to perform, or shall depart from his colours or guard, without the permission of his superior officer as aforesaid, he shall forfeit the sum of twenty shillings and for the non payment thereof the offender shall be committed by warrant from the captain or commanding officer of the troop or company then present to which such offender doth belong to the next goal there to be confined until the fines as aforesaid together with the goalers fees are paid. And the respective sheriffs of the respective cities and counties of the State are hereby empowered and required to receive the body or bodies of such offender or offenders as shall be brought to them by virtue of a warrant or warrants under the hand and seal of such officer as aforesaid ; and him or them to keep in safe custody until such fines as are mentioned in such warrant together with the goalers fees as aforesaid shall be paid, and the sheriffs and goalers respectively shall be allowed the same fees as are allowed in other cases : *Provided,* that in case of a military guard where a captain doth not command in person, a warrant granted by an inferior officer who shall have the command of such guard, shall be of the same authority against all offenders as if such warrant had been issued by such captain.

Uniforms,  
of what to  
consist.

*And be it further enacted by the authority aforesaid* That the military uniform of this State shall be as follows, that is to say

General officers, dark blue coats with buff facings, linings, collars and cuffs and yellow buttons with buff under cloths—

Regimental officers of infantry, dark blue coats with white linings, facings, collars and cuffs, and white buttons, with white under clothes—

Non commissioned officers and privates of infantry, dark blue coats with white linings collars and cuffs, and white under clothes—

Staff officers, dark blue coats with buff collars and linings and yellow buttons—

*Provided*, that none of the non commissioned officers and privates of the regiments of militia, except those composing the light infantry companies, directed to be formed by this act, shall be obliged to appear in uniform in manner aforesaid.

*And be it further enacted by the authority aforesaid*, That all persons who have heretofore been commissioned officers in the line of the army of the United States, shall be, and hereby are exempted from serving in the militia of this State, any thing in this act to the contrary hereof notwithstanding. *Provided nevertheless*, that if any such officer being above the age of sixteen and not more than forty five years, shall be commissioned in the militia to a rank equal to that which he held in the said army and shall refuse to accept such commission such officer so refusing, shall be liable to serve in the militia.

Former officers in the line of the United States exempt.

*And be it further enacted by the authority aforesaid*, That the commander in chief shall, as soon as may be after the passing of this act, take such measures as to him shall seem proper, to obtain the age rank and residence of all officers who heretofore have served in the militia of this State, and the number of men between the age of fifteen and forty five directed to be enrolled by this act. And all executive officers within this State, are hereby strictly enjoined and required to carry into execution such directions relative to the premises as the commander in chief may from time to time give and enjoin.

Lists to be made of officers who have formerly served in the militia.

*And be it further enacted by the authority aforesaid*, That all other laws of this State, for regulating the militia thereof shall be and hereby are repealed. *Provided always*, that the act entitled "An act to regulate the militia" passed the 4th of April 1782 shall continue to be in full force and effect in the different counties of this State until the militia of such counties shall be arranged and officered, agreeable to the directions of this law and no longer.

Certain acts repealed.

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## CHAP. 26.

AN ACT to enable the mayor, aldermen and commonalty of the city of New York, in common council convened, to order the raising monies by tax for the maintenance of the poor, and other contingent expences arising in the said city.

PASSED the 4th of April, 1786.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That the mayor aldermen and commonalty of the city of New York, in common council convened, shall be and hereby are fully empowered and authorized, as soon as conveniently may be after the passing of this act, to order the raising a sum not exceeding six thousand pounds, by a tax on the estates real and personal of all and every the freeholders and inhabitants within the city and county of New York, to be applied to the support and maintenance of the poor of the said city and county,

Tax laid in New York city for contingent expences.



*An ACT to amend and more effectually put in force for the time therein limited, the act entitled "an Act for the regulation of the Militia of this State, passed the 26th day of March 1784.*

Preamble.

**W**HEREAS, by the eighth section of the first article of the constitution of the United States, it is, among other things, "ordained and established, that the Congress shall have power to provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress."

*And whereas,* The Congress of the United States have not as yet provided any law for the organizing and arming and disciplining the militia, in pursuance of the authority in them vested; and it is fit and expedient that the legislature should continue to provide proper laws and regulations for the government of the militia of this state, until the Congress of the United States shall think fit to execute the power in them vested by the said constitution.

*And whereas,* Doubts have arisen whether the militia law of this state, passed on the said twenty-sixth day of March, one thousand seven hundred and eighty four, was not repealed and rendered ineffective by the subsequent adoption of the said constitution of the United States, by the state of South-Carolina:

Former militia law continued in force.

*Be it therefore enacted by the honorable the senate and house of representatives, now met and sitting in general assembly and by the authority of of the same,* That the said act of general assembly of this state, entitled, "An act for the regulation of the militia of this state," be and the same is hereby declared to have been, and shall continue to be in full force and effect, until the said Congress of the United States shall have provided and enacted some law or laws for organizing, arming and disciplining the militia of the United States.

Commanders of the militia to order musters.

*And be it further enacted by the authority aforesaid,* That it shall and may be lawful for each and every colonel, lieutenant colonel commandant or commander, for the time being, of any of the militia regiments or battalions within this state, to order out such regiment, or battalion, for the purposes of regimental or battalion musters or training, at any such time and place within their respective regimental districts as they may think necessary and proper: *Provided,* That said regiments shall not be continued out on such muster or training, for more than one day at each training, nor for more times than three in one year.

Proviso.

Free men, liable to bear arms must appear at musters with arms and accoutrements.

*And be it further enacted by the authority aforesaid,* That every free man of this state, liable to bear arms in any of the regiments, battalions or companies of foot in this state, and who shall appear at any such regimental or battalion muster, or at any muster or review ordered by his excellency the governor, or at any company muster ordered in pursuance of this act, or by virtue of the said act of the twenty-sixth day of March, 1784, not provided with a good musket and bayonet, and cartouch box capable of containing at least twelve rounds of cartridges, or other sufficient gun and a good and sufficient small sword, broad sword, curlas or hatchet, and a powder horn

or

or flask, capable of holding at least twelve rounds of powder, and a good shot bag or pouch, capable of holding twelve balls of a proper size for his gun, and with three spare flints, shall forfeit and pay for each and every such default, the sum of two dollars, or the sum of half a dollar for each article of arms or accoutrements herein before directed, to be assessed and levied on such defaulter, in the manner in and by the said act directed and appointed.

Penalty:

And be it further enacted, That the aforesaid act of the 26th day of March, 1784, and this act, shall be and continue in force until the Congress of the United States shall provide some law or laws for organizing, arming and disciplining the militia of the United States, in pursuance of the said constitution.

This act shall continue in force until Congress provide a militia law or laws.

And be it further enacted by the authority aforesaid, That the third clause of an act passed on the 17th day of June, one thousand seven hundred and forty six, entitled "An act for the better establishing and regulating patrols in this province." so far as it respects the inhabitants of Fredericksburgh township, be and the same is hereby repealed.

Repealing clause respecting the inhabitants of Fredericksburgh township.

In the senate house, the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-one, and in the sixteenth year of the independence of the United States of America.

DAVID RAMSAY, President of the Senate.  
JACOB READ, Speaker of the House of Representatives.



An ACT to authorize the holders of the Foreign Debt in France, to redeem the same in Amsterdam.

WHEREAS, it has been represented to the legislature, by John Splatt Cripps and William Crafts, that the foreign creditors of this state, whose debts are payable in France, would be able to transfer the same to their satisfaction, provided the said debts were made redeemable in the city of Amsterdam: And whereas, it is incumbent on this state, to facilitate the negotiation of the said debts: Be it therefore enacted by the honorable the senate and house of representatives, now met and sitting in general assembly and by the authority of the same, That the said John Splatt Cripps and William Crafts, or their assigns, be and they are hereby authorized, on the part of the said creditors or their assigns, whose debts are payable in France, (upon the delivery of the evidence of the said debts) to register the same at the treasury of this state, redeemable in the city of Amsterdam, whereby the said creditors shall be entitled to all the benefits of an ordinance, entitled "an ordinance for funding and ultimately discharging the foreign debt of this state."

Preamble.

John Splatt Cripps and William Crafts, authorized to register debts, now payable in France, to be redeemable in the city of Amsterdam, and to

And be it further enacted by the authority aforesaid, That the said John Splatt Cripps and William Crafts, or their assigns, be and they are hereby authorized and empowered, on the part of this state, to negotiate the transfer of the said debts.

negotiate transfers on the part of this state.

In the Senate House, the 20th day of December, in the year of our Lord, one thousand seven hundred and ninety-one, and in the sixteenth year of the Independence of the United States of America.

DAVID RAMSAY, President of the Senate.  
JACOB READ, Speaker of the House of Representatives.

An

The Militia Act of 1792, Passed May 8, 1792, providing federal standards for the organization of the Militia.

An ACT more effectually to provide for the National Defence, by establishing an Uniform Militia throughout the United States.

I. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That each and every free able-bodied white male citizen of the respective States, resident therein, who is or shall be of age of eighteen years, and under the age of forty-five years (except as is herein after excepted) shall severally and respectively be enrolled in the militia, by the Captain or Commanding Officer of the company, within whose bounds such citizen shall reside, and that within twelve months after the passing of this Act. And it shall at all time hereafter be the duty of every such Captain or Commanding Officer of a company, to enroll every such citizen as aforesaid, and also those who shall, from time to time, arrive at the age of 18 years, or being at the age of 18 years, and under the age of 45 years (except as before excepted) shall come to reside within his bounds; and shall without delay notify such citizen of the said enrollment, by the proper non-commissioned Officer of the company, by whom such notice may be proved. That every citizen, so enrolled and notified, shall, within six months thereafter, provide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch, with a box therein, to contain not less than twenty four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot-pouch, and powder-horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear so armed, accoutred and provided, when called out to exercise or into service, except, that when called out on company days to exercise only, he may appear without a knapsack. That the commissioned Officers shall severally be armed with a sword or hanger, and esponton; and that from and after five years from the passing of this Act, all muskets from arming the militia as is herein required, shall be of bores sufficient for balls of the eighteenth part of a pound; and every citizen so enrolled, and providing himself with the arms, ammunition and accoutrements, required as aforesaid, shall hold the same exempted from all suits, distresses, executions or sales, for debt or for the payment of taxes.

II. And be it further enacted, That the Vice-President of the United States, the Officers, judicial and executives, of the government of the United States; the members of both houses of Congress, and their respective officers; all custom house officers, with the clerks; all post officers, and stage-drivers who are employed in the care and conveyance of the mail of the post office of the United States; all Ferrymen employed at any ferry on the post road; all inspectors of exports; all pilots, all mariners actually employed in the sea service of any citizen or merchant within the United States; and all persons who now are or may be hereafter exempted by the laws of the respective states, shall be and are hereby exempted from militia duty, notwithstanding their being above the age of eighteen and under the age of forty-five years.

III. And be it further enacted, That within one year after the passing of the Act, the militia of the respective states shall be arranged into divisions, brigades, regiments, battalions, and companies, as the legislature of each state shall direct; and each division, brigade, and regiment, shall be numbered at the formation thereof; and a record made of such numbers of the Adjutant-General's office in the state; and when in the field, or in serviced in the state, such division, brigade, and regiment shall, respectively, take rank according to their numbers, reckoning the first and lowest number highest in rank. That if the same be convenient, each brigade shall consist of four regiments; each regiment or two battalions; each battalion of five companies; each company of sixty-four privates. That the said militia shall be officered by the respective states, as follows: To each division on Major-General, with two Aids-de-camp, with the rank of major; to each brigade, one brigadier-major, with the rank of a major; to each company, one captain, one lieutenant, one ensign, four serjeants, four corporals, one drummer, and one fifer and bugler. That there shall be a regimental staff, to consist of one adjutant, and one quartermaster, to rank as lieutenants; one paymaster; one surgeon, and one surgeon's mate; one serjeant-major; one drum-major, and one fife-major.

IV. And be it further enacted, That out of the militia enrolled as is herein directed, there shall be formed for each battalion, as least one company of grenadiers, light infantry or riflemen; and that each division there shall be, at least, one company of artillery, and one troop of horse: There shall be to each company of artillery, one captain, two lieutenants, four serjeants, four corporals, six gunners, six bombardiers, one drummer, and one fifer. The officers to be armed with a sword or hanger, a fusee, bayonet and belt, with a cartridge box to contain twelve cartridges; and each private of matoss shall furnish themselves with good horses of at least fourteen hands and an half high, and to be armed with a sword and pair of pistols, the holsters of which to be covered with bearskin caps. Each dragoon to furnish himself with a serviceable horse, at least fourteen hands and an half high, a good saddle, bridle, mail-pillion and valise, holster, and a best plate and crupper, a pair of boots and spurs; a pair of pistols, a sabre, and a cartouchbox to contain twelve cartridges for pistols. That each company of artillery and troop of house shall be formed of volunteers from the brigade, at the discretion of the Commander in Chief of the State, not exceeding one company of each to a regiment, nor more in number than one eleventh part of the infantry, and shall be uniformly clothed in raiments, to be furnished at their expense, the colour and fashion to be determined by the Brigadier commanding the brigade to which they belong.

V. And be it further enacted, That each battalion and regiment shall be provided with the state and regimental colours by the Field-Officers, and each company with a drum and fife or bugle-horn, by the commissioned officers of the company, in such manner as the legislature of the respective States shall direct.

VI. And be it further enacted, That there shall be an adjutant general appointed in each state, whose duty it shall be to distribute all orders for the Commander in Chief of the State to the

several corps; to attend all publick reviews, when the Commander in Chief of the State shall review the militia, or any part thereof; to obey all orders from him relative to carrying into execution, and perfecting, the system of military discipline established by this Act; to furnish blank forms of different returns that may be required; and to explain the principles of which they should be made; to receive from the several officers of the different corps throughout the state, returns of the militia under their command, reporting the actual situation of their arms, accoutrements, and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and discipline: All which, the several officers of the division, brigades, regiments, and battalions are hereby required to make in the usual manner, so that the said adjutant general may be duly furnished therewith: From all which returns be shall make proper abstracts, and by the same annually before the Commander in Chief of the State.

VII. And be it further enacted, That the rules of discipline, approved and established by Congress, in their resolution of the twenty-ninth of March, 1779, shall be the rules of discipline so be observed by the militia throughout the United States, except such deviations from the said rules, as may be rendered necessary by the requisitions of the Act, or by some other unavoidable circumstances. It shall be the duty of the Commanding Officer as every muster, whether by battalion, regiment, or single company, to cause the militia to be exercised and trained, agreeably to the said rules of said discipline.

VIII. And be it further enacted, That all commissioned officers shall take rank according to the date of their commissions; and when two of the same grade bear an equal date, then their rank to be determined by lots, to be drawn by them before the Commanding officers of the brigade, regiment, battalion, company or detachment.

IX. And be it further enacted That if any person whether officer or soldier, belonging to the militia of any state, and called out into the service of the United States, be wounded or disabled, while in actual service, he shall be taken care of an provided for at the publick expense.

X. And be it further enacted, That it shall be the duty of the brigade inspector, to attend the regimental and battalion meeting of the militia composing their several brigades, during the time of their being under arms, to inspect their arms, ammunition and accoutrements; superintend their exercise and manœuvres and introduce the system of military discipline before described, throughout the brigade, agreeable to law, and such orders as they shall from time to time receive from the commander in Chief of the State; to make returns to the adjutant general of the state at least once in every year, of the militia of the brigade to which he belongs, reporting therein the actual situation of the arms, accoutrement, and ammunition, of the several corps, and every other thing which, in his judgment, may relate to their government and general advancement of good order and military discipline; an adjutant general shall make a return of all

militia of the state, to the Commander in Chief of the said state, and a duplicate of the same to the president of the United States.

And whereas sundry corps of artillery, cavalry and infantry now exist in several of the said states, which by the laws, customs, or usages thereof, have not been incorporated with, or subject to the general regulation of the militia.

XI. Be it enacted, That such corps retain their accustomed privileges subject, nevertheless, to all other duties required by this Act, in like manner with the other militias.

[Act of February 28, 1795, made small revisions in Sections 2, 4, 5, and 10 of Act of May 2, 1792. The 1795 act was the authority for ruling in *Houston v. Moore*, 1820. Other revisions were enacted April 18, 1814]

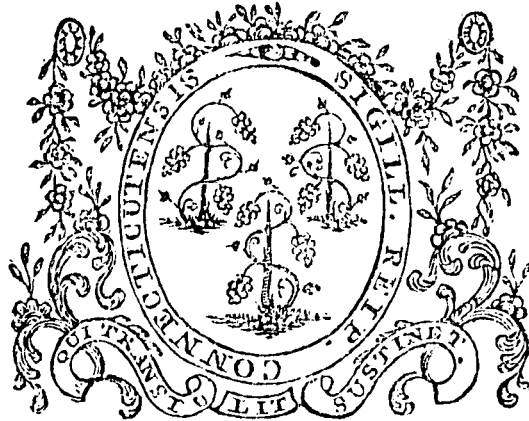
Sec. 2. And be it further enacted, That whenever the laws of the United States shall be opposed or the execution thereof obstructed, in any state, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, [words requiring notification by an associate justice or district judge were omitted in 1795 revision. The revision gave the President more authority] the same being notified to the President of the United States, by an associate justice or the district judge, it shall be lawful for the President of the United States to call forth the militia of such state to suppress such combinations, and to cause the laws to be duly executed. And if the militia of a state, where such combinations may happen, shall refuse, or be insufficient to suppress the same, it shall be lawful for the President, if the legislature of the United States be not in session, to call forth and employ such numbers of the militia of any other state or states most convenient thereto, as may be necessary, and the use of militia, so to be called forth, may be continued, if necessary, until the expiration of thirty days after the commencement of the ensuing session.

Sec. 4. And be it further enacted, That the militia employed in the service of the United States, shall receive the same pay and allowances, as the troops of the United States, [omitted in 1795: "who may be in service at the same time, or who were last in service, and shall be subject to the same rules and articles of war"]: And that no officer, non-commissioned officer or private of the militia shall be compelled to serve more than three months in any one year, nor more than in due rotation with every other able-bodied man of the same rank in the battalion to which he belongs.

Sec. 5. And be it further enacted, That every officer, non-commissioned officer or private of the militia, who shall fail to obey the orders of the President of the United States in any of the cases before recited, shall forfeit a sum not exceeding one year's pay, and not less than one month's pay, to be determined and adjudged by a court martial; and such officers shall, moreover, be liable to be cashiered by sentence of a court martial: [words added in 1795:] and be incapacitated from holding a commission in the militia, for a term not exceeding twelve months, at the discretion of the said court: and such non-commissioned officers and privates shall be liable to be imprisoned by the like sentence, or failure of payment of the fines adjudged against them, for the space of one calendar month for every five dollars of such fine.

Sec. 10. [revised to read:] And be it further enacted, That the act, intituled "Act to provide for calling forth the militia, to execute the laws of Union, suppress insurrections, and repel invasions," passed the second day of May one thousand seven hundred and ninety-two, shall be, and the same is hereby repealed.

APPROVED, February 28, 1795.



ACTS AND LAWS,

Made and passed by the General Court or Assembly of the State of Connecticut, in America, holden at New-Haven, (in said State) on the second Thursday of October, Anno Dom. 1792.

An Act for forming and conducting the military force of this state, conformable to the act of Congress, passed the eight day of May, A. D. 1792, which is as follows:—“ An Act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States.”

“ SECTION I. **B**E it enacted by the Senate, and house of Representatives, of the United States of America, in Congress assembled, That each and every free able bodied white male citizen, of the respective states, resident therein, who is, or shall be of the age of eighteen years, and under the age of forty-five years (except as is herein after excepted) shall severally and respectively be enrolled in the militia, by the captain or commanding officer of the company, within whose bounds such citizen shall reside; and that within twelve months after the passing this act, it shall at all times hereafter be the duty of every such captain, or commanding officer of a company, to enrol every such citizen, as aforesaid; and also those who shall, from time to time, arrive at the age of eighteen years, and under the age of forty-five years (except as before excepted) shall come to reside within his bounds; and shall without delay, notify each citizen of the said enrolment, by a proper non-commissioned officer of the company, by whom such notice may be proved. That every such citizen so enrolled and notified, shall within six months thereafter, provide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints and knapsack, a pouch with a box therein to contain twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot-pouch and powder-horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear so armed, accounted and provided, when called out to exercise, or into service, except that when called out on company days to exercise only, he may appear without a knapsack. That the commission officers shall severally be armed with a sword or hanger, and espartoon; and that from and after five years from the passing this act, all muskets for arming the militia, as herein required, shall be of bores sufficient for balls of the eighteenth part of a pound: And every citizen so enrolled, and providing himself with the arms, ammunition and accoutrements, required as aforesaid, shall hold the same exempt from all suits, distresses, executions, or sales for debt, or for the payment of taxes.”

Militia how & by whom to be enrolled.

How to be armed and accounted.

“ SEC. II. *And be it further enacted,* That the vice-president of the United States, the officers, judicial and executive, of the United States, the members of both houses of Congress, and the respective officers, all custom-house officers, with their clerks, all post-officers, and stage drivers, who are employed in the care and conveyance of the mail of the post-office of the United States, all ferrymen employed at any ferry on the post-road, all inspectors of exports, all pilots, all mariners actually employed in the sea service of any citizen or merchant within the United States, and all persons who are, or may hereafter be exempted by the laws of the respective states, shall be, and are hereby exempted from military duty, notwithstanding their being above eighteen, and under the age of forty-five years.”

Executive officers, &c. exempted.

Y y y

SEC. III.



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Militia.

Militia how to be arranged,  
by whom officered.

Each battalion to have 1 company of grenadiers, &c. and 1 company of artillery.

Officers how to be armed.

Troops of horse how officered, &c.

Artillery and horse of whom to be formed; to be uniformly clad at their own expence.

What colours &c. and by whom to be furnished.

Adjutant-general in each state, his duty.

Rules of discipline.

Officers how to take rank.

“SEC. III. *And be it further enacted,* That within one year after the passing this act, the militia of the respective states shall be arranged into divisions, brigades, regiments and companies, as the legislature of each state shall direct; and each division, brigade, and regiment, shall be numbered at the formation thereof, and a record made of such numbers in the adjutant general's office in the state; and when in the field, or in service of the state, each division, brigade and regiment, shall respectively take rank according to their numbers, reckoning the first or lowest number highest in rank. That if the same be convenient, each brigade shall consist of four regiments, each regiment of two battalions, each battalion of five companies, each company of sixty-four privates. That the said militia shall be officered by the respective states, as follows, To each division one major-general, and two aids-de-camp, with the rank of major; to each brigade, one brigadier-general, with one brigade inspector, to serve also as brigade-major, with the rank of a major; to each regiment one lieutenant-colonel-commandant; and to each battalion one major; to each company one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer, one fifer or bugler. That there shall be a regimental staff, to consist of one adjutant, one quartermaster to rank as lieutenant, one pay-master, one surgeon and surgeon's-mate, one sergeant-major, one drum-major, and one sife-major.”

“SEC. IV. *And be it further enacted,* That out of the militia enrolled as is herein directed, there shall be formed for each battalion, at least one company of grenadiers, light-infantry, or riflemen; and that to each division, there shall be at least one company of artillery, and one troop of horse. There shall be to each company of artillery, one captain, two lieutenants, four sergeants, four corporals, six gunners, six bombardiers, one drummer, and one fifer; the officers to be armed with a sword or hanger, fusée, bayonet and belt, with a cartridge box, to contain twelve cartridges, and each private or matross, shall furnish himself with all equipments of a private in the infantry, until proper ordnance and field artillery is provided. There shall be to each troop of horse, one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, and one trumpeter. The commissioned officers to furnish themselves with good horses of at least fourteen hands and a half high, and to be armed with a sword and pair of pistols, the holsters of which to be covered with bearskin caps; each dragon to furnish himself with a serviceable horse, at least fourteen hands and a half high, a good saddle, bridle, mail pillion and valise, holsters, and a breastplate and crupper, a pair of boots and spurs, a pair of pistols, a sabre, and a cartridge box to contain 12 cartridges for pistols. That each company of artillery and troop of horse, shall be formed of volunteers from the brigade, at the discretion of the commander in chief of the state, not exceeding one company of each to a regiment, nor more in number than one eleventh part of the infantry; and shall be uniformly clothed in regimentals, to be furnished at their own expence, the colour and fashion to be determined by the brigadier commanding the brigade to which they belong.”

“SEC. V. *And be it further enacted,* That each battalion and regiment, shall be provided with a State and regimental colours by the field officers; and each company with a drum and fife, or bugle horn, by the commissioned officers of the company, in such manner as the legislature of the state shall direct.”

“SEC. VI. *And be it further enacted,* That there shall be an adjutant-general appointed in each state, whose duty it shall be to distribute all orders from the commander in Chief of the State, to the several corps; to attend all public reviews when the commander in chief of the state shall review the militia, or any part thereof; to obey all orders from him relative to carrying into execution, and perfecting the system of military discipline established by this Act; to furnish blank forms of different returns that may be required, and to explain the principles on which they shall be made; to receive from the several officers of the different corps throughout the state, returns of the militia under their command, respecting the actual situation of their arms, accoutrements, and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and discipline: All which the several officers of the division, of the brigades, regiments, and battalions, are hereby required to make in the usual manner, so that the said adjutant-general may be duly furnished therewith; from all which returns he shall make proper abstracts, and lay the same annually before the commander in chief of the state.”

“SEC. VII. *And be it further enacted,* That the rules of discipline approved and established by Congress in their resolutions of the 29th of March 1779, shall be the rules of discipline, to be observed by the militia, throughout the United States, except such deviations from the said rules as may be redered necessary by the requisitions of this act, or by some other unavoidable circumstances. It shall be the duty of the Commanding Officer, at every muster, whether by battalion, regiment, or single company, to cause the militia to be exercised and trained, agreeably to the said rules of discipline.”

“SEC. VIII. *And be it further enacted,* That all the commissioned officers shall take rank according to the date of their commissions; and when two of the same grade

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grade bear an equal date, then their rank to be determined by lot, to be drawn by them, before the commanding officer of the brigade, regiment, battalion, company, or detachment."

"Sec. IX. *And be it further enacted*, That if any person, whether officer or soldier, belonging to the militia of any state, and called out into service of the United States, be wounded, or disabled while in actual service, he shall be taken care of and provided for at the public expence." Provision in case of wounds, &c.

"Sec. X. *And be it further enacted*, That it shall be the duty of the brigade-inspector, to attend the regimental and battalion meeting of the militia, composing the several brigades during the time of their being under arms, to inspect their arms, ammunition, and accoutrements; superintend their exercise and manœuvres, and introduce the system of military discipline before described, throughout the brigade, agreeable to law; and such orders as they shall from time to time receive from the commander in chief of the state; to make returns to the adjutant-general of the state, at least once in every year, of the militia of the brigade to which he belongs; reporting therein the actual situation of the arms, accoutrements, and ammunition, of the several corps; and in every other thing which in his judgment relates to their government, and the general advancement of good order and military discipline. And the adjutant-general shall make a return of all the militia in the state, to the commander in chief of the said state, and a duplicate of the same to the President of the United States." Brigade inspector's duty.

"And whereas sundry corps of artillery, cavalry, and infantry, now exist in several of the said states, which by the laws, customs and usages thereof, have not been incorporated with, or subject to the general regulations of the militia;" Artillery, &c. now existing.

"Sec. XI. *Be it further enacted*, That such corps retain their accustomed privileges, subject nevertheless to all other duties required by this act, in like manner with the other militia." To retain their privilege.

JONATHAN TRUMBULL, *Speaker of the House of Representatives.*

RICHARD HENRY LEE, *President pro tempore of the Senate.*

APPROVED MAY THE EIGHTH, 1792.

GEORGE WASHINGTON, *President of the United States.*

In pursuance of which Act, and to carry the same into execution agreeably to the requirements thereof,

**B**E it enacted by the Governor, Council, and House of Representatives, in General Court assembled, That the governor of this state, for the time being, shall be captain-general and commander in chief, of all the military force in this state; and that the lieutenant-governor shall be lieutenant-general of the same. Capt. General and Lieut. Gen.

And that all citizens in this state, required by said act of Congress, except members of the council, of the house of representatives, for the time being; the state treasurer, and secretary; justices of the peace; field, commissioned, and staff officers, honorably discharged; ministers of the gospel; the president, professors, and tutors of college, and students, till the time of taking their second degrees; physicians and surgeons; select-men; constant school masters; one miller to each grist-mill, being approved by the select-men, and having a certificate thereof; sheriffs and constables; constant ferrymen; non-commissioned officers, who have removed out of the limits of their command and are not re-appointed, or such as have been honorably discharged; and such non-commissioned officers and soldiers, as enlisted during the war, in the late war, and were honorably discharged; and all such as are exempt by special act or resolve of this assembly; shall be enrolled in companies as therein directed, and formed into regiments, brigades, and divisions, in the following manner, viz.

Those in the town of Hartford, (the governor's company of horse guards, and company of cadets excepted, which shall be under the immediate command of the captain-general) those in the town of Windsor (exclusive of what lies in the society of Turkey-Hills, in said Windsor,) and those in that part of Farmington lying in the society of Wintonbury, shall constitute the first regiment. 1st. Regiment.

Those in the town of New-Haven, East-Haven, North-Haven, and Hamden, (except the governor's guard in New-Haven, who are under the immediate command of the captain-general) shall constitute the second regiment. 2d. Regiment.

Those in the towns of New-London and Montville, shall constitute the third regiment. 3d. Regiment.

Those in the towns of Fairfield, Weston, and Reading, shall constitute the fourth regiment. 4th Regiment.

Those in the towns of Windham, Hampton, (excepting the former bounds of Canterbury) Mansfield and Ashford, shall constitute the fifth Regiment. 5th Regiment.

Those in the towns of Wethersfield and Glastenbury, and that part of Berlin formerly Wethersfield, shall constitute the sixth Regiment. 6th Regiment.

Those in the towns of Saybrook, Killingworth, and Haddam, shall constitute the seventh regiment. 7th Regiment.

Those in the towns of Groton and Preston, (except those in that part of Preston that was formerly part of Norwich) shall constitute the eighth regiment. 8th Regiment.

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- 9th Regiment. Those in the towns of Greenwich and Stamford, (except those in the societies in Canaan, and Middlesex in Stamford) shall constitute the ninth regiment.
- 10th Regiment. Those in the towns of Wallingford, Cheshire, and Durham, shall constitute the tenth regiment.
- 11th Regiment. Those in the towns of Pomfret, Woodstock, Killingly, Thompson, and Brooklyn, (excepting the south company and artillery men) shall constitute the eleventh regiment.
- 12th Regiment. Those in the towns of Lebanon, Hebron, and the company in the society of Marlborough in Colchester, and those in the society of Andover, in Coventry, shall constitute the twelfth regiment.
- 13th Regiment. Those in the towns of Woodbury, Southbury, and Bethlehem, (except that part of Southbury included in Oxford company) shall constitute the thirteenth regiment.
- 14th Regiment. Those in the towns of Salisbury, Canaan, and Norfolk, shall constitute the fourteenth regiment.
- 15th Regiment. Those in the towns of Farmington, Berlin, Bristol, and Southington (except the former bounds of Wethersfield and Middletown, in Berlin) shall constitute the fifteenth regiment.
- 16th Regiment. Those in the towns of Danbury, Brookfield, Newtown, New-Fairfield, (except that part which now forms the north company) and Ridgefield, (except that part which now forms the south company) shall constitute the sixteenth regiment.
- 17th Regiment. Those in the towns of Litchfield, Harwinton, and Torrington, shall constitute the seventeenth Regiment.
- 18th Regiment. Those in the towns of Symsbury and Granby, and that part of the town of Windfor lying in the society of Turkey-Hills, and part of Suffield lying West of the mountain, shall constitute the eighteenth regiment.
- 19th Regiment. Those in the towns of East-Hartford, Bolton, East-Windsor, and that part of Ellington lying West of a line running north from the North-west corner of Tolland to Somers, shall constitute the nineteenth regiment.
- 20th Regiment. Those in the towns of Norwich, Bozrah, Franklin, Lisbon, and that part of Preston that was formerly part of Norwich, and that part of Canterbury in Hanover society, shall constitute the twentieth regiment.
- 21st Regiment. Those in the towns of Plainfield, Canterbury, Voluntown, and South Company, with the artillery men in Brooklyn, and that part of Hampton formerly in Canterbury, and the south company in Killingly, (except that part of Canterbury in Hanover society) shall constitute the twenty-first regiment.
- 22d. Regiment. Those in the towns of Tolland, Stafford, Willington, Union, and part of Ellington lying east of a line running north from the north-west corner of Tolland to Somers, and Coventry (except Andover society) shall constitute the twenty-second regiment.
- 23d. Regiment. Those in the towns of Middletown and Chatham, and part of Berlin, formerly Middletown, shall constitute the twenty-third Regiment.
- 24th Regiment. Those in the towns of Colchester and East-Haddam, (except the society of Marlborough in Colchester) shall constitute the twenty-fourth regiment.
- 25th Regiment. Those in the towns of New-Hartford, Hartland, Winchester, Barkhempstead and Colebrook, shall constitute the twenty-fifth Regiment.
- 26th Regiment. Those in the towns of Watertown and Waterbury (except that part of Waterbury included in Oxford company) shall constitute the twenty-sixth regiment.
- 27th Regiment. Those in the towns of Guilford and Branford, shall constitute the twenty-seventh regiment.
- 28th Regiment. Those in the towns of Stratford and Huntington, shall constitute the twenty-eighth regiment.
- 29th Regiment. Those in the towns of Washington, New-Milford, Warren, Kent, and New-Fairfield north society, shall constitute the twenty-ninth regiment.
- 30th Regiment. Those in the town of Stonington shall constitute the thirtieth regiment.
- 31st Regiment. Those in the towns of Suffield, Enfield and Somers, (except that part of Suffield lying west of the mountain) shall constitute the thirty-first regiment.
- 32d Regiment. Those in the towns of Milford, Derby and Woodbridge, and that part of Southbury and Waterbury, in Oxford company, shall constitute the thirty-second regiment.
- 33d Regiment. Those in the town of Lyme, shall constitute the thirty-third regiment.
- 34th Regiment. Those in the towns of Norwalk, and that part of Ridgefield that now includes the south company, and those in the societies of Canaan, and Middlesex, in Stamford, shall constitute the thirty-fourth regiment.
- 35th Regiment. Those in the towns of Sharon, Cornwall, Goshen, and part of Litchfield, and Kent, now forming a company with Goshen and Cornwall, shall constitute the thirty-fifth regiment.

Where companies are divided.

And when by the division of companies into regiments, which hath or shall be made, it shall so happen that a company shall be divided, and part put into one regiment and part into another; in such case the minor part of such company, shall belong to the regiment, to which the major part belongs: Any descriptions or division herein before contained notwithstanding.

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That the first, eighteenth, nineteenth, twenty-second, and thirty-first regiments, shall constitute the first brigade. Bands of the 1st brigade.

That the second, seventh, tenth, twenty-seventh, and thirty-second regiments, shall constitute the second brigade. 2d. brigade.

That the third, eighth, twentieth, thirtieth, and thirty-third regiments, shall constitute the third brigade. 3d. brigade.

That the fourth, ninth, twenty-eighth, and thirty-fourth regiments, shall constitute the fourth brigade. 4th brigade.

That the fifth, eleventh, twelfth, and twenty-first regiments, shall constitute the fifth brigade. 5th brigade.

That the fourteenth, seventeenth, twenty-fifth, and thirty-fifth regiments, shall constitute the sixth brigade. 6th brigade.

That the sixth, fifteenth, twenty-third and twenty-fourth regiments, shall constitute the seventh brigade. 7th brigade.

That the thirteenth, sixteenth, twenty-sixth and twenty-ninth regiments, shall constitute the eighth brigade. 8th brigade.

That the first division shall be composed of the first and seventh brigades. 1st division.

That the second division shall be composed of the second and fourth brigades. 2d. division.

That the third division shall be composed of the third and fifth brigades. 3d. division.

That the fourth division shall be composed of the sixth and eighth brigades. 4th division.

And that all companies of artillery, grenadiers, and light infantry, that now or shall hereafter be raised, and troops of horse hereafter to be raised, shall be attached and annexed to the regiments, brigades and divisions, from which they were raised. And that the establishment of the companies of light dragoons, shall be forty, exclusive of commission officers; and that no officer of such company shall recruit his company of dragoons from any company of artillery, or troop of Horse—nor from any company of infantry, unless the same consist of more than sixty-four rank and file; but may enlist any exempts from military duty.

Artillery, grenadiers, light-infantry & troop of horse to be annexed to the regiments, &c. from which they were raised.

And be it further enacted, That each company of artillery shall consist of thirty matrosses, exclusive of commissioned and non commissioned officers; that each troop of horse shall consist of forty exclusive of commission officers; that each barrel of the fire lock, of the infantry shall be at least three feet and a half long, and furnished with a priming wire and brush; and each sergeant and corporal of the infantry, shall furnish himself with a screw driver and worm, more than is required by said act; and the sabres of the horsemen shall be four feet long.

Company of artillery to consist of 30 matrosses; and troop of horse of 40.

How furnished.

And be it further enacted, That the general, and field officers, shall be appointed by the legislature, and commissioned by the Governor—That the captains and subalterns, shall be nominated by their several companies, the commanding officer first giving three days notice to the individuals of their companies, that they are about to lead them to the choice of such commissioned officers; and if approved of by the legislature, shall be commissioned in like manner:—That the non-commissioned officers shall be nominated by their several companies, and shall have a warrant from the commanding officer of the regiment; which commanding officer of the regiment, has power to reduce to the ranks any non-commissioned officer, upon complaint made, and due notice given, if he finds him guilty of misconduct, or neglect of duty:—That all commissions granted by the governor, or appointments made by the legislature, of officers at one session of the legislature, bear date the same day, (except where two majors are appointed to one regiment) in which case the dates of their commissions shall be according to the priority of their appointments.

Officers by whom appointed & commissioned.

Commissions, & appointments, how regulated.

And be it further enacted, That the captain-general of the state, shall appoint the adjutant-general of the state, who shall have the rank of brigadier-general, and be commissioned accordingly:—That the captain-general shall appoint for himself two aids-de-camp, who shall have the rank of lieutenant-colonels; the lieutenant-general shall appoint for himself two aids-de-camp, who shall have the rank of major; each major-general shall appoint his two aids-de-camp; each brigadier-general shall appoint his brigade-inspector, and to serve as brigade-major; all which appointments, from time to time, as may be necessary of aids-de-camp, and brigade-majors and inspectors, shall be published in general orders:—That each commanding officer of a regiment, shall appoint his regimental staff, and a chaplain, whose appointment shall be published in brigade orders; and non-commission staff, whose appointments shall be made in regimental orders.

Capt. General to appoint adjutant-gen. & aids.

Lieut. gen. and maj. generals to appoint their aids.

Regimental staff.

And whereas, some regiments now constituted, have more companies than the formation directed by the act of Congress:

Be it further enacted, That the commanding officer of each regiment, constituted by this act, shall form the companies in their regiments as near as may be to an act of congress, for numbers of men and companies; and that where the field officers of any regiment shall judge best, they may take a company already formed to serve as a light infantry or grenadier company, to each battalion of their regiment; or enlist such companies from exempts, or others, not reducing any company, by such enlistment, under the number of sixty-four.

Officers commanding regiments to form the companies agreeably to act of Congress.

And be it further enacted, That each non-commissioned officer, horseman, matross, and private of the several companies of horse, artillery, and infantry of the militia

Non commission officers & militia

vates to furnish themselves with arms, &c. on penalty of 12s.

Officers to be uniformly clothed in regimentals. Field officers to furnish colours.

Companies to be out three days in each year, to be instructed, &c.

Arms to be inspected. Regiments to be reviewed once in each year. Privates who do not appear equipt to pay 9s.

and drummers, &c. 12s.

Punishment inflicted.

Officers to fix limits & bounds to their parades.

Warrants by whom granted & to whom directed.

On whom & on what levied.

Fines how appropriated.

Officers imposing fines, to give notice to the person fined, who shall have liberty within ten days to apply to, &c. for redress.

Soldiers unable to furnish themselves, &c.

tia of this state, shall furnish himself with the arms, ammunition and accoutrements, required by the act of congress, and by this act, upon the penalty of forfeiting and paying a fine of *twelve shillings* lawful money, and the like penalty for every four weeks he shall be unprovided; to be levied and collected by warrant of distress, as hereafter directed; and that a horseman, or dragoon, who shall not furnish and provide himself with a horse and furniture, as required by the said act, shall be returned to, enrolled, and do duty in the infantry company in the limits of which he resides:—That the field and commissioned officers in each regiment, shall be uniformly clothed in regimentals, at their own expence, and to be agreed upon by such officers; that the field officers of each regiment shall furnish state and regimental colours for their regiment and battalions, at the state expence, not exceeding the sum of four pounds ten shillings lawful money, to each regiment.

*And be it further enacted,* That every commanding officer of a company of militia, shall order out his company or troop, three days in each year, and instruct them in the use of arms and discipline of war; and the days appointed, shall be in the month of March, April, May, September, October or November, and that on the first Monday of May and October annually, such commanding officer shall cause the arms, ammunition and accoutrements, of all under his command, to be reviewed and inspected:—That the commanding officer of each regiment, shall order out his regiment by battalion or regiment, once in each year for regimental exercise, inspection and review. And if any of the privates belonging to any company of horse, artillery or infantry, shall neglect to appear completely armed and equipped on the place of parade, appointed by the commanding officer of his company, being duly warned, he shall forfeit and pay a fine of *nine shillings* for each day: and if any non-commissioned officer, drummer, fifer, or trumpeter, shall neglect to appear as aforesaid, he shall forfeit and pay the fine of *twelve shillings* for each day—unless any such person shall appear before the commanding officer of his company, within twelve days after such day of exercise or review, and make satisfactory excuse for his non appearance on said day; and the commanding officer of each company, battalion or regiment, shall order the correcting and punishing disorders and contempts, on days of company, battalion, or regimental exercise, inspection or review; the punishment not being greater than riding a wooden horse, for a time not exceeding one hour, or a fine not exceeding *forty shillings* lawful money:—That each commanding officer of a company, battalion, regiment, brigade or division, shall have power and authority, and full power is hereby given to ascertain and fix certain necessary limits and bounds to their respective parades, within which no spectator shall have right to enter, without liberty from said commanding officer; and in case any person shall so intrude or offend, he shall be subjected to be confined in such way and manner as the commanding officer shall direct, during the continuance of the exercise.

*And be it further enacted,* That all warrants granted by the commanding officer, of any company, battalion or regiment, for any time or times incurred by virtue of this act, or any breach thereof, shall be directed by the officer commanding a company, to the orderly sergeant of his company; which orderly sergeant he shall from time to time appoint, from the sergeants of his company; and the officer commanding a battalion or regiment, to the adjutant or sergeant-major; and to be by them levied on the goods or chattles of the respective delinquents, if upwards of twenty-one years of age—And for the want of such goods or chattles, against the body of such delinquent, and against the goods and chattles of the parents, master or guardians, of such delinquents as have not arrived to the age of twenty-one years; and for want of such goods and chattles, against the body of parent, master or guardian, and them commit and hold in goal, until such fine or fines shall be paid and satisfied, together with lawful fees for service, as in cases of execution for debt; which fines and forfeitures shall be appropriated for the use of the companies to which such delinquents respectively belong, for purchasing and maintaining colours, trumpets, drums and fifes; and should there be any overplus of fines remaining in the hands of the commanding officers of companies, they shall pay it over to the commanding officer of their regiment to which they belong; which together with the fines collected by virtue of warrants issued by the field officers, shall be applied to keeping colours in repair, and for band-music for the regiment. That whenever any commanding officer of a company shall impose any fine in any of the cases before mentioned in this act, he shall give notice to the person fined, who shall have liberty within ten days to apply to the commanding officer of the regiment, who on giving notice, and hearing the parties, may abate such fines, or any part thereof; and if such commanding officer of the regiment, thinks not proper to abate such fine, the officer imposing the same may proceed to a collection thereof.

*Provided nevertheless,* That if any soldier shall in the judgment of the select-men of the town to which he belongs, be unable to arm and accoutre himself agreeable to the directions of this act, it shall be the duty of such select-men to certify the same to the commissioned officers of the company to which such soldier belongs, in order

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order that execution may not issue against him for deficiency in such arms and accoutrements; and also, at the expence of such town to provide such soldier with arms, and the whole or any part of such accoutrements as may be necessary, within forty days from the time of granting such certificate, under penalty of the value of such arms and accoutrements, to be recovered of any, or all of said select-men, by warrant from an assistant or justice of the peace, upon proper information, and proof of such neglect, by said commissioned officers; which warrant shall be directed to any sheriff or constable proper to serve the same, returnable in sixty days, and the fine payable into the treasury of such town; and all arms and accoutrements thus provided, shall be the property of such town, and shall by the commanding officer of the company, be deposited in such places as he shall think proper, to be ready for such soldier, as occasion shall require; and such officer shall stand accountable for such arms and accoutrements, and shall be liable to pay for the same, if lost through his neglect or default.

*Provided also,* That any of the people called *Quakers*, who shall produce to the commanding officer of the company in which he resides, a certificate from the clerk of the society of Quakers to which he belongs, certifying that such person is a Quaker, he shall be exempt from equipping himself or doing military duty as required by this act, on his paying the sum of twenty shillings to such officer, at the expiration of each year during such exemption; and in case such Quaker refuse to pay said sum of twenty shillings, the same shall be collected and disposed of in the same manner as is heretofore provided for fines incurred by a breach of this act.

*And be it further enacted,* That each rank and grade of officers, shall furnish themselves with the rules of discipline approved and established by Congress, in their resolution of the 29th of March, 1779, and shall submit themselves to the orders and directions of their superior officers, or their senior officers, of the same grade; and all officers in the staff and orderly departments, shall be vigilant and active in executing and dispatching orders in their respective stations.

That general, field, commissioned, and staff officers, of all grades and ranks, shall be amenable to, and subject to trial by courts martial, according to the usage and practice of war, for all neglects of duty, for contempts or disrespect to a superior officer, for disobedience of orders, and for all un-officer-like conduct; which court martial shall consist of not less than nine, or more than thirteen members—the senior officer of the highest grade to preside—that another officer of the line or staff, to do the duty of judge advocate to the court—that the members composing the court, shall take the following oath, before they proceed on the trial of an officer, viz.

*You swear that you will well and truly try and determine according to evidence, the matter depending between the state of Connecticut and the prisoner, or prisoners, now to be tried, that you will not divulge the sentence of the court until the same shall be approved, or disapproved, pursuant to law; neither will you upon any account at any time whatsoever, disclose or discover, the vote or opinion of any particular member of the court martial, unless required by a due course of law. So help you GOD.*

The president of the said court martial, is hereby authorized and required to administer an oath to the officer acting as judge advocate, who is hereby required to take the same before he proceeds further on business, viz.—*You do swear that you will not on any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court martial, unless required in a due course of law; and that you will not divulge the sentence of this court, till the same shall be approved or disapproved according to law; and that you will well and truly do the duty of judge advocate, in this court, impartially and uprightly, according to the best of your abilities.——So help you GOD.*

And no other person whatever, shall be admitted to solicit, prosecute or defend the officer arrested; which officer arrested, if under the grade or rank of a field officer, shall have twelve days notice of the articles of charge made against him, by leaving a true and attested copy of the original articles of arrest, under the hand of a superior officer arresting him, and the names of the witnesses to be used against him minuted thereon, lodged with him at his usual place of abode by the officer arresting, or the proper orderly officer; and of the grade and rank of a field officer twenty days notice; and of the rank of a general officer thirty days notice in like manner; which court martial, for the trial of an officer under the rank and grade of a field officer, shall be appointed by the commanding officer of the brigade to which he belongs, and the sentence approved or disapproved by the captain-general of the state—for the trial of an officer of the rank and grade of a field officer, by the commanding officer of the division to which he belongs; and of a general officer by the captain-general of the state, and their sentence approved or disapproved by the legislature of the state. That no sentence of a court martial shall inflict other punishment than a reprimand, suspension from office for a certain term of time, cashiering, and cashiering with a disability of holding any military office in this state; two thirds of the members of any such court agreeing in such sentence.

Warrant to whom directed.

Fines to be paid into the town treasury.

Arms, &c. to be deposited in, &c.

Quakers exempt on paying 20s.

Officers to furnish themselves with the rules of discipline.

Officers to be tried by courts martial.

Who to preside.

Judge advocate to be of the staff.

Form of oath.

President of c. martial to administer an oath to the judge advocate.  
The form.

No person admitted to solicit &c.  
Officers under the grade of field officers to have 12 days notice, &c.  
Field officer to have 20, & gen. officer 30 days.  
Court martials by whom appointed.

What punishment may be inflicted.

*And*

Missionaries.

*Capt. gen. to order out the military force when necessary.* *And be it further enacted,* That the captain-general, or in his absence the next commanding officer of the state, is hereby authorized and empowered, as he may judge necessary upon the occasion, on an alarm, invasion, or notice of the appearance of an enemy, either by sea or land, to order the whole, or any part of the military force of this state, to assemble and put the same in warlike order; and the same to lead, order or employ for the assistance, or relieving any of the inhabitants of this state, attacked by an enemy, or in danger thereof; and generally to issue and publish by proper staff or orderly officer, such orders as he shall judge expedient to carry into execution the intent and design of this act. And all subordinate officers are hereby required to yield entire obedience thereto; and the officers severally commanding divisions, brigades, regiments, battalions and companies, are hereby vested with the same power and authority within the limits of their respective commands; provided that when they or any of them find it necessary to order out the force under their command, they shall forthwith dispatch intelligence, and the occasion thereof, together with their movements and operations, to the captain-general of the state, or any other their superior officer, as may be judged most conducive to the public safety; and the officer receiving such intelligence, shall observe the same line of conduct, in order that it may in the most expeditious way, arrive to the captain-general.

*Other officers powers to order out those under their command.* *And be it further enacted,* That the divisions, brigades, and regiments, may be ordered out for inspection or review, by their commanding officers, at such times as shall be thought expedient and necessary; and whenever a division is out, they shall be reviewed by the captain-general, when a brigade, by a major-general, and when a regiment, by a brigadier-general. And the captain-general shall direct a uniform and badges of office, for the general officers, their aids-de-camp, and brigade-major and inspectors.

*To inform the capt. general.* *And be it further enacted,* That no private soldier, matross or horseman, or non-commissioned officer, of either of the companies of horse, artillery or infantry, shall be discharged from his company and regiment, for inability, after his enlistment or enrollment in any of the companies, without a certificate from his surgeon; and for any other cause by applying to his captain, and the consent of the commanding officer of his regiment. And that no captain or subaltern officer, shall resign his commission without permission of the captain-general, or such general officers as he may empower for that purpose. And that no field or general officer, shall resign his commission without the acceptance of the legislature; and no officer shall be allowed to resign his commission when under an arrest.

*Divisions, &c. to be ordered out for review, &c. By whom.* *And be it further enacted,* That any person now holding and sustaining any commission by virtue of any act heretofore made, within any of the brigades, regiments and companies, heretofore, and by this act formed and established, shall continue to hold and exercise the same, with all the powers and authorities vested in such office, by virtue of this act, excepting the officers of such companies as shall be reduced by virtue of this act.

*Capt. gen. to direct uniform, &c.* *Be it further enacted,* That the laws establishing the cavalry in this state, be, and continue in force until they shall be annexed to the infantry: and that his excellency the governor, be requested and empowered to annex them in such proportion as he shall judge proper, to the several brigades within this state, subject to the orders and command of the brigadier of that brigade to which they shall severally be annexed; and thereafter to be subjected to the acts and regulations of Congress.

*Surgeon to give certificate for inability to privates.* *And be it further enacted,* That all the laws heretofore made by this state, for regulating and governing the military force thereof, be, and they are hereby repealed.

*Captain, &c. by whom discharged. Gen. and field officers, by legislature.*

*Old commissions continued.*

*Cavalry laws continued.*

*To be annexed to the several brigades, &c.*

*Laws repealed.*

An Act for the support of missionaries, to preach the gospel, in the northern and western parts of the United States.

*Contributions.* **B**E it enacted by the Governor, and Council, and house of Representatives in General Court assembled, and by authority of the same, That there be contributions in the several religious societies and congregations in this state, on the first sabbath in the month of May, annually, for the term of three years; and the minister or clerk of such societies or congregations, shall receive and pay over such contributions to the Reverend Ezra Stiles, Nathan Williams and Jonathan Edwards, who shall appropriate the same to the support of such missionaries as the general association of this state shall, from time to time employ in preaching the gospel, in those settlements in the northern and western parts of the United States, where the ordinances of the gospel are not established: and shall annually exhibit to this assembly, and said association, an account of the receipts, and expenditures of such contributions.

*To whom paid.*

*How appropriated.*

*Militia formed and regulated.*441

AN ACT for forming and regulating the militia within this State, and for repealing all the laws heretofore made for that purpose. Passed Dec. 28, 1792.

**B**E it enacted by the Senate and House of Representatives in General-Court convened, That the several laws heretofore made for regulating the militia, be, and hereby are repealed. Repealing clause.

*And be it further enacted,* That each and every free able-bodied white male citizen of this State, resident therein, who is, or shall be of the age of eighteen years, and under the age of forty years, except as herein after excepted, shall severally and respectively be enrolled in the militia by the captain or commanding officer of the company, within whose bounds such citizen shall reside, within six months after the passing this act. And it shall, at all times hereafter, be the duty of such captain or commanding officer of the company to enrol every such citizen, as aforesaid; and also those who shall from time to time, arrive at the age of eighteen years, or being of the age of eighteen years and under the age of forty years (except as hereafter excepted) shall come to reside within his bounds; and shall without delay, notify such citizen of said enrolment by a proper non-commissioned officer of the company, by whom such notice may be proved. Militia how and by whom to be enrolled.

*And be it further enacted,* That the vice-president of the United States; the officers, judicial and executive of the government of the United States; the members of both houses of congress, and their respective officers; all custom house officers, with their clerks; all post officers, and stage drivers, who are employed in the care and conveyance of the mail of the post office of the United States, and of this State; all ferry-men employed at any ferry on the post road; all inspectors of exports; all pilots; all mariners actually employed in the sea-service of any citizen or merchant within the United States; members of the senate and house of representatives for the time being; secretary and deputy secretary of the State; State and county treasurers, recorders of deeds; all civil officers, students of colleges and academies; ministers of the gospel; elders and deacons of churches; church wardens; grammar school-masters for the time being; masters of

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arts ; people denominated quakers ; selectmen for the time being ; tutors or preceptors of any college or academy ; all persons who may have sustained commissions of the peace ; all who have, either under the commission of the State, or the United States, or any particular State, held the office of a subaltern or officer of higher rank ; all physicians and surgeons, who have certificates from the medical society or selectmen of the town or place wherein they reside ; one miller to each corn-mill, and one toll-gather to each toll-bridge, shall be, and they are hereby excused from militia duty, and also one ferryman to each ferry.

*And be it further enacted,* That it shall be the duty of the captain or commanding officer of each company, twice in every year, exclusively of the battalion meeting, to call forth his company for inspection of arms, and instruction in military discipline, viz.—in the months of June and September, annually, and at such other times as he shall think best ; and that each commanding officer of a battalion, shall call his battalion together once in every year.

Each company exclusively, to be mustered twice, and each battalion once a year.

Each division, brigade and regiment by whom commanded.

*And be it further enacted,* That each division within this State, shall be commanded by one major-general, who shall have two aids-de-camp, with the rank of major ; each brigade by one brigadier-general, who shall have one brigade-inspector, who is also to perform the duty of brigade-major, with the rank of major. To each regiment, one lieutenant colonel commandant ; and to each battalion one major ; to each company one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer and one fifer. That the regimental staff, shall consist of one adjutant, one quarter-master, to rank as lieutenants ; one paymaster ; one surgeon ; one surgeon's mate ; one sergeant-major ; one drum-major and one fife-major.

What colours and at whose expence to be furnished.

*And be it further enacted,* That there shall be provided at the expence of this State for each regiment, one standard and one suit of regimental colours—the standard to bear the device, “ the arms of the United States ;” the regimental colours, “ the arms of this State ;” that the drums and fifes be furnished by the commanding officers of the companies, at the expence of the State.

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*And be it further enacted,* That the several commanding officers of companies, shall cause accurate returns to be made of their companies to the commanding officer of the regiment to which they belong, be fore the first day of February annually ; and the commanding officer of each regiment, shall cause to be made to the brigade major, a proper return of his regiment, before the first day of March annually ; and the respective brigade majors, shall make out to the adjutant general, returns of their respective brigades, before the first day of April annually, agreeable to the forms that may be established by the adjutant general, which the adjutant general shall cause attested copies of, to be lodged in the secretary's office, by the first day of May annually.

By whom returns are to be made.

*And be it further enacted,* That each commanding officer of a company, who shall neglect to call his company together, as before provided, shall forfeit and pay for each neglect the sum of six pounds ; and each commanding officer of a battalion who shall neglect to call his battalion, as before directed, shall pay a fine of nine pounds.

Penalty for not calling companies or battalions together.

*And be it further enacted,* That it shall be accounted sufficient notice to any non-commissioned officer or privates, for appearance on muster days, to be notified of such muster by a non-commissioned officer in person, or by a writing by him signed, to be left at his last, and usual place of abode, four days prior to such day of muster ; and if any non-commissioned officer or private, after such notification, shall unnecessarily neglect to appear equipped, as the law directs, he shall pay a fine of nine shillings, which shall be levied by distress, and sale of the offenders goods and chattels, by warrant under the hand and seal of the captain, or commanding officer of said company, to be directed to the first serjeant of the company, who is to levy the same, by the same rules and regulations, as the laws have pointed out for collecting rates and taxes, and shall have one quarter part thereof for his trouble, and the same fees that are allowed to collectors, on distraining for taxes—and if no goods and chattels of the delinquent are to be found, then to levy the same on the body of such delinquent : *Provi-*

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*ded*

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*ded nevertheless,* That no such warrant shall be issued until fifteen days after said muster days, that the delinquent may have time to make excuse (if any he has) for his non-appearance, which is to be made to the commanding officer of the company.

*And be it further enacted,* That if any non-commissioned officer or soldier, shall prove refractory or disobedient on a muster day, or shall insult or abuse his officers, or either of them, or treat them with disrespect or contempt, the commanding officer present, may order the offender to be immediately tried by five commissioned officers, if so many should be present; and if not so many present, as many as there are in the field, who are empowered to punish the offender, by ordering him to pay a fine not exceeding forty shillings, at the discretion of the officers, or ride a wooden horse.

*And be it further enacted,* That on all muster days, every officer shall yield due obedience to his superior officer; and every non-commissioned officer and soldier shall yield entire and due obedience to the commands of their superior officers. And if any officer shall, on such days (or at any other time) refuse and neglect to obey the orders he may receive from his superior officers respecting any matter relating to the government of militia, he shall be tried by a court-martial, and if convicted thereof, shall be cashiered. And the superior officer may immediately put such offender in arrest, and report him and his offence to the officer commanding the brigade (if the offender is under the rank of a field officer) and the commanding officer of the brigade is hereby empowered to appoint a court-martial for such trial, and to approve the sentence; and if said offender shall by said court be cashiered, and the sentence thereof approved, the said officer shall be deemed incapable of holding any military office again in this State; and in case the offender is of the rank of a field officer, or of higher rank, his offence shall be reported to the major-general, or officer commanding the division, who is hereby empowered to appoint a court-martial for the trial of such offender, to approve the sentence of said court; and if the offender be found guilty and the sentence shall be approved, he shall be disqualified as aforesaid.

The

*Militia formed and regulated.*

The commander in chief shall at all times, have the right of appointing courts-martial, when he shall think it necessary.

Commander in chief may appoint courts martial.

All courts-martial, when appointed by the commander in chief, shall consist of thirteen members, the president of which shall be of the rank of major-general.

Number of members.

All courts-martial, when appointed by a major-general, shall consist of thirteen members, and the president shall be a lieutenant-colonel or officer of higher rank.

All courts-martial, appointed by a brigadier, shall consist of thirteen members, the president of which shall at least, be of the rank of a field officer.

The members of the courts-martial are to be sworn by the president, and the president shall be sworn by the next highest in rank of the members composing the same, and the president of every court-martial, shall have power to administer the oath to every witnesses.

Members, by whom to be sworn.

In order to the trial of offenders, the oath of the president and members, shall be in the words following, viz.

*YOU swear, that you will well and truly try, and impartially determine the charge against the person now to be tried, according to the rules for regulating the militia of this State.*

Oath.

So help you GOD.

The oath to be administered to witnesses in courts martial, shall be in the form following, viz.

*YOU swear, the evidence you shall give relative to the charge now in hearing, shall be the truth, the whole truth, and nothing but the truth.*

Oath of witnesses.

So help you GOD.

*And be it further enacted, That all military officers shall be amenable to a court-martial for any un-officer, or un-gentleman-like conduct or behaviour while on duty, and at all other times, and to be tried, and sentence approved in the same way and manner as before provided for disobedience of orders.*

Officers amenable for illiberal behaviour.

*And be it further enacted, That all persons called by summons from the president of any court-martial to give evidence, who shall unreasonably refuse or neglect to appear, or appearing, shall refuse to give evidence, shall be committed to the common gaol of the*

Witnesses refusing, &c. to be committed to gaol.

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county where such court is sitting, there to remain three months, unless sooner discharged therefrom by the justices of the superior court : And the president of the court is to lodge the accusation against him with the prison-keeper.

*And be it further enacted,* That every person appointing a court-martial, shall appoint some suitable person to act as judge advocate, who shall make a fair record of the whole proceedings and deliver them to the officer appointing said court-martial, who shall cause the same, or a copy thereof, to be lodged in the secretary's office, within three months after such trial.

*And be it further enacted,* That out of the militia enrolled as herein directed, there shall be formed for each battalion, at least one company of grenadiers or light infantry ; and to each division there shall be at least one company of artillery, and one troop of horse. There shall be to each company of artillery, one captain, two lieutenants, four sergents, four corporals, six gunners, six bombardiers, one drummer and one fifer. The officers to be armed with a sword or hanger, a fusée, bayonet and belt, with a cartouch box, to contain twelve cartridges ; and each private matross shall be furnished with the same equipments as privates in the infantry. There shall be to each troop of horse, one captain, two lieutenants, one cornet, four sergents, four corporals, one sadler, one farrier and one trumpeter. The commissioned officers to furnish themselves with good horses of at least fourteen hands and an half high, and to be armed with a sword, and pair of pistols, the holsters of which to be covered with bear-skin caps. Each dragoon to furnish himself with a serviceable horse of at least fourteen hands and an half high, a good saddle, bridle, mail-pillion and valise, holsters, a breast-plate and crupper, a pair of boots and spurs, a pair of pistols, a sabre, and cartouch box, to contain twelve cartridges for pistols. That each company of artillery and troop of horse, shall be formed of volunteers from the brigade, at the discretion of the commander in chief of the State, not exceeding one company of each to a regiment, and shall uniformly be clothed in regimentals, to be furnished at their own expence ; the colour and fashion to be determined by the brigadier commanding the brigade to which they belong.

Judge advocate to be appointed.

Each battalion to have one company of grenadiers &c. and one company of artillery.

Officers how to be armed.

Troops of horse how officered, &c.

Artillery and horse of whom to be formed, and

uniformly clad.

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*And be it further enacted,* That each non-commissioned officer and soldier belonging to the regiments of foot, shall within one year from and after the passing this act, furnish himself with a good fire-lock, bayonet and belt, a cartouch box that will contain twenty-four cartridges, two good flints, a knapsack and canteen-- and that the commissioned belonging to companies of foot, shall be severally armed with a sword or hanger, and an esponton, and that the field officers be armed with a sword or hanger.

How to be armed and accoutred.

*And be it further enacted,* That such of the infantry as are under the care of parents, masters or guardians, shall be furnished by them with such arms and accoutrements. And such as are unable to furnish themselves, shall make application to the selectmen of the town, who are to certify to their captain or commanding officer, that they are unable to equip themselves, and the said selectmen shall, at the expence of the town, provide for, and furnish such persons with arms and equipments; which arms and equipments shall be the property of the town, at whose expence they were provided: And if any person so furnished, shall embezzle or wilfully destroy the same, he shall be punished by any court proper to try the same, upon complaint made by the selectmen of said town, by being publicly whipped not exceeding twenty stripes, or fined not exceeding forty shillings. And that all fines recovered for embezzling or destroying of arms and accoutrements as provided in this act, shall be paid into the hands of the selectmen to be appropriated in purchasing arms and accoutrements for such soldiers as are unable to purchase for themselves.

Those unable &c. to be equipped at the expence of the town.

Fines how to be appropriated.

*And be it further enacted,* That parents, masters and guardians shall be liable for the neglect and non-appearance of such persons as are under their care (and are liable by law to train) and are to be proceeded against for the penalty in the same manner, as by this act is provided against other delinquents.

Parents, &c. liable to a penalty.

*And be it further enacted,* That the commander in chief, the officers commanding divisions, brigades or regiments, may appoint military watches or guards when an invasion of the State is apprehended, in such place and under such regulations as they may judge necessary; and all officers and soldiers under their com-

Military watches, by whom to be appointed.

*Militia formed and regulated.*

mand are to yield strict obedience to their orders and directions.

*And be it further enacted,* That the signals for an alarm are to be fixed by the captain general, and may by him be altered, from time to time, and proper notice thereof is to be by him given to the several officers; and if any non-commissioned officer or soldier, shall upon the alarm being given, unnecessarily neglect to appear properly armed and equipped, at such time and place as the commanding officer shall appoint, he shall pay a fine of twenty shillings; and all persons serving on any military guards, or watches, shall be punishable for misconduct while in such service, by a court-martial to be appointed by the commanding officer of such guard or watch, provided he be a field officer, and in case he is not, then by the commanding officer of the regiment to which the offender belongs.

Signals to be fixed.

Penalty for refusing to warn, &c.

*And be it further enacted,* That when any non-commissioned officer shall refuse or neglect to notify or warn any of the non-commissioned officers or private soldiers of the company to which he belongs (being thereto ordered by his superior officer) he shall pay a fine of twelve shillings, for each non-commissioned officer or soldier he shall neglect to warn, to be recovered in the same way and manner as is before provided.

Mode of recovering fines, and

*And be it further enacted,* That every fine arising by any breach of this act, for which no special mode of recovery has been pointed out, may be recovered by action, bill, plaint or information, in any court proper to try the same.

how to be appropriated

*And be it further enacted,* That all fines recovered of any non-commissioned officer or soldier for neglect of duty, shall be paid into the hands of the commanding officer of the company, to which such non-commissioned officer or soldier may belong, to be expended in defraying the necessary expences of such company, as the commissioned officers of the same may direct. That all fines recovered of the commanding officer of any company, shall be paid into the hands of the commanding officer of the battalion, to which such commanding officer of a company may belong; to be appropriated in instructing the music in such battalion.

That all fines recovered of the commanding officer of any battalion, shall be paid into the hands of the

*Militia formed and regulated.*

commanding officer of the regiment to which such battalion may belong, to be disposed of in defraying the necessary expences in forming and arranging the companies in such regiment, as the field officers of the same may direct.

*And be it further enacted,* That all commissioned officers shall take rank according to the date of their commissions ; and when two of the same grade, bear equal date, then the rank to be determined by lot, to be drawn by them before the commanding officer of the brigade, regiment, battalion, company or detachment.

Officers, how to rank.

*And be it further enacted,* That the rules of discipline approved and established by Congress, in their resolution of the twenty-ninth of March, one thousand, seven hundred and seventy-nine, shall be the rules of discipline to be observed by the militia in this State.

Rules of discipline.

*And be it further enacted,* That it shall be the duty of the brigade inspector, to attend the regimental and battalion meetings of the militia composing their several brigades, during the time of their being under arms, to inspect their arms, ammunition and accoutrements ; superintend their exercise and manœuvres, and introduce the system of military discipline before described.

Brigade inspector's duty

*And be it further enacted,* That the cavalry and artillery be subject to fine or punishment in the same manner as those who belong to the infantry.

Cavalry and artillery liable to the same fines.

*And be it further enacted,* That all courts-martial may consist of officers of any corps within the limits of the brigade where the person accused may reside.

Courts martial of whom to consist.

*And be it further enacted,* That a captain or commanding officer at the head of his company, may direct his non-commissioned officers and soldiers to meet at any future day, which shall be legal notice.

Legal notice, what considered as such.

*And be it further enacted,* That non-commissioned officers be reduced to the ranks, for any misdemeanor, which in the opinion of all the commissioned officers of the company shall deserve such punishment.

Non-comm. officers liable to be reduced, &c.

*And be it further enacted,* That all commissioned officers belonging to any company of infantry shall reside within the limits of such company.

Commissioned officers to reside.

*And be it further enacted,* That when it shall so happen,

Add. 891 pen,



*Militia formed and regulated.*

Different corps—first in rank to command.

pen, that officers of the different corps, shall be on duty together, the first officer in rank shall command, whether of the infantry, cavalry or artillery.

Arms, &c. free from distress, &c.

*And be it further enacted,* That every citizen enrolled as directed in this act, and provided with arms and accoutrements, shall hold the same exempted from all suits, distresses, executions, or sales for debt, or for the payment of taxes.

Militia to be divided.

*And be it further enacted,* That the militia of this State, shall be divided into three divisions, and if convenient, each division shall consist of two brigades, each brigade of four regiments, each regiment of two battalions, each battalion of five companies, and each company of sixty-four privates.

Cavalry and artillery of whom to be formed.

*And be it further enacted,* That in forming the cavalry and artillery, not more than one eleventh part shall inlist out of any one company of infantry into such corps.

Field Officers to arrange companies.

*And be it further enacted,* That the field officers of each and every regiment, shall form and arrange the companies in their several regiments, from time to time, as they shall think the public good may require.

Adjutant-General, his duty.

*And be it further enacted,* That there shall be an adjutant general, whose duty it shall be to distribute all orders from the commander in chief of this State, to the several corps; to attend all public reviews, when the commander in chief of this State shall review the militia, or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by law; to furnish blank forms of different returns that may be required, and to explain the principles on which they shall be made; to receive from the several officers of the different corps throughout the State, returns of the militia, under their command, reporting the actual situation of their arms, accoutrements and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and discipline.

Compensation to Adj. and Brigade inspectors.

*And be it further enacted,* That compensation shall be made to the adjutant general, and the brigade inspectors for their services, from time to time, by the legislature, as they shall think just.

*And be it further enacted,* That the colour of the uniform

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uniform of the infantry be determined on by the commander in chief.

Colour of uniform, by whom determined.

*And be it further enacted,* That each and every non-commissioned officer or soldier, who shall enlist into any corps of horse or artillery, shall within six months from and after such enlistment, equip himself as the law directs, and at the expiration of the said six months, should he not be equipped as aforesaid, then to return to the company from which he enlisted, and the commanding officer thereof, is hereby directed to enrol him accordingly.

Cavalry and artillery, if not equipped within six months to be returned.

*And be it further enacted,* That the several companies, which compose the regiments of cavalry, be annexed to the regiments of infantry in manner following :

Cavalry to be annexed to infantry.

To each regiment of infantry there shall be, as far as the number of companies of cavalry will admit of it, one troop of horse, or company of cavalry, with the present officers (if they see fit) and men of said companies, who are now uniformly clothed and equipped, or shall be within four months, said troops of horse shall be under the command of the field officers of the regiments of infantry, and shall be joined to such regiments as shall be the most contiguous and convenient to said companies. Privilege shall be allowed to the non-commissioned officers and privates of cavalry at any time hereafter, of being enrolled as infantry, provided they decline serving as cavalry, and said companies of cavalry may be completed by enlistments, from time to time, from the infantry, as vacancies may be in said companies.

Cavalry to be under command of field officers of infantry.

*And be it further enacted,* That this act shall be read at the head of each company in the several regiments in this State, at least once every year.

Act to be read, &c.

This act passed December 28, 1792.

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Anno 1793.

C H A P. I.

An Act for regulating and governing the Militia of the Commonwealth of Massachusetts, and for repealing all Laws heretofore made for that Purpose; excepting an Act entitled "An Act for establishing Rules and Articles for governing the Troops stationed in Forts and Garrisons, within this Commonwealth, and also the Militia, when called into actual Service."

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Preamble.

WHEREAS the Laws for regulating and governing the Militia of this Commonwealth, have become too complicated for practical use, by reason of the several alterations which have from time to time been made therein: Therefore,

Laws repealed.

1. Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the several Laws heretofore made for governing and regulating the Militia, be, and hereby are repealed, except an Act, entitled "An Act for establishing Rules and Articles for governing the Troops stationed in Forts and Garrisons within this Commonwealth, and also the Militia when called into actual service."

Proviso.

2. Provided nevertheless, That all officers actually in commission, agreeably to the laws which are hereby repealed, and in grades which are established by this Act, shall continue in commission in the same manner, and in the same authority they would, in case the said laws were still in force; and all actions depending in any Court, by force of said laws, shall and may be prosecuted to final judgment and execution.

Persons to be enrolled in the Militia.

3. And be it further enacted by the authority aforesaid, That each and every free able bodied white male citizen, of this, or any other of the United States, residing within this Commonwealth, who is, or shall be of the age of

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of eighteen years, and under the age of forty five years, (except as is herein after excepted) shall severally and respectively be subject to the requisitions of this Act, and shall be enrolled in the Militia, by the Captain or Commanding Officer of the company, within whose bounds such citizens shall reside, within three months from and after the passing this Act: And it shall be at all times hereafter the duty of the Commanding Officer of every such company, to enrol every such citizen as aforesaid; and also those, who shall from time to time arrive at the age of eighteen years, or being of the age of eighteen years, and under the age of forty five years, and not herein after excepted, shall come to reside within his bounds; and shall without delay notify such citizen of the enrolment, by a noncommissioned officer or other person, duly authorized for that purpose, by whom such notice may be proved; and in all cases of doubt respecting the age of any person enrolled, or intended to be enrolled, the party questioned shall prove his age, to the satisfaction of the Commanding Officer of the company within whose bounds he may reside.

To be notified.

4. *And be it further enacted by the authority aforesaid,* That the Vice President of the United States; Members of Congress, of both Houses, with their respective officers; Lieutenant Governour; Members of the Council, Senate and House of Representatives, with their officers; Secretary and Treasurer of the Commonwealth; Officers, Judicial and Executive, of the Government of the United States; Justices of the Supreme Judicial Court; Justices of the Courts of Common Pleas; Judges of Probate; Registers of Probate; County Registers; Justices of the Peace; Sheriffs; Deputy Sheriffs; Coroners; Constables; Selectmen; Ministers of the Gospel; Elders and Deacons of Churches; Church Wardens, and those of the religious denominations of Quakers and Shakers; Masters of Arts; Officers and Students at any College; also such Physicians, Surgeons, stated Schoolmasters, Ferry-men and Millers, as the Selectmen of the towns to which they shall severally belong, shall by a writing under their hands, signify the expediency of exempting; persons who have by commission under any government or Congress, or by election in pursuance of the orders of any Congress of the United States, or either of them, held the office of Subaltern or office of higher rank; and all Mariners actually employed in any sea service of any citizen within the United States in any vessel of more than thirty tons burthen; Custom

Persons exempted from training.

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House Officers ; all Post Officers, Stage Drivers, actually employed in the care and conveyance of the Mail ; and such persons as did attain to the age of forty five years before the eighth day of May, one thousand seven hundred and ninety three ; and also all such Manufacturers as are by any special law of the Commonwealth now exempted, shall be, and hereby are exempted from the said enrolment.

Arrangement  
of the Militia.

Proviso.

5. *And be it further enacted by the authority aforesaid,* That the Governour, by and with the advice of the Council, be, and hereby is authorised and empowered to form and arrange the Militia into divisions, brigades, regiments and companies ; and from time to time to make such alterations therein as shall be necessary ; and if the same be convenient, each brigade shall consist of four regiments, each regiment of ten companies, and each company of sixty four effective privates : *Provided notwithstanding,* That the present arrangement of the Militia shall continue as it now is, until the Governour, with the advice of Council, shall otherwise order ; and each new division, brigade and regiment, shall be numbered at the formation thereof, and a record made of such number in the Adjutant General's office ; and when in the field or in service, each division, brigade and regiment shall respectively take rank according to its number.

Manner of of-  
ficing the  
Militia.

6. *And be it further enacted by the authority aforesaid,* That the Militia shall be officered, as follows : To each division, one Major General, and two Aids de Camp, with the rank of Major : To each brigade, one Brigadier General, with one Brigade Inspector, to serve also as Brigade Major, with the rank of Major : To each regiment, one Colonel, one Lieutenant Colonel, one Major, *Provided nevertheless,* where any vacancy of Colonel now is, or shall hereafter happen, then the field officers of each regiment to consist of a Lieutenant Colonel Commandant, and two Majors : To each company of infantry, one Captain, one Lieutenant, and one Ensign, four Sergeants, four Corporals, one Drummer, one Fifer or Bugler : That there shall be a Regimental Staff, to consist of one Adjutant, one Quarter Master to rank as Lieutenants, one Surgeon, and one Surgeon's Mate, to be appointed by the Commanding Officer of the regiment, and commissioned by the Governour, one Sergeant Major, one Quarter Master Sergeant, one Drum Major and one Fife Major : That each company of artillery shall consist of one Captain, two Lieutenants, four Sergeants, four Corporals,

fix

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fix Gunners, six Bombardiers, one Drummer, one Fifer, and thirty two Privates or Matrosses : And each troop of Cavalry shall consist of one Captain, two Lieutenants, and one Cornet, four Sergeants, four Corporals, one Saddler, one Farrier, one Trumpeter, and thirty two Privates : And there shall be one Adjutant General, and one Quarter Master General for the whole Militia, to be appointed by the Governour.

7. *And be it further enacted by the authority aforesaid,* That each and every Major General be, and hereby is empowered, and it shall be his duty, to give all such orders, as shall from time to time be necessary, consistent with the law for electing Brigadier Generals, Field Officers, Captains and Subalterns, in brigades, regiments and companies, within his respective division, which have not been already commissioned, and for filling up vacancies of such officers, or any of them, where they now are or may hereafter happen. *Provided always,* That whenever a time shall be appointed for the election of any Officer or Officers, the electors shall have ten days' notice thereof, at least ; and all returns of elections, and neglects, or refusals to make choice of officers shall be made to the Governour, by the Major General, in whose division the election shall be ordered ; and all commissions shall pass through the hands of the Major Generals to the officers in their respective divisions, for whom they shall be made out ; and every person who shall be elected to any office in the said Militia, and shall not within ten days after he shall have been notified of his election, (excepting a Major General, who shall be allowed thirty days after he shall be notified by the Secretary of the Commonwealth) signify his acceptance thereof, shall be considered as declining to serve in such office ; and orders shall be forthwith issued for a new choice.

8. *And be it further enacted by the authority aforesaid,* That every person who shall be lawfully entitled to be commissioned to any office in the Militia of this Commonwealth, shall at the time of receiving his commission, take and subscribe the oaths and declaration required by the Constitution, before some Justice of the Peace, or some General or Field Officer, who shall have previously taken and subscribed them himself, and who are hereby authorized to administer the same ; and a certificate thereof shall be made on the back of every commission, by the Justice of the Peace, or General, or Field Officer,

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ccr,

Major General empowered in election of Officers.

Provido.

All Officers to subscribe the oaths.

cer, before whom the said oaths and declaration shall have been taken and subscribed.

Noncommis-  
sioned Officers  
by whom ap-  
pointed.

9. *And be it further enacted by the authority aforesaid,* That the Commanding Officer of regiments, shall appoint the noncommissioned Staff Officers of their respective regiments: The Commanding Officers of Companies shall appoint the noncommissioned Officers, including the Clerks, of the respective companies; All noncommissioned Staff Officers and Sergeants shall receive warrants under the hand of the Commanding Officer of their respective regiments or corps: And the Adjutant shall keep a record in a suitable book, to be kept for that purpose, of all warrants which shall be issued: And no noncommissioned Officer shall be deemed to have resigned his office, until he shall have done it in writing to the Commanding Officer of the regiment or corps to which he belonged; and shall have obtained his discharge also in writing, from such Commanding Officer; And no noncommissioned Officer or Private shall be disenrolled from the Militia for disability, without certificate from the regimental Surgeon and Mate.

Resignations  
to be given in  
writing.

10. *And be it further enacted by the authority aforesaid,*

Clerks to be  
appointed.

Their duty.

That every company shall have a Clerk, who shall be also one of the Sergeants, and he shall be sworn to the faithful discharge of his trust; and it shall be his duty always to keep a fair and exact roll of the company, together with the state of the arms and equipments belonging to each man, which roll he shall annually revise and correct in the month of *May*, as is herein after directed; to register all orders and proceedings of the company, in an orderly book, which shall never be alienated from the company; to keep exact details of all detachments; to call the roll whenever the company is assembled; to examine the equipments when thereto required, and to note all delinquencies; to sue for, recover and receive all fines and forfeitures which are required by this Act to be recovered, one half to his own use for his trouble, and the other half to be paid to the Commanding Officer of the company, in trust, for the use of the company to which he belongs, excepting such cases wherein other provision is made by this Act, for the recovery and appropriation of fines and forfeitures. *Provided nevertheless,* That all commissioned Officers now in command in the Militia, in any grade not established by this Act, shall be continued in their command; and the Clerks of companies, now in office, shall be continued in such office,

—empowered  
to sue.

Appropriations.

Proviso.

11. *And*

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11. *And be it further enacted by the authority aforesaid,* That whenever a company shall have neither commissioned Officers nor noncommissioned Officers, the Commanding officer of the regiment or battalion to which such company belongs, shall appoint suitable persons within said company to be noncommissioned Officers and Clerk of the same; and such noncommissioned officers and Clerk, so appointed, shall be authorized in the same manner, and have the same power and authority, as if they had been appointed by a Captain duly qualified to command said company.

Noncommis-  
sioned Officers  
appointed in  
case.

12. *And be it further enacted by the authority aforesaid,* That no Officer of the Militia shall be discharged, excepting by the Commander in Chief, on the request of such Officer, in writing, or by the Commander in Chief on the address of both Houses of the Legislature; or by being disbanded by a law of the Commonwealth, or by a judgment of a Court Martial, or by actual removal, (the Major General to be judge whether the distance is so great that he cannot conveniently discharge the duties of his office) or by twelve months absence, without leave of such Officer, from the district of his command: And no Officer shall consider himself exempted from the duties of his station, until he shall have been discharged in one or other of the methods aforesaid: And if by the Commander in Chief, not until he shall have received a certificate of such discharge: No Officer shall be allowed to resign his commission when under arrest; and no General or Field Officer shall approve the resignation of any other Officer, until such Officer shall have lodged in his hands all such Militia laws and orderly books as he shall have been furnished with by the Government; and such General or Field Officer shall deliver the laws and orderly books which he shall thus have received, to the next succeeding Officer who shall be commissioned in the place of him who shall have resigned.

Prohibitions.

13. *And be it further enacted by the authority aforesaid,* That the Governour, with the advice of Council, be and hereby is authorized to complete the cavalry in each brigade of the Militia, to two full companies or troops; and the cavalry in each brigade, when completed, shall be formed into battalions or squadrons; in those brigades where there are or may be two or three troops, they shall form squadrons, and each squadron shall be commanded by a Major; in those brigades where there are already more than three troops, they shall form battalions, and

Cavalry  
qualified.

each



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Officers and men to furnish themselves complete with horses and every other equipment.

each battalion shall be entitled to a Lieutenant Colonel, Major, Adjutant and Quarter Master : *Provided always*, That in those brigades where there are already two troops raised, they shall not be augmented ; and in those brigades where there are already more than two troops, they shall not be reduced. *Provided also*, That the companies of cavalry which are, by any former Act, annexed to any regiment, shall continue to be so attached to such regiment in which it is raised. The Officers of cavalry shall furnish themselves with good horses, at least fourteen hands and an half high ; and shall be armed with a pair of pistols, and a good sword, the holsters of which shall be covered with bearskin caps : Each horseman shall furnish himself with a serviceable horse, of at least fourteen hands and a half high ; a good saddle, bridle, mailpillion and valise ; holsters, a breastplate, and crupper ; a pair of boots and spurs ; a pair of pistols ; a sabre, and cartridge box, to contain twelve cartridges for pistols. No man shall be enlisted into any troop of cavalry, unless he shall own and constantly keep a suitable horse, and furniture, for that service ; and if any man, who shall belong to any troop of cavalry, shall be destitute of a suitable horse and furniture, for more than three months at one time, he shall be discharged from such corps, and enrolled in the standing company in which he resides. And whenever any draft or detachment shall be made from a troop of cavalry, for actual service, the men thus drafted or detached, shall march with their own horses ; and before they march, the horses shall be appraised, by three indifferent men, to be appointed by the Brigadier of the brigade, from which such detachment shall be made.

Artillery or- ganised.

Proviso.

to be provided with complete apparatus.

14. *And be it further enacted by the authority aforesaid*, That the Governour with the advice of Council, be, and hereby is authorized to complete the artillery in each brigade of the Militia, to two full companies ; and when thus completed, shall form a battalion in each brigade, and be entitled to a Major, Adjutant and Quarter Master. *Provided nevertheless*, That in those brigades, where there are already two companies raised, they shall not be augmented ; and in those brigades where there are already more than two companies, they shall not be reduced. And each company of artillery shall be provided with two good field pieces, with carriages and apparatus complete ; an ammunition cart ; forty round shot, and forty rounds of canister shot. The Governour shall order to be issued to each company of artillery, annually,

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nually, a quantity of powder, not exceeding one hundred pounds, which shall be expended on general muster days, and in experimental gunnery. And the Quarter Master General shall provide for, and supply the artillery companies with all the carriages, tumbrils, harness apparatus, implements, laboratory and ordnance stores, which may, from time to time, be necessary for their equipment. The Officers of artillery shall be armed with a sword or hanger; a fusée, bayonet and belt, with a cartridge box to contain twelve cartridges: And each noncommissioned Officer and Private or Matros, of those companies which are unprovided with field pieces, shall furnish himself with all the equipments of a Private in the infantry, until proper ordnance and field artillery is provided. And the Commanding Officer of each company of artillery, shall be accountable for the careful preservation of the pieces and apparatus, and the proper expenditure of the ammunition supplied by government. Each company of artillery, and troop of cavalry, shall be formed of volunteers from the brigade; and together, they shall not exceed in number one eleventh part of the infantry of such brigade; and they shall be uniformly clothed in regimentals, to be furnished at their own expense.

Quarter Master to furnish.

Commanding Officer to be accountable.

Artillery and cavalry to be formed of volunteers.

15. And be it further enacted by the authority aforesaid, That at all regimental musters, the companies commanded by the two eldest Captains, shall act as light infantry companies, except where light infantry companies have already been raised by voluntary enlistment, and one or more shall be attached to such regiment.

Light infantry companies.

16. And be it further enacted by the authority aforesaid, That if any noncommissioned Officer or Private of cavalry, artillery, light infantry, or other corps raised at large, shall neglect for the term of three months, to keep himself provided with an uniform of the company to which he belongs, as is directed by this Act, he shall be discharged from such corps, by the brigadier commanding the brigade, and enrolled in the standing company in which he resides. And no company of cavalry, artillery, light infantry, or other corps which it may be lawful to raise at large, shall be raised within this Commonwealth, when any of the standing companies shall be reduced thereby, to a less number than sixty four effective Privates; and no Officer of any such corps, shall enlist any men belonging to a standing company, for the purpose of forming or recruiting such corps raised at large, when, by means thereof, such standing company would

Penalty.

No corps to be raised at large which will reduce standing companies to a limited number.

be

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—to be deem-  
ed disbanded  
in case.

—not to con-  
sist of a great-  
er number  
than legal.

Ancient and  
Honourable  
Artillery  
Company.

—to retain  
privileges.

Officers how  
to be armed  
and uniform-  
ed.

be reduced to a less number than sixty four effective Privates. And if any such corps, raised at large, shall at any time be destitute of commissioned Officers, and shall neglect to fill up such vacancies, for one whole year after being ordered to elect them, or if any such corps shall be reduced under twenty privates, and remain in that situation for one whole year without doing duty as the law directs; then, in either case as aforesaid, such corps raised at large shall be deemed disbanded, and the men which belonged to such delinquent corps, shall be enrolled in the standing company in which the individuals thereof shall respectively reside: And no such corps raised at large, shall at any time bear a greater number of men on their rolls, than the law allows necessary to constitute them; and the Commanding Officer of every such corps shall, annually, in the month of April, make out a list of all the men's names belonging to his corps, and deliver the same to the Commanding Officer of the regiment or battalion, in whose district such corps is or may be raised; and all such corps raised at large, not annexed to any particular regiment, shall be subject to the orders of the Commanding Officer of the brigade in which they shall respectively be raised, and shall make their elections and returns in the same manner as other corps of the Militia.

And whereas the military company in Boston, commonly called the "*Ancient and Honourable Artillery Company*," being by ancient charter, custom and usage, exempted from the general regulations of the Militia: Therefore,

17. *Be it further enacted by the authority aforesaid,* That the said company, called the "*Ancient and Honourable Artillery Company*," shall retain its accustomed privileges, not being incompatible with the Constitution, but shall be subject to all other duties required by this Act, in like manner as other companies of Militia.

18. *And be it further enacted by the authority aforesaid,* That every commissioned Officer of infantry, whose duty shall require him to serve on foot, shall be armed with a sword and an esponton; and every Officer, whose duty requires him to be mounted, shall be armed with a sword and pair of pistols: And the uniform in every instance required by this Act, shall be a dark blue cloth coat, of such fashion, and with such facings, and under clothes, as the Major Generals, or Brigadiers shall direct within their several commands.

19. *And*

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19. *And be it further enacted by the authority aforesaid,* That every noncommissioned Officer and Private of the infantry shall constantly keep himself provided with a good musket, with an iron or steel rod, a sufficient bayonet and belt, two spare flints, a priming wire and brush, and a knapsack; a cartridge box, or pouch with a box therein, to contain not less than twenty four cartridges, suited to the bore of his musket; each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot pouch, powder horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder: And shall appear so armed, accoutred and provided, whenever called out, except that when called out to exercise only, he may appear without a knapsack, and without cartridges loaded with balls. *Provided always,* that whenever a man appears armed with a musket, all his equipments shall be suited to his musket; and whenever a man appears armed with a rifle, all his equipments shall be suited to his rifle: And that from and after five years from the passing of this Act, all muskets for arming the Militia, as herein required, shall be of bores sufficient for balls of the eighteenth part of a pound: And every citizen enrolled and providing himself with arms, ammunition and accoutrements, required as aforesaid, shall hold the same exempted from all suits, distresses, executions, or sales for debt, or for payment of taxes.

20. *And be it further enacted by the authority aforesaid,* That every noncommissioned Officer or Private of the infantry, who shall neglect to keep himself armed and equipped as aforesaid, or who shall on a muster day, or at any other time of examination, be destitute of, or appear unprovided with the arms and equipments herein directed (except as before excepted) shall pay a fine not exceeding *twenty shillings*, in proportion to the articles of which he shall be deficient, at the discretion of the Justice of the Peace, before whom trial shall be had: And all parents, masters and guardians shall furnish those of the said Militia, who shall be under their care and command, with the arms and equipments aforesaid, under the like penalties for any neglect: And whenever the Selectmen of any town shall judge any inhabitant thereof, belonging to the Militia, unable to arm and equip himself in manner as aforesaid, they shall at the expense of the town provide for and furnish such inhabitant with the aforesaid arms and equipments, which shall remain the property of the town at the expense of which they shall

Necessary articles of equipment.

Provided

Arms, &amp;c. to be exempted from suits.

Fine for neglect.

Parents and Masters to equip their children and servants.

Persons unable to be furnished by the town.

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shall be provided; and if any soldier shall embezzle or destroy the arms and equipments with which he shall be furnished, he shall, upon conviction before some Justice of the Peace, be adjudged to replace the article or articles, which shall by him be so embezzled or destroyed, and to pay the cost arising from the process against him :

Penalty, in case,

And if he shall not perform the same within fourteen days after such adjudication, it shall be in the power of the Selectmen of the town to which he shall belong, to bind him out to service or labour, for such term of time as shall, at the discretion of the said Justice, be sufficient to procure a sum of money equal to the value of the article or articles so embezzled or destroyed, and pay cost arising as aforesaid.

Penalty for not appearing on muster days.

21. And be it further enacted by the authority aforesaid, That every person liable to do military duty, who being duly warned shall refuse or neglect to appear at the time and place appointed, armed and equipped as by this act is directed, for any muster, training, view of arms, or other military duty, shall pay as a fine for such default, the sum of *ten shillings* : And every person who shall appear at any muster with his arms in an unfit condition, shall pay a fine of *three shillings* for each and every such default : *Provided nevertheless*, It shall be lawful for the commanding Officer of a company, at any time within eight days after any muster, training, view of arms or other duty, to excuse any person for nonappearance, on the delinquent's producing to him satisfactory evidence of his inability to appear as aforesaid; and the Commanding Officer of the company shall certify the same to the Clerk within the time above mentioned, and the Clerk shall not thereafter commence any prosecution against such delinquent for his fine for nonappearance, as aforesaid.

Private.

Clerk to notify.

22. And be it further enacted by the authority aforesaid, That whenever the commanding Officer shall think proper to call his company together, or shall be ordered by his superior Officer to do it, he shall issue his orders therefor, to one or more of the noncommissioned Officers, if there be any, if not to one or more of the privates belonging to his company, directing him or them to notify and warn the said company to appear at such time and place as shall be appointed; and every such person or persons, who shall receive such orders, shall give notice, of the time and place appointed for assembling said company, to each and every person he or they shall be so ordered to warn, either by verbal information,

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tion, or by leaving a written or printed notification thereof at the usual place of abode of the person thus to be notified and warned; and no notice shall be deemed legal for musters for the purpose of common and ordinary trainings, unless it shall be given four days at least previous to the time appointed therefor; but in case of invasion, insurrection, or other emergency, any time specified in the orders shall be considered as legal; and every noncommissioned Officer or other person, who shall neglect to give the said notice and warning, when ordered thereto by the commanding Officer of the company to which he belongs, shall for such offence forfeit and pay as a fine, a sum not exceeding *forty shillings*, nor less than *twelve shillings*, at the discretion of the Justice of the Peace before whom trial shall be had; and the testimony of any person under oath, who shall have received orders agreeable to law, for notifying and warning any company, or part thereof, to appear at a time and place appointed for any muster, view of arms, or other military duty, shall be sufficient to prove due notice was given to the party against whom complaint may be made, unless such testimony shall be invalidated by other sufficient evidence: And whenever a company shall be destitute of commissioned Officers, and the Commanding Officer of the regiment or battalion to which such company belongs, shall think proper to call out such company, he shall direct his orders to one or more of the noncommissioned Officers of said company, who shall have full power and authority to warn, assemble, lead, order, exercise and govern said company, conformably to the orders which he or they shall thus receive from their superior Officers for that purpose: *Provided always*, When in regiment or battalion, it shall be lawful for the Commanding Officer present, to order a commissioned Officer to command such company, while acting in conjunction with other corps.

23. *And be it further enacted by the authority aforesaid*, That every noncommissioned Officer and Private of the Militia, who shall be disorderly or disobedient, or guilty of unmilitary conduct on a muster or training day, or at any other time when on duty, shall be confined during the time of the said muster or training, at the discretion of his officers, and shall pay a fine not exceeding *forty shillings*, nor less than *twelve shillings*, at the discretion of the Justice of the Peace to whom complaint shall be made.

24. *And be it further enacted by the authority aforesaid*, That whenever any noncommissioned Officer or Private

Manner of notification.

Penalty

Companies destitute of commissioned Officers, how warned.

Provided

Penalty for disorderly behaviour.

Wine how re- covered.

Private in the Militia, shall forfeit any sum of money, set and affixed to any default, or offence, by this Act, of the sum of *four pounds*, or under, the same shall be recovered in the manner following; that is to say: The Clerk of the company to which the offender belongs, shall, after the expiration of eight days, and within sixty days after the offence shall have been committed, make complaint thereof, and of all matters of substance, and material circumstance, attending the same, to some Justice of the Peace, in the county where such offender shall live, who shall make record thereof, and shall issue a summons to the party complained of, to be served seven days at least, before the time appointed for the trial, in the form following, *mutatis mutandis*.

ff.  
(Seal.) To the Sheriff of the said county, or his Deputy, or either of the Constables of the town of within the same county,

GREETING.

Form of the summons.

IN the name of the Commonwealth of Massachusetts, you are hereby required to summon C. D. of in the county of to appear before me E. F. one of the Justices of the Peace for the county aforesaid, at in on the day of at of the clock, in the noon, then and there to shew cause, if any he has, why a warrant of distress shall not issue against him. [Here insert the complaint.] Hereof fail not, and make due return of this writ, and of your doings therein, unto myself, at, or before the said day of Dated at aforesaid, the day of in the year of our Lord E. F. Justice of the Peace.

And when the said party shall by himself, or his Attorney, appear accordingly, he may plead the general issue and give any special matter in evidence; and if the said party shall make default, or if judgment shall be given against him, and he shall neglect for four days thereafter, to satisfy the same with legal costs, then the Justice of the Peace, before whom trial shall be had, shall issue his warrant of distress, under his hand and seal, in the form following:

ff.  
(Seal.) To the Sheriff of the said county, or his Deputy, or any or either of the Constables of the town of within the same county,

GREETING.

WHEREAS C. D. of upon the day of being a private Soldier in the Train Band, (as the case may

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may be) of the company of foot, commanded by  
in the regiment of Militia, in the said county of  
commanded by was duly notified to appear up-  
on the day of in the town of in  
the county aforesaid, with his arms and equipments, as  
the law of this Commonwealth directs; and the said  
C. D. in violation of the said Law, did unneces-  
sarily neglect to appear, (or did not appear armed  
and equipped, as the case may be) whereby he hath  
forfeited, and ought to pay the sum of shillings,  
to the uses directed by law; and the said C. D. having  
been duly summoned to appear before me E. F. one of  
the Justices of the Peace, for the county aforesaid, to  
shew cause, if any he had, why a warrant of distress  
should not be issued for the same sum, did not appear,  
(or appearing, did not shew sufficient cause, why the  
same warrant should not be issued, as the case may be.)  
In the name of the Commonwealth of Massachusetts,  
you are therefore commanded forthwith, of the goods or  
chattels of the said C. D. within your precinct, to levy  
by distress and sale thereof, the aforesaid sum of  
shillings, with for charges of suit, being in the whole  
the sum of and to pay the same to Clerk of the  
aforesaid company; and also of the goods or chattels of the  
said C. D. to levy for this writ, together with your  
own fees; and for want of such goods or chattels of the  
said C. D. to be by him shewn to you, or found within your  
precinct, you are commanded to take the body of the said  
C. D. and him commit to the common Gaol in  
the county aforesaid; and the Keeper thereof is  
hereby commanded to receive the said C. D. into the said  
Gaol, and him safely keep, until he shall pay the sum  
aforesaid, together with legal fees and costs, or until he  
shall be otherwise discharged by order of law; and you  
are to make return of this warrant with your doings  
thereon, unto myself, within twenty days next coming,  
for which this shall be your sufficient warrant; hereof  
fail not.

Form of the  
warrant of  
distress.

Given under my hand and seal, the day of  
in the year of our Lord,

E. F. Justice of the Peace.

25. And be it further enacted by the authority aforesaid, That every Captain or Commanding Officer of a  
company, shall call his company together three days  
in each year for company discipline; and once on the  
first Tuesday of May, annually, for the express purpose  
of examining and taking an exact account of every man's  
arms

Companies to  
be mustered at  
stated times  
for examina-  
tion.

N

arms



arms and equipments ; at which time every article required by this act, shall be brought to the place of examination ; and it shall be the duty of the Clerk, or, in his absence, of some other person to be appointed on the occasion, for the time only, by the Commanding Officer, for that purpose, to make out an exact roll of the company, and set against every man's name, the arms and equipments which shall belong to him : And every Commanding Officer of a company, shall constantly keep by him a roll, with the arms and equipments of every man annexed to his name as aforesaid, from which all detachments shall be regularly detailed, and the annual return of the company made : And the said roll shall be annually revised, corrected, and completed, on the first Tuesday in *May* as aforesaid : And every person liable to do duty in the Militia, who shall be absent at the examination or review of arms in the month of *May* as aforesaid, and shall not send his arms and equipments to be examined, at the time and place appointed, shall be fined for every article required in this act, not so brought or sent to be examined, as is herein before directed, besides the sum of *ten shillings*, for nonappearance, as aforesaid.

Commanding Officers to keep a roll.

Fines in case of neglect.

Commanding Officer to make regular returns annually.

26. *And be it further enacted by the authority aforesaid*, That every Captain or commanding Officer of a company shall make a return of the state of his company, comprehending every man belonging to said company, with all the arms and equipments belonging to them, to the Commanding Officer of the regiment, in the month of *May*, annually : Every Commanding Officer of a regiment shall make a return of the state of his regiment, to the Brigadier, in the month of *June*, annually : And every Commanding Officer of a brigade shall make out duplicate returns of his brigade, one of which he shall transmit to the Major General of the division to which he belongs, and the other to the Adjutant General of the Commonwealth, in the month of *July*, annually.

Rank and duty of Adjutant General.

27. *And be it further enacted by the authority aforesaid*, That the Adjutant General shall be commissioned with the rank of Brigadier General ; and it shall be his duty to distribute all orders from the Commander in Chief of the Militia, to the several corps, to attend all public reviews when the Commander in Chief shall review the Militia, or any part thereof ; to obey all orders from him relative to carrying into execution and perfecting the system of Military Discipline, established by this Act ; to superintend the annual inspection of the Militia ; to furnish blank forms of the different returns that

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that may be required, and to explain the principles on which they should be made; to keep such rosters and records as are proper to be kept in his office; to receive from the several officers of the different corps throughout the State returns of the Militia under their command, reporting the actual situation of their corps, their arms, ammunition and accoutrements, their delinquencies, and every other thing which relates to the general advancement of good order and discipline; All which the several Officers of the divisions, brigades, regiments, battalions and companies are hereby required to make in the usual manner, or as the Commander in Chief shall direct, so that the Adjutant General may be duly furnished therewith; From all which returns, he shall make proper abstracts, and a general return of the whole Militia of the Commonwealth, and lay the same before the Governour or Commander in Chief, and forward a duplicate thereof to the President of the United States.

28. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Brigade Inspector Duty of the  
Brigade In-  
spector. to attend the regimental and battalion meetings of the Militia, composing the several Brigades, to which they belong, during the time of their being under arms; to inspect their arms and equipments; to superintend their exercise and manœuvres, and introduce the system of discipline, established by this Act; to obey all orders they may from time to time receive from the Commander in Chief, or others, their superior Officers; to make returns to the Adjutant General, at least, once in a year, and at such other times as shall be required, of the Militia of the brigades to which they severally belong reporting therein the actual situation of the corps, their arms, ammunition and accoutrements, and every other thing which they may be required to report; or which in their judgment may relate to their government, and the general advancement of good order and military discipline.

29. *And be it further enacted by the authority aforesaid,* That the rules of discipline approved and established by Congress, in the resolutions, of the twenty ninth day of *March*, one thousand seven hundred and seventy nine, shall be the rules and regulations of discipline, to be observed by the Militia of this Commonwealth; except such deviations from said rules, as may be necessary by the requisitions of this Act, or some other unavoidable circumstances; and every Officer receiving a commission

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in the Militia, shall immediately provide himself with a book containing those rules.

The manner of mustering the Militia.

90. *And be it further enabled by the authority aforesaid,* That every regiment of Militia of this Commonwealth, shall be assembled in regiment, once in two years, for review, inspection and discipline, on such days as the Commanding Officers of the several divisions or brigades shall order; (the Commanding Officers of regiments to point out the place.) And the Militia of every town shall be assembled together once in two years, (the year it is not mustered in regiment) at such time and place as the Commanding Officer shall order, and shall be instructed and disciplined under the direction of a Field Officer. *Provided nevertheless,* in new settlements, where the dispersed situation of a regiment may oblige men to march twenty miles or more, to the place of parade, it shall be at the discretion of the Commanding Officer of the regiment, to muster the Militia in such settlements, either by regiment, by towns, or other convenient bodies. And every noncommissioned Officer and Private shall come to the place of parade, with necessary refreshment for said day, at his own expense. The cavalry and artillery, and other corps raised at large, shall also be reviewed and inspected, once in every year, either with the regiments and battalions, or by themselves, as the Major Generals, or the Brigadiers shall order, and at such times and places as they shall direct. And each commanding Officer of a Corps, when on duty, shall have full power and authority, to ascertain and fix certain necessary limits and bounds, to their respective parades, (no road in which people usually travel, to be included) within which no spectator shall have right to enter without liberty from said Commanding Officer; and in case any person shall so intrude within the lines of the parade, after being once forbidden, he shall be subject to be confined under guard, during the time of exercise, at the discretion of the Commanding Officer. And whenever different corps shall be assembled together, the senior Officer present shall command, without any regard to corps whatever. And all Officers when on duty, shall take rank according to the dates of their commissions; and when two of the same grade bear an equal date, and former pretensions of some commission do not decide, then their rank shall be determined by lot, to be drawn by them, before the Commanding Officer present; and when on Court Martial before the President thereof.

Proviso.

Review of cavalry and artillery.

Parade to be limited and cleared of spectators.

Senior Officer to command in case—

Officers to rank from date of commissions.

31. *And*

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31. *And be it further enacted by the authority aforesaid,* That every Captain or Commanding Officer of a company, who shall neglect or refuse to call out his company, as often as the law requires, for discipline, and on the first Tuesday of *May*, for a view of arms, as directed by this Act, or at any other time, when thereto required, by his superior Officer; or who shall at any time excuse his men for unnecessary absence, or deficiency, shall be tried by a Court Martial, and if thereof convicted, he shall be reprimanded in orders, or removed from office, at the discretion of said Court.

32. *And be it further enacted by the authority aforesaid,* That at any regimental muster, the several companies shall form in regiments, according to the rank of the Officers, commanding them; and the same rule shall apply whenever different corps are assembled together; excepting so far as by custom, usage and necessity, cavalry, artillery and light troops, may be detached from the battalions.

Companies  
how to rank.

33. *And be it further enacted by the authority aforesaid,* That whenever in case of threatened or actual invasion, insurrection, or other public danger or emergency, the Militia, or any part thereof, shall be ordered out or detached, if any person who shall be ordered out or detached, in obedience to such orders, being duly notified thereof, and ordered to march to the place of rendezvous, shall neglect or refuse to obey such orders, or shall not, within twenty four hours after he shall have been notified as aforesaid, pay a fine of *ten pounds*, to the Commanding Officer of the company to which he belongs, or procure an able bodied man, in his stead, such person shall be considered as a soldier in such detachment, and be dealt with accordingly. *Provided always,* That whenever a detachment is made, the Officers, noncommissioned Officers and Privates, being able of body, shall be detailed from the rosters or rolls which shall be kept for that purpose: And any person who by absconding after being detached, as aforesaid, or by deserting from such detachment, shall attempt to evade the

penalty for  
not marching  
with detach-  
ments, when  
ordered.

Proviso.

punishment by law provided for desertion, he shall pay a fine of *twelve pounds*, to be sued for and recovered by the Clerk of the company, to which such person belongs, any time within twelve months after the discharge of such detachment; said fine to be disposed of for the purpose of paying such men as shall be hired or drafted into service: And any officer holding a commission in the Militia, who shall neglect or refuse to execute any orders

Punishment  
for abscond-  
ing.

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he

Delinquent Officers how punished.

he may receive from his superior officer, to make a detachment of the corps under his command, it shall be the duty of the Officer who issued such orders immediately to arrest such delinquent Officer, bring him to trial therefor, before a Court Martial, and forthwith give information thereof to the Commander in Chief; and the Officer who issued the order which shall not have been executed, as aforesaid, shall immediately after arresting the delinquent Officer, proceed by himself or some other Officer, under his command, to make and complete the detachment, ordered as aforesaid. And when any regiment or company shall not be organised, the Officer issuing the orders for such detachment, shall by himself, or some other Officer under him, proceed to make and complete the detachment from any part of the Militia, of such unorganised corps,

Militia to provide provisions when called out.

34. *And be it further enacted by the authority aforesaid,* That whenever the Militia, or any part thereof, of any town, shall be ordered to march for the immediate defence of this State, each Officer and Soldier shall provide and take with him three days' provision, unless otherwise ordered; and the Selectmen of such town shall cause carriages to attend them with farther supplies of provision and camp utensils, until notice shall be given them to desist, by the Commanding Officer of the Militia detached: And the Selectmen shall prefer their accounts for such supplies to the General Court, for allowance and payment: And whenever the Selectmen of any town or district, from which a detachment shall be ordered, shall be notified by any Officer duly authorised thereto, and shall neglect or refuse to furnish such supplies and utensils, the town or district to which such Selectmen belong, shall pay a fine not exceeding fifty pounds, to be sued for and recovered by any person who shall prosecute for the same; one moiety to the prosecutor, and the other to the use of the Commonwealth; and the Officer to whom such camp utensils shall be delivered, shall be accountable for the same, unless broken or lost by some unavoidable accident, not in his power to prevent.

Selectmen to furnish carriages, &c.

Penalty in case—

Widows and children of persons who may be killed or wounded in actual service to receive a pension.

35. *Be it further enacted by the authority aforesaid,* That if any Officer, noncommissioned Officer or Private of the Militia, shall be killed or die of his wounds received in the service of this Commonwealth, his widow, child or children shall be entitled to similar relief, and under the same regulations and restrictions, as is provided by law in such cases for the relief of widows and orphans

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phans of persons killed or dying of wounds received in the service of the United States : And if any Officer, noncommissioned Officer or Private of the Militia, shall be wounded or otherwise disabled in the service of this Commonwealth, he shall be entitled to similar relief, and under the same regulations and restrictions, as is provided by law in such cases for the relief of persons wounded or disabled in the service of the United States.

36. And be it further enacted by the authority aforesaid, That the Governour or Commander in Chief, shall appoint Courts Martial for the trial of all Officers above the rank of Captain : That the Major Generals or Commanding officers of divisions, each within his own division, shall appoint Courts Martial for the trial of Captains and all officers under that rank : And it shall be the duty of every Officer who shall appoint a Court Martial, as aforesaid, to approve or disapprove of every sentence of such Court Martial by them appointed : And no officer who shall appoint a Court Martial, shall be President thereof, nor shall any sentence be put in execution until it shall have been approved of as aforesaid : No Court Martial shall consist of a less number than thirteen Commissioned Officers, the President of which shall not be under the rank of a Field Officer ; and no Field Officer shall be tried by any person under the degree of a Captain ; and all officers shall take rank by seniority of commission, without regard to corps : And the Officer who shall appoint a Court Martial shall at the same time appoint a suitable person for a Judge Advocate, whose duty it shall be impartially to state the evidence both for and against the Officer under trial ; to take accurate minutes of the evidence, and all the proceedings of the Court ; all of which he shall transmit, with the judgment of the Court thereon, under seal, to the Officer whose duty it is to approve or disapprove of such judgment. Every Officer to be tried shall have ten days' notice given him of the time and place appointed for trial : And every Officer to be tried shall be put in arrest, so as to be suspended from the exercise of his office, and shall have a copy of the charges exhibited against him ten days before the sitting of said Court ; and in case any officer, for the trial of whom a Court Martial shall be appointed, shall neglect to appear and make defence, he shall be deemed by said Court guilty of the charge, and shall be sentenced accordingly: In every Court Martial held for the trial of an officer, not less than two thirds of the members must agree in the

Court Martial how appointed and by whom.

Judge Advocate to be appointed—his duty.

Officers to be tried, to have due notice.

— to be arrested.

Judgment of Court Martial, how determined.

N 4

sentence

sentence or judgment of said Court, otherwise the person charged shall be acquitted: All proceedings and trials by Court Martial shall be carried on in the day time; and when the members shall be required to give their votes on a question or decision, they shall begin with the youngest in commission, first: All persons shall be holden to appear and give evidence before any Court Martial, under the same penalties for neglect, as are by law provided for witnesses in other cases, when thereunto summoned by a Justice of the Peace for such service: And all witnesses shall be sworn by the Judge Advocate before they give their evidence to the Court. Before any Court Martial shall proceed to the trial of any Officer, the Judge Advocate shall administer to the President and each of the members, the following oath, viz.

Persons to give evidence under penalties.

Judge Advocate to administer

the Oath.

YOU A. B. do swear, that you will well and truly try the cause now before you, between this Commonwealth, and the person to be tried; and you do further swear, that you will not divulge the sentence of this Court Martial until it shall be approved or disapproved of; and that you will not on any account, at any time whatever, discover the vote or opinion of any Member, unless required to give evidence thereof, as a witness, by a Court of Justice, in a due course of law. *So help you GOD!*

And the President shall administer to the Judge Advocate, the following oath, viz.

Oath administered to the Judge Advocate.

YOU A. B. do swear, that you will not on any account, at any time whatever, divulge the vote or opinion of any Member of this Court Martial, unless required to give evidence thereof, as a witness, by a Court of Justice, in a due course of law. *So help you GOD!*

Officers guilty of unmilitary conduct, to be tried by a Court Martial;

37. *And be it further enacted by the authority aforesaid,* That every Officer holding a commission in the Militia, who shall be accused of any unmilitary conduct, neglect of duty, or disobedience of orders; or who shall, when on duty, appear or behave himself in an unofficer-like manner, or shall wilfully injure those who are under his command, he shall be liable to be tried by a Court Martial, and if found guilty, to be sentenced by said Court to be reprimanded in orders, or to be removed from office: And whenever a Court Martial shall sentence any Officer to be removed from office, the Court shall therein adjudge such Officer incapable of holding any military commission under this Commonwealth for life, or for years, according to the nature and aggravation

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aggravation of his offence; and such sentence, being duly approved of by the Officer appointing such Court Martial, shall be published and remain in full force, unless reversed, so far as respects disqualification, by the General Court.

—and removed from office.

38. *And be it further enacted by the authority aforesaid,* That every town within this Commonwealth shall be constantly provided with sixty four pounds of good gunpowder, one hundred pounds of musket balls, one hundred flints, and three tin or iron camp kettles, for every sixty four soldiers in the Militia of such town, enrolled as aforesaid; and the same proportion of each of the aforesaid articles for a greater or lesser number: And every town which shall neglect to keep constantly provided with the said articles, shall forfeit and pay, for the use of the Commonwealth, for every sixty four men in such town which shall be unprovided with the said articles, the sum of *six pounds*, to be recovered by presentment in the Court of General Sessions of the Peace, in the county to which such town shall belong. And it shall be the duty of the Brigade Inspector annually to inspect the magazines of each town, within the brigade to which he belongs, and to make complaint to the Grand Jury of the county, against all towns which shall neglect to keep constantly provided as aforesaid.

Towns to be provided with military articles.

Penalty in case of neglect.

Brigade Inspector to inspect, &c.

And whereas the good citizens of this Commonwealth are often injured by the discharge of single guns on a muster day. Therefore,

39. *Be it further enacted by the authority aforesaid,* That no noncommissioned Officer or Private, shall unnecessarily fire a musket or single gun, in any public road, or near any house, or near the place of parade, on any day, or evening succeeding the same, on which any troop or company shall be ordered to assemble for military duty, unless embodied under the command of some Officer; and if any noncommissioned Officer or Private shall fire a musket or gun, except as aforesaid, on the said day or evening succeeding, without being embodied as aforesaid, he shall forfeit and pay a fine of *five shillings*, for each and every offence aforesaid, to be sued for, recovered and disposed of in the same manner as fines for nonappearance on a muster day are recovered and disposed of.

Penalty for firing on a muster day without orders;

how recovered and disposed of.

40. *And be it further enacted by the authority aforesaid,* That the Adjutant General, the Quarter Master General, Brigade Inspectors, and Adjutants of regiments, shall receive a reasonable consideration for their services;

Certain officers to receive pay.



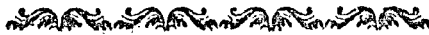
March 1794

By old and broken Plank,  
Balance due to *Stephen Jenckes*,

£	0	10	0
	2	9	7½
£	11	19	7½

ON due Consideration whereof,  
*IT is Voted and Resolved*, That the foregoing Report be accepted; and that the said Balance of *Two Pounds Nine Shillings and Sevenpence Halfpenny* be paid the said *Stephen Jenckes*, out of the General-Treasury, in Specie, or in the Bills of Credit emitted by this State, at the established Rate of Exchange.

*A. Bennett* allowed £ 1 13s. 7d. *IT is Voted and Resolved*, That *One Pound Thirteen Shillings and Sevenpence* be allowed and paid to *Abel Bennett*, Town-Sergeant of *Coventry*, out of the General-Treasury, in Specie, or in the Bills of Credit emitted by this State, at the established Rate of Exchange; it being the Amount of his Account, for Fees, and the Expences of himself and his Aid in apprehending and committing to Gaol one *John Corey*, a poor Prisoner, at the Suit of the State.



### An ACT to organize the Militia of this State.

Act to organize the Militia. **W**HEREAS by the Constitution of the United States, the Congress have Power to provide for the organizing, arming and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States; reserving to the States respectively the Appointment of the Officers, and the Authority of training the Militia according to the Discipline prescribed by Congress: And whereas the Congress did, on the Eighth Day of *May*, A. D. 1792, pass an Act, entitled, “ An Act more effectually to provide for the national Defence, by establishing an uniform Militia throughout the United States;” which Act is in the Words following, *to wit*:

“ *An ACT more effectually to provide for the national Defence, by establishing an uniform Militia throughout the United States.*

“ *BE it Enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That each and every free able-bodied white male Citizen of the respective States, resident therein, who is or shall be of the Age of Eighteen Years, and under the Age of Forty-five Years (except as is herein after excepted) shall severally and respectively be enrolled in the Militia, by the Captain or Commanding Officer of the Company within

within whose Bounds such Citizen shall reside, and that within Twelve Months after the passing of this Act. And it shall at all Times hereafter be the Duty of every such Captain or Commanding Officer of a Company, to enrol every such Citizen, as aforesaid, and also those who shall, from Time to Time, arrive at the Age of Eighteen Years, or being of the Age of Eighteen Years, and under the Age of Forty-five Years (except as before excepted) shall come to reside within his Bounds; and shall without Delay notify such Citizen of the said Enrolment, by a proper non-commissioned Officer of the Company, by whom such Notice may be proved. That every Citizen so enrolled and notified, shall, within Six Months thereafter, provide himself with a good Musket or Firelock, a sufficient Bayonet and Belt, two spare Flints, and a Knapfack, a Pouch, with a Box therein, to contain not less than Twenty-four Cartridges, suited to the Bore of his Musket or Firelock, each Cartridge to contain a proper Quantity of Powder and Ball; or with a good Rifle, Knapfack, Shot-Pouch and Powder-Horn, Twenty Balls suited to the Bore of his Rifle, and a Quarter of a Pound of Powder; and shall appear, so armed, accoutred and provided, when called out to exercise, or into Service, except that when called out on Company Days to exercise only, he may appear without a Knapfack. That the commissioned Officers shall severally be armed with a Sword or Hanger and Esponton, and that from and after Five Years from the passing of this Act, all Muskets for arming the Militia, as herein required, shall be of Bores sufficient for Balls of the Eighteenth Part of a Pound. And every Citizen so enrolled, and providing himself with Arms, Ammunition and Accoutrements, required as aforesaid, shall hold the same exempted from all Suits, Distresses, Executions or Sales, for Debt, or for the Payment of Taxes.

“ *AND be it further Enacted,* That the Vice-President of the United States; the Officers, judicial and executive, of the Government of the United States; the Members of both Houses of Congress, and their respective Officers; all Custom-House Officers, with their Clerks; all Post-Officers, and Stage-Drivers, who are employed in the Care and Conveyance of the Mail of the Post-Office of the United States; all Ferrymen employed at any Ferry on the Post-Road; all Inspectors of Exports; all Pilots; all Mariners actually employed in the Sea Service of any Citizen or Merchant within the United States; and all Persons who now are or may hereafter be exempted by the Laws of the respective States, shall be and are hereby exempted from Militia Duty, notwithstanding their being above the Age of Eighteen, and under the Age of Forty-five Years.

“ *AND be it further Enacted,* That within One Year after the passing of this Act, the Militia of the respective States shall be arranged into Divisions, Brigades, Regiments, Battalions and Companies, as the Legislature of each State shall direct; and each  
Division,

Division, Brigade and Regiment, shall be numbered at the Formation thereof, and a Record made of such Numbers in the Adjutant-General's Office in the State; and when in the Field, or in Service in the State, each Division, Brigade and Regiment, shall respectively take Rank according to their Numbers, reckoning the first or lowest Number highest in Rank. That if the same be convenient, each Brigade shall consist of Four Regiments; each Regiment of Two Battalions; each Battalion of Five Companies; and each Company of Sixty-four Privates. That the said Militia shall be officered by the respective States as follows: To each Division One Major-General, and Two Aids-de-Camp, with the Rank of Major; to each Brigade, One Brigadier-General, with One Brigade-Inspector, to serve also as Brigade-Major, with the Rank of a Major; to each Regiment, One Lieutenant-Colonel Commandant; and to each Battalion, One Major; to each Company, One Captain, One Lieutenant, One Ensign, Four Sergeants, Four Corporals, One Drummer, and One Fifer or Bugler. That there shall be a regimental Staff, to consist of One Adjutant, and One Quarter-Master, to rank as Lieutenants; One Pay-Master; One Surgeon, and One Surgeon's Mate; One Sergeant-Major; One Drum-Major, and One Fife-Major.

*AND be it further Enacted*, That out of the Militia enrolled, as is herein directed, there shall be formed for each Battalion at least One Company of Grenadiers, Light-Infantry or Riflemen; and that to each Division there shall be at least One Company of Artillery, and One Troop of Horse: There shall be to each Company of Artillery, One Captain, Two Lieutenants, Four Sergeants, Four Corporals, Six Gunners, Six Bombardiers, One Drummer, and One Fifer. The Officers to be armed with a Sword or Hanger, a Fusée, Bayonet and Belt, with a Cartridge-Box to contain Twelve Cartridges; and each Private or Matross shall furnish himself with all the Equipments of a Private in the Infantry, until proper Ordnance and Field Artillery is provided. There shall be to each Troop of Horse, One Captain, Two Lieutenants, One Cornet, Four Sergeants, Four Corporals, One Saddler, One Farrier, and One Trumpeter. The commissioned Officers to furnish themselves with good Horses of at least Fourteen Hands and an Half high, and to be armed with a Sword and Pair of Pistols, the Holsters of which to be covered with Bearskin Caps. Each Dragoon to furnish himself with a serviceable Horse, at least Fourteen Hands and an Half high, a good Saddle, Bridle, Mail-Pillion and Valise, Holsters, and a Breastplate and Crupper, a Pair of Boots and Spurs, a Pair of Pistols, a Sabre, and a Cartouch-Box, to contain Twelve Cartridges for Pistols: That each Company of Artillery and Troop of Horse shall be formed of Volunteers from the Brigade, at the Discretion of the Commander in Chief of the State, not exceeding One Company of each to a Regiment, nor more in Number than One Eleventh Part of the Infantry, and shall be uniformly clothed in Regimentals, to be furnished at their own  
Expence;

Expence ; the Colour and Fashion to be determined by the Brigadier commanding the Brigade to which they belong.

“ *AND be it further Enacted*, That each Battalion and Regiment shall be provided with the State and regimental Colours by the Field Officers, and each Company with a Drum and Fife, or Bugle-Horn, by the commissioned Officers of the Company, in such Manner as the Legislature of the respective States shall direct.

“ *AND be it further Enacted*, That there shall be an Adjutant-General appointed in each State, whose Duty it shall be to distribute all Orders from the Commander in Chief of the State to the several Corps ; to attend all public Reviews when the Commander in Chief of the State shall review the Militia, or any Part thereof ; to obey all Orders from him relative to carrying into Execution and perfecting the System of military Discipline established by this Act ; to furnish blank Forms of different Returns that may be required, and to explain the Principles on which they should be made ; to receive from the several Officers of the different Corps throughout the State, Returns of the Militia under their Command, reporting the actual Situation of their Arms, Accoutrements and Ammunition, their Delinquencies, and every other Thing which relates to the general Advancement of good Order and Discipline : All which the several Officers of the Divisions, Brigades, Regiments and Battalions, are hereby required to make in the usual Manner, so that the said Adjutant-General may be duly furnished therewith ; from all which Returns, he shall make proper Abstracts, and lay the same annually before the Commander in Chief of the State.

“ *AND be it further Enacted*, That the Rules of Discipline approved and established by Congress, in their Resolutions of the Twenty-ninth of *March*, One Thousand Seven Hundred and Seventy-nine, shall be the Rules of Discipline to be observed by the Militia throughout the United States, except such Deviations from the said Rules as may be rendered necessary by the Requisitions of this Act, or some other unavoidable Circumstances. It shall be the Duty of the Commanding Officer at every Muster, whether by Battalion, Regiment, or single Company, to cause the Militia to be exercised and trained agreeably to the said Rules of Discipline.

“ *AND be it further Enacted*, That all commissioned Officers shall take Rank according to the Date of their Commissions ; and when Two of the same Grade bear an equal Date, then the Rank to be determined by Lot, to be drawn by them before the Commanding Officer of the Brigade, Regiment, Battalion, Company or Detachment.

“ *AND be it further Enacted*, That if any Person, whether Officer or Soldier, belonging to the Militia of any State, and called out into the Service of the United States, be wounded or disabled while in actual Service, he shall be taken Care of and provided for at the public Expence.

F

“ *AND*

“ *AND* be it further Enacted, That it shall be the Duty of the Brigade-Inspector, to attend the regimental and Battalion Meetings of the Militia composing their several Brigades, during the Time of their being under Arms ; to inspect their Arms, Ammunition and Accoutrements ; superintend their Exercise and Manœuvres, and introduce the System of military Discipline before described throughout the Brigade, agreeable to Law, and such Orders as they shall, from Time to Time, receive from the Commander in Chief of the State ; to make Returns to the Adjutant-General of the State, at least once in every Year, of the Militia of the Brigade to which he belongs, reporting therein the actual Situation of the Arms, Accoutrements and Ammunition, of the several Corps, and every other Thing which in his Judgment may relate to their Government, and the general Advancement of good Order and military Discipline ; and the Adjutant-General shall make a Return of all the Militia of the State, to the Commander in Chief of the said State, and a Duplicate of the same to the President of the United States.

“ *AND* whereas sundry Corps of Artillery, Cavalry and Infantry, now exist in several of the said States, which by the Laws, Customs or Usages thereof, have not been incorporated with or subject to the general Regulations of the Militia :

“ *B E* it further Enacted, That such Corps retain their accustomed Privileges, subject, nevertheless, to all other Duties required by this Act in like Manner with the other Militia.”

SECTION 1. And whereas the Reservations contained in the said Constitution, relative to the Militia of the States respectively, render it necessary that Provision should be made in the Premises by the Legislature of this State :

*B E* it therefore Enacted by this General Assembly, and by the Authority thereof it is hereby Enacted, That the whole Militia of this State shall be arranged into One Division ; that the said Division shall constitute Four Brigades ; that the Militia in the Counties of *Newport* and *Bristol* shall form One Brigade, the Militia in the County of *Providence* One Brigade, the Militia in the County of *Washington* One Brigade, and the Militia in the County of *Kent* One Brigade : That the Brigade in the Counties of *Newport* and *Bristol* shall consist of Four Regiments, the Brigade in the County of *Providence* of Seven Regiments, the Brigade in the County of *Washington* of Four Regiments, and the Brigade in the County of *Kent* of Three Regiments : That each Regiment, whose Numbers, in the Opinion of the Field Officers, will admit of it, shall be divided into Two Battalions ; and that the said Militia shall be divided into Classes, under the Denominations of Senior Class and Infantry.

SECTION 2. *And* it is further Enacted by the Authority aforesaid, That the Regiments of Infantry be constituted as follows, to wit :  
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That the Towns of *Newport, Portsmouth, New-Shoreham, Jamestown* and *Middletown*, constitute One Regiment; and the Towns of *Tiverton* and *Little-Compton* One Regiment; that the Towns of *Bristol, Warren* and *Barrington*, constitute One Regiment; that the Towns of *Providence* and *North-Providence* constitute One Regiment, the Towns of *Smithfield* and *Cumberland* One Regiment, the Town of *Scituate* One Regiment, the Town of *Glocester* One Regiment, the Towns of *Cranston* and *Johnston* One Regiment; that the Towns *Westerly, Charlestown* and *Hopkinton*, constitute One Regiment; the Towns of *North-Kingstown* and *Exeter* One Regiment, and the Towns of *South-Kingstown* and *Richmond* One Regiment; and that the Towns of *Warwick* and *East-Greenwich* constitute One Regiment, and the Towns of *West-Greenwich* and *Coventry* One Regiment.

SECTION 3. *And it is further Enacted by the Authority aforesaid,* That there be Four Companies of Infantry in the Town of *Newport*, Five in the Town of *Providence*, Two in the Town of *Portsmouth*, Three in the Town of *Warwick*, Four in the Town of *Westerly*, One in the Town of *New-Shoreham*, Four in the Town of *North-Kingstown*, Four in the Town of *South-Kingstown*, Two in the Town of *East-Greenwich*, One in the Town of *Jamestown*, Three in the Town of *Smithfield*, Four in the Town of *Scituate*, Six in the Town of *Glocester*, Two in the Town of *Charlestown*, Three in the Town of *West-Greenwich*, Four in the Town of *Coventry*, Three in the Town of *Exeter*, One in the Town of *Middletown*, One in the Town of *Bristol*, Three in the Town of *Tiverton*, Two in the Town of *Little-Compton*, Two in the Town of *Warren*, Three in the Town of *Cumberland*, Two in the Town of *Richmond*, Three in the Town of *Cranston*, Four in the Town of *Hopkinton*, Four in the Town of *Johnston*, Two in the Town of *North-Providence*, One in the Town of *Barrington*, and Four in the Town of *Foster*; and that the aforesaid Division, Brigades, Regiments, Battalions and Companies, be officered agreeably to the above recited Act of Congress, and engaged according to Law.

SECTION 4. *And it is further Enacted by the Authority aforesaid,* That in Addition to the Persons exempted from military Duty by the Act of the United States herein before recited, there shall be and hereby are exempted by this Act from such Duty, either in the Regiments of Senior Class or Infantry, the following Persons, *to wit*: The Members of both Houses of the Legislature, the Justices of the Superior Court of Judicature, the Justices of the Court of Common Pleas, the Secretary, the Attorney-General, the General-Treasurer, One Ferryman to each stated Ferry, the Ministers and Teachers of each Church or Congregation, the President, Professors, Tutors, Students and Steward of *Rhode-Island* College, and all Persons who are conscientiously scrupulous against bearing Arms, and who shall produce to the Captain in whose District they reside Certificates of their belonging to the Society of Friends, from the Clerk of their Meeting, or shall make Affirmation, before either of the

the Justices of the Superior Court of Judicature, or of the Court of Common Pleas, of their being thus conscientiously scrupulous as aforesaid, and produce a Certificate that they have so affirmed.

SECTION 5. *Provided nevertheless, and it is further Enacted by the Authority aforesaid,* That all Persons who are or shall hereafter be exempted from military Service as in the preceding Section, and shall not perform the same as directed by this Act, except as is herein after excepted, shall pay for such Exemption, and as an Equivalent for the said Services, the Sum of *Twelve Shillings* annually; that the same be paid into the Town-Treasuries of the respective Towns, for the Use of the State, to be appropriated as the General Assembly shall direct: That the Commanding Officers of the several Companies return a List of all those Persons to the Town-Treasurers of their respective Towns, who are hereby empowered and directed to issue their Warrants within Ten Days to the Town-Sergeants of their respective Towns, commanding them to collect and pay the same into the Town-Treasury within Forty Days: And that the Town-Treasurer of each Town make true Returns of the Sums of Money so collected to the General Assembly annually, at the General Election. *Provided further,* That every settled Minister of each Church and Congregation, the President, Professors, Tutors, Students, and Steward of *Rhode-Island College*, shall be exempted from paying the said Equivalent.

SECTION 6. *And it is further Enacted by the Authority aforesaid,* That all Persons of the following Descriptions be exempted from serving in the Regiments of Infantry, *to wit:* All Persons who have served or been in the Place of General Officers, Justices of the Peace or other commissioned Officers, the High Sheriff of each County when in Office, all sworn Practitioners in the Law, Physicians, Surgeons, Apothecaries, One Miller to each Grist-Mill, Town-Council-Men, Town-Treasurers, Town-Clerks and Town-Sergeants, while serving in their respective Stations.

SECTION 7. *And it is further Enacted by the Authority aforesaid,* That all Persons exempted as in the last preceding Section be formed into a separate Corps, to be known and called by the Name of Senior Class, in the several Brigades to whose Districts they appertain; and that they be officered in the same Manner as the Regiments and Companies of Infantry, and be subject to the same Regulations, except as to the Times of mustering and training.

SECTION 8. *And it is further Enacted by the Authority aforesaid,* That the Senior Class of the Town of *Providence* constitute One Company, that of the Town of *Cranston* One Company, that of the Town of *Johnston* One Company, that of the Town of *North-Providence* One Company, that of the Town of *Smithfield* One Company, that of the Town of *Cumberland* One Company, that of the Town of *Scituate* One Company, that of the

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the Town of *Glocester* One Company, that of the Town of *Foster* One Company; which said Companies shall form One Regiment: That the Senior Clafs in the Town of *Westerly* constitute One Company, that of the Town of *Charlestown* One Company, that of the Town of *Hopkinton* One Company, that of the Town of *North-Kingstown* One Company, that of the Town of *Exeter* One Company, that of the Town of *South-Kingstown* One Company, that of the Town of *Richmond* One Company; which said Companies shall be formed into One Regiment: That the Senior Clafs in the Towns of *Bristol*, *Warren* and *Barrington*, constitute One Company; that of the Town of *Tiverton* One Company, that of the Town of *Little-Compton*, One Company, that of the Towns of *Newport* and *Jamestown* One Company, that of the Towns of *Portsmouth* and *Middletown* One Company; which Companies shall be formed into One Regiment: And that the Senior Clafs in the Towns of *Warwick* and *East-Greenwich* constitute One Company, that of the Town of *West-Greenwich* One Company, and that of the Town of *Coventry* One Company; which Companies shall be formed into One Regiment. And the said several Corps of Senior Clafs shall be officered in the like Manner as is prescribed by the said Act of Congress.

SECTION 9. *And it is further Enacted by the Authority aforesaid*, That it shall be the Duty of the Commanding Officers of Companies of every Description in this State, on or before the First Day of *June* next, to enrol every able-bodied white male Citizen belonging to their said Companies, and to notify such Persons of their Enrolment by a proper non-commissioned Officer of such Company: And that the said Commanding Officers make a Return of the same to the Commandants of the Regiments to which they respectively belong, who shall make Returns of their respective Regiments to the Brigadier-Generals. And where said Companies are not attached to any Regiment, Returns shall be made to the Adjutant-General within Twenty Days after such Enrolment. And it shall be the Duty of the Brigade-Major of such Brigade, from such Returns to form a Brigade Return, and send the same to the Adjutant-General, on or before the Fifteenth Day of *September* next, who shall, from the several Returns thus made, form a general Return, and present the same to his Excellency the Governor on or before the First Day of *October* next.

SECTION 10. *And it is further Enacted by the Authority aforesaid*, That every Corporal who shall neglect to warn the Men to appear at every Rendezvous mentioned in this Act, when thereunto required as aforesaid, without sufficient Excuse, shall forfeit the Sum of *Twelve Shillings*, Lawful Money: That every non-commissioned Officer or Private who shall neglect to appear at the regimental Rendezvous, shall forfeit the Sum of *Six Shillings*, and for every Day he shall neglect to appear at the Company Parade, he shall forfeit *Four Shillings and Sixpence*. And if he shall not be armed and equipped according to the said Act of Congress,

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grefs, when fo appearing, without fufficient Exeufe, he fhall, for appearing without a Gun, forfeit *One Shilling and Sixpence*; without a Bayonet and Belt, *Sixpence*; without a Cartouch-Box and Cartridges, *Sixpence*; without a Knapfack, *Threepence*; and without Flints, Priming-Wire and Brush, *Threepence*. Provided always, that none of the Fines aforefaid, nor any other except thofe mentioned in the Fifteenth Section of this Act, fhall be levied on any Delinquent until after the Expiration of Ten Days from the Time of fuch Delinquency, nor then, if the Town-Councils of the refpective Towns to which fuch Delinquents may belong fhall have determined that the faid Delinquents are unable to provide themfelves with Arms. And all Fines which fuch Captain, or Commanding Officer of the Company, fhall determine as proper to be exacted, fhall be levied by Warrant from the Captain, or Commanding Officer of fuch Company, to be iffued after the Expiration of Twenty Days from the Time of fuch Delinquency, directed to One or more Sergeants or Corporals of the Company to which fuch Offender belongs; whofe Duty it is hereby made to collect the fame, with fuch Fees as are taxable by Law for the like Services in civil Cafes, by Diftrefs and Sale of the Goods and Chattels of the Offenders refpectively; and for Want thereof, by Imprifonment, until fuch Fine and Coft fhall be paid: That in cafe any fuch Defaulter fhall live with his Father or Mother, or fhall be an Apprentice or indented Servant, the Mafter or Miftrefs, Father or Mother (as the Cafe may be) fhall be liable to pay fuch Fine, with Coft; in Default of which Payment, the faid Sergeant or Corporal fhall levy the fame upon the Goods and Chattels of the faid Father or Mother, Mafter or Miftrefs: That all Fines fhall be appropriated under the Direction of the feveral Town-Councils to which the refpective Delinquents may belong: And that a Sum not exceeding *Six Shillings* per Day fhall be allowed to the Corporal, for warning the Company to which he belongs; which Sum fhall be paid him by the Captain of faid Company out of the firft Fines and Forfeitures collected therein, agreeably to this Act; the Number of Days for which the Corporal fhall be in Pay, for warning the Company, as aforefaid, fhall be afcertained and allowed by the Captain or Commanding Officer of fuch Company difcretionally.

SECTION 11. *And it is further Enacted by the Authority aforefaid,* That it fhall be the Duty of the Field Officers of the feveral Regiments of Senior Clafs and Infantry, to proceed with all convenient Speed in forming the feveral Companies of Grenadiers, Light-Infantry and Riflemen, for their faid Regiments, agreeably to the afore-recited Act of Congress.

SECTION 12. *And it is further Enacted by the Authority aforefaid,* That each Regiment of Infantry in this State fhall meet Twice in every Year by Companies, for the Purpofe of training, disciplining and improving them in martial Exercife, and Once in every Year in  
Regiment

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Regiment or Battalion: That all Regiments of Senior Class shall meet in Companies Once in every Two Years, for the Purpose of training, disciplining and improving them in martial Exercise: And that the Places of rendezvousing by Companies be appointed by the Commanding Officers of the respective Companies: The Places of Regimental or Battalion Rendezvous, by the Commandants of the Regiments respectively; the Times of rendezvousing by Companies, by the respective Commandants of the Regiments; and the Times of Regimental or Battalion Rendezvous, by the respective Brigadiers: And that any Officer who shall neglect or refuse to appear as aforesaid with his Company, when duly notified, and not having sufficient Excuse, shall be broke and reduced to the Ranks. Provided nevertheless, that the Militia of *New-Shoreham* shall not be obliged to rendezvous in Battalion, but in Company only, and then on the Island of *Block-Island*.

SECTION 13. *And it is further Enacted by the Authority aforesaid,* That whenever the Commanding Officer of any Company shall receive Orders from the Brigadier of the District in which he resides, or the Commandant of the Regiment (except in Cases of Alarm) he shall issue his Warrant for their assembling to the Corporals of his Company Ten Days before the Time appointed for Muster, requiring them to warn the Men of their respective Districts to be by him assigned, either by personal Notice, or by leaving Word at their usual Places of Abode, to assemble at the Time and Place appointed, equipped according to Law. And the said Corporals shall cause the said Warrants to be served Six Days before, and return the same, with their Doings thereon, One Day before the assembling as aforesaid.

SECTION 14. *And it is further Enacted by the Authority aforesaid,* That it shall be the Duty of the Brigade-Major in each District, to furnish a Copy of all Orders for Muster to the Commandants of Regiments within each respective Brigade.

SECTION 15. *And it is further Enacted by the Authority aforesaid,* That when the Troops, or any Part of them, shall be assembled together, for Review or otherwise, it shall be in the Power of the Commanding Officer present to punish all Disorders, or Breaches of military Order and Discipline, whether in non-commissioned Officers or Privates, by immediately putting the Offender under Guard, for a Space of Time not exceeding Twelve Hours, or by a Fine not exceeding *Six Shillings*, at the Discretion of the Commanding Officer; the said Fines to be collected as before mentioned.

SECTION 16. *And it is further Enacted by the Authority aforesaid,* That if any Person, who is a Member of any independent Company, do not produce a Certificate from the Commanding Officer of the Company to which he belongs, specifying that he is a Member of such Company, to the Officer who shall warn him

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him for Muster, at any Meeting of the Company of the District wherein he resides, he shall be held for the Fines specified in this Act.

SECTION 17. *And it is further Enacted by the Authority aforesaid,* That whenever the military Force of this State, or any Part thereof, shall be called into actual Service, they shall be subject to the Articles of War prescribed by Congress for the Government of the Troops of the United States.

SECTION 18. *And it is further Enacted by the Authority aforesaid,* That from and after the First *Wednesday* in *May* next, all Officers of the Militia deriving their Appointments from the General Assembly, shall hold their respective Appointments for and during the Term of One Year from the Time of their respective Appointments, excepting in case of Resignation, or being removed by the Legislature for Misdemeanor, or broke by Sentence of a Court-Martial.

SECTION 19. *And it is further Enacted by the Authority aforesaid,* That in Addition to the Officers to be appointed, pursuant to the afore-recited Act of Congress, there be also appointed for the Militia of this State One Director and Purveyor-General of the military Hospital, One Surgeon and Physician-General, One Quartermaster-General, One Commissary-General, with the Power of Substitution as Occasion may require: And that the Adjutant-General shall have the Rank of Lieutenant-Colonel Commandant.

SECTION 20. *And it is further Enacted by the Authority aforesaid,* That every regimental Court-Martial shall consist of at least Seven commissioned Officers, One whereof at least being a Captain, and shall be appointed by the Commanding Officer of the Regiment, who is empowered to confirm, mitigate or disapprove, any Sentence by them given.

SECTION 21. *And it is further Enacted by the Authority aforesaid,* That every General Court-Martial shall consist of at least Thirteen commissioned Officers, One whereof shall be a General or Field Officer, to be appointed by the Major-General, or in his Absence by the next Officer present in Command; who is also empowered to approve, mitigate or annul, any Sentence by them given.

SECTION 22. *And it is further Enacted by the Authority aforesaid,* That the Divisions of Companies as now existing in the several Towns be continued, subject, however, to such Alterations as their present Numbers or future Increase or Diminution may, in the Judgment of the Field Officers of the Corps to which they belong, from Time to Time render necessary or expedient.

SECTION 23. *And it is further Enacted by the Authority aforesaid,* That whenever it shall happen that any Surveyor of the Highways shall

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shall have warned the Men of his District to work on the Highways, on the same Day that shall be assigned for the Training pursuant to this Act, the said Warning to work upon the Highways shall be considered as superseded.

AND it is further Enacted by the Authority aforesaid, That all Laws heretofore made relative to organizing and disciplining the Militia of this State, be and the same are hereby repealed: And that this Act shall take Effect, and be in Force, from and after the First Day of May next.

IT is ordered, That a Copy of this Act be inserted in all the Newspapers in this State.



IT is Voted and Resolved, That the Committee appointed by this Assembly, at the last Session, to revise the Table of Fees, be and they are hereby continued for that Purpose; and that they make Report to this Assembly at the next Session. Committee to revise the Table of Fees continued.

THE following Report and Account were presented unto this Assembly, to wit: Report of the Committee who sold the old Gaol in the County of Washington.

WE the Subscribers, being appointed by the General Assembly, at the Session in October, A. D. 1792, a Committee to sell the old Gaol in the County of Washington, beg Leave to report, that agreeably to our Appointment we advertised the Sale thereof, and sold the same at public Auction to *Cyrus French*, Esq; for the Sum of *Fifteen Pounds*, Lawful Money, he being the highest Bidder; and gave him a Bill of Sale, conveying all the Right and Title of this State therein, agreeably to the Act of Assembly.

All which is submitted by  
GEORGE THOMAS, }  
ELISHA R. POTTER, } Committee.  
THOMAS TEFFT, }

The State of *Rhode-Island*, &c. to the Committee Dr.

For our Time, Horse-Hire and Expences,  
in doing the said Business, 3 Days each,  
at 9s. per Day each, £ 1 7 0

WHICH being duly considered,

IT is Voted and Resolved, That the aforesaid Report be accepted; that the said *George Thomas*, *Elisha R. Potter*, and *Thomas Tefft*, pay the said Sum of *Fifteen Pounds* into the General-Treasury; that their Account be allowed; and that *One Pound Seven Shillings* be

OF THE REVENUES OF THE STATE.

CHAPTER 15.

OF THE REVENUES OF THE STATE.

AN ACT regulating the sale of deadly Weapons and providing a Special License therefor.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Dealers in deadly weapons must obtain a special license to sell.

Section 1. That from and after the first day of June, in the year of our Lord, one thousand nine hundred and eleven, it shall be unlawful for any person or persons, firm, company or corporation, to sell, or expose to sale, any pistol or revolver, or revolver or pistol cartridges, stiletto, steel or brass knuckles, or other deadly weapons made especially for the defense of one's person, without first having obtained a license therefor, which license shall be known as "Special License to Sell Deadly Weapons;" provided, however, that this provision shall not relate to toy pistols, pocket knives, or knives used in the domestic household, or surgical instruments or tools of any kind.

Not to relate to certain implements.

Shall pay \$25 for said license.

Section 2. Any person or persons, firm, company or corporation, desiring to engage in the business of selling revolvers, pistols, or revolver or pistol cartridges, stilettos, steel or brass knuckles, or other weapons made for the defense of one's person, shall, after the above mentioned date, apply to the Clerk of the Peace of the County in which it is desired to conduct such business and shall obtain a license therefor, for which he, they, or it shall pay the sum of twenty-five dollars, which said license shall entitle the holder thereof to conduct said business for the term of one year from its date.

License to continue for one year.

Shall not sell to a minor, or intoxicated person.

Section 3. It shall be unlawful for any person or persons, or a member of any firm, or the agents or officers of any corporation to sell to a minor, or any intoxicated person,

LAWS OF DELAWARE.

OF THE REVENUES OF THE STATE.

any revolver, pistol, or revolver or pistol cartridges, stiletto, steel or brass knuckles, or other deadly weapons, made especially for the defense of one's person.

Section 4. It shall be the duty of any person or persons, firm, company or corporation, desiring to engage in the business aforesaid, to keep and maintain in his place of business at all times, a book which shall be furnished him by the Clerk of the Peace of the County wherein he does business in which said book he shall enter the date of the sale, the name and address of the person purchasing any such deadly weapon, the number and kind of deadly weapon so purchased, the color of the person so purchasing the same, and the apparent age of the purchaser; and no sale shall be made until the purchaser has been positively identified. This book shall at all times be open for inspection by any Judge, Justice of the Peace, Police Officer, Constable, or other Peace Officer of this State.

Shall keep a book to be furnished by the Clerk of the Peace.

Shall enter date of sale, name and address of person purchasing, kind of weapon, etc.

Book shall be open for inspection.

Section 5. Any person, firm, company or corporation, or any member of any firm, or the agents or officers of any corporation, violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not exceeding the sum of one hundred dollars, or a term of imprisonment not exceeding six months or both, within the discretion of the Court.

Penalty for violating the provisions of the Act.

Section 6. All of the provisions of Chapter 117, Volume 13, Laws of Delaware, relative to the issuance of licenses and the duties and powers of the several officials therein mentioned and all penalties therein imposed, shall extend to and be applied to licenses issued under authority of this Act.

Provisions of Chap. 117, Vol. 13, to apply.

Approved March 16, A. D. 1911.

## Chap. 195.

AN ACT to amend the penal law, in relation to the sale and carrying of dangerous weapons.

Became a law May 25, 1911, with the approval of the Governor. Passed, three-fifths being present.

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

L. 1909,  
ch. 89,  
§§ 1896,  
1897, 1899  
amended.

Section 1. Sections eighteen hundred and ninety-six, eighteen hundred and ninety-seven and eighteen hundred and ninety-nine of chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," are hereby amended to read as follows:

§ 1896. **Making and disposing of dangerous weapons.** A person who manufactures, or causes to be manufactured, or sells or keeps for sale, or offers, or gives, or disposes of any instrument or weapon of the kind usually known as a blackjack,<sup>1</sup> slungshot, billy, sandclub, sandbag, bludgeon,<sup>2</sup> or metal knuckles, to any person; or a person who offers, sells, loans, leases, or gives any gun, revolver, pistol or other firearm or any airgun, spring-gun or other instrument or weapon in which the propelling force is a spring or air or any instrument or weapon commonly known as a toy pistol or in or upon which any loaded or blank cartridges are used, or may be used, or any loaded or blank cartridges or ammunition therefor, to any person under the age of sixteen years, is guilty of a misdemeanor.

§ 1897. **Carrying and use of dangerous weapons.** A person who attempts to use against another, or who carries, or possesses, any instrument or weapon of the kind commonly known as a blackjack,<sup>1</sup> slungshot, billy, sandclub, sandbag,<sup>2</sup> metal knuckles or bludgeon,<sup>2</sup> or who, with intent to use the same unlawfully<sup>3</sup> against another, carries or possesses a dagger, dirk, dangerous knife, razor,<sup>4</sup> stiletto, or any other dangerous or deadly instrument or weapon,<sup>4</sup> is guilty of a felony.

<sup>1</sup> Word "blackjack" new.

<sup>2</sup> Words "sandbag, bludgeon" new.

<sup>3</sup> Word "unlawfully" new.

<sup>4</sup> Words "razor, stiletto, or any other dangerous or deadly instrument or weapon," new.

Any person under the age of sixteen years, who shall have, carry, or have in his possession,<sup>5</sup> any of the articles named or described in the last section, which it is forbidden therein to offer, sell, loan, lease or give to him, shall be guilty of a misdemeanor.

<sup>6</sup>Any person over the age of sixteen years, who shall have in his possession in any city, village or town of this state, any pistol, revolver or other firearm of a size which may be concealed upon the person, without a written license therefor, issued to him by a police magistrate of such city or village, or by a justice of the peace of such town, or in such manner as may be \*prescribed by ordinance in such city, village or town, shall be guilty of a misdemeanor.

Any person over the age of sixteen years, who shall have or carry concealed upon his person in any city, village, or town of this state, any pistol, revolver, or other firearm without a written license therefor, theretofore issued to him by a police magistrate of such city or village, or by a justice of the peace of such town, or in such manner as may be prescribed by ordinance of such city, village or town, shall be guilty of a felony.<sup>7</sup>

<sup>8</sup>Any person not a citizen of the United States, who shall have or carry firearms, or any dangerous or deadly weapons in any public place, at any time, shall be guilty of a felony. This section shall not apply to the regular and ordinary transportation of firearms as merchandise, nor to sheriffs, policemen, or to other duly appointed peace officers, nor to duly authorized military or civil organizations, when parading, nor to the members thereof when going to and from the places of meeting of their respective organizations.

§ 1899. Destruction of dangerous weapons. The unlawful<sup>9</sup> carrying of a pistol, revolver, or other firearm<sup>10</sup> or of an instrument or weapon of the kind usually known as blackjack, bludgeon,<sup>11</sup> slung-shot, billy, sandclub, sandbag,<sup>12</sup> metal knuckles, or of a dagger,

\* So in original.

<sup>5</sup> Words " in any public place " omitted.

<sup>6</sup> Following sentence new.

<sup>7</sup> Formerly " misdemeanor."

<sup>8</sup> Following sentence formerly read: " No person not a citizen of the United States, shall have or carry firearms or dangerous weapons in any public place at any time."

<sup>9</sup> Word " unlawful " new.

<sup>10</sup> Words " or other firearm " new.

<sup>11</sup> Words " blackjack, bludgeon " new.

<sup>12</sup> Word " sandbag " new.



dirk, dangerous knife, or any other dangerous or deadly weapon,<sup>13</sup> by any person save a peace officer, is a nuisance, and such weapons are hereby declared to be nuisances, and when any one or more of the above described instruments or weapons shall be taken from the possession of any person the same shall be surrendered to the sheriff of the county wherein the same shall be taken, except that in cities of the first class the same shall be surrendered to the head of the police force or department of said city. The officer to whom the same may be so surrendered shall, except upon certificate of a judge of a court of record, or of the district attorney, that the nondestruction thereof is necessary or proper in the ends of justice, proceed at such time or times as he deems proper, and at least once in each year, to destroy or cause to be destroyed any and all such weapons or instruments, in such manner and to such extent that the same shall be and become wholly and entirely ineffective and useless for the purpose for which destined and harmless to human life or limb.

§ 1914  
added.

§ 2. Such chapter is hereby amended by adding at the end of article one hundred and seventy-two thereof a new section to be section nineteen hundred and fourteen and to read as follows:

§ 1914. Sale of pistols, revolvers and other firearms. Every person selling a pistol, revolver or other firearm of a size which may be concealed upon the person whether such seller is a retail dealer, pawnbroker or otherwise, shall keep a register in which shall be entered at the time of sale, the date of sale, name, age, occupation and residence of every purchaser of such a pistol, revolver or other firearm, together with the calibre, make, model, manufacturer's number or other mark of identification on such pistol, revolver or other firearm. Such person shall also, before delivering the same to the purchaser, require such purchaser to produce a permit for possessing or carrying the same as required by law, and shall also enter in such register the date of such permit, the number thereon, if any, and the name of the magistrate or other officer by whom the same was issued. Every person who shall fail to keep a register and to enter therein the facts required by this section, or who shall fail to exact the production of a permit to possess or carry such pistol, revolver or other firearm, if such permit is required by law, shall be guilty of a misdemeanor. Such register shall be open at all reasonable hours for

<sup>13</sup> Words "or any other dangerous or deadly weapon," new. Words "without lawful permission, license or authority so to do," omitted.

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the inspection of any peace officer. Every person becoming the lawful possessor of such a pistol, revolver or other firearm, who shall sell, give or transfer the same to another person without first notifying the police authorities, shall be guilty of a misdemeanor. This section shall not apply to wholesale dealers.

§ 3. This act shall take effect September first, nineteen hundred and eleven.

In effect  
Sept. 1,  
1911.

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## Chap. 196.

AN ACT to amend chapter fifty-two, laws of nineteen hundred and nine, entitled "An act relating to real property, constituting chapter fifty of the consolidated laws," in relation to officers taking acknowledgments.

Became a law May 29, 1911, with the approval of the Governor. Passed, three-fifths being present.

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

Section 1. Section three hundred and ten of chapter fifty-two of the laws of nineteen hundred and nine, entitled "An act relating to real property, constituting chapter fifty of the consolidated laws," is hereby amended so as to read as follows:

L. 1909 ch.  
52, § 310  
amended.

§ 310.<sup>1</sup> A certificate of acknowledgment or proof, made within the state, by a commissioner of deeds, justice of the peace, or, except as otherwise provided by law, by a notary public, does not entitle the conveyance to be read in evidence or recorded, except within the county in which the officer making the same is authorized to act<sup>2</sup> at the time of making such certificate, unless authenticated by a certificate of the clerk of the same county; provided, however, that all certificates of acknowledgments or proof, made by or before a commissioner of deeds of the city of New York residing in any part therein, shall be authenticated by the<sup>3</sup> clerk of any county within said city, in whose office such commissioner of deeds shall have filed a certificate under the hand and seal of the city clerk of said city, showing the appointment and

When  
county  
clerk's au-  
thentication  
necessary.

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<sup>1</sup> Section heading amended out.

<sup>2</sup> Words "making the same is authorized to act" substituted for word "resides."

<sup>3</sup> Words "city clerk of said city, that the said commissioner of deeds was duly appointed and qualified as such," omitted.

<sup>1</sup> Where a male person of the age of sixteen years and under the age of eighteen years has been convicted of juvenile delinquency or of a misdemeanor, the trial court may, instead of sentencing him to imprisonment in a state prison or in a penitentiary, direct him to be confined in a house of refuge established by the managers of the society for the reformation of juvenile delinquents in the city of New York; under the provisions of the statute relating thereto. Where a female person not over the age of twelve years is convicted of a crime amounting to felony, or where a female person of the age of twelve years and not over the age of sixteen years is convicted of a crime, the trial court may, instead of sentencing her to imprisonment in a state prison or in a penitentiary, direct her to be confined in the New York State Training School for Girls, under the provisions of the statute relating thereto, but nothing in this section shall affect any of the provisions contained in section twenty-one hundred and ninety-four.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

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## Chap. 608.

AN ACT to amend the penal law generally, in relation to the carrying, use and sale of dangerous weapons.

Became a law May 21, 1913, with the approval of the Governor. Passed, three-fifths being present.

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

Section 1. Section eighteen hundred and ninety-seven of chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," as amended by chapter one hundred and ninety-five of the laws of nineteen hundred and eleven, is hereby amended to read as follows:

L. 1909,  
ch. 88,  
§ 1897, as  
amended by  
L. 1911,  
ch. 195,  
amended.

§ 1897. **Carrying and use of dangerous weapons.** A person who attempts to use against another, or who carries, or possesses, any instrument or weapon of the kind commonly known as a blackjack,

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<sup>1</sup> Following sentence new.

slungshot, billy, sandclub, sandbag, metal knuckles, bludgeon, bomb or bombshell,<sup>1</sup> or who, with intent to use the same unlawfully against another, carries or possesses a dagger, dirk, dangerous knife, razor, stiletto, or any other dangerous or deadly instrument or weapon, is guilty of a felony.

Any person under the age of sixteen years, who shall have, carry, or have in his possession, any of the articles named or described in the last section, which is forbidden therein to offer, sell, loan, lease or give to him, shall be guilty of a misdemeanor.

Any person over the age of sixteen years, who shall have in his possession in any city, village or town of this state, any pistol, revolver or other firearm of a size which may be concealed upon the person, without a written license therefor, issued to him<sup>2</sup> as hereinafter prescribed, shall be guilty of a misdemeanor.

Any person over the age of sixteen years, who shall have or carry concealed upon his person in any city, village, or town of this state, any pistol, revolver, or other firearm without a written license therefor,<sup>3</sup> issued as hereinafter prescribed and licensing such possession and concealment, shall be guilty of a felony.

Any person not a citizen of the United States, who shall have or carry firearms, or any dangerous or deadly weapons in any<sup>4</sup> place, at any time, shall be guilty of a felony,<sup>5</sup> unless authorized by license issued as hereinafter prescribed.

<sup>6</sup> It shall be the duty of any magistrate in this state to whom an application therefor is made by a commissioner of correction of a city or by any warden, superintendent or head keeper of any state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted of or accused of crime, or offences, or held as witnesses in criminal cases, to issue to each of such persons as may be designated in such applications, and who is in the regular employ in such institution of the state, or of any county, city, town or village therein, a license authorizing such

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<sup>1</sup> Inclusion of bomb and bombshell, new.

<sup>2</sup> Remainder of sentence formerly read: "by a police magistrate of such city or village, or by a justice of the peace of such town, or in such manner as may be prescribed by ordinance in such city, village or town, shall be guilty of a misdemeanor."

<sup>3</sup> Remainder of sentence formerly read: "theretofore issued to him by a police magistrate of such city or village, or by a justice of the peace of such town, or in such manner as may be prescribed by ordinance of such city, village or town, shall be guilty of a felony."

<sup>4</sup> Word "public" omitted.

<sup>5</sup> Remainder of sentence new.

<sup>6</sup> Following paragraph new.

person to have and carry concealed a pistol or revolver while such person remains in the said employ.

<sup>6</sup> It shall be the duty of any magistrate in this state, upon application therefor, by any householder, merchant, storekeeper or messenger of any banking institution or express company in the state, and provided such magistrate is satisfied of the good moral character of the applicant, and provided that no other good cause exists for the denial of such application, to issue to such applicant a license to have and possess a pistol or revolver, and authorizing him (a) if a householder, to have such weapon in his dwelling, and (b) if a merchant, or storekeeper, to have such weapon in his place of business, and (c) if a messenger of a banking institution or express company, to have and carry such weapon concealed while in the employ of such institution or express company.

<sup>6</sup> In addition, it shall be lawful for any magistrate, upon proof before him that the person applying therefor is of good moral character, and that proper cause exists for the issuance thereof, to issue to such person a license to have and carry concealed a pistol or revolver without regard to employment or place of possessing such weapon, provided, however, that no such license shall be issued to any alien, or to any person not a citizen of and usually resident in the state of New York, except by a judge or justice of a court of record in this state, who shall state in such license the particular reason for the issuance thereof, and the names of the persons certifying to the good moral character of the applicant.

<sup>6</sup> Any license issued in pursuance of the provisions of this section may be limited as to the date of expiration thereof and may be vacated and cancelled at any time by the magistrate, judge or justice who issued the same or by any judge or justice of a court of record. Any license issued in pursuance of this section and not otherwise limited as to place or time or possession of such weapon, shall be effective throughout the state of New York, \*notwithstanding the provisions of any local law or ordinance.

This section shall not apply to the regular and ordinary transportation of firearms as merchandise, nor to sheriffs, policemen, or to other duly appointed peace officers, nor to duly authorized military or civil organizations, when parading, nor to the members thereof when going to and from the place of meeting of their respective organizations.

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\* So in original.

<sup>6</sup> Following paragraph new.

§ 1914, as  
added by  
L. 1911,  
ch. 195,  
amended.

§ 2. Section nineteen hundred and fourteen of such chapter, as added by chapter one hundred and ninety-five of the laws of nineteen hundred and eleven, is hereby amended to read as follows:

§ 1914. Sale of pistols, revolvers and other firearms. <sup>7</sup>No pistol, revolver or other firearms of a size which may be concealed upon the person, shall be sold, or given away, or otherwise disposed of, except to a person expressly authorized under the provisions of section eighteen hundred and ninety-seven of the penal law to possess and have such firearm.

<sup>7</sup>Any person selling or disposing of such firearm in violation of this provision of this section shall be guilty of a misdemeanor.

Every person selling a pistol, revolver or other firearm of a size which may be concealed upon the person, whether such seller is a retail dealer, pawnbroker, or otherwise, shall keep a register in which shall be entered at the time of sale, the date of sale, name, age, occupation and residence of every purchaser of such a pistol, revolver or other firearm, together with the calibre, make, model, manufacturer's number or other mark of identification on such pistol, revolver or other firearm. Such person shall also, before delivering the same to the purchaser, require such purchaser to produce a license<sup>8</sup> for possessing or carrying the same, as required by law, and shall also enter in such register the date of such permit, the number thereof, if any, and the name of the magistrate or other officer by whom the same was issued. Every person who shall fail to keep a register and to enter therein the facts required by this section or who shall fail to exact the production of a permit to possess or carry such pistol, revolver or other firearm, if such permit is required by law, shall be guilty of a misdemeanor. Such register shall be open at all reasonable hours for the inspection of any peace officer. Every person becoming the lawful possessor of such a pistol, revolver or other firearm, who shall sell, give or transfer the same to another person without first notifying the police authorities, shall be guilty of a misdemeanor. This section shall not apply to wholesale dealers.

In effect  
Sept. 1,  
1913.

§ 3. This act shall take effect September first, nineteen hundred and thirteen.

<sup>7</sup> Following sentence new.

<sup>8</sup> Word "license" substituted for word "permit."

Sec. 1621. Upon appeal being taken, the clerk of the court where the notice of appeal is filed, must within 30 days thereafter, or such further time as such court, or the judge thereof may allow, transmit a certified copy of the notice of appeal, certificate of cause, if any, and judgment roll to the clerk of the Supreme Court.

Filed in the office of the Secretary of State February 26, 1913.

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CHAPTER 256.

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AN ACT

[S. B. 330.]  
Forbidding the sale, barter, giving away, disposal of or display for sale of pocket pistols and revolvers, and fixing a penalty for the violation thereof.

*Be it enacted by the People of the State of Oregon:*

Section 1. It shall be unlawful for any person, firm or corporation to display for sale at retail any pocket pistol or revolver or to sell at retail, barter, give away or dispose of the same to any person whomsoever, excepting a policeman, member of the militia or peace officer of the State of Oregon, unless the purchaser or person attempting to procure the same shall have a permit for the purpose of procuring such pocket pistol or revolver signed by the municipal judge or city recorder of the city or county judge or a justice of the peace of the county wherein such person resides.

Section 2. *Provided*, that no judge, city recorder or justice of the peace shall issue such permit until said applicant has furnished him with an affidavit from at least two reputable freeholders as to the applicant's good moral character.

Section 3. All persons, firms or corporations engaged in the retail sale of pocket pistols or revolvers shall keep a record of the sale of such pocket pistols or revolvers by registering the name of the person or persons and the number of the pocket pistol or revolver and shall transmit same to the sheriff of the county in which purchase is made on the 1st and 15th day of each calendar month.

Section 4. Any person violating the provisions of this act shall be guilty of a misdemeanor.

Filed in the office of the Secretary of State February 26, 1913.

CHAPTER 2

EXTRAORDINARY SESSION LAWS

CHAPTER 2.

An Act Entitled: "An Act providing for the Registration of All Fire Arms and Weapons and Regulating the Sale Thereof and Defining the Duties of Certain County Officers and Providing Penalties for a Violation of the Provisions of This Act."

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

Registration of all firearms required.

Section 1. Within thirty days from the passage and approval of this Act, every person within the State of Montana, who owns or has in his possession any fire arms or weapons, shall make a full, true, and complete verified report upon the form hereinafter provided to the sheriff of the County in which such person lives, of all fire arms and weapons which are owned or possessed by him or her or are in his or her control, and on sale or transfer into the possession of any other person such person shall immediately forward to the sheriff of the County in which such person lives the name and address of that purchaser and person into whose possession or control such fire arm or weapon was delivered.

Duty upon sale or transfer.

Section 2. Such report shall be in the following form:

Form of report.

County of.....
No.....
State of Montana }
County of..... } ss.
....., being first duly sworn on oath deposes and says:

1. That he is a citizen of....., and that his address is.....Street, City or Town of....., County of.....

2. That he is the owner (has in his possession or control) the following fire arms and weapons. Manufacturer's name....., Manufacturer's No....., calibre, and where possible date and Manufacturer's series.

3. That he was born at....., on the .....day of....., A. D. 18....., and that his occupation is.....

4. Description: Height..... inches, color....., skin....., eyes....., hair.....,

Dated at....., Montana, this.....day of.....1918.

Subscribed and sworn to before me this.....day of.....A. D., 1918.



FIFTEENTH LEGISLATIVE ASSEMBLY

CHAPTER 2

Section 3. Any person signing a fictitious name or address or giving any false information in such report shall be guilty of a misdemeanor, and any person failing to file such report as in this Act provided, shall be guilty of a misdemeanor. Such report may be verified before any person authorized by the laws of this state to administer oaths, or before any sheriff, under-sheriff, or deputy sheriff. It shall be unlawful for any person to purchase, borrow or otherwise acquire possession of any firearm or weapon as in this Act defined, from any person, firm or corporation outside of the State of Montana, without first obtaining a permit from the sheriff of the County in which such person lives. And no sheriff shall give any such permit without first procuring from such person an affidavit in substantially the same form as herein provided in Section 2, setting forth the description of the firm arm or weapon in Paragraph 2, which such person desires to purchase. No permit shall be given by the sheriff until he is satisfied that the person applying for such permit is of good moral character and does not desire such fire arm or weapon for any unlawful purpose.

Signing a fictitious name or address or failing to report, a misdemeanor.

Verification before whom.

Permit to purchase or borrow weapon must be first obtained.

Sheriff shall first require what.

It shall be unlawful for any person, Railroad Company, Express Company or Transportation Company to deliver to any person without a permit from the sheriff of the County within which such delivery is made, any gun, fire arm or ammunition.

Common carrier shall not deliver any such weapon until when.

Section 4. It shall be the duty of the Board of County Commissioners of each County in this State to forthwith furnish the sheriff of such County with sufficient blanks for carrying out the purposes of this Act.

County Commissioners to furnish blanks.

Section 5. That within thirty days from the passage and approval of this Act, every person engaged in the business of selling, leasing or otherwise transferring any fire arm or weapon, whether such seller is a retail dealer, pawn broker or otherwise, shall obtain a register from the County Clerk, in which shall be entered at the time of sale, the date of sale, full description of fire arm or weapon sold, name of purchaser, permanent residence, temporary residence, age, occupation, height, color of skin, color of eyes, color of hair, and the signature of such purchaser. Any purchaser of a fire arm or weapon shall be required to sign his name in the aforesaid register in the space provided for the same. Any person signing a fictitious name or address shall be guilty of a mis-

Dealers and lessors shall obtain register.

Register shall contain what.

False registration.

CHAPTER 2

EXTRAORDINARY SESSION LAWS

Failing to keep register.

demeanor. Any person who shall fail to keep a register and to enter therein all facts required by this Act shall be guilty of a misdemeanor. Such register shall be open at all reasonable hours for the inspection of any peace office.

County Clerk to print and furnish registers at cost.

Section 6. The County Clerk of each County shall forthwith cause to be printed a sufficient number of such registers for the purpose of carrying out the provisions of this Act and shall dispose of the same at the actual cost thereof. The leaves of such register shall be in duplicate and shall be in the following form:

County of .....  
No. ....

ORIGINAL.

Form of register.

DEALERS RECORD OR SALE OF FIRE ARM OR WEAPON.

STATE OF MONTANA.

NOTICE TO DEALERS: This original is for your files. If spoiled in making out do not destroy; keep in book.

Carbon duplicate must be mailed on the date of sale to the sheriff of the County. Violation of this law is a misdemeanor. Use indelible pencil.

Sold by....., Salesman....., City or Town of.....  
Description of fire arm or weapon.....  
.....  
Maker....., number....., calibre.....  
Name of purchaser....., age....., permanent residence....., Street, City or Town of....., County of....., Temporary residence.....  
Street, City or Town of....., County of.....  
Height....., feet....., inches; occupation....., color..... skin....., eyes....., hair.....  
Date of Sale.....

Witness:

.....  
Salesman.

(signing a fictitious name or making false report is a misdemeanor.)

County of.....  
No. ....

FIFTEENTH LEGISLATIVE ASSEMBLY

CHAPTER 2

DUPLICATE.

DEALERS RECORD OF SALE OF FIRE ARM OR WEAPON.

STATE OF MONTANA.

NOTICE TO DEALERS: This carbon duplicate must be mailed on the date of sale to the sheriff of the County. Violation of this law is a misdemeanor.

Sold by....., Salesman....., City or Town of.....

Description of fire arm or weapon.....

Maker....., number....., calibre.....

Name of purchaser....., age....., permanent

residence..... Street, City or Town of.....,

County of....., temporary residence..... Street,

City or Town of....., County of.....

Height.....feet .....inches; Occupation.....,

color....., skin..... eyes....., hair.....

Date of sale.....

Witness:

.....  
Salesman.

Section 7. Any person or corporation violating any of the provisions of this Act or any person or corporation who receives by parcel post or otherwise any fire arms or ammunition without first having a permit as in this Act provided, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) or shall be imprisoned in the county jail for not less than ten days nor more than six months, or be punished by both such fine and imprisonment.

Violation of Act a misdemeanor.

Penalty.

Section 8. For the purposes of this Act a fire arm or weapon shall be deemed to be any revolver, pistol, shot gun, rifle, dirk, dagger or sword.

Fire arm defined.

Section 9. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1918.

DEADLY WEAPONS.

CHAPTER 28.

STATE REVENUE.

DEADLY WEAPONS.

AN ACT to amend Chapter 6 of the Revised Code of the State of Delaware in relation to the sale of deadly weapons.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That Chapter 6 of the Revised Code of the State of Delaware be and the same is hereby amended by repealing 259, Section 222, and inserting in lieu thereof the following, to be known as 259, Section 222.

259, Section 222. It shall be unlawful for any person or persons, or a member of any firm, or the agents or officers of any corporation to sell to a minor or any intoxicated person, any revolver, pistol, or revolver or pistol cartridges, stiletto, steel or brass knuckles, or other deadly weapons made for the defense of one's person.

It shall be the duty of any person or persons, firm, company or corporation desiring to engage in the business aforesaid, to keep and maintain in his place of business at all times a book which shall be furnished him by the Clerk of the Peace of the County wherein he does business, in which said book he shall enter the date of the sale, the name and address of the person purchasing any such deadly weapon, the number and kind of deadly weapon so purchased, the color of the person so purchasing the same, and the apparent age of the purchaser, and the names and addresses of at least two freeholders resident in the County wherein the sale is made, who shall positively identify the purchaser before the sale can be made; *Provided*, that no

DEADLY WEAPONS.

clerk, employee or other person associated with the seller shall act as one of the identifying freeholders. This book shall at all times be open for inspection by any Judge, Justice of the Peace, Police Officer, Constable, or other Peace Officer of this State.

Approved April 10, A. D. 1919.

archives, or a majority of them. Two of such commissioners shall be persons well versed in the English and Hawaiian languages, and the other member thereof shall be a person well versed in the Hawaiian language. The commissioners so appointed shall jointly and actively, and without delay, complete the compilation of said dictionary. The members of said board shall receive such compensation for their services as the said commissioners of public archives, with the approval of the governor, shall determine.

SECTION 3. This appropriation shall be expended by the board of commissioners of the public archives in accordance with the terms of Chapter 198 of the Revised Laws of Hawaii, 1915.

SECTION 4. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1919.

C. J. McCARTHY,  
Governor of the Territory of Hawaii.

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## ACT 124

[H. B. No. 304]

AN ACT TO AMEND CHAPTER 125 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 122 OF THE SESSION LAWS OF 1915, RELATING TO FIREARMS AND AMMUNITION, BY ADDING THERETO TWO NEW SECTIONS TO BE KNOWN AS SECTIONS 2202B AND 2202C.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 125 of the Revised Laws of Hawaii, 1915, as amended by Act 122 of the Session Laws of 1915, is hereby amended by adding thereto two new sections to be known as Section 2202B and Section 2202C and to read as follows:

“Section 2202B. Any person, firm, or corporation, dealing in or keeping for sale firearms, or any other person in possession of firearms, shall not make an individual or retail sale of any such firearms, unless the person desiring to purchase the same shall first have obtained from the sheriff or a deputy sheriff of the county or city and county a written permit for such purchase; the person desiring to purchase any such firearms shall deliver the said written permit to the proposed vendor, and if the sale is effected, the said vendor shall indorse on the back of said permit a full and complete description of the particular firearm sold under said permit, and immediately transmit the said permit by mail or otherwise to the office or officer issuing the same.

“Section 2202C. Any person, firm, or corporation who shall violate any of the provisions of Section 2202B shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00).”

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1919.

C. J. McCARTHY,  
Governor of the Territory of Hawaii.

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**ACT 125**

[H. B. No. 308]

AN ACT TO AMEND SECTIONS 2206 AND 2211 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED, RELATING TO WEIGHTS AND MEASURES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2206 of the Revised Laws of Hawaii,

amended by inserting after the word "commissioner" in line six thereof, and before the word "the" in said line, the words "corporation commission, legislative reference library."

SEC. 4. That section five thousand three hundred and sixty-two of the Revisal of one thousand nine hundred and five be amended by inserting after the word "at" in line three thereof, and before the word "one" in said line, the words "such price as he deems reasonable, not less than."

Section 6352  
of the Revisal  
amended.

SEC. 5. This act shall be in force from and after its ratification. Ratified this 8th day of March, A.D. 1919.

## CHAPTER 196

AN ACT TO AMEND CHAPTER 115, PUBLIC LAWS OF 1913, PERMITTING THE PRESIDENT OF THE BOARD OF TRUSTEES OF THE APPALACHIAN TRAINING SCHOOL FOR TEACHERS TO EXECUTE DEED TO RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three of chapter one hundred and fifteen, Public Laws of North Carolina, session one thousand nine hundred and thirteen, be amended by inserting between the first word in said section and the second word, the following: "the President of," and strike out in the first line of said section the words "are further" and insert in lieu thereof the word "is."

Authority conferred on president.

SEC. 2. This act shall be in force from and after its ratification. Ratified this 8th day of March, A.D. 1919.

## CHAPTER 197

AN ACT TO REGULATE THE SALE OF CONCEALED WEAPONS IN NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm, or corporation in this State to sell, give away or dispose of, or to purchase or receive, at any place within the State from any other place within or without the State, without a license or permit therefor shall have first been obtained by such purchaser or receiver from the clerk of the Superior Court of the county in which such purchase, sale, or transfer is intended to be made, any pistol, so-called pump-gun, bowie knife, dirk, dagger or metallic knucks.

Unlawful to sell, give away, buy or receive pistol, pump-gun, bowie knife, dagger or knucks without license or permit.



Permits and licenses to be issued by clerks of Superior Courts.

SEC. 2. That the clerks of the Superior Courts of any and all counties of this State are hereby authorized and directed to issue to any person, firm, or corporation in any such county a license or permit to purchase or receive any weapon mentioned in section one of this act from any person, firm, or corporation offering to sell or dispose of the same, which said license or permit shall be in the following form, to wit:

NORTH CAROLINA,

-----County.

Form of license to purchaser of weapon.

I, -----, clerk of the Superior Court of said county, do hereby certify that ----- whose place of residence is ----- Street, in ----- (or) in ----- Township ----- County, North Carolina, having this day satisfied me as to his, her (or) their good moral character, and that the possession of one of the weapons described in section one of this act is necessary for self-defense or the protection of the home, a license or permit is therefore hereby given said ----- to purchase one pistol, (or) ----- from any person, firm, or corporation authorized to dispose of the same.

This ----- day of -----, 19---

-----,

Clerk Superior Court.

Applicant must be of good moral character.

SEC. 3. That before the clerk of the Superior Court shall issue any such license or permit, he shall fully satisfy himself by affidavits, oral evidence, or otherwise, as to the good moral character of the applicant therefor, and that such person, firm, or corporation requires the possession of such weapon mentioned in section one of this act for protection of the home: *Provided*, that if said clerk shall not be so fully satisfied, he shall refuse to issue said license or permit: and *Provided further*, that nothing in this act shall apply to officers authorized by law to carry firearms. The clerk shall charge for his services upon issuing such license or permit a fee of fifty cents.

Proviso: clerk may refuse permit. Proviso: officers of law not affected. License fee.

Record kept by clerk.

SEC. 4. That the clerk of the Superior Court shall keep a book, to be provided by the board of commissioners of each county, in which he shall keep a record of all licenses or permits issued under this act, including the name, date, place of residence, age, former place of residence, etc., of each such person, firm, or corporation to whom or which a license or permit shall have been so issued.

Dealer's record of sales.

SEC. 5. That each and every dealer in pistols, pistol cartridges and other weapons mentioned in section one of this act shall keep an accurate record of all sales thereof, including the name, place

of residence, date of sale, etc., of each person, firm, or corporation, to whom or which any and all such sales are made, which said record shall be open to the inspection of any duly constituted State, county or police officer, within this State.

SEC. 6. That during the period of listing taxes in each year the owner or person in possession or having the custody or care of any pistol or other weapon mentioned in section one of this act shall be, and is hereby, required to list the same specifically, together with the value thereof, as is now required by law for listing other personal property for taxes: *Provided*, that all persons listing any such weapons for taxes as aforesaid shall also be required to designate his place of residence, local street address, or otherwise as the case may be.

Weapons to be listed for taxes.

Proviso: persons listing them must give address.

SEC. 7. That any person, firm, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

Violation of act a misdemeanor.

SEC. 8. That upon submission or conviction of any person in this State for unlawfully carrying concealed weapons off of his own premises, the pistol or other deadly weapon with reference to which the defendant shall have been convicted shall be condemned and ordered confiscated and destroyed by the judge presiding at any such trial.

Weapons carried unlawfully to be destroyed.

SEC. 9. That this act shall be in force from and after the first day of April, one thousand nine hundred and nineteen.

Ratified this 10th day of March, A.D. 1919.

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## CHAPTER 198

### AN ACT TO CONTROL THE DISTRIBUTION OF FUNDS TO THE CHEROKEE NORMAL SCHOOL OF ROBESON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the State Board of Education is hereby empowered to turn over to the county board of education of Robeson County the sum of one thousand dollars of the fund appropriated to the Cherokee Normal School of Robeson County, five hundred dollars in one thousand nine hundred and nineteen, and five hundred dollars in one thousand nine hundred and twenty, for the maintenance of an Indian training school at Union Chapel.

State Board of Education authorized to make appropriation.

SEC. 2. This act shall be in force and effect from and after its ratification.

Ratified this 8th day of March, A.D. 1919.

supervision of such training and appoint such assistants as may be necessary to administer said act, and fix their compensation; (4) to direct the disbursement and administer the use of all funds provided by the federal government and allotted for the vocational rehabilitation of such persons.

**Sec. 4. Shall formulate plan of co-operation.**—It shall be the duty of the state board for vocational education to formulate a plan of co-operation in carrying out the provisions of this act and of said act of congress, with Missouri workmen's compensation commission.

**Sec. 5. Authorized and empowered to receive gifts and donations—to be reported to the general assembly.**—The state board for vocational education is hereby authorized and empowered to receive such gifts and donations, either from public or private sources, as may be offered unconditionally or under such conditions related to the vocational rehabilitation of persons disabled in industry or otherwise and consistent with the provisions of this act. All moneys received as gifts or donations shall be deposited in the state treasury and shall constitute a permanent fund to be called the special fund for the vocational rehabilitation of disabled persons, to be used by the said board to defray the expenses of vocational rehabilitation in special cases, including the payment of necessary expenses of persons undergoing training. A full report of all gifts and donations offered and accepted, together with the names of the donors and the respective amounts contributed by each, and all disbursements therefrom shall be submitted biennially to the general assembly.

**Sec. 6. Emergency.**—On account of there being many persons in the state needing vocational rehabilitation, and that there are now federal funds available for this purpose an emergency exists within the meaning of the Constitution; therefore this act shall take effect and be in force from and after its passage and approval.

Approved April 7, 1921.

[H. B. 168.]

**WEAPONS, FIREARMS: Regulation of Sale and Possession.**

AN ACT to provide for the public safety by requiring each pistol, revolver or other firearm of a size which may be concealed upon the person, to be stamped with the description of the same, and a record of all sales thereof to be kept by all dealers therein, and regulating the buying, selling, borrowing, loaning, giving away, trading, bartering, delivering or receiving of such weapons, and prescribing punishments for the violation thereof, and with an emergency clause.

**SECTION**

1. Pistol, revolver or firearms to be plainly marked.
2. Shall secure permit to acquire weapon.
3. Weapons must be stamped.
4. Manufacture not prohibited.

**SECTION**

5. Punishment for violation.
6. Validity of remaining sections not affected.
7. Emergency clause.

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

**Section 1. Pistol, revolver or firearms to be plainly marked.**

No wholesaler or dealer therein shall have in his possession for the purpose of sale, or shall sell, any pistol, revolver, or other firearm of a size which may be concealed upon the person, which does not have plainly and permanently stamped upon the metallic portion thereof, the trademark or name of the maker, the model and the serial factory number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker, and the maker, and no wholesale or retail dealer therein shall have in his possession for the purpose of sale, or shall sell, any such weapon unless he keep a full and complete record of such description of such weapon, the name and address of the person from whom purchased and to whom sold, the date of such purchase or sale, and in the case of retailers the date of the permit and the name of the circuit clerk granting the same, which record shall be open to inspection at all times by any police officer or other peace officer of this state.

**Sec. 2. Shall secure permit to acquire weapon.**—No person, other than a manufacturer or wholesaler thereof to or from a wholesale or retail dealer therein, for the purposes of commerce, shall directly or indirectly buy, sell, borrow, loan, give away, trade, barter, deliver or receive, in this state, any pistol, revolver or other firearm of a size which may be concealed upon the person, unless the buyer, borrower or person receiving such weapon shall first obtain and deliver to, and the same be demanded and received by, the seller, loaner, or person delivering such weapon, within thirty days after the issuance thereof, a permit authorizing such person to acquire such weapon. Such permit shall be issued by the circuit clerk of the county in which the applicant for a permit resides in this state, if the sheriff be satisfied that the person applying for the same is of good moral character and of lawful age, and that the granting of the same will not endanger the public safety. The permit shall recite the date of the issuance thereof and that the same is invalid after thirty days after the said date, the name and address of the person to whom granted and of the person from whom such weapon is to be acquired, the nature of the transaction, and a full description of such weapon, and shall be countersigned by the person to whom granted in the presence of the circuit clerk. The circuit clerk shall receive therefor a fee of \$0.50. If the permit be used, the person receiving the same shall return it to the circuit clerk within thirty days after its expiration, with a notation thereon showing the date and manner of the disposition of such weapon. The circuit clerk shall keep a record of all applications for such permits and his action thereon, and shall preserve all returned permits. No person shall in any manner transfer, alter or change any such permit or make a false notation thereon or obtain the same upon any false representation to the circuit clerk granting the same, or use or attempt to use a permit granted to another.

**Sec. 3. Weapons must be stamped.**—No person within this state shall lease, buy or in anywise procure the possession from any person, firm or corporation within or without the state, of any pistol, revolver or other firearm of a size which may be concealed upon the person, that is not stamped as required by section 1 of this act; and no person shall buy or otherwise acquire the possession of any such article unless he shall have first procured a written permit so to do from the circuit clerk of the county in which such person resides, in the manner as provided in section 2 of this act.

**Sec. 4. Manufacture not prohibited.**—Nothing herein contained shall be considered or construed as forbidding or making it unlawful for a dealer in or manufacturer of pistols, revolvers or other firearms of a size which may be concealed upon the person, located in this state, to ship into other states or foreign countries, any such articles whether stamped as required by this act or not so stamped.

**Sec. 5. Punishment for violation.**—Any person, its or his directors, officers, agents or servants, convicted of violating any of the provisions of this act, shall be punished by imprisonment in the penitentiary for not more than five years, or by imprisonment in the county jail not less than six months, or by a fine not less than fifty dollars nor more than five thousand dollars, or by both fine and imprisonment in the county jail.

**Sec. 6. Validity of remaining sections not affected.**—If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The general assembly hereby declared that it would have passed this act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more of the same shall be declared unconstitutional.

**Sec. 7. Emergency clause.**—There being no adequate law governing the stamping, recording, sale and other disposition of weapons as described herein, creates an emergency within the meaning of the Constitution; therefore this act shall take effect and be in force from and after its approval.

Approved April 7, 1921.

Act 430]

ACTS OF ARKANSAS.

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ACT 430.

AN ACT to regulate the Ownership of Pistols and Revolvers.

SECTION

1. Unlawful to carry pistol, except it be recorded.
2. License, fee, goes to district school fund.
3. Applies to pistols as acquired in future. Penalty for violation.
4. Conflicting laws repealed, emergency, in force from passage.

*Be It Enacted by the General Assembly of the State of Arkansas:*

*Be It Enacted by the People of the State of Arkansas:*

From and after the passage of this Act, it shall be unlawful for any person to own or have in his custody or possession any pistol or revolver, except as herein provided:

SECTION 1. Any person having in his possession or custody any pistol or revolver, shall within 60 days from the approval of this Act, present such firearm to the county clerk of the county, where he resides, and it shall be the duty of the said county clerk to enter upon a separate record provided for that purpose, the name, age, place of residence, and color of the party, together with the make, calibre and number of said pistol or revolver.

SECTION 2. Any person so registering as provided in section 1 of this Act, shall then make application for

a license or permit, which said application shall be passed upon by a board consisting of the sheriff, county judge and county clerk of said county whose duty it shall be to consider the application and if the applicant be a person of good moral character, whose conduct, past record and occupation is such as to prove to said board that he is a person of good character, then the county clerk shall issue to the applicant a permit, upon a printed form provided for that purpose, and bearing the seal of the county, granting permission to own and possess the pistol or revolver described in the application, for a period of one year from the date thereof, for which permit the applicant shall pay a fee of one (\$1.00) dollar which shall go to the common school fund of the district where the applicant resides.

SECTION 3. Any person who shall purchase or acquire possession of any pistol or revolver shall make application and secure a permit to possess same as provided by section 2 of this Act, and any person having in his custody and control any pistol or revolver, and who has not secured the permit as herein provided shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than fifty and not more than one hundred dollars, and said fire arm shall be taken by the sheriff, and publicity destroyed.

SECTION 4. All laws and parts of laws in conflict herewith are hereby repealed, and this Act being necessary for the preservation of the public peace, health and safety, an emergency is declared, and this Act takes effect from and after its passage.

Approved March 19, 1923.

treasurer or the inheritance tax appraiser of the county of the superior court having jurisdiction as provided in section fifteen of this act.

(6) This act shall become effective and in force contemporaneously with the taking effect of amendments to sections one thousand four hundred one and one thousand four hundred two of the Civil Code, which amendments were enacted at the forty-fifth session of the legislature of the State of California and known as chapter eighteen of the statutes of 1923, and not otherwise. Act takes effect.

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### CHAPTER 338.

*An act to add a new section to the Civil Code to be numbered three thousand fifty-one a, fixing a limit on the amount of a lien on property held under the provisions of section three thousand fifty-one of said code.*

[Approved June 13, 1923.]

*The people of the State of California do enact as follows:*

SECTION 1. A new section is hereby added to the Civil Code to be numbered three thousand fifty-one a and to read as follows:

3051a. That portion of any lien, as provided for in the next preceding section, in excess of one hundred dollars, for any work, services, care, or safekeeping rendered or performed at the request of any person other than the holder of the legal title, shall be invalid, unless prior to commencing any such work, service, care, or safekeeping, the person claiming such lien shall give actual notice in writing either by personal service or by registered letter addressed to the holder of the legal title to such property, if known. In the case of automobiles, the person named as legal owner in the registration certificate, shall be deemed for the purpose of this section, as the holder of the legal title. Limitation on amount recoverable where written notice not given.

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### CHAPTER 339.

*An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this state; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to*



*authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal chapter one hundred forty-five of California statutes of 1917, relating to the same subject.*

[Approved June 13, 1923.]

*The people of the State of California do enact as follows:*

Manufacture,  
sale, carry-  
ing, etc.,  
certain  
dangerous  
weapons  
prohibited.

SECTION 1. On and after the date upon which this act takes effect, every person who within the State of California manufactures or causes to be manufactured, or who imports into the state, or who keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any instrument or weapon of the kind commonly known as a blackjack, slung-shot, billy, sandclub, sandbag, or metal knuckles, or who carries concealed upon his person any explosive substance, other than fixed ammunition, or who carries concealed upon his person any dirk or dagger, shall be guilty of a felony and upon a conviction thereof shall be punishable by imprisonment in a state prison for not less than one year nor for more than five years.

Aliens and  
felons must  
not possess  
certain  
firearms.

SEC. 2. On and after the date upon which this act takes effect, no unnaturalized foreign born person and no person who has been convicted of a felony against the person or property of another or against the government of the United States or of the State of California or of any political subdivision thereof shall own or have in his possession or under his custody or control any pistol, revolver or other firearm capable of being concealed upon the person. The terms "pistol," "revolver," and "firearms capable of being concealed upon the person" as used in this act shall be construed to apply to and include all firearms having a barrel less than twelve inches in length. Any person who shall violate the provisions of this section shall be guilty of a felony and upon conviction thereof shall be punishable by imprisonment in a state prison for not less than one year nor for more than five years.

Committing  
felony while  
carrying  
dangerous  
weapon.

SEC. 3. If any person shall commit or attempt to commit any felony within this state while armed with any of the weapons mentioned in section one hereof or while armed with any pistol, revolver or other firearm capable of being concealed upon the person, without having a license or permit to carry such firearm as hereinafter provided, upon conviction of such felony or of an attempt to commit such felony, he shall in addition to the punishment prescribed for the crime of which he has been convicted, be punishable by imprisonment in a state prison for not less than five nor for more than ten years. Such additional period of imprisonment shall commence upon the expiration or other termination of the sentence imposed for the crime of which he stands convicted and shall not run concurrently with such sentence. Upon a second conviction under like circumstances such additional period of impris-

onment shall be for not less than ten years nor for more than fifteen years, and upon a third conviction under like circumstances such additional period of imprisonment shall be for not less than fifteen nor for more than twenty-five years, such terms of additional imprisonment to run consecutively as before. Upon a fourth or subsequent conviction under like circumstances the person so convicted may be imprisoned for life or for a term of years not less than twenty-five years, within the discretion of the court wherein such fourth or subsequent conviction was had.

In the trial of a person charged with committing or attempting to commit a felony against the person of another while armed with any of the weapons mentioned in section one hereof, or while armed with any pistol, revolver or other firearm capable of being concealed upon the person, without having a license or permit to carry such firearm as hereinafter provided, the fact that he was so armed shall be prima facie evidence of his intent to commit such felony. Evidence.

SEC. 4. In no case shall any person punishable under the preceding sections of this act be granted probation by the trial court, nor shall the execution of the sentence imposed upon such person be suspended by the court. No probation or suspension of sentence

SEC. 5. Except as otherwise provided in this act, it shall be unlawful for any person within this state to carry concealed upon his person or within any vehicle which is under his control or direction any pistol, revolver or other firearm capable of being concealed upon the person without having a license to carry such firearm as hereinafter provided in section eight hereof. Any person who violates the provisions of this section shall be guilty of a misdemeanor, and if he has been convicted previously of any felony, or of any crime made punishable by this act, he is guilty of a felony. Carrying certain firearms without license.

This section shall not be construed to prohibit any citizen of the United States, over the age of eighteen years, who resides or is temporarily sojourning within this state, and who is not within the excepted classes prescribed by section two hereof, from owning, possessing or keeping within his place of residence or place of business any pistol, revolver or other firearm capable of being concealed upon the person, and no permit or license to purchase, own, possess or keep any such firearm at his place of residence or place of business shall be required of any such citizen. Firearms carried openly in belt holsters shall not be deemed to be concealed within the meaning of this section, nor shall knives which are carried openly in sheaths suspended from the waist of the wearer. Exceptions.

SEC. 6. Nothing in the preceding section shall be construed to apply to or affect sheriffs, constables, marshals, policemen, whether active or honorably retired, or other duly appointed peace officers, nor to any person summoned by any such officers to assist in making arrests or preserving the peace while said person so summoned is actually engaged in assisting such officer; nor to the possession or transportation by any merchant of unloaded firearms as merchandise; nor to members of Police officers, soldiers, etc., excepted.

the army, navy, or marine corps of the United States, or the national guard, when on duty, or to organizations which are by law authorized to purchase or receive such weapons from the United States, or from this state; nor to duly authorized military or civil organizations while parading, nor to the members thereof when going to and from the places of meeting of their respective organizations; nor to members of any club or organization now existing, or hereafter organized, for the purpose of practicing shooting at targets upon the established target ranges, whether public or private, while such members are using any of the firearms referred to in this act upon such target ranges, or while going to and from such ranges; or to licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from such hunting or fishing expedition.

Nuisances.

SEC. 7. The unlawful concealed carrying upon the person or within the vehicle of the carrier of any dirk, dagger, pistol, revolver, or other firearm capable of being concealed upon the person, is a nuisance. Any such weapons taken from the person or vehicle of any person unlawfully carrying the same are hereby declared to be nuisances, and shall be surrendered to the magistrate before whom said person shall be taken, except that in any city, city and county, town or other municipal corporation the same shall be surrendered to the head of the police force or police department thereof. The officers to whom the same may be so surrendered, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the preservation thereof is necessary or proper to the ends of justice, shall annually, between the first and tenth days of July, in each year, destroy or cause to be destroyed such weapons to such extent that the same shall become and be wholly and entirely ineffective and useless for the purpose for which it was manufactured; *provided, however*, that in the event any such weapon has been stolen and is thereafter recovered from the thief or his transferee, the same shall not be destroyed but shall be restored to the lawful owner thereof, so soon as its use as evidence has been served, upon his identification of the weapon and proof of ownership thereof. Blackjacks, slungshots, billys, sandclubs, sandbags and metal knuckles are hereby declared to be nuisances and shall be subject to confiscation and summary destruction whenever found within the state; *provided*, that upon the certificate of a judge or of the district attorney that the ends of justice will be subserved thereby, such weapon shall be preserved until the necessity for its use ceases.

Destruction  
of weapons.Licenses to  
carry  
firearms.

SEC. 8. It shall be lawful for the sheriff of a county, and the board of police commissioners, chief of police, city marshal, town marshal, or other head of the police department of any city, city and county, town, or other municipal corporation of this state, upon proof before said board, chief, marshal or other police head, that the person applying therefor is of good moral character, and that good cause exists for the issuance thereof, to issue to such person a license to carry con-

cealed a pistol, revolver or other firearm for a period of one year from the date of such license. All applications for such licenses shall be filed in writing, signed by the applicant, and shall state the name, occupation, residence and business address of the applicant, his age, height, weight, color of eyes and hair, and reason for desiring a license to carry such weapon. Any license issued upon such application shall set forth the foregoing data and shall, in addition, contain a description of the weapon authorized to be carried, giving the name of the manufacturer, the serial number and the caliber thereof. When such licenses are issued by a sheriff a record thereof shall be kept in the office of the county clerk; when issued by police authority such record shall be maintained in the office of the authority by whom issued. Such applications and licenses shall be uniform throughout the state, upon forms to be prescribed by the attorney general.

Applications.

Record.

SEC. 9. Every person in the business of selling, leasing or otherwise transferring a pistol, revolver or other firearm, of a size capable of being concealed upon the person, whether such seller, lessor or transferrer is a retail dealer, pawnbroker or otherwise, except as hereinafter provided, shall keep a register in which shall be entered the time of sale, the date of sale, the name of the salesman making the sale, the place where sold, the make, model, manufacturer's number, caliber or other marks of identification on such pistol, revolver or other firearm. Such register shall be prepared by and obtained from the state printer and shall be furnished by the state printer to said dealers on application at a cost of three dollars per one hundred leaves in duplicate and shall be in the form hereinafter provided. The purchaser of any firearm, capable of being concealed upon the person shall sign, and the dealer shall require him to sign his name and affix his address to said register in duplicate and the salesman shall affix his signature in duplicate as a witness to the signatures of the purchaser. Any person signing a fictitious name or address is guilty of a misdemeanor. The duplicate sheet of such register shall on the evening of the day of sale, be placed in the mail, postage prepaid and properly addressed to the board of police commissioners, chief of police, city marshal, town marshal or other head of the police department of the city, city and county, town or other municipal corporation wherein the sale was made; *provided*, that where the sale is made in a district where there is no municipal police department, said duplicate sheet shall be mailed to the county clerk of the county wherein the sale is made. A violation of any of the provisions of this section by any person engaged in the business of selling, leasing or otherwise transferring such firearm is a misdemeanor. This section shall not apply to wholesale dealers in their business intercourse with retail dealers, nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms as merchandise by mail, express or other mode of shipment, to points outside of the city, city and county, town or municipal corporation wherein

Dealers registers.

Cost.

Signatures.

Disposition of duplicate sheets.

Penalty.

Form of register.

they are situated. The register provided for in this act shall be substantially in the following form :

Form of Register.

Series No.-----  
Sheet No.-----

ORIGINAL.

Dealers' Record of Sale of Revolver or Pistol.  
State of California.

Notice to dealers: This original is for your files. If spoiled in making out, do not destroy. Keep in books. Fill out in duplicate.

Carbon duplicate must be mailed on the evening of the day of sale, to head of police commissioners, chief of police, city marshal, town marshal or other head of the police department of the municipal corporations wherein the sale is made, or to the county clerk of your county if the sale is made in a district where there is no municipal police department. Violation of this law is a misdemeanor. Use carbon paper for duplicate. Use indelible pencil.

Sold by----- Salesman-----  
City, town or township -----  
Description of arm (state whether revolver or pistol)-----  
Maker----- Number----- Caliber-----  
Name of purchaser -----age-----years.  
Permanent residence (state name of city, town or township, street and number of dwelling)-----  
Height -----feet-----inches. Occupation-----  
Color -----skin-----eyes-----hair-----  
If traveling or in locality temporarily, give local address  
-----

Signature of purchaser-----  
(Signing a fictitious name or address is a misdemeanor.) (To be signed in duplicate.)

Witness-----, salesman.  
(To be signed in duplicate.)

Series No.-----  
Sheet No.-----

DUPLICATE.

Dealers' Record of Sale of Revolver or Pistol.  
State of California.

Notice to dealers: This carbon duplicate must be mailed on the evening of the day of sale as set forth in the original of this register page. Violation of this law is a misdemeanor.

Sold by ----- Salesman-----  
City, town or township -----  
Description of arm (state whether revolver or pistol)-----  
Maker -----number-----caliber-----

Name of purchaser \_\_\_\_\_age\_\_\_\_\_years.  
Permanent address (state name of city, town or township,  
street and number of dwelling)\_\_\_\_\_

Height\_\_\_\_\_feet\_\_\_\_\_inches. Occupation \_\_\_\_\_  
Color \_\_\_\_\_skin\_\_\_\_\_eyes\_\_\_\_\_hair\_\_\_\_\_  
If traveling or in locality temporarily, give local address  
\_\_\_\_\_

Signature of purchaser\_\_\_\_\_

(Signing a fictitious name or address is a misdemeanor.) (To be signed in duplicate.)

Witness\_\_\_\_\_ , salesman.  
(To be signed in duplicate.)

SEC. 10. No person shall sell, deliver or otherwise transfer any pistol, revolver or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by section two hereof from owning or possessing such firearms, nor to any minor under the age of eighteen years. In no event shall any such firearm be delivered to the purchaser upon the day of the application for the purchase thereof, and when delivered such firearm shall be securely wrapped and shall be unloaded. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer any such firearm to any other person within this state who is not personally known to the vendor. Any violation of the provisions of this section shall be a misdemeanor.

Restrictions on transfer of certain firearms.

SEC. 11. The duly constituted licensing authorities of any county, city and county, city, town or other municipality within this state, may grant licenses in form prescribed by the attorney general, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the said county, city and county, city, town or other municipality pistols, revolvers, and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

Local licenses for sale of certain firearms.

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

3. No pistol or revolver shall be delivered

(a) On the day of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor

(b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

4. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of said premises where it can readily be seen from the outside.

Penalty for dealing in certain firearms without license.

SEC. 12. Any person who, without being licensed as above provided, engages in the business of selling or otherwise transferring, or who advertises for sale, or offers or exposes for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person is guilty of a misdemeanor.

Tampering with marks on certain firearms.

SEC. 13. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol or revolver. Possession of any such firearm upon which the same shall have been changed, altered, removed, or obliterated, shall be presumptive evidence that such possessor has changed, altered, removed, or obliterated the same. Violations of this section shall be punished by imprisonment in the state prison for not less than one year nor more than five years.

Penalty.

Expiration of current licenses.

SEC. 14. All licenses heretofore issued within this state permitting the carrying of pistols or revolvers concealed upon the person shall expire at midnight of December 31, 1924.

Antique pistols, etc.

SEC. 15. This act shall not apply to antique pistols or revolvers incapable of use as such.

Constitutionality.

SEC. 16. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Stats. 1917, p. 231, repealed.

SEC. 17. That certain act entitled, "An act relating to and regulating the carrying, possession, sale or other disposition of firearms capable of being concealed upon the person; prohibiting the possession, carrying, manufacturing and sale of certain other dangerous weapons and the giving, transferring and disposition thereof to other persons within this state; providing for the registering of the sales of firearms; prohibiting the carrying or possession of concealed weapons in municipal corporations; providing for the destruction of certain dangerous weapons as nuisances and making it a felony to use or attempt to use certain dangerous weapons against another," approved May 4, 1917, is hereby repealed.

SUBSTITUTE FOR SENATE BILL No. 265.

CHAPTER 252

AN ACT CONCERNING THE POSSESSION, SALE AND  
USE OF PISTOLS AND REVOLVERS.

*Be it enacted by the Senate and House of Representatives in  
General Assembly convened:*

SECTION 1. The term "pistol" and the term "revolver", as used in this act, shall mean any firearm having a barrel less than twelve inches in length.

Terms "pistol" and "revolver" defined.

SEC. 2. No person shall advertise, sell, deliver, offer or expose for sale or delivery or have in his possession with intent to sell or deliver any pistol or revolver at retail without having a permit therefor issued as hereinafter provided.

Permit for selling pistol or revolver to be obtained.

SEC. 3. The chief of police or, where there shall be no chief of police, the warden of the borough or the first selectman of the town, as the case may be, may, upon the application of any person, issue a permit in such form as may be prescribed by the superintendent of state police for the sale at retail of pistols and revolvers within the jurisdiction of the authority issuing such permit. Upon the application of any person having a bona fide residence or place of business within the jurisdiction of any such authority or, upon the application of any bona fide resident of the United States having a permit or license to carry any firearm issued by the authority of any state or sub-division of the United States, such chief of police, warden or selectman may issue a permit to such person to carry a pistol or revolver within the jurisdiction of the authority issuing the same, provided such authority shall find that such applicant intends to make no use of any pistol or revolver which he may be permitted to carry thereunder other than a proper use and that such person is a suitable person to receive such permit. The superintendent of state police may, upon application, issue to any holder of any permit to carry any pistol or revolver hereinbefore provided for, a permit to carry a pistol or revolver within the state. Each permit to carry any pistol or revolver shall be issued in triplicate and one of the copies issued by the superintendent of state police shall be delivered to the person to whom issued, one shall be delivered forthwith to the authority issuing the local permit and one shall be retained by the superintendent of state police, and the local authority issuing any such permit shall forthwith deliver one of such copies to the person to whom issued and one copy to the superintendent of state police and shall retain one of such copies.

Local authority may issue permit.

Local authorities may issue permit to carry any fire arm within their jurisdiction.

Superintendent of state police may grant permits to carry pistol or revolver in confines of state.

SEC. 4. The fee for each permit originally issued under the provisions of this act shall be one dollar and for each renewal

Fees for permits.



thereof twenty-five cents, which fees shall be paid by the authority issuing the same to the municipality wherein issued or the state, as the case may be, and each permit issued hereunder shall be valid for one year from the date of issuance.

Sales to be made in place of business mentioned in permit.

SEC. 5. No sale of any pistol or revolver shall be made except in the room, store or place described in the permit for the sale of pistols and revolvers, and such permit or a copy thereof certified by the authority issuing the same shall be exposed to view within the room, store or place where pistols or revolvers shall be sold or offered or exposed for sale, and no sale or delivery of any pistol or revolver shall be made unless the purchaser or person to whom the same is to be delivered shall be personally known to the vendor of such pistol or revolver or the person making delivery thereof or unless the person making such purchase or to whom delivery thereof is to be made shall provide evidence of his identity. The vendor of any pistol or revolver shall keep a record of every pistol or revolver sold in a book kept for that purpose, which record shall be in such form as shall be prescribed by the superintendent of state police and shall include the date of the sale, the caliber, make, model and manufacturer's number of such pistol or revolver and the name, address and occupation of the purchaser thereof, which record shall be signed by the purchaser and by the person making the sale, each in the presence of the other, and shall be preserved by the vendor of such pistol or revolver for a period of at least six years.

Vendor to keep record of sale of fire arms.

SEC. 6. Any permit for the carrying of any pistol or revolver issued under the provisions of this act may be revoked by the authority issuing the same. The revocation of either of such permits shall be a revocation of the other and, upon the revocation of any permit, such permit shall be forthwith delivered to the authority issuing the same. Upon the revocation of any local permit, the authority issuing the same shall forthwith notify the superintendent of state police and upon the revocation of any permit issued by the superintendent of state police, said superintendent shall forthwith notify the authority issuing such local permit.

Permit to carry fire arms may be revoked.

SEC. 7. No person, firm or corporation shall sell at retail, deliver or otherwise transfer any pistol or revolver to any alien, nor shall any person deliver any pistol or revolver at retail except upon written application therefor and no sale or delivery of any pistol or revolver shall be made upon the date of the filing or receipt of any written application for the purchase thereof, and when any pistol or revolver shall be delivered in connection with the sale or purchase, such pistol or revolver shall be enclosed in a package, the paper or wrapping of which shall be securely fastened, and no pistol or revolver when delivered on any sale or purchase shall be loaded or con-

Sale of pistols or revolvers to aliens restricted.

tain therein any gunpowder or other explosive or any bullet, ball or shell. Upon the delivery of any pistol or revolver the purchaser shall sign in triplicate a receipt for such pistol or revolver which shall contain the name, address and occupation of such purchaser, the date of sale, caliber, make, model and manufacturer's number and a general description thereof. One of such triplicate receipts shall, within twenty-four hours thereafter, be forwarded by the vendor of such pistol or revolver to the superintendent of state police and one to the authority issuing the permit for the sale of such pistol or revolver and the other shall be retained by such vendor for at least six years.

SEC. 8. No person shall make any false statement or give any false information connected with any purchase, sale or delivery of any pistol or revolver, and no person shall sell, barter, hire, lend, give or deliver to any minor under the age of eighteen years any pistol or revolver.

Giving of false information or the sale to persons under eighteen years of age prohibited.

SEC. 9. No person shall carry any pistol or revolver in or upon any vehicle or upon his person, except when such person shall be within his dwelling house or place of business, without a permit to carry the same issued as hereinbefore provided.

Carrying of pistol or revolver without permits restricted.

SEC. 10. The provisions of section nine of this act shall not apply to the carrying of any pistol or revolver by any marshal, sheriff or peace officer, or to any soldier, sailor or marine in the service of the United States or this state when on duty or going to or from duty, or to any member of any military organization when on parade or when going to or from any place of assembly, or to the transportation of pistols or revolvers as merchandise, or to any person carrying any pistol or revolver while contained in the package in which it was originally wrapped at the time of sale and while carrying the same from the place of sale to the purchaser's residence or place of business, or to any person removing his household goods or effects from one place to another, or to any person while carrying any such pistol or revolver from his place of residence or business to a place or person where or by whom such pistol or revolver is to be repaired or while returning to his place of residence or business after the same shall have been repaired.

When and by whom pistols and revolvers may be carried without securing a permit.

SEC. 11. No person shall change, alter, remove or obliterate the name of any maker or model or any maker's number or other mark of identification on any pistol or revolver. The possession of any pistol or revolver upon which any identifying mark, number or name shall have been changed, altered, removed or obliterated shall be prima facie evidence that the person owning or in possession of such pistol or revolver has changed, altered, removed or obliterated the same.

Tampering with identification mark of any pistol or revolver prohibited.

CHAP. 253

Penalty.

SEC. 12. Any person violating any provision of section nine or eleven of this act shall be fined not more than one thousand dollars or imprisoned not more than five years or both, and any person violating any other provision of this act shall be fined not more than five hundred dollars or imprisoned not more than three years or both, and any pistol or revolver found in the possession of any person in violation of any provision of this act shall be forfeited.

Repeal.

SEC. 13. Section 2678 of the general statutes, chapter 206 of the public acts of 1919, chapter 127 of the public acts of 1921 and those portions of sections 6369, 6370, 6371 and 6372 of the general statutes which relate to pistols and revolvers are repealed.

Approved June 2, 1923.

SUBSTITUTE FOR SENATE BILL No. 227.

CHAPTER 253

AN ACT PROVIDING FOR THE LICENSING OF INSURANCE AGENTS.

*Be it enacted by the Senate and House of Representatives in General Assembly convened:*

Insurance agent defined.

SECTION 1. An insurance agent is defined as a person authorized in writing, by any insurer authorized to transact business in the state, to solicit, negotiate or effect contracts of insurance, surety or indemnity; or any member of a copartnership or association, or any stockholder, officer or agent of a corporation authorized to solicit, negotiate or effect such contracts, when such copartnership, association or corporation shall hold a direct agency appointment from any insurer.

Agent to have license.

SEC. 2. No person shall engage in business as an insurance agent until he shall have obtained from the insurance commissioner a license therefor under the provisions of this act. Each applicant for such license shall file with the commissioner his written application for a license authorizing him to engage in business as an agent in the general or some specified line or lines of insurance, surety or indemnity coverage, which, under the provisions of the general statutes, may be written in the state, which application shall be accompanied by a statement, signed and sworn to by such applicant, on a blank furnished by the commissioner, setting forth such facts as he may require, and by the affidavit of an official or representative of an insurer authorized to transact business in the state or of a licensed insurance agent of the state, that the applicant is personally known to him; that the applicant has experience, or will be instructed, in the general or some specified

Form of application.

## PERJURY

### CHAPTER 265.

(S. B. No. 232—Stevens.)

#### OATH.

An Act to Amend and Re-enact Section 9367 of the Compiled Laws of North Dakota for the year 1913, Relating to the Prescribing of an Oath.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. (AMENDMENT.) That Section 9367 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

Sec. 9367. OATH DEFINED.) The term oath as used in Section 9366 of the Compiled Laws of 1913, includes an affirmation and every other mode of attesting the truth of that which is stated, which is authorized by law, and the signing of any writing purporting to be made under oath, in the presence of an officer authorized to administer oaths, or the acknowledgment of the signing thereof, to or before any such officer, or the presentation thereof to such officer by the person signing or by his direction to be authenticated as an oath, shall be deemed to be the taking of an oath within the meaning of said section and the certificate of the officer purporting to take such oath shall be prima facie evidence of the taking thereof.

Approved March 1st, 1923.

## PISTOLS AND REVOLVERS

### CHAPTER 266.

(S. B. No. 256—McLachlin.)

#### PISTOLS AND REVOLVERS.

An Act To Control the Possession, sale, and use of pistols and revolvers, to provide penalties, and for other purposes.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. DEFINITION.) "Pistol or revolver," as used in this Act, shall be construed as meaning any firearm with barrel less than twelve inches in length.

Sec. 2. COMMITTING CRIME WHEN ARMED.) If any person shall commit or attempt to commit a crime when armed with a pistol or revolver, and having no permit to carry the same, he shall be in addition to the punishment provided for the crime, be punished by imprisonment for not less than ten years.

Sec. 3. PUNISHMENT.) The judge shall have the power to sentence any person who may be convicted for a second or third offense under section 2 of this Act, to double and triple the penalty imposed thereby, and for a fourth offense the person so convicted may be sentenced to life imprisonment.

Sec. 4. BEING ARMED PRIMA FACIE EVIDENCE OF INTENTION.) In the trial of a person for the commission of a felony or of an attempt to commit a felony against the person of another, the fact that he was armed with a pistol or revolver and having no permit to carry the same shall be prima facie evidence of his intention to commit said felony.

Sec. 5. ALIENS AND CRIMINALS MUST NOT POSSESS ARMS.) No unnaturalized foreign-born person and no person who has been convicted of a felony against the person or property of another or against the Government of the United States or of any State or subdivision thereof, shall own or have in his possession or under his control, a pistol or revolver. Violations of this section shall be punished by imprisonment for not to exceed five years.

Sec. 6. CARRYING PISTOL CONCEALED.) No person shall carry a pistol or revolver concealed in any vehicle or in any package, satchel, grip, suit case or carry in any way or upon his person, except in his dwelling house or place of business, without a license therefor as hereinafter provided. Violations of this section shall be punished by imprisonment for not less than one year, and upon conviction the pistol or revolver shall be confiscated and destroyed.

Sec. 7. EXCEPTIONS.) The provisions of the preceding section shall not apply to marshals, sheriffs, policemen, or other duly appointed peace officers, nor to the regular and ordinary transportation of pistols or revolvers as merchandise, nor to members of the Army, Navy or Marine Corps of the United States, or the National Guard, when on duty, or organizations by law authorized to purchase or receive such weapons from the United States, or this State, nor to duly authorized military or civil organizations when parading, nor to the members thereof when at or going to or from their customary places of assembly.

Sec. 8. ISSUE OF LICENSES TO CARRY.) The justice of a court of record, the chief of police of a city or town and the sheriff of a county, or persons authorized by any of them

shall upon the application of any persons having a bona fide residence or place of business within the jurisdiction of said licensing authority, or of any person having a bona fide residence or place of business within the United States and a license to carry a fire arm concealed upon his person issued by the authorities of any State or sub-division of the United States, issue a license to such person to carry a pistol or revolver within this State for not more than one year from date of issue, if it appears that the applicant has good reason to fear an injury to his person or property or for any other proper purpose, and that he is a suitable person to be so licensed. The license shall be in triplicate, in form to be preserved by the Secretary of State, and shall bear the name, address, description, and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the Secretary of State, and the triplicate shall be preserved for six years by the authority issuing said license.

Sec. 9. SELLING TO MINORS.) Any person or persons who shall sell, barter, hire, lend or give to any minor under the age of eighteen years any pistol or revolver shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be fined not less than \$100, nor more than \$1,000, or be imprisoned not less than three months, nor more than one year, or both.

Sec. 10. SALES REGULATED.) No person shall sell, deliver, or otherwise transfer a pistol or revolver to a person who he has reasonable cause to believe either is an unnaturalized foreign born person or has been convicted of a felony against the person or property of another, or against the Government of the United States or any State or subdivision thereof, nor in any event shall he deliver a pistol or revolver on the day of the application for the purchase thereof, and when delivered, said pistol or revolver shall be securely wrapped and shall be unloaded. Before a delivery be made the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, and nationality, the date of sale, the caliber, make, model, and manufacturer's number of the weapon. The seller shall, within seven days, sign and forward by registered mail one copy thereof to the Secretary of State, and one copy thereof to the chief of police of the city or town, or the sheriff of the county of which the seller is a resident, and shall retain the other copy for six years. This section shall not apply to sales at wholesale. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer a pistol or revolver to any person not personally known to him. Violations of this section shall be punished by a fine of not less than \$100 or by

imprisonment for not less than one year, or by both such fine and imprisonment.

Sec. 11. DEALERS TO BE LICENSED.) Whoever, without being licensed as hereinafter provided, sells, or otherwise transfers, advertises, or exposes for sale, or transfers or has in his possession with intent to sell, or otherwise transfer, pistols or revolvers, shall be punished by imprisonment for not less than two years.

Sec. 12. DEALERS' LICENSES: BY WHOM GRANTED, AND CONDITIONS THEREOF.) The duly constituted licensing authorities of any city, town or subdivision of this state, may grant licenses in form prescribed by the Secretary of State, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the said city or town or political subdivision, pistols and revolvers, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

3. No pistol or revolver shall be delivered—

(a) On the day of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor

(b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity; nor

(c) If the seller has reasonable cause to believe that the purchaser either is an unnaturalized foreign born person or has been convicted of a felony against the person or property of another, or against the Government of the United States or any State or subdivision thereof.

4. A true record, in triplicate, shall be made of every pistol or revolver sold, said record to be made in a book kept for the purpose, the form of which may be prescribed by the Secretary of State, and shall be personally signed by the purchaser and by the person affecting the sale, each in the presence of the other, and shall include the date of sale, the caliber, make, model, and manufacturer's number of the weapon, the name, address, occupation, and nationality of the purchaser. One copy of said record shall, within seven days, be forwarded by registered mail to the Secretary of State and one copy thereof to the chief of police of the city or town or the sheriff of the county of which the seller is a resident, and the other copy retained for six years.

5. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of said premises where it can readily be seen from the outside.

Sec. 13. PENALTY FOR FALSE INFORMATION.) If any person in purchasing or otherwise securing delivery of a pistol or revolver or in applying for a permit to carry the same, shall give false information or offer false evidence of his identity he shall be punished by imprisonment for not less than five nor more than ten years.

Sec. 14. ALTERATION OF IDENTIFYING MARKS PROHIBITED.) No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol or revolver. Possession of any such firearm upon which the same shall have been changed, altered, removed, or obliterated, shall be presumptive evidence that such possessor has changed, altered, removed, or obliterated the same. Violations of this section shall be punished by imprisonment for not less than one year nor more than five years.

Sec. 15. EXISTING LICENSES REVOKED.) All Licenses heretofore issued within this State permitting the carrying of pistols or revolvers concealed upon the person shall expire at midnight of June 30th, 1923.

Sec. 16. EXCEPTIONS.) This Act shall not apply to antique pistols or revolvers incapable of use as such.

Sec. 17. CERTAIN ACTS REPEALED.) All laws or parts of laws inconsistent herewith are hereby repealed.

Approved March 7th, 1923.

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## PLEDGE

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### CHAPTER 267.

(H. B. No. 177—Cole.)

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#### SALE OF PROPERTY PLEDGED.

An Act to Amend and Re-enact Section 6790 of the Compiled Laws of North Dakota for 1913.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. AMENDMENT.) Section 6790 of the Compiled Laws of the State of North Dakota for 1913 is amended and re-enacted to read as follows:



CHAPTER 118.

AN ACT TO CONTROL THE POSSESSION, SALE, AND USE OF PISTOLS AND REVOLVERS.

SECTION

1. Definition of pistol or revolver.
2. Commission of crime by one armed with pistol and unlicensed, how punished.
3. What persons forbidden to carry pistols or revolvers; penalty for violation.
4. Carrying concealed weapon without license; penalty for violation.
5. Persons exempt from application of preceding section.
6. License to carry loaded weapon, to whom and by whom to be granted.
7. Sales, etc., of weapons to minors, how punished; exemption.
8. Sale, etc., to unnaturalized foreign-born persons, etc., or to a felon, prohibited except upon permit.

SECTION

9. Selling, etc., of weapons without license, how punished.
10. Licenses to sell, how granted; record of sales to be kept.
11. Purchasing weapon by false information or evidence, how punished.
12. Removing maker's name from weapon, or other mark of identification, how punished.
13. Existing licenses to expire July 31, 1923.
14. Antique weapons not included in act.
15. Repealing clause; takes effect on passage.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

Definition of pistol or revolver.

SECTION 1. Pistol or revolver, as used in this act shall be construed as meaning any firearm with a barrel less than twelve inches in length.

Commission of crime by one armed with pistol and unlicensed, how punished.

SECT. 2. If any person shall commit or attempt to commit a crime when armed with a pistol or revolver, and having no permit to carry the same, he shall in addition to the punishment provided for the crime, be punished by imprisonment for not more than five years.

What persons forbidden to carry pistols or revolvers; penalty for violation.

SECT. 3. No unnaturalized foreign-born person and no person who has been convicted of a felony against the person or property of another shall own or have in his possession or under his control a pistol or revolver, except as hereinafter provided. Violations of this section shall be punished by imprisonment for not more than two years and upon conviction the pistol or revolver shall be confiscated and destroyed.

Carrying concealed weapon without license; penalty for violation.

SECT. 4. No person shall carry a pistol or revolver concealed in any vehicle or upon his person, except in his dwelling house or place of business, without a license therefor as hereinafter provided. Violations of this section shall be punished by a fine of not more than one hundred dollars or by imprisonment not exceeding one year or by both fine and imprisonment.

Persons exempt from application of preceding section.

SECT. 5. The provisions of the preceding sections shall not apply to marshals, sheriffs, policemen, or other duly appointed peace and other law enforcement officers, nor to the regular and ordinary trans-

portation of pistols or revolvers as merchandise, nor to members of the army, navy, or marine corps of the United States, nor to the national guard when on duty, nor to organizations by law authorized to purchase or receive such weapons, nor to duly authorized military or civil organizations when parading, or the members thereof when at or going to or from their customary places of assembly.

SECT. 6. The selectmen of towns or the mayor or chief of police of cities may, upon application of any person issue a license to such person to carry a loaded pistol or revolver in this state, for not more than one year from date of issue, if it appears that the applicant has good reason to fear an injury to his person or property or for any other proper purpose, and that he is a suitable person to be licensed. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original thereof shall be delivered to the licensee, the duplicate shall be preserved by the selectmen of towns and the chief of police of the cities wherein issued for a period of one year.

SECT. 7. Any person or persons who shall sell, barter, hire, lend or give to any minor under the age of twenty-one years any pistol or revolver shall be deemed guilty of a misdemeanor and shall upon conviction thereof be fined not more than one hundred dollars or be imprisoned not more than three months, or both. This section shall not apply to fathers, mothers, guardians, administrators, or executors who give to their children, wards, or heirs to an estate, a revolver.

SECT. 8. No person shall sell, deliver, or otherwise transfer a pistol or revolver to a person who is an unnaturalized foreign-born person or has been convicted of a felony against the person or property of another, except upon delivery of a written permit to purchase, signed by the selectmen of the town or the mayor or chief of police of the city. Before a delivery be made the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address, and nationality, the date of sale, the caliber, make, model, and manufacturer's number of the weapon. The seller shall, within seven days, sign and forward to the chief of police of the city or selectmen of the town one copy thereof and shall retain the other copy for one year. This section shall not apply to sales at wholesale. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer a pistol or revolver to any person not personally known to him. Violations of this section shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

SECT. 9. Whoever, without being licensed as hereinafter provided, sells, advertises, or exposes for sale, or has in his possession

License to carry loaded weapon, to whom and by whom to be granted.

Sales, etc., of weapons to minors, how punished; exemption.

Sale, etc., to unnaturalized foreign-born persons, etc., to a felon, prohibited except upon permit.

Selling, etc., of weapons without license, how punished.

with intent to sell, pistols or revolvers, shall be punished by imprisonment for not more than two years.

Licenses to sell, how granted; record of sales to be kept.

SECT. 10. The selectmen of towns and the chief of police of cities may grant licenses, the form of which shall be prescribed by the secretary of state, effective for not more than one year from date of issue, permitting the licensee to sell at retail pistols and revolvers subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

3. No pistol or revolver shall be delivered (a) to a purchaser not personally known to the seller or who does not present clear evidence of his identity; nor (b) to an unnaturalized foreign-born person or a person who has been convicted of a felony and has no permit as required by section 8 of this act.

A true record, in duplicate, shall be made of every pistol or revolver sold, said record to be made in a book kept for the purpose, the form of which shall be prescribed by the secretary of state and shall be signed by the purchaser and by the person effecting the sale, and shall include the date of sale, the caliber, make, model, and manufacturer's number of the weapon, the name, address, and nationality of the purchaser. One copy of said record shall, within seven days, be forwarded to the selectmen of the town or the chief of police of the city and the other copy retained for one year.

Purchasing weapon by false information or evidence, how punished.

SECT. 11. If any person in purchasing or otherwise securing delivery of a pistol or revolver shall give false information or offer false evidence of his identity he shall be punished by imprisonment for not more than two years.

Removing maker's name from weapon, or other mark of identification, how punished.

SECT. 12. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol or revolver. Possession of any such firearms upon which the same shall have been changed, altered, removed, or obliterated, shall be presumptive evidence that such possessor has changed, altered, removed or obliterated the same. Violations of this section shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than one year, or both.

Existing licenses to expire July 31, 1923.

SECT. 13. All licenses heretofore issued within the state permitting the carrying of pistols or revolvers upon the person shall expire at midnight of July 31, 1923.

Antique weapons not included in act.

SECT. 14. This act shall not apply to antique pistols or revolvers incapable of use as such.

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CHAPTER 119.

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SECT. 15. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect upon its passage. Repealing clause; takes effect on passage.

[Approved May 4, 1923.]

CHAPTER 119.

AN ACT TO PROHIBIT THE SALE AND MANUFACTURE OF INFLAMMABLE STOVE POLISHES.

SECTION

1. Manufacture or sale of certain inflammable stove polishes forbidden.

SECTION

2. Penalty for violation.  
3. Repealing clause; takes effect on passage.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

SECTION 1. It shall be unlawful to manufacture for sale, keep for sale, or sell for domestic use, any articles or compounds designed or intended as stove polish, which flash at a temperature below one hundred and twenty degrees Fahrenheit, open cup test. The selling or having for sale of such compounds by retail stores shall be deemed as presumptive evidence of their being intended for domestic use. Manufacture or sale of certain inflammable stove polishes forbidden.

SECT. 2. Any violation of this act shall be punished by a fine not exceeding one hundred dollars (\$100) or by imprisonment not exceeding six months or both. Penalty for violation.

SECT. 3. So much of chapter 101, Laws of 1921, as is inconsistent herewith and all other acts and parts of acts inconsistent herewith are hereby repealed and this act shall take effect upon its passage. Repealing clause; takes effect on passage.

[Approved May 4, 1923.]

laying out, opening, changing or vacating of any street, alley, or public place in any city are hereby extended and shall apply to all proceedings had under the provisions of section 1 of this act, including the ascertainment, award and payment of damages to, and the fixing, assessment and collection of assessments from, the owners of property beneficially or injuriously affected by such proceeding.

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#### CHAPTER 207.

AN ACT to regulate and control the possession, sale, and use of pistols and revolvers in the State of Indiana, to provide penalties, and for other purposes.

[S. 55. Approved March 12, 1925.]

#### **Pistols and Revolvers Defined.**

SECTION 1. *Be it enacted by the general assembly of the State of Indiana,* That the term "pistol or revolver," as used in this act, shall be construed as meaning any firearm with a barrel less than twelve inches in length.

#### **Crime—Committing When Armed With Pistol or Revolver.**

SEC. 2. If any person shall, within the State of Indiana, commit or attempt to commit a crime, when armed with a pistol or revolver, and having no permit to carry the same, he shall, in addition to the punishment provided for the crime, be guilty of a felony and shall be punished by imprisonment for not less than one year and not more than five years.

#### **Subsequent Offenses.**

SEC. 3. The judge shall have the power to sentence any person who may be convicted for a second or third, or other subsequent offense under section 2 of this act, to double or triple the penalty imposed thereby.

#### **Felony—Conviction For—Prohibited From Possessing Pistol.**

SEC. 4. No person who has been convicted of a felony committed against the person or property of another shall own or have in his possession or under his control, within the State of Indiana, a pistol or revolver. A violation

of this section shall constitute a felony and be punishable by imprisonment for not less than one year, and not more than five years.

**Pistol or Revolver—Possession Without Permit.**

SEC. 5. No person shall carry, within the State of Indiana, a pistol or revolver concealed in any vehicle or upon his person, except in his dwelling house or place of business, without a permit therefor as hereinafter provided. Violations of this section shall constitute a misdemeanor and be punished by a fine of one hundred dollars (\$100.00), to which may be added imprisonment for not more than one year, and upon conviction the pistol or revolver shall be confiscated and destroyed by the sheriff on order of the court.

**Persons Exempt From Act.**

SEC. 6. The provisions of the preceding section shall not apply to marshals, sheriffs, deputy sheriffs, policemen or any other duly appointed peace officers, nor the pistols or revolvers of any bank, trust company, or common carriers, or to the officers or employes of any bank, trust company, or common carriers, while such officers or employes are guarding money or valuables within the line of their duties as such employes, nor to the regular and ordinary transportation of pistols or revolvers as merchandise, nor to members of the army, navy, or marine corps or the mail service of the United States, or the national guard, when on duty, or organizations by law authorized to purchase or receive such weapons from the United States, or the State of Indiana, nor to duly authorized military or civil organizations when parading, nor to the members thereof when at or going to or from their customary places of assembly.

**Permits—Clerk of Circuit Court—Application—Form—Fee.**

SEC. 7. The clerk of any circuit court of the State of Indiana, shall, upon application of any citizen having a bona fide residence or place of business within the State of Indiana, or of any person having a bona fide residence or place of business within the United States, and a permit

to carry a firearm concealed upon his person issued by the authorities of any other state or subdivision of the United States, issue a permit to such citizen to carry a pistol or revolver within the State of Indiana, during the period of one year or until revoked, as herein provided. Such application for permit shall be signed by two resident householders and freeholders of the county in which the applicant lives, and it shall appear from such application that the applicant is a suitable person to be granted a permit under the law. The permit shall be in duplicate, in form to be prescribed by the adjutant general of the State of Indiana, and shall bear the name, address, description and signature of the applicant and reason given for desiring a permit. The original thereof shall be delivered to the applicant, the duplicate shall be preserved for six years by the clerk of the circuit court issuing the same. For each permit so issued, the applicant shall pay the sum of one dollar (\$1.00).

#### **Minors—Sale of Pistols or Revolvers to Prohibited.**

SEC. 8. Any person or persons who shall, within the State of Indiana, sell, barter, hire, lend, or give to any minor under the age of twenty-one years, any pistol or revolver shall be deemed guilty of a misdemeanor and shall upon conviction thereof be fined not more than one hundred dollars (\$100.00), or be imprisoned for not more than three months, or both, except for uses as hereinbefore provided.

#### **Sale of Pistols and Revolvers—Record—Penalty.**

SEC. 9. No person shall within the State of Indiana sell, deliver or otherwise transfer a pistol or revolver to a person who he has reasonable cause to believe either is not a citizen or has been convicted of a felony against the person or property of another, nor in any event shall he deliver a pistol or revolver on the day of the application for the purchase thereof, and when delivered said pistol or revolver shall be securely wrapped and shall be unloaded. Before a delivery be made, the purchaser or his duly authorized agent and the seller or his duly authorized agent shall in the presence of each other sign in duplicate a statement containing the purchaser's full name, age, ad-

dress, place of birth, and nationality, the date of sale, the caliber, make, model, and manufacturer's number of the weapon. The seller shall, within seven days, forward by registered mail, to the clerk of the circuit court of the county in which the seller resides, one copy thereof and shall retain the other copy for six years. This section shall not apply to sales at wholesale. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer a pistol or revolver to any person not personally known to him. Violations of this section shall constitute a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100.00), or by imprisonment for not more than one year, or by both such fine and imprisonment.

**Pistols and Revolvers—Sale Without License.**

SEC. 10. Whoever, within the State of Indiana, without being licensed as hereinafter provided, sells, delivers, transfers, advertises, or exposes for sale, or has in his possession with intent to sell, pistols or revolvers, shall be deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment for not less than one year nor more than two years.

**Dealers' Licenses—Conditions on Which Sold—Record—Advertisement.**

SEC. 11. The clerk of the circuit court of any county may grant licenses, to any reputable, established dealer, on forms to be prescribed by the adjutant general, permitting the licensee to sell at retail within the State of Indiana pistols and revolvers, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

3. No pistol or revolver shall be delivered:

(a) On the day of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor,



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(b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity; nor,

(c) If the seller has reasonable cause to believe that the purchaser is an unnaturalized foreign-born person or has been convicted of a felony against the person or property of another.

4. A true record, in duplicate, shall be made of every pistol or revolver sold, said record to be made in a book kept for the purpose, the form of which shall be prescribed by the adjutant general and shall be signed by the purchaser and by the person effecting the sale, and in the presence of each other, and shall include the date of sale, the caliber, make, model, and manufacturer's number of the weapon, the name, address, age, place of birth, nationality of the purchaser. One copy of said record shall, within seven days, be forwarded by registered mail to the clerk of the circuit court of the county in which the seller resides, and the other copy shall be retained by the seller for six years.

5. No pistol or revolver, or placard advertising the sale thereof, or imitation thereof, shall be displayed in any part of said premises where it can readily be seen from the outside.

**False Information.**

SEC. 12. If any person in purchasing or otherwise securing delivery of a pistol or revolver or applying for a permit to carry same within the State of Indiana shall give false information or offer false evidence of his identity he shall be deemed guilty of a felony and upon conviction shall be punished by imprisonment for not less than one year nor more than five years.

**Obliteration of Make, Model, Number—Penalty.**

SEC. 13. No person shall within the State of Indiana, change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol or revolver. Possession of any such firearms upon which the same shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that such possessor has changed, altered, removed,

or obliterated the same. Violations of this section shall be a misdemeanor and shall be punished by imprisonment for not less than six months nor more than one year.

**Felony—Possession of Revolver Prima Facie Evidence.**

SEC. 14. In the trial of a person charged with committing or attempting to commit a felony against the person or property of another while armed with a pistol or revolver, without having a permit to carry such firearm as hereinbefore provided, the fact that such person was so armed shall be prima facie evidence of his intent to commit such felony.

**Weapons Exempt.**

SEC. 15. This act shall not apply to antique pistols or revolvers incapable of use as a deadly weapon.

**Prior Licenses.**

SEC. 16. Any or all licenses heretofore issued to carry or possess revolver or pistol shall be revoked and rendered null and void on and after thirty days from the taking effect of this act.

**Revocation of License.**

SEC. 17. Hereafter in any court of record upon trial of any person for a penal offense, and upon a showing that such person is not a fit person to carry concealed weapons, the court may enter an order revoking such person's license to carry concealed weapons and such fact shall be communicated to the public officer issuing the same.

**Licensed Dealers—Statement—Penalty.**

SEC. 17½. It shall be unlawful from and after the taking effect of this act, for any person, firm or corporation to receive or have in his or its possession within the State of Indiana any pistol or revolver purchased or acquired after the taking effect of this act, except a licensed dealer, who shall not have signed and forwarded to the clerk of the county in which he resides the statements provided for in section 9 of this act, before or at the time of taking possession of such pistol or revolver. Whoever shall violate the provisions of this section of this act shall be

deemed guilty of a misdemeanor and shall upon conviction thereof be fined not more than \$100, to which may be added imprisonment for not more than sixty days.

**Repeal.**

SEC. 18. All laws and parts of laws in conflict herewith are hereby repealed.

**Unconstitutional Provisions.**

SEC. 19. If any provision or section of this act shall be held void or unconstitutional, all other provisions and all other sections of this act, which are not expressly held to be void or unconstitutional, shall remain in full force and effect.

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CHAPTER 208.

AN ACT fixing the terms of the circuit court, in the forty-ninth judicial circuit, composed of the counties of Daviess and Martin, and repealing all laws in conflict therewith, and declaring an emergency.

[S. 173. Approved March 12, 1925.]

**Daviess and Martin Counties—Terms of Court.**

SECTION 1. *Be it enacted by the general assembly of the State of Indiana,* That there shall be four terms each year of the circuit court in each of the counties of Daviess and Martin, comprising the forty-ninth judicial circuit. The terms in the county of Martin shall begin on the first Monday in January, the fourth Monday in March, the first Monday in August, and the fourth Monday in October of each year, and the terms beginning on the first Monday of January, and the fourth Monday of March, shall continue for four weeks each, and the terms beginning on the first Monday of August, and the fourth Monday of October, shall continue for three weeks each.

The terms in the county of Daviess shall begin on the first Monday of February, the fourth Monday of April, the first Monday of September, and the third Monday of November, and the terms beginning on the first Monday of February, and the first Monday of September, shall continue for six weeks, and the terms beginning on the fourth Monday of April and the third Monday of Novem-

[No. 313.]

AN ACT to regulate the possession and sale of pistols, revolvers and guns; to provide a method of licensing those carrying such weapons concealed; and to provide penalties for violations of such regulations.

*The People of the State of Michigan enact:*

SECTION 1. A pistol, revolver or gun as used in this act shall be construed to mean any pistol, revolver or gun not exceeding thirty inches in length that can be concealed on or about the person. Pistol, etc.,  
defined.

SEC. 2. Any person who shall commit or attempt to commit a felony when armed with a pistol, revolver or gun, as defined in section one, shall, in addition to the punishment provided for committing the crime, be punished by imprisonment for not less than two nor more than five years within the discretion of the court. Felony,  
penalty for.

SEC. 3. The court shall have power to sentence any person who may be convicted of a second offense to double the additional penalty imposed under section two hereof for carrying such concealed weapon without a license. Second  
offense.

SEC. 4. In the trial of a person for the commission of murder, assault with intent to do great bodily harm, robbery, larceny, or of an attempt to commit any of such offenses, the fact that he was armed with a pistol, revolver or gun as herein defined and had no permit to carry the same, shall be prima facie evidence of his intention to commit the crime with which he is charged. If any peace officer shall arrest a person on suspicion and with probable cause and without a warrant, for carrying concealed weapons, as herein provided, without a license therefor, and the arrest was in other respects legal and such person was actually in possession of a concealed weapon without a license to carry the same, it shall be presumed that the officer making the arrest had reasonable cause to believe that the alleged offense was being committed. What  
deemed  
prima facie  
evidence.

SEC. 5. No person shall carry a pistol, revolver or gun concealed on or about his person or in any vehicle owned or operated by him, except in his dwelling house, place of business or on his premises, without a license therefor, as herein-after provided. The provisions of this section, however, shall not apply to the regular and ordinary transportation of pistols, revolvers or guns as merchandise, or to any member of the army, navy or marine corps of the United States, or to the national guard when on duty, or organizations by law authorized to purchase or receive such weapons from the United States or from this state, nor to duly authorized military organizations when on duty, nor to the members thereof when going to or returning from their customary places of assembly, nor to wholesale or retail dealers therein, nor to peace officers of the state. Pistol, etc.,  
when unlaw-  
ful to carry.

Permit to carry, who to issue.

SEC. 6. The prosecuting attorney, sheriff and chief of police of any city or incorporated village in which an applicant for a license to carry a concealed weapon, as herein defined, resides, shall constitute a licensing board for applicants living in cities and incorporated villages of each county. The prosecuting attorney and sheriff shall constitute a board to act upon applications for such a license by applicants not residing in a city or incorporated village in such county. The county clerk of each county shall be clerk of such board. The board as herein constituted may issue a permit to carry concealed, a revolver or gun within the state, to such person residing within the jurisdiction of the licensing board, if it appears that the applicant is a suitable person to be granted a license and there is reasonable cause therefor. The license so issued shall state the reason for granting the same and the length of time for which granted. Such license shall be void when the reason for granting it ceases to exist. A license may also be issued, as herein provided, to any person having a bona fide residence or place of business within the United States, and holding a license to carry the weapons herein mentioned concealed upon his person, issued by the authorities of the United States. The license herein mentioned shall be in a form prescribed by the secretary of state and shall be in triplicate. It shall give the name, address and description of the licensee and the reason for granting a license. Each of said copies shall be signed by the licensee. The original shall be delivered to such licensee; one copy shall be mailed by registered letter within thirty days to the secretary of state and the other copy shall be preserved by the person issuing the license.

Form of license.

Delivery to purchaser; statement required.

SEC. 7. No person shall deliver or otherwise transfer a pistol, revolver or gun, as defined in this act, to a person, unless it be securely wrapped and unloaded. Before the same is delivered to the purchaser, he shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, nationality, the date of sale, the caliber, make, model and manufacturer's number of the weapon. The seller shall, within thirty days thereafter, sign and mail by registered letter one copy thereof to the secretary of state, one copy to the chief of police of the city or village in which the same was sold or to the sheriff of the county of which the seller is a resident and shall retain the other copy. This section shall not apply to sales at wholesale. Any person convicted of wilfully violating the provisions of this section shall be punished by a fine of not less than one hundred dollars or by imprisonment for not more than one year or by both such fine and imprisonment, in the discretion of the magistrate.

Dealer's license.

SEC. 8. No person, firm or corporation shall hereafter sell or otherwise transfer a pistol, revolver or gun without having obtained a dealer's license therefor. The duly constituted licensing authorities herein mentioned may grant licenses on a form prescribed by the secretary of state, effective for not

more than one year from the date thereof permitting the licensee to sell at retail the firearms herein mentioned, subject to the following conditions:

Conditions.

1. The business shall be conducted only in the building occupied by the licensed dealer.

2. The license or a copy thereof certified by the issuing authority shall be displayed on the premises where it can be readily seen.

3. A true record in triplicate shall be made of every pistol, revolver or gun, as defined in this act, sold, said record to be made in a book kept for the purpose, the form of which shall be prescribed by the secretary of state as hereinbefore provided. The form shall show the date of sale, the caliber, make, model and manufacturer's number of the weapon and the name, address, occupation and nationality of the purchaser.

Sec. 9. If any person in purchasing or otherwise securing delivery of a pistol, revolver, or gun, as defined in this act, or in applying for a permit to carry the same, shall give any false information or offer false evidence of his identity, he shall be subject to the penalty hereinafter provided.

False information.

Sec. 10. No person shall deliberately change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identity of any pistol, revolver or gun. Possession of any such firearm upon which the name or number shall have been deliberately changed, altered, removed or obliterated shall be presumptive evidence that such possessor has changed, altered, removed or obliterated the same.

Not to change, etc., name of maker, etc.

Sec. 11. On or before the first day of July, nineteen hundred twenty-five, any person within this state who owns or has in his possession, a pistol, revolver or gun, as herein described, and which have not been by that time legally registered, shall register the same in the office of the sheriff of the county or the chief of police of the city or village in which such person resides. A certificate of registration shall be issued in triplicate and on a form to be prescribed by the secretary of state, containing the name, address, description and signature of the person registering the same, together with a full description of such firearm. The original shall be delivered to the person registering the same, one copy thereof shall be mailed to the secretary of state by registered letter within thirty days from the date of said registration, and the other copy thereof shall be retained and filed in the office of said sheriff or chief of police. The provisions of this section shall not apply to wholesale or retail dealers or to persons having in their possession pistols, revolvers or guns used solely for the purposes of display as relics, souvenirs or curios and kept as a collection of such.

Registration.

Certificate, what to contain, etc.

Sec. 12. All licenses heretofore issued within the state, permitting a person to carry a pistol, revolver or gun, as defined in this act, concealed upon his person, shall expire at midnight, December thirty-first, nineteen hundred twenty-six.

When license to expire.

- Revocation.** SEC. 13. Any officer issuing a license under the provisions of this act may revoke the same upon receiving a certificate of any magistrate showing that such licensee has been convicted of violating any of the provisions of this act. Such license may also be revoked by the official issuing the same whenever in his judgment the holder thereof has violated any of the provisions of this act or is an unfit person to carry a concealed weapon as mentioned herein. Such official shall not revoke a license as herein mentioned, except after a hearing of which reasonable notice shall be given to the licensee either personally or by registered mail to the last known residence of the licensee. No such license shall be revoked except upon the written complaint of a peace officer or person living within the jurisdiction of the licensing official. Such complaint shall be addressed to the licensing official and shall set forth the reasons for requesting that the license be revoked.
- Hearing.**
- When inapplicable.** SEC. 14. This shall not apply to antique pistols, revolvers or guns.
- Penalty for violation.** SEC. 15. Any person convicted of a violation of this act for which a penalty is not provided shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the state prison for a period of not more than three years, or by both such fine and imprisonment, in the discretion of the court.
- Saving clause.** SEC. 16. This act is declared to be severable and if any section or part of a section shall be held to be unconstitutional, the validity of the balance of the act shall not be affected thereby.
- Approved May 26, 1925.

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[No. 314.]

AN ACT to amend section one of act number thirty-two of the public acts of eighteen hundred seventy-three, entitled "An act to extend aid to the university of Michigan and to repeal an act entitled 'An act to extend aid to the university of Michigan,' approved March fifteen, eighteen hundred sixty-seven, being sections three thousand five hundred six and three thousand five hundred seven of the compiled laws of eighteen hundred seventy-one," being section one thousand one hundred eighty-three of the compiled laws of nineteen hundred fifteen, as amended by act number two hundred fifty-two of the public acts of the state of Michigan for the year nineteen hundred twenty-three.

*The People of the State of Michigan enact:*

**Section amended.**

SECTION 1. Section one of act number thirty-two of the public acts of eighteen hundred seventy-three, entitled "An act to

9. County school superintendent, \$1,500. The county school superintendent shall be allowed a deputy or clerk whose salary shall be determined by the county court; all claims of deputy for salary or services must be approved by the county school superintendent \* [and the same shall be audited by the county court and paid as other claims against the county are paid. The county school superintendent] shall be allowed such sum as the county court may deem necessary for traveling expenses incurred in the discharge of his duties, which claims shall be audited and paid by the county court out of the general fund of the county.

Approved by the governor February 26, 1925.

Filed in the office of the secretary of state February 26, 1925.

## CHAPTER 260

### AN ACT

[H. B. 452]

To control the possession, sale and use of pistols and revolvers, to provide penalties.

*Be It Enacted by the People of the State of Oregon:*

Section 1. On and after the date upon which this act takes effect, any person who within the state of Oregon manufactures or causes to be manufactured or who imports into the state of Oregon or who keeps for sale or offers or exposes for sale or who gives, lends or possesses a pistol or revolver otherwise than in accordance with the provisions of this act shall be guilty of a felony, and, upon conviction thereof, shall be punishable by imprisonment in the state penitentiary for not more than five years.

Section 2. On and after the date upon which this act takes effect no unnaturalized foreign-born person and no person who has been convicted of a felony against the person or property of another or against the government of the United States or of the state of Oregon or of any political subdivision thereof shall own or have in his possession or under his custody or control any pistol, revolver or other firearm capable of being concealed upon the person. The terms "pistol," "revolver," and "firearms capable of being concealed upon the person," as used in this act, shall be construed to apply to and include all firearms having a barrel less than twelve inches in length. Any person who shall violate the provisions of this section shall be guilty of a felony, and, upon conviction thereof, be punishable by imprisonment in the state penitentiary for not less than one year nor for more than five years.

\* The phrase inserted in brackets appears in the original and engrossed bills, but was not incorporated in the enrolled act.



Section 3. If any person shall commit or attempt to commit any felony within this state while armed with any of the weapons mentioned in section 1 hereof or while armed with any pistol, revolver or other firearm capable of being concealed upon the person, without having a license or permit to carry such firearm, as hereinafter provided, upon conviction of such felony or of an attempt to commit such felony, he shall, in addition to the punishment prescribed for the crime of which he has been convicted, be punishable by imprisonment in the state penitentiary for not less than five nor for more than ten years. Such additional period of imprisonment shall commence upon the expiration or other termination of the sentence imposed for the crime of which he stands convicted and shall not run concurrently with such sentence. Upon a second conviction under like circumstances such additional period of imprisonment shall be for not less than ten years nor for more than fifteen years, and upon a third conviction under like circumstances such additional period of imprisonment shall be for not less than fifteen nor for more than twenty-five years; such terms of additional imprisonment to run consecutively as before. Upon a fourth or subsequent conviction under like circumstances the person so convicted may be imprisoned for life or for a term of years not less than twenty-five years, within the discretion of the court wherein such fourth or subsequent conviction was had. In the trial of a person charged with committing or attempting to commit a felony against the person of another while armed with any of the weapons mentioned in section 1 hereof, or while armed with any pistol, revolver or other firearm capable of being concealed upon the person, without having a license or permit to carry such firearm, as hereinafter provided, the fact that he was so armed shall be prima facie evidence of his intent to commit such felony.

Section 4. In no case shall any person punishable under the preceding sections of this act be granted probation by the trial court, nor shall the execution of the sentence imposed upon such person be suspended by the court.

Section 5. Except as otherwise provided in this act, it shall be unlawful for any person within this state to carry concealed upon his person or within any vehicle which is under his control or direction any pistol, revolver or other firearm capable of being concealed upon the person without having a license to carry such firearm, as hereinafter provided in section 8 hereof. Any person who violates the provisions of this section shall be guilty of a misdemeanor, and if he has been convicted previously of any felony, or of any crime made punishable by this act, he is guilty of a felony. This section

shall not be construed to prohibit any citizen of the United States, over the age of eighteen years, who resides or is temporarily sojourning within this state, and who is not within the excepted classes prescribed by section 2 hereof, from owning, possessing or keeping within his place of residence or place of business any pistol, revolver or other firearm capable of being concealed upon the person, and no permit or license to purchase, own, possess or keep any such firearm at his place of residence or place of business shall be required of any such citizen. Firearms carried openly in belt holsters shall not be deemed to be concealed within the meaning of this section.

Section 6. Nothing in the preceding section shall be construed to apply to or affect sheriffs, constables, marshals, policemen, whether active or honorably retired, or other duly appointed peace officers, nor to any person summoned by any such officers to assist in making arrests or preserving the peace while said person so summoned is actually engaged in assisting such officer; nor to the possession or transportation by any merchant of unloaded firearms as merchandise; nor to members of the army, navy or marine corps of the United States, or the national guard, when on duty, nor to organizations which are by law authorized to purchase or receive such weapons from the United States, or from this state; nor to duly authorized military or civil organizations while parading, nor to the members thereof when going to and from the places of meeting of their respective organizations; nor to members of any club or organization now existing, or hereafter organized, for the purpose of practicing shooting at targets upon the established target ranges, whether public or private, while such members are using any of the firearms referred to in this act upon such target ranges, or while going to and from such ranges; nor to licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from such hunting or fishing expedition.

Section 7. The unlawful concealed carrying upon the person or within the vehicle of the carrier of any pistol, revolver or other firearm capable of being concealed upon the person, is a nuisance. Any such weapons taken from the person or vehicle of any person unlawfully carrying the same are hereby declared to be nuisances, and shall be surrendered to the magistrate before whom said person shall be taken, except that in any city, county, town or other municipal corporation the same shall be surrendered to the head of the police force or police department thereof. The officers to whom the same may be so surrendered, except upon the certificate of a judge or a court of record, or of the district attorney of the county,

that the preservation thereof is necessary or proper to the ends of justice, shall annually, between the first and tenth days of July, in each year, destroy or cause to be destroyed such weapons to such extent that the same shall become and be wholly and entirely ineffective and useless for the purpose for which it was [they were] manufactured; provided, however, that in the event any such weapon has been stolen and is thereafter recovered from the thief or his transferee the same shall not be destroyed but shall be restored to the lawful owner thereof, so [as] soon as its use as evidence has been served, upon his identification of the weapon and proof of ownership thereof; provided, that upon the certificate of a judge or of the district attorney that the ends of justice will be subserved thereby such weapon shall be preserved until the necessity for its use ceases.

Section 8. It shall be lawful for the sheriff of a county, and the board of police commissioners, chief of police, city marshal, town marshal, or other head of the police department of any city, county, town, or other municipal corporation of this state, upon proof before said board, chief, marshal or other police head, that the person applying therefor is of good moral character, and that good cause exists for the issuance thereof, to issue to such person a license to carry concealed a pistol, revolver or other firearm for a period of one year from the date of such license. All applications for such licenses shall be filed in writing, signed by the applicant, and shall state the name, occupation, residence and business address of the applicant, his age, height, weight, color of eyes and hair, and reason for desiring a license to carry such weapon. Any license issued upon such application shall set forth the foregoing data and shall, in addition, contain a description of the weapon authorized to be carried, giving the name of the manufacturer, the serial number and the caliber thereof. When such licenses are issued by a sheriff a record thereof shall be kept in the office of the county clerk; when issued by police authority such record shall be maintained in the office of the authority by whom issued. Such applications and licenses shall be uniform throughout the state, upon forms to be prescribed by the attorney general.

Section 9. Every person in the business of selling, leasing or otherwise transferring a pistol, revolver or other firearm, of a size capable of being concealed upon the person, whether such seller, lessor or transferor is a retail dealer, pawnbroker or otherwise, except as hereinafter provided, shall keep a register in which shall be entered the time of sale, the date of sale, the name of the salesman making the sale, the place where sold, the make, model, manufacturer's number, caliber

or other marks of identification on such pistol, revolver or other firearm. Such register shall be prepared by and obtained from the state printer and shall be furnished by the state printer to said dealers on application at a cost of \$3 per one hundred leaves, in duplicate, and shall be in the form hereinafter provided. The purchaser of any firearm capable of being concealed upon the person shall sign, and the dealer shall require him to sign, his name and affix his address to said register, in duplicate, and the salesman shall affix his signature, in duplicate, as a witness to the signature of the purchaser. Any person signing a fictitious name or address is guilty of a misdemeanor. The duplicate sheet of such register shall, on the evening of the day of sale, be placed in the mail, postage prepaid, and properly addressed to the board of police commissioners, chief of police, city marshal, town marshal or other head of the police department of the city, county, town or other municipal corporation wherein the sale was made; provided, that where the sale is made in a district where there is no municipal police department, said duplicate sheet shall be mailed to the county clerk of the county wherein the sale is made. A violation of any of the provisions of this section by any person engaged in the business of selling, leasing or otherwise transferring such firearm is a misdemeanor. This section shall not apply to wholesale dealers in their business intercourse with retail dealers, nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms as merchandise by mail, express or other mode of shipment, to points outside of the city, county, town or municipal corporation wherein they are situated. The register provided for in this act shall be substantially in the following form:

FORM OF REGISTER

Series No.....  
Sheet No.....

Original

DEALERS' RECORD OF SALE OF REVOLVER OR PISTOL  
State of Oregon

Notice to Dealers: This original is for your files. If spoiled in making out, do not destroy. Keep in books. Fill out in duplicate.

Carbon duplicate must be mailed on the evening of the day of sale, to head of police commissioners, chief of police, city marshal, town marshal or other head of the police department of the municipal corporations wherein the sale is made, or to the county clerk of your county if the sale is made in a district where there is no municipal police department. Violation of this law is a misdemeanor. Use carbon paper for duplicate. Use indelible pencil.

Sold by ..... Salesman.....  
City, town or township .....  
Description of arm (state whether revolver or pistol).....  
Maker ..... Number ..... Caliber .....

Name of purchaser ..... Age ..... years  
 Permanent residence (state name of city, town or township, street and  
 number of dwelling) .....  
 Height ..... feet ..... inches. Occupation.....  
 Color ..... Skin ..... Eyes ..... Hair .....  
 If traveling, or in locality temporarily, give local address .....  
 Signature of purchaser .....  
 (Signing a fictitious name or address is a misdemeanor. To be  
 signed in duplicate.)  
 Witness ..... Salesman.  
 (To be signed in duplicate.)

Series No.....  
 Sheet No.....

DUPLICATE  
 DEALERS' RECORD OF SALE OF REVOLVER OR PISTOL  
 State of Oregon

Notice to Dealers: This carbon duplicate must be mailed on the evening of the day of sale as set forth in the original of this register page. Violation of this law is a misdemeanor.

Sold by ..... Salesman.....  
 City, town or township .....  
 Description of arm (state whether revolver or pistol).....  
 Maker ..... Number ..... Caliber .....  
 Name of purchaser ..... Age ..... years  
 Permanent address (state name of city, town or township, street and  
 number of dwelling) .....  
 Height ..... feet ..... inches. Occupation.....  
 Color ..... Skin ..... Eyes ..... Hair .....  
 If traveling, or in locality temporarily, give local address .....  
 Signature of purchaser .....  
 (Signing a fictitious name or address is a misdemeanor. To be  
 signed in duplicate.)  
 Witness ..... Salesman.  
 (To be signed in duplicate.)

Section 10. No person shall sell, deliver or otherwise transfer any pistol, revolver or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by section 2 hereof from owning or possessing such firearms, nor to any minor under the age of eighteen years. In no event shall any such firearm be delivered to the purchaser upon the day of the application for the purchase thereof, and when delivered such firearm shall be securely wrapped and shall be unloaded. When neither party to the transaction holds a dealers' license, no person shall sell or otherwise transfer any such firearm to any other person within this state who is not personally known to the vendor. Any violation of the provisions of this section shall be a misdemeanor.

Section 11. The duly constituted licensing authorities of any city, county, town or other municipality within this state may grant licenses in form prescribed by the attorney general, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the said city, county, town or other municipality pistols, revolvers and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

3. No pistol or revolver shall be delivered:

(a) On the day of the application for the purchase, and when delivered shall be unloaded and securely wrapped; or

(b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

4. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of said premises where it can readily be seen.

Section 12. Any person who, without being licensed as above provided, engages in the business of selling or otherwise transferring, or who advertises for sale or offers or exposes for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person is guilty of a misdemeanor.

Section 13. No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol or revolver. Possession of any such firearm upon which the same shall have been changed, altered, removed or obliterated, shall be presumptive evidence that such possessor has changed, altered, removed or obliterated the same. Violation of this section shall be punished by imprisonment in the state penitentiary for not more than five years.

Section 14. All permits heretofore issued within this state permitting the carrying of pistols or revolvers concealed upon the person shall expire at midnight of June 1, 1925.

Section 15. This act shall not apply to antique pistols or revolvers incapable of use as such.

Section 16. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, subsection,

sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 17. All acts and parts of acts in conflict herewith are hereby repealed.

Approved by the governor February 26, 1925.

Filed in the office of the secretary of state February 26, 1925.

## CHAPTER 261

### AN ACT

[H. B. 460]

Providing for the election of county school superintendents in certain counties, prescribing their powers and duties and providing for payment of salaries and expenses of the office.

*Be It Enacted by the People of the State of Oregon:*

Section 1. In all counties of this state having a population of 25,000 or more children of school age the county superintendent of schools shall have jurisdiction only of the schools of that county as shall be outside of the corporate limits of districts of the first class. He shall be elected at the biennial election in the year 1928, and every four years thereafter, by the legal voters of the county outside of districts of the first class. He shall take his office on the first Monday of January following his election; provided, that the present county school superintendent at no decrease in salary shall be ex officio county school superintendent until the expiration of his term of office. In districts of the first class, in addition to the authority now conferred upon the city superintendent of such districts, said city superintendent shall be and he hereby is vested with the authority now exercised by the county school superintendent in such districts and all reports heretofore rendered by said district to the \*[county school superintendent shall be made to the] state superintendent of public instruction.

Section 2. In all counties coming under the provisions of this act the salaries of the county school superintendent, assistant superintendents, and all expenses for clerical help, traveling expenses or for any other expenses of the office of said county school superintendent shall be paid from a fund known as the county school superintendent's fund, hereinafter provided, by warrants drawn on this fund in the same manner that warrants may be drawn for the salaries for other county officials

Section 3. In all counties coming under the provisions of this act on the first Monday of November of each year the

\* The phrase inclosed in brackets appears in the engrossed bill, but was omitted in the enrolled act.

vent the state treasurer from deducting at any time, from any moneys which may be due from the commonwealth to the delinquent city or town, the whole or any part of said tax, with the interest accrued thereon, which shall remain unpaid. *Approved April 27, 1927.*

Deduction of tax from money due from commonwealth.

AN ACT RELATIVE TO THE CHOICE OF A THIRD MEMBER OF THE STATE BOARD OF RETIREMENT. *Chap.325*

*Whereas*, The deferred operation of this act would in part defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

*Be it enacted, etc., as follows:*

Chapter ten of the General Laws is hereby amended by striking out section eighteen and inserting in place thereof the following: — *Section 18.* There shall be a state board of retirement serving in the department, consisting of three members, one of whom shall be the state treasurer, ex officio, who shall be chairman, a second member elected by the state retirement association established under section two of chapter thirty-two from among their number in such manner as the commissioner of insurance may determine, and a third member chosen by the other two. If the third member is not so chosen within thirty days after the election of the second, the governor shall appoint the third member for a term of three years. Upon the expiration of the term of office of an elected, chosen or appointed member or in case of a vacancy in either of said offices, his successor shall be elected, chosen or appointed as aforesaid for three years. *Approved April 27, 1927.*

G. L. 10, § 18, amended.

State board of retirement, members, election.

Expirations and vacancies.

AN ACT RELATIVE TO MACHINE GUNS AND OTHER FIREARMS. *Chap.326*

*Be it enacted, etc., as follows:*

SECTION 1. Chapter one hundred and forty of the General Laws, as amended in section one hundred and twenty-one by section one of chapter four hundred and eighty-five of the acts of nineteen hundred and twenty-two, is hereby further amended by striking out said section one hundred and twenty-one and inserting in place thereof the following: — *Section 121.* In sections one hundred and twenty-two to one hundred and twenty-nine, inclusive, "firearms" includes a pistol, revolver or other weapon of any description, loaded or unloaded, from which a shot or bullet can be discharged and of which the length of barrel, not including any revolving, detachable or magazine breech, does not exceed twelve inches, and a machine gun, irrespective of the length of the barrel. Any gun of small arm calibre designed for rapid fire and operated by a mechanism, or any gun which operates automatically after the first shot has been fired, either by gas action or recoil action,

G. L. 140, § 121, etc., amended.

Definition of "firearms."

Definition of "machine gun."



Words "purchase" and "sale" to include exchange, word "purchaser" to include exchanger, and verbs "sell" and "purchase" to include verb exchange.

Sections not applicable to certain firearms.

G. L. 140, § 123, etc., amended.

Conditions of license to sell, rent or lease certain firearms.

shall be deemed to be a machine gun for the purposes of said sections, and of sections one hundred and thirty-one and one hundred and thirty-one B. As used in this section and in sections one hundred and twenty-two to one hundred and thirty-one A, the words "purchase" and "sale" shall include exchange, the word "purchaser" shall include exchanger, and the verbs "sell" and "purchase", in their different forms and tenses, shall include the verb exchange in its appropriate form and tense. Said sections one hundred and twenty-two to one hundred and twenty-nine, inclusive, shall not apply to antique firearms incapable of use as firearms nor to sales of firearms at wholesale.

SECTION 2. Said chapter one hundred and forty, as amended in section one hundred and twenty-three by section four of said chapter four hundred and eighty-five, by section one of chapter two hundred and eighty-four of the acts of nineteen hundred and twenty-five and by section one of chapter three hundred and ninety-five of the acts of nineteen hundred and twenty-six, is hereby further amended by striking out said section one hundred and twenty-three and inserting in place thereof the following: — *Section 123.* The license shall be expressed to be and shall be subject to the following conditions: First, That the provisions in regard to the nature of the license and the building in which the business may be carried on under it shall be strictly adhered to. Second, That every licensee shall before delivery of a firearm make or cause to be made a true entry in a sales record book to be furnished by the licensing authorities and to be kept for that purpose, specifying the description of the firearm, the make, number, whether single barrel, magazine, revolver, pin, rim or central fire, whether sold, rented or leased, the date and hour of such delivery, and shall, before delivery as aforesaid, require the purchaser, renter or lessee personally to write in said sales record book his full name, sex, residence and occupation. The said book shall be open at all times to the inspection of the licensing authorities and of the police. Third, That the license or a copy thereof, certified by the recording officer of the licensing authorities or by the clerk of the town by which it is issued, shall be displayed on the premises in a position where it can easily be read. Fourth, That no firearms shall be displayed in any outer window of said premises or in any other place where they can readily be seen from the outside. Fifth, That the licensee shall, once a week, send a copy of the record of sales, rentals and leases made by him for the preceding seven days to the licensing authorities and to the commissioner of public safety. Sixth, That every firearm shall be delivered securely wrapped and fastened and shall be unloaded when delivered. Seventh, That no delivery of a pistol or revolver shall be made on the day of application for the purchase, rental or lease thereof, except to a person having a license to carry the

same issued under section one hundred and thirty-one. Eighth, That no pistol or revolver shall be sold, rented or leased to a person who has not a permit, then in force, to purchase, rent or lease the same issued under section one hundred and thirty-one A, and that no machine gun shall be sold, rented or leased to a person who has not a license to possess the same issued under section one hundred and thirty-one. Ninth, That upon a sale, rental or lease of a pistol or revolver, the licensee under section one hundred and twenty-two shall take up such permit and shall endorse upon it the time and place of said sale, rental or lease, and shall forthwith transmit the same to the commissioner of public safety, and that upon the sale, rental or lease of a machine gun shall endorse upon the license to possess the same the time and place of said sale, rental or lease, and shall forthwith transmit a notice thereof to said commissioner. Tenth, That this license shall be subject to forfeiture as provided in section one hundred and twenty-five for breach of any of its conditions, and that, if the licensee hereunder is convicted of a violation of any such condition, this license shall thereupon become void.

Conditions of licenses to sell, rent or lease certain firearms.

SECTION 3. Section one hundred and thirty-one of said chapter one hundred and forty, as amended by section nine of said chapter four hundred and eighty-five and by section four of said chapter two hundred and eighty-four, is hereby further amended by inserting after the word "commonwealth" in the twelfth line the words:— or to possess therein a machine gun, — so as to read as follows:— *Section 131.* The justice of a court or a trial justice, the board of police or mayor of a city, the selectmen of a town, or the commissioner of public safety, or persons authorized by them, may, upon the application of any person residing or having a place of business within the jurisdiction of the person or body issuing the license, except an unnaturalized person, a person who has been convicted of a felony or of the unlawful use or sale of drugs or a minor other than one fifteen years of age or over in the employ of a bank, public utility corporation or business of a similar nature whose application is endorsed by his employer, issue a license to such applicant to carry a pistol or revolver in the commonwealth or to possess therein a machine gun, if it appears that he has good reason to fear an injury to his person or property or for any other proper purpose, and that he is a suitable person to be so licensed. Such license shall be issued for a term not to exceed one year, but may be for a less period, and all such licenses shall be revocable at the will of the person or body issuing the same, who shall forthwith send written notice of such revocation to the commissioner of public safety. Said licenses shall be issued on forms furnished by said commissioner and a copy of every license so issued shall within one week after the granting thereof be sent to the said commissioner. Whoever issues

G. L. 140, § 131, et al., amended.

License to carry pistols or revolvers, or possess machine gun, issuance to certain persons, etc.

Duration of license.

Revocation.

Form, etc.

Penalty.

a license in violation of this section shall be punished by imprisonment for not less than six months nor more than two years in a jail or house of correction.

G. L. 140,  
§ 131B, etc.,  
amended.

SECTION 4. Section one hundred and thirty-one B of said chapter one hundred and forty, inserted by section three of said chapter three hundred and ninety-five, is hereby amended by striking out the word "or" where it occurs a second time in the second line and inserting in place thereof a comma and also by inserting after the word "revolver" in the same line the words: — or machine gun, — so as to read as follows: — *Section 131B.* Whoever loans money secured by mortgage, deposit or pledge of a pistol, revolver or machine gun shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or by both.

Penalty for  
loans of money  
on pistol,  
revolver or  
machine gun.

G. L. 209,  
§ 10, etc.,  
amended.

SECTION 5. Section ten of chapter two hundred and sixty-nine of the General Laws, as amended by section one of chapter two hundred and forty-eight of the acts of nineteen hundred and twenty-three and by section five of said chapter two hundred and eighty-four, is hereby further amended by inserting after the word "unloaded" in the third line the words: — , or possesses a machine gun as defined in section one hundred and twenty-one of chapter one hundred and forty, — so as to read as follows: — *Section 10.* Whoever, except as provided by law, carries on his person, or carries on his person or under his control in a vehicle, a pistol or revolver, loaded or unloaded, or possesses a machine gun as defined in section one hundred and twenty-one of chapter one hundred and forty, without permission under section one hundred and thirty-one of chapter one hundred and forty, or whoever so carries any stiletto, dagger, dirk knife, slung shot, metallic knuckles or sawed off shotgun, or whoever, when arrested upon a warrant for an alleged crime or when arrested while committing a crime or a breach or disturbance of the public peace, is armed with, or has on his person, or has on his person or under his control in a vehicle, a billy or dangerous weapon other than those herein mentioned, shall be punished by imprisonment for not less than six months nor more than two and one half years in a jail or house of correction or for not less than two and one half years nor more than five years in the state prison, and upon conviction the pistol or other article shall be confiscated by the commonwealth. The pistol or article so confiscated shall, by the authority of the written order of the court or trial justice, be forwarded by common carrier to the commissioner of public safety, who, upon receipt of the same, shall notify said court or justice thereof. Said commissioner may sell or destroy the same, and, in case of a sale, after paying the cost of forwarding the article, shall pay over the net proceeds to the commonwealth.

Penalty for  
carrying  
dangerous  
weapons or  
possessing  
machine gun  
without per-  
mission, etc.

Confiscation.

Forwarding to  
commissioner  
of public  
safety, etc.

*Approved April 27, 1927.*

other purpose. Such persons shall hold office during the term of their employment by the state highway department but the authority herein vested shall cease upon the termination of such employment. The persons so appointed shall by reason of such appointment be members of the department of public safety during the terms of such appointment but shall serve without pay as members thereof.

Approved June 2, 1927.

[No. 372.]

AN ACT to regulate and license the selling, purchasing, possessing and carrying of certain firearms; to prohibit the buying, selling or carrying of certain firearms without a license therefor; to prohibit the possession of certain weapons and attachments; to prohibit the pawning of certain firearms; to prohibit the sale, offering for sale, or possession for the purpose of sale of written or printed matter containing any offer to sell or deliver certain firearms or devices within this state; to provide penalties for the violations of this act, and to repeal act number two hundred seventy-four of the public acts of nineteen hundred eleven, being sections fifteen thousand two hundred thirty-six, fifteen thousand two hundred thirty-seven, fifteen thousand two hundred thirty-eight, fifteen thousand two hundred thirty-nine, fifteen thousand two hundred forty, fifteen thousand two hundred forty-one, fifteen thousand two hundred forty-two, fifteen thousand two hundred forty-three, fifteen thousand two hundred forty-four, fifteen thousand two hundred forty-five and fifteen thousand two hundred forty-six of the compiled laws of nineteen hundred fifteen; act number three hundred thirteen of the public acts of nineteen hundred twenty-five; and section sixteen of chapter one hundred sixty-two of the revised statutes of eighteen hundred forty-six, being section fifteen thousand six hundred forty-one of the compiled laws of nineteen hundred fifteen.

*The People of the State of Michigan enact:*

SECTION 1. The word "pistol" as used in this act shall mean any firearm, loaded or unloaded, thirty inches or less in length. The word "purchaser" shall mean any person who receives a pistol from another by purchase, gift or loan. The word "seller" shall mean any person who sells, furnishes, loans or gives a pistol to another.

Words defined.

SEC. 2. No person shall purchase a pistol as defined in this act without first having obtained a license therefor as

License before purchase.

prescribed herein. The commissioner or chief of police, or his duly authorized deputy, in incorporated cities or in incorporated villages having an organized department of police, and the sheriff, or his authorized deputy, in parts of the respective counties not included within incorporated cities or villages, are hereby authorized to issue licenses to purchase pistols to applicants residing within the respective territories herein mentioned. No such license shall be granted to any person except he be nineteen years of age or over, and has resided in this state six months or more, and in no event shall such a license be issued to a person who has been convicted of a felony or adjudged insane in this state or elsewhere. Applications for such licenses shall be signed by the applicant under oath upon forms provided by the commissioner of public safety. Licenses to purchase pistols shall be executed in duplicate upon forms provided by the commissioner of public safety and shall be signed by the licensing authority. One copy of such license shall be delivered to the applicant and the duplicate of such license shall be retained by such licensing authority as a permanent official record for a period of six years. Such license shall be void unless used within ten days after the date of its issue. Any person who shall sell to another any pistol as defined in this act without complying with the requirements of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars or imprisonment in the county jail not more than ninety days, or both such fine and imprisonment in the discretion of the court. Such license shall be signed in ink by the holder thereof in the presence of the person selling, loaning or giving a pistol to such licensee and shall thereupon be taken up by such person, signed by him in ink and shall be delivered or sent by registered mail within forty-eight hours to the commissioner of public safety. The seller shall certify upon said license in the space provided therefor the name of the person to whom such pistol was delivered, the make, style, calibre and number of such pistol, and shall further certify that such purchaser signed his name on said license in the presence of the seller. The provisions of this section shall not apply to the purchase of pistols from wholesalers by dealers regularly engaged in the business of selling pistols at retail, nor to the sale, barter or exchange of pistols kept solely as relics, souvenirs or curios.

**Sec. 3.** It shall be unlawful within this state to manufacture, sell, offer for sale, or possess any machine gun or firearm which can be fired more than sixteen times without reloading, or any muffler, silencer or device for deadening or muffling the sound of a discharged firearm, or any bomb or bombshell, or any blackjack, slung shot, billy, metallic knuckles, sandclub, sandbag or bludgeon. Any person convicted of a violation of this section shall be guilty of a felony and shall be punished by a fine not exceeding one thousand

To whom granted.

Executed in duplicate.

Misdemeanor; penalty.

Unlawful to manufacture, etc., certain firearms, etc.

Penalty for violation.

dollars or imprisonment in the state prison not more than five years, or by both such fine and imprisonment in the discretion of the court. The provisions of this section shall not apply, however, to any person, firm or corporation manufacturing firearms, explosives or munitions of war by virtue of any contracts with any department of the government of the United States, or with any foreign government, state, municipality or any subdivision thereof.

SEC. 4. Any person who, with intent to use the same unlawfully against the person of another, goes armed with a pistol or other firearm or dagger, dirk, razor, stiletto, or knife having a blade over three inches in length, or any other dangerous or deadly weapon or instrument, shall be guilty of a felony and on conviction thereof shall be punished by a fine not exceeding one thousand dollars or imprisonment in the state prison for not more than five years, or by both such fine and imprisonment in the discretion of the court.

Felony,  
what  
deemed.

Penalty.

SEC. 5. No person shall carry a dagger, dirk, stiletto or other dangerous weapon except hunting knives adapted and carried as such, concealed on or about his person, or whether concealed or otherwise in any vehicle operated or occupied by him, except in his dwelling house or place of business or on other land possessed by him. No person shall carry a pistol concealed on or about his person, or, whether concealed or otherwise, in any vehicle operated or occupied by him, except in his dwelling house or place of business or on other land possessed by him, without a license therefor as herein provided. Any person violating the provisions of this section shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars or imprisonment in the state prison for not more than five years, or by both such fine and imprisonment in the discretion of the court.

Unlawful to  
carry, etc.,  
dagger, etc.

SEC. 6. The prosecuting attorney, the commissioner or chief of police and the commissioner of public safety or their respective authorized deputies in incorporated cities or in incorporated villages having an organized department of police, and the prosecuting attorney, the commissioner of public safety or their authorized deputies, and the sheriff, under-sheriff or chief deputy sheriff in parts of the respective counties not included within incorporated cities or villages shall constitute boards exclusively authorized to issue licenses to carry pistols concealed on the person to applicants residing within the respective territories herein mentioned. The county clerk of each county shall be clerk of such licensing boards, which boards shall be known in law as "The Concealed Weapon Licensing Board." No such license to carry a pistol concealed on the person shall be granted to any person except he be nineteen years of age or over and has resided in this state six months or over, and in no event shall such license be issued unless it appears that the applicant has good reason to fear injury to his person or property, or has

Concealed  
weapon  
licensing  
board.

To whom  
license  
granted.

Chairman  
of board.

other proper reasons, and that he is a suitable person to be so licensed, and in no event to a person who has been convicted of a felony or adjudged insane in this state or elsewhere. The prosecuting attorney shall be the chairman of the said board, which shall convene at least once in each calendar month and at such other times as they shall be called to convene by the chairman. Such licenses shall be issued only upon written application signed by the applicant and on his oath and upon forms provided by the commissioner of public safety. Such licenses shall issue only with the approval of a majority of said board and shall be executed in triplicate upon forms provided by the commissioner of public safety and shall be signed in the name of the concealed weapon licensing board by the county clerk and the seal of the circuit court affixed thereto. One copy of such license shall be delivered to the applicant, the duplicate of said license shall be retained by the county clerk as a permanent official record for a period of six years, and the triplicate of such license shall be forwarded to the commissioner of public safety who shall file and index licenses so received by him and keep the same as a permanent official record for a period of six years. Each license shall be issued for a definite period of not more than one year, to be stated in the license, and no renewal of such license shall be granted except upon the filing of a new application. Every license issued hereunder shall bear the imprint of the right thumb of the licensee, or, if that be not possible, of the left thumb or some other finger of such licensee. Such licensee shall carry such license upon his person at all times when he may be carrying a pistol concealed upon his person and shall display such license upon the request of any peace officer.

Duration  
of license.

When license  
to expire.

SEC. 7. All licenses heretofore issued in this state permitting a person to carry a pistol concealed upon his person shall expire at midnight, December thirty-one, nineteen hundred twenty-seven.

When license  
revoked.

SEC. 8. The licensing board herein created by section six may revoke any license issued by it upon receiving a certificate of any magistrate showing that such licensee has been convicted of violating any of the provisions of this act, or has been convicted of a felony. Such license may also be revoked whenever in the judgment of said board the reason for granting such license shall have ceased to exist, or whenever said board shall for any reasonable cause determine said licensee to be an unfit person to carry a pistol concealed upon his person. No such license shall be revoked except upon written complaint and then only after a hearing by said board, of which at least seven days' notice shall be given to the licensee either by personal service or by registered mail to his last known address. The clerk of said licensing board is hereby authorized to administer an oath to any person testifying before such board at any such hearing.

**SEC. 9.** On or before the first day of November, nineteen hundred twenty-seven, any person within this state who owns or has in his possession a pistol as defined in this act, shall, if he reside in an incorporated city or an incorporated village having an organized police department, present such weapon for safety inspection to the commissioner or chief of police of such city or village; if such person reside in a part of the county not included within the corporate limits of such city or village he shall so present such pistol for safety inspection to the sheriff of such county. Any person owning or coming into possession of a pistol after the first day of November, nineteen hundred twenty-seven, shall forthwith present such pistol for safety inspection in the manner provided in this section. A certificate of inspection shall thereupon be issued in triplicate on a form provided by the commissioner of public safety, containing the name, age, address, description and signature of the person presenting such pistol for inspection, together with a full description thereof; the original of such certificate shall be delivered to the registrant; the duplicate thereof shall be mailed to the commissioner of public safety and filed and indexed by him and kept as a permanent official record for a period of six years, and the triplicate of such certificate shall be retained and filed in the office of said sheriff, or commissioner or chief of police, as the case may be. The provisions of this section shall not apply to wholesale or retail dealers in firearms or to collections of pistols kept solely for the purpose of display, as relics, souvenirs, curios or antiques, nor to weapons heretofore registered under the provisions of section eleven of act number three hundred thirteen of the public acts of nineteen hundred twenty-five. Any person who fails to comply with the provision of this section shall be guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment in the discretion of the court.

Safety inspection of weapons.

Certificate issued.

**SEC. 10.** No pawnbroker shall accept a pistol in pawn. Any person violating this section of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars or imprisonment in the county jail for not more than ninety days or by both such fine and imprisonment in the discretion of the court.

Pistol not accepted in pawn.

**SEC. 11.** No person shall wilfully alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identity of any pistol. Possession of any such firearm upon which the number shall have been altered, removed or obliterated, shall be presumptive evidence that such possessor has altered, removed or obliterated the same. Any person convicted under this section shall be punished by a fine not to exceed five hundred dollars or by imprisonment

Alteration of pistol unlawful.



in the state prison not to exceed two years or by both such fine and imprisonment in the discretion of the court.

Exceptions  
to act.

SEC. 12. The provisions of section two, three, five and nine shall not apply to any peace officer of the state or any subdivision thereof who is regularly employed and paid by the state or such subdivision, or to any member of the army, navy or marine corps of the United States, or of organizations authorized by law to purchase or receive weapons from the United States or from this state, nor to the national guard or other duly authorized military organizations when on duty or drill, nor to the members thereof in going to or returning from their customary places of assembly or practice, nor to a person licensed to carry a pistol concealed upon his person issued by another state, nor to the regular and ordinary transportation of pistols as merchandise, or to any person while carrying a pistol unloaded in a wrapper from the place of purchase to his home or place of business or to a place of repair or back to his home or place of business, or in moving goods from one place of abode or business to another.

When un-  
lawfully  
possessed.

SEC. 13. When complaint shall be made on oath to any magistrate authorized to issue warrants in criminal cases that any pistol or other weapon or device mentioned in this act is unlawfully possessed or carried by any person, such magistrate shall, if he be satisfied that there is reasonable cause to believe the matters in said complaint be true, issue his warrant directed to any peace officer, commanding him to search the person or place described in such complaint, and if such pistol, weapon or device be there found; to seize and hold the same as evidence of a violation of this act.

Forfeited to  
state.

SEC. 14. All pistols, weapons or devices carried or possessed contrary to this act are hereby declared forfeited to the state.

Certain  
books, etc.,  
unlawful to  
sell, etc.

SEC. 15. It shall be unlawful to sell or deliver within this state, or to offer or expose for sale, or to have in possession for the purpose of sale, any book, pamphlet, circular, magazine, newspaper or other form of written or printed matter offering to sell or deliver, or containing an offer to sell or deliver to any person within this state from any place without this state any pistol or any weapon or device mentioned in section three hereof. The provisions of this section shall not apply to sales of or offers to sell pistols at wholesale to persons regularly engaged in the business of selling such pistols at wholesale or retail, nor to sales or offers to sell such pistols made or authorized by the United States government or any department or agency thereof.

Penalty for  
violation.

SEC. 16. Any person violating the provisions of section fifteen of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed one hundred dollars or by imprisonment in the county jail not to exceed ninety days, or by both such fine and imprisonment in the discretion of the court.

Sec. 17. Act number two hundred seventy-four of the public acts of nineteen hundred eleven, being sections fifteen thousand two hundred thirty-six, fifteen thousand two hundred thirty-seven, fifteen thousand two hundred thirty-eight, fifteen thousand two hundred thirty-nine, fifteen thousand two hundred forty, fifteen thousand two hundred forty-one, fifteen thousand two hundred forty-two, fifteen thousand two hundred forty-three, fifteen thousand two hundred forty-four, fifteen thousand two hundred forty-five and fifteen thousand two hundred forty-six of the compiled laws of nineteen hundred fifteen; act number three hundred thirteen of the public acts of nineteen hundred twenty-five; and section sixteen of chapter one hundred sixty-two of the revised statutes of eighteen hundred forty-six, being section fifteen thousand six hundred forty-one of the compiled laws of nineteen hundred fifteen, are hereby repealed: *Provided, however,* That any proceedings pending under any of said sections herein repealed shall not be affected hereby but shall be concluded in accordance with the law of such repealed section or sections.

Acts repealed.

Proviso.

Sec. 18. This act is declared to be severable, and should any section hereof be hereafter declared unconstitutional or otherwise invalid, the remainder of the act shall not be affected thereby.

Savings clause.

Approved June 2, 1927.

[No. 373.]

AN ACT to amend section twenty-five of chapter thirty of act number three hundred fourteen of the public acts of nineteen hundred fifteen, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms of civil actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," being section thirteen thousand two hundred fifty-three of the compiled laws of nineteen hundred fifteen, as amended by act number two hundred forty-three of the public acts of nineteen hundred seventeen, and to add a new section there- to stand as section thirty-one.

*The People of the State of Michigan enact:*

SECTION 1. Section twenty-five of chapter thirty of act number three hundred fourteen of the public acts of nineteen hundred fifteen, as amended, shall be amended to read as follows:

Section amended.  
Add. 205

VII. MISCELLANEOUS.

Repealer. 25. All acts and parts of acts inconsistent with the provisions hereof are repealed in so far as applicable to the matters which are the subject of this act; *provided*, that nothing herein contained shall affect the practice and procedure prescribed under the State Motor Vehicle and Traffic acts.

As to constitutionality of act. 26. In case for any reason any section, part of section or provision of this act shall be questioned in any court, or determined to be unconstitutional or invalid, the same shall not in anywise affect any other section, part of section or provision of this act; *provided*, that in cities bordering on the Atlantic ocean having a population in excess of fifty thousand the salary shall not exceed six thousand dollars.

Proviso. 27. This act shall take effect immediately.  
Approved March 30, 1927.

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CHAPTER 321.

A Further Supplement to an act entitled "An act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Pawnbrokers not to deal in weapons. 1. No pawnbroker shall hereafter sell or have in his possession for sale or to loan or give away, any machine gun, automatic rifle, revolver, pistol, or other firearm, or other instrument of any kind known as a blackjack, slungshot, billy, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife, stiletto, bomb or other high explosive. Any pawnbroker violating the provisions of this act shall be guilty of a high misdemeanor and punished accordingly.

Penalty.

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2. Any person who shall commit or attempt to commit any assault, robbery, larceny, burglary, or breaking and entering, when armed with, or having in his possession, any revolver, pistol, or other firearm, or other instrument of any kind known as a blackjack, slungshot, billy, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife, stiletto, bomb or other high explosive, shall, in addition to the punishment provided for the crime, be punished on a first conviction by imprisonment for not more than five years; upon a second conviction for a period of not more than ten years; upon a third conviction by imprisonment for a period of not more than fifteen years; upon a fourth or subsequent conviction, by imprisonment for life, or for an additional period of not more than twenty years, in the discretion of the court; *provided, however*, the indictment or allegation shall aver that the person was armed with or had in his possession any such instrument and conviction is had thereon.

Additional Sentence for Armed Criminals.

Proviso.

3. In the trial of a person for committing or attempting to commit any crime enumerated in section two hereof, the fact that he was armed with or had in his possession any of the firearms or instruments enumerated in section one hereof without a license to carry the same, shall be prima facie evidence of his intention to commit said crime of violence.

Arms as evidence of intent.

The presence of a firearm in a vehicle is presumptive evidence of possession by all persons occupying or using the vehicle at the time.

Firearms in vehicle.

4. No person who shall have been convicted in this State or elsewhere of any of the crimes enumerated in section two hereof shall purchase, own, or have in his possession or under his control any of the firearms or instruments enumerated in section one hereof. Violation of this section shall be punished by imprisonment for not more than five years.

Convicted person not to have weapons.

Penalty.

5. Every person who manufactures, or who sells at wholesale, any of the firearms or instruments enumerated in section one hereof, shall be registered with the Secretary of State and shall furnish to the Secretary of State such particulars as may be prescribed by law for such registration; *provided*, that if the Secretary

Manufacturers of weapons registered.

Proviso.

of State is satisfied that any applicant for such registration cannot be permitted to carry on business as a manufacturer or wholesale dealer in the firearms or instruments enumerated in section one herof without danger to the public safety, he may refuse to register that person.

Certificate furnished.

The Secretary of State shall furnish to every person who is registered under this section, a certificate of registration.

Removal of name from registration list.

If any person desires to have his name removed from registration, or if the Secretary of State is satisfied that any person whose name is registered is no longer carrying on business as such manufacturer or wholesale dealer, or has ceased to have a place of business within the State, or cannot longer be permitted to carry on business as such manufacturer or wholesale dealer without danger to the public safety, he shall, after giving reasonable notice to such manufacturer or wholesale dealer and hearing thereon, cause the name of such person to be removed from registration. Any person aggrieved by the refusal of such State official to register him as such manufacturer or wholesale dealer, or by the removal of his name from registration, shall have a right of appeal to the Supreme Court of the State.

Appeal may be taken.

Record of sales.

Every manufacturer and wholesale dealer shall keep a detailed record of each firearm or instrument sold by him. Such record shall include date of sale, name of purchaser, description of arm, and serial number thereof. The information contained in such record shall be available to police and other public officials in the performance of their official duties.

Retail dealers licensed.

6. No retail dealer shall sell or expose for sale, or have in his possession with intent to sell, any of the firearms or instruments enumerated in section one herof without being licensed as hereafter provided.

Licenses granted by Common Pleas judge.

The Common Pleas judge of any court of this State, may, in his discretion, grant licenses in form prescribed by the Secretary of State, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the said city or town or political subdivision, pistols or revolvers, subject to the follow-

CHAPTER 321, LAWS OF 1927.

ing conditions, for breach of any of which the license shall be subject to forfeiture:

1. The business shall be carried on only in the building or buildings designated in the license.

Place;

2. The license or a copy thereof certified by the issuing authority shall be displayed in a conspicuous place on the premises where it can be easily read.

License displayed;

3. No pistol or revolver, or imitation thereof, or placard advertising the sale thereof, shall be placed in any window or in any part of said premises where it can be readily seen from the outside.

No advertising;

4. No pistol or revolver shall be delivered (a) unless the purchaser shall have obtained a permit to purchase under the provisions of section nine; (b) until seven days shall have elapsed after the application for the permit; (c) unless the purchaser either is personally known to the seller or shall present evidence of his identity; (d) unless the pistol or revolver shall be unloaded and securely wrapped; *provided, however*, a permit to cover a pistol or revolver shall, for the purposes of this section and of section nine of this act, be equivalent to a permit to purchase a pistol or revolver.

Delivery to purchaser;

Proviso

5. A true record of every pistol or revolver sold shall be made in a book kept for the purpose, the form of which shall be prescribed by the Secretary of State and shall be personally signed by the person effecting the sale, and shall contain the date of the sale, the calibre, make, model, and manufacturer's number of the weapon, and the name, address and permit number of the purchaser.

Record kept by retailer;

No license to sell at retail shall be granted except as provided in this section.

Licensing;

Violation of any of the provisions of this section (viz. section six) shall be a misdemeanor.

Penalty.

7. Any person who shall knowingly sell any of the firearms or instruments enumerated in section one hereof to a minor under the age of eighteen years, or to a person not of sound mind, or to a drug addict, or to a person who has been convicted of committing or attempting to commit any of the crimes enumerated in section two hereof when armed with any of the firearms or instruments enumerated in section one hereof, shall be guilty of misdemeanor.

Sale to minors, etc., illegal.

Penalty for loaning on firearms.

8. Any person who loans money secured by mortgage, deposit or pledge of a pistol or revolver shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both.

Purchaser must have permit.

9. No person shall sell a pistol or revolver to another person unless the purchaser has first secured a permit to purchase or carry a pistol or revolver. No person of good character and who is of good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in other sections of this act, shall be denied a permit to purchase a pistol or revolver. The judge of any court within this State (except, however, justices of the peace), the sheriff of a county or the chief of police of a city, town or municipality shall upon application issue to any person qualified under the provisions of this section a permit to purchase a pistol or revolver, and the Secretary of State shall have concurrent jurisdiction to issue such permit in any case, notwithstanding it has been refused by any other licensing official, if in his opinion the applicant is qualified.

By whom granted.

Application for permit.

Applications for such permits shall be in form as prescribed by the Secretary of State and shall set forth the name, residence, place of business, age, occupation, sex, color, and physical description of the applicant, and shall state whether the applicant is a citizen, and whether he has ever been convicted of any of the crimes enumerated in section two hereof as defined in this act. Such application shall be signed by the applicant and shall contain as reference the names and addresses of two reputable citizens personally acquainted with him.

Blank forms.

Application blanks shall be obtainable from the Secretary of State and from any other officers authorized to grant such permit, and may be obtained from licensed retail dealers.

Fee.

The application, together with a fee of fifty cents, shall be delivered or forwarded to the licensing authority who shall investigate the same, and unless good cause for the denial thereof shall appear, shall grant said permit within seven days from the date of the receipt of the application. The permit shall be in form prescribed by the Secretary of State and shall be

Permit in triplicate.

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issued to the applicant in triplicate. The applicant shall deliver to the seller the permit in triplicate and the seller shall indorse on the back of each copy the make, model, calibre and serial number of the pistol or revolver, sold under the permit. One copy shall then be returned to the purchaser with the pistol or revolver, one copy shall be kept by the seller as a permanent record, and the third copy shall be forwarded by the seller within three days to the Secretary of State. If the permit is not granted, the fee shall be returned to the applicant.

Disposition of copies.

All fees for permits shall be paid into the general fund of the State if the permit be issued by the Secretary of State; to the municipality if the permit be issued by a municipal officer; in all other instances to the general fund of the county wherein the officer acts or the licensee resides or does business.

Disposition of fees.

A person shall not be restricted as to the number of pistols or revolvers he may purchase, if he applies for and obtains permits to purchase the same, but only one pistol or revolver shall be purchased or delivered on each permit.

One pistol to each permit.

10. The granting of permits to carry a revolver, pistol or other instrument, enumerated in section one hereof shall be under and according to the provisions of an act entitled "An act to amend an act entitled 'A further supplement to an act entitled "An act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight,' which supplementary act was approved March eleventh, nineteen hundred and twenty-four," and the supplements thereto and amendments thereof.

Act relative to granting permits.

11. No person shall, without a license therefor issued as provided in the statute referred to in the preceding section, carry a pistol or revolver in any vehicle or concealed on or about his person, except in his dwelling house or place of business or on land possessed by him; *provided, however,* that nothing in this act contained shall be construed in any way to apply to the United States marshal or his deputies, the sheriff, or the undersheriffs of any county, nor to the regularly employed members of any police department, nor to any special policemen appointed by the governing body of any

Carrying pistol without license.

Proviso—exceptions to act.



municipality of this State, nor to any prosecutor or assistant prosecutor of any county, regular fish and game wardens, constable, railway police, canal police, steamboat police, and prosecutor's detectives; nor to any member of the State Police, nor to any motor vehicle inspector; nor to any officer of the Society for the Prevention of Cruelty to Animals; nor to any prison or jail wardens or their deputies; nor to guards while in the employ of any banking or building and loan institution of this State; nor to any court attendant engaged in attending the Circuit Court, Court of Oyer and Terminer, Court of Common Pleas, or General Court of Quarter Sessions, justices of the peace; nor to the members of the Army, Navy or Marine Corps of the United States or of the National Guard when on duty; nor to duly authorized military organizations when under orders, nor to the members thereof when going to or from places of meeting of their respective organizations, carrying the weapons prescribed for such drill, exercise or parade; *and provided, further*, nothing in this act contained shall be construed to apply to any person having a written permit to carry any revolver, pistol or other firearm, when such permit has been obtained pursuant to the provisions of this act; nor to public utility corporations in the transportation of explosives; *provided, however*, that nothing herein contained shall prevent any person from keeping or carrying about his or her place of business, dwelling house or premises, any such revolver, pistol, firearm or other weapon, or from carrying the same from any place of purchase to his or her dwelling house or place of business, or from his or her dwelling house or place of business to any place where repairing is done, to have the same repaired and returned or to carry a gun, rifle or knife in the woods or fields or upon the waters of the State for the purpose of hunting or target practice. Whenever the words "pistol" or "revolver" are used in this act such words shall include a shotgun, rifle or other firearm with over-all length less than twenty-six inches.

Proviso.

Proviso

Definition of pistol.

Penalty for false information.

12. Any person who shall give or cause to be given false information in applying for a permit to purchase or a license to carry a pistol or revolver, or in purchasing

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or otherwise acquiring delivery of a pistol or revolver, shall be deemed to be guilty of a misdemeanor and shall be subject to the same penalty as is provided for the crime of misdemeanor in this State.

13. It shall be unlawful within this State to manufacture, sell, purchase or possess, except for military or police purposes, any muffler, silencer or device for deadening or muffling the sound of a firearm when discharged. Any violation of this section shall be a misdemeanor.

Mufflers forbidden.

14. Any person, except a duly appointed law enforcement officer, or a member of the Army, Navy, or Marine Corps of the United States, or of the National Guard or organized reserves when on duty, who possesses, or carries on or about his person or in a vehicle, a bomb or bomb shell, except for blasting or other commercial use, or who, with intent to use the same unlawfully against the person or property of another, possesses or carries any explosive substance, or any explosive liquid, gas or like substance, shall be guilty of a high misdemeanor.

As to bombs.

15. No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number, or other mark of identification of any pistol or revolver. Any violation of this section shall be a misdemeanor.

Not alter maker's name and number.

16. No property right shall exist in any firearms unlawfully possessed, carried or used, and all such firearms are hereby declared to be nuisances and forfeited to the State. When such forfeited firearms shall be taken from any person, they shall be surrendered to the sheriff of the county in which taken or to the head of the police department in cities or to the office of the prosecutor of the county. *Provided, however,* that if any such firearms shall be found to be the property of an innocent owner, it shall be returned to such owner if and when no longer needed for evidential purposes.

As to property right in firearms.

Proviso.

17. In the case of the conviction under this act of a person who is not a citizen of the United States, it shall be the duty of the clerk of the court in which such conviction is secured to certify the fact of such conviction to the proper officer of the United States Government having supervision of the deportation of aliens.

Conviction of aliens.

750

CHAPTERS 321 & 322, LAWS OF 1927.

Antiques, or-  
naments ex-  
cepted.

18. This act shall not apply to antique pistols unsuit-  
able for use as firearms and possessed as curiosities or  
ornaments.

Expiration of  
previous  
licenses.

19. All licenses heretofore issued within this State  
permitting the sale or purchase of pistols or revolvers  
shall expire ninety days after the passage of this act.

Repealer.

20. All acts or parts of acts inconsistent herewith  
are hereby repealed.

Approved March 30, 1927.

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CHAPTER 322.

An Amendment amending an act entitled "An act re-  
specting coroners" (Revision), approved March  
twenty-seventh, one thousand eight hundred and  
seventy-four.

BE IT ENACTED by the Senate and General Assembly  
of the State of New Jersey:

Section 26  
amended.

1. The twenty-sixth section of the act to which this  
is amendatory be and the same is hereby amended to  
read as follows:

Fees allowed  
coroners.

26. That the following fees shall be allowed:

To coroner, or person acting in his stead, for view-  
ing the body five dollars;

Mileage per mile, going and returning, ten cents, or  
actual carfare;

Sitting with jury at inquest each day, three dollars.

Taking deposition of witnesses at inquest, ten cents  
per folio, counting not more than two folios of manu-  
script to each page;

For every witness attending such inquest, when resi-  
dent in the county, fifty cents for each day, and when  
from a foreign county, one dollar a day, in which shall  
be included his or her going to and returning from the  
same, allowing one day for every thirty miles from  
and to his or her place or residence;

Jurors' fees.

Jurors' fees, twenty-five cents for each case; but in  
cases of special importance the board of chosen free-

op 3

L A W S  
OF THE  
STATE OF NEW YORK  
PASSED AT THE  
ONE HUNDRED AND FIFTY-FOURTH SESSION  
OF THE  
LEGISLATURE

BEGUN JANUARY SEVENTH, 1931, AND ENDED APRIL  
TENTH, 1931

ALSO CHAPTERS 773-799; PASSED AT THE EXTRAORDI-  
NARY SESSION OF THE LEGISLATURE, BEGUN  
AUGUST 25, 1931, AND ENDED SEPTEMBER 19, 1931

AT THE CITY OF ALBANY

AND ALSO OTHER MATTERS REQUIRED BY LAW TO  
BE PUBLISHED WITH THE SESSION LAWS

VOLS. I-II



ALBANY  
J. B. LYON COMPANY, STATE PRINTERS  
1931

## CHAPTER 792

**AN ACT to amend the penal law, in relation to the sale, possession, use and licensing of firearms**

Became a law September 22, 1931, with the approval of the Governor. Passed, on message of necessity, three-fifths being present

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

Section 1. Section eighteen hundred and ninety-six of the penal law is hereby amended to read as follows:

§ 1896. **Making and disposing of dangerous weapons.** A person who manufactures, or causes to be manufactured, or sells or keeps for sale, or offers, or gives, or disposes of any instrument or weapon of the kind usually known as a blackjack, a slungshot, billy, sandclub, sandbag, bludgeon, or metal knuckles, to any person; or a person who offers, sells, loans, leases, or gives any gun, revolver, pistol or other firearm or any airgun, springgun or other instrument or weapon in which the propelling force is a spring or air or any instrument or weapon commonly known as a toy pistol or in or upon which any loaded or blank cartridges are used, or may be used, or any loaded or blank cartridges or ammunition therefor, to any person under the age of sixteen years, is guilty of a misdemeanor. A person who sells or keeps for sale, or offers, or gives, or disposes of any instrument or weapon of the kind usually known as a machine-gun to any person is guilty of a felony, except that the manufacture of machine-guns as merchandise and the sale and shipment thereof direct to regularly constituted or appointed state or municipal police departments, sheriffs, policemen, and other peace officers, and to state prisons, penitentiaries and county jails, and to military and naval organizations shall be lawful.

§ 2. Subdivision one of section eighteen hundred and ninety-seven of the penal law is hereby amended to read as follows:

1. A person who attempts to use against another an imitation pistol, or who carries, or possesses any instrument or weapon of the kind commonly known as a black-jack, slungshot, billy, sandclub, sandbag, metal knuckles, bludgeon, or who, with intent to use the same unlawfully against another, carries or possesses a dagger, dirk, dangerous knife, razor, stiletto, imitation pistol, sawed off shot-gun, or any other dangerous or deadly instrument, or weapon, is guilty of a misdemeanor, and if he has been previously convicted of any crime he is guilty of a felony. This subdivision shall not apply to the use or possession of an instrument or weapon commonly known as a machine-gun.

§ 3. Section eighteen hundred and ninety-seven of the penal law is hereby amended by adding a new subdivision, to be subdivision one-a, to read as follows:

1-a. A machine-gun is a weapon of any description, irrespective of size, by whatever name known, loaded or unloaded, from which

a number of shots or bullets may be rapidly or automatically discharged from a magazine with one continuous pull of the trigger. A person who possesses or uses such machine-gun is guilty of a felony. The presence of such machine-gun in any room, dwelling, structure or vehicle shall be presumptive evidence of its illegal possession by all the persons occupying the place where such machine-gun is found. This subdivision shall not apply to possession of a machine-gun as authorized by the preceding section. Nor shall it apply to the possession or use of machine-guns in the discharge of their official duties by the state police, the warden, superintendent, headkeeper or deputy of any state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases, sheriffs, policemen, or other peace officers, nor to the possession or use of machine-guns by a person when on duty in the military or naval service of the United States or of this state, or in the postal service of the United States, nor to the possession by common carriers while being transported direct to any police department, military or naval organization, or person authorized by this section to possess and use the same.

§ 4. Section eighteen hundred and ninety-seven of the penal law is hereby amended by adding a new subdivision, to be subdivision nine-a, to read as follows:

9-a. No license shall be issued by the police commissioner of the city of New York except to a resident of that city. Outside of the city of New York, no license shall be issued by a judge or justice of a court of record except to a resident of the county in which the office of such judge or justice is located. A license may be issued, however, to a qualified person principally employed in such city or county and to a merchant or storekeeper having his principal place of business in such city or county.

§ 5. Subdivision ten of section eighteen hundred and ninety-seven of the penal law is hereby amended to read as follows:

10. The expense of providing a judge, justice or officer with blank applications, licenses and record books for carrying out the provisions of this section shall be a charge against the county, or the city of New York in the case of the police commissioner of such city which blank applications, licenses and record books shall, except in the city of New York, be approved as to form by the superintendent of state police. Such judge, justice or officer shall collect a fee of fifty cents for each license issued and shall pay the same into the treasury of the county or of such city, as the case may be. The application for any such license, if the license be granted, shall be filed by such judge, justice or officer in the office of the city or county clerk of the city or county, as the case may be, where the applicant resides, and in addition, a duplicate copy of the application shall be filed in the office of the executive department, division of state police, within ten days after the issuance of the license. Every such license shall specify the weapon or weapons for which the license

is issued and whether to be carried on the person or possessed on the premises and shall expire on the ensuing first day of January, provided, however, that any such license may be limited as to time to expire on a date fixed in the license prior to such date and provided, however, that, except in the city of New York, a license to a householder to possess a weapon upon certain premises shall not be limited in time but shall be revocable as herein provided. Each license issued to possess a weapon not to be carried on the person shall specify the place where the licensee shall possess the same. Each application for a license to carry a weapon on the person shall be accompanied by a photograph of the applicant in duplicate which photograph shall have been taken within thirty days prior to the filing of such application and one copy of which shall be attached to the license and the other remain with the application. Before a license is issued as provided in this section the officer to whom the application is made shall ascertain if the applicant has been convicted of crime and shall cause the finger prints of such applicant, except he be a householder, to be taken in duplicate. One original of such finger prints shall be filed in the office of the executive department, division of state police, within ten days after the license is issued and one shall remain on file in the office of the officer taking the same. No such finger print may be inspected by any person, other than a peace officer, except on order of a judge or justice of a court of record on such notice, if any, to the person to whom the license was issued as the judge or justice may determine. A person who has been convicted in this state or elsewhere of a felony or any one of the seven misdemeanors mentioned in section five hundred and fifty-two of the code of criminal procedure shall not be entitled to a license under this section. A license may be revoked and cancelled at any time by the police commissioner or elsewhere than in the city of New York, by any judge, or justice of a court of record. But if before the date of the expiration thereof, providing the license shall not have been cancelled or revoked, the licensee apply for a renewal, the term of such license shall thereby be extended until the application for renewal shall have been disposed of by such commissioner, judge or justice.

§ 6. Section eighteen hundred and ninety-seven of the penal law is hereby amended by adding a new subdivision, to be subdivision ten-a, to read as follows:

10-a. Every person while carrying or in possession of a weapon for which a license shall have been issued, shall have on his person the license issued to him under this section, and shall exhibit the same for inspection upon demand, to any policeman, state trooper or other peace officer. The failure of any person to exhibit his license as provided in this subdivision shall be presumptive evidence that such person is not duly licensed and shall cause a forfeiture of his license.

§ 7. Every license heretofore issued pursuant to section eighteen hundred and ninety-seven of the penal law, except to a house-

holder under subdivision eight thereof, and then in force, shall expire on the first day of October, nineteen hundred thirty-one.

§ 8. This act shall take effect October first, nineteen hundred thirty-one.

## CHAPTER 793

AN ACT to amend the penal law, in relation to disorderly conduct

Became a law September 22, 1931, with the approval of the Governor. Passed, on message of necessity, three-fifths being present

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

Section 1. Section seven hundred and twenty-two of the penal law is hereby amended to read as follows:

§ 722. **Disorderly conduct.** Any person who with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned, commits any of the following acts shall be deemed to have committed the offense of disorderly conduct:

1. Uses offensive, disorderly, threatening, abusive or insulting language, conduct or behavior;
2. Acts in such a manner as to annoy, disturb, interfere with, obstruct, or be offensive to others;
3. Congregates with others on a public street and refuses to move on when ordered by the police;
4. By his actions causes a crowd to collect, except when lawfully addressing such a crowd;
5. Shouts or makes a noise either outside or inside a building during the night time to the annoyance or disturbance of any considerable number of persons;
6. Interferes with any person in any place by jostling against such person or unnecessarily crowding him or by placing a hand in the proximity of such person's pocket, pocketbook or handbag;
7. Stations himself on the public street or follows pedestrians for the purpose of soliciting alms, or who solicits alms on the public streets unlawfully;
8. Frequents or loiters about any public place soliciting men for the purpose of committing a crime against nature or other lewdness;
9. Causes a disturbance in any street car, railroad car, omnibus or other public conveyance, by running through it, climbing through windows or upon the seats, or otherwise annoying passengers or employees therein;
10. Stands on sidewalks or street corners and makes insulting remarks to or about passing pedestrians or annoys such pedestrians;
11. Is engaged in some illegal occupation or who bears an evil reputation and with an unlawful purpose consorts with thieves and criminals or frequents unlawful resorts; provided, however,



*as having been inspected and passed or otherwise approved as being wholesome and fit for food.*

*(b) To affix or attach any stamp, brand, emblem, tag, or other marking to any meat or meat-food product, or to any container or wrapping or covering of any meat or meat-food product, indicating or suggesting that the meat or meat-food product was slaughtered, manufactured, or prepared under inspection, unless the stamp, brand, emblem, tag, or other marking shall have been previously approved and the use thereof authorized by the United States Department of Agriculture or the Pennsylvania Department of Agriculture or an incorporated or chartered or established municipality of the Commonwealth of Pennsylvania.*

Affixing or attaching stamp which has not been officially approved.

APPROVED—The 10th day of June, A. D. 1931.

GIFFORD PINCHOT

—  
No. 158

AN ACT

Regulating and licensing the sale, transfer, and possession of certain firearms; prescribing penalties, procedure, and rules of evidence; conferring powers and imposing duties on courts of quarter sessions, sheriffs, and heads of police departments; and to make uniform the law with reference thereto.

Section 1. Be it enacted, &c., That "firearm," as used in this act, means any pistol or revolver with a barrel less than twelve inches, any shotgun with a barrel less than twenty-four inches, or any rifle with a barrel less than fifteen inches.

The Uniform Firearms Act.

"Firearm," defined.

"Crime of violence," as used in this act, means any of the following crimes, or an attempt to commit any of the same, namely: murder, rape, mayhem, aggravated assault and battery, assault with intent to kill, robbery, burglary, breaking and entering with intent to commit a felony, and kidnapping.

"Crime of violence," defined.

"Person," as used in this act, includes firm, partnership, association, or corporation; and the masculine shall include the feminine and neuter.

"Person," defined.

Section 2. If any person shall commit or attempt to commit a crime of violence when armed with a firearm contrary to the provisions of this act, he may, in addition to the punishment provided for the crime, be punished also as provided by this act.

Crimes committed with firearms.

Additional punishment.

Section 3. In the trial of a person for committing or attempting to commit a crime of violence, the fact that he was armed with a firearm used or attempted to be used, and had no license to carry the same, shall

Evidence of intent.

be evidence of his intention to commit said crime of violence.

Former convict not to own a firearm, etc.

Section 4. No person who has been convicted in this Commonwealth or elsewhere of a crime of violence shall own a firearm, or have one in his possession or under his control.

Firearms not to be carried without a license.

Section 5. No person shall carry a firearm in any vehicle or concealed on or about his person, except in his place of abode or fixed place of business, without a license therefor as hereinafter provided.

Exceptions.

Section 6. The provisions of the preceding section shall not apply to constables, sheriffs, prison or jail wardens, or their deputies, policemen of the Commonwealth or its political subdivisions, or other law-enforcement officers; or to members of the army, navy or marine corps of the United States or of the national guard or organized reserves when on duty; or to the regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States or from this Commonwealth; or any organization incorporated under the laws of this Commonwealth engaged in target shooting with rifle, pistol or revolver, provided such members are at or are going to or from their places of assembly or target practice, or to officers or employes of the United States duly authorized to carry a concealed firearm, or to agents, messengers and other employes of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other property in the discharge of such duties, from carrying any such firearm while actually engaged in such duties; or to any person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of any such person, having in his possession, using or carrying a firearm in the usual or ordinary course of such business; or to any person while carrying a firearm unloaded and in a secure wrapper from the place of purchase to his home or place of business or to a place of repair or back to his home or place of business or in moving from one place of abode or business to another.

Police heads in cities and sheriffs in counties may issue licenses.

Section 7. The chief or head of any police force or police department of a city, and, elsewhere in this Commonwealth, the sheriff of a county, may, upon the application of any person, issue a license to such person to carry a firearm in a vehicle or concealed on or about his person within this Commonwealth for not more than one year from date of issue, if it appears that the applicant has good reason to fear an injury to his person or property, or has any other proper reason for carrying a firearm, and that he is a suitable person to be so

licensed. The license shall be in triplicate, in form to be prescribed by the Secretary of the Commonwealth, and shall bear the name, address, description, and signature of the licensee, and the reason given for desiring a license. The original thereof shall be delivered to the licensee, the duplicate shall, within seven days, be sent by registered mail to the Secretary of the Commonwealth, and the triplicate shall be preserved for six years by the authority issuing said license. The fee for issuing such license shall be fifty cents (\$0.50), which fee shall be paid into the county treasury, except that if the applicant exhibits a resident hunter's license issued to him for the current license year, the fee shall not be charged.

License to be issued in triplicate. Form.

Fee.

Any such license to carry firearms may be revoked by the person issuing the same, at any time, upon written notice to the holder thereof.

Revocation.

Section 8. No person shall deliver a firearm to any person under the age of eighteen, or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Persons to whom delivery shall not be made.

Section 9. No seller shall deliver a firearm to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said firearm shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a firearm, the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, length of barrel, make, model, and manufacturer's number of the firearm to be purchased, and a statement that he has never been convicted in this Commonwealth, or elsewhere, of a crime of violence. The seller shall, within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief or head of the police force or police department of the city or the sheriff of the county of which the seller is a resident; the duplicate, duly signed by the seller, shall, within seven days, be sent by him, with his address, to the Secretary of the Commonwealth, the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

Time and manner of delivery.

Statement to be signed by purchaser.

Duty of seller.

Sales at wholesale.

Section 10. No retail dealer shall sell, or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or transfer, any firearm without being licensed as hereinafter provided.

Retail dealer required to be licensed.

Section 11. The chief or head of any police force or police department of a city, and, elsewhere in this Commonwealth, the sheriff of the county, shall grant to

Issuance of licenses.

LAWS OF PENNSYLVANIA,

Form to be prescribed by Secretary of Commonwealth.

reputable applicants licenses, in form prescribed by the Secretary of the Commonwealth, effective for not more than one year from date of issue, permitting the licensee to sell firearms direct to the consumer within this Commonwealth, subject to the following conditions in addition to those specified in section nine hereof, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in this act:

Conditions.

Business place.

1. The business shall be carried on only in the building designated in the license;

Display of license.

2. The license, or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read;

Known identity of purchaser.

3. No firearm shall be sold (a) in violation of any provision of this act, nor (b) shall a firearm be sold, under any circumstances, unless the purchaser is personally known to the seller or shall present clear evidence of his identity;

Record.

4. A true record in triplicate shall be made of every firearm sold in a book kept for the purpose, the form of which may be prescribed by the Secretary of the Commonwealth, and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model, and manufacturer's number of the firearm, the name, address, occupation, color, and place of birth of the purchaser, and a statement signed by the purchaser that he has never been convicted in this Commonwealth, or elsewhere, of a crime of violence. One copy shall, within six hours, be sent by registered mail to the chief or head of the police force or police department of the city or the sheriff of the county of which the dealer is a resident; the duplicate, the dealer shall, within seven days, send to the Secretary of the Commonwealth; the triplicate, the dealer shall retain for six years.

Display of firearms prohibited.

5. No firearm or imitation thereof, or placard advertising the sale thereof, shall be displayed in any part of any premises where it can readily be seen from the outside.

License fee.

The fee for issuing said license shall be ten dollars (\$10.00), which fee shall be paid into the county treasury.

Revocation.

6. Any license granted under this section may be revoked by the person issuing the same, upon written notice to the holder thereof.

Petition to common pleas for reversal.

Section 12. Any applicant aggrieved by the refusal of his application for a license to carry a firearm or for a dealers license, or any person or retail dealer whose license has been revoked, may file, within thirty days thereafter, in the court of quarter sessions of his county,

a petition against the official who refused his application, as defendant, alleging therein, in brief detail, the refusal complained of and praying for a reversal thereof. Upon service of a copy of the petition upon the defendant, returnable within ten days from its date, the defendant shall, on or before the return day, file an answer in which he may allege by way of defense the reason for his refusal, and such other reasons as may in the meantime have been discovered. Thereupon, upon application of either party, the cause shall be heard without delay. The court may either sustain or reverse the action of the defendant. If the defendant's action is reversed, he shall forthwith issue the license upon payment of the fee. A judgment sustaining a refusal to grant a license shall not bar, after one year, a new application; nor shall a judgment in favor of the petitioner prevent the defendant from thereafter revoking or refusing to renew such license for any proper cause which may thereafter occur. The court shall have full power to dispose of all costs.

Procedure.

Section 13. No person shall make any loan secured by mortgage, deposit, or pledge of a firearm; nor shall any person lend or give a firearm to another or otherwise deliver a firearm contrary to the provisions of this act.

Loans on, or lending or giving firearms prohibited.

Section 14. No person shall, in purchasing or otherwise securing delivery of a firearm or in applying for a license to carry the same, give false information or offer false evidence of his identity.

False evidence of identity.

Section 15. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm. Possession of any firearm, upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same.

Altering or obliterating marks of identification.

Section 16. All licenses heretofore issued within this Commonwealth permitting the carrying of firearms concealed upon the person shall expire at midnight of the thirty-first day of August, one thousand nine hundred and thirty-one.

Expiration of present licenses.

Section 17. This act shall not apply to antique firearms unsuitable for use and possessed as curiosities or ornaments.

Antique firearms.

Section 18. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than three thousand dollars (\$3,000.00), or imprisonment for not more than three years, or both.

Violation.

Misdemeanor.

Penalty.

Section 19. If any part of this act is for any reason

Invalidity of part of act.

declared void, such invalidity shall not affect the validity of the remaining portions of this act.

Title of act

Section 20. This act may be cited as the "Uniform Firearms Act."

Uniformity.

Section 21. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Repeal.

Section 22. All acts or parts of acts inconsistent herewith are hereby repealed: Provided, however, That this act shall not repeal or in any manner affect any provisions of an act, approved the twenty-fifth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, seven hundred seventy-seven), entitled "An act prohibiting the sale, giving away, transfer, purchasing, owning, possession and use of machine guns; providing penalties; and providing for certain exemptions, and the granting of permits by sheriffs to own and possess machine guns as relics."

Act of April 25,  
1929 (P. L. 777),  
not repealed.

APPROVED—The 11th day of June, A. D. 1931.

GIFFORD PINCHOT

No. 159

AN ACT

To amend section three of the act, approved the ninth day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand seven hundred and two), entitled "An act regulating the closing of public highways and providing for the locating, marking, and maintenance of detours necessitated by such closing; requiring boroughs, cities, and towns to notify the Department of Highways of the creation and discontinuance of certain detours; providing penalties for removing, destroying, defacing signs erected for warning or detour purposes, and for driving on, over or across highways which are closed by the proper persons or authorities, except in certain cases; further providing that the authorities responsible for the maintenance of highways which have been damaged, or their agents or contractors, shall have the right to recover the amount of such damages from the person or persons responsible, in addition to the penalties herein provided; and repealing certain acts."

Highways.

Section 3, act of  
May 9, 1929 (P.  
L. 1702), amended.

Section 1. Be it enacted, &c., That section three of the act, approved the ninth day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand seven hundred two), entitled "An act regulating the closing of public highways and providing for the locating, marking, and maintenance of detours necessitated by such closing; requiring boroughs, cities and towns to notify the Department of Highways of the creation and discontinuance of certain detours; pro-

OCCUPATION TAX ON SALE OF PISTOLS.

H. B. No. 514.]

CHAPTER 267.

An Act imposing an occupation tax on certain persons engaging in the business of selling and otherwise disposing of pistols, as herein defined; providing for the obtaining of licenser by such persons; authoring counties and municipalities to impose a tax; providing for the keeping of records; prescribing conditions incident to the sale of pistols under named condttions and providing the Act shall not affect the law relating to the carrying of pistols; prescribing offenses and fixing punishments; repealing Article 7068; making exceptions, and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That hereafter there shall be collected from every person, firm or corporation engaging in the business of bartering, leasing, selling, exchanging, or otherwise dealing in pistols for profit, whether by wholesale or retail, an annual occupation tax of ten dollars (\$10), to be paid on or before January 1st of each year, and to be paid before continuing said business, within thirty (30) days from the effective date hereof. Before so engaging in said business, each such dealer shall obtain a license therefor, to be issued by the county tax collector of each county in which the applicant has a place of business, and for each separate place of business. The Comptroller of Public Accounts shall furnish said forms to the tax collectors.

SEC. 2. The commissioners court of the several counties, as well as municipalities, shall also have the power to levy and collect such a tax, equal to one-half of the amount herein levied.

SEC. 3. Each such dealer shall keep a permanent record of all such pistols bartered, leased, or otherwise disposed of, as above. Such record shall show the number of the pistol, name of the manufacturer, date of transaction, salesman, purchaser, and their addresses, which said record shall at all times be accessible to the Comptroller, prosecuting attorney, grand jury, and Attorney General, and a copy of this record shall be mailed to and filed for record with the State Adjutant General's Department. This filing to be made each three (3) months.

"Pistols," as used herein, shall include every kind of pistol, revolver, automatic, semi-automatic, magazine pistol, and every other such short firearm intended or designed to be aimed or fired from one hand.

SEC. 4. If any person shall knowingly sell, rent, or lease any pistol to a minor, or any other person under the heat of passion, he shall be guilty of a misdemeanor, or, if any person violates any of the provisions hereof, he shall be guilty of a misdemeanor, and upon conviction, punished by a fine of not less than ten dollars (\$10) nor more than two hundred dollars (\$200), provided that no person may purchase a pistol unless said purchaser has secured from a justice of the peace, county judge, or district judge, in the county of his or her residence a certifi-

cate of good character. Said certificate to be kept with the permanent record of the dealer. No person may purchase a pistol who has served a sentence for a felony.

Nothing in this bill shall affect the law against carrying pistols.

SEC. 5. That Article 7068 of the Revised Civil Statutes of 1925 be and the same is in all things repealed.

SEC. 6. Provided, however, that no such person shall be required to have a license or pay the tax where such person is engaged exclusively in selling pistols to the militia of the United States or other agencies of the Federal government authorized by law to purchase the same.

SEC. 7. The fact that there is no adequate tax on dealers in pistols, and that pistols are being sold by dealers to persons in the heat of passion, which should be prohibited, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and that this act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

Approved May 28, 1931.

Effective May 28, 1931.

[NOTE: H. B. No. 514 passed the House by a vote of 105 yeas, 0 nays; passed the Senate by a vote of 30 yeas, 0 nays.]

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## PROHIBITING MOLESTATION OF DEAD BODIES.

H. B. No. 993.]

CHAPTER 268.

An Act to amend Article 529 of the Penal Code, and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Article 529 of the Penal Code of Texas, revision of 1925, be, and the same is, hereby amended so as to hereafter read as follows:

"Art. 529. (511) (367) (345). Interference with Dead Bodies.—If any person not authorized by law or by a relative for the purpose of reinterment, shall disinter, disturb, remove, dissect, in whole or in part, or carry away, any human body or the remains thereof, or remove any jewels, apparel or anything therefrom, or shall conceal said body, knowing it to be so illegally disinterred, he shall be confined in the penitentiary for not more than twenty-five (25) years, or be confined in jail for not more than twelve (12) months, or fined nor more than five hundred dollars (\$500), or be punished by both such fine and imprisonment in jail."



## UNIFORM LAWS

### CHAPTER 208

(H. B. 212)

#### ADOPTING THE UNIFORM FIREARMS ACT

AN ACT Entitled, An Act Regulating the Sale, Transfer and Possession of Certain Firearms, Prescribing Penalties and Rules of Evidence, and to Make Uniform the Law with Reference Thereto.

*Be It Enacted by the Legislature of the State of South Dakota:*

Section 1. DEFINITIONS. "Pistol," as used in this Act, means any firearm with barrel less than twelve inches in length.

"Crime of Violence," as used in this Act, means any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, kidnapping and larceny.

"Person," as used in this Act, includes firm, partnership, association or corporation.

Section 2. COMMITTING CRIME WHEN ARMED. If any person shall commit or attempt to commit a crime of violence when armed with a pistol, he may in addition to the punishment provided for the crime, be punished also as provided by this Act.

Section 3. BEING ARMED PRIMA FACIE EVIDENCE OF INTENT. In the trial of a person for committing or attempting to commit a crime of violence, the fact that he was armed with a pistol and had no license to carry the same shall be PRIMA FACIE evidence of his intention to commit said crime of violence.

Section 4. CERTAIN PERSONS FORBIDDEN TO POSSESS ARMS. No person who has been convicted in this State or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

Section 5. CARRYING PISTOL. No person shall carry a pistol in any vehicle or concealed on or about his person, except in his place of abode or fixed place of business, without a license therefor as hereinafter provided.

Section 6. EXCEPTION. The provisions of the preceding Section shall not apply to marshals, sheriffs, prison or jail wardens or their deputies, policemen or other law-enforcement officers or employees of railway or express companies while on duty, or to members of the army, navy, or marine corps of the United States or of the national guard or organized reserves when on duty, or to the regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States or from this state, provided such members are at or are going to or from their places of assembly or target practice, or to officers or employees of the United States duly authorized to carry a concealed pistol, or to any person engaged in the business of manufacturing, repairing, or dealing in firearms or the agent or representative of any such person having in his possession, using, or carry-

ing a pistol in the usual or ordinary course of such business, or to any person while carrying a pistol unloaded and in a secure wrapper from the place of purchase to his home or place of business or to a place of repair or back to his home or place of business or in moving from one place of abode or business to another.

Section 7. **ISSUE OF LICENSES TO CARRY.** The judge of a court of record, the chief of police of a municipality, the sheriff of a county, may upon the application of any person issue a license to such person to carry a pistol in a vehicle or concealed on or about his person within this State for not more than one year from date of issue, if it appears that the applicant has good reason to fear an injury to his person or property, or has any other proper reason for carrying a pistol, and that he is a suitable person to be so licensed. The license shall be in triplicate, in form to be prescribed by the Secretary of State, and shall bear the name, address, description, and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the Secretary of State, and the triplicate shall be preserved for six years by the authority issuing said license. The fee for issuing such license shall be \$.50, which fee shall be collected by the official issuing such license, and shall be remitted by him to the State Treasurer.

Section 8. **DELIVERY TO MINORS AND OTHERS FORBIDDEN.** No person shall deliver a pistol to any person under the age of eighteen or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Section 9. **SALES REGULATED.** No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model, and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this State or elsewhere of a crime of violence. The seller shall within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief of police of the municipality or the sheriff of the county of which the seller is a resident; the duplicate duly signed by the seller shall within seven days be sent by him with his address to the Secretary of State; the triplicate he shall retain for six years. This Section shall not apply to sales at wholesale.

Section 10. **DEALERS TO BE LICENSED.** No retail dealer shall sell, or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

Section 11. **DEALERS' LICENSES, BY WHOM GRANTED AND CONDITIONS THEREOF.** The duly constituted licensing authorities of any city, town, or political subdivision of this state may grant licenses in forms prescribed by the Secretary of State effective for not more than one year from date of issue, permitting the licensee to sell pistols at retail within this State subject to the following conditions in addition to those specified in Section 9 hereof, for breach of any of which

the license shall be forfeited and the licensee subject to punishment as provided in this Act.

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

3. No pistol shall be sold (a) in violation of any provision of this Act, nor (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

4. A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the Secretary of State and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, color, and place of birth of the purchaser, and a statement signed by the purchaser that he has never been convicted in this State or elsewhere of a crime of violence. One copy shall within six hours be sent by registered mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the Secretary of State; the triplicate the dealer shall retain for six years.

5. No pistol or imitation thereof or placard advertising the sale thereof shall be displayed in any part of any premises where it can readily be seen from the outside.

The fee for issuing said license shall be \$2.00, which fee shall be collected by the official issuing such license, and shall be remitted by him to the State Treasurer.

**Section 12. CERTAIN TRANSFERS FORBIDDEN.** No person shall make any loan secured by a mortgage, deposit, or pledge of a pistol; nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this Act.

**Section 13. FALSE INFORMATION FORBIDDEN.** No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

**Section 14. ALTERATION OF IDENTIFYING MARKS PROHIBITED.** No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be PRIMA FACIE evidence that the possessor has changed, altered, removed or obliterated the same.

**Section 15. EXCEPTIONS.** This Act shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

**Section 16. PENALTIES.** Any violation of any provision of this Act constitutes an offense punishable by a fine not exceeding One Hundred Dollars (\$100.00), or imprisonment for not more than one year, or both.

**Section 17. CONSTITUTIONALITY.** If any part of this Act is for any reason declared void, such invalidity shall not affect the validity of the remaining portions of this Act.

**Section 18. SHORT TITLE.** This Act may be cited as the "Uniform Firearms Act".

Section 19. UNIFORM INTERPRETATION. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Section 20. CERTAIN ACTS REPEALED. All Acts or parts of Acts in conflict with or inconsistent with the provisions of this Act are hereby repealed.

Approved March 14, 1935.

## CHAPTER 209

(H. B. 213)

### ADOPTING THE UNIFORM NARCOTIC DRUG ACT

AN ACT Entitled, An Act Defining and Relating to Narcotic Drugs and to Make Uniform the Law with Reference Thereto.

*Be It Enacted by the Legislature of the State of South Dakota:*

Section 1. Definitions. The following words and phrases, as used in this Act, shall have the following meanings, unless the context otherwise requires:

(1) "Person" includes any corporation, association, co-partnership, or one or more individuals.

(2) "Physician" means a person authorized by law to practice medicine in this State and any other person authorized by law to treat sick and injured human beings in this State and to use narcotic drugs in connection with such treatment.

(3) "Dentist" means a person authorized by law to practice dentistry in this State.

(4) "Veterinarian" means a person authorized by law to practice veterinary medicine in this State.

(5) "Manufacturer" means a person who by compounding, mixing, cultivating, growing, or other process, produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions.

(6) "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced nor prepared, on official written orders, but not on prescriptions.

(7) "Apothecary" means a licensed pharmacist as defined by the laws of this State and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this Act shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this State.

(8) "Hospital" means an institution for the care and treatment of the sick and injured, approved by the State Board of Health; as proper to be entrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, dentist, or veterinarian.

(9) "Laboratory" means a laboratory approved by the State Board of Health; as proper to be entrusted with the custody of narcotic drugs and the use of narcotic drugs for scientific and medical purposes and for purposes of instruction.

## CHAPTER 172.

[S. B. 147.]

## SHORT FIREARMS.

AN ACT relating to short firearms and other weapons; defining terms; regulating the sale, possession and use thereof; providing for certain licenses and fixing fees; defining certain crimes and prescribing penalties.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. "Short Firearm" as used in this act means any firearm with a barrel less than twelve (12) inches in length. Definitions.

"Crime of Violence" as used in this act means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

SEC. 2. *Committing Crime When Armed.* If any person shall commit or attempt to commit a crime of violence when armed with a pistol, he may in addition to the punishment provided for the crime, be punished also as provided by this act. Committing crime when armed.

SEC. 3. *Being Armed Prima Facie Evidence of Intent.* In the trial of a person for committing or attempting to commit a crime of violence, the fact that he was armed with a pistol and had no license to carry the same shall be prima facie evidence of his intention to commit said crime of violence. Prima facie evidence of intent.

SEC. 4. *Certain Persons Forbidden to Possess Arms.* No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control. Persons forbidden to possess arms.

SEC. 5. *Carrying Pistol.* No person shall carry a pistol in any vehicle or conceal on or about his person, except in his place of abode or fixed place Carrying pistol.

of business, without a license therefor as hereinafter provided.

Exception  
to preceding  
section.

SEC. 6. *Exception.* The provisions of the preceding section shall not apply to marshals, sheriffs, prison or jail wardens or their deputies, policemen or other law-enforcement officers, or to members of the army, navy or marine corps of the United States or of the national guard or organized reserves when on duty, or to regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States or from this state, or to regularly enrolled members of clubs organized for the purpose of target shooting and affiliated with a national shooting organization: *Provided,* Such members are at or are going to or from their places of assembly or target practice, or to officers or employees of the United States duly authorized to carry a concealed pistol, or to any person engaged in the business of manufacturing, repairing, or dealing in firearms or the agent or representative of any such person having in his possession, using, or carrying a pistol in the usual or ordinary course of such business, or to any person while carrying a pistol unloaded and in a secure wrapper from the place of purchase to his home or place of business or to a place of repair or back to his home or place of business or in moving from one place of abode or business to another.

Issue of  
licenses.

SEC. 7. *Issue of Licenses to Carry.* The judge of a court of record, the chief of police of a municipality, the sheriff of a county, shall upon the application of any person issue a license to such person to carry a pistol in a vehicle or concealed on or about his person within this state for not more than one year from date of issue, if it appears that the applicant has good reason to fear an injury to his person or property, or has any other proper reason for carrying a pistol, and that he is a suitable person

to be so licensed. The license shall be in triplicate, in form to be prescribed by the state director of licenses, and shall bear the name, address, description and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the director of licenses and the triplicate shall be preserved for six years, by the authority issuing said license. The fee for such license shall be one dollar (\$1.00) which shall be paid into the state treasury.

SEC. 8. *Delivery to Minors and Others Forbidden.* No person shall deliver a pistol to any person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Delivery to  
minors and  
forbidden  
persons.

SEC. 9. *Sales Regulated.* No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller shall within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief of police of the municipality or the sheriff of the county of which the seller is a resident; the duplicate duly signed by the seller shall within seven days be sent by him with his address to the director of licenses; the triplicate he shall

Sales  
regulated.

retain for six years. This section shall not apply to sales at wholesale.

Dealers to be licensed.

SEC. 10. *Dealers to be Licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

Dealer's licenses, by whom granted and conditions thereof.

SEC. 11. *Dealer's Licenses, by Whom Granted and Conditions Thereof.* The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of licenses effective for not more than one year from the date of issue permitting the licensee to sell pistols within this state subject to the following conditions in addition to those specified in section 9 hereof, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in this act.

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

3. No pistol shall be sold (a) in violation of any provisions of this act, nor (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

4. A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the director of licenses and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, color and place of birth of the purchaser and a statement signed by the purchaser that he



has never been convicted in this state or elsewhere of a crime of violence. One copy shall within six hours be sent by registered mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the director of licenses; the triplicate the dealer shall retain for six years.

5. No pistol or imitation thereof or placard advertising the sale thereof shall be displayed in any part of any premises where it can readily be seen from the outside.

The fee for issuing said license shall be five dollars (\$5.00) which fee shall be paid into the state treasury. Fee.

SEC. 12. *Certain Transfers Forbidden.* No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this act. Certain transfers forbidden.

SEC. 13. *False Information Forbidden.* No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity. False information forbidden.

SEC. 14. *Alteration of Identifying Marks Prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on Alteration of identifying marks prohibited.

any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same.

**Exceptions.** SEC. 15. *Exceptions.* This act shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

**Penalties.** SEC. 16. *Penalties.* Any violation of any provision of this act constitutes an offense punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than one year in the county jail or both, or by imprisonment in the penitentiary for not less than one year nor more than ten years.

**Partial invalidity.** SEC. 17. *Constitutionality.* If any part of this act is for any reason declared void, such invalidity shall not affect the validity of the remaining portions of this act.

**Short title.** SEC. 18. *Short Title.* This act may be cited as the "Uniform Firearms Act."

**Uniform interpretation.** SEC. 19. *Uniform Interpretation.* This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

**Effective date.** SEC. 20. *Effective Date.* This act shall take effect on the first day of July, 1935.

**Conflicting statutes repealed.** SEC. 21. *Certain Acts Repealed.* All laws or parts of laws inconsistent herewith are hereby repealed.

Passed the Senate February 26, 1935.

Passed the House March 14, 1935.

Approved by the Governor March 23, 1935.

STATE HEALTH DEPARTMENT. (1) The salary of the State Health Officer, \$3,600.00 for every year; (2) For other personal services \$193,500.00 for every year; (3) For other expenses including County Health Work \$202,900.00 for every year. 2. PASTEUR TREATMENTS: For Pasteur Treatments \$30,000.00 for every year. 3. STATE SERUM PLANT: Salaries and other expenses \$3,000.00—\$3,000.00. 4. STATE SERVICE COMMISSION: For compensation of Commissioner \$2,400.00; Other salaries \$8,000.00; Supplies and materials \$250.00; Postage, telephone and telegraph \$400.00; Printing and binding \$60.00; Travel Expense \$250.00; Insurance and bonding \$10.00; Rent, lights, heat and water \$630.00—\$12,000.00.

Section 2. This Act shall be effective from October 1, 1935.  
Approved April 3, 1936.

No. 82)

(S. 63—Simpson

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AN ACT

To regulate the sale, transfer and possession of certain types of firearms; to provide for the licensing of dealers and owners of such firearms; to fix rules of evidence in the Courts of this State in prosecutions for violations of this Act; to prescribe penalties for the violations of any provision hereinafter and to make uniform the law with reference thereto.

*Be It Enacted by the Legislature of Alabama:*

Section 1. DEFINITIONS: "Pistol" as used in this Act, means any firearm with barrel less than twelve inches in length. "Crime of Violence" as used in this Act, means any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping, and larceny. "Person" as used in this Act, includes firm, partnership, association or corporation.

Section 2. COMMITTING CRIME WHEN ARMED: If any person shall commit or attempt to commit a crime of violence when armed with a pistol, he may in addition to the punishment provided for the crime, be punished also as provided by this Act.

Section 3. BEING ARMED PRIMA FACIE EVIDENCE OF INTENT: In the trial of a person for committing or attempting to commit a crime of violence, the fact that he was armed with a pistol and had no license to carry the same shall be prima facie evidence of his intention to commit said crime of violence.

Section 4. CERTAIN PERSONS FORBIDDEN TO POSSESS ARMS: No person who has been convicted in this State or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

**Section 5. CARRYING PISTOL:** No person shall carry a pistol in any vehicle or concealed on or about his person, except in his place of abode or fixed place of business, without a license therefor as hereinafter provided.

**Section 6. EXCEPTION:** The provisions of the preceding section shall not apply to marshals, sheriffs, prison or jail wardens or their deputies, policemen or other law-enforcement officers, or to members of the Army, Navy or Marine Corps of the United States or of the National Guard or Organized Reserves when on duty, or to the regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States or from this State, provided such members are at or are going to or from their places of assembly or target practice, or to officers or employees of the United States duly authorized to carry a concealed pistol, or to any person engaged in the business of manufacturing, repairing, or dealing in firearms or the agent or representative of any such person having in his possession, using, or carrying a pistol in the usual or ordinary course of such business, or to any person while carrying a pistol unloaded and in a secure wrapper from the place of purchase to his home or place of business or to a place of repair or back to his home or place of business or in moving from one place of abode or business to another.

**Section 7. ISSUE OF LICENSES TO CARRY:** The Probate Judge, the Chief of Police of a municipality, the Sheriff of a County, may upon the application of any person issue a license to such person to carry a pistol in a vehicle or concealed on or about his person within this State for not more than one year from date of issue, if it appears that the applicant has good reason to fear an injury to his person or property, or has any other proper reason for carrying a pistol, and that he is a suitable person to be so licensed. The license shall be in triplicate, in form to be prescribed by the Secretary of State, and shall bear the name, address, description, and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the Secretary of State and the triplicate shall be preserved for six years, by the authority issuing said license. The fee for issuing such license shall be 50c (fifty cents) which fee shall be paid into the State Treasury.

**Section 8. DELIVERY TO MINORS AND OTHERS FORBIDDEN.** No person shall deliver a pistol to any person under the age of eighteen or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, and habitual drunkard, or of unsound mind.

**Section 9. SALES REGULATED:** No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof,

and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model, and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this State or elsewhere of a crime of violence. The seller shall within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief of police of the municipality or the sheriff of the county of which the seller is a resident; the duplicate duly signed by the seller shall within seven days be sent by him with his address to the Secretary of State; the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

Section 10. DEALERS TO BE LICENSED: No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

Section 11. DEALER'S LICENSES, BY WHOM GRANTED AND CONDITIONS THEREOF: The duly constituted licensing authorities of any city, town, or political subdivision of this State may grant licenses in forms prescribed by the Secretary of State, effective for not more than one year from date of issue, permitting the licensee to sell pistols at retail within this State subject to the following conditions in addition to those specified in Section 9 hereof, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in this Act. 1. The business shall be carried on only in the building designated in the license. 2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read. 3. No pistol shall be sold (a) in violation of any provision of this Act, nor (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity. 4. A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the Secretary of State and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, color and place of birth of purchaser and a statement signed by the purchaser that he has never been convicted in this State or elsewhere of a crime of violence. One copy shall within six hours be sent by registered mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the Secretary of State; the tripli-

cate the dealer shall retain for six years. 5. No pistol or imitation thereof or placard advertising the sale thereof shall be displayed in any part of any premises where it can readily be seen from the outside. The fee for issuing said license shall be 50c (fifty cents) which fee shall be paid into the State Treasury.

Section 12. CERTAIN TRANSFERS FORBIDDEN: No person shall make any loan secured by a mortgage, deposit, or pledge of a pistol contrary to this Act, nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this Act.

Section 13. FALSE INFORMATION FORBIDDEN: No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

Section 14. ALTERATION OF IDENTIFYING MARKS PROHIBITED: No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Section 15. EXISTING LICENSES REVOKED: All licenses heretofore issued within this State permitting the carrying of pistols concealed upon the person shall expire at midnight of the 1st day of October, 1936.

Section 16. EXCEPTIONS: This Act shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Section 17. PENALTIES: Any violation of any provision of this Act constitutes an offense punishable by a fine of not more than \$500.00 (five hundred dollars) or imprisonment for not more than one year, or both.

Section 18. CONSTITUTIONALITY: If any part of this Act is for any reason declared void, such invalidity shall not affect the validity of the remaining portions of this Act.

Section 19. SHORT TITLE: This Act may be cited as the "Uniform Firearms Act."

Section 20. It is hereby declared to be the Legislative intention in the passage of this Act to further aid in the suppression of crime and the Act is to be liberally construed to effectuate this purpose.

Section 21. EFFECTIVE DATE: This Act shall take effect on the 1st day of October, 1936.

Section 22. CERTAIN ACTS REPEALED: This Act is intended as an entire revision of the subject matter contained herein and all laws or parts of laws inconsistent herewith are hereby repealed.

Approved April 6, 1936.

# THE UNIFORM FIREARMS ACT

Recent Development of Firearms Legislation and History of Act—Proposed Measure Preserves Fundamental Provisions of Revolver Association Act—License to Carry As Against License to Purchase or Possess—Summary of Provisions

CHARLES V. IMLAY

*Chairman, Committee on Uniform Firearms Act, Conference of Commissioners on Uniform State Laws*

UNDER the head of "Current Legislation" in the September, 1925, number of this Journal,<sup>1</sup> Mr. Joseph P. Chamberlain reviewed under the title of "Legislatures and the Pistol Problem" a number of recent state statutes enacted to regulate the sale and possession of pistols and revolvers, the general trend of these enactments and their relation to prevailing laws in the various states. At the time Mr. Chamberlain's article was printed, the subject of firearms legislation had just been presented in an exhaustive report to the National Conference of Commissioners on Uniform State Laws by a committee of that body at its sessions in Detroit, August 25-31, 1925, and a first tentative draft of a proposed "Uniform Act to Regulate the Sale and Possession of Firearms" had been discussed in full by the Conference.<sup>2</sup> The proposed act was recommended by the Conference to its committee and was brought again before the Conference at its sessions in Denver, July 6-12, 1926, in the form of a second tentative draft. As a result, the Conference, after another full discussion, has approved and recommended for adoption by the states, the completed Uniform Firearms Act, which received the approval of the American Bar Association along with other acts presented to the Association at the same place on July 15th by the Standing Committee on Uniform State Laws.

When the subject matter of the Act was first brought to the attention of the National Conference at its meeting at Minneapolis in August, 1923, a movement in the direction of uniform firearms legislation inaugurated by the United States Revolver Association was well under way. That Association, a non-commercial organization of amateur experts in the use of revolvers, had through its legislative committee drafted a proposed uniform law, which had already been enacted in whole or in part in a number of states. The California Act of 1923<sup>3</sup> which had just been passed follows the Revolver Association Act very closely. North Dakota<sup>4</sup> had adopted it on March 7, 1923, practically verbatim. New Hampshire had on May 4, 1923,<sup>5</sup> adopted it with some changes.

Because then of the favor already shown the Revolver Association Act, as well as its intrinsic merits for clearness and simplicity, that law was made the model for discussion by the Conference. Although the draft finally approved by the Conference shows some variations from the model law in

the way of additions or omissions and in changes in phraseology, the fundamental principles of the model law have been preserved. And the decision of the committee of the Conference in selecting this model law has received further support in statutes passed since the matter of firearms legislation came before the Conference. The Indiana Act of 1925<sup>6</sup> is almost a verbatim adoption of the Revolver Association Law. And a number of the sections of the latter law are incorporated, without changes, into the Michigan Law of 1925:<sup>7</sup> some others being incorporated with changes. Recent acts in Connecticut,<sup>8</sup> New Jersey,<sup>9</sup> and Oregon,<sup>10</sup> contain more or less verbatim parts of the model law.

## Need for Uniformity

That there is need of more careful regulation of the use of firearms and in particular small firearms (the subject matter of the Uniform Act) is evident from the daily newspaper records of crimes of violence committed with the revolver. The same records attest the desirability of adopting no system of regulation which would prevent the law-abiding citizen from possessing firearms for the defense of his person and property. And the same exigencies which demand the regulation of the sale and use of firearms require that the laws upon the subject be uniform: for no matter how rigid the law of one state may be upon the subject, if the law of a neighboring state be lax, it is easy for the criminal to obtain his weapon in the latter and carry it into the former.

Schemes of regulation have heretofore ranged all the way from the proposal made in the French legislature some months ago that all persons be permitted to arm *ad libitum* to be prepared for the miscreant, to the suggestion made by one of the members of the Conference in the discussion in Detroit, that no one other than a peace officer under any circumstances be permitted to carry a revolver.<sup>11</sup> Nor has there been any serious effort made to regulate the subject by regulating the manufacture of weapons. The nearest approach to this method was the so-called "Shields Bill" introduced in the Senate, April 25, 1921,<sup>12</sup> which was designed to prohibit the transportation in interstate commerce of firearms other than those of army and navy makes. The bill failed of passage. (A more

1. American Bar Association Journal, Vol. XI, p. 596.  
2. Handbook Nat. Conf. Commissioners on Uniform State Laws, 1925, pp. 394, 316, 859.  
3. Cal. Laws 1923, Ch. 839.  
4. N. D. Laws, 1923, Ch. 266.  
5. N. H. Laws 1923, —.

6. Ind. Laws 1925, Ch. 207.  
7. Mich. Public Acts 1925—No. 812.  
8. Conn. Laws 1925, Ch. 252.  
9. N. J. Laws 1924, Ch. 137.  
10. Ore. Laws 1925, Ch. 839.  
11. Handbook Nat. Conf. Commissioners on Uniform State Laws, 1925, p. 331.  
12. S. 1184, 67th Cong.—1st Seas.

recent bill,<sup>13</sup> in the United States House of Representatives, along the same lines, also failed of passage). And no success has attended various other efforts to control the sale of firearms through Congressional legislation.

#### License to Carry—Not License to Purchase

In adopting the principle of the Revolver Association Act of a license to carry a concealed pistol as against the requirement of a license to purchase or possess, the Uniform Act follows the almost universal system of regulation which has prevailed in the various states, and which has recently been affirmed in the adoption of the act named in North Dakota, New Hampshire, California and Indiana.

New York has long stood virtually alone in favoring the form of regulation by license to purchase under the so-called Sullivan Law, first enacted in 1888 and now existing there with certain amendments.<sup>14</sup> Massachusetts has recently enacted a law along this line.<sup>15</sup> And a recent West Virginia Law seems to approach the principle.<sup>16</sup> Recently there have been a few states which have attempted to go the whole length and require a state-wide registration or a license to possess. In the first group is the Arkansas Law of 1923,<sup>17</sup> which provided for a state-wide registration of pistols already owned and a license and registration of those afterwards acquired. This law was found so impracticable in enforcement that it was later repealed.<sup>18</sup> The Michigan Law of 1925, mentioned above, likewise requires a state-wide registration of all arms possessed,<sup>19</sup> but it does not go the length of the Arkansas Law in imposing the requirement of a license to possess. The registration feature had upon last information not yet been put into effect, because of technical difficulties.

Another attempt to regulate is a law like that of North Carolina of 1923<sup>19</sup> making it unlawful for any person to receive from any postal employee or express or railroad agent within the state, any pistol without having and exhibiting a pistol permit. The latter law Mr. Chamberlain states to be of doubtful constitutionality.<sup>20</sup>

Much has been said of late in the public press in favor of the license to purchase or possess like that of New York. It has been advocated strongly by prosecutors and others engaged in suppressing crime as the surest means of preventing a pistol from getting into the hands of the criminal. But the Conference has inclined to the view of a license to carry, heretofore almost universal and reaffirmed in the recent enactments named.

It is doubtful whether or not a license to purchase or possess could ever be enforced. Legislation to that end would no doubt be followed by an era of pistol bootlegging similar to the liquor bootlegging which followed Prohibition. The criminal records in New York amply demonstrate that the Sullivan Law has not kept weapons out of the hands of criminals. One of the best safeguards against crime is the consciousness on the part of the criminal that the householder possesses arms. A regulation which would make it difficult for a law-abiding

citizen to possess arms would make for lawlessness. The requirement of a license to purchase might render it impossible for a citizen to obtain a pistol when he might need it the most: the requirement of a license to possess would forbid his borrowing a pistol from a neighbor at the moment of a pressing emergency. He would be unarmed as against a criminal armed in defiance of law.

#### Summary of Provisions of Uniform Act

The Act defines a "pistol or revolver" as a firearm with barrel less than twelve inches in length.<sup>21</sup> It includes in the definition of a "crime of violence" such crimes as are usually committed with the aid of a revolver.<sup>22</sup> When such a crime is committed by one armed with such weapon, a penalty in addition to that for the substantive offense is prescribed.<sup>23</sup> The fact that a criminal is armed with such weapon is *prima facie* evidence of his intention to commit the crime charged.<sup>24</sup>

One convicted in a state of a crime of violence is absolutely forbidden to own or possess a pistol or revolver.<sup>25</sup> The Act forbids the carrying of concealed weapons according to the universal principle in state legislation adopting the modern theory of making the prohibition extend, not only to weapons concealed on the person, but also to vehicles. This is intended to remove the easy method by which a criminal, on being pursued, may transfer a weapon from his pocket to a concealed place in a vehicle.<sup>26</sup> All classes of persons usually excepted by state statutes from the above provisions are excepted by the terms of the Act, and also exceptions are permitted under certain circumstances, for example, carrying a weapon in a dwelling house or place of business.<sup>27</sup>

The Act provides for the issuance of licenses for the carrying of concealed weapons upon a satisfactory showing being made by the applicant as to his character and the necessity for his application.<sup>28</sup> Delivery of firearms to minors under eighteen is forbidden; the age of eighteen being deemed more desirable than the younger age named in a number of statutes and the higher age named in some.<sup>29</sup>

The transfer of a firearm is forbidden to any one who the transferrer may have reasonable cause to believe has been convicted of a crime of violence. A seller may not transfer a weapon on the day of purchase. The Act specifies the means of identifying the purchaser and the preservation of this identification.<sup>30</sup> These provisions, however, do not forbid the lending of a weapon by one citizen to another in case of an emergency.

The Act requires a license of dealers.<sup>31</sup> The giving of this license to the dealer and its retention by him is upon careful conditions, for the breach of which such license will be forfeited.<sup>32</sup> False information in purchasing a firearm or in applying for a license to carry the same is forbidden.<sup>33</sup> The changing of identifying marks on weapons is also forbidden and this prohibition is

21. S. 1 Uniform Firearms Act.

22. *Ibid.*

23. S. 2.

24. S. 3.

25. S. 4.

26. S. 5.

27. S. 6.

28. S. 7.

29. S. 8.

30. S. 9.

31. S. 10.

32. S. 11.

33. S. 12.

13. H. R. 4002, 69th Cong., 1st Sess.

14. N. Y. Consolidated Laws of 1897, ss. 1-14.

15. Mass. Gen. L., Chap. 395, Act. of May 29, 1926.

16. Act April 23, 1925; Laws 1925, Ch. 95, Amending s. 7, Ch. 148, Code W. Va.

17. Ark. Acts 1923, Ch. 430.

18. Ark. Acts 1925, p. 1047, Act No. 351.

19. N. C. Laws, 1928, Ch. 106.

20. Am. Bar Assn. Journal, vol. XI, p. 598.



fortified by another provision that possession of firearms from which such identifying marks have been obliterated shall be *prima facie* evidence that the possessor has changed the same.<sup>34</sup>

The Act revokes all existing licenses.<sup>35</sup> It exempts antique weapons that are merely curiosities.<sup>36</sup> By a specific provision it supersedes all local ordinances.<sup>37</sup>

A special section provides for penalties for violations of the various provisions of the Act.<sup>38</sup> The amounts of fines and lengths of imprisonment are left blank so that these may be fixed in accordance with the needs and usages of the particular state, having regard to the differences in definitions of misdemeanors and felonies obtaining in the various states. The Act conforms to what

is believed to be the sound view of putting the matter of punishment in the discretion of the court.

The Act concludes with the usual provision found in Uniform State Laws, viz., a provision that if any part of the Act is for any reason declared void, such invalidity shall not affect the validity of the remaining portions of the Act,<sup>39</sup> the definition of a short title, "Uniform Firearms Act,"<sup>40</sup> the naming of an effective date,<sup>41</sup> and the specific repeal of inconsistent laws.<sup>42</sup>

It is believed that the provisions of the Uniform Firearms Act present no constitutional objections, constitute no drastic changes in the law of any jurisdiction, and if adopted generally will not only secure uniformity, but will remove the evils of the present lack of uniformity.

34. S. 18.  
35. S. 14.  
36. S. 15.  
37. S. 16.  
38. S. 17.

39. S. 18.  
40. S. 19.  
41. S. 20.  
42. S. 21.

## DEPARTMENT OF CURRENT LEGISLATION

### Current Federal Legislation (Continued)

By J. P. CHAMBERLAIN AND MIDDLETON BEAMAN

THE Prohibition Amendment did not relegate to the Congressional waste-paper basket, all the experience gained in the long series of federal statutes under the commerce power to aid the states in enforcing their liquor laws.

The Plant Quarantine Act authorizes the Secretary of Agriculture to quarantine any State against plant diseases and when such quarantine is established shipment of plants into the quarantined State is unlawful under a criminal penalty. Public Resolution 14 provides that until the Secretary has established a quarantine, the act shall not be construed to prevent any state from enforcing its quarantine laws preventing transport of plants into or through the state from any other state in which the transit state finds that a plant disease exists. This statutory interpretation of the earlier law permits the states to act independently of the Government until the Government has acted.\* The direct application of the principle of the old laws regulating liquor is in another provision which declares that when a quarantine has been established by the Secretary, plants shipped in violation of the quarantine are subject to the laws of the states into which they are brought "to the same extent and in the same manner as though" the plants "had been produced in such state . . . and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise." This is a further illustration of the divesting by Congress of its power over interstate com-

merce, in respect to a particular article, a procedure sanctioned when applied to intoxicating liquor.<sup>1</sup> The question arises as to whether a violator of the Federal quarantine will be subject to penalty under the Federal law in the Federal courts as well as to a penalty under the State law in the state courts.<sup>2</sup> It is to be noted that previous acts divesting articles of protection against state legislation while in interstate commerce, applied only where interstate commerce was being used as a means of circumventing state laws, while by this statute, the state authority is permitted to act upon articles being transported in breach of a Federal law. Formerly the article was stripped of Federal protection to enforce the law of the state; here it is in addition, a sort of penalty imposed for violation of the Federal regulation.

A further example of the use by Congress of its power over interstate commerce to aid the States in the enforcement of their laws is found in Public 256 which makes it unlawful for any person to deliver to a common carrier for transportation, or for any person knowingly to transport or carry in interstate or foreign commerce any black bass which has been caught, sold, purchased, or possessed in violation of the law of the State or Territory wherein the delivery of the bass for transportation is made or the carrying thereof begins. A criminal penalty is provided for violation. The Act is much the same as the Act of May 25, 1900, commonly known as the "Lacey Act", applicable to wild animals and birds. That Act has never been passed on by the Supreme Court, but has been sustained

\*A prior judicial interpretation was that the states were prevented from acting in such cases even before any action by the Secretary. Oregon-Washington Railway Co. v. Washington, 46 Sup. Ct. Rep. 279.

1. Re Rahrer, 140 U. S. 546.  
2. U. S. v. Lanza, 260 U. S. 377. See also footnote 6.

## CURRENT NOTES

NEWMAN F. BAKER [ED.]

Northwestern University School of Law  
Chicago, Illinois

Addresses by Judge Bruce — During the month of September, 1932, Judge Andrew A. Bruce, President of the American Institute of Criminal Law and Criminology, spoke before the North Dakota State Bar Association on "New Era and the Law"; The Chicago Chapter of the D. A. R. on the "Spirit of the Constitution"; The Minnesota State Conference and Institute of Social Work on the subjects, "The Juvenile Delinquent" and "The Philosophy of Probation" (two addresses); and on October 3rd before the Annual Meeting of the American Prison Association on the subject of the "Ex-Convict and His Struggle for Rehabilitation."

Reforms Proposed—Writing in the Brooklyn Eagle, Mr. Thomas S. Rice, associate editor of The Panel and formerly a member of the New York Crime Commission, proposes a number of reforms in the administration of the criminal law.

"Remove the right of the arrested person to refuse to explain the suspicious circumstances, to remain mute at his trial, and then to have the judge and prosecutor barred from mentioning that he has refused to offer an explanation at any stage. That is responsible for practically all of the charges of third degree against the police and

is the biggest stumbling block to justice in our system. The European system compelling the suspect to explain the circumstances or be convicted should be adopted.

"Habeas corpus and bail have made a laughing stock of the law for professional criminals with financial and gang backing. Curtail both, as is done in Canada and England.

"The laws against perjury could and should be made workable.

"Notice of an alibi defense, with details of place and witnesses, should be required in every state, as required in Ohio and Michigan. New York's legislature has twice defeated a bill to that end in two years.

"Either side should have the right to impeach a witness who has radically changed his testimony.

"Convictions of receivers of stolen goods should be made easier, the state laws should be made broader, and the bill in congress providing a heavy penalty for interstate transportation of stolen goods should be passed. A similar federal law relating to stolen motor cars works well.

"Indefensible postponements of criminal cases by complaisant judges, with the object of wearing out the other side, should be grounds for charges against lawyers asking and judges granting the postponements.

“Wipe out exemptions from jury duty, as they have been wiped out in the province of Quebec, Canada, with highly satisfactory results.

“Increase federal penalties for the use of the mails to defraud until they are commensurate with the evil done to thousands of persons annually, and bring public pressure to bear upon federal judges to impose adequate sentences in such cases and in cases of fraudulent bankruptcy.

“Stop the browbeating of witnesses by half-baked and half-educated lawyers.

“See that an honest complainant and his witnesses get at least 20 per cent of the breaks in a criminal court and are allowed to talk at least three minutes without interruptions and noting of objections. I saw a witness in Judge Charles A. Taylor’s court in Montreal two years ago tell his story for more than an hour in a murder trial without an interruption or exception. If in Quebec, why not in the United States?

“Take judges and prosecutors out of local politics.”

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#### Licensing Firearms Experts —

The Commercial Standards Monthly has printed the statement of Wilmer Souder of the Department of Commerce that there is need for an examining and licensing board to pass upon the qualifications of those who desire to advise or testify as experts in firearms identification. He says:

“An organization of approved experts could advise intelligently the bench and bar upon the value and limitations of expert testimony and the general method of collecting and presenting evidence. Courts now accept various statements as

supporting claims for expert qualifications and admit much evidence which can not be supported.

“The fact that one holds a medal for marksmanship or has had Army or police service is often accepted as proof of ability in identification. This popular qualification is enhanced, in the minds of the jury, if the witness has written articles or has lectured on some phase of ballistics or if his picture has appeared in the local papers. Experience in selling or using sporting goods is not overlooked as a quality which might suggest expert abilities. The public knows so little about this science of identification that it fails to realize that experience in one or all of the above fields does not guarantee ability of any value whatever in this work.

“Such persons wishing to be accepted as experts without having actually to qualify are usually very anxious for publicity in the press and are quite free in their interviews. Favorable attributes which contribute to expert ability are:

“1. Experience in metrology either in a school or laboratory shop, where accurate measurements of small dimensions are made by the use of micrometer microscope and photographic camera.

“2. Familiarity with the details of manufacture of arms and ammunition, the defects in new arms and the defects which develop with use. These are absolutely necessary.

“3. Demonstrated ability to identify exhibits, bearing secret identifying marks, approximating, in difficulty, those on which he is testifying. These tests if not previously taken might well be arranged before the expert takes the stand, but never after. The preparation of such tests to be effective must not be delegated to amateurs. Unfor-

unately courts will not permit the introduction of such proof of ability unless all parties conducting the tests are present in person to testify.

"4. Ability to prepare evidence in photographic form so that permanent records may be available for use in appeal cases and for study by those wishing to verify the 'expertness of the expert.'

"Firearm identification will undoubtedly be retarded in its services to the administration of justice so long as so-called experts, inadequately trained to collect and to interpret physical data correctly and in harmony with the refinements peculiar to this science, are permitted to testify. Courts should be more correctly advised regarding the training and equipment necessary for such work, regarding the type of testimony and permanent records which should be required, and finally regarding limitations which must be observed in this as in all other sciences. There should be adopted:

"1. Minimum standards of equipment to be used.

"2. Standards for records of evidence to accompany and substantiate the expert's opinion; these to include photographs, metrological data, and interpretations in permanent form.

"3. Standards for qualification of experts which will include actual tests made against secretly designated materials and reported in compliance with item 2.

"4. Methods for constant following up of experts testifying in court to guarantee the highest efficiency.

"The compliance with such standards should be a guarantee of ability which could not be ignored by any court or jury. Conversely, those unwilling to comply with such regu-

lations should be permitted to explain why they are unwilling to do so. It is felt, however, that any one who has given the time and effort to properly qualify in this field will welcome an opportunity to cooperate in a plan such as has been outlined."

**Sportsmen Fight Sullivan Law—**  
The members of the National Rifle Association of America, from more than ten states, held their sixty-second annual meeting September 18, in New York City. The organization, which is the governing body of rifle shooting, represents 2,800 affiliated rifle clubs.

The main order of business was the adoption of a resolution to continue the fight for the repeal of the Sullivan law in New York State and the substitution of the uniform firearms act, now in force in several states and recently adopted by Congress for the District of Columbia.

The main aim in the fight against the Sullivan law is to give the honest man a chance to have a pistol in his home without having to be finger-printed and photographed. The organization believes the present situation makes the honest man appear associated with crime whenever he seeks to purchase a pistol.

The association plans to have the matter brought before the New York Legislature at the next meeting in an effort to substitute the uniform firearms act. Under that law, the applicant for pistol files an application with a firearms dealer and forty-eight hours later receives the pistol for home use, providing the police investigation that has been made in the meantime shows him to have a clean record as an upright citizen.

**Parole Study**—Mr. Frederick A. Moran, Executive Director, Division of Parole, State of New York, recently discussed "The Indeterminate Sentence and Parole—Scientific Study and Treatment" in the U. S. Daily. He said:

"Since July, 1930, the parole methods followed in New York State have been revolutionized. Through the enactment of legislation, a full time Board of Parole was created and provisions were made for a staff of 68 parole officers. From the creation of the Division of Parole, intensive investigations have been made of the criminal and the social histories of men appearing before the Board of Parole and definite efforts have been made to give constructive help and supervision to prisoners released on parole.

"Parole today is not a negative form of discipline, consisting of a certain number of stereotyped reports of miscellaneous advices, but individualized treatment carried on by trained social workers.

"If one needs to be convinced of the fact that individuals can not be treated as isolated units, but that consideration must be given not only to the man but to his family and to his friends as well as to his job, his health and his recreation, a study of the individual records kept by the Board of Parole would convince any unbiased person how little society has to expect in either protection or deterrence, unless the social and economic conditions that played a part in making the individual antisocial are changed.

"The Board of Parole, basing its opinions not on emotions but on factual data, wants the present sentencing laws changed so that the maximum sentence for the offense

committed will be imposed on convicted offenders and the Board of Parole will be given the authority to consider the case of each prisoner after he has served one year of his sentence.

"If such changes were made to the law, it does not follow that offenders would be released on parole after they have served one year. In fact, in states where similar laws exist, the period of incarceration is longer than under the old laws which were similar to those in operation in New York State today.

"It does mean, however, that emphasis would be shifted from the necessity of releasing men from prison at fixed times, and it would let us hope to make possible the selection of prisoners for parole upon a different basis than time sentences. It might destroy the myth that, when a criminal is convicted and sentenced to prison, locking him up in a steel cage solves the problem either for society or the individual.

"It might focus attention upon the complex social problems that exist not only in the case of the prisoner himself but in his family. Something might even be done to solve these family problems, so that when the doors of the prison are opened the released prisoner will not return to economic and social conditions frequently far worse than those from which he was removed."

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#### **Judicial Criminal Statistics**—

A very important report to the Judicial Section of the American Bar Association and the National Conference of Judicial Councils was prepared by Leon C. Marshall of the Institute of Law, The Johns Hopkins University, in collaboration with Willis L. Hotchkiss of Fenn

College and Charles E. Gehlke of Western Reserve University. Among others serving on the Advisory Group were E. R. Cass, Secretary of the American Prison Association, Emil Frankel, New Jersey Department of Institutions and Agencies, J. Edgar Hoover, United States Bureau of Investigation, A. H. MacCormick, United States Bureau of Prisons, and Thorsten Sellin, Bureau of Social Hygiene. Mr. Marshall says:

"The movement for judicial criminal statistics in this country has apparently reached the stage where a rapid development would take place, if the various public organizations concerned could have available for use a practical plan that had the approval of expert opinion."

Mr. Marshall and his colleagues have been working upon their report for many months and it deserves wide notice. Copies may be obtained from The Institute of Law, Baltimore, Md. The study by Mr. Marshall for the State of Ohio was mentioned in "Current Notes" in the July-August number of this Journal (p. 295).

**N. Y. Court for Adolescents—**George Gordon Battle, writing in the New York Times, draws attention to the new children's court of New York City. He says:

"Chief City Magistrate James E. McDonald deserves the gratitude of the community for his efforts to establish a court for adolescents. At present the age limit in the Children's Court is 16 years. That should be increased at least to 18 and probably to 19 years.

"There has been in recent years an amazing and fearful increase in the number of young boys and girls between 16 and 18 who have com-

mitted serious offenses. Nevertheless, they are not criminals but for the most part reckless and heedless children. If they are brought up on these charges in a criminal court and are discharged, there is no agency to look after them.

"In the Children's Court the child is kept under observation in proper cases even though discharged. If such policy were followed for the children between 16 and 18 many of them could be saved who otherwise become criminals for life. It is hoped that the Legislature next year will increase the jurisdiction of the Children's Court so that it will have power over children up to the age of 18 or 19 years.

"In the meantime, without expense to the city, Chief Magistrate McDonald is making an experiment along these lines in setting up this voluntary court for adolescents, which is being conducted by judges and clerks outside of the regular hours as a voluntary matter and without compensation. It is also a subject of congratulation that Magistrate Jonah J. Goldstein will preside over the first of these tentative tribunals. Magistrate Goldstein has shown not only an excellent knowledge of law but, what is far more important, a deep sense of humanity and justice, which marks him as eminently fitted for this most responsible position."

**Increase of Suicide—**The Spectator, the business paper of insurance, gives the figures for 1931 suicides. They indicate a steady increase and the consulting statistician, Dr. Frederick L. Hoffman, declares that such an increase is to be expected in view of the financial and industrial depression.

"Making allowances for a lower

rate in the rural sections, it is a safe assumption that for the nation at large the actual loss of life by suicide in 1931 was not less than 20,000, in addition to which we lost say 12,000 lives by murder and possibly 35,000 more by motor car accidents. In other words, these three causes of death, most of which are preventable, account for not less than 70,000 lives during the course of a year at an average age of possibly thirty-five years."

**Depression and Prison Population**  
—Writing for the Monthly Bulletin of the Pennsylvania Department of Welfare, Dr. B. L. Scott, Director of the Bureau of Restoration, states:

"In times of unemployment, prison populations increase. The great majority are sentenced to the penitentiaries for crimes against property when work is hard to find. Even more important is the mental attitude of the inmates which makes prison administration more difficult in periods of depression. These are the conclusions reached after a study by the Bureau of Restoration in the Department of Welfare as to the commitments, population, and types of crime during the past six years in Pennsylvania.

"On December 31, 1927, the total population of the four state penitentiaries and reformatories in this state was 4,509. On March 31, 1932, the population of the same four institutions had grown to 6,312, an increase of 1,803 in four and a quarter years. By far the greater part of this increase has occurred since December 31, 1929.

"Even more startling is the increase in the population of the sixty-nine county penal institutions. On December 31, 1929, the total

population in these institutions was 8,054. On December 31, 1931, after two years of unemployment, the population was 8,860, while by February 29, 1932, it had grown to 9,569, an increase of 709 in two months.

"In 1930 there were 838 persons sentenced to the Eastern State Penitentiary in Philadelphia, and in 1931 the number was 919. Of these groups 527 in 1930 and 592 in 1931 were committed for crimes against property. At the time of sentence 416 were totally unemployed in 1930 and 488 in 1931.

"The figures from the Western State Penitentiary in Pittsburgh are in much the same proportion. Of the 616 sentenced to this institution in 1930, 416 were charged with crimes against property and 285 claimed to be unemployed. Of the 628 commitments in 1931, 433 were charged with crimes against property and 364 said they were unemployed."

**Crime Laboratory Offers Instruction**—The Scientific Crime Detection Laboratory of Northwestern University will offer a course of instruction of two weeks duration beginning February 6, 1933. An additional week will follow for those desiring further study at the Laboratory. The course is designed to furnish the basis for further individual studies by police officers.

The major subjects will include: Firearms Identification (frequently termed "ballistics"); Examination of Questioned Documents; The Detection of Deception by means of the "Lie-Detector"; Specialized Instruction in the Photography of Evidence. Other subjects treated more briefly will include chemistry, toxicology and serology, criminal

law, criminological applications of ultra-violet rays, how to collect and preserve evidence, finger-printing, verbal descriptions (*portrait parlé*), microscopy and photomicrography, legal medicine, fallibility of eye witnesses, sketching a crime scene, etc.

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**Crime News**—Those interested in the article by Morris Gilmore Caldwell, entitled “Sensational News in the Modern Metropolitan Newspapers” which appeared in the July-August number of this Journal will be pleased to know that the subject of “Crime News” is discussed in two articles in the July, 1932, number of the United States Law Review. “Trial by Newspaper” was written by Stuard H. Perry. He says:

“Obviously there is need of cooperation between the courts and lawyers and the newspapers, and it is noteworthy that the demand for it comes more distinctly from the bar than from the press. Judging by the expressions of many prominent legal spokesmen and legal journals, what the bar chiefly wants the press to do is to help improve the administration of law all along the line, and to make specific criticisms of the shortcomings of courts, judges, laws and lawyers. I heartily agree with these spokesmen. They have pointed out the exact field where the press can best serve the courts and the bar, and at the same time best serve the public.”

The other writer was Charles T. Le Viness II whose essay is called “Crime News.” He made this statement as his conclusion:

“And those who are prone to lambaste a newspaper for its treatment of crime news should know

that the judge is the boss of his courtroom and all that goes on therein, including newspaper reporting. But the judges show little interest. Some are frankly indifferent and others seem unaware of their rights and powers. Judge after judge sits idly by while the courtroom scene beneath him is transformed into a three-ring circus for the nation. And, indeed, many of them seem to enjoy it all hugely! The fault, dear judge, is not in thy five-stars but in thyself.”

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**Probation Salaries**—The National Probation Association has prepared a 30-page study of the salaries paid to probation officers. The study may be obtained from the Association’s editorial office, 450 Seventh Avenue, New York City. The report is given in summary form in the official publication of the Association:

“The average salary of probation officers in the United States on December 31, 1931, was at the rate of \$2,234 per year. This figure was reached by an analysis of the tabulation of probation officers’ salaries in the United States. When we say probation officers, we mean the officers in the ranks and not their chiefs or deputy chiefs whose salaries were eliminated for the purpose of obtaining the average. Men’s salaries and women’s salaries were averaged together to reach this figure. The average male probation officer’s salary in the United States was somewhat larger — \$2,487. The average woman probation officer received \$2,003 per year.

“There is a marked difference in the salaries of probation officers in large cities and small. For instance, men probation officers, serv-



ing in population areas under 100,000, receive an average of \$1,725 per year. Women in similar areas receive somewhat less, \$1,522 per year. In population areas from 100,000 to 500,000 men officers get \$2,047 per year, women officers, \$1,700 per year. In population areas of over 500,000 and under 1,000,000 the average male officer receives \$2,447 and the average woman officer, \$2,292. In population areas of over 1,000,000 the salaries of men officers average \$2,841 and women officers receive an average of \$2,089 per year.

"Chief probation officers naturally receive somewhat larger salaries. The average male chief probation officer in areas of under 100,000 population receive \$2,116 per year, the average female chief, \$1,984. In population areas of 100,000 to 500,000 the average male chief receives \$2,958 and the woman chief, \$2,491. In population areas of 500,000 to 1,000,000 the average male chief receives \$4,807 per year and the average woman chief, \$2,500. In populations of over 1,000,000 the male chief receives on an average of \$5,289 per year, the woman chief, \$4,067."

The article states that in 33 cities studied the average population served by a probation officer is 49,000. In this publication investigations have shown that there will be about 130 children with behavior problems, 100 mentally retarded, 44 children who are actually delinquent and 111 children who are dependent. This would make a case load for every probation officer of about 385 children. It is needless to state that a large number of these children, unless properly supervised, would be addicted to criminal careers. If we allow an average of \$2,234 a year for the

salary of the probation officer, we would have a total cost of \$6.00 a year for each child. If too, we consider the enormous cost of criminal trials, the cost of our police and the cost of maintaining our penitentiaries, to say nothing of the injury to the public which the criminal creates we can readily see the economy of the probation system and how valuable a piece of social insurance it constitutes.

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**New Finger Print Method** — A new finger print method which eliminates the photographer has been made public by Dr. Lunge, Assistant Director of the technical laboratories of the Lyons Friends Police Department. The invention consists of a mixture which has a base of collodion amyacetate, acetone and ether. The object is first dusted with "animal black." Over this the mixture is then poured and the result obtained in a few seconds, a thin transparent film. This can be easily lifted from the object and on it is a perfect reproduction of the finger print. The film can be carried about like a piece of paper and there is no necessity for photographs or other reproductions. Since the film is transparent the finger prints can be studied from both sides. The slogan of the advocates of the new method is that "a bottle replaces three photographers."

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**Hooton Study**—At a recent meeting of the American Philosophical Society which was held in Philadelphia, Professor Earnest A. Hooton of Harvard University, after his study of 18,000 inmates of penal institutions and insane asylums and 2,000 members of the

non-criminal class, gave his sanction to the early Lombrosian theories of marked physical characteristics. He said that first degree murderers diverge significantly from the total criminal population in that they are older, heavier, taller, bigger-chested, with greater head circumferences, narrower foreheads, long and relatively narrower noses, broader jaws, broader ears, relatively narrower shoulders, relatively shorter trunks, relatively longer heads, less head hair, more body hair, straighter hair, more pronounced forehead slope, more convex noses, fewer and poorer teeth, both flatter and more projecting ears, less facial asymmetry, etc.

**Parole in California**—Charles L. Neumiller, Chairman of the Board of Prison Terms and Paroles, State of California, reports that California is having marked success with its parole system. Even the parole of second-termers has not proved a failure from the standpoint of the rehabilitation of the prisoner. He says: "There is less probability of a paroled prisoner returning to a life of crime than a prisoner who is discharged from the prison gate with a state gratuity of \$10, a prison suit of clothes, and no job or check by the state parole officer."

Eighty-five per cent of the paroled convicts in California make good. Of the 15 per cent who fail, only 6 per cent are for new crimes, the remaining 9 per cent being violators of parole rules. In the five-year period, 1927 to 1931, 975 convicts were paroled and only 125 or 12.82 per cent failed to make good. Of those who violated their parole, 23 were first termers and 102 were recidivists.

**Parole Administration**—Writing in the United States Daily, Winthrop D. Lane, Director of Parole, State of New Jersey, discusses parole administration. He declares that it is clear that parole is badly practiced in many jurisdictions.

"When a parole board sits for only four hours a month at an institution and gives two minutes each to the consideration of persons eligible for parole, it is not doing effective parole work.

A session of this kind in a middle western state prison was recently attended by the writer. When an inmate entered the room, he faced 24 persons. Some of these were wives and daughters of members of the board, there for a thrill, and others were newspaper reporters.

Members of the board, sitting in serious inquiry on the offender's affairs, made jokes at his expense. One prisoner was told by a board member that he was 'just about the most contemptible cur that walks the earth' and another heard the words shouted at him, 'What you need is a horsewhipping.'

Time and again offenders were stopped as they sought to make some personal communication to the members of the board with the remark: 'You cannot say that in the presence of these women.' The next day local newspapers published such titillating tid-bits from the session as they wished.

Many prisoners must have received strange impressions of the interest taken in their welfare by members of the parole board.

One of the fundamental questions concerning parole is what information ought to be used in deciding whether an offender is to be paroled or at what time he is to be paroled. In many jurisdictions the only facts

really entering into this question are the offender's conduct in the institution, as viewed by the disciplinary officer, and his previous criminal record. Important as these may be, they do not constitute the full set of facts interesting to a person concerned with the reclamation of the offender and the protection of society.

What is the offender's attitude toward his responsibilities and obligations? Has he improved since he entered the institution?

Does a job await him on the outside? If not, can one be obtained?

What are his family relationships? Will he return to his own family, or will he be placed to board and live with another family?

What is the nature of the neighborhood to which he will return? Who is there, among relatives and friends, who will take an interest in him on the outside?

What type of supervision awaits him when he is released? What are his economic prospects?

Have the factors contributing to his delinquent or criminal conduct been modified—and if not can they be? What, in short, are the plans for this offender when released?

Such questions as these ought to be asked in respect to every offender up for parole. The answers, obtained by pre-parole investigations, ought to be in the hands of every paroling authority before it decides whether the present is a proper time for the offender's release."

Mr. Lane's study, "Parole Procedure in New Jersey," appeared in this Journal September, 1931, pp. 375-405.

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Warden Lawes—According to a recent broadcast by Warden Lewis E. Lawes of Sing Sing Prison less

than 1 per cent of the prison population of Sing Sing had ever been actively engaged in religious work, less than 1/3 of 1 per cent had any fraternal affiliations, less than 1/2 of 1 per cent had ever belonged to a boys' club and only 6/10 of 1 per cent ever belonged to any political group. He derived from this the conclusion that the average criminal lacks social responsibility and is altogether too individualistic.

Warden Lawes' recent book on "Twenty Thousand Years in Sing Sing" is to be filmed by Warner Brothers.

The results of a recent study of 15,000 ex-convicts by Warden Lawes show that *only two children* of the 15,000 studied now have prison records.

A. A. B.

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Price Article—In an article by G. Ward Price in The Panel, the organ of the Association of Grand Jurors of New York County, we are told that in England crimes of violence against individuals went up from 1,284 in 1921 to 1,986 in 1930; burglary and house-breaking from 15,402 to 25,190; larcenies from 61,370 to 96,189; and cases of fraud from 9,622 to 16,856. The article also states that 2/3 of all of the convicted criminals in 1930 were below the age of 30 and nearly 1/2 of them under 21. A significant statement in the article is one to the effect that the new educational advantages have not tended towards a reduction of crime.

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Virginia Welfare Work—The official publication of the State Department of Public Welfare of Virginia contains a summary of the welfare work of the State under the unique