A STUDY MANUAL
FOR
PENNSYLVANIA RAILROAD POLICE
IN THE STATE OF
DELAWARE
FOREWORD

Because many phases of police work are becoming increasingly scientific in nature, we can only advance the common good of our railroad police organization by keeping up-to-date with modern methods and techniques of police work.

This manual has been prepared as a specific guide to the Pennsylvania Railroad police officer in the execution of his duties. It describes the fundamental procedures which the police officer must follow in meeting the problems of his profession.

Diligent study of the material contained in this manual will give the railroad police officer a better understanding of state and Federal laws that pertain to the railroads. This knowledge will permit him to perform his duties with confidence. The police officer who is educated in his profession and trained in the execution of his assignments commands respect of brother officers in all branches of our profession and of the courts before which he prosecutes offenders.

Education and training is a double asset. It enlarges the knowledge and develops the competence of the officer who receives it. This, in turn, benefits the company for which he works. For these reasons, in police work thorough training cannot be too strongly emphasized.

The constantly expanding concept of police work requires the police officer of today to have a full understanding of the basic techniques of his job. Therefore, all persons who expect to make a successful career in the profession of law enforcement must continuously study the mechanics of police work. In the final analysis, the efficiency of any police organization depends on the capability and effectiveness of the individual police officers who make it up. It is our hope that this manual will help each Pennsylvania Railroad police officer attain his goal of becoming the wise and experienced guardian of the law who reflects credit on himself, on the Company, and on our profession.

Thad W. Hamilton
General Superintendent—Police
The Pennsylvania Railroad Company

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INTRODUCTION

The necessity for delegating police authority to certain individuals for the enforcement of the laws has been recognized from the earliest times. The name given to individuals delegated to enforce the law is "police". The word is derived from the Greek word meaning "city-state". Our present form of government had its beginning in England between the fifth and eighth centuries, and the principal duties of law enforcement agencies from that time up until about 130 years ago were more in the nature of watchmen. With the development of cities on the one hand and new frontiers on the other, there emerged the need for organized police forces. Thus, in rapid succession, the municipal, state and Federal police organizations were formed. The London police force was established in 1829, the Philadelphia police in 1833, the Texas Rangers in 1835, the Boston police in 1838, the U. S. Secret Service in 1865, etc.

Railroad police, by legislative enactment, were first authorized by the Commonwealth of Pennsylvania in 1865. They were appointed by the governor, under this law, for service on the Pennsylvania Railroad. The first division police was organized in 1895 and by 1898 division organizations had extended over the system generally. The office of the Superintendent of Police was established in 1907. In 1922 the Superintendent of Police became a staff officer of the General Manager and this setup remained in effect until November 1, 1955, when the position of General Superintendent-Police was created on a System level, reporting to the Vice President-Transportation and Maintenance.

Prior to 1865, our railroad employed watchmen. They were the first men to be sworn with police authority under the law of 1865. Later the title of "patrolman" was established and both titles existed until 1918 when the title of "watchman", in the Police Department, was abolished.

In the state of Delaware, railroad police were first authorized by legislative enactment in 1901. The present law, Section 2715, Title 10, Delaware Code, empowers the governor to appoint special constables for the railroads. These commissions must be renewed every two years.

Railroad police in the United States and Canada today comprise the largest privately supported police organization in the world, representing nearly 400 different railroads and numbering about 8,000 persons stationed in every city of size and every division point in the United States and Canada, engaged in the protection of passengers, freight, vital facilities, rolling equipment and motive power. They not only maintain order upon the railroads but are also charged with the honesty and security problems of approximately one million employees. Their work is coordinated internationally by membership in the Protective Section, Association of American Railroads, which functions, in part, as a clearing house for data concerning important cases both pending and solved.

The duties of a Pennsylvania Railroad police officer are similar to those of all police officers in maintenance of law and order and specialized, by nature of his employment, to the guarding and protecting of the Company's property and patrons in transit and otherwise. In a general way, his duties are to keep the peace, enforce the law, prevent and detect crime, protect life.
and property, and arrest all violators of the law insofar as the Company's interest may be involved.

Specifically some of the duties of the Pennsylvania Railroad police officer consist of supervision, clerical work, collections consisting of fares, payments for damage to property and equipment, passes and equipment from employees having left the service, protested checks, accompanying demented passengers, prisoners transported by rail, riding excursion and special trains, and investigations in general, classified as follows: Personal injuries to patrons, employees and others, train wrecks, baggage claims, freight claims, fires, losses by patrons on trains and in stations, disappearance of passengers on trains and in stations, stone throwing and shooting at trains, tampering with equipment and signals, etc., misuse of passes by employees and others, complaints concerning card sharks, confidence men and pickpockets operating on or about trains and stations, etc., anonymous letters, thefts from patrons on trains and in stations, burglaries of dwellings and buildings, breaking and entering, and larceny from stations, freight cars, cabin cars, shops, enginehouses, etc., theft of telegraph and telephone wire, and theft of bond wire. Taxicab concessions, parking concessions and bus terminals, in some instances, require the assignment of officers to regulate traffic and parking.

There are other minor assignments not mentioned, all of which are supplemental to regularly assigned positions in freight yards and terminals for protection of freight in transit, which cover the policing of some of our freight trains, and the uniformed policemen assigned to our larger passenger terminals, for protection of our properties, our patrons and their personal effects, the quelling of disorder, etc., and the radio and radio-telephone equipped squad car on the street for quick contact with any point as necessary.

Much time is spent in handling of arrests before the Minor Judiciary, the Grand Jury and Courts of Record in prosecution of cases; likewise, in cooperating with village, township, city, county, state and Federal officers in investigations which may or may not involve the Company's interest. The relationship between other police agencies has long been an established fact and used today to an even greater advantage for all concerned. Without the very splendid cooperation among the various law enforcement agencies, each acting within their own sphere of jurisdiction, the criminal could operate in comparative safety. With 8,000 railroad police arresting some 60,000 persons each year, with many of them turned over to outside police authorities for other crimes, the railroad police today are recognized for their contribution to the unceasing war against crime in the nation.
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PART ONE

INDIVIDUAL ASSIGNMENTS
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The uniformed railroad station patrolman who comes in daily contact with the traveling public and the shippers and receivers over our lines, has an excellent opportunity to create good-will between the public and the railroad, and with police officers in general. It is this officer's duty, by his tact, helpfulness, courtesy and service, to overcome any ill-feeling people might have regarding our service.

The uniformed station officer should report for duty in sufficient time to read any new orders posted on the Captain's Office bulletin board. In sufficient time to visit the lavatory if necessary; to brush his uniform and to dress leisurely; and to see that he has all his equipment with him and in working order, pencil and notebook included. Last, but not least, the officer should view himself in a mirror to correct any last minute omissions on his part.

Regarding posture, if you are 5' 8" in height, stand erect and show it. There might be a drunk around who feels that he can lick any cop who is 5' 7". If this is the case, he will pass you up. If an officer seems to be "all in", the public will have little confidence in him, and a law violator is apt to look upon him as a "pushover". Give the public the best that is in you—they are entitled to it.

If the officer leaves the Captain's Office in company with other officers, he should keep in step with them while accompanying them. When he meets the officer he is to relieve, he should question him about any items of importance which might have occurred on the previous tour of duty.

The officer is now in view of the general public, the representative of his entire department. The whole department will be judged by the way he conducts himself. If his clothing is untidy, his shoes unshined, or he is in need of a shave, the reputation of the department will suffer. If he is correctly attired, his cap squarely on his head, not tilted to either side or set on the back of his head, the public will admire and respect him, and instinctively will credit the department with being a well-organized and efficient one.

The uniformed station officer by his appearance, tact and courtesy, does more to impress the public with the necessity of a police department than some unseen yard patrolman might by single-handedly apprehending three or more freight car thieves.

A tired uniformed station patrolman might say, "Eight hours of holding the alert appearance expected of us just can't be done." It can be done if he is wise. He might say that his feet give out and his back aches. He can get relief for his tired arches by walking pigeon-toed for a five minute period. Nightly bathing of the feet, and proper socks and shoes will ordinarily do the rest.

His back and the calves of his legs may tire and ache. A quick remedy for this is to leave the main part of his post, go to some lavatory or deserted part of the post, and there indulge in a few back, front and side bends. Calf pains often come from walking up stairs on the balls of one's feet. Instead, the whole
foot should be placed on each step. Don't ride down from upper floors—walk down. There is no strain and you will benefit from it.

The uniformed station officer is the preventive law. If no immediate task needs attention, he should begin by patrolling his entire assigned area. His first assignment is to take any necessary preventive measures and acquaint himself with prevailing conditions. Yesterday's happenings and conditions are not those of today.

On this tour, as always, he knows his head works on a swivel. Besides being able to look straight ahead, he can turn his head from side to side to observe what is happening. By doing this he takes in much more territory than he would if he were just looking straight ahead.

If he passes an employe or shopkeeper he knows, he gives him a pleasant smile and a salute. This is not the time to stop and talk for he has not yet visited all parts of his post.

In the Men's Waiting Room he will usually find some unkempt individual—a bum in plain language—occupying one of the bench seats. At a word from the officer, this character will get up and leave without argument. The officer should make certain the person leaves the station, not permitting him to go to another part of it. This is better than ejecting ten bums from the room only to scatter them to other parts of the station.

During the officer's tour of duty, he will be asked many questions by patrons of our lines. Some of these inquiries may seem to be silly. However, the officer should excuse this by remembering that the questioner may be a stranger in the city, that he may be upset, or that he or she may travel very little. Questions will be asked by both poorly dressed—perhaps illiterate—persons and by those of obvious refinement and culture. In the railroad's viewpoint, both classes of persons are in the same category and the officer should not discriminate in his answers. Both classes are patrons contributing to some part of the officer's salary. He should remember that either could have used another means of transportation. His courtesy, tact and helpfulness may be the deciding factor in favor of some police officer in the future, or even directly affect the company's affairs. The officer should acquit himself as a gentleman in both cases.

If the station officer is newly assigned, he should make a list of the departure time of the trains on his tour. This list can be kept in his cap for ready reference. He should never attempt to answer debatable questions. Rather, he should direct or escort the questioner to the proper authority to answer the question. He can further good-will toward policemen in general by learning the location of the various hotels, stores, churches and points of interest in his city.

When asked a question, make certain you understand just what it is the person wants to know—don't guess at it. Give specific directions and make certain you are understood. By doing this, you indicate interest in their problems which they will appreciate. Never permit anyone to engage you in a prolonged conversation, for they might be doing this to distract your attention from a confederate.

An eight-hour tour of duty can be a monotonous grind unless the patrolman chooses to make it different by mental alertness and foresight. The time will
pass more quickly if, while patrolling his post, he invents imaginary situations. For instance, let us suppose that a patrolman saw a person with a bandaged right hand resting on the window ledge of a ticket window. The ticket seller appeared to be frightened and was pushing money out under the window grating without counting it. Is this a stick-up? How should he make certain? What would he do? What precautions should he take to apprehend the law violator and be sure no one else was hurt in the process? What action would he take if an individual was to point out another person to him and tell him that the person had just committed a criminal act?

During your station patrol, observe the various persons you see, and make comparisons of their physical characteristics, their clothes and their walks with persons whom you know. One person's build may be the same as one of your cousins; another will wear clothes similar to those worn by one of your friends; still another will walk with a slight limp, or will swing his right arm while his left remains at his side, or he will carry his head with a tilt to the right or left. These may be characteristics of someone you know. All this will make it easier to describe a person at a later date if it is necessary in connection with some happening of interest to the police department.

Keep in mind that nearly everyone has something distinctive about him that will aid you in describing him. A facial adornment, a disfiguration, an unusual gait, a peculiarity in dress or speech are some of the things that can be recognized by another without the necessity of actually having the individual fingerprinted. Look for these peculiarities and be able to describe them in detail.

If you were to see a crowd collected at some particular part of your post you would sense that your services were needed. Get there as quickly as you can, but walk the last ten steps. This will allow you to draw a few deep breaths to collect yourself before separating the crowd, and it will enable you to reach the core of the trouble with a calm demeanor. Also, if there is need of a physical encounter you will be better prepared for it. The contestants and the onlookers will be impressed by your calm manner and will be more likely to do your bidding than if you had rushed up breathless and exhausted.

Never, under any circumstances, curse or swear at anyone in trying to control a situation. It will defeat the purpose you have in mind by turning the onlookers against you and it might place you in the position of being a law violator yourself by being guilty of disorderly conduct. Don't yell, shout or wave your arms. This excites the onlookers and creates the impression that you are bewildered. If a situation seems to be beyond your individual physical control, look around, pick out the biggest men in the crowd and ask for their assistance. You have this legal right and, in the majority of cases, they will assist you.

Credit the law violator with a certain amount of intelligence and don't underestimate him. The fact that our uniformed preventive arm of the law has little chance of apprehending a criminal in the actual commission of a crime is conceded. However, the officer can discourage a law violator from committing a crime on his post. If a law violator is "casing" the patrolman, he will never be able to predict the officer's movements. The greatest compliment a criminal can pay a uniformed patrolman is to list him as a "nut" or "wheel" whose tour of patrol cannot be foreseen.

If the uniformed patrolman desires to convey some information or a message
to an officer or superior working in plainclothes on his post, he should never directly approach this party and engage him in conversation. Instead, pass the plainclothesman and ask him in a low voice to follow you. Then walk to some inconspicuous part of the station where the message can be delivered away from the general public.

At numerous times the station patrolman will be plagued by the acts of juveniles. He will come across a juvenile shoe shiner or bag carrier. If the officer knows the juvenile is a first offender, it will be best to talk to the youth and explain to him that he is to discontinue his practice, and why and what can happen to him should he persist. Other juveniles will act in a rowdy fashion on moving stairways, or will slide down the broad, flat arms of stairways. In no case should the uniformed officer run after these juvenile offenders. Instead, he should walk slowly toward them. His mere approach will cause the offenders to leave the premises quietly and quickly. If the officer were to run after them they might become confused and fall from the stairway to the floor and severely injure themselves. In the case of shoe shine or bag carrying boys, they might run into passengers and cause them injury in their desire to escape the officer.

Every officer assigned to station duty should know how to stop the operation of moving stairways in case of an accident.

Regardless of his post, every police officer should cultivate the good-will of every employe or shop owner on his assigned territory. This can be done by a pleasant greeting, a cheery smile and a word of praise. Everyone is pleased by a compliment. This will pay off in good-will and, more concretely, it may result in a "tip" that will break a case for us.

If there were but two people on an island, one of them would be more inquisitive than the other. This type would explore more of the island and know more of the other fellow's business than he would volunteer of his own. He could be classified as the "busybody" type. Every police officer meets this kind of person and should cultivate his acquaintance. These people are sources of information about everyone they come in contact with. They eagerly collect gossip and, although much of it may be hearsay, many parts of what they hear and relate will have substance. They will classify others as heavy drinkers, gamblers or free spenders, living beyond their means at home or in attire. This information could be an excellent start in investigating a complaint of embezzlement at a later date. The officer should keep in constant contact with this type of individual, either to listen to the current gossip, or to request him to obtain definite information for him.

By observing the actions of legitimate patrons of the station the patrolman can acquire standards for comparison with the actions of a law violator. Legitimate passengers will be seen in the open parts of the station premises and will not stand against the walls or light standards of the station as a law violator will to make himself inconspicuous. The average patron will enter the station on legitimate business and will attend to it immediately. He will not linger for hours. His actions will be natural, showing no evidence of fear. In the Men's or Ladies' Waiting Rooms, he will take the first seat he finds vacant, while a law violator will pick a particular seat for the observation it affords him.

The average traveler is a trusting person and will sometimes enter the sta-
tion with baggage, deposit it the first chance he gets, and then walk away to execute some mission. This may be to get information, a ticket or he might even go for a shave. If the police officer knows there are no plainclothesmen to watch the temporarily abandoned baggage, he should stop the patron and advise him to take the baggage with him. If the officer has a plainclothesman on the floor with him, he can quietly give this man a description of the owner and allow him to cover the baggage. In no case should the uniformed officer attempt to cover the baggage himself, for he might be called on an emergency and he would then have to leave the baggage to take care of the call.

We come now to a very important part of a day-tour uniformed station officer's duties--his daily escort trips to a bank. To prove the importance of these trips, ask yourself what part of every newspaper would carry the story of a Penna. Railroad station hold-up. It would certainly rate first page headlines. Also ask yourself if your name would be listed as being killed in the hold-up. The answer might be "yes" if you were careless.

The following precautions should be taken to avoid a hold-up of this type. Before going to the starting point of the trip, be certain that your gun is in the best position for a quick draw. A few minutes before starting time, take a position near the point from which the bank messenger will leave. Turn your back on this point and closely observe everyone in the vicinity for suspicious characters.

No law violator would attempt a hold-up of this magnitude without first "casing" your trip for a few days. Therefore, you should pay close attention to anyone you see in the immediate vicinity daily. Make a mental note of these people and, should you see the same person on the following bank trip, inform your superior of it. He can cover this person on the following day.

If your suspicions lead you to believe that there are two or more persons in the vicinity of your starting point who could be hold-up men, call the main office immediately and ask for assistance. Don't start on the bank trip until you have assistance. It is better to be sure than sorry.

The bank messenger may have more than one heavy bundle to carry. Don't volunteer to carry one. If he should ask you to do so, explain that you are under strict orders to refrain from carrying anything, and advise him to get another messenger to help him before you start the trip. Don't carry as much as a single envelope while on this detail. Your hands must be free at all times.

Always walk behind the bank messenger on the side he is carrying the most money. The distance between the officer and the messenger will be governed by the density of the crowd.

Give careful attention to the persons you see en route for any suspicious actions on their part. Look from side to side while walking, and take special note of anyone standing at a wall or window front. Should your suspicions become aroused, take the bank messenger into a store and 'phone for assistance. If there is no store entrance near, back yourselves up against a blank wall. This will make an attack possible on you from one side only.

Never saunter along, stop to answer questions, or have a friend or acquaintance accompany you on a bank trip. This is a serious assignment and it is to be completed as quickly as possible without interruption.
There are definite trends in crime. For instance, let us suppose that you read in your daily newspaper of the successful hold-up of a particular liquor store. Watch the papers carefully and you will note that hold-ups of liquor stores follow in quick succession. This wave will continue until the original criminals or their imitators are apprehended by the police. The trend will then turn in another direction. This explanation is offered to alert our officers should they read of a successful railroad hold-up anywhere in their area.

Thus far, this article has covered the duties performed by the uniformed station officer on day tour. Both tours of men following the day man are expected to carry on in the role of ambassador of police good-will, and to follow the safety precautions already pointed out.

Never attempt to abuse an entire crowd. Take preliminary precautions to avoid confusion and see to it that they are carried out. If the train the officer is assigned to load is not in the station proper and the gates are closed on the upper level, he can make the following announcement in a clear voice: "There will be no need for crowding or pushing. Please take your time and no one will be hurt." In this statement, you are calling a safety measure to their attention. As we know from experience, repetition registers. For this reason, repeat this announcement from time to time after you assume your post at the gates.

Certain derelicts will come to the station to sleep during the middle tour. The officer should watch for these unfortunate and see that they leave the station premises. This cannot be done effectively by merely ordering them to leave, for they will only go from one section to another, and the job of ordering them out will have to be repeated time and again. These unfortunate know each other and exchange confidences. If a certain officer is known to be lax in the performance of his duty, you can be certain that this word will be passed along to other derelicts, and a large number of them will take advantage of him. Conversely, the officer who personally sees to it that these characters remain out of the station will make them realize that it is not a haven for their kind and they will avoid it in the future.

The last tour officer has many of the duties of other tours, but he is particularly charged with protecting legitimate passengers from the wiles and thievery of law violators. The large volume of passenger travel has by then passed its peak, and the officer has more time to give individualized attention to those in the station. He may question them as to their reasons for being there. If he does this pleasantly, indicating that he wants to be helpful, he can soon catalogue the legitimate passengers from others who might be law violators.

The majority of taxicab drivers are operating vehicles on a percentage earning basis. The more revenue they bring in, the greater the profit to themselves. For this reason, we find them ready to disobey every rule or regulation in effect to obtain a fare from a railroad terminal. They assume that the persons they pick up in railroad stations are going longer distances and tip better than a fare obtained in a city street. Consequently, they aggravate the officer by their delaying and stalling to pick up passengers.

Cursing, swearing or shouting at the offenders will not obtain the desired result of moving them along. The officer can only discourage delaying tactics by moving the passenger line past the offender so that he does not pick up a fare.

The performance of a day's duty in our passenger station driveways calls for
an alert, well-conditioned individual and not one who believes that he can clear up a traffic snarl by blowing a whistle. An alert officer will know his bottleneck spots and do most of his tour at these points. He will also be ready to move around with a word of advice or warning in order to clear a traffic snarl before it becomes serious.
A station plainclothesman should be a discerning individual who takes nothing for granted. In addition, he should be a good analyst and a good report writer. He must have a full knowledge of laws affecting railroad and other law violations.

Disguises, as described in fiction, are things of the past. To create the opinion that he is one of the traveling public, the plainclothesman need only carry a daily newspaper or a railroad timetable in his hand. A trainman's seat check in the officer's hatband has been known to disarm the suspicions of potential law violators.

A newspaper can be put to many uses. It can be carried in a side pocket of the coat or in the hand, folded four ways. It also can be folded in half and carried under the arm, or rolled into a tight shape, making it an efficient weapon of defense. When rolled up, it may be used to improve one's hand and wrist muscles as fighters use a small rubber ball to strengthen their fingers and wrists. It can be spread open by the officer who can pretend to read it while actually, he is looking at a suspect in the distance.

A station plainclothesman should at all times avoid conversations in the open parts of the station with the uniformed forces assigned there. Should he wish to talk to one of these men, he can pass him and ask the officer to follow to a secluded part of the premises. He can also approach the officer directly, give the uniformed man the information he wishes to transmit, then point to another part of the station as if he were a passenger inquiring directions. After passing on the information to the uniformed officer, he could look up at one of the station clocks or his own watch and leave in the direction toward which he has pointed. The uniformed officer can help by also pointing in the same direction, nodding his head as if agreeing with the supposed passenger as to the direction.

Station plainclothesmen are acquainted with most employees working in and about the station. Should the officer be on a surveillance, and one of these other employees, plainly recognizable as a railroad employee by his uniform or other identification, comes directly toward him to engage in conversation, the officer should discourage this by walking away from the oncoming employee. The surveillance might be spoiled by speaking to a person who is obviously a railroad employee. To prevent this from happening, the plainclothesman should instruct other employees not to speak to him while he is on duty unless he speaks to them first, explaining his reasons for doing this.

A station plainclothesman's observations of the conduct of legitimate railroad passengers can be used to good advantage. In time, he will be able to separate legitimate passengers from persons who might be regarded as possible law violators needing surveillance. By imitating the actions of the legitimate passengers the officer will deceive the law violator. To effect this natural disguise, he must walk about the station in a manner which will give the impression that he is either going to a subway or seeking information at a ticket window or information desk. His gait will be brisk and not that of a person who is killing time.
In a waiting room, he will choose a bench that will command the largest area of observation. This should be among other passengers so that he will not draw the attention of a law violator entering the room. He should open his newspaper and pretend to read.

If a plainclothesman has a suspect under surveillance in an open part of the station, he should take a position in the open. Here, he can stand close to a group of passengers as though he were a member of their party. If he should see the possible law violator looking him over suspiciously, the officer can lean toward one of the group and smilingly remark that it is a hot or a cold day, or make some similar innocent statement. This will disarm any suspicions the suspect might have as to his identity.

If the officer should find it expedient to take up his surveillance from a position against a blank wall, he should take out his newspaper and pretend to read it rather than appear to be doing nothing at all.

If he is on patrol and visits one of the waiting rooms for observation purposes, he should enter briskly, stand at the entrance and look over the room and its occupants as if he intended to meet someone. If he strolls leisurely into the room, a law violator already there will keep him under observation as long as he remains.

Should the officer’s attention be attracted to someone in the room, he should walk briskly and smilingly past this person as though he just saw his friend. After passing the suspect, the officer can find a seat and start his surveillance from there.

At no time should the officer take a position behind lockers or a bend in the wall and peek out from this position to view the suspect. Passengers do not indulge in such capers. Should the suspect observe you doing this, you may be sure he will leave the station at once only to return later and perhaps commit a violation of the law. He may even have enough nerve to walk directly toward you to make certain of your identity. Should this happen, your usefulness against him would be ended.

In a waiting room, an officer should never take a position against a side wall to conduct a surveillance, for he will stand out prominently to everyone in the room. If all the seats are occupied, it will be best for him to stand at the end of a bench that will command the best view of the room. He should pick a bench with someone sitting on the end, so that he can pretend to be with that person. In doing this, he should select someone who, in appearance and nationality, would reasonably appear to be associated with him.

Should a suspect notice him, the officer can start a conversation with the person he is standing near by remarking on the activity of the station. This will bring a reply, and the officer can keep the conversation going as long as necessary to disarm any suspicions on the part of the suspect.

During a plainclothesman’s daily routine, he may observe some objectionable person or thing that needs police attention but which is not actually a law violation. This should be called to the attention of a uniformed station officer for handling in order to preserve the identity of the plainclothesman.

If the plainclothesman should observe a uniformed officer in a controversy,
he should join the gathering as an outsider. If his brother officer needs no immediate assistance, he need not disclose his identity. If he senses a person in the crowd is antagonistic toward the uniformed officer's handling of the situation, he can pass a remark that will squelch the objector. This remark should not be of an offensive nature. It should be an explanatory one such as, "I think the officer is acting within his rights and doing his job in a proper manner." If the plainclothesman gives this assist in his guise as a traveler, it will restrain the crowd from getting out of hand and causing a melee.

Should the plainclothesman feel that his physical help is needed, he will offer this at once. In doing so he can pretend there is additional police at hand by saying in a loud voice as he enters the affray, "Stand back, I'm a police officer. Ed and Charlie, you arrest anyone who interferes." The latter statement will create the impression that there are two other policemen among the crowd. In a milling group of strangers, each will suspect the other of being one of the policemen. This will disconcert them and lessen their resistance to the handling of the law violators.

Assignments for the protection of world celebrities, royalty, ambassadors, the President of the United States and others, will be one of the duties of the station plainclothesman. His interest should not be concentrated on getting near the important person, nor should he keep his eyes constantly on the personage. This detail calls for mingling with the crowd and a constant observation of its actions lest there be a fanatic who might wish to harm the visitor.

If a station plainclothesman is on a roving assignment during these visits, he must keep in mind that passengers in various parts of the station may leave their belongings temporarily unprotected to join the crowd meeting the celebrity. This affords a law violator an opportunity for theft. Then again, another criminal might consider this an excellent time to commit a hold-up.

It hardly seems necessary to caution against the use of firearms in a crowded passenger station, but this caution is issued emphatically. A firearm should never be drawn from its holster in a crowded station unless it is for the protection of the officer's life or that of another.

Railroad passenger stations attract certain undesirables. Among these will be found persons of questionable virtue and morals, both male and female. Others, less offensive, could be classified as flirts. These characters can be easily identified by the plainclothesman. He should record his observations of their actions, together with a detailed description of the offenders. This, in turn, can be reported to the vice squad of the local police department for their specialized attention.

Plainclothesmen on passenger station duty are not ordinarily in a position to gain the good-will of the patrons of the railroad. However, they should be observant and attentive to things that annoy passengers. They should record any criticism or praise made of station operations by the traveling public.

A plainclothesman should be especially attentive to any recommended changes the public may suggest as improvements in service. Many persons will criticize a prevailing practice but will not put their criticism in writing. Others will not bring meritorious suggestions to the attention of the management. In either case, the officer should make a note of these and refer them to his immediate
superior or to the Suggestion Headquarters maintained by the company in Phila-
delphia, Pa.

These instructions to a plainclothesman are concerned mainly with protecting
his identity. Once his identity becomes known to a law violator, his usefulness
is ended insofar as that person is concerned. Further instructions that will
prove helpful to plainclothesmen and other officers as well, will be found in
the following chapter.
P A S S E N G E R  S T A T I O N  R A C K E T S

THEFTS OF BAGGAGE NOT UNDER CHECK

The most prevalent racket practiced in railroad passenger stations is the stealing of hand baggage carried by passengers into the station and thoughtlessly left unattended while the passenger is otherwise occupied.

These thefts do not incur liability on the part of the company. However, the obligation of protecting baggage and preventing theft is mandatory on every one of our officers.

Little imagination is needed to visualize the discomfort of the passenger who has had his baggage stolen. The passenger may have been en route to a vacation resort and the expense involved in replacing the baggage may cause him to abandon his trip entirely. Business men have lost baggage containing contracts, deeds, or other valuable papers. Servicemen have lost discharge papers, medals or articles that cannot be replaced.

The unfortunate part of these incidents is the disappointment the passenger has in us. To point out his own carelessness or our non-liability is little comfort to the victim in these cases. The fact is that the individual, unconsciously or otherwise, associates his loss with the PENNSYLVANIA RAILROAD. This is the principal reason we must be alert at all times to stop baggage thefts.

Uniformed station officers have been told what to do to prevent these thefts; this is to advise the station plainclothesmen how these thieves operate.

Experience has shown that if a bag thief is working alone he will take up a position in a waiting room where he can see any passenger who leaves his baggage unattended. If he feels satisfied that the passenger will not notice its theft, and certain that no police officer is in the vicinity, he will walk swiftly to the baggage, pick it up and continue away with it in one smooth operation. This operator has nerve. The police officer will not recognize the theft unless he has had the offender under previous observation.

Another thief may be more cautious. This person will not have the nerve of the first offender. He will walk over to the unattended baggage, stand near it, and take a good look around before he bends over and lifts it. His caution will be evident to any alert police officer.

If the officer has not seen the person who set the baggage down, and his suspicions are aroused by the cautious actions of the person taking the baggage, he can do this: Follow the suspect and as he is about to leave the station, accost him and say, "Pardon me, you have taken my friend's bag by mistake." If a theft is being committed, the thief will either run or offer an inane explanation for having the baggage. In either case, he must explain his actions or prove his ownership by describing the contents of the baggage.

Other baggage thieves have loitered in the station until they noticed unat-
tended baggage. They would then point this baggage out to a Red Cap and have him carry it to a subway or taxicab and steal it in this manner. Others have worked similarly by using an innocent, partly intoxicated person to carry the stolen baggage to a street or subway station for a small fee.

Another thief would carry an empty suitcase into the station and set it down near unattended baggage. He would then pick up the unattended baggage and walk toward a station exit. If anyone questioned him, he would pretend that he had picked up the wrong baggage by mistake. The officer should be able to notice anyone carrying an empty suitcase since it will swing in the hand of the person carrying it, and it is necessary to grasp the handle with all the fingers of the person’s hand for control. A packed suitcase will hang in the hand of the person carrying it, the weight preventing it from swinging.

Some baggage thieves stand at the end of a line of persons buying tickets at a ticket window. From this position they can observe persons leaving baggage unattended, while they themselves appear to be legitimate ticket purchasers. When they are satisfied that they can effect the theft, they walk over to the unattended baggage and pick it up without hesitation. These thieves may be observed moving up with the line of ticket purchasers toward the ticket window until they are about to reach the window itself. They will then either drop back to the end of the line, or go to the end of another line at a different window to take up their observations at that point. A plainclothesman can play the same game to watch a particular subject or for a general observation.

The most ingenious bag thief ever to operate in any railroad station was a very self-assured, well-dressed white man. He would stand or sit around the station until he saw baggage left unattended. He would then walk over to it, pick it up, and place it in a dime metal locker. Next, he would return to the scene of the theft. He would see the owner return and, finding his baggage missing, report it to a uniformed officer who would take him to the main police office. A plainclothesman would return with the victim to the place from which the baggage was stolen to get a positive point of loss and to question any persons in the vicinity. This thief would then know one of the plainclothesmen. The next day, he would return to the locker in which he had placed the stolen baggage and remove it without exciting anyone’s suspicions. After he was apprehended, he confessed he often stood close to the officer and the passenger to hear what was being said.

Another thief, to get more returns from his thefts, operated in the following manner: He would steal baggage, take it to his home and there strip it of any jewelry, cameras or other saleable articles, leaving intact any linens or papers. From mail or other identification in the baggage, he would find the address of the owner and write to him, explaining that he had found a piece of baggage in the man’s room in a certain station, and that he would return it for a consideration. Some of the owners who had reported their losses at the time they occurred, notified the railroad of the return of their stolen baggage and the modus operandi of this particular thief was reasoned out. The letters received by these persons were obtained, and the next passenger who reported his baggage stolen was instructed to wait for a similar letter. Upon receipt of such a letter, he was to notify the railroad police and allow them to handle the matter with the writer. The letter was received and an appointment was made with the writer. When confronted with the evidence against him, he confessed to all previous thefts of this type, and was later tried, convicted and sentenced to jail.
Some persons who intended to use our railroad have entrusted their baggage to bag carriers they had met on city streets or on subway stations. On entering the railroad station, some of these prospective passengers have walked on ahead of the bag carrier. In many instances, the bag carriers have turned about with these bags and have stolen them. One prospective traveler came to our police office with a complaint of this kind and furnished a description of the thief. From the description given, one of our officers was able to identify this particular thief to a city policeman, who later made the arrest and recovered the stolen baggage.

An officer who is constantly watching for passengers who leave their baggage unattended will eventually become a witness to an actual theft of baggage. He should then act as follows: Start after the thief in a casual manner, allowing him to reach a station exit or a subway station. Don't apprehend him too soon for he may claim that he saw the baggage unattended, and had picked it up to take it to the Station Master’s office or the Lost & Found room.

When the thief has reached a point where he could not reasonably use the above excuse, the officer should approach him on the side opposite that on which he is carrying the stolen baggage and apprehend him from that side. This will prevent the thief from dropping the bag on the officer's feet in an attempt to escape.

The officer should identify himself and inform the thief that he is under arrest. The offender should be given a quick, careful search for concealed weapons, and then ordered to carry the stolen baggage to the police office or other suitable point for questioning. With the thief carrying the baggage, the officer will have both hands free to prevent an escape. Should the thief refuse to carry the baggage, the officer should request someone else to do this for him rather than attempt to carry it and guard his prisoner at the same time.

When the prisoner is safely lodged in the police office, a search can be made for the owner of the baggage in order to identify his property, and to learn if the theft is a petit or grand larceny violation, according to the value of the property.

It is never advisable to bring the offender and the victim face to face at this time since the passenger usually wishes to continue his journey and is seldom interested in the prosecution of the offender. This may lead the passenger to state that he has no intention of prosecuting. If such a statement was made in the presence of the thief, it might hamper the handling of the case and stiffen the attitude of the offender.

You should retain custody of the stolen baggage, book the prisoner at the local precinct and have the victim act as the complainant. Should he refuse to enter a complaint, you can act as the complainant since you witnessed the commission of the crime. In this case, the passenger should be listed as a material witness.

In the court you will present the stolen baggage as evidence against the defendant, and then ask the magistrate to release the baggage to the owner so that he will not be further inconvenienced. This will become a matter of court record and it will not be necessary to produce it at a later court hearing. If the court does not release the baggage, it must be placed in the custody of the Property Clerk of the local police department.
When the prisoner is questioned, he should be asked about all previous baggage thefts of a similar nature, explaining to him that you are only charging him with his present theft and do not intend holding any other self-confessed thefts against him.

Should he admit to any previous thefts, have him give you the following information: The exact location of any loot remaining from these thefts, getting apartment numbers and the names of those he lives with, and exactly where the stolen articles can be found at these points and what they are. All this is a MUST for the issuance of a search warrant.

Question him about any accomplices he was working with or may have worked with in previous thefts. This may lead to a later arrest.

Learn from him how, where and why he came to commit the crime he did. This explanation should be asked of all types of offenders for our own edification.

THEFTS OF BAGGAGE UNDER CHECK

The company is financially responsible for baggage which is stolen while under check.

In the theft of baggage from a station baggage room, certain individuals have boldly entered the room, walked to a point where hand baggage was stowed, picked up a bag and have walked out with it. The consummate nerve of this type of thief is his greatest asset. An observing police officer should recognize this individual as one who is not connected with the baggage room forces and watch him closely.

A thief of this type usually palms the check on the baggage he is stealing to conceal the fact that no one has stripped the string portion of the check from the baggage handle. If any unauthorized person is seen carrying hand baggage from a baggage room with the string portion of baggage check on the handle, palmed in the carrying hand, the officer should stop this person and examine the string portion of the check. This might result in an arrest.

Baggage rooms, besides handling baggage, also handle inbound and outbound U. S. Mail, Railway Express shipments and daily newspapers. This additional business is handled by auto trucks, by privately owned cars, and by hotel and privately owned baggage transportation trucks which pick-up and deliver various articles.

An officer on baggage room duty should pay careful attention to any operator of the above named vehicles seen in an unauthorized section of the baggage room. He should see to it that they do not uncheck or handle any baggage unless they are attended by a baggage room employe. He should keep these persons on or near their own vehicles and not permit them to roam about the baggage room. This will prevent them from committing an outright theft of baggage or from switching string portions of checks on baggage in the room.

When delivering baggage to an incoming passenger, the baggage room counter attendant is presented with the claim portion of a baggage check. If a search fails to locate the baggage, the attendant will invite the passenger into the room to look for his particular baggage. If this is the case, the attendant should remain with the passenger while he is in the baggage room. If the person...
is permitted to wander around the room unattended, he might get ideas on the
looseness of the operation and take advantage of it at a later date. This prac-
tice should be discouraged.

Baggage arriving and leaving on trains is accounted for by the train bag-
gage master who makes out a baggage waybill covering all baggage handled by him
on each trip. When baggage is given to a train baggage master, a record of the
pieces loaded on his train is made in the baggage room from which it is loaded.

If a shortage exists between the record of baggage as made out by the train
baggage master and that received in the baggage room, one of two things can be
surmised. The missing baggage might have been put off in error by the train bag-
gage master at a previous station or it might have been stolen from the baggage
truck on the train platform.

If investigation fails to find the missing baggage at another station and a
second complaint of this nature is made, the officer should cover the baggage
trucks taking baggage from the trains to the baggage room proper.

The same procedure in reverse can be followed, from baggage room proper to
the loading on a train if the loss is an outgoing piece of baggage.

Baggage room counter attendants have accepted claim portions of baggage
checks from passengers and, in looking at the numbers of these checks, have read
them incorrectly and have given the passenger baggage that was not his own. This
is commonly called a "cross delivery." If the person has any larceny in his sys-
tem and the baggage offered to him seems to be more valuable than his own, he
will accept it. The complaint will be made when the rightful owner calls for his
baggage and it cannot be found.

A cross delivery will be discovered by the patrolman in going over the match-
ed baggage checks for the previous week. He will find a string portion of a check
matched up with a claim portion that will explain the mistake that was made on the
first delivery. With the claim portion to guide him, he will find the baggage
that should have been delivered to the first party. A careful examination of the
contents of this baggage should lead him to its proper owner.

In cases of this nature it is advisable to have the rightful owner give a
complete list of all the items in his bag, so that he can demand these items from
the person who took the wrong baggage. When the cross delivery has been adjusted,
have the proper owner inventory his returned baggage and, if he finds it intact,
secure a release from him.

Parcel room baggage has been stolen in the following manner: The thief
waits in the vicinity of the parcel room until he sees an approaching passenger
carrying an expensive piece of baggage which he intends to check. The thief will
have two cheap pieces of baggage which he has purchased from a second-hand dealer.
He will stand next to the passenger he has under observation and, when the passen-
ger with the expensive baggage checks it, the thief will check his cheap baggage
to secure the next check numbers.

The thief will then know the check number on the expensive baggage and will
have only to substitute one number on one of his checks to obtain that baggage.
For example, the expensive baggage is covered by check number 11-47-91, while the
thief's check numbers read 11-47-92 and 11-47-93.
The thief will use an exceedingly sharp instrument to cut out the last number on his check, the number "2." He will then cut out a figure "1" from his check number, 11-47-93, and substitute this figure "1" in place of the figure "2" on the original check. He now has a claim portion which reads, 11-47-91, the same number as that covering the expensive baggage. The finished product seems to have been done by an engraver and can be detected only on close examination. Naturally, the parcel room attendant will make delivery of the expensive baggage on the altered check.

This type of thief will operate only once at each parcel room. At the first complaint of this nature, the officer should immediately contact all the other parcel rooms operating in the city to have them watch for this particular operator and his modus operandi. The attendants should be shown what the altered check looks like and what they are to look for, a changed last figure.

Since the installation of individual ten cent lockers in passenger stations, another racket has been opened to law violators.

The thief without finesse usually attacks the locks on these lockers with a screw driver, forces the lock open and removes the contents. These thefts are usually from lockers situated in the less frequented parts of a station. Observation of these lockers and persons seen near them should be made as a matter of routine. The lockers that are most frequently broken open are those in the lower tiers, as they afford the thief an opportunity to bend over and screen his use of a screw driver. The thief is usually of low mentality and shabbily dressed.

A second type of theft from these lockers is effected in the following manner: The thief will secure a locker key by depositing a dime in any locker. He will then take a position near some lockers that are open and ready to be used. Here he awaits his victim, one who is not familiar with the operation of the lockers. These persons open the lockers, deposit their baggage, and then search for the dime they are to deposit to secure the locker key.

Should the victim find himself without the necessary dime, the thief then chivalrously offers his assistance by producing a ten cent piece, moving between the victim and the locker to screen his actions. He deposits the dime, removes the right key, palms this and substitutes the key that he took from an empty locker earlier in the day. This he hands to the victim, at the same time pointing out a place where the victim can obtain change and return him the dime he deposited.

This takes the victim away from the locker and when he returns, he does not match the key number against the locker number, but goes away thanking the thief for his kindness. The thief keeps the victim under observation until he is out of sight, then returns to the locker, opens it with the key he previously had palmed and makes off with the contents.

This type of thief may be observed when he deposits his original ten cent piece to obtain a locker key and puts nothing in the locker. As he must later take a position near unused lockers, suspects may be observed there. If this observation discloses him offering his services to anyone in the manner described, he should be kept under surveillance until he returns to the locker and actually commits the theft.
Owners of this stolen baggage can be identified by an examination of the contents of the recovered baggage. If this is unsuccessful, all authorities to whom these victims might report their losses should be contacted so that they will be directed to the police office as soon as the complaint is made.

Other losses of baggage from dime lockers occur in the following manner: A passenger will come to a set of lockers that are open and ready for use. He will open the door of a locker and place his baggage in it, allowing the door to swing shut. If he does not have a dime ready to deposit in the coin slot, he might shift his position while removing the money from his pocket. He may then insert the coin in a slot covering a locker on either side of the one in which he placed his baggage, thus leaving it unprotected in an open locker. If the passenger does not have the correct change on his person, he will leave to get change and on his return to the lockers, he may make the same mistake.

A second person intending to use a locker, might come to the open locker and, finding it open with the first passenger's property unprotected, he might steal it instead of reporting it to the proper authorities.

The loss will not be discovered until the first passenger returns and finds the locker for which he has a key, empty. An officer handling a complaint of this nature should examine the lock of the locker and if he finds it intact, question the complainant regarding his actions at the time he used the locker. The officer can then form his own opinion as to whether or not the passenger deposited the dime in the wrong coin slot.

In any case, he should check the Lost & Found to learn if the complainant's property has been turned in there. If the property is not found, the officer should then obtain duplicate keys for the adjoining lockers and examine them for the missing property.

ARTICLES STOLEN FROM TRAINS

Baggage, men's and ladies' coats and other articles have been stolen from trains about to leave passenger stations.

The gates for the loading of trains are usually opened from ten to twenty minutes before leaving time. Some passengers boarding train near meal hours will enter coaches or Pullman cars, deposit their belongings on overhead racks or on Pullman seats and immediately go to the dining car, leaving their belongings unprotected.

Certain law violators, knowing of this passenger practice, make it a point to steal these unprotected articles from the train prior to its departure from the station. Suitcases are picked up and carried off the train, the thief acting as though he had boarded the train by mistake. In the theft of men's overcoats, the thief might have checked his own overcoat in a ten-cent locker before boarding a train. Then, seeing an unattended coat, he will put it on or throw it over his arm and leave the train. The more ambitious thief will carry a large empty suitcase aboard and while going through the train, he will place any unattended ladies' fur coats and neckpieces into his empty suitcase before he leaves the train.

Other plainclothesmen would be assigned to ride trains to observe unattended
baggage or any suspicious persons who walk through trains as if in search of unattended articles.

STEALING PASSENGER'S TICKETS

After boarding a train, some passengers place their card tickets in the slot on the back of the seat in front of them and then open a book or newspaper.

Certain law violators board trains in the station and walk through the trains before departure time. While walking through, these persons place their hands over the tickets on the backs of the seats and remove them. The operation looks innocent since many people steady themselves by holding on to the seats as they walk through the cars. The passenger, reading his paper or book, doesn't miss his ticket until the trainman asks for it.

The thief will leave the train and redeem the ticket for cash at any ticket window if it has been purchased on the same day.

The first complaint of this nature should bring an assignment of plain-clothesmen to cover trains leaving the station, taking positions in a coach where a passenger has placed his ticket as described. The thief, operating as he does, will be caught in the act.

Passengers who have lost their tickets in this manner will be asked for their cash fares by the trainman. Should the passenger refuse to pay it, the trainman may, as a last resort, request a passenger to sign form AD-6009. If the passenger is willing to sign this form, then he should not be ejected from the train. If he refuses to sign the form, he should be ejected rather than arrested. All police officers should understand that an arrest or ejection of a passenger may have serious legal consequences in a damage suit. If it becomes absolutely necessary to eject a passenger from a train, it must be done at a regular station stop and at reasonable hours, using no more force than is necessary.

PICKPOCKETS

In describing pickpockets and their operations about railroad stations, it is necessary to explain how they pick their victims.

They might have followed their victim from some place outside the station, possibly a bar or restaurant where the victim had displayed a large sum of money. In this case, they will have observed the pocket where he keeps his money or his wallet. The members of the pickpocket mob will be separated, but all will keep the victim under close observation until they consider the time opportune for the robbery.

If they have decided to attempt a theft at a railroad station, they will seek a victim in the station itself. They will enter the station separately, but will keep one another in view. They will then take up positions in the station where money is displayed. This would be at a ticket window, a newsstand or other concession. For illustration, let us decide on a ticket window.

One of the mob may notice a prosperous appearing passenger approaching a ticket window, at the same time taking his wallet from a hip pocket to pay for the ticket. This mob member will fall in behind the intended victim. When the victim reaches the window, the thief will look over his shoulder as he takes his
money from the wallet to see whether or not the wallet is well filled.

If the thief decides to rob this person, he will purchase tickets to a nearby station for himself and the others in the mob. He then signals the mob that he has a prospective victim and gives each one a ticket. These tickets are purchased so that the pickpockets will appear to be legitimate passengers should anything upset their plans or should they be questioned later. Some pickpockets place the tickets in their hat bands where they can be plainly seen to create the impression they are legitimate passengers.

Some mobs consist of two, three or four members. At times, five men have operated as a unit, jokingly referring to themselves as a "basketball team." The average mob consists of three men. They are referred to as the "stall" who stays in front of the victim, impedes his progress and annoys him to distract him while his pocket is being picked. The actual pickpocket is called the "wire" or "cannon." The third member is called the "duke."

Eventually, the prospective victim goes to a loading gate for his train. As he does, the various members of the mob join him there, getting as close to him as possible. They seldom pick this spot to rob the victim for the area is large and the risk of being caught in the act is too great.

The most trying time for the pickpockets is while they are in the crowd waiting for the gates to be opened. Here a person who has never seen a mob operate may detect them by their nervousness and actions.

There will be a group of four men - the prospective victim and the three members of the mob. None of the group will be conversing with each other. The three pickpockets will be nervously turning their heads about constantly watching for plainclothes officers. If there seems to be a plainclothesman in the crowd, one of the mob will give a pre-arranged danger signal that will hardly be discernable. All will then leave in different directions.

If their suspicions are not aroused and the gates are opened for train loading, the mob will make certain they stay close to the intended victim, even if they have to push and shove others out of their way. On the stairway, the victim will be flanked by the "wire" and the "duke" with the "stall" in front.

On the platform at the foot of the stairway the "stall" will hesitate to see which direction the victim will take. When this is plainly indicated, the "stall" will quickly assume his position in front.

The "stall" will enter the train followed by the victim with the "wire" directly in back of him. The "duke" will bring up the rear to screen the action of the "wire" while he robs the victim. Here is where the actual theft takes place.

The "stall" drops a few coins on the vestibule floor and bends over to recover them. In doing this, he will act clumsy and rough up the victim to hold his attention. The "wire" will then remove the wallet from the victim's pocket and hand it to the "duke" who will place it in a designated pocket of his coat. This is done for a specific reason. Should the victim, realizing that he has been robbed, grapple with any of the mob, the others will know which pocket the wallet is in. One of them will remove it from the pocket, throw it to the floor and point it out to the victim. The recovery of the wallet usually satisfies the
victim, and the mob immediately disperses in different directions.

Should the robbery be effected and unnoticed, the "stall" will walk through the car and leave at the other end. The "wire" and the "duke" will turn about and leave from where they entered.

If an officer has detected the mob before loading time, he should proceed with the crowd down the stairway and wait a few seconds after the mob has followed the victim into the vestibule of the car. He can walk quickly to the vestibule door and observe the actual robbery, and apprehend the "wire" and the "duke." The "stall" will be out of reach and will most likely escape when he runs through to the other end of the car.

The officer should not allow either man to reach into a coat pocket for they might be trying to dispose of the stolen wallet. The victim should be asked if he has his wallet, explaining to him what was done or attempted on him. In either case, he should be asked to accompany the officer to the police office. If the robbery was completed, the victim will be the complainant. If the attempt was unsuccessful, he can be used as a material witness to the attempt. The victim should walk behind the officer and the prisoners to pick up anything they might throw away.

The procedure outlined is the operation employed by most pickpockets in stealing a wallet from a victim's rear pocket.

Should an attempt be made to steal a wallet from the inside coat pocket of a victim, the operation is performed in the following manner: The "duke" proceeds into the vestibule of the car, followed by the "wire," the victim, and the "stall." The positions of the pickpockets are reversed from those they assume while robbing a victim from the rear.

When all are in the position described, the "wire" and the "duke" will turn about and face the victim, pretending that they wish to get off or go into another car. At this moment, the "stall," who is behind the victim, will push him and pass a remark intended to turn the victim's head toward him. This affords the "wire" the opportunity to reach into the victim's inside coat pocket, remove the wallet, and pass it to the "duke."

Any time two members of a pickpocket mob are placed under arrest, they will attempt to break loose from the arresting officer by pulling in opposite directions. This is called "spreading." The arresting officer can prevent this by saying, "I'll beat hell out of the one who is left." Since neither man knows positively whether or not he will be one who is left, both will desist in their efforts to escape and will accompany the officer peaceably.

An officer will meet with all kinds of verbal abuse when he first apprehends the pickpockets. They will shout that they are reputable business men or editors of newspapers which will give this false arrest the greatest publicity. They may even produce business cards which support this assumed identity. They will threaten the officer with the loss of his job and a civil suit. If an officer has observed everything already outlined, he need have no fear of later criticism. He should take his prisoners to his headquarters for questioning. At that point, the pickpockets will usually admit their guilt and plead for leniency in the charges to be brought against them.
Outside of the attempt these men make to pull loose from the officer's grasp, he need fear little other resistance from them and never an armed assault. Most of them gamble that their sentences will be light, whereas a serious or armed assault will bring additional charges and greater sentences.

Should a uniformed officer be at a loading gate and observe what he thinks is a pickpocket mob and he knows there is no plainclothesman keeping them under surveillance, he can do one of these things: He can look for a well-built male passenger without baggage, standing at the rear of the crowd. He should approach this person and pass some innocent remark that will cause the passenger to nod his head as if agreeing with him. The officer can then look directly at the suspected mob and also nod his head as though he were in conversation with the plainclothesman, giving them the impression that they had been spotted. The other method is for the uniformed officer to walk down the loading stairway, keeping close to the mob.

**LUSH WORKERS**

Lush workers are those who prowl about to rob victims who are under the influence of liquor. These attempts are made while the victim is awake or asleep, but usually while he is asleep. This brings these thieves to subway or railroad station benches during the night hours where they find most of their prospective victims.

Their modus operandi is to stroll toward a bench where they see a sleeping person and, as they walk past him, kick his foot or ankle, to learn whether or not he is in a deep sleep. If there is no response to this abuse, the victim will be considered an easy mark.

Intoxicated persons sometimes attempt to protect their money by grasping it in a clenched fist in a trousers pocket before they fall soundly asleep. If a lush worker sees his victim with a hand in this position, he will stand in front of him, pretend he is a friend, and grasping hold of the victim's wrist or forearm, he will pull his hand out of the pocket as if to awaken him. Experience has taught the lush worker that this will bring the clenched fist out of the pocket with the money in it. Unconsciously, the fist will open and release the money outside the pocket where the thief can get it easily.

Should this method fail to produce results, the lush worker will sit next to his victim, pat his pockets to find out where his money is kept and then take it by either using his hand or slitting the pocket with a razor blade. If a watch or other article of jewelry is visible, this will be stolen as well.

The operation described covers the actions of a single lush worker. If two lush workers are working together, the modus operandi will differ to this extent. One lush worker will take a position on an opposite bench as a lookout to watch for any police officers coming up from the rear of his accomplice who is actually robbing the victim. This enables both men to observe any police officers who might arrive at the scene.

Another method is for two lush workers to choose a seat on each side of their victim who may be sitting upright, though asleep, on a waiting room bench. They then spread a newspaper across the chest and stomach of the victim. Each man holds his side of the newspaper while going through the victim's pocket with his free hand. The newspaper forms a perfect screen for the robbery.
Uniformed station officers can best protect these passengers by trying to keep them awake. If this fails, the officer should ask a nearby respectable looking person to help protect the sleeper by doing the following: If anyone approaches the sleeper, the other passenger should say to this person or persons, "He is with me. I'll wake him when our train is ready." This will prevent an attempt to rob the sleeper.

If reports are received that indicate lush workers are operating, a plant can be arranged by having a plainclothesman act as a prospective victim and actually apprehend the lush workers after they have committed a theft from his person. Reports of previously committed robberies of other persons can be furnished the court as the reason for the plant. No entrapment will be involved.

SELLERS OF PHONY JEWELRY

This type of operator is one who attempts to sell cheap jewelry such as watches, watch chains and knives, and imitation diamond rings. Women seem to be too smart to be taken in by these operators and complaints usually come from gullible males.

The operations follow these patterns: The operator will engage a passenger in conversation and explain he is from out of town and down on his luck. He will offer his watch or his diamond ring for a fraction of its value. A price will be set and the bargaining starts between the operator and the victim. If the victim pays more than the usual price of costume jewelry, he has been swindled. Some have paid a hundred dollars or more for articles worth only two dollars.

Should the victim realize he has been cheated after the transaction has been completed, he will register a complaint with our police department because it happened on our premises. A detailed personal description of the operator should be obtained from the complainant so that a future lookout can be kept for the operator.

COIN MATCHERS

These individuals, usually well dressed and smooth talkers, will take up seats in the Men's Waiting Room to pick up their prospective victims.

They will engage a prosperous-looking passenger in conversation, representing themselves as travelers awaiting a train. If the coin matcher finds that the prospective victim also has time on his hands, he will invite him for a drink, usually away from the station premises. If the invitation is accepted, they will be observed leaving the station by a confederate of the coin matcher who has picked out the victim. This person follows the first operator and his victim to a nearby cafe, and remains outside for a period of about five minutes.

The second man then enters the bar and is recognized by the first operator who greets him warmly and introduces him to the victim. Another round of drinks are ordered and the second operator insists on matching coins to see who pays for them. He loses this, as he does in all subsequent matching for drinks. He is building up the victim for later events.

After a few drinks, the second operator leaves to visit the men's room. The first operator now has the victim alone and he confidently tells him that his friend is "match happy." He will tell the victim that the other man will match
coins for any amount; that he is extremely wealthy and easily taken for a large amount of money. He then tells the victim that they might just as well get some of the wealthy person's money as the next one. He explains that when the absent one returns, they can fleece him if one of them puts up a head each time and the other a tail, the odd man winning.

If the victim decides to enter the game, he will agree to put up a tail each time he flips the coin. The first operator will put up a head on his coin. In this manner, the best the man to be fleeced can expect is to lose to either one.

The second operator returns from the men's room. He knows the victim has been built up by his partner and he resumes his supposed mania for matching, switching the matching for drinks to a cash proposition. He continues to lose, becomes aroused over his apparent poor luck and insists on increasing the stake until it reaches a point where the two confederates are ready to take the victim for the greatest amount they think he is capable of paying. He loses when the first operator flips his coin in an opposite direction to the one he had agreed upon.

The victim's cash is taken and sometimes he writes out a check to cover a loss, or he might part with a valuable ring or watch to make up the difference. Excuses are made for breaking up the game and the victim is left to figure out how he was robbed.

There is no liability on the company in this case, but the victim is certain to complain that he was robbed by a "con" man while he was a prospective passenger in our station.

A detailed description of the offenders should be taken and the victim directed to make a complaint at a local police precinct. Our officers should be on the lookout for the offenders in the future. If they are found in the station, they can be turned over to the city police for prosecution.

CARD SHARPS

Card sharps do not practice their offenses in a station proper. However, they do board trains at stations, and for this reason, their methods can be explained in this chapter.

The usual mob consists of three men who are glib talkers and presentably dressed. They usually occupy a drawing room in a Pullman car. One of the mob will remain in the drawing room. It will be this man who will have a "stacked" poker deck to be used later to fleece the victim. He will also have an identical pack of cards in the original wrapper with revenue stamp intact.

A second member will take a seat in the club car next to a prosperous looking passenger. The third member of the mob will enter the club car, approach his accomplice sitting there, and say in a loud voice intended to be heard by the prospective victim: "A friend of mine and myself have a drawing room and we like a friendly game of cards to kill time. The stakes will be small. Would you care to join us?" The accomplice will agree, and the third man will then turn to the prospective victim and extend him an offer to become the fourth player. If he accepts, the stage is set; should he refuse, the other passengers are canvassed until a victim is obtained.
All three then walk to the drawing room where introductions are made. The first sharp then says that he will ask the porter for a deck of cards. He leaves the drawing room, but of course, he does not approach the porter. When he returns to the drawing room he carelessly throws the original intact new deck of cards on the table. This action is to disarm any suspicions the victim might have of a "rigged" deck. Seats are taken, and the game, usually stud or draw poker, begins for low stakes.

The victim is allowed to win consistently at the low stakes while one of the losers puts on an act of being a sore loser. He asks that the stakes be raised. One of his partners will be sympathetic toward him and agree to raise the stakes. Should the victim also agree to this, he is ready to be taken. A few more losses at the advanced stakes and the sore loser is crying for an unlimited top. The victim feels he is playing with their money and hasn't anything to lose, and consents to unlimited stakes.

This is what the mob has been waiting for. One of them starts to shuffle the cards and clumsily drops them on the floor. A second does something to distract the attention of the victim, while the third man, who has the identically marked, stacked deck, stoops to pick up the fallen cards. The stacked deck is then handed to the clumsy partner who gives it a false shuffle and deals the cards. If this procedure is not followed exactly, it is certain that the stacked deck will be substituted in some other manner at this time without the victim's knowledge.

When the victim picks up his cards, he will find he is holding high cards that seem to assure him of another winning pot. Betting will begin with all the mob helping to swell the pot. The sore loser will have what he considers a good hand and will continue to bet. This will seem to scare off the other two sharps and they will drop out. The one sitting next to the victim will look at his cards and urge him to bet more. If the victim has all his available cash in this particular pot, the sharp alongside him will volunteer to put his own cash up for him, taking a personal check in return. If the victim accepts this offer, he will wind up losing the pot, his previous winnings, and also a sizable check. The game will break up and the mob will leave the train at the next station.

If the victim later realizes he has been robbed and complains before the check is cashed, a "stop payment" should be placed on it. A detailed description of each member of the mob should be obtained for future action.

THREE CARD MONTE MEN

These men operate in mobs of three to five. Two of the mob will be operators in full view of their victims at all times, while the others, called "shills," will work among the spectators. It is these men who start the swindle that attracts the crowd.

There is a variation of three card monte called the shell game. This usually is employed in the vicinity of circuses or fair grounds where a stationary table can be used and one man can operate without having an assistant in view. It is not adaptable for use on trains.

On trains, a confederate will spread open a newspaper for three card monte. He will hold this while the dealer throws his three cards on it for betting purposes.
The dealer will show the audience the face of three playing cards. Two of the cards will be black, the third a red card, or vice versa. He will offer to bet that no one in the audience can pick out the single card. If they succeed in picking the card, he will pay off. He then picks up the three cards face down, two in one hand and one in the other. Passing one hand over the other a few times, he will drop the three cards face down on the paper.

This is where the "shills" enter the picture. The dealer has indicated the position of the single card and they place bets on it. Of course they win and are paid off. These men, when they pick up the winning card, crimp one of the corners before they place it back on the newspaper. The dealer pretends that he doesn't notice the crimp in the card, picks up all three cards and straightens out the crimp. He then crimps a corner of a losing card and throws the three cards back on the newspaper.

The "shills" point out the crimped card to those standing near and urge them to bet on it. The victims bet and, of course, they lose.

Some of these dealers can palm the single card and have all three cards of the same color on the newspaper at the same time instead of two of the cards being of the one color.

Operators can be arrested and prosecuted for larceny by seizing the used cards. "Shills" are hard to convict and should not be arrested. However, they should be warned not to ride the trains to assist in the swindle.

THEFTS IN LAVATORIES

Certain law violators select locations where public toilets are provided. These thieves select victims they know or suspect carry wallets in their inside coat pockets, or wear valuable watch chains strung across their vests. When a prospective victim enters one of the toilets, the thief will wait a sufficient time for the person to hang his coat and vest on the door hook inside the toilet proper. He will then throw a few coins on the floor of the victim's toilet, aiming them so that they will go behind the toilet bowl.

The thief will then request the victim to open the door of the toilet so that he can retrieve his money. If this is done, the thief will contrive to stand between the victim and his clothing hanging on the door. With one hand behind his back, the thief will remove the wallet or the watch and chain, or both.

PANHANDLERS

These men are annoying to all. Charitable organizations are willing to assist unfortunates over periods of hard times, and there is no necessity for panhandling. For this reason, panhandlers should be discouraged and persistent violators should be arrested.

Their methods are obvious. After they have approached one or more persons, the officer can interview these persons to verify his suspicions.

By acting in an indifferent manner and carelessly jingling a few coins in his hand, the plainclothesman can invite a direct approach. If this is done, the officer has a more concrete case against the offender.
TELEPHONE BOOTH LOSSES

Passengers who have used station telephone booths have left packages, umbrellas or pocketbooks behind them. Upon returning after discovering their losses, they have failed to find the missing articles.

When a complaint of this type is received, the station officer should contact any persons sitting near the phone booth for any information they might offer as to who entered the phone booth after the complainant. The description given may fit some character whom the officer will recognize as one who daily sits where he can command a full view of the phone booths and any articles that might have been left in them. The officer can discourage these persons from remaining in the station on subsequent days by inquiring their business, and diplomatically calling their attention to the fact that they are observed in the station daily.

In all cases of this kind, the Lost & Found room should be checked for the missing articles.

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Police officers receiving complaints, regardless of whether or not the complainants have acted carelessly or with larceny in their minds, should not express any personal opinions to these persons. The officer may plainly see that the complainant was grossly at fault and deserved the treatment he received. He should listen attentively to every detail of the complaint and make a record of it. He should advise the complainant of the proper action to take in order to recover his property. He should assure him that every effort will be made to apprehend the culprit or culprits, and then set up plans for the desired result.

You can be certain that the victims are afterwards fully aware of their own shortcomings. To call their attention to these at this time is only aggravating to the individual.
DESK OFFICER

The desk officer is a key man who oils the machinery of every police department and keeps it functioning smoothly. He knows all the physical properties of the railroad and where the assigned police officers are stationed. In the temporary absence of supervisors, he must make decisions for immediate action by his brother officers. He handles phone inquiries, verbal reports, and keeps departmental correspondence moving in its proper channels.

He is acquainted with all the known rackets practiced against railroads and their patrons, and the modus operandi of the law violators. He knows that patrons of a railroad are usually from distant points and for this reason, they are not easily accessible for further questioning after the initial complaint is made. Therefore, he obtains a complete and concise listing of all known facts from these complainants and incorporates them in a written report for the officer who is later assigned to the investigation. The successful culmination of a major portion of these cases is attributable to his original collection of facts.

A complainant approaches the desk officer in a state of excitement over what has happened to him. At times, either innocently or in order to excuse his own shortcomings, the complainant colors the facts in the case. The desk officer's first duty is to calm the passenger and bring him back to a reasoning state of mind so that he will only report the actual facts.

To do this, the desk officer will receive the complainant courteously and invite him to tell his story, allowing him to do this without interruption in order to reduce his tension. The officer will listen attentively and sympathize with the complainant, but he will never express an opinion as to liability.

When he senses the complainant has resumed a frame of mind indicating a return to normalcy, he will assure him that he will receive every possible aid from the police department but that it will be necessary to take notes to record each happening for future investigation. The desk officer makes notes of his questions and the complainant's answers, reading the answers back to the complainant for possible corrections. If he agrees that he is being correctly quoted, it will eliminate any possibility of mistakes being made by the desk officer and any later dispute from the complainant.

A desk officer will reason that certain events may have happened prior to the complainant's arrival on company property which might have an important bearing on what eventually did take place. For example, suppose a pocket had been picked. Did the complainant show his money or wallet at a hotel or cafe before he boarded the train and lost it? Was the money or wallet shown at a ticket window only? One would indicate the pickpockets had followed the victim from the hotel or cafe; the other that they were working the station itself for victims.

The complainant should be questioned as to his actions in the station regardless of the type of complaint being lodged. What entrance did he use? Did he arrive on foot or by taxicab? Did he talk to anyone? If so, what was said and
done? Did he particularly note anyone near him? Did he have any suspicions of his own?

Should the complainant have a suspect in mind, the following questions should be asked: His reasons for suspecting this particular person. The sex, color, approximate age and the probable nationality of the person. His dress and any peculiarities or mannerisms that would be outstanding and by which he could be identified. If this can be obtained early in the interview, the desk officer's work will be simplified, and many other questions could be eliminated entirely.

Should the reverse be the case or should the complainant be unable to comprehend what is being sought, the following procedure for obtaining answers must be used: In asking for the general build of the suspect, have the complainant look about him for someone whose build is identical with that of the suspect. Should he point out a person who is a member of the police department, this fact can be noted by the desk officer in his report by saying, "Suspect's build is the same as that of our Sergt. Jones." This will be of material help to the assigned investigator. It will be far superior to "fat," "stout," "medium" or "slim," as a description.

In most cases, the law violator will be male, and the following questions will apply:

Complexion - florid; sallow; pale; fair; dark.
Hair - color; thick or thin; bald or partly bald; curly; kinky; wavy; how cut or parted.
Eyes - color; bulging or small; watering; eyebrows bushy or meeting, or penciled or any other peculiarity.
Nose - small or large; hooked or straight or pug.
Whiskers - color; Van Dyke; goatee; side whiskers.
Mustache - color; short; stubby; long; pointed; turned up ends.
Chin - small; large; square; dimpled; double.
Face - long; round; square; peg-top; fat; thin.
Lips - thick or thin.
Mouth - large; small; drooping; upturned corners.
Teeth - large; small; even; close together; missing; gold.
Ears - small or large; close to or sticking out from head.
Head - large; small; medium.
Forehead - high; low; sloping; bulging; straight.
Distinctive marks - scars; moles; missing fingers; tattoo marks; lameness; bow legs; pigeon toes; knock knees; cauliflower ears; pock marks.
Peculiarities - twitching of features; rapid or slow gait; wearing of eyeglasses; carrying a cane; stuttering; gruff or effeminate voice.
Clothes - hat and shoes, color and styles.
Suit - color and cut.
Shirt and collar - style and color.
Tie - style and color.
Dressed neatly or carelessly.
Jewelry - kind of; where worn; design.

The complainant should furnish a complete and detailed description of his loss. If this was a piece of baggage, he should describe it as to type, size, and whether or not it had initials, paper stickers or other identifying marks. All contents such as socks, handkerchiefs, etc., can be noted, but the complainant should be asked to concentrate on giving a thorough description of any items in
the missing baggage that could be pawned. These items should be reported to the local police for possible location in a pawnshop which might result in the apprehension of the criminal. It is the effort expended by a proficient desk officer that brings a large number of investigations to successful conclusions.

The complainant should not be reminded of his own carelessness or his inability to furnish adequate information. He is looking for sympathy rather than criticism, and this should be extended to him. His conscience will be his own severest critic and any additional criticism from one he is appealing to for help will only react against the critic.

The desk officer's courteous treatment of a complainant will do much to further the good-will between an offended patron and the company, and the police department in general. He should be assured that his complaint is of real concern to the company and that it will receive immediate attention.
The freight yard patrolman is a first line of defense in the protection of freight in transit. Strictly on his own at all times, he knows that the law violator he meets in the yards seldom asks or gives any quarter. He should be a rugged, courageous individual, not necessarily large in frame, but wiry and able to withstand all kinds of weather.

A newly assigned yard patrolman should be instructed by his superior as to the vulnerable points in his territory where a successful theft could be effected, and where trains with first class merchandise are made up or run through. He should be advised which other yard employees can be relied upon to aid him in future arrests. He should be told where to obtain proper records, or other help such as advice on "special" cars that have been overlooked by the office or for which no advance notice had been received.

"Special" cars are those which are given special attention. They are usually solid cars of valuable and easily sold merchandise which makes them a favorite target of boxcar thieves. The fact that these cars are solid cars of the one commodity facilitates a robbery when they are "hit" by law violators. The seal can be broken easily, the car door speedily opened and the contents removed indiscriminately. There is no lost time and it is not necessary to enter the car to select certain types of merchandise as in the case of a robbery of any other type of car.

Since the monetary loss from one of these "special" cars is far greater than that in the robbery of another type of car, the yard patrolman will make his checks on these cars often. When the car is moved from his territory, he will immediately notify his superior or his main office.

Every varied feature of patrol suggested to other patrolmen should be borne in mind by the yard patrolman. The reputation of being a hard one to outguess, in itself, will prevent many robberies of cars in his territory.

He should be taken through his territory and shown the various types of seals applied to cars by his own and other railroads; how to "pull" the seals without breaking them to see that they are intact; how to observe whether they are properly applied through the hasp and bolt to prevent the car door being opened without damage to the seal, and, finally, what to look for in a "fixed" seal.

The yard patrolman should be instructed on what forms cover certain exceptions to cars, and how to clearly and concisely fill out these forms.

He should be advised how to protect the car seals given him for re-sealing and how to make the report he must furnish for the application of each seal. The importance of not losing, misplacing or leaving seals where they could be stolen and later used by a thief on a car he intended to rob should be firmly stressed.

He should also be impressed with the importance of examining seals on cars in trains leaving or entering his territory. An accurate seal record kept by him,
together with the point of origin or destination is the only means of placing the responsibility for a broken seal and possibly a robbed car.

A "fixed" seal on a car indicates that the theft was committed by railroad employees and not an outside mob. Thieving employes use this method to divert suspicion from their area as the robbery point. They "fix" the seal, hoping that it will go through without being noticed and confuse the authorities as to where the robbery took place.

In robbing cars, outside mobs seldom go to the trouble of "fixing" seals. They are more concerned with making a hasty retreat from the scene of the robbery. Should the patrolman reason that a robbery occurred while a car was in his territory and left without a seal, he should make a thorough search for the missing seal in the vicinity and, if he finds it, report the fact at once. It is better to do this and put a "plant" on the area in the future than to leave the point of the robbery uncertain.

Yard patrolmen sometimes board moving engines or a train of moving cars to reach different parts of their yard territory. The greatest caution should be exercised in this practice. They must be certain that their footing and hand grips are secure and that they will not be injured by another car fouling a track or swept off by a building or bridge wall. When leaving the engine or train, they must be certain that they step on nothing that is insecure or that may trip them. In crossing through cars, foot and hand grips must be secure to prevent injury. Safety must be constantly borne in mind.

Observant yard patrolmen can prevent serious wrecks by reporting broken rails, hot boxes and dragging brake rigging on running trains.

Yard employees on night duty use hand lamps. If the patrolman should find any of these men with their lamps unlit in sections of the yard where valuable freight is stored in cars, he should suspect their actions. On occasion, lamps will accidentally become extinguished. However, the honest yard employe will stop where he is and re-light the lamp rather than risk an accident. If the patrolman repeatedly finds the same man with his lamp unlit, he can assume that the man has dishonest intentions and he should be given special attention.

A yard patrolman should realize that foot patrol leaves him as open for observation as the person he is watching. He can overcome this by occasionally climbing on the end sill of a car and making his observations from that point. This enables him to conceal his body from view and, since he will be some distance above the ground, a person looking for a patrolman should miss seeing him entirely. This is a recommended practice when covering "special" cars. A solid hand and foot grip must be maintained while assuming this position.

Some yard patrolmen are assigned to local yards wherein cars are loaded and unloaded. In such yards, the shippers and consignees are usually doing business in the surrounding area. Patrolmen on these assignments should acquaint themselves with the various commodities of these firms and their value. Special attention should be given in proportion to the value of the commodity.

Some freight yards are receivers of perishable freight exclusively. All the precautions found in the instructions issued to carload lot pier patrolmen should be taken in this type of yard. However, the operation of this type of yard differs from that of a carload lot pier in the following manner:
When perishable freight is delivered to piers, the railroad pier authorities first break the seals of the car of freight and then assign a checker and a gang of men to unload the contents of the car onto the pier. When this has been done, the owner of the car signs for the amount delivered to him on the pier and from that time on assumes responsibility for the protection of his goods.

Where perishable carload lots are placed in freight yards, the owner can take advantage of the 48-hour period he is allowed to empty his car. This he may do by sending a truck to his car with orders for the driver to take 50 pieces from the car and deliver them to a merchant. A yard clerk will be assigned to see that the driver takes only the 50 pieces, and the car will then be re-sealed.

The fault with this operation is that the driver may take an hour in loading his truck with the 50 pieces. Since the yard clerk will have others expecting the same delivery service, he must go from one driver to another. This means that he is never in a position to supervise the actions and loading of each driver at all times. If a driver is dishonest, this gives him an opportunity to steal and secrete his stolen merchandise while the clerk is away from the truck. Later, when he or another driver for his firm comes to pick up the balance of the load, a shortage will exist and the responsibility will be hard to place.

To combat this type of theft, the patrolman can obtain data about previous losses of certain firms from station agents, foremen and yard clerks employed at the yard. These men can also give information as to those suspected of causing these losses. The patrolman can give these persons special attention in the future.

Arrests of these persons for having more than the allotted number of pieces on their trucks at any one time is a debatable matter, since the thieves will claim an honest mistake had been made and the explanation might be accepted by their firms. Should the firms act as character witnesses for the defendants, little satisfaction will be gained from the court.

A concrete case for arrest can be built up against these offenders when the officer counts the number of pieces loaded on the offender's truck (unknown to the driver). If the officer knows the driver has an amount over his allotment, he can trail the truck to the "fence" where the driver disposes of the stolen merchandise.

Delivery yards where produce is handled, which are within city limits, attract persons who pick up produce that has fallen from cars to the ground. They should be barred from the yard premises because of possible injuries from which lawsuits might result.

Hoboes and itinerant crop workers sometimes use freight trains in moving from one section of the country to another. These persons must be removed from all trains. Should they be seen aboard a train and it is not possible to remove them at the time, the information should be telephoned to the next yard patrolman for action by him.

Homeless men and drunks climb into empty boxcars to sleep. They have been known to set fires in these cars by carelessly discarded cigarettes, and some have deliberately started fires to keep warm. Since these persons can cause damage to equipment and even cause their own deaths, the yard patrolman should police empty cars and place all persons found in them under arrest.
Numerous yard employees drive to and from the points where they are employed in their own automobiles. No exception is taken to this, but the yard patrolman should make it a practice to patrol these vehicles periodically to see that no stolen merchandise is placed in them. It would be advisable to list the license plates on these cars shortly after the patrolman begins his tour, and then check the list a few times during the tour to see if any of the listed cars have been driven away. If the list showed a car missing before a tour ended, the patrolman would have a reason for questioning this or for keeping the owner of the car under future scrutiny.
DINING AND PULLMAN CAR YARD PATROLMAN

It would greatly benefit the patrolman in a yard of this type if the supervisors in charge of the territory would specify certain entrances and exits for the yard. These orders could be enforced by imposing company discipline on violators. Rules and regulations regarding the parking of automobiles in the yard should be explicit, and it should be clearly stated to whom, and when and where this parking privilege is granted.

If the foregoing suggestions were followed, the patrolmen would be relieved of much of the responsibility he should not have to assume. Losses in the yard would be kept at a minimum and the patrolman would be able to devote more time to the protection of the dining and pullman cars in the area.

As should all patrolmen, the dining and pullman car yard patrolman should vary the routine of his patrol in order to confuse potential law violators.

The patrolman will be called upon to search pullman equipment for losses reported by patrons. He should make these searches conscientiously and even though he fails to find certain articles, he would do well to keep notes on these articles. A record of employees who have worked the particular trains on which these losses occurred, also should be kept. This might lead to a later apprehension of the person who had found the missing articles prior to the patrolman's search.

At certain times on certain days, the patrolman should station himself at the assigned exits of the yard in order to examine all packages being carried out. He should select certain times and days to cover unauthorized exit points in an effort to apprehend those carrying out loot through these exits.

He should check personal automobiles found in the parking area to see if they have the right to be parked there, and to learn if they contain concealed loot.

He should be industrious in making contacts with those who might furnish him with confidential information about the thefts of others.

Should a series of losses be reported as coming from certain trains, the patrolman should reason out why these are happening. Is it because these trains are stored, or leave from certain tracks, the location of which might make robbery an easy matter? Has one or more persons who usually service these trains been replaced by some other employee who is dishonest? From the reported losses, should the officer suspect an employee or an outsider? From the size and amount of the losses reported, could it be the work of an individual with or without the aid of an automobile? Some of these questions and others, might furnish him with a partial or complete solution to the problem. If no answers were forthcoming, he could "plant" on the equipment by placing himself in an adjoining train.

On "plants", he should make use of artifices that will disclose when the
robberies take place. These could be electric alarms attached to doors, or simpler ones such as scotch tape placed on doors or receptacles at a certain time. The officer should then visit these places at frequent intervals to learn if they were disturbed. In this manner, he will be able to fix the time of the occurrence and he can then learn who was observed about the vicinity during these times.

Dusting or smearing surface areas with various colored dyes and powders such as "Gentian Blue" or "Violet" powder which stains the fingers on contact and becomes perceptible when hands are washed in plain water and treating objects with invisible (fluorescent) powder which can be readily seen by use of ultraviolet rays known as the "black light" are recommended.

Departmental records indicate that the thief arrested or dismissed from service in the past often becomes a repeater, and will re-visit the yard to continue his thefts there. There is no positive answer as to their reasons for doing this, but statistics prove it to be true.

Shop tracks seem to be the most vulnerable spots in these yards for thefts of stock of a non-perishable nature left in these cars while undergoing repairs. This stock usually consists of cigars, cigarettes and liquor.
SQUAD CAR ASSIGNMENTS

Police officers assigned to this detail are usually selected from the ranks of men with experience in freight station and yard work. They are men who know the physical properties of the area they work and the surrounding area.

When the losses in a particular territory are so great that an individual officer cannot afford adequate protection, squad car men are provided to give the extra protection necessary. Their assistance can be likened to the duties of a shortstop on a baseball team or the men who play the secondary defense on a football team. Squad car men are used to plug up gaps in a line of defense against law violators.

The major portion of their duties will be during the night hours and, instead of preventive methods, their task will be the detection and apprehension of criminals.

Squad car men will be advised of the reason for their assignment to cover a particular territory and, in the majority of cases, they will be left to reason out what measures they are to adopt to successfully cope with any situations that might arise thereafter.

These men should frequently practice at the pistol range. For obvious reasons, they should avail themselves of every opportunity to visit the range.

When a detail is composed of two or more men, a program of operations should be arranged before they assume their "plant." Pre-arranged signals can be agreed upon which will guide their actions under different circumstances. For example, let us suppose that two squad car men were covering a certain area, one on each side of a yard opening from which thieves could be expected to leave. The man on one side might see a thief carrying stolen merchandise coming in his direction. When the officer steps out to apprehend him, the thief might drop the merchandise, and then turn and run in the opposite direction toward the other officer. In this case, the first officer would give two blasts of his whistle which would be the signal that the thief was going toward the second officer who would remain where he was and be prepared to apprehend the thief.

Three blasts of a whistle would be the signal to bring the two officers together to assist each other. Other means of signalling could be arranged with flashlights or pieces of string stretched between both officers which could be pulled by either man to notify the other of something observed or desired. Regardless of the method used, some set of signals should be arranged beforehand.

Yard or freight station areas are usually located in sections that are surrounded by factories or other mercantile buildings. These business houses usually employ night watchmen. If the officers are certain these watchmen are not part of a ring committing railroad thefts, it would be advisable to introduce themselves, explaining their presence there. If this is not done, the night watchmen might be suspicious of their actions, telephone the local police department and bring city officers to the scene, thereby spoiling the "plant."
Then too, these watchmen might be in a position to supply information that would prove helpful. For instance, if they had observed suspicious characters around the premises on previous occasions, they could advise the officers of the number of men, their actions and, possibly, the license plates of their car and where they had parked it.

City police squad cars usually visit the areas around freight stations and yards during the night hours. It is suggested that they be approached for any information they can offer. If the railroad squad car men deem it advisable, they can request the city officers to discontinue their visits while the "plant" is on. This might encourage the thieves to operate more brazenly or more often.

During an auto patrol of the territory, members of a squad car detail should be on the lookout for cars on the streets and highways containing suspicious characters. A note should be made of the plates on these cars for subsequent ownership identification.

While on auto patrol, officers should check license plates for ownership of cars parked in front of all-night restaurants and saloons. Some of these may be driven by thieves who have stopped for stimulants before committing a theft.

Certain freight yards have sections prohibited to auto traffic during specified hours. Only those intent on robbery will enter these sections at prohibited times.

In pursuing an escaping vehicle, the following procedure is recommended: The license plate of the escaping car should be written down. The officers should have their guns ready for instant use. The squad car should draw up on even terms with the escaping car without passing it, forcing it over to the side of the road or off it. The officer on the right hand side of the squad car should have his gun in plain sight of the other driver and pointing directly at him, at the same time commanding him to stop. The wheels of the squad car should be turned slightly in front of the fugitive car to prevent its forward movement.

The driver of the squad car will then leave his car, walk around the back of it and the thieves' car and stand on the right side behind the right rear window of the thieves' car. He will then order the occupants of the rear seat to get out with their hands in the air. During this time, the officer on the right hand side of the squad car will remain in his seat and keep the driver of the other car covered.

When the squad car driver has the rear seat occupants out of the car and is sure no one remains crouched down in the rear section, he will call for the front seat occupants to come out. As this order is being obeyed, the officer in the squad car will leave his car and go to the front of the thieves' car. Should there be four men in the car they can be ordered to assume positions against the car for a search of their persons.

The prisoners should be made to stand in a row, at a distance of a yard from the side of their car with their feet spread wide apart and their hands resting on the top of the car.

The officer at the rear of the car should then search their persons while the officer at the front of the car covers all the prisoners, doing nothing else.
In the search, the officer will hold his gun in his right hand and with his left hand, remove the first prisoner's hat and throw it aside. He will then feel the left side of the person being searched for any weapons that he might have there. As the officer finishes searching the left side, he should then order this prisoner to move to the head of the line on the other side of his three companions and assume the same position there.

The searching officer will go through this process of searching the left side of each prisoner, moving them forward in the line until he has searched all four on one side each. He will then search the right side of each person by working from the opposite direction and changing his gun from his right to his left hand. The guarding officer will change his position to protect his brother officer from the opposite end of the line.

At the completion of this personal search, one officer will still guard the prisoners while the other searches the car for discarded or concealed weapons.

At no time should both officers assume the task of searching even a single prisoner. One will search, the other will remain clear to act as a guard during this process.

Should the number of prisoners be four, it would be advisable to have them lie face down on the ground, hands outstretched, guarded by a single officer while the other called for reinforcements. This is preferred to handcuffing them and attempting to bring them in by herding them into a single car. A better method would be to have both officers guard them and request a passing motorist to call for assistance.
POLICE DEPARTMENT FREIGHT INVESTIGATOR

Since no railroad police department makes a practice of assigning a newly appointed officer to the work of investigating freight claims, men chosen for this assignment will have had a number of years of experience in and about freight stations and yards.

During this time, the officer will have become familiar with the operations in the handling of freight, and the forms used for this purpose and where they are filed. With this background, plus a knowledge of how railroad thieves operate, an able police freight investigator must also be imaginative and aggressive. He must be one who will get to the root of things by his determination and by patient, persistent research. He must use his reasoning powers and imagination to decide what actually took place in a case under investigation.

The police department freight investigator should remember that various other railroad departments have had the papers in a case he is investigating before they were turned over to the police. If something out of the ordinary had not occurred, one of the other departments would have been able to account for the irregularity and the police department would not have been consulted.

A police department investigator should never accept records as quoted by another individual. He should examine all records personally for possible misquotations or criminal changes in them, either of which might prove the solution to a problem.

The following actual cases will demonstrate to the police freight investigator the manner in which many cases deviate from the routine:

A shipment of ladies' brassieres was forwarded from a manufacturer in New York City to the U. S. Army at San Francisco, Calif., for distribution to the members of the Women's Army Corps. The bill of lading covering this shipment called for a solid carload of brassieres.

After a long lapse of time, the U. S. Army authorities in San Francisco reported that an inventory of their warehouse disclosed that these brassieres were not on hand, and had never been listed in their receiving records. The amount of the claim against the railroads involved was considerable. The car in which the shipment had moved had been receipted for but the Army authorities claimed they had never received the brassieres, and it was so noted in their records.

Here the matter stood until an imaginative and probing police freight investigator visited the premises of the original shipper and asked to be shown the size of the cartons shipped, and how they had been marked. He was taken to the shipping room where identical type cartons were shown to him. He then asked the clerk to mark a carton the same way he had marked the carton in question. The shipping clerk obliged, marking his firm's name as the shipper, then the consignee and address. He then wrote the word "cups" on the carton. The investigator asked why the word "cups" had been added, and was told that that was the name used for brassieres in the trade.
The investigator used his imagination and wired the Army authorities to look in the chinaware section of their warehouse for the missing brassieres. They were found there, intact. The word "cups" had misled them into thinking the shipment had consisted of chinaware cups.

Another manufacturer used large-sized cartons in which to ship lace curtains. To add to their safety, he bound these cartons with two broad steel bands. In writing out his bills of lading covering these cartons, he described them as bales. He used a paper sticker for outside markings on the cartons. In the case under investigation, the paper sticker had become detached from the carton. The billing clerk had taken the description of the merchandise as a bale of lace curtains. The destination tallyman had checked this freight from the car as a carton and not as a bale. The manufacturer was advised to change this description of his shipments from bales to cartons and the destination was advised to look for a carton instead of a bale. This straightened out this particular claim and the carton was found intact.

Four sets of freight claim papers received for investigation during the course of one week were from four different destinations, all shipments having originated from the Freight Station, Toledo, Ohio. Each complained of freight checking short from the cars at destination and, in every case, the freight agents added the advice that the other cartons in these cars had been cut open, "apparently with a knife." All cars were reported as arriving under intact seals.

To a clerical investigator, the above would indicate four separate thefts had been committed at the originating freight station in Toledo, while the police investigator reasoned that the modus operandi represented the work of one gang. The intact seals reported had evidently been fixed seals, not recognized as such at destination points. The seals were returned for examination and this was plainly evident to the police investigator.

The next step was to find out whether or not the four cars containing the shortages and cut-open cartons had been handled by one group of men. This could be the same set of truckers loading the four cars or the same switching crew handling them from the freight station to the yard. Through due questioning, the truckers were eliminated and after finding that the same switching crew handled the cars in question, they became the prime suspects.

A chart of losses of a similar nature was worked up and in every case the same employees were found to be assigned in switching at the freight station and delivering the cars to the yard. The chart was presented to the local F.B.I. office. The crew was picked up, their homes searched, stolen merchandise was recovered, and all were sentenced to jail terms.

Another set of claim papers covering the non-receipt of 31 cartons of glassware valued at $11,500 was reported by a consignee. The shipper in Toledo had made the entire shipment on the same day and had given all 31 cartons to the same contract driver, obtaining a clear receipt for the shipment.

Railroad plainly showed the good order receipt given the contract driver by the railroad for the entire shipment. The seals on the car at destination were reported as intact.

The police department investigator reasoned that a truck had been used to effect the theft. The intact seals at the destination indicated that the shipment
had not been stolen en route. The truck that had handled the shipment in Toledo was thought to be the one which was used in the theft and the driver's handling of the shipment was investigated.

The original shipping order was obtained and the handwriting of the two receiving clerks on duty the day the shipment was made was used for comparison purposes. In doing this, the police investigator was able to prove to the F.B.I. that a forgery had been committed by a clerk who signed another receiving clerk's name to the shipping order for the contract driver, the shipment never having reached the custody of the railroad. Both conspirators were convicted, and both received jail sentences.

Another claim was from a consignee who reported that he received a carton of valuable ladies' underwear, apparently intact, but upon opening the carton he found that four dozen garments were missing from the center tier of inner boxes. The police investigator reasoned that a careful theft of this nature must have been committed by someone connected with either the shipper or the trucking firm delivering the merchandise to the railroad.

The shipper's employes were eventually eliminated from the picture. The shipper permitted the police investigator to pack certain shipments which were then given to the driver under suspicion. When the driver brought them to the railroad receiving platform, they were set aside and carefully examined. It was then found that the gummed tape covering the bottom flaps of each carton had been cut open and resealed with identical tape after part of the contents had been removed. The driver's employer assumed responsibility for past losses and claims against the railroad amounting to over $3,000.

Many other illustrations could be used which would indicate that an active imagination, the habit of taking nothing for granted and a willingness to probe, will aid greatly a police freight investigator. These qualities, coupled with a knowledge of rackets, will lift a police investigator to the ranking of a specialist in the field, a goal that is to be desired.

It must be emphasized that the facts are to be reported by the investigator just as they are found. Suspicions or personal opinions are not to be offered unless they are solicited. No report is to be colored to favor any individual or the operation existing at any particular point. Should an investigation disclose carelessness or inefficiency or outright theft to be the cause of a loss, the investigator must show this to be the cause without qualifications.

The following instructions are routine:

When making investigations at point where shipment originated, the investigator should endeavor to develop the following details.

(1) When and where the shipment was packed and by whom.
(2) Kind of container used and how marked.
(3) If hauled to railroad station by pick-up and delivery contractor, shipper's drayman or outside trucking company, secure name of driver and trucking concern.
(4) When picked up by drayman and when delivered to railroad station; whether or not held overnight by drayman and where held and what opportunity for theft.
(5) Name and title of employe who receipted for shipment at railroad.
station and if any exceptions noted; if shipment was weighed at railroad station or if shipper's weight accepted.

(6) Ballot, verify check or other record of loading into outbound car; name and title of employee who loaded shipment; initial and number of car into which loaded and prefix and numbers of seals applied to cars.

(7) Date and time and in what train car went forward.

(8) If a returned shipment is involved in the claim, check the possibility of missing articles straying back to shippers.

(9) If the shortage developed at any transfer point, check O.S.&D. records for possible free astray waybill or over report.

(10) If claim covers pilferage, endeavor to develop through shippers the unit weight of articles claimed missing.

When making investigations at transfer points, handle along the following lines:

(1) Inspect transfer records, if maintained, and furnish initial and number of car in which shipment was received and inbound seal record.

(2) Name and title of employee who unloaded shipment and if any exceptions were noted.

(3) Initial and number of outbound car into which loaded and name and title of employee handling. Again state whether or not exceptions were noted, and prefix and number of seals applied to outbound car.

(4) If shortage developed at station to which loaded by last transfer station, inspect O.S.&D. records for possible free astray waybill or over report.

When making investigations of freight claims at points where shipments are destined, endeavor to develop information along following lines:

(1) Develop inbound record of car in which received, stating date and time placed for unloading and record of seals protecting.

(2) Date and time car was unloaded and name and title of employee handling, and if any exceptions were noted.

(3) Inspect delivery records and make copy of delivery receipt and exception report if any was issued.

(4) If no delivery receipt is on file or if entire shipment was not delivered, search records for possible delivery on memo.

(5) Inspect O.S.&D. records for possible arrival on free astray waybill or over report indicating that missing articles checked dead over on platform where loaded in outbound car in error.

(6) Check other transportation companies for possible record of delivery.

(7) Furnish date and time of delivery and if shipment was picked up by consignee's drayman or delivery made by pick-up and delivery contractor.

(8) If exceptions were noted on delivery records, state if shortage, damage or pilferage was discovered at station or at consignee's place of business.

(9) If claim for shortage of entire shipment or package, check with consignee for possible receipt through some other source. Check shipper and consignee warehouses for possibility of shipment not having been forwarded or received without proper record, or delivery effected by another carrier.

(10) Check over freight records, over pile at station, records refused and
unclaimed freight, and freight forwarded to salvage warehouse of
carrier or otherwise disposed of. Check for cross delivery or
errors in delivery with consignees receiving similar shipments.

(11) If claim for pilferage, endeavor to ascertain time and date
inventory was made by carrier or consignee to determine extent
of loss and if articles received were weighed, so that comparison
can be made with billed weight. If possible, ascertain unit
weight of articles claimed missing.

(12) If claim covers damage, state what disposition was made of the
damaged articles and whether or not there will be any salvage.

(13) If claim is for shortage and a returned shipment is involved, check
O.S.&D. records for possible free stray waybill, indicating that
shipment strayed back to shippers on original marks.

(14) If claim is for pilferage or damage and a returned shipment is
involved, endeavor to develop reference to original shipment, as
possibly loss occurred on that movement.

It must be repeated that the foregoing suggested lines of investigation
are general. Each individual claim presents its own problems and must be handled
accordingly.
POLICE DEPARTMENT BAGGAGE INVESTIGATOR

In recommending procedure to be followed by a police baggage investigator, his attention is called to the articles covering baggage room thefts and irregularities practiced in some passenger station baggage rooms which will be found in the chapter on Passenger Station Rackets. These will prove helpful in many cases.

Actual case histories describing the manner in which articles were stolen from baggage in baggage rooms will be presented in class.

In investigating baggage claims, it is important that the investigator be in possession of all information available before starting an investigation. Among the important features are an accurate description of the lost baggage or articles stolen from it, material, color, size, marks, initials, pasters, if any, date purchased, contents, and whether new or old.

Check further as follows:

(1) Valuation slip to ascertain value shown when checked.
(2) Station records to ascertain forwarding or receipt and notations.
(3) Baggage waybill to determine record of train baggageman.
(4) Baggage on hand, either held for delivery or unclaimed.
(5) Stations en route where article might have been unloaded in error.
(6) Lost & Found Department of carrier, Pullman Company and Railway Express Agency, Unclaimed Baggage Warehouse, etc.
(7) Traces connections if so routed.
(8) Pawnshops and second-hand stores.
(9) Develop known baggage thieves and activities at time baggage was handled.
(10) Trace Baggage Clearing House at Chicago.

These suggestions are general; each individual claim presents its own problems. On the Pennsylvania Railroad, some of this work is done by the office of the manager-baggage.
INVESTIGATIONS - GENERAL

This covers all fields not covered by the freight or baggage investigator. In one instance, it may be endeavoring to ascertain the identity of the writer of an anonymous letter in order to obtain more facts. Another investigation may be for the purpose of obtaining the background of an individual or firm, financial standing, reliability, etc. Many component parts of these reports can be easily obtained through consultation with established bureaus such as County Clerk's offices, Better Business and Credit Rating Bureaus and many others.

There is no fixed set of rules in the field of investigation which can be used as a guide for the investigator who is seeking facts and truthful answers. His stock in trade will consist of patience, common sense, imagination, and a knowledge of his art gained through his own personal experiences and those of other investigators. However, one basic course of procedure will always prove helpful. The investigator should picture himself in the place of the person under investigation and what he, himself, would do under similar conditions.

It is the investigation concerning the individual that will tax the ingenuity of the investigator. To begin an investigation of this type, the investigator should learn all the known facts that have previously been disclosed about the individual by the person or office desiring the investigation to be made. Regardless of the amount of information gained in this manner, it will prove beneficial to the investigator later. It might also keep the individual unaware of the fact that he is being investigated.

Should the individual be one whose only known address is in a private neighborhood, the investigation must begin there. The first visit of the investigator should be made to the neighborhood merchants. Here the individual should be asked for as if it was known he lived in the neighborhood but the investigator was uncertain of the address. Should the merchant know the individual, he will disclose the address. The investigator should then ask if the man is a plumber or mechanic of some sort. The merchant, if he knows differently, will explain that the individual is an insurance salesman. The investigator can then show surprise or disappointment and put the question, "Metropolitan?" If the merchant knows this to be so, he will answer in the affirmative. If not, he will correct the mistake by saying, "No, - 'John Hancock.'" The investigator now knows the man's occupation and his employer.

If the investigator has chosen a time when the merchant is free of customers to ask his questions, and the merchant is agreeable and inclined to be talkative, the conversation should be continued by the investigator, explaining that an old friend of his had the same name and he had learned he lived in that particular neighborhood and wanted to locate him. The investigator should explain that at the time he knew the man, he had been working as a plumber, but time may have changed him over to the insurance game. That would set up the next question: "Is this fellow you know married?" Should the merchant answer in the affirmative, the investigator can ask, "How many children has he now?" This will bring a reply of some sort from the merchant. To try and explain what the conversation may lead to eventually would be mere supposition and useless. The foregoing was
given as an example to show where the start of an investigation of this nature should be made.

The neighborhood merchants are selected for a first visit because they are conversant with the gossip in the neighborhood and, over a period of time, they know their customer's family, his habits and business. Another good reason for approaching a merchant is the fact that should he speak to the individual in question about the inquiries made, it will not be until some time later, perhaps a day or two after the investigator has left the scene. Again, in the rush of business, the matter may slip his mind completely.

Other merchants can be contacted for further information, using the same technique or a variation. Some may prove helpful, others may not. A particular merchant may be inquisitive enough to question the investigator's motives for the inquiry by asking him, "Do they owe you money?"

An alert investigator can sense from the tone of the merchant's question that he is owed money by the individual. The investigator should play safe by saying, "Maybe, why do you ask?" If the question brings an answer that they owe everyone in the neighborhood, the investigator can pretend to be a bill collector and have the merchant go into details about the debts owed and make real headway with his inquiries about the personal history of the person under investigation.

The investigator's next visit should be to the homes of immediate neighbors. He should call at a house three or four houses removed from the subject under investigation, bearing in mind that the home may contain a relative or good friend of the subject, either one of whom might hide this fact from the investigator. Immediately after the investigator leaves, the person might phone the subject and advise him that he is being investigated. With this in mind, the following approach should be used:

The door bell should be rung once, lightly. The investigator should step back from the door a distance of four or five feet, turn his head to one side and not look directly at the door. Both of his hands should be plainly seen at his side.

Since the visit will be made during the daylight hours when male members of a family are usually absent, the indifferent attitude, the hands in plain sight and the distance from the door, will assure the woman of the house that she need have no fear of an attack from the caller.

If the bell is not answered at once, do not ring again for a considerable time. The occupant might be attending to some task and, should she be taken from this in a hurry, the interview will be off to a bad start. On the other hand, should the investigator be kept waiting, the person will be apologetic and inclined to be more helpful.

When the woman who opens the door speaks, the investigator should turn toward her slowly, stand where he is and begin the interview by removing his hat and apologizing for disturbing her, then ask if she knows where a "Mr. Smith" lives in the neighborhood.

In illustrating this approach, the real name of the subject was Smith. The person being interviewed will point to the subject's home and direct the investi-
gator there. This would ordinarily end the interview but the purpose of the investigator is to obtain more information, so he can say, "I've called my friend 'Smith' but he spells it, S-m-y-t-h-e. Is that the way this family spells their name?"

This makes the party under investigation open for discussion and the investigator can then say his friend had been in the plumbing business, but he hadn't seen him in a long time and didn't know whether or not he was still in the same line. To use another method, he can describe an imaginary person, and ask if the description fits Mr. Smith. One thing should lead to another, the investigator allowing the person being interviewed to do most of the talking while he only makes some comment to keep the person talking. At the conclusion of the interview, the remark should be passed that the subject doesn't seem to be the person the investigator is seeking.

In making calls at the homes of neighbors, the proper name of the subject does not necessarily need to be "Smith." It will be up to the investigator to think of a name with a similar sound or to add a suffix to the name such as, "Davidinsky" for "David," with the proper inflection on the "David" and the "insky" spoken slowly or slurringly. The person interviewed will naturally think of the family near them as being the "Davids" and will ask the investigator if they are the persons he is looking for. This will break ground for further conversation which will benefit the investigator.

Should the investigator be asked his name by anyone, it is always advisable to give a name that is hard to pronounce or spell such as "Delacroix" or "Wottering." The oddness of the name will disarm the suspicions of persons whereas, they would doubt the identity of a person giving the name of Brown, Jones or Smith. It also confuses the person investigated should they be told a man was asking about them and he gave his name as "Dello-something" or "Wotter-something."

If the investigation calls for a visit to a large apartment house, it is best to call on the building superintendent. The investigator should represent himself as a credit investigator, hold a folded dollar bill in plain sight and ask for the information he seeks. He should assure the superintendent that anything told him will be held in the strictest confidence. Regardless of the amount of information obtained, the dollar bill should be surrendered.

If the investigator has been advised or has correspondence that asks for certain information, he should never try to develop this from anyone by a direct question. His approach should be an indirect one and his demeanor a combination of a dumb and helpless individual rather than that of a smart aleck. The first manner invites the person being interviewed into more detailed explanations that benefit the investigator, while the smart aleck approach invites dislike and places the person on guard.

The following list should prove helpful to an investigator as sources that might furnish needed information:

1. Administrator, estate
2. Agencies
3. Answers to decoy letters
4. Applications for licenses
5. Auto owner or driver's license
6. Architect's plans
7. Army records
8. Assignees
9. Asylums
10. Auctions
11. Athletic contests
12. Autograph albums
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<td>City Clerk's office</td>
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<td>Civil Service examinations</td>
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<td>Copyright applications</td>
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This is not a complete list but it will suggest many sources. Of course, only a small number will apply in each individual case. It is surprising how many will yield results if careful investigation is made.
INVESTIGATION OF TRAIN WRECKS

The word, "wreck", is defined in many ways. However, to a railroader a wreck can mean only one thing. An engine and a train of cars has piled up at some point on the railroad violently disrupting the normal operation, causing material damage and vast expense, and most to be regretted, a possible loss of life.

Operating officials on all railroads hold frequent conferences each year to discuss the various ways and means of safeguarding their running equipment and tracks against such wrecks. These men are not theorists. They are practical individuals who realize that man and equipment failures do occur. To guard against these they campaign constantly on the importance of safety. Certain employees are assigned to the regular inspection of running equipment. Track walkers are assigned to inspect running rails and track equipment in order to detect anything which could possibly cause a wreck.

Yet, notwithstanding these precautions, wrecks do happen. For this reason, all regions have established programs to be followed in the event a wreck should take place in their respective territories. These programs are made up by a body of men known as the "Regional Wreck Committee". The chairman of this group usually bears the title of Movement Director or its equivalent. The balance of the group is comprised of the Master Mechanic, Regional Engineer, Road Foreman of Engines, Power Director, Engineer of Communications & Signals, Superintendent Freight Stations, and the Chief of Police. When the Movement Director receives word that a wreck has occurred on the region, he immediately notifies each member of the committee, telling him what has happened, where it has happened and the resulting disorder.

Each member of the Regional Wreck Committee has his own particular task to perform in the ensuing effort to bring order out of the existing chaos. Wreck trains will be ordered to the scene; train movements in the area will be halted completely or re-routed past the wreck; overhead power lines or third rail voltage will be cut off; doctors and ambulances will be called to the scene to assist the injured and each member of the Wreck Committee will perform his assignment as though he were part of a well-trained football team executing a difficult play.

In addition to clearing up the debris and bringing the operation back to normal it is also the duty of the Regional Wreck Committee to determine the cause of the wreck. It is this committee who will decide whether the wreck was caused by man or equipment failure or by the deliberate, vicious act of some unknown person or persons.

Should the committee decide that a wreck was the result of man failure, they will look for a disregard of safety warnings; improperly set switches; misunderstood orders; running at excessive speeds where prohibited; absence of or unlit marker lights; crossing gates not lowered in time; crossing watchmen failing to give proper signals; and improper checking of journal boxes.

When the cause is attributed to equipment failure, one of the following might apply:
If brakes are stuck, the running wheels become so hot that transverse cracks appear from wheel tread to wheel hub. This causes the wheels to break and pieces fall away from them. Evidence that this has happened will be found when the broken wheel and pieces from it are found along the track side of the running bed.

Wheels that become locked, slide rather than revolve. This could cause a wreck.

Brake beams are held in place by safety supports which keep the rods from dragging along the track. When supports break or become disconnected, the rods drag and foul up running wheels and will cause a wreck. Evidence of this will be found when the broken or disconnected rods are discovered on the understructure of the car. The ties between the running rails will also bear marks of being "chewed" up.

On the coupling between cars, the coupler cross key may come out of place or break, or the coupler yoke may break and fall to the ground and cause a wreck. Evidence of this will be found when the defective coupling is located.

Car bodies sometimes get off center which prevents the trucks from sluing sufficiently. At a curve, this may foul up the trucks and cause a wreck. Examination of trucks and undercarriage should disclose this.

Steam connector safety chains on passenger cars have broken when steam connectors become disconnected. These drop to the tracks and foul up running wheels. Finding the defective equipment will account for this.

Hopper pockets on the undercarriage of cars have opened, dropping the contents of the car to the track bed, thereby causing a wreck. Evidence of this is easily found.

Ice and snow accumulating between switch points and running rails may prevent the switch points from properly closing which could cause a wreck.

Running rails have broken and caused wrecks.

An overheated journal box can cause an axle break which will certainly cause a wreck.

The shifting of freight on flat cars or gondolas may throw freight to a roadbed and foul the running wheels of a train on an adjacent track. A door on a boxcar could open and come in contact with a train running on an adjacent track.

If the Wreck Committee has decided that a wreck was occasioned by either man or equipment failure, the executive police officer on the scene will direct his attention to the proper policing of the wreckage, using his own force and all outside police agencies present at the scene. They will keep unauthorized persons away from the wreckage and prevent them from interfering with the salvage operations. They will prevent the theft of merchandise from cars and protect any merchandise that might have been scattered along the right of way. All possible aid will be rendered to the injured and their personal effects must be safeguarded for delivery to the owners later.

The commanding officer will order his men to make rough sketches and photo-
graphs of the wreckage and the area. Engine and car equipment, whether damaged or intact will be listed. The names and addresses of injured persons, the extent of their injuries, who treated them and the place to which they were removed will be obtained.

It is also advisable to list the various civic bodies that rendered aid so that the railroad management can thank them for their assistance at a later date.

When a wreck occurs as a result of man or equipment failure the duties of the police at the scene are more or less routine. It is when the Wreck Committee has discovered that the wreck was caused by something other than man or equipment failure that the work of the railroad police becomes extensive and exhaustive. In this case, the committee would advise the police executive in charge that they were unable to account for the wreck.

The cause of any wreck will be found somewhere behind the actual piled-up equipment. For example, when a person stumbles over an object in his path he takes a few quick steps forward before he loses his balance and falls, leaving the object that caused the fall somewhere behind him. So it will be with the piled-up equipment in a wreck.

In order to find the obstruction that caused the wreck it will be necessary to start at the head end of the first piece of equipment that left the rails and work back. Beginning at this point, each railroad tie must be carefully scrutinized to determine the exact point the engine or car wheels left the running rails. When this point is discovered, the obstruction or cause of the wreck will be found within inches of the place.

Let us suppose that an investigator has discovered the spot at which the wheels first left the running rails. Here he finds two unjoined sections of running rail which would ordinarily have been held in alignment by a splice plate on each side of the connected running rails. It is apparent that someone has maliciously loosened the bolts which hold the splice plates securely in place. This person has also removed a number of spikes from the tie plates which are used to hold the running rails in the correct alignment. The running rail was then pushed off center to the outside and held there with a single spike to insure against its falling back into alignment. In railroad parlance, this would be called a "lip joint" against running traffic.

Upon reaching this disturbed rail, the wheel flange of an engine would strike the undisturbed rail and mount it, causing the engine and following equipment to leave the rails and pile up on the ground.

The cause of the wreck is then definitely established. It now becomes the job of the railroad police department to discover and apprehend the guilty person or persons. The Regional Wreck Committee will be able to afford little help in this connection and the police department is strictly on its own.

To assist the police investigator, the following procedures are recommended.

It is reasonable to believe that no person of normal mind would deliberately wreck a train. It is also reasonable to believe that an abnormal person might have remained in the immediate vicinity to observe the results of his malicious act and thereby derive delight or satisfaction from the havoc caused by it. In many cases, arsonists have been found in areas in which they started fires and
there seems to be a strong attraction among persons of this type and other perverts to view their terrible handiwork.

The first police act recommended would be for the officer in charge to assign a few of his most observing and tenacious investigators to cover the area for a quarter mile on each side of the wreck, instructing them to list the names and addresses of all those with whom they come in contact. These investigators must realize that their observations and the records they make will be the most important part of the entire investigation and might possibly be the means of apprehending the perpetrators of the crime either at that time or at a later date.

While interviewing these persons, the investigators should look their subjects over carefully for any evidence that could connect them with the wreck. If the wreck had been caused by placing railroad ties on running rails, they should look their subjects over for splinters of wood that might have caught in their clothing. They should look for torn clothing. If the person had handled railroad ties, the smell of creosote might be upon his person. Cut or bleeding hands might have been caused by wood splinters or injured in the handling of the ties.

The investigators' notes should show the manner in which the subjects responded to their questions. Were the responses clear cut and above suspicion? Was the person excited, nervous or emotionally upset? Was the subject evasive in his answers? This might not mean that he had anything to do with the wreck itself but he could be holding back pertinent information. In this case, the person should be taken to the investigator's superior officer for more intensive questioning.

Find out where these persons were when they first learned of the wreck. Ask them if anyone else was at the scene when they arrived. Question them to learn if they had noticed anyone in an adjacent building or behind shrubbery as if hiding from view. Inquire as to their opinions concerning the wreck.

All these questions and observations can bring excellent results. However, the investigator cannot stop there. He must use his own imagination and reasoning powers to provide other questions to ask of those he interviews.

If a wreck had been caused by placing three or four railroad ties on a track it would not be likely that these had been placed there by a slightly built woman. However, upon questioning, this woman might supply information which would place a definite suspect at the scene.

A case of this type can be compared to a jigsaw puzzle. The investigator knows that there are many pieces, both large and small, which must be properly fitted together to complete the picture. So it is with his case. He must assemble every scrap of information before he can complete the case. When all the pieces are collected they must be put together as in the jigsaw puzzle. When this is done, the investigator will know who caused the wreck, how it was accomplished and the motive for it.

None of the notes made at the scene of a wreck should ever be discounted or destroyed regardless of the impression made on the investigator by the person interviewed. This is important for the following reasons. The names, addresses and statements taken by the investigator should be shown to the local police.
authorities who will be able to furnish valuable information concerning the persons interviewed. The same procedure should be followed with authorities in hospitals, correctional institutions and mental institutions for any pertinent information they might have which would not be known by the railroad police investigators.

At the scene of the wreck a competent railroad police photographer should be assigned to photograph the actual wreckage and also the surrounding area. This will form a permanent record of the scene at the time of the wreck. Measurements must also be taken at that time so that they can be applied to official blueprints of the area. The photographing of the wreckage, the surrounding area and any evidence or clues present at the time is a MUST. Notes should be made at the time these photos are taken to explain the significance of the various items pictured so as to support any statements made later in court.

We now have our investigators interviewing people at the scene and our photographers taking pictures of the entire area, each in his own way performing his part in the effort to apprehend those responsible for the wreck. The next step is to assign another group of officers to search the ground for any clues or evidence that might have been left at the scene. These officers can be compared with those who stand behind checkers players, and who, viewing the game from an impartial standpoint, are ready to pick up and criticize the mistakes made by the players. So it will be with this group of officers—they will be looking for mistakes made by the malefactors. It will be their job to carefully search the entire area and adjacent buildings for clues or evidence.

These men will know the exact point at which the object that caused the wreck was placed. Starting from there they will make a systematic search which will cover every square inch of territory that might have been occupied by the criminals prior to the placing of the object which wrecked the train. Their progress will be slow and deliberate in the search for anything that could be considered as foreign to the area. This measured search will make it possible to observe evidence without disturbing it and perhaps spoiling its effectiveness.

If anything is disclosed that needs explanation, the photographer should photograph it before it is removed from the point where it was found. Notes should be made of the discovery and the circumstances surrounding it. Any object which could retain fingerprints must be carefully guarded until a fingerprint expert passes judgment on it.

As always, nothing is to be taken for granted. The conditions existing at the time the search is made will most nearly approximate those which confronted the wrecker. Every minute's delay changes these conditions. This, of course, makes the job of the investigator more difficult. A five, ten or thirty minute delay may obliterate a vital item of evidence.

Suppose a railroad police officer arrived at a wreck which had been caused by tampering with a rail. If he found a wrench or pinch bar there he could assume that this was used by the culprit to cause the wreck. Such objects should be preserved as evidence quickly and must not be left lying around to become mixed up with the tools of track gangs who will later be engaged in clearing up the wreckage.

The question might arise as to what could be considered foreign to a given
area. Let us suppose that the place in which the wreck occurred is farm country. Footprints may be found behind shrubbery where the criminal had hidden before or during the wreck. If any are discovered, moulages should be made of them. Cigar or cigarette butts, book matches or other discarded objects might be found which could prove helpful later. An examination of the shrubbery itself might disclose threads of clothing or a button belonging to the guilty person hanging there or laying on the ground nearby.

If a building is to be examined it should first be viewed from the outside. Someone might have used it as a hiding place and had perhaps broken into it before the commission of the crime. Look for footprints beneath a window or anywhere in the vicinity of the building. If any are found, make moulages of them. If the door of the building had been secured by a padlock, is it still intact? If not, search for the discarded lock for the culprit might have left his fingerprints on it. Check with the owner or supervisor of the building to determine if there are any changes in the interior or exterior of it. Look for foreign objects in or around the building. If there are any fresh tire tracks in the vicinity, make moulages of them.

These suggestions may prove helpful to an officer assigned to a ground search, but then again, none of them may apply. The only advice that will never fail is this. Some mortal being caused the wreck and as such he is subject to mistakes. These mistakes are what the officer is searching for. It is his task to recognize these mistakes and properly catalogue them. At the same time, the officer must do everything in his power to avoid any mistakes on his own part.

He must constantly keep in mind that the person who committed the outrage, though possibly abnormal, was nevertheless a human being. This person could not have left the scene without leaving some trace of his presence. Search and search thoroughly for something he had done, had left undone or had left behind which might give some indication of his presence or his actions.

If it is determined that the wreck was caused by tampering with splice bar or tie plates, running rail, switch or signal equipment, the wreck crew at the scene should be called upon to burn off enough of the equipment in question to permit a careful study of it at a later date. This should be noted and marked as an original exhibit and used in any prosecution later. The actual material will be much more impressive as evidence than any replica or scale drawing could ever be.

The officer will make notes about everything he sees and finds. Anything that can be classified as evidence must be properly marked and retained. The officer must know everything about this particular piece of evidence from the time it is found until it is presented in court. There must be no loose ends or gaps in its custody which could raise a question as to its authenticity or perhaps change it from its original state.

The assignment of the three types of men already mentioned is the first duty of the railroad police officer in charge if he expects to make any progress in his investigation. It is recommended that these duties be assigned to men directly under his command while the task of guarding merchandise and valuables and the protection of the curious spectators be given to local or state police present at the scene.

The railroad police officer in charge at a deliberate wreck must realize
that it is of paramount importance that those responsible for the wreck be apprehended without delay in order to prevent future attempts by these same persons. The theft of a few dollars worth of merchandise is insignificant at this particular time.

After making certain that nothing that might be considered as evidence has been overlooked, the next step is to limit the time element in which the culprit had to operate. To do this, the following is suggested.

The first move will be to establish the exact time at which the previous train had passed without mishap. The crew of this train must be interviewed to learn whether or not they had noticed any men, women or children in the vicinity as they passed. Ascertain if any of them had noticed a vehicle in the vicinity at the time. This could be an auto, a horse-drawn wagon or a handcart. If any such vehicle had been noticed, the one who saw it should be pressed for a detailed description of the vehicle, the person or persons in or near it and what they were doing at the time.

Ask these crew members if they recalled anything unusual with the running of their train over the area. The wrecker might have started his tampering prior to the arrival of this train but might not have made enough progress to derail it. Did anyone recall an unusual sound or feel a lurch of the cars as they passed this point? If any of the crew had noticed anything unusual, it would indicate that the culprit had actually started his work and an exact time period would be established.

If nothing developed from these interviews, the track walker covering the section should be questioned as to when he had last inspected the rails at that point. Had he noticed any suspicious persons or things in the vicinity? Had he ever seen anyone acting suspiciously in the area, going back as far as his memory will allow? It might be that the criminal had looked over the area a week or a month before the wreck took place to plan his actions and select the exact spot at which to wreck the train. Anyone or anything reported by the track walker or anyone else must be investigated thoroughly.

The movements of other trains in the area at the time, travelling in both directions, must be checked so that their crews can be questioned along the same lines. If this questioning proves unavailing it must be conceded that the wrecker had completed his act in the time elapsed between the wreck and the train that had preceded it.

The next step in the investigation is to learn approximately how long it took the culprit to complete his tampering. Two tests should be employed to determine this time element. A stop watch should be used to time each test.

The first test should be performed by a railroader who is well acquainted with track operations and who has been provided with the proper tools to commit the act. He should be brought to the scene of the wreck and concealed in a nearby hiding place. At a given signal he will emerge from concealment and perform the exact operation that wrecked the train. When he has completed his tampering, he will pick up his tools and leave the area as quickly as possible. The whole test will be timed and will establish a minimum time limit in which the act could have been accomplished.

In the second test, a person unskilled in track operations, using a monkey
wrench, an ordinary pinch or pry bar and a mall, can repeat the actions of the first man. This time will also be recorded and will show the maximum time limit.

With an exact period of time established within which the wrecker had to work between trains and also a minimum and maximum time limit the job would have taken, the investigators can confine their questioning and searching accordingly.

A canvass of all persons living or working on both sides of the railroad within an area of one quarter to one half mile should be made to learn if these people had seen anyone near the scene of the wreck during the established time. The investigators should also question these persons about anyone they might have seen in the wreck area up to a month previously. They should ask each person interviewed if he has a possible suspect in mind and the reasons for his suspicions. These people should be asked if they had ever heard anyone express ill-feeling against the railroad. If the answer is yes, find out just what was said, by whom it was said and when and where it was said.

The investigators should endeavor to learn from those interviewed if there are any persons outside the immediate vicinity who use that part of the railroad as a crossing. If the name of such a person is obtained, he should be interviewed for any information he might be able to furnish.

The nearest regular crossing on both sides of the wreck scene should be covered by officers for at least two weeks after the wreck to question persons using these crossings. It might be that someone had observed suspicious persons in the area before or on the day the wreck occurred. This line of questioning might develop that someone had parked an automobile near the crossing and had walked toward the area in which the wreck had taken place.

Find out if there are any presently employed or former railroaders living in the vicinity. Check on these in railroad circles and company files to learn if their association with the railroad was pleasant or otherwise.

It must be remembered that these interviews are not to be confined to the older members of a family. Make certain that all the children are interviewed regardless of their ages for the railroad attracts children and they frequent the railroad right of way more often than their elders. A child could provide the key to a solution of the case.

If all the members of a family are not present when the investigator calls, he must return at some other time. This coverage must be complete and no person missed.

Local police should be consulted for a possible suspect or character whose past actions might lead them to believe he would be capable of such an act.

All railroaders employed in the area must be questioned intensively. This includes track foremen, assistant foremen, maintenance of way employees, tower operators, signal men and laborers. Any of these men could furnish vital information. They know the people who frequent the railroad daily. If any of them had a suspect in mind he would be able to supply a valid reason for his suspicions.

The investigator conducting interviews of track personnel should be especially attentive to any rumors of jealousy existing between one track gang and another. It is also possible that one foreman or assistant foreman might be
on unfriendly terms with another. This discord might have led one of the disgruntled parties to cause the wreck so as to discredit the other man.

Check your department files for persons arrested by railroad police in the past. Include trespassers no matter how leniently they were treated in court. One of these persons might be harboring a secret resentment against the railroad which could turn into an obsession to "get even" with the railroad. Reasoning that this might be the case we can assume that a person with such an obsession would not be acting in his right mind when he caused such a wreck. After the act was completed this person might satisfy his ego by openly boasting that he had gotten even with the railroad. A discreet investigation of these persons and their statements should either clear or involve them in the wreck.

All trespassers and others arrested in the vicinity in a given period after the wreck should also be questioned. Even though they had no connection with the wreck they might be able to supply a lead that could be followed through with favorable results. Everyone found in jungle camps in the area should be picked up and questioned extensively for any knowledge they might have or the wreck or someone connected with it. They should be fingerprinted and their records checked to learn if they had ever been connected with a similar depredation.

Check all labor camp officials and supervisors regarding itinerant laborers who might have worked in the area. Have the actions of these men accounted for so as to place them beyond suspicion. At the labor camps the investigators should question each laborer separately in a private room. These men should be asked for the names of any of their fellow laborers who might have passed a remark showing resentment against the railroad or anyone who had boasted that he would "get even" with the railroad for some fancied wrong. Ask these men for the names of anyone who had claimed that he had attempted to or actually wrecked any equipment on any railroad in the past.

All tool boxes and shanties along the right of way must be checked to determine if they had been broken into and tools removed from them. If this is found to be the case, extreme care must be exercised in handling the tools remaining in these places. These tools should be processed for any latent fingerprints which might have been left by the culprit while he was seeking the particular tools to be used in the commission of his crime. The same care should be given to a discarded padlock which had originally protected the shanty or tool box. The neighborhood surrounding a burglarized shanty or tool box should be thoroughly canvassed to learn if anyone had been seen tampering with it. If a definite suspect could be placed in this position it will be of considerable aid in the investigation.

Letters should be written to the heads of penal institutions and asylums in the state in which the wreck occurred and also adjoining states, explaining that the wreck could have been caused by someone of unsound mind or that it could have been a deliberate criminal act. Solicit any pertinent information they might be able to supply regarding former inmates who could be suspected of a crime of this type.

Letters should also be sent to other railroad police departments, giving the details of the wreck and asking if they had experienced any similar attempts or occurrences and requesting any information they might be able to furnish. Inquiries of this sort may provide a lead to the solution of the case.
A few undercover men could be sent to an adjacent city or town to room in the lower or middle class sections. They should frequent restaurants, cafés, and pool halls and keep the subject of the wreck alive. In this way, information might be obtained which would not otherwise come to light.

Up to this point the investigator may feel that he should confine his quest to adults, reasoning that the act was one that was beyond the physical capabilities of a child. If he is of this frame of mind he may be far afield and his investigation could end in complete failure. If it is obvious that the act was beyond the powers of one child, it is also quite possible that two or more children could have performed it. Keeping this in mind, he should consult the local school authorities to learn if there is any talk of the wreck among their pupils. It would also be advisable to consult the local juvenile and correction officers for any assistance they might afford.

Posting of a reward for information leading to the guilty person or persons may bring forth relevant information which would not have been obtained without the promise of gain.

If all these suggestions are fruitless, let us return to that part of this chapter where it was pointed out that the malefactor was human.

Go back to the scene of the wreck and begin again. Think of something that you might have overlooked or left undone in the excitement of the moment. If something comes to your mind, no matter how trivial it may seem, follow through and complete it. The result may be surprising.

Let us suppose that we have arrived at a stage where we feel that we are up against the proverbial stone wall and that there is nothing further we can do. This is the time to remember that the ego of the guilty person has been inflated with his success and he may be thinking of attempting a second wreck which could cause a greater loss of life or property damage. This person is not an ordinary law violator such as a trespasser, coal thief or freight station thief. He is a dangerous individual with a twisted mind.

DON'T GIVE UP.

Refer to your notes and statements. Read them over carefully to see if there was something you missed. Go back to everyone who was previously interviewed and reinterview them. In our everyday life we often meet people of whom we intended to ask a specific question. On these occasions we have conversed with them and, after parting, realized that we had not asked the question we had in mind. It might have been that we had desired to transmit some information to them. Again, we had parted without doing so. Either or both of these things might have happened on your first interview with a person at the scene of the wreck. You may have failed to ask a certain question or they may have had some vital information which had escaped them at the moment. The second interview might reveal something that had been entirely overlooked the first time.

During the second interview, as before, notes should be made of everything that takes place. At the conclusion of the interview, compare these notes with the information received the first time. It may be that there are flaws or discrepancies, or there may be some new leads that will call for further investigation.
Go back to the scene of the wreck as often as possible. Talk to everyone you see there. It could be that on previous visits you had missed someone who had been a frequent visitor in the area and perhaps had been away on a vacation when you were there before.

One thing must be remembered. Do not allow the subject of the wreck to die until the guilty person has been apprehended and convicted for his crime in a court of law. This is the policeman's creed. He cannot rest until his case is successfully concluded.

It is not necessary to inform a railroad policeman that if his railroad engages in interstate commerce, he has the authority to solicit the aid of the Federal Bureau of Investigation and the United States Attorney's office if it becomes necessary to do so. The statute covering the wrecking of trains under Federal Law appears in this book under Federal Laws - Title 18, Section 1992.

Wrecks have been caused by placing a rock or piece of metal between switch points and running rails, thereby preventing the switch points from becoming properly aligned. Foreign objects have been laid between running rails and, when of sufficient weight, have caused train wrecks.

Thieves have ridden the end sills of freight cars and at a location of their own choosing have either shut off air valves or have cut air hoses to stop the train. If a train is made up of fifty or more cars and the thief shuts off the air somewhere between the tenth and fifteenth car from the head end, there will be no brake control on the following cars. If the air is suddenly applied to the first ten or fifteen cars, the momentum of the balance of the train could easily pile them up. A cut air hose or a closed valve will explain what took place.

Journal boxes must be properly packed with oil-soaked sponging. Hoboes and tramps have been known to open a journal box and remove the oil-soaked sponging in order to quickly start a fire at a jungle camp. The lack of properly oiled sponging is the most dangerous risk of all. The absence of the sponging will cause the axle to burn and break later when the brakes are applied. This is impossible to detect while the train is in motion since there will be no smoke or flame to give warning.

A railroad policeman on patrol may find himself in a position where he could avert a possible train wreck. Should he observe a smoking or flaming journal box on a moving train, he should shout at the rear brakeman as the train is passing and at the same time hold his nose with one hand and point in the direction the train is traveling with the other. The brakeman will know instantly that there is a hot box somewhere on the equipment and will have the train stopped to repair or cut out the car in question.

Should an officer see a moving train with a stuck wheel, he would signal the rear brakeman by rubbing the palms of his hands together in a sliding motion and then pointing ahead.

If a moving train should be observed with brake rigging dragging, the officer could do either of two things. The first method is to assume a squatting position with both arms stretched out at full length from the body. The hands should be bent toward the ground and the arms moved slightly up and down. The other method is to gain the attention of the brakeman, stretch one leg at full length from the body and then drag the foot back along the ground toward the
stationary foot. Upon seeing either of these signals, the brakeman will realize that brake rigging is dragging somewhere in the train.

In every case where danger is observed on running equipment, the signals to the brakeman should be immediately followed by a phone call to the next tower the train will pass and the information given to the tower operator. In the event the brakeman had missed the signal, the tower operator can halt the train by placing a stop signal against it.

All railroad policemen should at all times carry with them the company phone number of the Movement Director or his equivalent who will have equal authority on the Regional Wreck Committee. In the event an officer is present at the instant a wreck occurs, he will immediately go to a phone and advise the operator he is reporting a wreck and request that she clear the wires to the Movement Director. Making certain that he is speaking to the proper authority, the officer will acquaint him with what has happened. This will immediately set the machinery in motion for the Regional Wreck Committee to go into action.

Every region on every railroad has written instructions listing the locations of stretchers and first-aid equipment. Each officer should be acquainted with these locations in case of an emergency.

In these same instructions will be found the following advice to train crews, "Any object waved violently by anyone on or near the track is a signal to stop." This is logical since a person who notes an obstruction on a track or a broken rail will not always have enough time to find a red flag or a signal lantern to stop an oncoming train.

It may prove helpful later to know the weather conditions at the time of a wreck. For instance, "9:00 A.M., Saturday, August 2nd, 1952, dry, warm and clear, visibility about 100 yards." This information, noted at the exact time at the wreck scene, may have some direct bearing during the investigation or at trial proceedings later. The notation of the existing weather conditions at the time and place of the wreck will have more weight in court than a weather report from an observatory one hundred or more miles from the scene.

It is recommended that the officer in charge at a wreck assign some of his men to listing the engine number and car numbers and also the crew members of a wrecked train. This list should show the damage and condition of each car. It should show the damage to freight, its point of origin, destination and other waybill information. Disposition or disposal of freight along the right of way will also show on this list since a question might arise about it at some future date. The policemen assigned to this task must be on the lookout for cars bearing placards indicating they contain inflammables or explosives. The superior officer will afford special protection to these cars to keep the public away from them. Wrecking crews will also be warned as to their contents.

Attention is called to the fact that in any type of wreck, newspaper reporters and photographers will be found at the scene. To hinder or attempt to prevent these members of the press from taking photographs or getting stories would be foolhardy on the part of the police. On the other hand, these people should be assisted in every possible way. Assemble them in a group and ask the photographers what pictures they would like to take. Someone should then be assigned to guide them over the area safely and, at the same time, prevent them from interfering with the salvage operations. The reporters should be treated in the same
agreeable manner, giving the story truthfully and impartially to all. Of course, confidential information concerning a suspect in the case must be withheld at this time.

These are the people who write the headlines and stories in the newspapers. If they are handled courteously, the railroad will receive the same consideration in the news reports of the wreck. Newspapers greatly influence public opinion and if the wreck was a deliberate act on the part of some unknown persons, they can arouse the public to the baseness of the deed and perhaps prompt some reader to come forward with information that might not otherwise be received.

Newsmen are well-trained investigators and they enjoy the confidence of people from all walks of life. They receive information not available to the general public and their contacts may place them in positions where they will be of invaluable aid to an officer in his search for the person or persons responsible for a train wreck.

As policemen, we know that the solution of most criminal cases largely depends on leg work, head work and the help afforded by an informant. Each of these mediums must be utilized to its utmost if we expect to apprehend the guilty persons. In the case of a train wreck, failure to do this may result in another more serious wreck by the same criminals.

In conclusion, if we haven't found the solution to a vicious train wreck, let's get out all the notes that were made at the time of the wreck, look over the photographs and all the evidence again, and then, let's go back over the wreck area once more.

We have done this a dozen times, you might say. Well, let's try it a thirteenth time -- it could be an unlucky number for the train wreckers.

Law follows:

Title 18 – United States Code
Chapter 97 – Railroads
Section 1992 – Wrecking trains

Whoever willfully derails, disables, or wrecks any train, engine, motor unit, or car used, operated, or employed in interstate or foreign commerce by any railroad; or
Whoever willfully sets fire to, or places any explosive substance on or near, or undermines any tunnel, bridge, viaduct, trestle, track, signal, station, depot, warehouse, terminal, or any other way, structure, property or appurtenance used in the operation of any such railroad in interstate or foreign commerce, or otherwise makes any such tunnel, bridge, viaduct, trestle, track, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance unworkable or unusable or hazardous to work or use, with the intent to derail, disable, or wreck a train, engine, motor unit, or car used, operated, or employed in interstate or foreign commerce; or
Whoever willfully attempts to do any of the aforesaid acts or things --
    Shall be fined not more than $10,000 or imprisoned not more than twenty years, or both.
Whoever is convicted of any such crime, which has resulted in the death of any person, shall be subject also to the death penalty or to imprisonment for life, if the jury shall in its discretion so direct, or, in the case of a plea
of guilty if the court in its discretion shall so order.

A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts.
SUPERVISORS

The efficiency of a police department depends largely on those in command. All supervisors should conduct themselves so as to merit the respect of their subordinates. Nothing tends to raise an officer more in the esteem of his men than a knowledge that he is guided by a strict sense of justice.

Fault finding is the bane of discipline and has a most depressing influence. It slows the worker, robs him of energy and deprives him of the feeling of competency that is necessary for a wholesome, healthy state of mind.

Supervisory correction of a fault either consists of disciplinary action being taken against a major offense in as few words as possible, or the correction of a minor fault in the spirit that helpful advice is being offered.

If the above attributes are kept in mind, the department will function smoothly. This will bring credit to the supervisor, the man under his supervision, and the department as a whole.

The following piece, author unknown, will afford additional help.

The boss drives his men; the leader coaches them.
The boss depends upon authority; the leader on goodwill.
The boss inspires fear; the leader inspires enthusiasm.
The boss says "I;" the leader says "We."
The boss says "Get here on time;" the leader gets there ahead of time.
The boss fixes the blame for the breakdown; the leader fixes the breakdown.
The boss knows how it is done; the leader shows how.
The boss makes work a drudgery; the leader makes it a game.
The boss says "Go;" the leader says "Let's go."

In the February, 1948, issue of "VOX-COP" the Connecticut State Troopers magazine, there appeared a few lines of verse which have a good point.

SPEAKING OF BRASS HATS

If I were the boss, I am sure I would
Say a kindly word whenever I could,
For the man who has given his best by day
Wants a little more than his weekly pay.
He likes to know, with the setting sun,
That his boss is pleased with the work he's done.
PART TWO

GENERAL INFORMATION
Deleted
RESULTS OF GOOD REASONING

Many eminent criminologists have attempted to make up charts listing the various physical characteristics of persons with criminal tendencies. In theory, a chart may be of some merit, but a practical police officer knows it will not work. There are no known physical characteristics which can be associated with law violators and perhaps, it is just as well for all concerned. If this was so, the joy of matching wits with a criminal would be eliminated, and a large measure of satisfaction would be taken out of police work.

The question, "Who is a criminal?" might naturally follow the above observations. The only answer to this is, "A person who commits a crime."

There can be no more specific answer for it is highly probable that every person who is capable of self-direction commits crimes of one degree or another, either frequently or infrequently. Some will have a definite anti-social element, others will not. Some crimes are committed with glee, apology, malice, lust, revenge, fear, jealousy or covetousness. Some crimes are the acts of demented persons or of those with subnormal mentalities. Other crimes are the acts of those under drug or alcoholic stimulation.

There are few professions requiring more from any man than that expected of a well-trained railroad policeman. He must possess physical courage, a disciplined temper, tact, alertness or observation and good judgment. He must have a specialized knowledge of city, county, state and federal laws and their proper procedure. He must have a thorough grasp of railroading as a whole, and must be familiar with the duties of different individuals in the operation.

If the public would recognize that most railroad policemen possess these qualities, a policeman's task would be less difficult. It is the layman who concludes that the police profession goes no deeper than the assignment of a policeman to patrol a measured beat that secretly aggravates every officer.

Crime figures reflect that only twenty-five percent of all criminals are apprehended during the commission of a crime. This leaves seventy-five percent of all crimes committed subject to investigation. A critic of the police profession must realize that the criminal has plotted his crime and its commission, with attendant measures for escape, alibis and other means of keeping him out of the clutches of the law; that the Bill of Rights covering every citizen affords protection to the criminal as well as the upright citizen. The critic knows that the police officer must observe these rights and at the same time, collect the proper material evidence to convict the offender. Knowing these things, the critic must concede that the race is a handicap affair with the officer starting where the criminal has left off.

The safeguards afforded every citizen and the restrictions placed on police officers are proper measures. The handicap involved tends to spur on, not discourage, the well-trained police officer. He only asks and seeks information from any source that will aid him in the problems which confront him daily.
To cut down the criminal's handicap, the following illustration is offered: At freight stations and piers handling incoming freight, it will be the station agent who will call the attention of the police department to the fact that his forces have been unable to locate certain merchandise which, according to his records, had been unloaded to the premises. The common term used in a case of this type is a "can't locate." This could indicate a possible theft.

The officer given the assignment of locating this missing freight will know whether the station employs a system of checking freight from cars by "blind tally" or against delivery receipts.

Where "blind tally" is in use, he can be reasonably certain that the tallyman had seen the missing freight as it was unloaded to the premises, if, the shipment had consisted of a single piece of freight. Where the missing article is one of a number of pieces, from the same shipper to the same consignee, all in one freight car, the officer should reason that the tallyman might have made a mistake and had checked out more pieces than were actually received. In this last case, the missing freight might arrive at his station later on free-astray billing.

Where the tallying from a car to the premises is made against a delivery receipt, there always exists the possibility that the tallyman might have made an error in checking, either as a single piece or more.

In any event, the officer will be confronted with the task of making a search for the missing freight in the "over," "on hand" and "no-mark" piles on the premises. He should also look for its arrival on a free-astray or forced bill.

He should question the tallyman and his gang for any information they can furnish about the missing piece such as outward appearances, markings, what brought the particular pieces to their attention, and where the missing piece had been placed on the premises.

Next, the officer should search the area where the piece had been placed and also the surrounding area. If the search does not disclose the missing freight, the officer should assume that a theft had been committed. His job now, is to find out how and by whom the theft was accomplished.

He should attempt to determine at what time the missing piece was first missed. By doing this, he will be able to fix the approximate time of the robbery. If it is possible, he should ascertain who was on the premises during this time, listing them as possible suspects. These, of course, would be the station forces assigned to work the area in which the missing freight had been placed, and the vehicles that were on the premises at the time of the theft.

In starting an investigation, the officer should remember that law violations are the acts of a very small group of persons. Out of every group of one hundred persons, ninety-odd are honest.

The weight and bulk of articles stolen are sometimes a partial solution to a particular problem. Heavy or bulky articles or large quantities, call for the assistance of a vehicle. Smaller articles can be removed on the persons of the thieves.

Larcenies are basic in operation. Some criminals vary these operations.
when stealing large or bulky items by breaking down their bulk into small separate portions. These are hidden on their persons or are removed with the aid of a visitor, peddler or truck driver, any of whom would be in a position to remove small lots from the pier premises.

Any police officer can imagine how he could or would commit a certain larceny. He knows there are no real supermen as represented in radio serials and comic strips. The criminal is as mortal as he is himself, and the theories in the officer's mind should be followed out as long as they hold promise and discarded when found valueless.

A sustained series of thefts will usually follow a certain pattern. In these, an officer will benefit materially by using a chart. This will uncover the modus operandi of the criminal, and might show that he has a preference for stealing cotton piece goods, cigars, cigarettes or liquor. The chart will show that the thefts are most frequently committed between certain hours or on certain days of the week, etc. With the modus operandi known to him, the officer can guide himself accordingly in laying plans to ensnare the criminal. In conjunction with this, he should be in a position to seek aid from any of the persons listed in the chapter on Informants.

Many persons believe that criminals as a whole are morons. Some may be morons but the great majority span all the ranges of human intelligence. When engaged in a duel of wits with a suspected criminal, an officer should credit the suspect with a high degree of intelligence rather than underestimate him. Conversely, the suspect should be encouraged to view the officer as the moron, thereby disarming him and lightening the task of the officer in apprehending him.

To narrow the search for suspects, the following information is offered: Study each problem to learn if a certain age group could be involved. The crime rate is about five times as great for persons twenty to twenty-five years of age as for those over fifty years. The rate in this group rises to fifteen times as great for serious crimes.

In serious crimes against property, the average age is nineteen years, with age twenty-three for burglary and robbery, age twenty-eight for forgeries, thirty years for murder, thirty-four for frauds, thirty-five for embezzlement (this includes larcenies) and considerably higher for drunkenness, disorderly conduct and vagrancy.

If a gun was used in the commission of a crime, the age group should be confined to the teen-age or early twenty year group, for these younger persons will carry a gun and use it quicker than an older criminal. They have less judgment or balance and have very little concern for human suffering because they, themselves, are not old enough to have felt it deeply.

On the side of law and order, statistics list the following citizens: Married men; men with children; owners of their own homes; members of recognized social and fraternal orders; those living within their incomes; those who drink in moderation and work regularly; stout persons; and those who express no anti-social beliefs.

If the previously offered advice does not produce possible suspects, the officer should "plant" on the area affected. Look for a place of concealment, or build one of material that can be placed where it can be used to advantage.
Freight on the premises can be rearranged to serve this purpose. This will eliminate the necessity of playing "hide and seek" with the criminal, and will make the officer an observer.

This method can be supplemented by placing extra police officers in other sections where the criminal has operated, leaving the section "planted" upon apparently open to easy theft. Another method would be to arrange the "plant" and then have the officer regularly assigned to the territory, patrol it in a careless manner to tempt the criminal into an overt act which would be observed by the officer from his "plant."

Capable police officers who are not known by those under suspicion can be used as "ropers" and placed in an area to work as undercover men.

An imaginative officer can cross-index instructions found in the various chapters on assignments, and he will benefit himself by placing a twist on the instructions offered. For example: In the instructions to a station plainclothesman, he is advised to take a seat among legitimate station passengers to make himself less conspicuous. An officer assigned to pier work could seat himself upon the driver's seat of a truck on his post and make his observations from there. Where a plainclothesman is instructed to carry a timetable to disarm any suspicions of his being an officer, a pier officer can hold some delivery receipt forms in his hand and stand near a delivery clerk's desk as if he was a driver awaiting the services of the delivery clerk.

In apprehending criminals, the officer is advised in every case to take charge of the offender from the very first moment of the arrest until he is safely lodged in a detention cell. He should be constantly on the alert for any trickery on the part of the criminal.

Never underestimate the person of slight physique. He might be in splendid condition and of the opinion that it is right for him to throw punches at the officer because of the difference in their sizes. The small man might know that the officer will refrain from injuring him because of the restrictions placed upon the officer by law.

An officer makes a serious mistake when he trades punches with a law violator. The officer who does this is allowing the criminal to take charge of him and do what he wants. The officer should dodge the first punch or take it on his shoulder, then pin both arms of the offender to his sides and advise him that if he doesn't desist, an additional charge of resisting an officer will be lodged against him. This will register with anyone except an offender who is stupefied with alcohol. In every case where blows are thrown by an adversary, the officer should never step back or away from him. He should crowd his opponent and thus hamper him.

Drug addicts can be recognized by the pin-point contraction of the pupils of their eyes and the nervous twitchings of their heads and shoulders. Their vocal responses will be sharp and clear and they will show annoyance with the questioner when they are under the influence of a narcotic, the time they can be considered to be most dangerous.

In the commission of certain crimes, a railroad policeman may have a choice of prosecuting in either a local or federal court.
SCENE OF THE CRIME

There are three methods of permanently recording a crime scene:

(1) Describing the scene and evidence in notes.
(2) Photographing the scene.
(3) Sketching the scene.

All three methods should be used whenever possible since completed notes supplemented by photographs and sketches form a valuable permanent record.

By evidence in notes is meant the results of the investigator's search of the crime scene and of his examination of witnesses. In photographing a scene, a sketch should be made showing the angle and location of the camera so that these tie together. Compass directions must be shown on the original rough sketch which should be later drawn to scale. Articles shown in any sketch should be indicated by a number, letter or symbol which can be identified in the investigator's notes.

When making an examination at the scene, one should be careful not to handle or disturb material evidence from its original position and possibly destroy its value, until it has been decided whether or not it should be examined by qualified experts.

The terrain about the premises should be methodically examined for traces of the movements of the perpetrator. This would include damaged vegetation, footprints or objects that might have been dropped or discarded by the criminal.

When evidence is to be moved, it should be properly tagged and marked for identification.

A physical and mental reconstruction of a crime might provide tentative theories to guide the investigating officer until proved or disproved.

All police officers are acquainted with the lexicon employed by news reporters and police which consists of the Who? What? Where? When? How? and Why? connected with any occurrence. The following list illustrates the use of these questions. They are basic questions to be asked and should furnish the answers to most problems. In the case of a passenger station robbery, the following list of questions would be appropriate:

a. "Who?"

(1) Who discovered the crime?
(2) Who was the person who locked up the station?
(3) Who had a motive for it?
(4) Who saw or heard anything of importance?
(5) Who committed this crime; adults, children, insiders or outsiders?

b. "What?"

(1) What was stolen?
(2) What tools were used to gain entry?
(3) What time could the crime have been committed?
(4) What can any informants advise?
(5) What knowledge, skill or strength was necessary to commit the crime?

c. "Where?"

(1) Where was entry gained?
(2) Where could informants be located?
(3) Where could the stolen tickets be disposed of?
(4) Where should I look for evidence?
(5) Where did the station personnel work before assignment to this station?

d. "When?"

(1) When was the crime discovered?
(2) When did we have a similar robbery?
(3) When did it rain or snow last?
(4) When were the police notified?
(5) When were strangers noted in the area?

e. "How?"

(1) How did the criminal get to the scene?
(2) How did he get away?
(3) How much was stolen?
(4) How was the crime discovered?
(5) How does this robbery tie in with any others?

f. "Why?"

(1) Why are there too many clues or none at all?
(2) Why was entry made where it was?
(3) Why were train tickets the only things stolen?
(4) Why was this particular day used to commit the robbery?
(5) Why was no attempt made to open the safe?

The listing shows five examples in each case. This does not necessarily restrict an investigator to five questions in each category. In some cases, one type of question might be used to advantage ten times. In others, two or three questions of the one type might suffice.

A sample sketch drawn to scale of the scene of the passenger station robbery referred to in the foregoing questions, follows: (See next page.)
Robbery of Coaltown Passenger Station - March 4, 1958.

1/1

#2

15

#14

#1 - Men's toilet
#2 - Woman's toilet
#3 - Window
#4 - Bench
#5 - Door entrance, from street
#6 - Window
#7 - Desk
#8 - Office safe
#9 - Window

#10 - Clothes closet
#11 - Window
#12 - Robbed ticket cabinet
#13 - Telephone booth
#14 - Door to train platform
#15 - Ticket selling window
#16 - Door to ticket office
#17 - Camera angle

Drawn to Scale 1/8" - 1'
John Smith, Lt. P.R.R.
3/4/58
CRIMINAL INTERROGATION

In the preparation of this chapter, numerous points for instruction on the subject have been gleaned from prominent authors who have specialized in this field. The various authors have pictured these interrogations as being made under ideal conditions, presenting situations of their own choosing. No criticism is offered against this but the average case for interrogation will seldom be conducted to meet with all their suggested requirements. It is recommended that as much of their advice be applied as conditions permit.

Interrogation is an art. Some police officers seem endowed with a natural gift of inviting confidences from people. Other officers do not succeed as well in this direction and, for this reason, they should willingly turn the subject over to a skilled interrogator rather than risk losing the help and information this officer can obtain. This will in no way reflect on their ability as police officers, instead, it will show that they are an integral part of a well-trained police organization which functions for the benefit of the whole police department.

The principal psychological factor contributing to a successful interrogation is privacy. Conducted otherwise, it is comparable to a surgeon performing a serious and delicate operation in the center of a stadium between halves of a regularly scheduled football game.

Distractions will be at a minimum if a room can be used which is devoid of phone or personnel traffic interruptions, and without wall pictures, bulletins or other attention-attracting media.

The interrogator should be in civilian clothes and should sit fairly close to the subject with no table, desk or other furniture between them. No pencil, paper or note taking material is to be in evidence at this time.

The interrogator should have previously collected all the background material about the suspect to be interviewed, the law violation itself, and the reason the person is a suspect.

Should the subject be a female, try to have another woman present in the room with you as a witness to what is said and done by all. Should no woman be available for this purpose, use another officer. In no case is it advisable to interview any woman alone behind the closed doors of a room. Regardless of the sex of the witnesses used, they should be warned to remain quiet and not to interrupt the questioning with opinions or questions of their own.

At the start of an interrogation, smoking should be discouraged since this has a tendency to relieve tension on the part of the subject.

Introduce yourself to the subject. Explain to him that you bear him no animosity, that you want him to tell you the truth. Invite him to sit down and talk the whole affair over and ask him to tell you exactly what happened from the beginning.
If the subject appears to be nervous, such as brushing his hair back, blushing or swallowing noticeably, you can ask, "What is the matter, are you nervous?" The suspect will deny it but from then on he will have to make a conscious effort to keep from doing these things. In other words, you have placed a stumbling block on his mental equipment.

Use a low tone of voice when speaking. This forces the subject to give you his undivided attention.

If the subject should ask questions of his own at the start of an interview, brush them off politely for he may be endeavoring to learn just how much you know.

In having the subject tell his side of the story at the start of the interrogation, the interrogator will have time to size up the subject and catalogue him as being truthful, confused or vicious. The interrogator can weigh the strong or weak points in the story and he can marshal his questions to break down weaknesses during this time.

When a subject tells an obvious lie, do not stop him immediately. Let him finish what he is saying and you may be able to detect more than the one untruth.

Do not rush a subject or show a facial expression other than that of interest in the story he is telling. An expression of disbelief may place him on his guard. Be a good listener. If the subject is telling the truth you are accomplishing your aim; if he is lying, you may be able to trap him later.

Weigh the story carefully. If you know that the major portion of what the subject is relating to you is the truth, you can assume that the doubtful part of the story is coming from a confused state of mind and not an untruthful one. If you decide that the major portion of the story is untruthful, you should doubt the story completely.

If you are satisfied that the subject is attempting to tell the whole truth, the discrepancies may be due to his lack of education or his understanding of just what is sought from him. Patience on the part of the interrogator will clear up this feature.

If it is thought that the subject is lying throughout the story told by him, the interrogator should take the subject back over his tale and have him again recite those points about which he was obviously lying. When this has been done and the subject persists in obvious lies, these weak points can be pointed out to him and he will be in no position to contend that the interrogator misunderstood him the first time.

Pick out the least important lie the subject has told and try to obtain an admission from him that he lied. This can be used as a wedge to open him up to admitting that he was lying throughout his entire story.

The interrogator should adapt his language to that used and understood by the subject. Such realistic words as, "kill," "steal," "confess your crime," etc., should never be used. It will prove more desirable to employ milder terms like "this trouble," "this business" or "this mess."

Criminal offenders can be classified into two groups. Those who have been motivated by passion, anger, revenge, or accidental offenders (such as those
violating motor vehicle regulations) compose the first group. The approach to this group should be a sympathetic one. The interrogator can assume the attitude of a confessor or protector and his approach should be in the "let's get it over and be done with it" manner.

The second group consists of persons who commit crimes for mercenary gain, particularly repeaters. This group will seldom respond to the approaches made to the first group. Point out to them the futility of the story as they represent it and the facts and circumstances indicative of their guilt. Tell them as little as possible of what you know about them and the crime they have committed. At the last moment, use this knowledge sparingly, giving it to them bit by bit until you have them wondering just how much you actually do know and they begin wavering or bargaining.

In interrogating this latter group, appeals can be made to the subject's pride by flattery or challenge. You can point out the grave consequences of his standing trial and being convicted. You can play one violator against another. You can point out the necessity of taking care of his own interests as his partner in crime is doing.

An interrogator, skilled in the art, must have the patience of a saint and the persistence of a hunter stalking game. He should always keep in mind that the subject under questioning has everything at stake—his personal liberty and his reputation. This is true, particularly, in cases where there is little or no evidence of guilt apart from a possible confession. At no time should an interrogator indicate by any means that he is discouraged during the course of the interview. If he should become discouraged and is nearing the end of his questioning, he should extend the interview another five or ten minutes to try for a successful conclusion. In short, don't give up easily.

If the interrogator is successful in obtaining a verbal confession, the basic rules of all courts declare it must be shown as a voluntary acknowledgment of guilt obtained under conditions which can be reasonably considered as trustworthy.

In obtaining a confession of guilt, courts will rule it inadmissible where direct physical abuse has been used to obtain it. Differences in court opinions have arisen where indirect physical abuse and psychological abuse has been used to obtain confessions. Indirect physical abuse can be classed as a temporary denial of food, sleep or physical comforts. Psychological abuse would come under the heading of a lengthy and continuous interrogation.

Certain promises are held to invalidate a confession. For example: "If you confess, you will be released from custody;" "That you will not be prosecuted;" "That you will be granted a pardon or you will receive a lighter sentence;" or to even suggest, "It would be better for you to tell the truth."

Trickery can be used without invalidating a confession when one criminal suspect is played against another by representing that a confession has been obtained from one party; or by showing one party a fake telegram involving him; or by deceiving a subject into thinking his fingerprints were found at the scene of the crime; or by posing as a fellow prisoner or as a friend of the suspect.

Although a written or signed confession necessarily will have more weight and will be more difficult for the defendant to disprove in court, an oral confession is competent legal evidence and it may be proven by anyone who heard it.
In the preparation and signing of a written confession there is no guarantee that the confessor may not repudiate it later in court. Therefore, it is of the utmost importance that certain procedures be followed in its preparation which will safeguard this attack at time of trial. These precautions follow:

It is best to begin the confession by having the confessor state that he has been made aware of his legal rights; that he has been informed of the identity of the persons to whom he is addressing the confession; and the facts that the admissions are being made voluntarily.

In the body of the confession, have the suspect acknowledge his guilt, using his own language. Avoid using all leading questions.

If the confession is typewritten, it is advisable to make an error or two in typing on each page, later having the confessor correct these in his own handwriting, placing his initials alongside each correction.

The confessor should sign his name at the bottom of each page, and at the end of the confession he should be asked to write in a free hand, "This statement is the truth. I made it of my own free will without any threats or promises having been made to me." This should be followed by his signature.

Following is a sample confession.

(City and State)
August 23, 195?

I have been advised that I am making this statement to Sergeant Joseph Brown and Patrolman James Black of the Pennsylvania Railroad Police Department and Detective John Jones of the Detective Squad. (City) Police Department. They have advised me that I do not have to make any statement whatever and that anything I say at this time could be used against me in court later. No force threats, promises of immunity or reward have been made to me to obtain the following statement.

My name is Edward Smith and I reside at 843 East 2nd St., (City and State). I'm employed by the Hopkins Trucking Co. and was driving one of their rigs today and came to Freight Station to make a delivery of freight to the Pennsylvania Railroad there. While I was waiting my turn I grabbed a carton that was on the platform and threw it on my truck. After delivering my own freight, I started to drive away and was placed under arrest by Patrolman Black.

He showed me the carton I took and it was marked for the Chicago Department Store. I placed my initials and the date on this carton.

I meant to sell it and get some dough because I'm up to my neck with doctor bills, one of my kids has had two operations on his leg lately. This statement is the truth. I made it of my own free will without having any threats or promises made to me.

Witnesses: Signed: Edward Smith

Jaey Brown, Sgt. P.R.R.
James Black, Patrolman, P.R.R.
Det. John Jones, C.P.D.
The strong points of this confession are:

A correction has been made in that part of the confession that informs the defendant he doesn't have to make any statement whatever and the fact that it could be used against him in court later.

The language he uses is faithfully transcribed; "rigs" for an auto truck; "dough" for money, "grabbed a carton" and "one of my kids," for a child.

He placed his initials and date on the evidence against him.

His guilty intent is indicated in that part of the statement which reads, "I meant to sell it and get some dough . . . ."

His statement, "This statement is the truth . . . ." in his own handwriting at the finish will make it difficult for him to deny that it was obtained in a perfectly legal manner.
RULES OF EVIDENCE

Evidence includes all the means by which any alleged matter of fact, the
truth of which is submitted to investigation, is established or disproved. Proof
is the effect or result of evidence. The evidence may or may not be sufficient
proof to establish the alleged facts.

DIRECT EVIDENCE

The testimony of an eye witness is such evidence. In the case of a freight
car theft, this would come from a person who could testify: "I saw Brakeman John
Doe break the seal on the car, etc."

CIRCUMSTANTIAL EVIDENCE

Circumstantial or indirect evidence is evidence which without going directly
to prove the existence of a fact, gives rise to a logical inference that such
fact does exist. It is used to establish a connection between known and proved
facts and the facts sought to be proved. Example: A defendant professes that he
was never in the vicinity of the crime scene, yet his hat, marked with his name
therein, is found there and he can give no satisfactory reason for this.

REAL EVIDENCE

Real evidence is the presentation of the object itself to which the testi-
mony refers such as the knife used in stabbing, or the bullet which caused the
death. If possible, such real evidence is produced in court, but in other cases
the jury leaves the court room to inspect an object or a locality not capable of
production in court.

Wigmore on Evidence gives examples of the above methods of producing ev-
dience as follows: "If, for example, it is desired to ascertain whether the ac-
cused has lost his right hand and wears an iron hook in place of it, one source
of belief on the subject would be the testimony of witnesses who had seen the
arm." (This is direct evidence). "A second source of belief would be the mark
left on some substance grasped or carried by the accused." (This is circumstan-
tial evidence). "A third source of belief remains, namely, the inspection by the
tribunal of the accused's arm." (This is real evidence).

HEARSAY EVIDENCE

Hearsay evidence is evidence of what others have been heard to say. That
is, not based on the witness' own personal knowledge but on what some other per-
son said. Hearsay evidence is always excluded unless it comes with the recog-
nized exceptions, or where the question in dispute is whether, in fact, a state-
ment was actually made. In such a case, a person who heard the statement made
may testify as to what he heard spoken. This would be original evidence. A
witness may also give evidence of statements made by other persons in the pres-
ence of the accused.
Dying declarations are statements of material facts concerning the cause and circumstances of a homicide, made by the victim under a solemn conviction of impending death.

It is essential for the admission of such dying declaration that the person making the declaration was in extremis, that is, he was in actual danger of death and had given up all hope of recovery. Also, that the person making the declaration, if living, would be a competent witness, in his right mind, and knew what he was saying.

The police officer present should be very careful about taking a dying declaration. It is not necessary to take it in writing. Questioning the victim and memorizing his answers is quite proper. The officer should, however, then and there, if possible, write out what he said and the victim said, and if time allows, read it to the victim or allow him to read it, and then have him sign his name to the declaration. It is not necessary to have it witnessed but if any person or persons are present, have them sign their names if they heard all that was said.

Form of questions asked:
Q. What is your name?
Q. Where do you live?
Q. Do you believe that you are about to die?
Q. Have you any hope of recovery from the effects of the injury you have received?
Q. Are you willing to make a true statement of how, and in what manner, you came to the injury from which you are now suffering?

PRIMA FACIE EVIDENCE

This is evidence which is apparently sufficient to justify conviction or strong enough to require contradictory evidence to nullify it. Example: An officer sees two male figures on the ground. One is lying on his back and has a cut on his eye from which blood is flowing; the other has his knees on the stomach of the prone individual and his two hands are holding the wrists of the person on the ground. The person on top is unmarked. This would give every indication that the person on top was the aggressor but eye witnesses to the affair could refute it by stating that the person on the ground had thrown the first punch and missed, and the other had defended himself.

CORROBORATIVE EVIDENCE

This is evidence that strengthens and sustains the testimony of a preceding witness. It is used mostly in an effort to bolster or disprove a defendant’s alibi.

DOCUMENTARY EVIDENCE

This is concrete material which can be handled. Writing, letters, telegrams, reports or documents of any type come under this heading.

CONFESSIONS AND ADMISSIONS

"A confession is an acknowledgment in express words, by the accused in a
criminal case of the truth of the main fact charged or of some essential part of it." (Wigmore on Evidence).

There is a distinct difference between a "confession" and an "admission." An admission is a statement of fact by which the guilt of the accused may be inferred, and is frequently employed to discredit the defendant's case by bringing out inconsistencies between his claim of innocence and his prior statement or admission. A confession is an express acknowledgment of guilt.

BEST EVIDENCE

The best evidence only should be given. By best evidence is meant that particular means of proof which is indicated by the nature of the fact under investigation as the most natural and satisfactory. For instance, the evidence of some person who saw what happened or heard what was said. If the contents of a letter or other document are to be proved, the actual letter or document must, if possible, be produced. If the letter or document has been lost or destroyed, "secondary evidence" may sometimes be given of its contents.

SECONDARY EVIDENCE

If it is shown by satisfactory proof that the original writing has been lost or destroyed, or that it is unobtainable because out of the jurisdiction of the court or in possession of the adverse party, who upon due notice, refuses to produce it, secondary evidence of its contents becomes admissible. As an instance, if a letter is lost or destroyed, a carbon copy of the letter would be secondary evidence.

EVIDENCE OF CHARACTER

Evidence that the accused bears a bad character or has committed some other offense is irrelevant and, therefore, is inadmissible. There are, however, certain exceptions to this rule. For instance,

(a) If a person is charged with uttering counterfeit coins, receiving stolen goods or certain other offenses, evidence may sometimes be given of his having done so before in order to show that he knew the goods were stolen or the coins counterfeit, etc.;

(b) Evidence of previous attempts or threats to commit the offense with which he is charged is sometimes relevant;

(c) If the defense asks questions or calls evidence as to the good character of the accused, this may be "rebutted" or disproved by evidence of bad character.

THE RES GESTAE DOCTRINE

The res gestae (race jest-eye) is the transaction or thing done. Statements or declarations which accompany an act or explain and make clear the character and quality of the act, are admissible in evidence as part of the res gestae. Anything said at the time of the event in issue and as a part of the act or happening which they characterize or so close to it in point of time and under such circumstances as to preclude the possibility of fabricating a story is also admissible in evidence as part of the res gestae.

The test is, were the declarations the facts talking through the party or the party's talk about the facts. A witness testifying to the fact that an injured person was screaming in pain and nursing his back at the time of injury...
would be admissible as part of the res gestae, while a person who called on the injured party some time later and was told by the injured party that his back was injured would not be allowed to so testify.

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The officer performing his everyday routine cannot be expected to become a qualified expert on all types of real evidence. This is not expected of him, but he can be held accountable for a proper knowledge of recognizing real evidence when he sees it.

It is in the safeguarding of this particular type of evidence that a police officer must exercise particular care in its preservation and identity. From then on he should call for the assistance of recognized experts in the various bureaus established in local and state departments and the Federal Bureau of Investigation.

These people have abandoned the old method of relating their opinions unsupported by any effort on their part to prove their conclusions. Their conclusions furnish demonstrative evidence of a most desirable kind and are beyond dispute. As disinterested students of the evidence without having any knowledge of the facts in a case, they can interpret them in the best interests of justice. This is recognized universally.

These various bureaus ask only a few major precautions be taken by the officer who presents articles for examination. They ask that these articles be handled as little as possible, properly packed for shipping to preserve them in their original state and that some mark of identification be placed thereon or attached to properly identify their original source.

The Federal Bureau of Investigation booklet of January 2nd, 1942, entitled, "Technical Laboratory," gives the following instructions on the collection and transmission of articles submitted to them for analysis. The same care should be taken in submitting articles to a local or state laboratory.

The letter should be addressed to the Director, Federal Bureau of Investigation, Washington, D. C., and marked, "Attention Technical Laboratory." The name of the subject and victim in the case as well as the criminal classification thereof should be furnished. The letter should describe in detail, the evidence which is forwarded and should indicate the nature of examination which is desired. There should be set forth any facts which may be helpful or pertinent to the technical examination, for instance, information as to the symptoms and actions of a person before death who was believed to have been poisoned. If the evidence is of such a nature that it may be readily attached to the letter, it may be so transmitted. If, on the other hand, it is of a bulky nature, it should be sent in an appropriate package or under separate cover.

In the handling of evidence of this nature, there are several general considerations that are quite applicable to all types of evidence. Considerations should first be given to the preparation and shipping of the evidence to avoid contamination or other change. This contamination may constitute spoilage or the picking up of alien material in contact with other materials or other changes
in the evidence. The second consideration is the proper identification of the evidence in such a manner that it can be recognized and adequately introduced into court. The identification of evidence does not necessarily mean that it must be marked by persons handling it. It is rather essential that persons handling it become so thoroughly acquainted with distinct features or marks upon it that they can positively recognize it at a later date.

**BLOOD TESTS:** Several different kinds of evidence may be found which may be subjected to subsequent blood tests. The principal of these perhaps is clothing. Clothing containing suspected blood stains should be first allowed to thoroughly dry without heat or artificial drying methods. The next step would be to securely affix to each piece of clothing a tag containing all identifying data. The clothing must then be wrapped, each piece separately, in clean wrapping papers so that there may be no contamination of one piece by the other. If the blood stain is on other material and the same is of a nature that the whole object or article can be taken and transmitted to the Laboratory, then it should be identified and shipped in a manner similar to that already described. If the stain is on a substance which cannot be removed and shipped, then it is necessary to scrape an adequate portion of the same. This scraping should include in some instances an amount of the material itself upon which the stain appears. For instance, the scraping from a wood floor would include particles of wood dust from beneath the surface of the stain itself. Such scrapings should be placed in a dust proof box of the ordinary pill box type obtainable at any drug store and the edges sealed with scotch tape or similar material. The identification data can then be placed on the cover of the box. Scrapings obtained from different locations should, of course, be placed in separate containers. Samples of fresh or fluid blood should be transmitted in clean glass tubes securely sealed and packed in absorbent cotton and forwarded separately to the FBI by air mail special delivery.

**FIREARMS EVIDENCE:** Firearms should never be shipped without being unloaded. Bullet and cartridge cases may be marked with an identification symbol or number on a place which would not interfere with the examination. This is usually on the heel of the bullet or on the lower side or inside of a fired cartridge case. Such specimens may be packed in small boxes or stout manila envelopes and the full identifying data written on the outside of such containers. Each specimen should be placed in a separate envelope or box. The firearms may be identified by tags securely affixed to the weapon containing all necessary descriptive data. Live cartridges should be shipped by express. Other types of live explosives such as dynamite, blasting caps, nitroglycerine, bombs, etc., should never be placed in shipment except under certain circumstances and then only after prior Bureau authorization. Clothing that is to be tested for powder patterns should be carefully handled and wrapped to avoid disturbance of the powder particles.

**DOCUMENTS:** The questioned document whether it be an anonymous letter, a bad check or other such form is probably best not marked for identification especially where any fingerprint examination is to be made on the article. Place it in a cellophane envelope in order to protect it against handling and include in the envelope a slip of paper, bearing marks of identification, clipped to the document itself.

**HAIRS, FIBERS, ETC.:** Tiny particles of evidence consisting of hairs and fibers for microscopic examination and dust samples, specks of paint, and other substances for spectrographic or petrographic analyses, require intelligent handling and shipping. If not properly handled they frequently escape through the
cracks of the envelope or package and are lost in shipment. It is usually satisfactory to collect such tiny specimens in dust proof pill boxes which are subsequently sealed with sealing tape. The identifying data can be placed on the cover. Again each type of specimen from different places or locations should be placed in separate containers. Fingernail scrapings should be separated into containers for each finger. An alternative method of packing these small particles is sometimes found more convenient for mailing and is accomplished as follows: Place the tiny fragments of evidence in the center of a clean square piece of paper. The paper is then folded several times with what is known as the druggist's fold for powder prescriptions. This folding is done in such a manner that there are no cracks or openings through which the evidence can sift. Identification data may then be written on the outside of the package, after which it is sealed and placed within a small envelope and transmitted with the cover letter.

OIL SAMPLES: In testing lubricating oils for the detection of materials introduced with criminal intent, it is essential that there be furnished an adequate specimen which is usually one quart. This sample should be made representative by stirring the entire drainage of lubricating oil before pouring. If any heavy residue remains at the bottom, a sample of this should also be furnished.

PLASTER OR MOULAGE CASTS: Plaster or moulage casts are usually fragile and should be carefully packed in cotton or other protective materials before shipping.

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Regardless of whether or not real evidence is to be submitted to a qualified expert, any evidence of this nature found in the possession of a law violator must be initialed and dated by the violator personally with the arresting officer adding his own initials. This will prevent any later claim of evidence being substituted for the original evidence.
ARRESTS AND THE LAW

The power of arrest, to whom it is granted, where, when, how and why an arrest can be made in a legal manner are all clearly stated in local, federal and penal laws covering respective territories. These, with criminal codes of procedure leave little to the imagination of anyone seeking guidance on the subject, yet, many criminals escape their just deserts because of a failing on the part of the person making the arrest to adhere to these plainly worded statutes and codes.

Most cases that are dismissed in courts are lost because the arresting persons have violated some statute themselves, either before, during or after the arrest is made.

Police officers should know that there are certain laws enacted by legislative bodies that must be arbitrarily obeyed by all. A plea of ignorance of the law by any persons charged with a violation does not excuse them. No intent must be proved in these cases. The law states, "Do not do certain things or you are subject to arrest." There are no ifs, ands, or buts to it. All officers can readily recognize this type of law for it usually begins with the words, "It shall be unlawful for any person . . . ." then the wording continues to describe the unlawful act.

A police officer must exercise caution when a law starts with these words, "A person who, wilfully . . . ." or "A person who, maliciously . . . ." or "A person who, knowingly . . . ." with the remainder of the statute defining the violations. Where these three words, "wilfully," "maliciously" or "knowingly" are found, the legislative body which enacted the law calls on the person making the arrest to prove the law violator committed his crime regardless of the law, the consequences to himself or the person or thing he was plotting against. In addition to proof of an overt act, the criminal's intent must be shown as one of these things or perhaps, all three of them.

The guilty mind is the criminal intent with which an act is done. Therefore, if there is no guilty mind, there can be no crime. For instance: You walk along a sidewalk and ahead, you see an old friend whom you have not seen in years. You walk up to him, slap him on the back and say, "Hello." Unknown to you, the man has been suffering from a severe heart disease and, due to the shock, he falls on the sidewalk, strikes his head on the pavement and dies. You are not guilty of a crime because you had no criminal intent.

A police officer will experience little difficulty in proving the intent to commit a crime when he arrests a non-railroader who is found in possession of railway property to which he is not entitled and he is, at the time, on railroad property. His intent is plainly evident. On the other hand, the officer must be cautious when arresting thieving railroad employees for they have as much right to be on company property as he. Against these persons, their intent to wilfully, maliciously or knowingly steal will have to be established.

These last-named persons previously have spent a certain amount of time, whether it be minutes, hours or days, planning their thievery. During this time
they may have invented reasons for being found in possession of certain articles should they be apprehended with these in their possession. Of course, they reason they won't be caught, but should this happen, they will have a plausible reason to offer for being found in a compromising position. When the officer finds these persons in a compromising situation, the first three to five minutes will be the most effective time he has to upset any plans they may have originated. It is during this time that he must try to establish guilty intent on their part.

The officer knows that he has caught them unawares and, regardless of all their careful planning, they are most certainly in a confused state of mind. This is the time to get a quick admission of guilty intent from them. After the first three to five minutes, a person who is found in a compromising situation is in a position to collect his scattered wits and it will be almost impossible to get a guilty intent admission from him. How to obtain a quick guilty intent admission from a law violator will be demonstrated in class.

The following are examples in which intent could be established: (1) If an officer should observe a person acting in a suspicious manner prior to the actual commission of a crime. (2) A person in possession of loot in a section of company property in which he would have no reason to be unless he was intending to commit a crime there. (3) A person with loot concealed on his person. (4) A person found putting loot in his private auto; hiding it in weeds or an outbuilding; hoisting it over a fence; or placing it in a personal clothes locker, etc. (5) A person who is in possession of loot and is acting in any manner other than a natural one.

**INCAPACITY TO FORM AN INTENT**

(a) Duress: You are standing in front of a jewelry store; a person comes up to you, sticks a revolver against your body and orders you to go into the jewelry store and steal a certain diamond ring. He threatens you that if you fail to do so, he will kill you. He remains outside with revolver in his hand. You go into the store, steal the diamond ring and give it to the person. You are not guilty of the crime, because you acted under duress.

Duress, therefore, in order to be excusable for crime, must be of immediate infliction of death or serious bodily harm and the threat must continue throughout the commission of the crime. If the person who threatened you at any time left the front of the store and perhaps told you that he would be back within a certain time, then such threat did not continue throughout the commission of the crime and the act would not be excusable. Nor would you be justified in executing an order to kill the storekeeper; for no one has the right to kill an innocent third person even to save his own life.

(b) Infancy: Infants up to seven years of age are conclusively presumed not to be capable of forming a criminal intent.

From seven to fourteen years, there is still a presumption that the infant is incapable of forming a criminal intent. This presumption decreases with the progress of years; the burden of proof that the infant was capable of forming a criminal intent is upon the state.

From fourteen years on, the infant is sui juris.
The establishment of Juvenile courts has taken much of this work out of the hands of the police. Until they attain the age of sixteen, their criminal acts are handled by the Juvenile Courts.

(c) Intoxication: Voluntary intoxication is no excuse for the commission of a crime. It may be an essential ingredient in the case of first degree murder, where the person was so intoxicated that his faculties were prostrated and where he was rendered incapable of forming a specific intent to take life; then such offense may be mitigated from first degree murder to murder in the second degree.

Drunkenness may be insanity, but if it is voluntary it is no excuse for the consequence of a crime.

Involuntary intoxication is an excuse; the burden of proof is on the defendant.

(d) Insanity: When the defendant sets up the defense of insanity, the burden of proof is upon him. He must prove that he did not know the difference between right and wrong or that he did not know the natural and probable consequence of his own act. If by reason of insanity, the person is unable to comprehend his position and of making his defense, then he cannot be placed on trial for his crime.

MISTAKE OF FACT

A friend of yours decides to scare you. One evening, while you are walking along a lonely road, he approaches you with an outstretched arm, and a pistol in his hand, using violent menaces against your life as he advances. You strike him over the head with a cane, of which wound your friend died. Later it was learned that the weapon was a toy pistol only, and that your friend only wanted to scare you. You are not guilty of a crime because it was a mistake of fact; if you believed and had reason to believe in the danger, you had a right to act as though the danger existed and was imminent.

MISTAKE OF LAW

Ignorance of law is no excuse or defense against a criminal charge. If an act against a statute is neither difficult to comprehend nor to perform, intention does not enter. Even if a person acted upon advice of his counsel, his acts will not be excused if the statute clearly defines which acts constitute the crime.

OVERT ACT (In attempt)

An attempt to commit the crime consists of three elements: The intent to commit the crime (guilty mind), performance of some act towards the commission of the crime (overt act) and the failure to consummate the actual commission.

The overt act or acts must be such as will apparently result, in the usual and natural course of events if not hindered by extraneous causes, in the commission of the crime itself.

Very often, persons are arrested for attempted breaking and entering, when in fact, they should be charged with carrying burglary tools. For instance, if a person who intends to break into a house, walks to the rear or side of the building and there assorts his tools for the purpose of forcing an entrance into the
house, he cannot yet be charged with attempted breaking and entering. So far, it is only a preparation to commit the offense. An attempt to commit a crime is an act done with intent to commit beyond mere preparation but falling short of its actual commission.

ENTICEMENT

Enticement will not prevent prosecution unless it has resulted in actual participation in the crime. Though enticed, the defendant is guilty as long as the enticer remains passive at the actual commission of the crime.

A watchman agreed to allow three persons to enter a warehouse where he was employed for the purpose of stealing articles therefrom. Soon afterwards, the watchman changed his mind and he informed his employer about the deal he had made with the burglars. His employer told him to go through with the deal, and that he would station police officers in the building. The men came, entered the building and were arrested. Their plea was that the watchman induced them to commit this crime; but the fact was that he merely gave them a greater facility to commit the crime.

Very often, police officers are called into restaurants where the proprietor informs them that a certain customer refuses to pay for his meal. Ordinarily, this comes under implied contracts and, therefore, is a civil action. As soon as a person orders food after having looked over the bill of fare, he enters into a contract with the proprietor or manager of the restaurant, that he will pay the price specified on the bill of fare and the proprietor agrees to furnish the food as listed on the bill of fare. If any of these persons do not live up to this contract, it becomes a civil action.

It only becomes criminal if the person who ordered the food had no intention to pay for it. Intention is a state of mind and is difficult to prove.

POSSIBLE PARTIES TO A CRIME

First degree principals are those in whose guilty mind lay the latest blamable cause for the crime.
Second degree principals are those who, at the time of the commission of the crime, aided and abetted in the commission of the crime.
Accessories before the crime are those who, advise or procure the commission of the crime.
Accessories after the fact are those who, knowing that a felony has been committed, shelter or conceal the felon.
In the highest crime, treason, and in the lowest crime, misdemeanor, there are no accessories. All participants are principals and may be charged as such.
Principal are present at the scene of the crime or near enough to aid or abet. Accessories are absent.
Mere presence does not make a person a participant. To constitute him a party to the criminal act, there must be not only presence upon the scene but an actual participation, either an aiding or abetting.
If three persons enter a storehouse to commit larceny and one remains outside as a lookout, such man is a principal.
Fingermen are principals.

Legislative bodies have divided crime into two broad classes: Felonies and misdemeanors. As shown above, parties to a felony are classed as Principals or
Accessories. In a misdemeanor, of course, all participants are Principals.

A police officer might raise the question: "When may I arrest a person on suspicion of having committed a felony without actually having seen the crime committed. As an example, an officer hearing a store window glass broken, out of his sight, runs to the scene. He sees a person there with a tray of jewelry in his hands. This, in itself, would not be justifiable proof that he is the criminal, for the person may have picked up the tray the actual law violator had dropped. Should the officer notice one of the hands of this person is covered with jagged cuts, he could reasonably suspect this person had committed the crime and had been cut while reaching through the broken window to steal the tray of jewelry. Such an arrest would be lawful even though subsequent investigation proved this person innocent.

As a general rule, a police officer would be justified in shooting a person whom he has under arrest in order to defend himself from death or serious bodily harm, or to defend another person, unlawfully attacked, from death or serious injury, or an escaping Felon who has committed a felony in the officer’s presence. He has no right to use his revolver to prevent the escape of a person who committed a Misdemeanor.

Some police officers lose convictions when the criminal from whom they have obtained a signed confession later denies his guilt and swears the confession was obtained under duress. These officers may have labored under the impression that the signed confession was all they needed as evidence and went to court with nothing more.

Confessions obtained in the correct legal manner are of material assistance whenever obtained, but their main purpose is to support the corroborative proof of guilt. This corroborative proof must be developed in every case. The importance of this is strongly stressed.

Other officers complain of losing convictions on the basis of being discriminated against by some public official or because this person showed little interest in the prosecution of the case.

This is the poorest excuse that can be offered by any police officer. What happens in many cases where this excuse is offered by a police officer is the fact that he might have overstepped his lawful authority in making the arrest. Another reason can be that he has insufficient evidence for a conviction and still another reason may be that he coasted on the job in obtaining competent witnesses to his case and expected the public official to do all the preliminary detail work on the case for him.

A police officer who has made an arrest should consider the case as his own and he should not hoist the naturally onerous duties of collecting evidence and the testimony of witnesses on someone else's shoulders.

In most cases, he and he alone, should care for the evidence, interview the witnesses and learn exactly what they can testify to. He should make notes of all this and then furnish the public official with a brief from which he can work. Upon meeting a police officer with this much interest in his case, few public officials will deliberately upset his case by any attitude on their part. Instead, a willing, interested and hard-working officer will meet with their enthusiastic assistance. Their complaint, if any, will be that they do not meet
enough of the hard-working, interested police officers.

The following is a sample of the preparation necessary for a brief in a case of theft from an interstate shipment. This is used for an illustration because it will need more detailed preparation than any other type of case.

The interstate character of the shipment must be established by producing the original bill of lading showing its point of origin and the fact that it is made from one state to another. This will also show its receipt by the railroad for care and custody purposes.

The witnesses will include someone to identify the stolen merchandise; the packer; shipping clerk; the driver to the railroad, the railroad receiving clerk; car seal clerk; and any other railroad employe who can testify to the fact the shipment was intact up until the actual theft was committed. All must have their original records to support their testimony during the court trial.

The actual evidence, and everyone who handled it between its recovery and presentation in open court.

If necessary, railroad personnel who checked it short at destination and their records of this. The consignee who failed to receive the shipment or original records to this effect.

The police officers and the testimony they can give as to the recovery of the stolen merchandise and where, when and how this was effected.

In every case, the full first names of all witnesses must be shown along with their surnames. Initials alone will not suffice, for there may be two or more individuals with the same initials. For example, as in the case of an initial "R" this could stand for Robert, Richard or many other names.

The full name of the company which employs each witness, the street, city and state addresses, the local phone number of this concern and the titles of the witnesses they will furnish.

Witnesses have been known to sever their business connections before being called to testify. For this reason, their home addresses, apartment numbers and their personal telephone numbers should also be listed by a police officer in any well-prepared brief.

This chapter has been devoted to that phase of police work not mentioned in a newspaper account of the successful prosecution of a criminal case. All police officers know its necessity and compliance with these instructions will avoid later criticism.

An arrest means nothing unless the magistrate will hold the man; the holding of the man means nothing unless the Grand Jury will indict; the indictment of the Grand Jury means nothing unless the man is found guilty by the trial jury. Finally, unless the evidence you have submitted will be sustained before a group of men who will examine it carefully and unemotionally, and will weigh it solely on its merits in the Appellate Division or the Court of Appeals, you may lose the case here.
Demeanor means the manner of conducting or behaving one's self. The purpose of this chapter is to instruct the officer as to the manner in which he should conduct himself while in court.

Since the officer's appearance in court in a criminal case might result in a jail sentence for the defendant against whom he is appearing, he must realize that it is a serious occasion and is not to be taken lightly. When the officer appears in court, his clothing should not be loud or sporty. His manner of dress will be quiet and dignified.

While the court is in session, the officer will sit quietly, refraining from conversation with anyone.

When called upon to testify, he will pin his shield on the left lapel of his coat and approach the witness stand in an orderly and dignified manner. Arriving at the witness chair, he should stand perfectly erect with his hands at his sides. When he is sworn in, the officer will raise his right hand until his upper arm is on a line with his shoulder with his forearm in a right angle position, the fingers of his right hand held together and upright. He should maintain a serious expression on his face. This will be the first visual impression afforded the entire court of the police officer and it is a solemn moment.

After he is sworn in, the officer will take his seat in the witness chair, lean toward the court stenographer, and give his name and rank in full. He will then sit back in the chair with both feet on the floor and his hands either folded or resting on both arms of the chair. There must be no slouch in the position of his body.

The officer is now a full-fledged member of the court, just as much so as the judge, prosecutor or defense attorney.

The purpose of all trials is to arrive at the truth of an occurrence, not to convict or dismiss regardless of the true facts. The officer must not be prejudiced in his testimony or actions while on the stand. In fairness to everyone, his testimony must be impartial.

When a question is asked of him, the officer should think it over carefully before answering. When answering, he should use a clear, modulated tone of voice. His answers should be as brief and concise as possible.

While under examination by the district attorney, the officer can be certain that no trick questions will be asked of him. On the other hand, he can expect questions of this type from the defense attorney. The officer should pause for a moment before answering questions put to him by the defense attorney to enable the prosecutor to offer an objection if he so desires.

Defense attorneys will try to confuse and discredit prosecution witnesses. An officer is advised to adhere religiously to the truth at all times. He should
state only known facts which can be substantiated and should refrain from offering his own personal opinions unless asked for them.

A police officer should not raise his voice above normal when answering questions. He should never become excited or fidgety in the witness chair regardless of any slighting remarks which may be made by the defense counsel. His polite, calm demeanor will invite more credence in his testimony and he will gain the respect of those in the court room.

Some defense attorneys will ask an officer if he has talked the case over with his superior or the district attorney before coming to court to testify. They ask this question to create an opinion in the minds of a jury that someone has coached the officer in the answers he is to make on the stand. In most cases, the officer has discussed the case with his superior and the district attorney and he should admit this by replying that both the district attorney and his superior had advised him to tell his story truthfully, just as it occurred.

During many court trials, recesses or adjournments are taken, and the jurors, witnesses, court officers and spectators may remain at ease in the court room or stand about the corridors adjoining the court. During these times, the police officer should conduct himself with decorum and refrain from talking to the defense counsel or the defendant. Should any of the jurors see the officer talking to these persons, they might form the opinion that since both the prosecution and the defense are friendly, the outcome of the case is unimportant, and they might be inclined to favor a dismissal. During these adjournments, the officer should retain the same manner he exhibited while the court was in session.

Juries are composed of twelve distinctly different persons of either sex or mixed sexes. Their personalities, likes and dislikes, habits, occupations, backgrounds, religions and standards of ethics will certainly vary. Police officers who keep this in mind will give these persons no cause to criticize their conduct during the course of the trial.

This chapter does not include all the instructions needed to govern a police officer testifying to the material facts in a court case. Its one intention has been to give him a dress rehearsal on the actions expected of a responsible law enforcement agent who takes pride in and is properly trained in his profession.

The police officer who is interested in his profession will visit courts while they are in session to study the demeanor of policemen and civilians while on the witness stand and in adjacent corridors. By doing this, he will further his education and he will become aware of just what constitutes proper court room demeanor.
TESTIMONY

In the preceding chapter, the officer was instructed in the behavior expected of him while in court. This chapter will instruct him on how to testify properly.

Every efficient police officer makes written notes at the start of any case with which he is connected, and adds to these notes as the case progresses. Before trial, these notes should be read carefully to refresh his memory of each occurrence. When he appears at the trial these notes should be arranged in a logical order on the person of the officer so that he can produce them without delay should it be necessary. He should also remember that any notes he produces can be impounded as evidence.

He must bear in mind that he will be permitted to testify only to what he saw, heard, tasted, smelled or felt. No one is interested in what he thinks, opines or concludes from these. He will be restricted to a recital of the facts relative to the case in question.

He could not testify that a watch was gold unless he saw inscribed thereon a stamping showing the number of carats of the gold. However, he could testify that it was a yellow colored metal watch case regardless of any stampings on it.

In the witness chair, address the court as, "Your Honor." The prisoner is the "Defendant;" the person who makes the complaint is the "Complainant."

In answering any question, an officer should never nod or shake his head. The court stenographer will not see this and it is not acceptable as an answer. Speak distinctly. An officer would be embarrassed if the judge should say, "Speak louder officer, no one here will harm you."

If a question can be answered with a simple yes or no, do this. Don't go into long-winded explanations for they might furnish defense counsel with "leads" that will prove embarrassing to answer. If nothing else, the officer's memory would be taxed to give the exact explanation should he be asked to repeat his answer. It is not so much what is said as the manner in which it is said. In short, quality will always outweigh quantity. Do not anticipate a question and answer it before the questioner has completed it. Never draw on the imagination to answer a question. If the answer is not known, admit it.

If the officer's attention is drawn to a discrepancy in a statement and he desires to correct it, he should so state and then rectify it with the correct answer. No one is perfect.

Make certain that you fully understand the meaning of a question before attempting to answer it. If you do not understand the question, ask to have it repeated.

No officer should use words unless he is fully acquainted with their meaning. Use simple, easy to understand words with as few syllables as possible.
Avoid police and criminal slang phrases.

Don't make positive statements unless they can be proven. In describing time, say, "About 2:15 P.M." In distance, say, "About forty feet." Don't describe distance by the use of the hands unless asked to do so.

Do not show emotion by squirming about in the witness chair or by dry-washing your hands.

No officer should ever say that he advised the defendant of his constitutional rights. The defense counsel might ask the officer if he knew the first ten amendments of the Constitution which are known as the Bill of Rights, and then request the officer to repeat them. It would be better for the officer to say, "I advised the defendant that he did not have to make a statement unless he wanted to and that if he did make one, it could be used against him in court.

The purpose of every trial is to ascertain the true facts of an occurrence. An officer of the law is not expected to, nor should he be, biased. Should he exhibit the attitude of winning at all hazards, he is endangering his case. In answering the questions of a defense counsel, his answers should not be vague nor should they be in a different tone of voice than that used when offering testimony against the defendant.

Defense attorneys have two approaches to discredit the testimony of a witness. Either one of these can decide against the acceptance of the testimony of the witness. They can endeavor to discredit the witness or his testimony by showing that the witness or the evidence he offers is unreliable, unqualified or biased.

A police officer should not attempt to outsmart anyone, for he might out-smart himself. As a member of the executive branch of government, he saw the law violated and took the violator into custody. He is now submitting the evidence of the violation to the court, the judicial branch of government, to pass on it.

All officers know that they need expect no trick questions from a prosecuting attorney, while defense attorneys have different techniques of their own for examining state witnesses. Some defense attorneys adopt a flattering approach, some a friendly, sympathetic approach, and others adopt a bullying attitude toward prosecution witnesses. All members of the bar have some histrionic ability of a sort and attempt to influence witnesses and their testimony through their own particular accomplishments.

Should a police officer be cross examined by a defense attorney who is employing a bullying technique, it will not benefit him to openly resent it and become indignant. This will only lead to a confused state of mind on his part which is exactly what the attorney is trying to create.

The officer should remain calm and show no displeasure, relying on the prosecutor and the presiding judge to curtail the abuse. Coming from them, it will influence the jurors to take the side of the underdog, and will eventually react against the bullying attorney.

The attorney who uses flattery will seldom fool an alert police officer, but the one who uses the friendly, sympathetic attitude may entrap him by allowing the witness to ramble on with long-winded explanations which will later tie him
up in a knot. This type of attorney is inducing the witness to destroy himself and, at the same time, he is impressing the jury by his own patience and sympathetic nature. The best defense against this approach is to answer all questions politely, truthfully and briefly.

Some defense attorneys will dismiss a prosecution witness from cross examination and when the witness has left the chair and has almost reached his place in the court room proper, this attorney will apologetically ask the witness to take the witness chair again for "one little question" he had forgotten. The witness will be relieved of the tension he was under during the major cross examination and he may return to the witness chair with the thought of getting things over with, and give a quick answer to this "one little question."

The defense attorney has counted on this and he asks his questions in a quiet voice, knowing that the answer may decide the whole case in his favor and against the state. When the question is asked, the police office should study it carefully before giving an answer. In this way, he will avoid a hasty, careless or thoughtless answer.

In summing up the advice offered in this chapter, an officer's attention is called to the fact that nothing contained therein will surpass the experience he will gain by visiting court rooms and studying the techniques of those who comprise the court.
REPORTS - WRITTEN AND ORAL

WRITTEN REPORTS

Since no successful business can be maintained without reports (correspondence of all types) it is evident that they are a vital necessity, yet, there are many police officers with all the qualifications of good policemen who seem to stand in awe of a written report.

This would be understandable if they were expected to write a fictional report or some similar undertaking, but their dread of having to describe an occurrence they actually witnessed seems childish. This can easily be overcome by simple reasoning.

A written report of any occurrence is made for the purpose of picturizing the occurrence so that a person reading it later can visualize just what took place and what was said and done about it. The component parts of a written report which follow will show how simple it actually is.

The occurrence takes place on a certain day of a certain month in a particular year. The report begins with this information -
"June 6th, 1958."

The writer then simplifies the filing of the report by writing out a subject heading for it --
"John Black, arrest;" or "John Brown, accident;" or "John Andrews, fatality;" or whatever the case may be.

If the officer's immediate superior is a Sergeant Jones, the report is addressed to --
"Sergt. F. E. Jones."

Next to follow is a simple explanation of how the writer of the report had his attention brought to the occurrence --
"While on duty in the Main Waiting Room, Penn. Sta., (City and State), at 1:30 P.M., today,"

Then a further explanation of what or who drew his attention or what he actually observed himself --
"I noticed a suspicious looking white person, poorly dressed, standing next to an expensive-looking suitcase."

Where was this?
"At the foot of the northwest light standard, near the information desk."

Any further observations?
"I saw this man look about the room in a furtive manner and then quickly reach down and pick up the suitcase and start walking toward the Harrison Street Exit."

What did the report writer do then?
"I followed this man through the waiting room until he went through the door leading out to Harrison Street."

What then?
"I stopped him and asked if he had not made a mistake in taking the suitcase he was carrying."

What did he say or do then?
"He did not answer my question, but dropped the suitcase and ran north on Harrison Street."

Did you catch him?
"I pursued him and caught him on the northwest corner of Harrison Street and Baker Street."

Then what?
"I took him into custody and back to where the suitcase had been dropped. Enroute he pleaded with me to 'give me a break and let me go,' and said, 'I won't steal again.'"

Did you get the suitcase?
"Obtaining the suitcase, I took him to the Captain's Office where I had him place his initials and the date on the suitcase in ink."

What happened in the Captain's Office?
"I searched him and from the papers found on his person, learned that he was JOHN JOSEPH BLACK, white, age 42, married, no children, an unemployed laborer, residing at 921 West 9th St., (City and State). He is 5'10" tall, weighs 175 lbs., has brown hair and blue eyes with a ruddy complexion. He admits to two previous arrests in (City and State) for petit larceny in the year 1955."

Who owned the suitcase?
"The owner of the suitcase is a William Smith of 17 Ocean Ave., Philadelphia, Pa., who identified it as his and placed a value of $285.00 on the suitcase and its contents."

After learning this, what did you do?
"I took the prisoner to the City Prison, accompanied by Mr. Smith, where I placed a charge of Grand Larceny against BLACK. Mr. Smith was listed as a material witness."

Then what?
"I retained possession of the suitcase and arranged to meet Mr. Smith in time to accompany him to Municipal Court."

Is that all?
"A report of the hearing will follow.

John Wilson, Patrolman"

The writer of a report should always re-read his report before turning it in. This will eliminate any omissions and will allow for any necessary revisions. A completed report of the foregoing questions and answers will look like the typed copy at the end of this part of the chapter.
In an accident report, the facts must be faithfully reported but the officer has more latitude in adding his own personal observations or reasons for thinking the accident was caused by one or more contributing factors.

He can examine the soles of the shoes worn by a person who has fallen to learn if faulty soles have contributed to the fall. He will look for refuse, spittle, water or other extraneous matter. Should the accident be allied with some mechanical apparatus, he will immediately contact the department in charge of this and have them send a mechanic to examine the equipment to see if it is in proper working order.

If the injured person seems to be under the influence of liquor, he should be brought to the company Medical Examiner to pass judgment on this. Should the person refuse to be examined, or there is no medical examiner available, the officer can cite his own observations, such as, "the injured person smelled of liquor; his walk was unsteady; his speech was incoherent and his eyes were bloodshot;" or, "his wearing apparel was in disorder apart from the cause of the accident." In the case of a male, wearing apparel in disorder would mean his necktie was askew, his shirt unbuttoned at the collar, his shirt out at the waist, his hat dented, shoelaces untied, etc.

The completed report described above follows:

(City and State) June 8, 1958.

Subject: Arrest of JOHN JOSEPH BLACK, white, age 42, unemployed, 921 W. 9th St., (City and State). Theft of suitcase in Penna. Sta., (City and State), this date.

E. F. Jones,
Sergeant of Police.

While on duty in the waiting room, Penna. Sta., (City and State), at 1:30 P.M., this date, I noticed a suspicious-looking white person, poorly dressed, walking around the station. He came to a stop right at the American Lockers near an expensive-looking suitcase. I saw this man look around the room in a furtive manner and then quickly reach down and pick up the suitcase and start walking toward Harrison Street.

I followed this man through the waiting room until he went through the station door leading onto Harrison St., where I stopped him and asked him if he had not made a mistake in taking the suitcase he was carrying. He did not answer my question but dropped the suitcase and ran north on Harrison St. I pursued him and caught him at the northwest corner of Harrison St. and Baker St.

I took him into custody and back to where the suitcase had been dropped. Enroute he pleaded with me to "give me a break and let me go," and said, "I won't steal again." Obtaining the suitcase, I took him to the Captain's office where I had him place his initials on the suitcase in ink along with the date.

He was then made to place everything that he had in his pockets on the desk and from papers that were on his person I was able to find out that he was one JOHN JOSEPH BLACK, white, age 42, married, no children, an unemployed laborer, residing at 921 West 9th St., (City and State). He is 5'10" tall, weighs 175
lbs., has brown hair, blue eyes, and a ruddy complexion. He admits to two (2) previous arrests in (City and State) for petit larceny in the year 1955.

The owner of the suitcase is a William Smith, of 17 Ocean Ave., Philadelphia, Pa., who identified it as his and placed a value of $285.00 on the suitcase and its contents.

I took the prisoner to City Prison, accompanied by Mr. Smith where I placed a charge of Grand Larceny against BLACK. Mr. Smith was listed as a material witness. I retained possession of the suitcase and arranged with Mr. Smith to meet me at Municipal Court.

A report on the results of the hearing will follow.

John Matthews, 
Patrolman.

ORAL REPORTS

Written reports are usually made after an occurrence, whereas, oral reports are associated with affairs that need immediate attention.

For instance, if a fire should break out on a post on company property, the officer on duty at the time would, at the first possible moment, report this orally to his superior or his main office. He needs assistance at once and there is no time to be lost. This would also apply when reporting a wreck or other major catastrophe on his territory.

In these cases, he would not be expected to report in detail such as he would in a written report. Nevertheless, he should not add to the existing confusion by orally reporting something about which he is not certain. He should be sure of all the facts and state these so that there will be no misunderstanding on the part of the person to whom he is reporting.

As an illustration, suppose a fire was to break out at the forwarder freight station (City and State) and the officer on duty there was calling the office of the Chief, the oral report would take the following form:

The desk man would answer the phone by saying, "Police Department." The officer making the report would then say, "This is Sgt. Whitticar at the forwarder freight station. A fire broke out on the west side of the freight station and the employees and their fire apparatus started working on it. At present there are seven units from the (City) Fire Dept., here at the scene and the fire seems to be under control. The area is full with outsiders and I will need help in keeping them back. No one seems to have been hurt but some freight has been damaged. If you want me, try on Ext. 100, I will call in as often as possible."

An oral report of the foregoing type would supply all the information necessary at the time. If the reporting officer spoke slowly and in a clear tone, and had the desk man repeat the essential parts, he would have done a splendid job.

There is no further instruction needed in making an oral report regardless of the subject of the report. The reporter will have a certain period of time
between his learnings of something which must be orally reported and the time he actually makes the report. It is during this interval that he should assemble his facts and prepare his information in logical order.
FIRES

Any instruction given to a body of police officers on fire prevention is bound to bring to their minds the crime of arson, yet, most of the destruction of lives and property is not the work of arsonists. It is the result of indifference, negligence or ignorance on the part of the average person. Fires from these causes are just as destructive as if they were deliberately planned by an arsonist.

Statistics show that fires during the year 1955, throughout the entire United States, caused an economic loss amounting to millions of dollars. Smoking and matches, and fires caused by faulty electrical installations and equipment, were rated first and second respectively. Statisticians have shown that over 850,000,000 matches are used daily throughout the nation and that 600,000 flames are struck from these matches every minute of every day. They have shown also, that twenty-seven people in America die in fires every twenty-four hours of every day and, for the most part, they are innocent persons who have had nothing to do with the cause of the fires in which they perished.

Everyone, regardless of his profession, has heard of Fire Prevention Week throughout the nation. This is the week set aside for cleaning out the family attic and cellar of all sorts of accumulated rubbish as possible fire hazards. From this, can it be assumed that the remaining 51 weeks of the year constitute an open season on fire hazards? This may seem like a silly question but there is logic in it.

Education in fire prevention is not like a snowball that will grow and roll from its own momentum. Manufacturers of soap, as an example, do not engage radio time only one week a year to sell their soap. They keep advertising their product and sell soap daily. So it must be with fire prevention. All the seeds of fire prevention sowed daily will not eliminate fires entirely, but it will be sufficient to justify any effort used in this direction.

The prevention of fire is the best possible protection against it. All railroad police officers should reason that it is better to be a fire-prevention expert than to be a good fire-fighter. It is debatable whether a majority of persons know how to act at a fire or even know how to call a fire department.

In conjunction with railroad police duties, an officer should act as though he were assigned to a fire prevention unit at all times, reporting all conditions that might cause a fire, such as rubbish heaps, accumulated oil-soaked waste, electric wiring with insulation worn thin or through exposing bare wires, loose electrical sockets, and careless or rough handling of electrical equipment by anyone. Where smoking is prohibited, the police officer should rigidly enforce the ruling and observe the edict himself.

He must know where every piece of company fire-fighting apparatus is located, where local and city fire alarm boxes are situated and how to operate them.

Upon the discovery of smoke or fire, the officer's knowledge of whether or
not the premises are inhabited will guide him in warning anyone therein to prevent loss of life. His next step will be to shut off all ventilation by closing all windows and doors that might act as a draft to fan the fire to a greater degree. The less oxygen fed the fire, the less flame.

This is not the time to start a search for evidence to constitute what, why or who started the fire. His main objective will be to get as much fire-fighting apparatus to the scene as soon as possible to confine the damage and loss to a minimum.

No police officer will ever be criticized for sending in any unnecessary alarm, that is, one where fire actually existed but was extinguished before the arrival of fire apparatus.

He knows that city apparatus responds to all fire alarms by driving to the alarm box from which the alarm came, therefore, he will have some citizen remain at the box to direct the apparatus to the exact location of the fire.

At the scene of the fire he will immediately clear the area of anything that might interfere with the fire apparatus and firemen when they arrive at the fire. Established fire lines should be formed to keep unauthorized persons from hampering the firemen and keep them away from the danger zone.

All police officers will take their orders from the organized fire officials until the fire has been extinguished when the premises will again revert to police protection.

At this time, the head of the organized fire department should be consulted for his opinion as to the cause of the fire. The police officer should furnish him with all his observations from the time he was first notified of the fire or discovered it himself.

Should arson be suspected as the cause of the fire, everyone should be barred from the premises and nothing disturbed until a fire marshal or some qualified expert has the opportunity to examine the premises to uncover the means and the method used by the arsonist, or any remaining clues for later investigation.

Smoke colors are sometimes of great assistance in determining the cause of a fire. For example, white smoke is produced by burning phosphorus, hay and other vegetable compounds. Yellow smoke is produced from films and other products having a nitrocellulose base and from various acids. Black smoke comes from burning oil, rubber and various compounds having a petroleum base. Therefore, if the color of smoke at a fire does not agree with the materials out of which it is built or with the articles contained there, it would be logical to suspect arson.

Poured on floors, petroleum burns in the pattern of the pool thus made and sometimes penetrates cracks in the floor to burn the ceiling below. If an odor of petroleum is in the air, a search for the actual place this medium was used should be made by smelling the burnt area until convinced the spot has been found. Portions of the burnt area should then be removed, enclosed in a bottle or jar and sealed to preserve as evidence.

Study the premises and the fire area to learn if the fire was burning in two or more widely separated areas. Search about for any oil-soaked streamers that
might have been used to carry the fire from one spot to another. Look for oil-soaked or other foreign material which might have been brought to the area to give the fire added fury and had failed to ignite for one reason or another.

The burned area should be photographed as soon as possible.

In reasoning out the start of any case where arson is suspected, look over the premises for a forced entry. Who had a motive and who had the opportunity to set the fire? Is there a known arsonist living in the neighborhood? Search the surrounding area for a discarded can, bottle or other container which might have been thrown away by the arsonist. Label everything that might constitute evidence.
SURVEILLANCE

Surveillance means a close watch. In police parlance, it is a continuous secret observance of persons, places or vehicles, in an endeavor to obtain necessary information.

A surveillance may be for the purpose of obtaining information needed for a search warrant; to learn the habits, haunts and associates of a suspected criminal; to locate a missing person; or to obtain evidence connected with a crime.

Before starting on a surveillance, the operators should be made thoroughly acquainted with the subjects either by a detailed description or by having them "fingered." The operators should be advised of any habits, peculiarities or places the subject may frequent. They should be advised just what particular information is to be developed.

There are two types of surveillance. The first is a stationary one where the surveillant is covering a home, building or business. The second would cover a subject in motion either on foot or in a vehicle. This is called a moving surveillance.

At the start of either type of surveillance, it should be decided whether or not the surveillance is to be continued if the subject becomes aware that he is under observation.

In a fixed surveillance, a previous examination should be made to learn the type of persons frequenting the area so that the surveillants may dress in the same manner as these people.

If a room in a nearby house or building is to be used, binoculars or telescopes are recommended as necessary equipment. Notes of every occurrence should be recorded as they happen. These notes should be kept on the person and not left about the premises.

In a fixed street surveillance, there should be at least two operators who can change places with each other at frequent intervals, make meal and other reliefs and, should it become necessary, one could leave the area to check on the further actions or destination of a suspicious person. A standard type auto, privately owned, will provide shelter in inclement weather.

In a moving surveillance of a subject on foot, three operators will provide the best coverage. These men can shadow the subject best by following the "A B C" method which is shown in the drawing at the end of this chapter. This operation can be varied by having the operators change places frequently.

A police officer on his first surveillance assignment will, at times, feel positive he has been "made" by the subject. To avoid this, the officer should act naturally and he should occasionally change his appearance by wearing his hat in different positions or carrying it in his hand. He can carry a newspaper in his
pocket; folded four ways in his hand; in half under his arm; or, he can pretend to read it. In winter, he can remove his overcoat for a short time; in summer, he can take his coat off. Smoke—don't smoke. Wear glasses—take them off.

Should the moving subject stop short, there are three choices. The operator can turn into the nearest doorway or buy something at a street stand, or he can pass the subject, cross the street at the nearest corner and double back on the opposite side of the street. No matter which method is used, it is to be done in an unhurried manner.

Should the subject enter a building and use the elevator, the operator can board the same elevator and wait for the subject to call his floor. The operator then has a choice of getting off at the same floor and observing where the subject goes or he can get off at the floor above and use the stairway down to the subject's floor. If the latter choice is used, the operator can then stand near the elevator until the subject comes from a particular office.

Any police officer who is assigned to this type of work regularly should always be prepared for any eventuality which might arise. If the subway fare in the area is ten cents, he should have a supply of dimes on him at all times. If the fare includes pennies, he should have some available. Two or three dollars in change and some one-dollar bills should be carried to pay off a taxi cab in a hurry. If the operator uses a short stub of a pencil to make occasional notes, it will not be as noticeable as a full-sized one.

A person expecting to be followed may use artifices of his own to discover his shadower. He might stop at a store window and look over the neighborhood from the reflections in the glass. He might suddenly double back on his course. He might drop a piece of paper to observe who might pick this up. He might board a public conveyance and leave before it starts to observe who does the same. He might turn a street corner and stop short to see who comes along and makes the same turn in a hurry. Should he be a notorious operator, he might have some of his henchmen "tail" him to learn who is following him.

In tailing a subject on any public carrier, the operator should place himself three or four seats behind the subject and then watch his feet and shoulders. When the subject is ready to leave, his shoulders will hunch forward or he will move his feet to enable him to rise from a sitting position.

The distance the operator should keep between the subject and himself can only be determined by the operator. Conditions and the neighborhood will govern this.

In a moving surveillance by automobile, a black car of a popular make and model should be used. If the surveillance is expected to cover a large area, it is advisable to carry a few reserve cans of gasoline.

At least two men are needed when the surveillance is made by automobile. However, two cars with two men in each is the better method. The latter will provide for a change in following the subject. The operator in each car with the driver should make all written notes of direction, time or other information.

If the tail is being made during daylight hours, the driver should allow one or more autos to get between him and the subject's car whenever he feels this can
be done without losing him. The second man in the operator's car can change from passenger to driver whenever this is thought advisable. Coats and hats of both men can be kept on, off or exchanged. The second man can ride the rear seat of the car, changing from side to side or crouching down out of sight. At night, a change in lights on the surveillant's car will deceive the subject.

If the surveilling officers are positive of the subject's destination, it might be well to pass him and park in the area to await his arrival there.
The "ABC" method of surveillance
Figure 1

The "ABC" method of surveillance
Figure 2
INFORMANTS

We are all well aware that the burden of proof is becoming more difficult right along. We find that in a great many cases the reluctance of the citizen to testify is increasing.

Authoritative works on police procedure, techniques and scientific aids advancing the war on criminal elements are innovations of the past fifty years.

Various groups in police departments throughout the United States such as benevolent associations, detective groups, sheriffs and chiefs of police associations have been formed for the interchange of ideas. Certain colleges have training courses in traffic and other police functions. The Federal Bureau of Investigation, individual state and city police departments all provide training schools for the specialized duties their members are called upon to perform in a certain field or area. Yet, the practical police officer realizes that ninety per cent of all police cases are still solved through information obtained from informants of one class or another.

The informant and his confidential information has indeed become an institution in itself and in a great many cases is used as a way of establishing the truth. As for this information being new or applying only to the workings of police officers, it is used in almost every walk of life and goes back as far as the Old Testament. It is used a great deal by the press and our financial institutions of today. It is almost an everyday occurrence for one police department or officer to turn over to another some sort of information that in turn will help them to put an end to a crime wave or solve a case.

Informants fall into various categories.

First, there are those who furnish information about a particular crime without any ulterior motives on their part. These persons are known as witnesses. They testify to what has been recorded by their senses.

Second, there are those honest employees of a business who are aware that their firms are being systematically robbed by fellow workers. These persons are fundamentally honest, but refrain from informing the proper authorities of this knowledge because of certain fears.

The third group can be classified as those with a "cop-and-robber" complex. They harbor a subconscious yearning for police work and will afford a police officer material assistance at every opportunity. Any information they can furnish seems to give them a feeling of importance, of being a member of a police department and of participating in an exciting adventure.

The fourth group is composed of criminals who have split up, perhaps over an unfair division of spoils, jealousy or a female.

The fifth group is composed of stool pigeons. They are of low character and associate with criminals for what they can gain, but are ready and willing
at all times to sell out for a cash consideration or some advantage to themselves.

One cannot minimize the hate that the underworld has for those who turn informants. Therefore we should do all we can to protect those who exchange information.

The successful police officer recognizes that all five groups are as important to him as his nightstick or gun. He realizes that his careful cultivation of each group will eventually pay dividends. This may be on a routine patrol or even in actual apprehension of a criminal.

The first group, witnesses, will cooperate with the police officer who exercises courtesy, tact and thoughtfulness, rather than his police authority. At the scene of a crime, the well-trained police officer will look about him and single out the most talkative person in the gathering and solicit an account of the happening from this person. Naturally, this person will enjoy being in the limelight and will go to great length in filling in details. The officer can question this witness and others as to who was first on the scene, and thereby get a better account of what happened from the early arrivals. During the early part of these interviews, it is not advisable for an officer to make written notes, for this has a tendency to discourage talking. Talk should be encouraged and any pertinent statements made by witnesses should be mentally noted by the officer and the witnesses should be asked to remain for further discussion. It is then that their names and addresses should be recorded, and statements should be carefully transcribed and signed by the witnesses.

Group number two, honest employees with personal fears, must be cultivated daily by a police officer. He will attempt to dispel their fears and instill a spirit of trust in them. This will be a lengthy process and calls for all the tact an officer possesses. The following program is outlined:

The officer should study a group of persons employed in a certain area. He will learn who are married and have children and who own their own homes. He will learn who among them are members of recognized religious or fraternal organizations. He will learn which ones live moderately and engage in no excesses. He can then be reasonably certain that anyone who meets the major portion of these requirements is basically honest.

His next step will be to talk to them daily. No lengthy conversations are necessary—just little pleasantries that will find favor with them. Don't embarrass them by being seen talking to them at great length in front of the possible criminals in the group. All police officers know how important the informant is and the fact that without him a great many cases would go unsolved.

If the officer knows there are suspicious occurrences in the area, he can remark that he regrets this because it casts suspicions on one and all until it is cleared up. He should say that he despises those responsible and that they are cowardly sneaks who are taking advantage of the trust placed in them. This part of the program is for the purpose of letting the expected informant know that the officer holds those responsible in contempt and that he would like to take them into custody for the good of all concerned. This is not the time to come out and openly ask for information. The personal fear has yet to be broken down.

As the friendship progresses, the officer can cite imaginary cases of a similar nature in another section of the railroad, remarking that everyone was
unaware of the perpetrators or their modus operandi until an honest fellow in the group became disgusted with being under suspicion and he tipped off the officer as to those responsible and how they were operating. The officer should tell his potential informant that the other officer protected his friend by keeping him out of the picture entirely and that to this day, no one but the officer knows who tipped him off. The informant should be advised that this last procedure is a MUST in police circles and the names of informants are never divulged by an officer even to his commanding officer. The informant should be advised that an officer who violated this trust would be despised by his brother officers.

The next step is to break down that old "bug-a-boo" connected with the stigma of being a stool pigeon. The officer will have to handle this delicately, but the distinction must be shown between law-abiding citizens and those found in group five. He will have to convince his informant that this stigma is not placed on an honest individual who passes information along so that he and other honest persons are beyond suspicion.

It should be then explained that the criminal expects this to be done by the honest element and that the criminal will never seek a reprisal against this person. The criminal's enmity is only aroused when he is betrayed by a fellow criminal, that is, one of those found in groups four or five.

This program calls for an extended period of time. It should be put in motion by an officer on the first day he takes over a post, regardless of whether or not there are existent complaints at the time. The most forceful comparison that can be made to a program of this type is one that finds a person making regular bank deposits to carry him over a period of hard times later.

The disclosures of the third group, those with a cop-and-robber complex, will come through their desire to be in the company of a police officer. These persons will go out of their way to greet an officer, to engage him in conversation, asking his opinion of a current crime appearing in the daily newspapers, what prompted it and the possible outcome, etc.

When an individual of this type is found, the officer should take steps to cultivate him for he will find him a tireless worker on his behalf. The only thing an officer needs to fear from this type is that he may destroy his own usefulness by being over-friendly toward the police in the presence of the criminal element.

The best method of handling him will be to meet him away from the working premises, arranging to accompany him to a movie or his home. He can then be coached to conceal his association with the officer and given detailed instructions on what information the officer seeks to develop and just how this can be done.

Group four, accomplices at odds, will cooperate with a police officer willingly to accomplish their revenge. The major precaution the officer needs to take in getting information from this source is to make certain that he gets proven facts and not spiteful gossip that will only embarrass the officer and the accused, and defeat its purpose.

The fifth group, stool pigeons, are a contemptible lot, and any statement made by a stool pigeon should be double-checked for veracity. As much as they are held in distain by police officers in general, they are a necessary evil. Evi-
dence or information of the acts of a boxcar thief cannot be expected from the upright class of society. Since the choice is to either use a stool pigeon or let the criminal go free, it is necessary that proven facts of crime be obtained from criminal associates. The stool pigeon affords this assistance.

At some time or other, every police officer finds certain intervals when everything on his assigned territory is quiet and peaceful. This is the time for him to mend his fences—to work on old and new contacts. There is a great deal of truth in the old saying, "A police officer is only as good as the contacts he has."
THE JUVENILE

With regard to the juvenile problem of today, you can be sure that whenever you see a couple of Railroad police officers talking things over, their conversation will get around to "kids". Of course each area has its own type of problem; it could be the stone thrower, maybe the shooter, or trespasser, or those that place obstructions on the track. The problems are many. Therefore the cures, along with the problems, will likewise have to be many.

What are some of the problems? What brought them on? Why do they come on the railroad? Is anything being done about these problems? As a railroad officer, what can you do to help? Let's take a look.

One of the greatest problems we have in this country today is the lack of many parents to pay any attention to their children. When they come to us with a question that to a parent seems irrelevant, but to them ever so important, they are many times given the brush-off with, "I'm busy, come back in a minute, I'm tired, go ask your mother," or a great many more reasons why you just are unable to take time out now for the question. We as parents take them to church on Sunday, or to the playground, school affairs and the like, but how many parents go with them and take an active part? How many times has a father told his son not to go near the river and then, in order to get him out of his hair, said it was all right to go fishing, knowing that the boy knows little about swimming and no doubt what he knows about fishing he has learned the hard way, by himself. How many times has a boy been put off in learning to drive a car with the answer from his father that he didn't learn until he was twenty-one. We as parents seem to forget that we didn't have motor bikes, TV, cars of our own, a job at the age of 16, the armed forces waiting for us when we reached 18 or 19. We must all agree that the youth of today lives a much faster life than was lived by the youth of twenty years ago. There is one thing for sure: No child is born bad. They are made bad by the way they are brought up, examples set forth by the parents, environment where they live, and many other factors. We as parents are greatly responsible for our child's wrong-doing. In a great many cases we fail to give them enough affection or understanding. Lack of love for the child, failing to show interest in the child's school work, friends or hobbies, etc., also lack of systematic training or subjection to authority, are just a few of the things that may lead to a child's wrong-doings. In general, many parents of today devote too little time with the children. Many of them know nothing or very little about the child's problems.

Why do they come down on the railroad to play? Lack of properly located playgrounds or no playgrounds at all; it is a short-cut for swimming, fishing, hunting or a day's fun in a nearby woods. A great many of them do not have anything else to do, and a lot of them like railroading--it is exciting to them, fascinating, just as it is to us.

What can you do as a railroad officer to help? You all have read many articles on this problem of Juvenile Delinquency. However, let us stay with our problem that we have with them on the railroad. The very first thing that must be done is to win them over to our side. This can be done with the help of a
great many organizations which will be happy to assist, as they too are in this
fight. Here are just a few: PTA groups, school teachers, our own Railroad
Safety Department, church groups, boy scouts and cub scouts, local police, and
local papers. But these and many others will not know of your troubles unless
you take the time to contact them. Many organizations would be happy to give
you some time at one of their meetings to give a short talk on the juveniles
and what they are doing on the railroad. For as a police officer, you are
also a public relations officer, and one must instill in the minds of both
the child and the adult that the railroad is by no means a place to play.

As an officer what can you do after you have caught some of these juveniles
on our property that will help? First off, always remember that most of these
youngsters have a great deal of respect and admiration for a police officer and
that no doubt many have never seen a railroad officer before. So take a little
time with them, explain how they could get hurt and even killed while playing on
the property, tell them a little of your duties and, if possible, show them a
little of the railroad when you are taking them home. In this way you will be
letting them know that at least you are interested in their welfare. We want
them to like the railroads and after you explain to them that for their own
safety and the safety of others we just cannot allow them to play on the pro-
PERTY, they will have a different outlook towards you as a policeman. Upon
reaching their homes, no doubt you will discover the many reasons why they
were on the railroad in the first place—lack of parent interest, playgrounds,
supervision, church interest will be in great evidence.

You know, it seems odd that every day we read in the papers of the trouble
these juveniles are causing us. Yet not too much is said of their future or if
there are any good ones in this class. There was juvenile delinquency 50 years
ago—only by the time it got from one end of the county to the other it wasn't
news any longer. However, with the modern ways and means of sending news today,
something can happen in New York and within a few minutes it is flashed all over
the country and all the papers carry it. In the old days the trouble was handled
right in the town itself and very little news got out. However, let's take a
look at this group of Americans that have been labeled "delinquents". In this
group are the future men of medicine, law, government, science. Yes, in this
group are the ones that will cure heart disease, cancer, and many other dreaded
diseases; they will fly an airplane across the nation and back in half a day or
less; many of them will become men and women in business, leaders in our armed
forces, men of the church, and school teachers. Somewhere in this group may be
a President of these United States, as well as other political leaders in govern-
ment. Great men and women in the field of various sports will come forth. We
ourselves may be going to them in the field of medicine and law for our own
personal help. Many of this group of children are unjustly branded as "de-
linquents". Actually, they are simply adventurous or high-spirited. With proper
guidance of their energies, they can—and do—become respected citizens in their
Communities.

An unidentified author once described a boy as follows:

"He is a person who is going to carry on what you have started.
"He is to sit right where you are sitting and attend when you are gone to
those things you think are so important.
"You may adopt all the policies you please, but how they will be carried
out depends upon him.

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"Even if you make leagues and treaties, he will have to manage them.
He is going to sit at your desk in the Senate, and occupy your place on
the Supreme Bench.
He will assume control of your cities, states, and nation.
He is going to move in and take over your prisons, churches, schools,
universities, and corporations.
All your work is going to be judged and praised or condemned by him.
Your reputation and your future are in his hands.
All your work is for him, and the fate of the nation and of humanity is
in his hands.
So it might be well to pay him some attention."
CARE AND USE OF FIREARMS

All police officers should be proficient in the handling and care of both the revolver and the riot gun. Every Pennsylvania Railroad Police Officer has been issued a booklet entitled, "Instructions - Use and Care of Firearms." This booklet contains instructions on the handling and care of the revolver and the riot gun.

It is essential that every police officer be familiar with the use of small arms. There is only one way to become proficient and that is through proper instruction and practice. Marksmanship may be natural for some persons, but certainly not for all.

Police officers should have stated times to practice and should be encouraged to do so. Competition between regions will stimulate interest along these lines. Money spent to furnish ammunition to a police force for practice in marksmanship is money well spent, as the practice is educational and tends to increase the confidence and efficiency of the police officers.

A railroad police officer is armed for the purpose of protecting himself from bodily harm and his pistol should never be used for any other purpose. A police officer is not protected by law and must stand trial the same as any other person when he uses firearms. He might have had every moral right to use his revolver, but to face a jury he must be absolutely right in his reasons for using a weapon.

Constant practice with firearms under instruction, developing proficiency in the care and handling of weapons, and constant thought of the emergencies in which to use the weapon, will make every police officer a real factor in the maintenance of law and order in his department.

Each officer should be equipped with a 38 special calibre revolver, the barrel length ranging from four to six inches. This revolver should be carried in a position best adapted to the particular needs of each officer. Rule #18 (Supplemental Insert) "Instructions - Use and Care of Firearms," should be adhered to at all times. This rule provides for loading of service revolver with five cartridges only and hammer set over empty chamber.
SELF DEFENSE

It will greatly benefit a police officer to have some knowledge of self defense methods to enable him to meet certain emergencies in a manner less dangerous to himself and to others. An officer with no training in this respect is apt to resort to weapons too soon. Sometimes he uses force and weapons to a greater degree than necessary making him liable for the use of unnecessary force. Other times his use of force and weapons may not prove effective. A trained officer can defend himself and others without inflicting injury and present an intelligent approach in handling such matters.

In this chapter certain procedures will be described and supported by photographs. Skillful execution of the described action can only be perfected by practice. Merely reading this article will not suffice. One may learn a little that will be useful but to realize its full value the procedures described must be practiced by actual execution until they become second nature. It must be realized in some instances when engaged in an encounter there is little chance to plan one’s action. Therefore, the procedures should be practiced until they can be skillfully executed automatically.

It should be understood that this article is to teach a police officer certain principles in self-defense and does not include severe action or throw holds which are part of jujitsu or judo. These instructions will dwell only on two phases of action or holds which will be useful and advantageous should occasion require it. The occasion may be described in one word “resistance”. Resistance may be divided into two classes. Foremost, an aggressive resistance while the other type may be identified as mild or moderate resistance. When opposing the aggressive type, it is necessary to have a knowledge of one of the principles of self defense described as “balance”. When two persons engage in a physical action, advantage will be with the one controlling balance. This should be understood to mean the police officer’s balance as well as that of his opponent.

First, there is no position that can be assumed where one is standing in absolute balance. No matter how erect we stand, our only two points of support are our feet and legs, - we will waver from the perpendicular and we should, therefore, give a reasonable amount of study to “balance”. If we should visualize a man standing erect with his feet together, it will be noted that his base of support is quite small. It would not require much effort to push him in any direction.

Now, assume a position with the toes on a line and feet about 20 inches apart. In this position you are fairly well balanced from left to right or right to left but off balance forward and backward. When a position is assumed with one foot (left) slightly forward, feet slightly spread and knees slightly bent, it is more difficult for anyone to push you from right front to left rear and you can more easily be pushed from left front to right rear. Therefore, to maintain a reasonably good position of balance, one should keep in mind that the feet should be moderately spread, the knees slightly bent and there should be a constant shifting of the feet, in accordance with the direction the attacker may be coming toward you.

When making an arrest, one should never walk straight at an individual as this approach exposes the groin to a blow. It is better to have your body at a 45 degree angle to the one you approach and have your hands up at your chest or coat lapels, if in street clothes. Do not close your fists; you can stop a blow easier with your open hand.
Always remember when taking anyone into custody he may not come peacefully. He may attack you or attempt to escape. Against a desperate criminal, if necessary, anything can be used to protect one's self. No advantage is unfair in such an encounter. A desperate criminal is dangerous until subdued. When subdued force must stop. A well trained policeman knows it is not his duty to punish and in the heat of conflict may develop a tendency to punish. When to stop should be fixed in one's mind but in no instance should vigilance be relaxed and the prisoner permitted to go into action a second time.

No. 1

Picture No. 1 shows a hand-to-hand hold. As an opponent approaches step to the left, reach out with the left hand and grasp his right hand. The thumb is between the middle fingers on the back of the opponent's hand. Your fingers grasp over his thumb on the inside of the palm of his hand. Snap the hand back quickly, then apply more leverage by also using your right hand as shown. This hold can be executed either way by grabbing opponent's left hand with your right hand and executing same movements.
Picture No. 1(a) shows a follow-up of the previous hold. The procedure is to snap opponent's wrist and forearm quickly to the left.

Picture No. 1(b) shows another follow-up, this time the officer places his right leg in rear of his opponent to trip him.
Picture No. 1(c) shows same hold as in picture No. 1 - the officer holds opponent's hand with his left hand utilizing the right hand for a "chin push" or a blow to the jaw.

Picture No. 1(d) shows same hand hold as in (c) but is placing his right hand on opponent's elbow using his right hand and arm as a lever.
Picture No. 2 shows another hand-to-hand hold. This hold differs from that in picture No. 1 in that the officer uses his right hand across opponent's body and grasps his right hand placing thumb between middle fingers on the back of his hand and with the fingers reaching around his little finger and grasping his palm. Opponent's wrist is then snapped back quickly. This will twist opponent's arm. This hold can also be taken more effectively using both hands as shown.
Picture No. 2(a) shows the first movement previously described.

Picture No. 2(b) is a follow-up. As the officer snaps opponent's wrist and turns the force and weight of his own body to the right he will spin opponent on one foot with his back to the officer.
Picture No. 2(c) shows the officer's left elbow is held high to block his opponent from continuing his spin and striking the officer with his elbow.

Picture No. 2(d) shows the officer grasping opponent's hair and raises up on his hand thus completing the movement.
Picture No. 3 shows a finger hold. There are many different finger holds. All follow the principle of grabbing as many fingers as possible at any opportunity and twisting them backwards. To be effective the fingers must be snapped back very quickly, as it is easy to pull the fingers from one's grasp. Finger holds are effective throwing holds. They are also useful in opening the hand and in breaking squeezing holds.

Picture No. 4 shows a wrist hold. This type of hold is probably the most secure hold because opponent's hand forms a knob. After grasping the wrist twist it rapidly toward center of opponent's body, using the same motion as screwing a pipe. One turn is plenty, as then opponent will be turned with his back toward you so that you can go into other holds. The wrist hold is also used for throwing and disarming.
Picture No. 5 shows an arm and wrist hold. The officer is slightly in the rear and on one side of his prisoner. He grasps the prisoner's upper arm or coat sleeve with the arm closest to the prisoner. The hand farthest from the prisoner grasps his wrist, ready at any resistance to snap the arm behind the back in hammer-lock fashion and grab prisoner by hair or collar as shown in picture No. 6.
Picture No. 7 shows the officer grasping with both hands the prisoner's upper arm. The officer is in good position. He can use his shoulder to shove the prisoner or prevent him turning. Retain this hold if prisoner does not resist but at the first sign of resistance drop your right hand and grasp prisoner as shown in picture No. 5 and then apply the hammer-lock, etc. as shown in picture No. 6. The prisoner's free arm is not dangerous as grip on upper arm prevents him from turning and freeing himself.

Picture No. 8 is action in applying what is commonly called the "come-along" hold. First, with the left hand strike opponent's left arm a hard blow at the elbow. This is a feint movement designed to attract attention to the elbow, break resistance and open opponent's left hand. With left shoulder shove him off balance. Turn your right hand palm to the prisoner, fingers pointing to the ground, insert your thumb between 2nd and 3rd fingers of his left hand and wrap all fingers around his thumb and large muscle at the base of the thumb, fingers biting into the palm of his hand as shown.
Next, snap his wrist back quickly and at the same time turn your body to the left quickly as shown in picture No. 9. This places you slightly in the rear of the prisoner. Press his elbow into your body still retaining your left hand hold on his upper left arm. If any resistance is offered press hand on prisoner's bent wrist as shown in picture No. 10.
Picture No. 11 shows how to grab hold of a revolver to prevent it being fired. Note, if gun is cocked some part of the hand must be in front of hammer. If not cocked it cannot be fired if the cylinder is held to prevent it from revolving. When the revolver cannot be fired the officer must then disarm the opponent quickly twisting it from his hand, or by still holding the gun raise his arm high enough to step under it and then bring his arm quickly across your shoulder turning it at the same time, and then pull the arm quickly down. This leverage will cause him to release the gun. In practicing this latter movement, make certain to pull opponent's arm over your shoulder until his armpit is directly over your shoulder for there is danger of breaking one's arm if held too short.
Pictures Nos. 12, 13 and 14 show a sequence of defensive movement when one is attacked by a person with knife. Picture No. 12 shows the attacker with knife in right hand and arm and hand raised in position to make a downward cutting movement. The thrust is blocked by the officer's bended left arm, the forearm against opponent's forearm. The officer's right hand is then quickly thrust under opponent's knife arm. The officer's right forearm should be in under opponent's upper forearm and his right hand should then grasp attacker's right wrist as shown in picture No. 13. At the same time officer's right leg is placed in rear of the attacker and is used to trip him at the same time the weight of his body is pulled down. The knife will fall or may be taken from him on the ground.
No. 14

All holds and movements previously described must be practiced "slowly" increasing the rapidity of movement only after the techniques are thoroughly learned. When practicing with a brother officer or others the opponent should offer minor resistance as vigorous resistance may lead to an injury and impedes learning. Arrange some signal with your practice opponent to indicate you are hurting him.

The learner should be impressed with the thought of thoroughness in learning and executing the described holds and movements and master them until execution is rapid. Otherwise, embarrassment or possible injury to the officer may result.
LEGAL DEFINITIONS

ABET. To encourage by aid, countenance or approval.

ABJUR. To border on.

ACCESSORY. One contributing to or aiding in the commission of a crime. Accessories are divided into two classes: One who before the fact aids, abets or procures another to commit the crime; and one who after the fact, knowing the crime has been committed, receives or assists the criminal.

ACCOMPlice. One who is so connected with a crime that he might himself be convicted as a principal to the crime.

ACQUITTAL. A deliverance from an accusation of guilt; setting free from a criminal charge by process of law.

AD INTERIM. In the meantime.

AD VALOREM. According to value.

ADDICT. Applying one's self habitually.

AFFIDAVIT. A declaration in writing sworn to or affirmed by the party making it before some person authorized to administer an oath.

AFFIRM. Making a positive statement of fact.

AFFIRMATION. Substantially like taking the oath, but omitting the appeal to the Supreme Being.

AGENT. One who acts for or in the place of another by authority from him.

ALIAS. Otherwise called; false name.

ALIBI. In another place; a defense claiming that defendant was at another place at the time the crime was committed.

ALLEGE. To assert; to set forth.

ANSWER. A defense in writing by the defendant to charges contained in a bill filed by the plaintiff against him.

ANTE MORTEM. Before death; ante mortem statement; see Dying Declaration.

ANUS. The interior opening of the alimentary canal; the fundament.

APPEAL. The complaint to a superior court of an injustice done, or error committed by an inferior court.

APPELLANT. The party appealing.

APPREHEND. To arrest or capture a person on a criminal charge.

ARCHIVES. Records preserved as evidence; public papers and records.

ARRAIGN. To call a prisoner to the bar of the court to answer indictment or complaint.

ARREST. To take into custody for the purpose of holding a person to answer a criminal charge or civil demand.

ARTICLE OF MERCHANDISE. Any goods, ware, work of art, commodity, compound, mixture or other preparation or thing, which may be lawfully kept offered for sale.

ARTIFICI. A trick, fraud, stratagem.

ASPORTATION. To take and carry away. If the defendant having taken possession of the goods, has not moved them there is lacking the asportation necessary to constitute larceny.

ATTERTATION. The act of witnessing an instrument in writing.

ATTORNEY. One who is legally appointed to act in the place of, or for, another.

BATTERY. Unlawful beating; unlawful touching of the person of another.

BENCH WARRANT. A warrant issued by or from a bench or court.
BILL OF LADING. A written account of goods issued by a carrier to the consignor consisting of a receipt for the goods, and an agreement to deliver them at the place directed.

BILL OF PARTICULARS. An amplification of the proceedings designed to make more specific the allegations appearing therein.

BOGUS. Spurious; fictitious; counterfeit.

BONA FIDE. In good faith.

BONDSMAN. A person bound by a writing obligatory for the performance of the act of another.

BREAKING. A forcible breaking, removing or putting aside of something material which constitutes a part of a building and is relied on as a security against intrusion.

BRIEF. A statement prepared by counsel to convey to the court the essential facts of his client's case and the questions of law involved.

BURDEN OF PROOF. The necessity which rests on a party during a trial to create a prima facie case in his own favor, or to overthrow a case created against him.

CADAVER. A corpse.

CALENDAR. The list of cases arranged for trial.

CANON. A law or rule.

CAPIAS. A writ directing the sheriff to take the defendant into custody.

CAPTION. Title or heading of a document.

CAVEAT EMPTOR. A maxim meaning "let the buyer beware."

CHALLENGE. An objection made to trial jurors, either to the panel or an individual juror.

CHAMBERS. The private room or office of a judge.

CHANGE OF VENUE. A change of the place of trial.

CHARGING A JURY. Final instructions by the court to a jury for the purpose of governing their action in making the disposition of a case.

CHILD. A descendant of the first degree. A child under the age of seven years is not capable of committing crime. A child of the age of seven years and under the age of twelve years is presumed to be incapable of crime unless it can be proved the child has sufficient mental capacity to know the wrongfulness of the act charged.

CIRCUMSTANTIAL EVIDENCE. Evidence of facts and circumstances as distinguished from direct proof, which circumstances, when established, lead the mind to certain conclusions.

CITATION. An official summons to appear.

CODE. A systematic and complete body of law.

COERCION. Compulsion; force.

COGNIZANCE. Knowledge or notice; judicial knowledge or jurisdiction; the hearing a matter judicially.

COLLUSION. A secret agreement for a fraudulent purpose.

COMMITMENT. Sending a person charged with an offense to prison.

COMMON CARRIER. One holding out to the public to carry freight or persons for hire.

COMMON LAW. The system of law which has prevailed in England and the United States as distinguished from the civil and canon laws.

COMMUTATION. Changing a penalty or punishment from a greater to a lesser.

COMPLAINANT. One who commences a legal process by a complaint.

COMPOUNDING A CRIME. Perverting justice by allowing a criminal to escape or assisting him for that purpose.

COMPOUNDING A PUNISHMENT. The offense of taking a reward for forbearing to prosecute a felony.
CONFEDERATE. An ally; a person who unites with another.
CONFESSION. An acknowledgment of some fact; voluntary declaration made by a person who has committed a crime or misdemeanor.
CONSIGNEE. The person to whom goods are to be delivered.
CONSORT. To join or unite with; to associate with.
CONSPIRACY. A secret combination for an evil purpose or to do a criminal or unlawful act.
CONTEMPT OF COURT. Disobedience to the court by acting in opposition to the authority, justice and dignity thereof.
CONTEST. Where documentary evidence.
CONTRIVANCE. Beyond such a doubt as a reasonable man would have after careful investigation and consideration of all the evidence.
CONVERSATION. Written evidence verified by oath; testimony of a witness under oath.
CORROBORATE. To confirm; to make more certain.
COUNSEL. One who gives advice, especially in legal matters; one professionally engaged in the trial of a case in court.
CROSS-EXAMINATION. The examination of a witness by the party opposed to the party who has first examined him.
CULPRIT. Person accused of crime.
DAYLIGHT. The light of day caused by the sun as opposed to that of the moon or artificial light.
DE FACTO. From the fact; actually.
DECEIVED. A deceived person.
DECOY. To allure; to entice.
DEGREE. A judgment or sentence of a court of equity or admiralty.
DEFENDANT. The adverse party to an action.
DEFRAUD. To cheat.
DELINQUENT. One who fails to perform his duty; an offender.
DEFENDANT. One who makes a deposition.
DEPOSITION. Written evidence verified by oath; testimony of a witness under oath.
DIRECT EVIDENCE. Evidence which, if believed, proves a fact or matter in issue without the intervention of proof of any other fact, or without any inference or presumption.
DISCRIMINATION. Treating a person differently from another.
DOCUMENTARY EVIDENCE. Evidence supplied by papers, books, etc.
DOUBT, BEYOND A REASONABLE. Beyond such a doubt as a reasonable man would have after careful investigation and consideration of all the evidence.
DUces TECUM. Where a person summoned to appear in court is required to bring with him some piece of evidence.
DUES. Restraint of liberty; restraint or constraint by threats of personal injury.
DYING DECLARATION. Or ante-mortem statement. One made by a person under belief that he is about to die. The declaration must be a statement of fact, and it must appear that the deceased was conscious that he was at the point of death.

ENACT. To establish by law.

ENTRAPMENT. Setting a trap to catch criminals in the act. Legitimate and proper. Wrong, however, to induce a person to commit a criminal act.

ENTRAPPED EVIDENCE. Evidence secured by a trick or device.

ET. And.

ET AL. And others.

EVIDENCE. In legal acceptation includes all the means by which any alleged matter of fact, the truth of which is submitted to investigation, is established or disproved.

EXONERATE. To acquit; to clear of an accusation.

EXTRANEOUS. Not belonging to the matter in hand.

F. O. B. Free on board.

FACSIMILE. An exact copy or likeness.

FALSE PRETENSES. False representation by means of which a person deceives another and obtains value without compensation.

FEDERAL GOVERNMENT. Consists of three branches. The Legislative branch which makes the laws; the Executive branch which enforces the laws; and the Judicial branch which punishes violations of the laws and interprets their meaning.

FELON. A person convicted for a felony.

FENCE. A receiver of stolen goods.

FIAT. A decree; a command to do something.

FINIS. The end.

GRAND JURY. A body of men whose duty it is to receive and hear complaints in criminal cases, and if they find them sustained by evidence to find bills of indictment against the persons complained of.

HABEAS CORPUS. A writ demanding the production of a body of a person detained.

HEARSAY EVIDENCE. Evidence of what some other person has been heard to say.

This is usually excluded unless it falls within one of the recognized exceptions.

HOMICIDE. The killing of a human being by the act, procurement or omission of another.

ILLEGITIMATE. Contrary to law.

ILICIT. Unlawful; prohibited.

IMMUNITY. Exemption from a penalty; privilege.

IN LIEU OF. In place of.

IN TOTO. In the whole, entirely.

INCENDIARY. A person who sets fire to a building; one guilty of arson.

INCOMPETENT. Not qualified, or able to do.

INCORRIGIBLE. Incapable of being corrected; bad beyond correction.

INCriminate. To charge with a crime or fault.

INDECENCY. It is a misdemeanor to expose the person or private parts thereof in any public place, or in any place where others are present.

INDICTMENT. A written accusation of a crime presented by a grand jury.

INDIRECT EVIDENCE. Evidence which does not actually prove the facts, but from which they may be presumed.

INTENT. Design; in criminal law, the presence of will in the act which consumes the crime.
INVALID. Null and void; of no force or authority.
IRRELEVANT. Not to the point; does not apply.

JUDGMENT. Decision or sentence of the law given by a court or other tribunal.
JUDICARY. The department of the government which construes and applies the laws.
JURISDICTION. Power to act judicially.
JUSTIFIABLE HOMICIDE. Homicide is justifiable only when it is strictly lawful and necessary, as when one shoots an enemy in war or the sheriff executes a man in pursuance of the mandate of the court; or kills a prisoner charged with a felony in the effort to prevent his escape; or in the lawful defense of the slayer, or his or her husband or wife, etc.
JUVENILE OFFENDERS. In many states courts are established to hear all cases against children under a certain age, generally under sixteen years of age.

LARCENY. Unlawful taking with felonious intent the money or personal goods or chattels of another. In most states larceny is divided into two grades; grand larceny and petit larceny. In such states grand larceny is where the value of the property stolen exceeds the amount fixed by statute; petit larceny being any larceny which is not grand larceny.

LAW. A rule of action or of civil conduct prescribed by the lawmaking power of the state.
LEADING QUESTION. A question which is so framed as to suggest the answer which is desired.
LEGAL. According to the principles of law.
LESSER OFFENSE. When the crime charged necessarily embraces a lesser offense as part and parcel of it and the latter is included in the description in the indictment, the accused may be found guilty of the lesser offense. Thus, on an indictment for murder the defendant may be convicted of manslaughter; or one indicted for burglary may be convicted of theft.
LEWDNESS. Immorality. Open lewdness or public indecency is a misdemeanor.
LOCUS CRIMINIS. Place of the crime.
LOTTERING. Being slow in moving; spending time idly.

MAIM. Wilfully inflicting upon the person of another an injury which seriously disfigures his person by mutilation thereof; destroys or disables any member or organ of his body; or seriously diminishes his physical vigor by the injury of any member of organ.
MALICE. A wilful intent to do mischief; ill will.
MANSLAUGHTER. The unlawful killing of another without malice either express or implied. As when one kills another in a fight arising upon a sudden quarrel; or in the heat of passion or upon great provocation. Manslaughter may be occasioned by an omission of duty on the part of some person, or negligence on his part, whereby death ensues.
MAYHEM. The act of maiming; depriving another of the use of such of his members as to render him less able to defend himself.
MINOR. A person under full age; not yet twenty-one years of age; lesser.
MISDEMEANOR. A crime not classed as treason or felony.
MISFEASANCE. Doing wrongfully an act which a person might do in a legal manner; wrongful exercise of lawful authority.
MODUS OPERANDI. Manner of operation.
MURDER. The unlawful killing of a human being with malice aforethought. In many states, murder has been made a crime punishable with greater or less severity according to the atrocity under which it is committed. Murder in...
the first degree is usually any willful, deliberate and premeditated killing. (See Homicide).
MUTILATE. To deprive of some essential part; to render imperfect.

NEGLECT. Culpably careless; doing some things, or omitting to do something, which a person of ordinary prudence would not have done, or omitted to do.
NOLLE PROSEQUI. Will not prosecute; an entry made on the record by which the prosecutor declares he will not prosecute.
NUISANCE. That which annoys; that which gives trouble and interferes with the enjoyment of life and property; anything that works hurt, inconvenience or damage.

OATH. A solemn appeal to God by way of attesting the truth.
ORDINANCE. An established rule; a public enactment; law passed by a municipal corporation.
OVERT. Open to view; public.
OVERT ACT. An open manifest act.

PAROLE. A form of conditional pardon; word of promise; word of honor.
PEDDLER. One who travels about with wares for sale.
PENAL. Of or pertaining to punishment or penalties.
PENALTY. Punishment for crime or offense.
PREEMPTORY CHALLENGE. A challenge allowed to prisoner's counsel in criminal cases without showing any cause.
PERSURY. Wilful and corrupt taking of a false oath.
PET. Small.
PETIT JURY. An ordinary jury as distinguished from a grand jury.
PETIT LARCENY. Any larceny which is not grand larceny.
PILFER. To steal.
PLAINTIFF. One who brings suit, bill or complaint.
PLEA. An answer by the defendant opposing the plaintiff's declaration.
PLEASINGS. Proceedings from the complaint until issue is joined.
POLLING A JURY. Calling the names of the persons composing a jury and requiring each juror to declare what his verdict is before it is recorded.
POSSE. A company; a force; a body with legal authority.
POST MORTEM. After death.
PREJUDICE. A bias or leaning toward one side or the other.
PREJUDICE. Strong probability; evidence probable but not conclusive.
PRESUMPTIVE EVIDENCE. Evidence which is not direct and positive; evidence afforded by circumstances from which a presumption may be drawn.
PRIMA FACIE. At first view.
PRIMA FACIE CASE. A case made out by evidence sufficient to counter-balance the general presumption of innocence.
PRIMA FACIE EVIDENCE. Evidence showing the existence of the facts, and which if uncontradicted is sufficient to maintain the proposition affirmed.
PRINCIPAL. A person concerned in the commission of a crime, whether he directly commits the act constituting the offense or aids and abets in its commission. In felonies, all who aid and abet in the commission of the crime are guilty as principals. All who aid or abet in the commission of a misdemeanor, although not present, may be indicted, tried and punished as a principal.
PRO. For.
PROBATION OFFICER. One who either investigates for the court prior to sentence or supervises a probationer.
PSYCHOLOGY. The science of the human soul.
PUBLIC CARRIER. A common carrier; one who carries persons or freight for hire.
RAPE. Unlawful carnal knowledge of a woman forcibly, against her will, with or without her consent under certain ages.

REASONABLE GROUNDS. Such grounds as would induce an ordinary prudent person to believe a thing.

REButTAL. Adjudging evidence to destroy the effect of previous evidence.

RELEVANT. Bearing upon; properly applying to the case in hand.

RES GESTAE. Things done; facts of the transaction.

REVOLVER. A weapon which has a revolving cylinder containing chambers into which cartridges are inserted.

RIGOR MORTIS. The muscular rigidity or stiffness that usually ensues within a few hours after death.

RIOT. The assembly of three or more persons who disturb the public peace by using force or violence to any person or property.

ROBBERY. The unlawful taking of personal property from the person or in the presence of another, against his will by means of force or fear of injury.

SCALPER. A person who deals in tickets at other than official prices.

SEARCH WARRANT. An order in writing granted by a competent court or officer authorizing a search of a house or other place.

SELF-DEFENSE. The protection of one's person or property; in homicide, the killing of an assailant in order to escape death or great bodily harm.

SESSION. A sitting; an actual sitting of a court, legislative body, or other assembly.

SODOMY. The infamous crime against nature committed with man or beast.

SPurious. Not genuine; fictitious.

STATUS. Social position; rank; the state of affairs.

STATUTE. A law enacted by or with the authority of a legislature.

STATUTORY. Authorized by statute.

STOOL PIGEON. A person used as a decoy for others, especially one who unofficially acts as a spy for the police.

STRUCK JURY. A jury composed of persons drawn from the "Struck Jury List," being persons liable to jury duty placed on said list by the sheriff or commissioners of jurors as being impartial and unbiased between the state and persons charged with crime, and best qualified as to talents, knowledge, integrity, firmness and independence, to try such cases.

SUBPOENA. A writ or order requiring the attendance of a person at a particular time and place to testify as a witness.

SUBPOENA DUCEO. A writ commanding a person to attend and produce some book, paper or document.

SUMMARY. Immediate; quickly executed.

SUMMONS. A writ summoning a defendant to appear in court.

SUSPENDED SENTENCE. Where no sentence is pronounced by the court, and the offender is released after being found guilty of an offense.

SUSPENSION OF JUDGMENT. Where the court pronounces a fine or a prison sentence, and then suspends the payment of the fine and the prison term, or either of them.

TESTIFY. To give evidence; to bear witness to.

TESTIMONY. Evidence; proof of some fact.

THEFT. Act of stealing; larceny.

TORT. A wrong or wrongful act for which a civil action will lie.

TRAMP. A wandering, homeless vagabond.

TRESPASS. A transgression or offense against the law of nature, or society or of the country; any offense done to another; to enter upon the property of another without authority.
TRIAL. A judicial examination of the issues between the parties, whether they be issues of law or of fact.

TRUE BILL. The endorsement made by a grand jury upon a bill of indictment when they find it sustained by the evidence laid before them.

UNCONSTITUTIONAL. Contrary to the constitution.

UNLAWFUL ASSEMBLY. Any disturbance of the public peace by persons who meet together for the execution of an unlawful enterprise with force and violence.

UTTERING. Putting into circulation; offering.

VAGRANT. A person who not having visible means to maintain himself, lives without employment.

VALID. Having legal force or authority.

VENDOR. A seller.

VENUE. The place of trial; the place where an alleged fact happened.

VERBATIM. Word for word.

VERDICT. The answer of a jury given to the court concerning any matter of fact; decision; judgment.

VERIFY. To prove to be true; to confirm.

VERSUS. Against.

VIA. By way of.

VICE VERSA. On the contrary; in the reverse order.

VIOLATE. To outrage; to break or transgress.

VOID. Empty; null; without legal force or effect.

VOLUNTARY. Done of one's own free choice; intentional.

VS. An abbreviation of versus.

WAIVER. The act of not insisting on some right, privilege or claim.

WANTON. Reckless; malicious; without regard to the rights of others.

WARRANT. A process under seal of a court of justice authorizing the arrest of the person named; a writing from a competent authority directing the doing of something.

WAYWARD. Perverse; wilful; liking one's own way.

WRT. A precept or order issued by competent authority requiring the performance of a particular act.

WRT OF HABEAS CORPUS. Directing a person detaining another to produce the body of the prisoner.
UNDERWORLD TERMS

ACE. One dollar; a good fellow.
BASTILE. Jail; prison.
BIT. Term in prison.
BLANKET. A topcoat.
BLAST. To shoot.
BOOKED. Registered at a police station.
BOOSTER. A shoplifter.
BOUNCER. A worthless check.
BREEZE. "Beat it."
BROAD. A girl.
BUG. Burglar alarm.
BUGGED JOINT. Place protected by burglar alarms.
C-NOTE. $100 bill.
CAN. Police station; also, stop.
CAN OPENER. Used to rip open back of safe.
CANNARY. Turn state's evidence.
CANNISTER. Revolver.
CANNON. A gun; also a pickpocket.
CASE. To survey a scene.
CASE NOTE. A dollar bill.
CAUGHT WITH A BISCUIT. Found with incriminating evidence.
CLUCK. A sucker.
CRIMP JOINT. A gambling house held in a different place each night.
CUTTER. District attorney.
DAMPER. A money drawer.
DERRICK. A shoplifter.
DOG. Turn coward; get cold feet.
DOORMAT. A coward.
DROP JOINTS. Places selected for temporarily depositing stolen goods.
FAK. An effeminate man.
FANNING A SUCKER. Pickpocket trying to find what pocket victim's money is in.
FED. U. S. Officer.
FINK. A traitor.
FOOLISH POWDER. Heroin.
FRAIL. A girl.
FRISK. A superficial search.
FROG. A dollar bill.
GLOW. To grab or steal.
GRIFTER. A man with a sure thing game, usually using a come-on.
HAPPY DUST. Cocaine.
HARNESS BULL. A uniformed policeman.
HEAT. Trouble.
HEEL. A despised person.
HEMED. Carrying a gun; also, having money.
HOPHEAD OR HOF HOG. A person who smokes opium.
HOT GOODS. Loot.
HOT SHORT. A stolen car.
JACK. Money.
JOHN. A sucker.
KALE. Money.
KICK. A pocket.
KISTER. A suitcase; also, a safe.
LAYING PAPER. Passing worthless checks, drafts.
LIP. A lawyer.
LIZZIE-LOUSES. Police patrolling in cars.
LOUDSPEAKER. Wife.
LUSH WORKER. A person who robs sleeping drunks.
MAP. A check; also, face.
MARK. An easy person.
MUGGEd. Photographed for the Rogue's Gallery.
MUSH. Mouth.
NICK. To dent a bankroll.
NUT SQUEALERS. Men working the shell game.
OAKUS. A wallet.
OFFICE. To warn.
ONE WAY GUY. An honest person.
PANHANDLER. A petty beggar.
PAPER HANGER. A forger.
POKE. A purse or pocketbook.
QUEER. Counterfeit money.
QUEER SHOVER. One who passes counterfeit money.
RAP. A complaint; punishment.
RAT. To tell; squeal; a person who cannot be trusted.
ROD. A gun.
ROLL. To steal from a sleeping drunk.
ROSCUES. Automatics.
RUBBER CHECK. A no good check.
SAWBUCK. Ten dollars.
SCREAM OR SCREW. "Beat it;" screw also means a prison guard.
SHAMUS. A policeman or stool pigeon.
SHAPES. Loaded dice.
SHEETPASSER. One who cashes forged checks.
SHIV. A knife.
SHOVING THE QUEER. Passing counterfeit money.
SIMOLEON. A dollar.
SNOW. Cocaine.
SOUNDING. Locating a man's pocketbook.
SPILL. A railroad station.
SQUAWK. A complaint.
STIR. Prison.
STRETCH. A term of imprisonment.
SUGAR. Money.
SWAG. Stolen property.
TAGGED. Arrested.
TAR. Gum opium.
THIMBLE RIGGERS. A swindler at a shell game.
TOOL. One of a gang of pickpockets who does the actual stealing.
TOUGH. A theft by pocket picking.
TURKEY. The truth.
TWIST. A girl.
UNCLE. A prefix to the name of pawnbroker.
WAIL. Trial.
WEEPER. A crying beggar.
WHIZZ. Picking pockets.
YAP. An easy victim.
YARD. One hundred dollars.
YEN. A keen desire; need for a "shot" of narcotic.
ZIPPER. To shut up; keep mouth shut.

NARCOTIC TECHNICAL PHRASES

LIT UP. State of being under narcotic influence.
CIRCUS: BRODY: CARTWHEEL: FIGURE 8: TWISTER: WING DING: A feigned spasm enacted in public in the hope that a physician will administer a narcotic.
SQUARE JOHNS: DO-RIGHT PEOPLE: Non addicts; taxpayers and people with no criminal records.
JOY-POPPER: One not an addict, but occasionally takes dope.
PANIC MAN. An addict who is desperate after having been deprived of narcotics.
BANG. A shot of dope, commonly morphine, heroin or cocaine, and is injected directly into the vein, as contrasted with a "skin shot."
PICE. An ounce of drug.
COLD TURKEY. Being deprived of drug.
PART THREE

GOVERNMENT AND LAW
UNITED STATES RAILROAD ADMINISTRATION
WALKER D. HINES, DIRECTOR GENERAL
PASSENGER STATIONS
ON PENNSYLVANIA RAILROAD, EASTERN WEST JERSEY & SEASHORE RAILROAD
NEW YORK, PHILADELPHIA & NORFOLK RAILROAD
HUNTINGDON & BROAD TOP MOUNTAIN RAILROAD
JANUARY 15, 1919

JAS. P. ANDERSON, DAVID N. BELL, OLIVER T. BOYD, PASSENGER TRAFFIC MANAGER
GENERAL PASSENGER AGENT
ALLEN, LANES & COTT 1 PRR PRINTERS 1 PHILADELPHIA.
DIVISIONS OF GOVERNMENT AND CONSTITUTIONAL RIGHTS

GOVERNMENT

Government is the discipline, regulation, restraint, supervision, or control which is exercised upon the individual members of an organized society by those invested with the supreme political authority for the good and welfare of society. It is that form of fundamental rules and principles by which individual members of a body politic regulate their social actions. Government is the sovereign or supreme power in a nation or state.

The term, Government, also applies to the machinery or the method of operating by which the sovereign power in a state expresses its will and exercises its functions. It sometimes means the framework of the institutions by which the government carries on its business.

In its broadest sense, there is government of the universe by the Supreme being which governs all things.

Government requires a constitution, either written or unwritten. A constitution is the organic and fundamental law of a nation or a state, establishing the character and conception of its government, laying the basic principles to which its internal life is to conform, organizing the offices of government and limiting their functions and prescribing the extent and manner of the exercise of sovereign powers.

Republican or Democratic government is the will of the people expressed through the representatives selected by them. In the United States, such a government serves the people.

One very important function of government is the administration of its police powers. The police power is the authority, right, and duty of government to protect the welfare of its people. The police power is a method by which government is carried out and exercised upon its own citizens.

Police is the function of that branch of administrative machinery which is charged with the preservation of public order and tranquility, the promotion of the public health, safety, and morals; and the prevention, detection, and investigation of crimes. A police officer is one of the citizens employed by a unit of government to enforce the laws. A police force is one or a group of police officers organized for the purpose of carrying out the police functions. The police force is the fingertips of government. It is the agency which makes the majority of personal contacts between government and the citizens. Police put the will of government into physical contacts. The police force is charged primarily with the responsibility of enforcing the criminal laws which includes the prevention, detection, and investigation of criminal affairs. Their related duties are anything for the welfare of the people, from breathing the breath of life into a new born infant to escorting a person to his grave. Railroad police are charged primarily with guarding and protecting the company's patrons and property, in transit and otherwise.
GOVERNMENT IN THE UNITED STATES

The United States of America is divided into three areas of government: local, state and federal. The term, Government of the United States, refers to the three areas. The local governments are those which govern small areas. The states are sovereign governments which govern the citizens of a state and delegate to the local governments. The local government receives its power from the state. It is not a subdivision of the Federal Government. The Federal or National Government administers and governs in the functions that were delegated to it by the sovereign states.

The United States of America has its own Constitution which was original but patterned after the various constitutions, frames of government, and charters of the thirteen colonies in America which formed the original United States Government.

Both the Constitution of the United States and that of the State of Delaware divide the functions of government into three divisions: the legislative, executive, and judicial. As there are three areas of government in the United States, federal, state, and local, there are nine different divisions of government, none of which are controlled directly in their functions by any other branch of government. Each of these divisions is independent in the administering of the functions reserved to it, yet there is also a delicate system of indirect control which makes it difficult for any branch of government to be negligent or to act criminally against the welfare of the people.

LEGISLATIVE BRANCH OF GOVERNMENT

The word "legislative" is applied to the organ or organs of government which makes the laws. Laws are rules promulgated by government which must be obeyed and followed by the citizens. It is a legislative power to declare what a law shall be, to conceive it and give it birth, and is the source of power.

The Legislative Branch of the United States Government is vested in the Congress; and it is this branch of government which administers the police power by making laws; it is the source of government.

EXECUTIVE BRANCH OF GOVERNMENT

The executive or administrative branch has the responsibility for enforcing the laws. The executive puts into effect the laws adopted by the legislative branch, but may be guided in the enforcement by judicial opinions.

The President is the chief executive of the United States. The Governor is the chief executive of the State of Delaware.

Police work is a function of the executive branch of government. The chief executive may delegate his authority to police forces and make the head responsible for the enforcement of the law. Their main functions are to prevent crime, arrest violators, and prepare cases which will be presented to the judicial branch for punishment. The police functions are many and varied, but each officer should be very careful that his work does not interfere with or infringe on the legislative or judicial branch.
JUDICIAL BRANCH OF GOVERNMENT

The term "judicial" refers to the department of government which interprets and applies laws. It is the department which has the right to render judgment on disputes which are brought before it, to settle these disputes so that they will no longer be a source of irritation. The judiciary has separate and independent powers, designed to operate as a check upon those of the legislative and executive departments.

The judiciary is an investigative body. It has machinery to investigate anything of a civil or criminal nature. The judiciary settles disputes arising between persons or groups of persons; or when either is in conflict with the government. The court machinery operates to settle complaints made to the judiciary. The executive branch of government may begin its investigation and quite often is a party to the dispute that is brought to the judicial branch for settlement. The major power for hearing and determining an issue remains with the judiciary. The judiciary also has the right to issue an order and punish for disobedience of that order through proceedings known as contempt of court.

The judiciary has the power to settle the disputes that arise with relation to the police forces. The police are often interested parties in a dispute as they are the investigators and often the witnesses to an incident. It would be unfair and against the constitutional concept to allow the police to conduct trials and impose judgments and punishments. The dispute or the case must be taken to the judiciary, a neutral body, for settlement. The judiciary is the proper agency to settle the disputes. The police should contact the minor judiciary at once, to insure the proper procedure for deciding legal issues.

The judicial power in the State of Delaware is vested in a Supreme Court, a Superior Court, a Court of Chancery, an Orphans' Court, a Register's Court, Justices of the Peace, and such other courts as the General Assembly, with the concurrence of two-thirds of all the Members elected to each House, shall from time to time by law establish.

THE CONSTITUTION OF THE UNITED STATES

Government in America prior to the American Revolution had many forms beginning with the privileges granted by Spain to Christopher Columbus and passing through various forms known as Letters Patent, Charter, Patents, Articles of Confederation, Plans, Frames of Government, and Constitution. Government by written constitution was well established and understood in the area covered by the present United States long before the American Revolution.

The Constitution of the United States was preceded by the Declaration of Independence in 1776 and the Articles of Confederation in 1777. The Declaration of Independence established the Colonies as independent governments. Article I of the Articles of Confederation established a government to be known as the "United States of America".

Article II says, "Each state retains its sovereignty, freedom, and independence and every power, jurisdiction, and right which is not by this Confederation expressly delegated to the United States in Congress assembled."

Article X of the Constitution says, "The Powers not delegated to the United States by the Constitution, nor prohibited by it to the states are reserved to
the states respectively, or to the people."

The Constitution of the United States of America was adopted in 1787. This Constitution outlines the form of government, and with amendments from time to time, it has become the fundamental law of the land. The Constitution is directly concerned with the organization of the federal government with unity between the states, and with the Bill of Rights and other amendments to establish fundamental laws which define rules of conduct between the government and the citizens.

Congress is the representative body of the States; the President, the representative of the Nation; the Supreme Court, the final arbitrator of both. The States delegated certain sovereign rights to the Federal Government but because the Congress is the representative of the States, these rights could be returned to the States if the people wished. Rights yielded by the States, such as the right to make war, to coin money, to establish post offices are found mainly in Article I, Section 8. The States did not yield the right to enforce the criminal laws of the State to the Federal Government and did not yield many other sovereign rights.

The enforcement of law in the State of Delaware is based on the Constitution of the State of Delaware.

All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform, or abolish their government in such manner as they think proper.

In relation to police functions, it is the duty of the police to guarantee these rights to the citizens, to protect them in their right and not to interfere until evidence can be produced which will show criminal intent on the part of a citizen.

The Constitution of 1776 said: "The people of this State have the sole, exclusive, and inherent right of governing and regulating the internal police of the same. All power being originally inherent in, and consequently derived from the people, therefore, all officers of government, whether legislative or executive, are their trustees and servants, and at all times accountable to them."

"Power" is the right and strength to do or not to do something. "Government" is the sovereign or supreme power in a living state or nation. "Founded" means based upon or growing from a foundation. "Authority" means a legal power or the right to command or to act. "Peace" means amicable relations and mutual goodwill between persons, groups, or nations. "Safety" means freedom from danger to life, health, etc. "Happiness" means enjoyment, contentment. "Alter" means to change. "Reform" means to make better. "Abolish" means to do away with wholly, to end, to abrogate.

Government is not founded for the benefit of those in authority but for the people as a whole. The welfare of the bureaucracy is subservient to that of the people. The objection to bureaucratic government is that many times a government bureau functions for its own benefit primarily. This might even happen in the case of the police department.
The police officer is the trustee of the people's rights under this article. Political activity is a right that the people enjoy without interference. The people have altered and reformed their governments in times past. There have been and probably will be more attempts to abolish the government. The police have no jurisdiction over these movements except for positive violations of law. Their liberties under this section can be carried far. The people cannot take the physical offensive and assault, trespass, riot, destroy, steal, kill or make war to accomplish their aims. Any such act is a violation of law and they may be arrested and tried even though their main purpose comes clearly within the protection of this section.

**SUMMARY OF THE BILL OF RIGHTS**

The Bill of Rights clearly states the position of government with respect to the citizens in language that is easy to understand. The citizens have certain rights that they can use without molestation. They are not protected when they violate the law.

Police authority is the power bestowed by the government upon an individual person or a group to perform the governmental police duties of the office. The word "authority" means legal or rightful powers, a decision of a court, or an official declaration. A police officer's authority allows him to use the governmental powers to defend the government or the people from opposition. Opposition in this case is not party political opposition as commonly understood. A police officer is publicly commissioned by the government under which he operates. A commission is a warrant or authority, or letters patent, issuing from the government, or one of its departments, empowering a person or persons named to do certain acts or exercise authority and perform duties of an office. A person is commissioned to do the work of a policeman and after being commissioned, has the authority that goes with the office.

A policeman's authority is general and particular. General authority means the right to be a police officer and perform the general duties of administering the affairs of the police force by patrol, directing traffic or other duties that apply to the public in general as a whole. He is given particular authority over an individual when he observes or has evidence that a person has violated the law. This particular authority is strengthened by judicial writs such as warrants, search warrants, injunctions, subpoenas, or other court orders. The authority conferred by these writs is temporary and the authority is discharged when the duties commanded by the writs are completed.

A policeman's authority also allows an officer to use some of the police powers at certain times. The police powers are a legislative function but the executive branch, represented by the police, carry out the enactments of the legislative branch. The judicial branch also has police authority and can carry out the will of the legislature, until the legislature has time to act on a particular situation.

The police power gives the executive the right to act and as the police force is the fingertips of the executive, the police powers pass through the policeman's fingers to contact the people.

The authority of a police officer gives him the power to arrest on sight for offenses, to arrest on reasonable suspicion of a felony.
The general police powers give authority to the government to police emergencies such as accidents, fires, explosions, wrecks, riots, wars, raids, floods, epidemics, or any other condition where the public welfare is endangered by conditions too large for an individual to handle. Government also has the right to police assemblies of people, animals, vehicles, etc., or any other activity where there is a likelihood that people will need or can use police officers or other governmental supervision for their protection and general welfare.

The officer is not a trespasser when he is performing his duties. He may become a trespasser if he remains after his duty is completed and could be legally ordered to leave by the resident or property owner. He has the right to use the public places such as highways, streets, parks, playgrounds, etc., for carrying out his duties and on necessary occasions, has priority over citizens.

The commission carries the responsibilities of properly performing the official duties of the police officer. The official duties are many and difficult to define adequately. He may lose his commission for negligence in carrying out his responsibilities, or for applying his duties illegally or for his own gain. He may be prosecuted for malicious or unlawful acts in the same manner as other citizens even when such acts are connected with his duties. For any damage resulting from such malicious or unlawful acts, he may be sued civilly.

A crime is an omission of a duty commanded, or the commission of an act forbidden, by a public law. A person may be accused of a crime and tried in a court of law. A crime is punishable by law upon conviction in a court of law. The punishments upon conviction may be a sentence of death, imprisonment, fine, removal from office, disqualification to hold office or positions of trust, or other penal discipline such as restraint in the form of suspended sentence, probation or parole.

Authority does not carry a license to enforce the law as the individual officer wishes. It must be done in the lawful way.
UNITED STATES CRIMINAL CODE

TITLE 18

ITS HISTORY AND REVISIONS

There are four great landmarks in the history of Federal Criminal Legislation. The latest of these is the enactment of Title 18, "Crimes and Criminal Procedure" of the United States Code on June 25, 1948.

The first Federal criminal laws were enacted by the Crimes Act of 1790 - act of April 30, 1790, chapter 9, 1 Statutes 112. That act defined, among others, such offenses as treason, misprision of felony, forgery, and bribery, and prescribed the punishment for each. Many of these offenses and their punishments have survived the years almost verbatim. It was a small act and defined only the most general and heinous crimes against the United States, but our Nation was also small then, with a population of only 3,000,000.

At first our body of Federal criminal law developed gradually, act by act, and without any real attempt to reconcile the conflicting provisions of one act with those of another. These acts were scattered through the Statutes at Large, which by the time of the Civil War, numbered 12 volumes. That war and the reconstruction period which followed, with all of its social implications, gave new impetus to Federal criminal legislation. Many new crimes were defined by Congress during the decade beginning in 1860.

The whole of this expanding body of Federal criminal law was carefully examined by the commissioners empowered by Congress in 1866 to prepare the Revised Statutes of the United States. Obsolete and superseded provisions which had accumulated during the 87-year period from 1790 to the date of the final approval of the Revised Statutes in 1877 were repealed. Inconsistent provisions were reconciled. And all of the vital, living provisions were analyzed, revised, and consolidated into title LXX, Crimes, of the Revised Statutes. That title was divided into nine chapters under such broad headings as Crimes Against the Existence of Government and Crimes Against Justice. These nine chapters were subdivided into 225 sections.

In 1897 Congress authorized a commission to revise and codify the criminal and penal laws of the United States. However, by subsequent acts Congress empowered this commission to examine the entire field of Federal statutory law; consequently, it was not until 1909 that the commission was ready with its bill to revise and codify the penal laws of the United States. The bill became the Criminal Code of 1909 by act of March 4, 1909, chapter 321, 35 Statutes 1088.

In preparing the Criminal Code of 1909 the Commissioners followed the analysis used in the Crimes title of the Revised Statutes. For example, the old chapter division Crimes Against the Existence of Government was retained, and the old chapter Crimes Against Justice became Crimes Against Public Justice. The changes in Federal criminal legislation between the years 1878 and 1909 induced the Commission to divide the Criminal Code into 15 chapters and 345 sections,
instead of the 9 chapters and 225 sections in the Crimes title of the Revised Statutes. It brought together statutes relating to the same subject, and omitted redundant and obsolete laws. However, no sweeping changes were made then. Actually, the Commission added just 21 new sections only 10 of which created new offenses.

SCOPE OF REVISION

The starting point in this revision was the Criminal Code of 1909. To that were added those criminal provisions in other titles of the United States Code which could be transferred without injury to the text of such titles, and with due regard to maintaining the framework of the official United States Code prepared for Congress in 1926 by the former Committee on Revision of Laws of the House and enacted by Congress June 30, 1928.

Revision as distinguished from codification, meant the substitution of plain language for awkward terms, reconciliation of conflicting laws, omission of superseded sections, and consolidation of similar provisions.

The revision includes all applicable criminal laws in effect January 5, 1948, and became effective September 1, 1948.

The Revised Code reads:

CHAPTER 1 - GENERAL PROVISIONS

Section 1 OFFENSES CLASSIFIED.

Notwithstanding any Act of Congress to the contrary:

(1) Any offense punishable by death or imprisonment for a term exceeding one year is a felony.

(2) Any other offense is a misdemeanor.

(3) Any misdemeanor, the penalty for which does not exceed imprisonment for a period of six months or a fine of not more than $500, or both, is a petty offense.

Section 2 PRINCIPALS.

(a) Whoever commits an offense against the United States, or aids, abets, counsels, commands, induces, or procures its commission, is a principal.

(b) Whoever causes an act to be done, which if directly performed by him would be an offense against the United States, is also a principal and punishable as such.

Section 3 ACCESSORY AFTER THE FACT.

Whoever, knowing that an offense against the United States has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact.

Except as otherwise expressly provided by any Act of Congress, an accessory after the fact shall be imprisoned not more than one half the maximum term of imprisonment or fined not more than one half the maximum fine prescribed for the punishment of the principal, or both; or if the principal is punishable by death,
the accessory shall be imprisoned not more than ten years.

Section 4 MISPRISION OF FELONY.

Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined not more than $500 or imprisoned not more than three years, or both.

Section 5 UNITED STATES DEFINED.

The term "United States," as used in this title in a territorial sense, includes all places and water, continental or insular, subject to the jurisdiction of the United States, except the Canal Zone.

Section 10 INTERSTATE COMMERCE AND FOREIGN COMMERCE DEFINED.

The term "interstate commerce," as used in this title, includes commerce between one State, Territory, Possession, or the District of Columbia and another State, Territory, Possession, or the District of Columbia.

The term "foreign commerce," as used in this title, includes commerce with a foreign country.

Section 12 POSTAL SERVICE DEFINED.

The term "Postal Service," as used in this title, includes the "Post Office Department" and every employee thereof, whether or not he has taken the oath of office.
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FEDERAL LAWS

Following are Federal laws with which a railroad policeman should be familiar. Violators of these statutes are prosecuted often in cooperation with the U.S. Post Office Inspectors or the Federal Bureau of Investigation. Often the text of these statutes are not easily accessible to the railroad policeman; for this reason, text of these laws is given in considerable detail along with penalties prescribed for violation thereof. Federal Code references are given.

TITLE 18 - UNITED STATES CODE

AIRCRAFT AND MOTOR VEHICLES

Section 33 - DESTRUCTION OF MOTOR VEHICLES OR MOTOR VEHICLE FACILITIES.

Whoever willfully, with intent to endanger the safety of any person on board or anyone who he believes will board the same, or with a reckless disregard for the safety of human life, damages, disables, destroys, tampers with, or places or causes to be placed any explosive or other destructive substance in, upon, or in proximity to, any motor vehicle which is used, operated, or employed in interstate or foreign commerce, or its cargo or material used or intended to be used in connection with its operation; or

Whoever willfully, with like intent, damages, disables, destroys, sets fire to, tampers with, or places or causes to be placed any explosive or other destructive substance in, upon, or in proximity to any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, motor vehicles engaged in interstate or foreign commerce or otherwise makes or causes such property to be made unworkable, unusable, or hazardous to work or use; or

Whoever, with like intent, willfully disables or incapacitates any driver or person employed in connection with the operation or maintenance of the motor vehicle, or in any way lessens the ability of such person to perform his duties as such; or

Whoever willfully attempts to do any of the aforesaid acts shall be fined not more than $10,000 or imprisoned not more than twenty years, or both.

Section 34 - PENALTY WHEN DEATH RESULTS.

Whoever is convicted of any crime prohibited by this chapter, which has resulted in the death of any person, shall be subject also to the death penalty or to imprisonment for life, if the jury shall in its discretion so direct, or, in the case of a plea of guilty, or a plea of not guilty where the defendant has waived a trial by jury, if the court in its discretion shall so order.
Section 35 - IMPARTING OR CONVEYING FALSE INFORMATION.

Whoever willfully imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this chapter or chapter 97 or chapter 111 of this title - shall be fined not more than $1,000, or imprisoned not more than one year, or both.

CONSPIRACY

Section 371 - CONSPIRACY TO COMMIT OFFENSE OR TO DEFRAUD UNITED STATES.

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined not more than $10,000 or imprisoned not more than five years, or both.

If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor.

EMBEZZLEMENT AND THEFT

Section 659 - INTERSTATE OR FOREIGN BAGGAGE, EXPRESS OR FREIGHT; STATE PROSECUTION.

Whoever embezzles, steals, or unlawfully takes, carries away, or conceals, or by fraud or deception obtains from any railroad car, wagon, motortruck, or other vehicle, or from any station, station house, platform or depot or from any steamboat, vessel, or wharf, or from any aircraft, air terminal, airport, aircraft terminal or air navigation facility with intent to convert to his own use any goods or chattels moving as or which are a part of or which constitute an interstate or foreign shipment of freight or express; or

Whoever buys or receives or has in his possession any such goods or chattels, knowing the same to have been stolen; or

Whoever embezzles, steals, or unlawfully takes, carries away, or by fraud or deception obtains with intent to convert to his own use any baggage which shall have come into the possession of any common carrier for transportation in interstate or foreign commerce or breaks into, steals, takes, carries away, or conceals any of the contents of such baggage, or buys, receives, or has in his possession any such baggage, or any article therefrom of whatever nature, knowing the same to have been embezzled or stolen; or

Whoever embezzles, steals, or unlawfully takes by any fraudulent device, scheme, or game, from any railroad car, bus, vehicle, steamboat, vessel, or aircraft operated by any common carrier moving in interstate or foreign commerce or from any passenger thereon any money, baggage, goods, or chattels, or who buys, receives or has in his possession any such money, baggage, goods, or chattels, knowing the same to have been stolen.
Shall in each case be fined not more than $5,000 or imprisoned not more than ten years, or both; but if the amount or value of such money, baggage, goods or chattels does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

The offense shall be deemed to have been committed not only in the district in which the violation first occurred, but also in any district in which the defendant may have taken or been in possession of the said money, baggage, goods, or chattels.

The carrying or transporting of any such money, freight, express, baggage, goods or chattels in interstate or foreign commerce, knowing the same to have been stolen, shall constitute a separate offense and subject the offender to the penalties under this section for unlawful taking, and the offense shall be deemed to have been committed in any district into which such money, freight, express, baggage, goods, or chattels shall have been removed or into which the same shall have been brought by such offender.

To establish the interstate or foreign commerce character of any shipment in any prosecution under this section the waybill or other shipping document of such shipment shall be prima facie evidence of the place from which and to which such shipment was made.

A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution under this section for the same act or acts.

Section 660 - CARRIER'S FUNDS DERIVED FROM COMMERCE; STATE PROSECUTIONS.

Whoever, being a president, director, officer, or manager of any firm, association, or corporation engaged in commerce as a common carrier, or whoever, being an employee of such common carrier riding in or upon any railroad car, motortruck, steamboat, vessel, aircraft or other vehicle of such carrier moving in interstate commerce, embezzles, steals, abstracts, or willfully misapplies, or willfully permits to be misapplied, any of the moneys, funds, credits, securities, property, or assets of such firm, association, or corporation arising or accruing from, or used in, such commerce, in whole or in part, or willfully or knowingly converts the same to his own use or to the use of another, shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

The offense shall be deemed to have been committed not only in the district in which the violation first occurred but also in any district in which the defendant may have taken or had possession of such moneys, funds, credits, securities, property or assets.

A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts.

POSTAL SERVICE

Section 1706 - INJURY TO MAIL BAGS.

Whoever tears, cuts, or otherwise injures any mail bag, pouch, or other thing used or designed for use in the conveyance of the mail, or draws or breaks
any staple or loosen any part of any lock, chain, or strap attached thereto, with intent to rob or steal any such mail or to render the same insecure, shall be fined not more than $1,000 or imprisoned not more than three years, or both.

Section 1708 - THIEFT OR RECEIPT OF STOLEN MAIL MATTER GENERALLY.

Whoever steals, takes, or abstracts, or by fraud or deception obtains, or attempts so to obtain, from or out of any mail, post office, or station thereof, letter box, mail receptacle, or any mail route or other authorized depository for mail matter, or from a letter or mail carrier, any letter, postal card, package, bag, or mail, or abstracts or removes from any such letter, package, bag, or mail, any article or thing contained therein, or secretes, embezzles, or destroys any such letter, postal card, package, bag, or mail, or any article or thing contained therein;

Whoever steals, takes, or abstracts, or by fraud or deception obtains any letter, postal card, package, bag, or mail, or any article or thing contained therein which has been left for collection upon or adjacent to a collection box or other authorized depository of mail matter; or

Whoever buys, receives, or conceals, or unlawfully has in his possession, any letter, postal card, package, bag, or mail, or any article or thing contained therein, which has been so stolen, taken, embezzled, or abstracted, as herein described, knowing the same to have been stolen, taken, embezzled, or abstracted

Shall be fined not more than $2,000 or imprisoned not more than five years, or both; but if the value or face value of any such article or thing does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

RAILROADS

Section 1991 - ENTERING TRAIN TO COMMIT CRIME.

Whoever, in any Territory or District, or within or upon any place within the exclusive jurisdiction of the United States, willfully and maliciously trespasses upon or enters upon any railroad train, railroad car, or railroad locomotive, with the intent to commit murder or robbery, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both.

Whoever, within such jurisdiction, willfully and maliciously trespasses upon or enters upon any railroad train, railroad car, or railroad locomotive, with intent to commit any unlawful violence upon or against any passenger on said train, or car, or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car, or upon or against any express messenger or mail agent on said train or in any car thereof, or to commit any crime or offense against any person or property thereof, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Upon the trial of any person charged with any offense set forth in this section it shall not be necessary to set forth or prove the particular person against whom it was intended to commit the offense, or that it was intended to commit such offense against any particular person.
Section 1992 - WRECKING TRAINS.

Whoever willfully derails, disables, or wrecks any train, engine, motor unit, or car used, operated, or employed in interstate or foreign commerce by any railroad; or

Whoever willfully sets fire to, or places any explosive substance on or near, or undermines any tunnel, bridge, viaduct, trestle, track, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance used in the operation of any such railroad in interstate or foreign commerce, or otherwise makes any such tunnel, bridge, viaduct, trestle, track, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance unworkable or unusable or hazardous to work or use, with the intent to derail, disable, or wreck a train, engine, motor unit, or car used, operated, or employed in interstate or foreign commerce; or

Whoever willfully attempts to do any of the aforesaid acts or things -

Shall be fined not more than $10,000 or imprisoned not more than twenty years, or both.

Whoever is convicted of any such crime, which has resulted in the death of any person, shall be subject also to the death penalty or to imprisonment for life, if the jury shall in its discretion so direct, or, in the case of a plea of guilty if the court in its discretion shall so order.

A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts.

ROBBERY AND BURGLARY

Section 2116 - RAILWAY OR STEAMBOAT POST OFFICE.

Whoever, by violence, enters a post-office car, or any part of any car, steamboat, or vessel, assigned to the use of the mail service, or willfully or maliciously assaults or interferes with any postal clerk in the discharge of his duties in connection with such car, steamboat, vessel, or apartment thereof, -

Shall be fined not more than $1,000 or imprisoned not more than three years, or both.

Section 2117 - RAILROAD CAR ENTERED OR SEAL BROKEN.

Whoever breaks the seal or lock of any railroad car, vessel, aircraft, motor truck, wagon or other vehicle, containing interstate or foreign shipments of freight or express, or enters any such vehicle with intent in either case to commit larceny therein, shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution under this section for the same act or acts.
STOLEN PROPERTY

Section 2314 - TRANSPORTATION OF STOLEN GOODS, SECURITIES, MONIES, OR ARTICLES USED IN COUNTERFEITING.

Whoever transports in interstate or foreign commerce any goods, wares, or merchandise, securities, or money, of the value of $5,000 or more, knowing the same to have been stolen, converted, or taken by fraud; or

Whoever, having devised or intending to devise any scheme or artifice to defraud, as for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transports or causes to be transported, or induces any person to travel in, or to be transported in interstate commerce in the execution or concealment of a scheme or artifice to defraud that person of money or property having a value of $5,000 or more; or

Whoever, with unlawful or fraudulent intent, transports in interstate or foreign commerce any falsely made, forged, altered, or counterfeited securities, knowing the same to have been falsely made, forged, altered, or counterfeited; or

Whoever, with unlawful or fraudulent intent, transports in interstate or foreign commerce, any tool, implement, or thing used or fitted to be used in falsely making, forging, altering, or counterfeiting any security, or any part thereof -

Shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

This section shall not apply to any falsely made, forged, altered, counterfeited or spurious representation of any obligation or other security of the United States or of an obligation, bond, certificate, security, treasury note, bill, promise to pay or bank note issued by any foreign government or by a bank or corporation of any foreign country. As amended July 9, 1956.

Section 2315 - SALE OR RECEIPT OF STOLEN GOODS, SECURITIES, OR MONIES.

Whoever receives, conceals, stores, barters, sells, or disposes of any goods, wares, or merchandise, securities, or money of the value of $5,000 or more, or pledges or accepts as security for a loan any goods, wares, or merchandise, or securities, of the value of $500 or more, moving as, or which are a part of, or which constitute interstate or foreign commerce, knowing the same to have been stolen, unlawfully converted, or taken; or

Whoever receives, conceals, stores, barters, sells, or disposes of any falsely made, forged, altered, or counterfeited securities, or pledges or accepts as security for a loan any falsely made, forged, altered, or counterfeited securities, moving as, or which are a part of, or which constitute interstate or foreign commerce, knowing the same to have been so falsely made, forged, altered, or counterfeited; or

Whoever receives in interstate or foreign commerce, or conceals, stores, barters, sells, or disposes of, any tool, implement, or thing used or intended to be used in falsely making, forging, altering, or counterfeiting any security, or any part thereof, moving as, or which is a part of, or which constitutes inter-
state or foreign commerce, knowing that the same is fitted to be used, or has been used, in falsely making, forging, altering, or counterfeiting any security, or any part thereof —

Shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

This section shall not apply to any falsely made, forged, altered, counterfeited, or spurious representation of any obligation or other security of the United States or of an obligation, bond, certificate, security, treasury note, bill, promise to pay, or bank note, issued by any foreign government or by a bank or corporation of any foreign country.

TITLE 49 - UNITED STATES CODE

FREE TRANSPORTATION FOR PASSENGERS PROHIBITED

Section 1, Paragraph 7 - EXCEPTIONS; PENALTY.

This section provides no common carrier shall, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and others specified in the section.

Any common carrier violating this provision shall be deemed guilty of a misdemeanor and for each offense, on conviction, shall pay to the United States a penalty of not less than $100 nor more than $2,000, and any person, other than the persons excepted in this provision, who uses any interstate free ticket, free pass or free transportation shall be subject to a like penalty.

Every violation of this section shall be prosecuted in any court of the United States having jurisdiction of crimes within the district in which such violation was committed, or through which the transportation may have been conducted; and whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

VIOLATIONS OF REGULATIONS BY CARRIERS

Section 10, Paragraph 3 - OBTAINING LOWER RATES BY FALSE BILLING, ETC. OR BY FALSE CLAIM; PENALTY.

This section makes it a misdemeanor for any person, corporation or company, or any agent or officer thereof, who shall deliver property for transportation to any common carrier subject to provisions of the chapter, knowingly and willfully, by false billing, false classification, false weighing, false representation of the contents of the package or the substance of the property, false report of weight, false statement, or by any other device or means, with or without the consent and connivance of the carrier, to obtain or attempt to obtain transportation for such property at less than the regular rates then established and in force on the line of transportation; likewise, by false statement or representation as to cost, value, nature, or extent of injury, or by the use of any false bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to be false, fictitious, or fraudulent,

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or to contain any false, fictitious, or fraudulent statement or entry, to ob-
tain or attempt to obtain any allowance, refund, or payment for damage or other-
wise in connection with or growing out of the transportation of or agreement to
transport such property, whether with or without the consent or connivance of
the carrier, whereby the compensation of such carrier for such transportation,
either before or after payment, shall in fact be made less than the regular
rates then established and in force on the line of transportation. On convic-
tion, defendants shall be deemed guilty of fraud, which is declared to be a
misdemeanor, in any court of the United States of competent jurisdiction within
the district in which such offense was wholly or in part committed, and shall
be subject for each offense to a fine not exceeding $5,000 or imprisonment in
the penitentiary for a term of not exceeding two years, or both, in the dis-
cretion of the court: Provided, that the penalty of imprisonment shall not ap-
ply to artificial persons.

PENALTIES AND FORFEITURES IN CONNECTION
WITH ACCOUNTS, RECORDS, REPORTS, ETC.

Section 20, Paragraph 7b

This section provides that any person who shall knowingly and willfully
make, cause to be made, or participate in the making of, any false entry in any
annual or other report required under this section to be filed, or in the ac-
counts of any book of accounts or in any records or memoranda kept by a carrier,
or required under this section to be kept by a lessor or other person, or who
shall knowingly and willfully destroy, mutilate, alter, or by any other means
or device falsify the record of any such accounts, records, or memoranda, or who
shall knowingly and willfully neglect or fail to make full, true, and correct
entries in such accounts, records or memoranda of all facts and transactions
appertaining to the business of the carrier, lessor or person, or shall know-
edly and willfully keep any accounts, records, or memoranda contrary to the rules,
regulations, or orders of the Commission with respect thereto, or shall know-
edly or willfully file with the commission any false report or other document,
shall be deemed guilty of a misdemeanor and shall be subject, upon conviction
in any court of the United States of competent jurisdiction to a fine of not
more than $5,000 or imprisonment for not more than two years, or both such fine
and imprisonment.

BILL OF LADING ACT

Section 121 - OFFENSES; PENALTY.

Any person who, knowingly or with intent to defraud, falsely makes, alters,
forges, counterfeits, prints or photographs any Bill of Lading purporting to
represent goods received for shipment among the several states or with foreign
nations, or with like intent utters or publishes as true and genuine any such
falsely altered, forged, counterfeited, falsely printed or photographed Bill of
Lading, knowing it to be falsely altered, forged, counterfeited, falsely printed
or photographed, or aids in making, altering, forging, counterfeiting, printing
or photographing, or uttering or publishing the same, or issues or aids in issu-
ing or procuring the issue of or negotiates or transfers for value a bill which
contains a false statement as to the receipt of the goods, or as to any other
matter, or who, with intent to defraud, violates or fails to comply with, or
aids in any violation of, or failure to comply with, any provision of this
chapter, shall be guilty of a misdemeanor, and, upon conviction, shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding $5,000, or both.

* * * * *

In investigating thefts of U. S. Mail, United States Postal Inspectors consider the outside wrapper of all mail matter most important in the prosecution of mail thefts. Without the wrapper, a successful prosecution is difficult and at times, impossible.

They recommend that persons suspected of mail thefts be reported to them. When this is done, the postal inspectors proceed with special tests which will firmly establish the guilt or innocence of the suspect.

To aid in the apprehension of offenders, United States Postal Inspectors call attention to the actions of past offenders who have stripped outside markings from mail matter and disposed of these in loaded cars leaving railroad stations; in trash cans on platforms or under platforms; behind steam pipes; and in elevator pits.

Some offenders have stolen mail matter from cars on one track and crossed over to another platform where they have transferred their loot to a waiting confederate. Others have placed stolen mail either in their personal lockers or in public lockers in the railroad station for removal at another time.
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HISTORY OF THE CONSTITUTION OF THE STATE OF DELAWARE

The Delaware, or Leni-Lenape, and the Nanticoke Indians lived in the Delaware region when the first white settlers arrived. In 1609 the English explorer Henry Hudson discovered Delaware Bay, but did not explore far inland. The first settlement in Delaware was established by the Dutch in 1631, and in 1632 the Indians killed all the colonists and burned their fort known as Zwaanendael. The site of this settlement now is in the city of Lewes.

Settlers from Sweden arrived in Delaware in 1638, founded the colony of New Sweden and built Fort Christina at the present site of Wilmington. The Swedish government appointed Peter Ridder as the colony's governor in 1640 and he was replaced by Johan Printz in 1643. The Dutch government angered with the Swedes for settling in what it considered Dutch territory, established a post at New Castle in 1651. The Swedes captured New Castle in 1654, and the following year the Dutch captured all of New Sweden and made it part of New Netherland (New York).

All of New Netherland was seized by the English in 1664, and for the next 18 years the English ruled Delaware as part of their colony of New York. The Duke of York granted Delaware to William Penn in 1682. A general assembly of delegates met at Chester, Pa., and for a number of years the same governor and general assembly served both Delaware and Pennsylvania. In 1701 the Delaware delegates requested a separate assembly, which Penn granted, and the first general assembly met in New Castle in 1704.

Delaware joined the other colonies in their fight for independence and formed an independent state government in 1776, and the first constitution was enacted September 11, 1776. The first state was known as "The Delaware State".

Delaware became the first state to ratify the Constitution of the United States on December 7, 1787.

A new constitution was adopted on June 12, 1792 and the name of the state was changed to "The State of Delaware". A third constitution was adopted in 1831.

The present constitution was adopted in 1897, and it is from this constitution, as amended, that excerpts on the following pages were taken.
CONSTITUTION
OF THE
STATE OF DELAWARE

WE THE PEOPLE, HEREBY ORDAIN AND ESTABLISH THIS
CONSTITUTION OF GOVERNMENT FOR THE
STATE OF DELAWARE

PREAMBLE

Through Divine goodness, all men have by nature the rights of worshiping
and serving their Creator according to the dictates of their consciences, of
enjoying and defending life and liberty, of acquiring and protecting reputa-
tion and property, and in general of obtaining objects suitable to their condi-
tion, without injury by one to another; and as these rights are essential to
their welfare, for due exercise thereof, power is inherent in them, and there-
fore all just authority in the institutions of political society is derived
from the people, and established with their consent, to advance their happiness;
and they may for this end, as circumstances require, from time to time, alter
their Constitution of government.

ARTICLE I

BILL OF RIGHTS

Section 1. FREEDOM OF RELIGION

Section 1. Although it is the duty of all men frequently to assemble together
for the public worship of Almighty God; and piety and morality, on which the
prosperity of communities depends, are hereby promoted; yet no man shall or
ought to be compelled to attend any religious worship, to contribute to the
erection or support of any place of worship, or to the maintenance of any
ministry, against his own free will and consent; and no power shall or ought
to be vested in or assumed by any magistrate that shall in any case interfere
with, or in any manner control the rights of conscience, in the free exercise
of religious worship, nor a preference given by law to any religious societies,
denominations, or modes of worship.

Section 2. RELIGIOUS TEST FOR OFFICE NOT REQUIRED

Section 2. No religious test shall be required as a qualification to any
office, or public trust, under this State.

Section 3. FREE AND EQUAL ELECTIONS

Section 3. All elections shall be free and equal.

Section 4. TRIAL BY JURY; COMPOSITION OF GRAND JURIES; CONCURRERCE IN INDICTMENT

Section 4. Trial by jury shall be as heretofore. Provided, however, that
Grand Juries in New Castle County shall consist of fifteen members, one of whom shall be selected from, and shall be a resident of, each representative district in said county, and the affirmative vote of nine of whom shall be necessary to find a true bill of indictment; and the Grand Juries in Kent County and in Sussex County shall consist of ten members, one of whom shall be selected from, and shall be a resident of each representative district in the County in which he or she is selected, and the affirmative vote of seven of whom shall be necessary to find a true bill of indictment. [Amended 38 Del. Laws, Part II, Ch. 3, approved Mar. 22, 1933).

Section 5. FREEDOM OF PRESS; EVIDENCE IN LIBEL PROSECUTIONS; JURY QUESTIONS

Section 5. The press shall be free to every citizen who undertakes to examine the official conduct of men acting in a public capacity; and any citizen may print on any subject, being responsible for the abuse of that liberty. In prosecutions for publications, investigating the proceedings of officers, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels the jury may determine the facts and the law, as in other cases.

Section 6. SEARCHES AND SEIZURES

Section 6. The people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and no warrant to search any place, or to seize any person or thing, shall issue without describing them as particularly as may be; nor then, unless there be probable cause supported by oath or affirmation.

Section 7. PROCEDURAL RIGHTS IN CRIMINAL PROSECUTIONS; JURY TRIAL; SELF-INCRIMINATION; DEPRIVATION OF LIFE, LIBERTY OR PROPERTY

Section 7. In all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to be plainly and fully informed of the nature and cause of the accusation against him, to meet the witnesses in their examination face to face, to have compulsory process in due time, on application by himself, his friends or counsel, for obtaining witnesses in his favor, and a speedy and public trial by an impartial jury; he shall not be compelled to give evidence against himself, nor shall he be deprived of life, liberty or property, unless by the judgment of his peers or by the law of the land.

Section 8. PROSECUTION BY INDICTMENT OR INFORMATION; DOUBLE JEOPARDY; JUST COMPENSATION FOR PROPERTY

Section 8. No person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; and no person shall be for the same offense twice put in jeopardy of life or limb; nor shall any man's property be taken or applied to public use without the consent of his representatives, and without compensation being made.

Section 9. COURTS SHALL BE OPEN; REMEDY FOR INJURY; VENUE; SUITS AGAINST STATE

Section 9. All courts shall be open; and every man for an injury done him in his reputation, person, movable or immovable possessions, shall have remedy by the due course of law, and justice administered according to the very right of
the cause and the law of the land, without sale, denial, or unreasonable delay 
or expense; and every action shall be tried in the county in which it shall be 
commenced, unless when the judges of the court in which the cause is to be tried 
shall determine that an impartial trial thereof cannot be had in that county. 
Suits may be brought against the State, according to such regulations as shall 
be made by law.

Section 10. SUSPENSION OF LAWS BY GENERAL ASSEMBLY

Section 10. No power of suspending laws shall be exercised but by authority 
of the General Assembly.

Section 11. EXCESSIVE BAIL OR FINES; CRUEL PUNITIONS; HEALTH OF PRISONERS

Section 11. Excessive bail shall not be required, nor excessive fines im-
posed, nor cruel punishments inflicted; and in the construction of jails a 
proper regard shall be had to the health of prisoners.

Section 12. RIGHT TO BAIL; ACCESS TO ACCUSED

Section 12. All prisoners shall be bailable by sufficient sureties, unless 
for capital offenses when the proof is positive or the presumption great; and 
when persons are confined on accusation for such offenses their friends and 
counsel may at proper seasons have access to them.

Section 13. SUSPENSION OF HABEAS CORPUS

Section 13. The privilege of the writ of habeas corpus shall not be suspend-
ed, unless when in cases of rebellion or invasion the public safety may require 
it.

Section 14. COMMISSION OF OYER AND TERMINER, OR JAIL DELIVERY

Section 14. No commission of oyer and terminer, or jail delivery, shall be 
issued.

Section 15. CORRUPTION OF BLOOD; FORFEITURE; DESCENT OF SUICIDE'S ESTATE

Section 15. No attainder shall work corruption of blood, nor except during 
the life of the offender forfeiture of estate. The estates of those who destroy 
their own lives shall descend or vest as in case of natural death, and if any 
person be killed by accident no forfeiture shall thereby be incurred.

Section 16. RIGHT OF ASSEMBLY; PETITION FOR REDRESS OF GRIEVANCES

Section 16. Although disobedience to laws by a part of the people, upon sug-
gestions of impolicy or injustice in them, tends by immediate effect and the 
influence of example not only to endanger the public welfare and safety, but 
also in governments of a republican form contravenes the social principles of 
such governments, founded on common consent for common good; yet the citizens 
have a right in an orderly manner to meet together, and to apply to persons in-
trusted with the powers of government, for redress of grievances or other proper 
purposes, by petition, remonstrance or address.
Section 17. **STANDING ARMY; NECESSITY FOR LEGISLATIVE CONSENT; SUBORDINATION OF MILITARY**

Section 17. No standing army shall be kept without the consent of the General Assembly, and the military shall in all cases and at all times be in strict subordination to the civil power.

Section 18. **PROHIBITION AGAINST QUARTERING SOLDIERS IN HOMES**

Section 18. No soldier shall in time of peace be quartered in any house without the consent of the owner; nor in time of war but by a civil magistrate, in manner to be prescribed by law.

Section 19. **HEREDITARY DISTINCTIONS; HOLDING OFFICE DURING GOOD BEHAVIOR; OFFICES AND TITLES FROM FOREIGN STATES**

Section 19. No hereditary distinction shall be granted, nor any office created or exercised, the appointment to which shall be for a longer term than during good behavior; and no person holding any office under this State shall accept of any office or title of any kind whatever from any king, prince, or foreign State.

**WE DECLARE THAT EVERYTHING IN THIS ARTICLE IS RESERVED OUT OF THE GENERAL POWERS OF GOVERNMENT HEREINAFTER MENTIONED**

**ARTICLE II**

**LEGISLATURE**

Section 1. **GENERAL ASSEMBLY TO HOLD LEGISLATIVE POWER; COMPOSITION**

Section 1. The legislative power of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

Section 4. **TIME AND FREQUENCY OF SESSIONS**

Section 4. The General Assembly shall meet on the first Tuesday of January, biennially, and at such other times as the Governor shall convene the same.

Section 5. **PLACE OF MEETING**

Section 5. The General Assembly shall meet and sit in Dover, the capital of the State; provided, however, that in case of insurrection, conflagration or epidemic disease the General Assembly may temporarily meet and sit elsewhere.

**ARTICLE III**

**EXECUTIVE**

Section 1. **GOVERNOR TO BE SUPREME EXECUTIVE**

Section 1. The supreme executive powers of the State shall be vested in a Governor.
Section 2. **ELECTION OF GOVERNOR**

Section 2. The Governor shall be chosen by the qualified electors of the State, once in every four years, at the general election.

Section 5. **TERM OF OFFICE**

Section 5. The Governor shall hold his office during four years from the third Tuesday in January next ensuing his election; and shall not be elected a third time to said office.

**ARTICLE IV**

**JUDICIARY**

Section 1. **CREATION OF COURTS**

Section 1. The judicial power of this State shall be vested in a Supreme Court, a Superior Court, a Court of Chancery, an Orphans' Court, a Register's Court, Justices of the Peace, and such other courts as the General Assembly, with the concurrence of two-thirds of all the Members elected to each House, shall have by law established prior to the time this amended Article IV of this Constitution becomes effective or shall from time to time by law establish after such time. (Amended 48 Del. Laws, Ch. 109, approved May 14, 1951).

Section 2. **JUSTICES OF SUPREME COURT AND OTHER STATE JUDGES; QUALIFICATIONS; RESIDENCE; PRECEDENCE**

Section 2. There shall be three Justices of the Supreme Court who shall be citizens of the State and learned in the law. One of them shall be the Chief Justice who shall be designated as such by his appointment and who when present shall preside at all sittings of the Court. In the absence of the Chief Justice the Justice present who is senior in length of service shall preside. If it is otherwise impossible to determine seniority among the Justices, they shall determine it by lot and certify accordingly to the Governor.

There shall be six other State Judges who shall be citizens of the State and learned in the law. One of them shall be Chancellor, one of them President Judge of the Superior Court and of the Orphans' Court and the other four of them Associate Judges of the Superior Court and of the Orphans' Court. Three of the said Associate Judges shall be resident Associate Judges and one of them shall after appointment reside in each County of the State. If it is otherwise impossible to determine seniority of service among the said Associate Judges, they shall determine it by lot and certify accordingly to the Governor.

There shall also be such number of other State Judges to be known as Vice-Chancellors as shall have been provided for by the Constitution or by Act of the General Assembly prior to the time this amended Article IV of this Constitution becomes effective and as may be provided for by Act of the General Assembly after such time. Each of such Vice-Chancellors shall be citizens of the State and learned in the law. (Amended 47 Del. Laws, Ch. 177 (1949), approval not required; 48 Del. Laws, Ch. 109, approved May 14, 1951).

Section 3. **APPOINTMENT OF JUDGES; TERMS OF OFFICE; VACANCIES; POLITICAL REPRESENTATION**

Section 3. The Justices of the Supreme Court, the Chancellor and the Vice-
Chancellor or Vice-Chancellors, and the President Judge and Associate Judges of the Superior Court and of the Orphans' Court shall be appointed by the Governor, by and with the consent of a majority of all the Members elected to the Senate, for the term of twelve years each, and the persons so appointed shall enter upon the discharge of the duties of their respective offices upon taking the oath of office prescribed by this Constitution. If a vacancy shall occur, by expiration of term or otherwise, at a time when the Senate shall not be in session, the Governor shall within thirty (30) days after the happening of any such vacancy convene the Senate for the purpose of confirming his appointment to fill said vacancy and the transaction of such other executive business as may come before it. Such vacancy shall be filled as aforesaid for the full term.

Appointments to the offices of the State Judiciary shall at all times be subject to all of the following limitations:

First, no more than two of the three Justices of the Supreme Court in office at the same time, shall be of the same major political party, at least one of said Justices shall be of the other major political party;

Second, no more than three of the five Judges of the Superior Court and Orphans' Court, in office at the same time, shall be of the same major political party, at least two of the five Judges shall be of the other major political party;

Third, at any time when the total number of the offices of the three Justices of the Supreme Court, the five Judges of the Superior Court and Orphans' Court, the Chancellor and all Vice-Chancellors, shall be an even number, not more than one-half of the members of all of such offices shall be of the same major political party; and at any time when the total number of such offices shall be an odd number, then not more than a bare majority of the members of all of such offices shall be of the same major political party, the remaining members of the Courts above enumerated shall be of the other major political party. (Amended 47 Del. Laws, Ch. 177 (1949), approval not required; 48 Del. Laws, Ch. 109, approved May 14, 1951).

Section 4. COMPENSATION OF JUDGES; METHOD OF PAYMENT; RECEIPT OF OTHER FEES, OR HOLDING OTHER OFFICE

Section 4. The Justices of the Supreme Court, the Chancellor and the Vice-Chancellor or Vice-Chancellors, and the President Judge and Associate Judges of the Superior Court and of the Orphans' Court shall respectively receive from the State for their services compensations which shall be fixed by law and paid monthly and they shall not receive any fees or perquisites in addition to their salaries for business done by them except as provided by law. They shall hold no other office of profit. (Amended 47 Del. Laws, Ch. 177 (1949), approval not required; 48 Del. Laws, Ch. 109, approved May 14, 1951).

Section 5. COMPOSITION OF SUPERIOR COURT AND ORPHANS' COURT; DESIGNATION AND NUMBER OF JUDGES; PRESIDING JUDGE; QUORUM

Section 5. The President Judge of the Superior Court and of the Orphans' Court and the four Associate Judges thereof shall compose the Superior Court and the Orphans' Court, as hereinafter prescribed. The said five Judges shall designate those of their number who shall hold the said courts in the several counties. No more than three of them shall sit together in either of the said courts. In each of the said courts the President Judge when present shall preside and in his absence the senior Associate Judge present shall preside.

One Judge shall constitute a quorum of the said Courts, respectively, except
in the Superior Court sitting to try a criminal case involving a charge of capital felony, when three Judges shall constitute a quorum, and except in the Superior Court sitting to try cases of prosecution under Section 8 of Article V of this Constitution, when two Judges shall constitute a quorum, and except in the Orphans' Court sitting to hear appeals from a Register's Court, when two Judges shall constitute a quorum. One Judge may open and adjourn any of said Courts. (Amended 27 Del. Laws, Ch. 3, approved Mar. 12, 1913; 48 Del. Laws, Ch. 109, approved May 14, 1951).

Section 6. SESSIONS OF SUPERIOR COURT AND ORPHANS' COURT; DISTRIBUTION AND APPOINTMENT OF BUSINESS

Section 6. Subject to the provisions of Section 5 of this Article, two or more sessions of the Superior Court and of the Orphans' Court may at the same time be held in the same county or in different counties, and the business in the several counties may be distributed and apportioned in such manner as shall be provided by the rules of the said Courts, respectively. (Amended 27 Del. Laws, Ch. 3, approved Mar. 12, 1913; 48 Del. Laws, Ch. 109, approved May 14, 1951).

Section 7. JURISDICTION OF SUPERIOR COURT

Section 7. The Superior Court shall have jurisdiction of all causes of a civil nature, real, personal and mixed, at common law and all other the jurisdiction and powers vested by the laws of this State in the formerly existing Superior Court; and also shall have all the jurisdiction and powers vested by the laws of this State in the formerly existing Court of General Sessions of the Peace and Jail Delivery; and also shall have all the jurisdiction and powers vested by the laws of this State in the formerly existing Court of Oyer and Terminer. (Amended 48 Del. Laws, Ch. 109, approved May 14, 1951).

Section 8. DEFINITIONS OF PARTICULAR TERMS

Section 8. The phrase "Supreme Court" as used in Section 4 of Article V of this Constitution and the phrases "Superior Court," "Court of General Sessions of the Peace and Jail Delivery," "Court of Oyer and Terminer" and "Court of General Sessions" wherever found in the law of this State, elsewhere than in this amended Article IV of this Constitution, shall be read as and taken to mean, and hereafter printed as, the Superior Court provided for in this amended Article IV of this Constitution; and the phrase "Chief Justice" wherever found in the law of this State existing at the time this amended Article IV of this Constitution becomes effective, elsewhere than in this amended Article IV of this Constitution, shall be read as and taken to mean, and hereafter printed as President Judge of the Superior Court and of the Orphans' Court, as provided for in this amended Article IV of this Constitution. (Added 48 Del. Laws, Ch. 109, approved May 14, 1951).

Section 9. JURISDICTION OF ORPHANS' COURT

Section 9. The Orphans' Court shall have all the jurisdiction and powers vested by the laws of this State in the Orphans' Court. (Added 48 Del. Laws, Ch. 109, approved May 14, 1951).
Section 11. JURISDICTION OF SUPREME COURT

Section 11. The Supreme Court shall have jurisdiction as follows:

(1) To issue writs of error in civil causes to the Superior Court and to determine finally all matters in error in the judgments and proceedings of said Superior Court in civil causes.

(2) To issue upon application of the accused, after conviction and sentence, writs of error in criminal causes to the Superior Court in all cases in which the sentence shall be death, imprisonment exceeding one month, or fine exceeding One Hundred Dollars ($100.00), and in such other cases as shall be provided by law; and to determine finally all matters in error in the judgments and proceedings of said Superior Court in such criminal causes; provided, however, that there shall be no writ of error to the Superior Court in cases of prosecution under Section 8 of Article V of this Constitution.

(3) To receive appeals from the Superior Court in cases of prosecution under Section 8 of Article V of this Constitution and to determine finally all matters of appeal in such cases.

(4) To receive appeals from the Court of Chancery and to determine finally all matters of appeal in the interlocutory or final decrees and other proceedings in chancery.

(5) To receive appeals from the Orphans' Court and to determine finally all matters of appeal in the interlocutory or final decrees and judgments and other proceedings in the Orphans' Court.

(6) To issue writs of prohibition, quo warranto, certiorari and mandamus to the Superior Court, the Court of Chancery and the Orphans' Court, or any of the Judges of the said courts and also to any inferior court or courts established or to be established by law and to any of the Judges thereof and to issue all orders, rules and processes proper to give effect to the same. The General Assembly shall have power to provide by law in what manner the jurisdiction and power hereby conferred may be exercised in vacation and whether by one or more Justices of the Supreme Court.

(7) To issue such temporary writs or orders in causes pending on appeal, or on writ of error, as may be necessary to protect the rights of parties and any Justice of the Supreme Court may exercise this power when the court is not in session.

(8) To exercise such other jurisdiction by way of appeal, writ of error or of certiorari as the General Assembly may from time to time confer upon it.

(9) To hear and determine questions of law certified to it by the Court of Chancery, Superior Court or Orphans' Court where it appears to the Supreme Court that there are important and urgent reasons for an immediate determination of such questions by it. The Supreme Court may by rules define generally the conditions under which questions may be certified to it and prescribe methods of certification. (Formerly Sect. 12. Renumbered Sect. 11 and amended 48 Del. Laws, Ch. 109, approved May 14, 1951).

Section 12. COMPOSITION OF SUPREME COURT; DESIGNATION OF TEMPORARY JUSTICES; QUORUM; OPENING AND ADJOURNING COURT

Section 12. The Supreme Court shall always consist of the three justices composing it except in case of a vacancy or vacancies in their number or in case any one or two of them shall be incapacitated or disqualified to sit by reason of interest, in any of which cases the Chief Justice of the Supreme Court, or if he be disqualified or incapacitated or if there be a vacancy in that office, the Justice who by seniority is next in rank to the Chief Justice, shall have the power to designate from among the Chancellor, the Vice-Chancellor or Vice-Chan-
cellors, and the Judges of the Superior Court, one or more persons to sit in the Supreme Court temporarily to fill up the number of that court to three Justices and it shall be the duty of the person or persons so designated to sit accordingly, provided, however, that no one shall be so designated to sit in the Supreme Court to hear any cause in which he sat below. Three Justices shall constitute a quorum in the Supreme Court. Any one of the Justices of the Supreme Court may open and adjourn court. (Formerly Sect. 13. Amended 47 Del. Laws, Ch. 177 (1949), approval not required; renumbered Sect. 12 and amended 48 Del. Laws, Ch. 109, approved May 14, 1951).

Section 28. CRIMINAL JURISDICTION OF INFERIOR COURTS AND JUSTICES OF THE PEACE; REGULATION OF JURISDICTION; INDICTMENT; JURY TRIAL; APPEALS

Section 28. The General Assembly may by law give to any inferior courts by it established or to be established, or to one or more justices of the peace, jurisdiction of the criminal matters following, that is to say - assaults and batteries, carrying concealed a deadly weapon, disturbing meetings held for the purpose of religious worship, nuisances, and such other misdemeanors as the General Assembly may from time to time, with the concurrence of two-thirds of all the Members elected to each House, prescribe.

The General Assembly may by law regulate this jurisdiction, and provide that the proceedings shall be with or without indictment by grand jury, or trial by petit jury, and may grant or deny the privilege of appeal to the Superior Court; provided, however, that there shall be an appeal to the Superior Court in all cases in which the sentence shall be imprisonment exceeding one (1) month, or a fine exceeding One Hundred Dollars ($100.00). (Formerly Sect. 30. Renumbered Sect. 28 and amended 48 Del. Laws, Ch. 109, approved May 14, 1951).

Section 29. JUSTICES OF THE PEACE; TERM OF OFFICE

Section 29. There shall be appointed, as hereinafter provided, such number of persons to the office of Justice of the Peace as shall be directed by law, who shall be commissioned for four (4) years. (Formerly Sect. 31. Renumbered Sect. 29 by 48 Del. Laws, Ch. 109, approved May 14, 1951).

Section 30. JUSTICES OF THE PEACE AND JUDGES OF LEGISLATIVE COURTS; APPOINTMENT BY GOVERNOR; TERMS OF OFFICE

Section 30. Justices of the Peace and the judges of such courts as the General Assembly may establish, or shall have established prior to the time this amended Article IV of this Constitution becomes effective, pursuant to the provisions of Section 1 or Section 28 of this Article, shall be appointed by the Governor, by and with the consent of a majority of all the Members elected to the Senate, for such terms as shall be fixed by this Constitution or by law. (Formerly Sect. 32. Renumbered Sect. 30 and amended 48 Del. Laws, Ch. 109, approved May 14, 1951).

Section 33. STYLE OF PROCESS AND PUBLIC ACTS; PROSECUTIONS IN NAME OF STATE

Section 33. The style in all process and public acts shall be THE STATE OF DELAWARE. Prosecutions shall be carried on in the name of the State. (Formerly Sect. 35. Renumbered Sect. 33 by 48 Del. Laws, Ch. 109, approved May 14, 1951).
UNITED STATES RAILROAD ADMINISTRATION
WALKER D. HINES, DIRECTOR
GENERAL OF RAILROADS
PASSENGER STATIONS
ON
PENNSYLVANIA RAILROAD,
EASTERN
WEST
JERSEY &. SEASHORE RAILROAD
NEW YORK,
PHILADELPHIA &.
NORFOLK
RAILROAD
HUNTINGDON &.
BROAD TOP
MOUNTAIN RAILROAD
JANUARY
15, 1919

JAS.
P.
ANDERSON,
DAVID
N. BELL,
OLIVER
T.
BOYD,
PASSENGER TRAFFIC
MANAGER
GENERAL
PASSENGER
AGENT
GENERAL PASSINGER AGENT
ALLEN,
LANE&. 6COTT 1 PllnTERS 1 PHIL.ADELPHIA.
SUMMARY OF DELAWARE CODE
(Excerpts from Code)

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As used in this chapter, unless the context indicates a different meaning -
"Child" means a person who has not yet attained his eighteenth birthday;
"Court" means the Family Court for New Castle County, Delaware;
"Delinquent child" means any child who violates any law of this State, or
any charter, ordinance or regulation of a sub-division thereof, or who by reason
of being wayward or habitually disobedient is uncontrolled by his parent, guardi-
ian or custodian, or who is habitually truant from home or school, or who
habitually so deports himself as to injure or endanger the morals or health of
himself or others;
"Dependent child" means a child who is homeless or destitute or without
proper support or care through no fault of his parent, guardian or custodian; or
who lacks proper care by reason of the mental or physical condition of the parent,
guardian or custodian;
"Family" means husband and wife; a man and woman who are cohabiting with each
other as husband and wife, but without the benefit of ceremonai marriage; parent
and child; guardian and ward; and also any group of persons residing together in
one home or household and under one head or management and who are related or
connected by blood, marriage or operation of law;
"Judge" means either of the Judges of the Court.
"Neglected child" means any child who is abandoned by his parent, guardian or
custodian; or whose parent, guardian or custodian cruelly abuses or wilfully
neglects him or refuses to provide proper or necessary subsistence, education
or other care necessary for his health, morals or well-being; or who is found
in a disreputable place, or who associates with vagrant, vicious or immoral per-
sons, or who engages in an occupation forbidden by the law of this State, or by
any charter, ordinance or regulation of a sub-division thereof, or injurious to
the health or morals of himself or others.

CHAPTER 11. JUVENILE COURT OF KENT AND SUSSEX COUNTIES

Subchapter I. ORGANIZATION AND OPERA.TION

As used in this chapter, unless the context indicates a different meaning -
"Child" means a person who has not yet attained his eighteenth birthday;
"Court" means the Juvenile Court of Kent and Sussex Counties;
"Delinquent child" means any child who violates any law of this State, or any
charter, ordinance or regulation of a subdivision thereof, or who by reason of
being wayward or habitually so deports himself as to injure or endanger the
morals or health of himself or others;

"Dependent child" means a child who is homeless or destitute or without proper support or care through no fault of his parent, guardian or custodian; or who lacks proper care by reason of the mental or physical condition of the parent, guardian or custodian;

"Family" means husband and wife, parent and child, guardian and ward, and also any group of persons residing together in one home or household and under one head or management, who are related or connected by blood, marriage or operation of law;

"Judge" means the Judge of the Juvenile Court of Kent and Sussex Counties.

"Neglected child" means any child who is abandoned by his parent, guardian or custodian; or whose parent, guardian or custodian cruelly abuses or willfully neglects him or refuses to provide proper or necessary subsistence, education or other necessary care for his health, morals, or well-being; or who is found in a disreputable place, or who associates with vagrant, vicious or immoral persons, or who engages in an occupation forbidden by the law of this State, or by any charter, ordinance or regulation of a sub-division thereof, or injurious to the health or morals of himself or others.

PART II. COURT OFFICERS AND EMPLOYEES

CHAPTER 27. CONSTABLE

Subchapter I. APPOINTMENT; QUALIFICATIONS; TERMS; BONDS

Section 2715. RAILROAD COMPANIES; SPECIAL CONSTABLES

The Governor may appoint such number of special constables for any railroad company of this State as such company may apply for. Such constable shall have all the powers of a county constable, but shall receive no compensation or fees except such as are paid by such railroad company. Such constables shall not act as deputies of any sheriff or constable and no sheriff or other officer shall appoint or authorize any person to act as his deputy in making arrests on the property of any railroad company except in cases of riot.

In all cases of arrest by such special constables for vagrancy or trespass on the property of a railroad company, the person so arrested, if proven guilty, may be committed to the county jail by any justice of the peace for a term of not exceeding five days. Added 49 Del. Laws, Ch. 21, Sect. 1, eff. Mar. 23, 1953.

Subchapter II. JURISDICTION; POWERS; DUTIES

Section 2723. POWERS AND DUTIES

(a) The constable shall -

(1) Execute all lawful orders, warrants, and other process directed to him by any court, or judge, of this State, or justice of the peace of the county;

(2) Execute all landlord's warrants;

(3) Take care that the peace of this State be duly kept according to his power;

(4) Arrest all persons who shall, in his presence, commit any riot, affray, or other breach of the peace, or who shall be riotously assembled, and carry them before a justice of the peace, to be dealt with according to law;

(5) Use diligence in arresting murderers, thieves and other felons;

(6) Prevent duly all bloodsheds, affrays, and breaches of the peace; and

(7) Execute all other duties enjoined on him by law.
(b) The constable may command, in case of resistance to his lawful authority or other case of necessity, the aid of any of the people of this State.
Section 101. DEFINITION AND CLASSIFICATION OF CRIMES OR OFFENSES

(a) A "crime" or "offense" is an act or omission forbidden by a statute of this State or indictable at common law and punishable upon conviction by -

(1) Death; or (See Section 107)
(2) Imprisonment; or
(3) Fine; or
(4) Removal from office; or
(5) Disqualification to hold any office of trust, honor or profit under the State; or
(6) Other penal discipline.

An act or omission is forbidden by a statute of this State if a statute makes such act or omission punishable by any form of punishment mentioned in this section.

(b) A crime or offense is either a felony or a misdemeanor. Any crime or offense not specifically designated by law to be a felony is a misdemeanor.

Section 102. PRINCIPAL AND ACCOMPlice

(a) Whoever commits a crime or offense against the State is a principal.

(b) Whoever wilfully causes an act to be done which if directly performed by him or another person would be a crime or offense against the State is punishable as a principal.

(c) Whoever aids, abets, procures, commands or counsels any other person to commit a crime or offense against the State is an accomplice and is guilty of the same crime or offense as the principal.

(d) An accomplice may be punished in the same manner and with the same punishment as the principal, or the Court may in its discretion impose a punishment of lesser degree upon an accomplice than upon the principal notwithstanding the accomplice and the principal may have been indicted, tried and convicted under the same indictment or information. If the principal is under 14 years of age and the crime committed is not a capital offense, the accomplice, if of full age, shall suffer the maximum punishment prescribed for the offense.

(e) An accomplice may be prosecuted, tried and convicted without the indictment, trial or conviction of the principal. An acquittal of the principal shall not be a bar to the trial and conviction of an accomplice.

Section 103. ACCESSORY AFTER THE FACT

Whoever, knowing that a crime against the State has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact.

An accessory after the fact shall be fined not more than $1,000 or imprisoned
not more than 3 years, or both.

A husband, wife, parent, child or servant of the offender shall not be an accessory after the fact unless such person breaks a prison, uses force to prevent the arrest, or aids the escape of the offender.

If the principal offender is indicted or proceeded against by information, and cannot be taken or brought to trial by reason of his avoiding arrest or escaping, or by reason of his death, the accessory after the fact may be tried and convicted without the conviction, or trial, of the principal.

Section 104. COMPOUNDING A FELONY

Whoever takes a reward to abstain from, or stifles, a prosecution for any felony, or compounds a felony, shall be fined not less than $100 nor more than $2,000, and may be imprisoned not more than 3 months.

Section 105. CRIMES OR OFFENSES WITHOUT SPECIFIC PUNISHMENT; COMMON LAW CRIMES

Whoever commits or is guilty of an assault, battery, cheat, conspiracy, nuisance or any other offense indictable at common law for which punishment is not specifically prescribed by statute shall be fined in such amount, or imprisoned for such term, or both, as the court, in its discretion, may determine.

Section 106. CONVICTION TO PRECEDE PUNISHMENT

The punishments prescribed by this title, or any other statute of a criminal nature, can be inflicted only upon a legal conviction in a court having jurisdiction.

Section 107. CAPITAL PUNISHMENT ABOLISHED

Punishment by death for any crime in this State is abolished. (Del. Laws, Ch. 347, Sect. 1, eff. April 2, 1958.)

CHAPTER 3. SPECIFIC CRIMES

Subchapter IV. ANIMALS

Section 332. LARCENY OF EQUINE ANIMALS; RESTITUTION

(a) Whoever feloniously steals, takes and carries away any horse, mare, gelding, colt, ass or mule, is guilty of larceny and felony, and shall be fined not more than $200, whipped with 20 lashes, and imprisoned not more than 5 years.

(b) Whoever violates subsection (a) of this section, shall in addition to the penalties provided in such subsection, forfeit and pay, as restitution money, to the owner of the animal, twice the value thereof, unless the animal has been restored, in which case, the full value thereof.

Section 333. LARCENY OF DOGS; ADVERTISING BY NON-OWNER

(a) Whoever steals, entices, or unlawfully possesses any dog is guilty of larceny, and shall be punished as is provided by law for the punishment of persons convicted of larceny.

(b) Whoever has a dog in his possession not belonging to him, shall advertise a brief description of the dog in a newspaper of the city, town or county in
which such person resides, and if the dog is claimed by its rightful owner, shall deliver the dog on demand to such owner, after the owner shall have reimbursed him for inserting the advertisement. Whoever has in his possession any dog not belonging to him, without advertising as provided in this section, is guilty of larceny, and shall be punished as is provided by law for the punishment of persons convicted of larceny.

Subchapter V. ARSON AND BURNING OF PROPERTY

Section 351. ARSON IN THE FIRST DEGREE

Whoever wilfully and maliciously burns or sets on fire -
(1) any dwelling-house, whether it is his own or that of another, in which there is at the time a human being; or
(2) any store, or other building, adjoining to or parcel of a dwelling-house, whether it is his own or that of another, in which there is at the time a human being,
is guilty of arson in the first degree and a felony, and shall be imprisoned not less than 2 nor more than 20 years.

Section 352. ARSON IN THE SECOND DEGREE

Whoever wilfully and maliciously burns or sets on fire any dwelling house, whether it is his own or that of another, in which there is not at the time a human being, is guilty of arson in the second degree and a felony, and shall be fined not less than $500 nor more than $5,000, and imprisoned not less than 2 nor more than 10 years.

Section 353. ALLEGATIONS OF INDICTMENT AND PROOF

In framing any indictment for arson in the first or second degree, if at the time of the commission of the offense, the dwelling house is unoccupied or vacant it shall be sufficient to so allege in the indictment and prove the holder of the record title thereof. If at the time of the commission of the offense the dwelling house is occupied, it shall be sufficient to allege in the indictment and prove the occupant thereof, whether such occupant is a tenant or otherwise.

Section 355. BURNING OF SHIPS, MILLS, BUSINESS ESTABLISHMENTS, PUBLIC PLACES, ETC.

Whoever wilfully and maliciously burns or sets on fire any ship or other vessel, any mill, any building that is part of a manufacturing establishment or used in carrying on any manufacture or trade, any granary, warehouse, store, shop, barn, stable or out-house, the property of another, except such houses as are embraced in sections 351, 352, 353, and 354 of this title, or any magazine, church, chapel, meeting house, academy or school-house, is guilty of a felony, and shall be fined not less than $100 nor more than $500, and imprisoned not more than 10 years. In case of destruction of private property, violators shall also be whipped with not more than 20 lashes.

Section 357. BURNING GRAIN, LUMBER OR PERSONAL PROPERTY

(a) Whoever wilfully and maliciously burns any wheat or other grain, hay, corn fodder or straw, any boards, shingles or other lumber, or any other personal
property of another of the value of $25 or more, shall be fined not more than
$1,000 and imprisoned not more than 1 year. In case of the destruction of pri-

date property, violators shall also restore and pay to the owner thereof twice
the value of the property.

(b) Whoever violates subsection (a) of this section, is guilty of burning

or setting on fire every dwelling-house, ship, vessel, building or other

property to which the fire shall spread.

Section 358. ATTEMPTS TO BURN

(a) Whoever wilfully and maliciously attempts to set fire to or attempts to

burn any of the buildings or property mentioned in this subchapter, or commits

any act preliminary thereto, or in furtherance thereof, shall be fined not more

than $1,000, or imprisoned not less than 1 nor more than 2 years.

(b) The placing or distributing of any inflammable, explosive or combustible

material or substance, or any device in any building or property mentioned in

this subchapter in an arrangement or preparation with intent to eventually wil-

fully and maliciously set fire to or burn the same, for the purposes of this

subchapter constitutes an attempt to burn such building or property.

Subchapter VI. ASSEMBLIES, RIOTS AND PARADES

Section 361. UNLAWFUL ASSEMBLIES AND RIOTS

Whenever three or more persons meet together with clubs, staves or other hurt-

ful weapons, to the terror of any of the people of this State, and commit or at-
tempt to commit violence or injury to any person, or to the property of any per-

son; or commit a riot, every such person shall be fined not less than $20 nor

more than $200, and may be imprisoned not more than 6 months.

Subchapter IX. BURGLARY AND BREAKING AND ENTERING

Section 391. DEFINITIONS

(a) Break. The word "break" as used in this subchapter means and includes:

1. Breaking or violently detaching any part, internal or external, of a

   building; or,

2. Opening, for the purpose of entering therein, by any means whatever, any

   outer door of a building, or of any apartment or set of apartments therein

   separately used or occupied, or any window, shutter, scuttle, or other thing,

   used for covering or closing an opening thereto or therein, or which gives pass-

   age from one part thereof to another; or,

3. Obtaining an entrance into such a building or apartment, by any threat or

   artifice used for that purpose, or by collusion with any person therein; or,

4. Entering such a building or apartment by or through any pipe, chimney, or

   other opening, or by excavating, digging, or breaking through or under the build-

   ing, or the walls or foundation thereof, or by climbing over any of the walls

   thereof.

(b) Building. The term "building", as used in this section, includes a rail-

   way car, vessel, house trailer, booth, tent, shop, inclosed garden, warehouse,

   store, office, outhouse, or other erection or inclosure.

(c) Dwelling house. If a building is so constructed as to consist of two or

   more parts, intended to be occupied by different tenants usually lodging therein

   at night, each part is deemed the separate dwelling house of a tenant occupying

   the same. If a building is so constructed as to consist of two or more parts
occupied by different tenants separately for any purpose, each part or apartment
is considered a separate building within the meaning of this section.

(a) Enter. The word "enter", as used in this section, includes the entrance
of the offender into such building or apartment, or the insertion therein of any
part of his body or of any instrument or weapon held in his hand, and used, or
intended to be, to threaten or intimidate the inmates, or to detach or re-
move property. (As amended Del. Laws, Ch. 468, Sect. 1, eff. July 18, 1955.)

Section 392. BURGLARY IN THE FIRST DEGREE

Whoever, in the nighttime, breaks and enters into the dwelling house of
another person with intent to commit murder or rape, whether such intent is
executed or not, is guilty of burglary in the first degree and a felony, and
shall be imprisoned not less than 25 years nor more than 40 years. (As amended
50 Del. Laws, Ch. 468, Sect. 1, eff. July 18, 1955.)

Section 393. BURGLARY IN THE SECOND DEGREE

Whoever, in the nighttime, breaks and enters into the dwelling house of
another person in which there is at the time a human being, with the intent to
commit any crime other than that of murder or rape, whether such intent is exe-
cuted or not:

1. Being armed with a dangerous weapon or nitroglycerin, dynamite, gun-
powder or any other high explosive; or,
2. Arming himself therein with such a weapon or explosive; or,
3. Being assisted by a confederate actually present; or,
4. Who, while engaged in the nighttime in effecting such entrance, or in
committing any crime in such a building, or in escaping therefrom, as-
saults any person,
is guilty of burglary in the second degree and a felony and shall be imprisoned
not less than 5 nor more than 20 years. (As amended 50 Del. Laws, Ch. 468, Sect.
1, eff. July 18, 1955.)

Section 394. BURGLARY IN THE THIRD DEGREE

Whoever breaks and enters the dwelling house of another, under circumstances
not amounting to burglary in the first or second degrees, with intent to commit
any crime therein, whether such intent be executed or not, is guilty of burglary
in the third degree and a felony, and shall be imprisoned not more than 15 years.
(As amended 50 Del. Laws, Ch. 468, Sect. 1, eff. July 18, 1955.)

Section 395. BURGLARY IN THE FOURTH DEGREE

Whoever,

1. With intent to commit a crime therein, whether such intent be executed or
not, breaks and enters a building, or a room, or any part of the building; or,
2. Being in any building, commits a crime therein and breaks out of the same,
is guilty of burglary in the fourth degree and a felony, and shall be imprisoned
not more than 5 years. (Added 50 Del. Laws, Ch. 468, Sect. 1, eff. July 18, 1955.)

Section 396. UNLAWFULLY ENTERING BUILDING

Whoever, under circumstances or in a manner not amounting to a burglary, enters
a building, or any part thereof, with intent to commit a crime, shall be fined not
less than $100, nor more than $500, or imprisoned not more than 3 years, or both.
Section 397. UNLAWFUL AND WILFUL BREAKING AND ENTERING, NO INTENT BEING CHARGED

Whoever, unlawfully and wilfully breaks and enters the dwelling house or other building of another, or in the nighttime unlawfully and wilfully enters the dwelling house of another, shall be fined not more than $300, or imprisoned not more than 3 years, or both. (Added 50 Del. Laws, Ch. 468, Sect. 1, eff. July 18, 1955.)

Section 398. PUNISHMENT FOR SEPARATE CRIME COMMITTED IN BUILDING BY BURGLAR

A person who, having entered a building under such circumstances as to constitute burglary in any degree or unlawful entry of a building, commits any crime therein, is punishable therefor as well as for the burglary, and may be prosecuted for each crime, separately or in the same indictment. (Added 50 Del. Laws, Ch. 468, Sect. 1, eff. July 18, 1955.)

Section 399. CONVICTION OF LESSER OFFENSE

Whoever is charged with or indicted for any degree of burglary may be found guilty of that degree or of a lesser degree if the evidence warrants such a finding. (Added 50 Del. Laws, Ch. 468, Sect. 1, eff. July 18, 1955.)

Subchapter XIII. CHILDREN

Section 431. INFlicting PAIN OR SUFFERING UPON, NEGLECTING, OR CONTRIBUTING TO THE DELINQUENCY OF A CHILD; APPEAL

(a) Whoever -
(1) inflicts or abets or encourages the infliction on any child of any unjustifiable physical pain or mental suffering; or
(2) being a parent, guardian or custodian of or otherwise responsible for the support of a child, does or fails to do any act which results in the child's becoming a "neglected child", as that term is defined in sections 901 and 1101 of Title 10; or
(3) knowingly contributes to the delinquency of any child by doing or failing to do any act which, alone or in conjunction with other acts or circumstances, results in any child's becoming a "delinquent child", as that term is defined in sections 901 and 1101 of Title 10, whether or not such child shall be adjudged a "delinquent child" by a court, may be fined not more than $500 or imprisoned for not more than six months, or both, in the discretion of the Court. (As amended 50 Del. Laws, Ch. 158, Sect. 1, eff. May 25, 1955.)

Subchapter XV. CONTEMPT

Section 451. POWER OF JUSTICE OF THE PEACE TO PUNISH

A justice of the peace may punish any disorderly conduct which interrupts any judicial proceedings before him, or before referees appointed by him, or which is a contempt of his authority, by a fine of not more than $10, or by imprisonment for not more than 10 days.
Section 452. ABUSE OF OR THREAT TO COURTS; RESISTANCE TO WARRANT OR ORDER

Whoever, arrested by warrant or order of any court, magistrate, or justice of the peace, uses abusive, railing, or threatening speeches against such court, magistrate, or justice, or resists or assaults any person executing or aiding in the execution of any such warrant or order, shall be fined by such court, magistrate or justice not more than $15.

Subchapter XVI. DEADLY WEAPONS AND FIREARMS

Section 462. SEARCH OF PERSON FOR CONCEALED DEADLY WEAPON

Any peace officer of the State or of any municipality or of the United States stationed in this State may make a search of any person who is suspected of having concealed upon his person a deadly weapon. Such search of a person so suspected shall be limited to the search for concealed deadly weapons only, and shall be conducted in such fashion as to determine solely the presence of such a weapon.

Section 463. CARRYING CONCEALED DEADLY WEAPON WITHOUT LICENSE

Whoever carries concealed a deadly weapon upon or about his person, other than an ordinary pocket knife, without a license to do so as provided by law, shall be fined not less than $25 nor more than $2,000, or imprisoned for not less than 20 days nor more than 7 years, or both.

Section 464. POSSESSION OR SALE OF SPRING OR AIR WEAPON OR SILENCER; EXCEPTIONS

(a) Whoever owns, possesses, sells, or in any manner has control of -
(1) any revolver, pistol, gun, or weapon, which by compressed air or by spring discharges or projects therefrom a pellet, slug, or bullet; or
(2) any pellet, slug, or bullet for use therein; or
(3) any device, including what is commonly known as a maxim silencer, which may be attached to any weapon or firearm for the purpose of silencing or making less audible the sound of the discharge or firing thereof, shall be fined in such amount or imprisoned, for such term, or both, as the court, in its discretion, may determine.
(b) The provisions of subsection (a) of this section shall not include what is commonly known as a B.B. or air rifle which does not discharge or project a round pellet or slug larger than a B.B. shot.
(c) Whoever shall sell or give to a child under 16 years of age any firearm or what is commonly known as a B.B. or air rifle or B.B. shot, shall be fined in such amount as the court, in its discretion, may determine.
(d) No child under 16 years of age shall have possession of any firearm or what is commonly known as a B.B. or air rifle or the shot therefore unless under the direct supervision of a full adult. The parents or the legal guardian of a child violating the provisions of this sub-section (d) shall be fined an amount not to exceed twenty-five dollars ($25) and shall be held financially liable for any property damage or physical injury that occurs as the result of such violation.
(e) Sub-sections (c) and (d) above shall apply only to New Castle County.

Section 465. POSSESSION OF MACHINE GUN; EXCEPTIONS

Whoever, other than the State military forces or duly authorized police de-
partments, has a machine gun in his possession within this State, is guilty of
a felony and shall be fined in such amount or imprisoned for such term, or both,
as the court, in its discretion, may determine.

Section 466. DISCHARGE OF FIREARM IN PUBLIC ROAD

Whoever, except in lawful self defense, discharges any firearm in any public
road in this State, shall be fined not more than $50 or imprisoned not more than
1 month, or both.

Section 467. POINTING FIREARM; MANSLAUGHTER IF DEATH ENSUES

(a) Whoever, either in jest or otherwise, intentionally points a gun, pistol
or other firearm at or towards any other person at any time or place, shall be
fined not less than $10 nor more than $100, and the costs of prosecution.
(b) Should death result to any person by the discharge of such gun, pistol
or other firearm while so pointed, the person pointing the same shall be guilty
of manslaughter when such killing shall not amount to murder, and shall be
punished accordingly.

Section 468. POSSESSION OR SALE OF SWITCHBLADE KNIVES

(a) As used in this section "person" means any individual, partnership, asso-
ciation or corporation. Whenever used in any clause prescribing or imposing
a penalty, the term "person" as applied to partnerships or associations, shall
mean the partners or members thereof, and as applied to corporations, the offi-
cers thereof.
(b) No person, firm or corporation shall sell, offer for sale, or have in
his or its possession any knife where the blade is released by a spring mechan-
ism including knives known as "switchblades", anywhere in this State.
(c) Any police officer, whether State or County, may seize, remove, confis-
cate and destroy any knife where the blade is released by spring mechanism in-
cluding knives known as "switchblades".
(d) Whoever violates this section shall be fined not more than $100, or im-
prisoned not more than 30 days, or both.
(e) Justices of the peace shall have jurisdiction over this offense. (50
Del. Laws, Ch. 455, Sects. 1 - 4, eff. July 14, 1955.)

Subchapter XVII. DISORDERLY CONDUCT

Section 471. CREATING DISTURBANCE IN PUBLIC PLACES

Whoever brawls, quarrels, uses abusive, obscene, threatening or profane lan-
guage in a loud tone of voice, or is intoxicated in any public place within this
State and outside the limits of any incorporated city or town, is guilty of disor-
derly conduct and shall be fined not more than $10, and in default of the pay-
ment of such fine shall be imprisoned not more than 10 days.

Section 472. ARREST WITHOUT WARRANT; JURISDICTION

(a) Any conductor of any railroad or railway car or any person charged with
the duty of keeping order in any park, camp-meeting or other public place or
any constable may arrest on view any person guilty of disorderly conduct as
provided in section 471 of this title without a warrant, and take him before any
court of criminal jurisdiction or justice of the peace of the county wherein the
offense is committed,

(b) The person making the arrest shall thereupon make complaint in writing,
under oath, in such court or before the justice of the peace, setting forth the
character of the disorderly conduct charged, whereupon such court or justice
shall have jurisdiction to hear, try and finally determine the cause.

Subchapter XX. EXTORTION, BLACKMAIL, THREATS AND PROMISES

Section 501. THREATS TO DESTROY OR INJURE BUILDING IN OR NEAR WHICH PERSONS RESIDE OR WORK

Whoever, in the hearing of any other person, threatens or expresses an intention to burn, demolish, blow up or otherwise destroy or injure any building or other place, in or near which any person resides, is employed or otherwise engaged, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

Section 502. THREATENING LETTERS AND BLACKMAIL

Whoever knowingly sends, delivers or utters to any other person any letter or writing accusing or threatening to accuse either the person to whom such letter or writing is sent or delivered, or any other person, of any offense punishable by law with imprisonment, with a view or intent to extort or gain by means of such threatening letter or writing, any property, money, security, or other valuable thing from any person whatsoever; or

Whoever sends, delivers or utters any letter or writing threatening to kill or murder any person, or to burn or destroy any house, barn or other outbuilding, or any rice or stack of grain, hay or straw, or agricultural produce; or

Whoever seduces another into any position for the purpose of threatening exposure for anything, with the intent of levying blackmail -

Shall be fined not more than $1,000 or imprisoned not more than 3 years, or both.

Section 503. THREATS FOR PURPOSE OF EXTORTION OR WRONGFUL GAIN

Whoever, knowing the contents thereof, and with intent by means thereof to extort or wrongfully gain any money or other property, sends or delivers to any other person any letter or writing threatening to accuse any person of a crime, or to do any injury to any person or any property, or to publish or connive at publishing any libel, or to make or cause to be made any slanderous statement, or to expose any deformity of person, or to impute to any person any disgraceful act or conduct; or

Whoever, with intent thereby to extort or wrongfully gain any money or other property, makes to any other person any oral statement or communication so threatening -

Shall be fined not more than $5,000 or imprisoned not more than 5 years, or both.

Section 504. OBTAINING MONEY BY PROMISE TO CAUSE ABANDONMENT OF CRIMINAL CHARGE

Whoever obtains from any person charged with a crime, or from any person acting in the interest of any person charged with a crime, any money, valuable thing or valuable right upon any representation or pretense that criminal prosecution of such person shall be dropped, withheld or abandoned, or the
sentence thereon reduced, or upon any promise to cause any such criminal prosecu-
tion to be dropped, withheld or abandoned, or the sentence thereon reduced, or
upon the promise to assert pretended influence to cause such prosecution to be
dropped, withheld or abandoned or the sentence thereon reduced, shall be fined
not more than $1,000 or imprisoned not more than 3 years, or both.

Subchapter XXI. FALSE COMPLAINTS TO POLICE

Section 511. MAKING FALSE COMPLAINT TO POLICE; JURISDICTION

(a) Whoever wilfully and knowingly makes a false complaint to any police
officer or organized police agency within this State concerning any crime or ac-
cident shall be fined not less than $25 nor more than $100 or imprisoned not less
than 10 nor more than 60 days, or both.

(b) Justices of the peace shall have jurisdiction of violations of this sec-
tion except those committed within the corporate limits of the City of Wilmington.

Subchapter XXIV. FORGERY AND COUNTERFEITING

Section 541. BANK BILLS, NOTES, AND OTHER INSTRUMENTS

Whoever, with intent to defraud, -

(1) falsely alters a bill or note of any incorporated bank, whether the bank
is in or out of this State; or

(2) falsely makes, forges or counterfeits any bill or note in imitation of,
or purporting to be, a bill or note of any such bank, or any instrument purport-
ing to be a certificate of deposit in any such bank; or

(3) forges or counterfeits the signature of the president or cashier of any
such bank to any instrument purporting to contain, or express a contract of or
for such bank, for the payment of money, or an acknowledgment of any deposit
in any such bank; or

(4) publishes or utters as true, passes, or attempts to pass any such altered,
forged or counterfeited bill, note or instrument, knowing the same to be
altered, forged or counterfeited,

shall be guilty of a felony, and shall be fined not less than $500 nor more than
$2,000, and imprisoned not more than 3 years.

Section 542. MAKING OR POSSESSING IMPLEMENTS OR MATERIALS FOR FORGING OR
COUNTERFEITING BANK NOTES, ETC.; POSSESSION OF SUCH NOTES, ETC.

(a) Whoever makes or engraves any plate, implements or materials for the pur-
pose of falsely altering, forging or counterfeiting any note or bill in imitation
of or purporting to be a bill or note of any incorporated bank, whether such bank
is in or out of this State, or any part of such bill or note; or

Whoever knowingly possesses any such plate, implements or materials with in-
tent that they shall be used for such purpose; or

Whoever possess any blank or unfinished note or bill, made in the form or
similitude of a bill or note of such bank, with intention fraudulently to fill
up and complete the same, or to permit the same to be fraudulently filled up and
completed -

Shall be guilty of a felony, and shall be fined not less than $500 nor more
than $4,000, whipped with 39 lashes, and imprisoned not more than 2 years.

(b) The description of a bill or note, used in section 541 of this title
and this section, shall extend to and comprehend any bill or note of the pres-
ident, directors and company, or the president and directors of such bank, or
any bill or note issued by order, or on behalf of the president, directors and company, or of the president and directors of such bank, or any bill or note, containing or expressing a promise, or contract, of the corporation, or on their behalf, for the payment of money.

Section 543. WRITTEN INSTRUMENTS GENERALLY

Whoever, with intent to defraud,

(1) falsely makes, forges or counterfeits any instrument or writing purporting to be a promissory note, bill of exchange, check, order, obligation, or single bill, for the payment of money, or delivery of goods or merchandise; or an acceptance of a bill of exchange or order, or an endorsement or assignment of a promissory note, bill of exchange, check, order, obligation, or single bill, or other chose in action; or a deed for conveying, giving, transferring, releasing, or acquitting any property, real, personal, or mixed, or any estate, interest, right, or title, in, to, or concerning the same; or a last will and testament, a will or codicil, a warrant of attorney, or release, acquittance, or receipt, an endorsement of credit on a promissory note, bill of exchange, order, obligation, or single bill; or an instrument creating or discharging a contract for the payment of money, or delivery of goods or merchandise, or for the sale, conveyance, assignment, or release of any property, real, personal, or mixed, or chose in action, or any interest in or concerning the same, or creating or discharging any covenant or stipulation; or

(2) forges or counterfeits the hand and seal, or the hand or seal, of any person; or

(3) forges or counterfeits the seal of any corporation, or the hand of any officer of a corporation, to any instrument or writing purporting to be an instrument of, or for such corporation; or

(4) falsely alters any promissory note, bill of exchange, check, order, or other instrument or writing mentioned in this section; or

(5) publishes or utters as true, or passes or attempts to pass, any such forged or counterfeited instrument or writing, or any such falsely altered promissory note or other instrument of writing mentioned in this section, knowing the same to be forged, counterfeited, or altered, shall be guilty of a felony, and shall be fined not less than $500 nor more than $2,000, and imprisoned not more than 5 years.

Subchapter XXV. FRAUD, FALSE STATEMENTS, OBTAINING PROPERTY BY FALSE PRETENSE, AND WORTHLESS CHECKS

Section 552. AIDING IN HINDERING OR DEFLRAUDING CREDITORS

Whoever knowingly aids or assists another in the making or doing of any act to defraud, delay or hinder his creditors, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

Section 554. OBTAINING PROPERTY BY FALSE PRETENSE; PROSECUTION AS BARRING LARCENY PROSECUTION

Whoever, by any false pretense, obtains from any other person any chattel, money or thing the subject of larceny, or any valuable thing, or any right or privilege, with intent to cheat or defraud any person of the same, shall be fined or imprisoned, or both, as the court deems proper under the circumstances; but, if upon the trial of any person for such offense, it shall be proved that he
obtained the property in question, in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted of such offense, and no such person tried for such offense shall be liable to be afterwards prosecuted for larceny upon the same facts.

Section 555. ISSUANCE OF CHECKS KNOWN TO BE WORTHLESS; JURISDICTION; APPEAL

(a) Whoever makes, draws, utters, or delivers any check, draft or order for the payment of money, to the value of $100 or more, upon any bank or other depository knowing at the time of such making, drawing, uttering, or delivering that the maker or drawer has not sufficient funds in, or credit with, such bank or other depository for the payment of such check, draft or order, in full, upon its presentation, shall be fined in such amount, or imprisoned for such term, or both, as the court, in its discretion, may determine.

(b) Whoever makes, draws, utters, or delivers any check, draft or order for the payment of money, to the value of less than $100, upon any bank or other depository knowing at the time of such making, drawing, uttering, or delivering that the maker or drawer has not sufficient funds in, or credit with, such bank or other depository for the payment of such check, draft or order, in full, upon its presentation, shall be fined not more than $500 or imprisoned not more than 1 year, or both.

(c) As against the maker or drawer thereof, the making, drawing, uttering, or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of knowledge of insufficient funds in, or credit with, such bank or other depository, if such maker or drawer has not paid the drawee thereof the amount due thereon, together with all costs and protest fees, within 10 days after receiving notice that such check, draft or order has not been paid by the drawee.

(d) The word "credit" as used in this section shall be construed to mean an arrangement or understanding with the bank or depository for the payment of such check, draft or order.

(e) Justices of the peace shall have jurisdiction to inquire of, hear, try, and finally determine all offenses under subsection (b) of this section, except those committed within the corporate limits of the City of Wilmington.

(f) Every person convicted under this section in any Court of Common Pleas, in the Municipal Court for the City of Wilmington, or before any justice of the peace, shall have the right to an appeal to the Superior Court of the county. No such conviction or sentence shall be stayed pending appeal unless the person convicted shall give bond in an amount and with surety to be fixed by the judge or justice before whom such person was convicted, at the time such appeal is taken. Such appeal shall be taken and bond given within five days from the time of conviction.

Subchapter XXVII. HOMICIDE

Section 57L MURDER IN THE FIRST DEGREE

Whoever commits the crime of murder with express malice aforethought, or in perpetrating, or attempting to perpetrate the crime of rape, kidnapping or treason, is guilty of murder in the first degree and of a felony, and shall suffer life imprisonment and may be fined in such amount as the court, in its discretion, may determine. (As amended 51 Del. Laws, Ch. 347, Sect. 2, eff. April 2, 1958.)
Section 572. MURDER IN THE SECOND DEGREE

Whoever commits the crime of murder, other than murder in the first degree, is guilty of murder in the second degree and of a felony, and shall be imprisoned for life, and may be fined in such amount as the court, in its discretion, may determine.

Section 573. WOUNDING OR POISONING CAUSING DEATH WITHIN YEAR

Whoever, within this State, wilfully and maliciously wounds or poisons a person who, within one year afterward, dies of such wounding or poisoning, at any place in or out of this State, is guilty of either murder in the first degree or murder in the second degree, and of a felony, and shall be punished accordingly.

Section 574. DEGREES OF MURDER; DETERMINATION BY JURY OR COURT

Upon the trial of an indictment for murder, the jury, if they find the defendant guilty, shall inquire, and by their verdict ascertain whether he is guilty of murder in the first or second degree; but if such defendant is convicted upon his confession in open court, the court shall proceed, by the examination of witnesses, to determine the degree of the murder, and to impose sentence accordingly.

Section 575. MANSLAUGHTER

(a) Whoever commits the crime of manslaughter, except as provided in subsection (b) of this section, is guilty of a felony, and shall be fined not more than $10,000 or imprisoned not more than 30 years, or both.

(b) Whoever, being a husband, commits the crime of manslaughter on a person found in the act of adultery with his wife, and it is so found by the verdict, shall be fined not less than $100 nor more than $1,000, and imprisoned not more than 1 year.

Section 576. SAME; DEATH WITHOUT THE STATE; VENUE

Whoever, within this State, strikes or wounds a person who dies of such striking or wounding out of this State, and the circumstances are such as to constitute the crime of manslaughter, may be indicted, tried and punished in the same manner and as fully as if such death had happened in the county in which the mortal stroke or wound was given.

Section 577. ASSAULT WITH INTENT TO MURDER

Whoever, with violence, assaults another with intent to commit murder is guilty of a felony, and shall be fined not less than $500 nor more than $1,000, and imprisoned not more than 20 years.

Subchapter XXVIII. IMPERSONATION OF LAW ENFORCEMENT OFFICER

Section 581. IMPERSONATING LAW ENFORCEMENT OFFICER; JURISDICTION

Whoever, not being a law enforcement officer, directly or indirectly represents himself as such officer, shall be fined not less than $50 nor more than $500, or imprisoned not less than 30 days nor more than 1 year, or both.
Justices of the peace shall have jurisdiction of offenses under this section.

Subchapter XXXI. INTOXICATION IN PUBLIC PLACE

Section 611. ARREST; COMMITMENT; CONFINEMENT WITHOUT COMMITMENT; PENALTIES

(a) Whoever is found drunk or excited by liquor and noisy, on the street, highway, or other public place, may be arrested by any officer, with or without warrant, and taken before any justice of the peace, or other committing magistrate, who shall immediately convey him to the nearest jail or lock-up, the keeper of which shall receive and detain him until legally discharged. When no committing magistrate is convenient, or such drunken person is riotous, or there is danger of a breach of the peace, he may be conveyed and lodged in such jail or lock-up without any commitment whatsoever. In this case however, he shall not remain in custody more than 24 hours without being brought before some magistrate for hearing. When so brought up for hearing he may be re-committed for a period not exceeding 5 days, discharged on payment of costs, or fined not more than $10 and costs.

(b) Every sheriff, coroner, constable, policeman, and their deputies, shall enforce the provisions of this section strictly, and upon failure to do so shall be fined not less than $50 nor more than $100.

Subchapter XXXIII. LARCENY AND EMBEZZLEMENT

Section 631. GRAND LARCENY

Whoever feloniously steals, takes and carries away any goods, chattels or effects, money, bank notes or bills, promissory notes, bills of exchange, checks, orders or bonds for the payment of money, or any obligations or written securities for the payment of money or delivery of goods or merchandise, or any warrants of attorney, or other instruments authorizing the receiving of any money, or any certificates of bank stock, or of funded debts of the United States, or any releases or receipts discharging or acquitting any debts or demands, to the value of $100 or more, is guilty of grand larceny and a felony, and shall be imprisoned not more than 3 years, and may be whipped with not more than 20 lashes.

Section 632. PETIT LARCENY; JURISDICTION OF JUSTICES OF THE PEACE; APPEAL

(a) Whoever unlawfully steals, takes and carries away any goods, chattels or effects, money, bank notes or bills, promissory notes, bills of exchange, checks, orders, bonds, obligations, written securities, warrants of attorney, certificates, releases, receipts or other instruments described in section 631 of this title, to the value of less than $100, is guilty of petit larceny, and shall be fined not more than $500 or imprisoned not more than 1 year, or both.

(b) Justices of the peace shall have jurisdiction of offenses under subsection (a) of this section, except those committed within the corporate limits of the City of Wilmington.

(c) Every person convicted under this section in any Court of Common Pleas, in the Municipal Court for the City of Wilmington, or before any justice of the peace, shall have the right of appeal to the Superior Court of the County. No such conviction or sentence shall be stayed pending appeal unless the person convicted shall give bond in an amount and with surety to be fixed by the judge or justice before whom such person was convicted, at the time the appeal is taken. The appeal shall be taken and bond given within five days from the time of conviction.
Section 633. VALUATION OF PROPERTY SUBJECT TO LARCENY

In all prosecutions for larceny, the value of promissory notes, bank notes, bills of exchange, bonds, and other evidences of debts shall be deemed the sum of money due thereon or secured thereby and remaining unsatisfied; the value of obligations or written securities for the delivery of goods or merchandise shall be deemed the market value or replacement costs of such goods or merchandise; the value of warrants of attorney or other instruments, authorizing the receiving of money, shall be deemed the sum of money to be received thereunder; and the value of releases or receipts, discharging or acquitting any debts or demands, shall be deemed the amount of the debts or demands discharged or acquitted thereby, and with respect to all other things being the subject of larceny, the value shall be the market value or replacement cost. The testimony of the owner, lessee, mortgagee, conditional vendee or bailee of the property alleged to be the subject of the larceny or any agent, servant, or employee of such owner, lessee, mortgagee, conditional vendee or bailee as to market value or replacement cost shall in all cases be competent evidence.

Section 634. LARCENY OF PROPERTY AFTER PICKING LOCK; RESTITUTION

(a) Whoever picks or breaks any lock, and feloniously steals, takes and carries away any money, goods, chattels or effects, bank note or bill, promissory note, bill of exchange, check, order or bond, for the payment of money, or any obligation or written security for the payment of money or the delivery of goods or merchandise, or any deed, warrant of attorney, certificate of stock, release, receipt or other writing, giving, granting, transferring, securing, conferring, releasing or discharging any estate, right, interest, power, authority, debt, claim or demand, which are under or secured by the lock, is guilty of larceny and a felony, and shall be fined not more than $200, whipped with 20 lashes, and imprisoned not more than five years.

(b) Whoever violates subsection (a) of this section, in addition to the penalties provided in such subsection, shall forfeit and pay, as restitution money, to the owner of such money, goods, writing or chose in action, twice the value thereof, unless the same has been restored, and in that case the full value thereof.

Section 635. EMBEZZLEMENT OF PROPERTY VALUED AT $100 OR MORE AND KNOWINGLY RECEIVING SAME

Whoever embezzles money or other property which may be the subject of larceny, to the value of $100 or more; or whoever receives, conceals, or retains the same knowing it to have been embezzled, is guilty of a felony and shall be fined in such amount or imprisoned for such term, or both, as the Court, in its discretion may determine. (As amended 50 Del. Laws, Ch. 299, Sect. 1, eff. June 20, 1955.)

Section 636. EMBEZZLEMENT OF PROPERTY VALUED AT LESS THAN $100 AND KNOWINGLY RECEIVING SAME

Whoever embezzles money or other property which may be the subject of larceny, to the value of less than $100; or whoever receives, conceals or retains the same knowing it to have been embezzled, shall be fined not more than $100 or imprisoned not more than one year, or both. (As amended 50 Del. Laws, Ch. 299, Sect. 2, eff. June 13, 1955.)
Subchapter XXXV. LOTTERIES, GAMBLING AND BETTING

Section 661. SALE OR DISPOSITION OF LOTTERY TICKETS

Whoever sells or disposes of, or has in his possession with intent to sell or dispose of, any lottery policy, certificate, or anything by which such person or any other person promises or guarantees that any particular number, character, ticket, or certificate, shall in the event, or on the happening of any contingency in the nature of a lottery, entitle the purchaser or holder to receive money, property, or evidence of debt; or

Whoever uses or employs any other device by which such person, or any other person, promises or guarantees as provided in the first paragraph of this section -

Shall, for a first offense, be fined $100 and in default of payment imprisoned 1 month; and, for a second and all subsequent offenses, be fined $100 and imprisoned not less than 1 nor more than 2 months.

Section 662. BEING CONCERNED IN INTEREST IN LOTTERY POLICY WRITING OR VENDING

Whoever is concerned in interest in lottery policy writing, or in selling or disposing of any lottery policy or certificate, or number or numbers or anything by which such person or any other person or persons promise or guarantee that any particular number or numbers, character, ticket or certificate, shall in the event or on the happening of any contingency in the nature of a lottery, entitle the purchaser or holder to receive money or property or evidence of debt; or

Whoever uses or employs any other device by which such person or any other person promises or guarantees as provided in the first paragraph of this section -

Shall be fined not less than $100 nor more than $1,000, and in default of the payment thereof, imprisoned not less than 1 nor more than 12 months.

Section 663. TAKING PART OR ENGAGING IN CRAP GAME; JURISDICTION

Whoever takes part in or in any way engages in a certain form of gaming commonly known as crap, in which money or other valuable thing is played for by means of dice, shall be fined not less than $5 nor more than $25, and in default of payment of such fine, shall be imprisoned not less than 10 nor more than 30 days.

Justices of the peace shall have jurisdiction of offenses under this section.

Section 669. BETTING; RECORDING BETS; KEEPING RECORDING EQUIPMENT; OWNERSHIP OR OCCUPANCY OF PREMISES; PARI-MUTUEL EXCEPTION

(a) Whoever keeps, exhibits or uses, or is concerned in interest in keeping, exhibiting or using, any book, device, apparatus or paraphernalia, for the purpose of receiving, recording, or registering bets or wagers upon the result of any trial or contest, in this State or elsewhere, of skill, speed or power of endurance of man or beast; or

Whoever, being an owner, lessee or occupant of any room, house, building, enclosure, or place of any kind, keeps, exhibits, uses or employs therein, or permits or allows to be kept, exhibited, used or employed therein, or is concerned in interest in keeping, exhibiting, using or employing therein any book, device, apparatus or paraphernalia, for the purpose of receiving, recording or registering such bets or wagers, or of forwarding in any manner any money, thing or consideration of value for the purpose of being bet or waged upon the result of
Section 70L. MAIMING

Whoever, maliciously and by lying in wait, deprives any person of one of the

any trial or contest as described in this subsection; or

Whoever records or registers such bets or wagers or receives, contracts, or
agrees to receive any money or thing of value for the purpose, or with the intent
to bet or wager for himself or any other person, such money or thing of value, or
any part thereof, or the equivalent thereof, or of any part thereof, upon the re­
sult of any trial or contest in this State or elsewhere, of skill, speed or power
of endurance of man, or beast, or is concerned in interest therein; or

Whoever directly or indirectly bets or wagers or promises to bet or wager any
money, thing or consideration of value upon the result of any trial or contest,
as described in this subsection -

Shall, for a first offense, be fined not less than $100 nor more than $500, or
imprisoned not more than 6 months, or both; for a second offense, be fined not
less than $500 nor more than $1,000, or imprisoned not less than 6 months nor
more than 1 year, or both; and for a third and all subsequent offenses, be im­
prisoned not less than 1 year nor more than 5 years.

(b) Subsection (a) of this section shall not apply to any bet or wager made
upon any horse race and made within the enclosure of any race meeting licensed
and conducted under the laws of this State, and made by or through the means of
a pari-mutual or totalizator pool, the conduct of which is duly licensed by the
Delaware Racing Commission, which exception need not be negatived in any indict­
ment or information.

Subchapter XXXVI. MALICIOUS MISCHIEF

Section 691. DESTRUCTION OR INJURY TO PROPERTY VALUED AT $100 OR MORE

Whoever unlawfully, maliciously and mischievously destroys or injures any
real or personal property, or any other thing of value, to the value of $100 or
more, shall be fined in such amount or imprisoned for such term, or both, as the
court, in its discretion, may determine.

Section 692. DESTRUCTION OR INJURY TO PROPERTY VALUED AT LESS THAN $100; JURIS­
DICTION; INDICTMENT OR JURY TRIAL; APPEAL

(a) Whoever unlawfully, maliciously and mischievously destroys or injures any
real or personal property, or any other thing of value, to the value of less than
$100, shall be fined not less than $25 nor more than $500, or imprisoned not more
than 6 months, or both.

(b) Justices of the peace shall have jurisdiction of offenses under subsec­
tion (a) of this section, except those committed within the corporate limits of
the City of Wilmington.

(c) Every person convicted under this section in any Court of Common Pleas,
in the Municipal Court for the City of Wilmington, or before any justice of the
peace, shall have the right to an appeal to the Superior Court of the county. No
such conviction or sentence shall be stayed pending appeal unless the person con­
victed shall give bond in an amount and with surety to be fixed by the judge or
justice before whom such person was convicted, at the time such appeal is taken.
Such appeal shall be taken and bond given within five days from the time of con­
viction.

Subchapter XXXVII. MAYHEM

Section 701. MAIMING BY LYING IN WAIT

Whoever, maliciously and by lying in wait, deprives any person of one of the
genital members, or cuts out or disables the tongue, or puts out an eye, or slits, cuts or bites off the nose, lip or ear of another, or maims any person, is guilty of a felony, and shall be fined not less than $200 nor more than $1,000, whipped with 30 lashes, and imprisoned not more than 4 years.

Section 702. MAIMING WITHOUT LYING IN WAIT

Whoever maliciously, without lying in wait, maims another person, shall be fined not less than $100 nor more than $1,000, and imprisoned not less than 3 months nor more than 2 years.

Subchapter XXXVIII. OBSCENE LITERATURE

Section 711. PRODUCING, SELLING OR DISTRIBUTING OBSCENE WRITINGS, DRAWINGS, PHOTOGRAPHS, ETC.

Whoever sells, lends, distributes, exhibits, gives away or shows, or offers to sell, lend, distribute, exhibit, give away or show, or has in his possession with intent to sell, lend, distribute, exhibit, give away or show, or knowingly advertises in any manner whatsoever, any obscene, lewd, lascivious, filthy, indecent book, magazine, pamphlet, newspaper, story-paper, paper, writing, drawing, photograph, film, figure or image, or any written or printed matter of an indecent, obscene, lewd, lascivious, filthy nature, or any article or instrument of indecent or immoral use or purpose, or purporting to be for indecent or immoral use; or

Whoever designs, copies, draws, photographs, prints, shows, utters, publishes or in any manner manufactures, produces or prepares any obscene, lewd, lascivious, filthy or indecent book, magazine, pamphlet, newspaper, story-paper, paper, writing, drawing, photograph, film, figure or image, or any article or instrument of indecent or immoral use or purpose, or purporting to be for indecent or immoral use; or

Whoever writes, prints, publishes or utters or causes to be printed, published or uttered, any advertisement or notice of any kind giving information, directly or indirectly, stating or purporting to do so, where, how, of whom, or by what means any, or what purports to be any, obscene, lewd, lascivious, filthy or indecent book, magazine, pamphlet, newspaper, story-paper, paper, writing, drawing, photograph, film, figure or image, or any written or printed matter of an indecent, obscene, lewd, lascivious or filthy nature, or any article or instrument of indecent or immoral use or purpose, or purporting to be for indecent or immoral use, can be purchased, obtained or had -

Shall be fined not less than $250 nor more than $2,500, or imprisoned for not less than 30 days nor more than 3 years, or both.

Subchapter XXXIX. PERJURY

Section 721. PERJURY OR SUBORINATION OF PERJURY; FALSE AFFIRMATIONS

(a) Whoever commits the crime of perjury, or suborns or procures any other person to commit the crime of perjury, is guilty of a felony, and shall be fined not less than $500 nor more than $2,000, imprisoned for not less than 1 nor more than 10 years, and may be whipped with 40 lashes.

(b) The taking of a false affirmation shall be perjury in every case, and on every occasion, in or upon which the taking of a false oath would be perjury.
Section 722. FALSE STATEMENTS UNDER OATH

Whoever, being under oath or affirmation, makes any false statement, in any matter or thing required by the laws of this State to be done, or in compliance therewith, shall be fined not more than $500, or imprisoned not more than 3 years, or both.

Subchapter XLIII. PUBLIC UTILITIES

Section 758. DISTURBING PRIVACY BY USE OF TELEPHONE FACILITIES OR EQUIPMENT

Whoever makes use of telephone facilities or equipment and therein communicates language, suggestions or proposals which are obscene, profane, vulgar, lewd, lascivious, or indecent in a manner reasonably to be expected to annoy, abuse, torment, or embarrass another shall be fined not more than $200 or imprisoned for not more than one year, or both. (Added 50 Del. Laws, Ch. 246, Sect. 1, eff. June 8, 1955.)

Subchapter XLIII. RAILROADS, BUSES, TROLLEYS AND OTHER PUBLIC CONVEYANCES

Section 761. DRINKING INTOXICATING LIQUORS IN PUBLIC CONVEYANCES; DINING CARS EXCEPTED; JURISDICTION

(a) Whoever, in any public conveyance or car upon any railway or railroad within this State, drinks or offers to drink, or tenders to any other person to drink, any beer, wine, or any intoxicating liquor, shall be fined not more than $25 or imprisoned not more than 30 days, or both.

(b) Subsection (a) of this section shall not apply to any person drinking, or offering to drink, or tendering to any other person to drink, any wine, beer, or intoxicating liquors upon any dining or buffet car upon railroad trains while traveling in or through this State.

(c) Justices of the peace shall have jurisdiction of offenses under this section.

Section 762. SPITTING IN PUBLIC CONVEYANCES; RAILROAD DEFINED; JURISDICTION

(a) Whoever, in any public conveyance or car upon any railway within this State, spits upon the floor of such public conveyance or car, shall be fined not more than $10.

(b) As used in subsection (a) of this section, "railway" means a railway operating by any other power than steam.

(c) Justices of the peace shall have jurisdiction of offenses under this section.

Section 763. ABANDONMENT OF LOCOMOTIVE BY ENGINEER ON STRIKE

Whoever, being a locomotive engineer, upon any railroad within this State, and, at the time, engaged in any strike, or with a view to inciting others to such strike, or in furtherance of any combination or preconcerted arrangement with any other person or persons to bring about or produce such strike -

(1) abandons the locomotive engine in his charge, when attached either to a passenger or freight train, at any place other than the scheduled or otherwise appointed destination of such train; or

(2) refuses or neglects to proceed with the train to the place of destination,
Section 764. ABANDONMENT OF TRAIN BY TRAINMEN IN FURTHERANCE OF STRIKE

Whoever, being a conductor, baggage master, brakeman, or other trainman, employed on either a freight or passenger train, on any railroad within this State -

(1) abandons the train to which he is so attached, or with which he is connected, in furtherance of any strike, or with the view of inciting others to such strike, or in aid of any others who may be engaged in such strike, in any place other than the scheduled or otherwise appointed destination of such train; or

(2) refuses or neglects to proceed with such train to its place of destination, shall be fined not less than $100 nor more than $500, and may be imprisoned not more than 6 months.

Section 765. INTERFERENCE WITH EMPLOYEE OF RAILROAD DURING STRIKES

Whoever, in aid or furtherance of the objects of any strike upon any railroad within this State, interferes with, molests or obstructs any railroad employee engaged in the discharge and performance of his duty, as such, shall be fined not less than $100 nor more than $500, and may be imprisoned not more than 6 months.

Section 766. ACTS IN FURTHERANCE OF RAILROAD STRIKE

Whoever, in aid or furtherance of the objects of any strike -

(1) obstructs any railroad track within this State; or

(2) injures or destroys the rolling stock or any other property of any railroad company; or

(3) takes possession of or removes any such property; or

(4) prevents, or attempts to prevent the use thereof by such railroad company or its employees; or

(5) by offer of recompense, induces any employees on any railroad company within this State, to leave the service of such company, shall be fined not less than $500 nor more than $1,000, or imprisoned not less than 6 months nor more than 1 year, or both.

Section 767. REFUSAL OF RAILROAD EMPLOYEES TO AID IN MOVEMENT OF TRAINS BECAUSE OF STRIKE ON ANOTHER RAILROAD

Whoever, being a locomotive engineer or railroad employee within this State, for the purpose of furthering the object of, or lending aid to, any strike or strikes organized or attempted to be maintained on any other railroad, either within or without this State refuses or neglects in the course of his employment, to aid in the movement over and upon the tracks of the company employing him of the cars of such other railroad company, or received therefrom in course of transit where strikes are, either then, or may have been, organized or attempted to be maintained, shall be fined not less than $100 nor more than $500 and may be imprisoned not more than 6 months.

Section 768. OBSTRUCTIONS ON RAILWAY TRACK AND INTERFERENCE WITH SIGNALS, LIGHTS OR WIRES

Whoever unlawfully places any obstruction upon any railway track, bridge,
Section 770. BREAKING AND ENTERING RAILROAD CAR, CABOOSE OR LOCOMOTIVE

Whoever breaks and enters any car, caboose or locomotive; or
Whoever, willfully or maliciously with or without breaking, enters any car, caboose or locomotive with intent to commit any felony whatever therein —
Shall be fined in such amount, or imprisoned for such term, or both, as the court in its discretion may determine.

Section 771. THROWING MISSILES AGAINST TRAINS WITH INTENT TO INJURE PERSONS

Whoever willfully and maliciously casts, throws, or causes to fall or strike against, into or upon any engine, tender, car, truck or other vehicle used upon any railroad or railway in this State, any wood, stone, or other matter or thing, with intent to endanger the safety of any person being in or upon such engine, tender, car, truck, or other vehicle, shall be fined not less than $300 nor more than $1,000, and shall be imprisoned not less than 6 months nor more than 10 years.

Section 772. RIDING ON RAILROAD WITHOUT PAYMENT OF FARE; JURISDICTION

Whoever enters into, or gets upon, or upon the platform or steps attached to any railroad car, of whatever kind, for the purpose of riding, upon the railroad without the payment of fare, contrary to the rules of the railroad company, shall be fined $5.
Justices of the peace shall have jurisdiction of suits for the penalty referred to in this section.

Section 773. SMOKING ON TROLLEYS AND BUSES; JURISDICTION

(a) Whoever, in any trackless trolley coach or gasoline engine propelled bus being used as a public conveyance for carrying passengers within this State, smokes or carries a lighted cigarette, cigar or pipe shall be fined not less than...
than $5 nor more than $25.
(b) Justices of the peace shall have jurisdiction of offenses under this section.

Subchapter XLIV. RAPE

Section 781. RAPE; CARNAL KNOWLEDGE AND ABUSE OF FEMALE UNDER SEVEN

Whoever commits the crime of rape; or

Whoever carnally knows and abuses a female child under the age of 7 years —

shall be guilty of felony and shall suffer life imprisonment. If the jury at the time of rendering their verdict recommends the defendant to mercy, the court may impose a sentence for any period not less than 3 years, instead of life imprisonment. (As amended 51 Del. Laws, Ch. 347, Sect. 4, eff. April 2, 1958.)

Section 782. ASSAULT WITH INTENT TO RAPE

Whoever, with violence, assaults any female with intent to commit a rape, shall be guilty of felony and shall be fined not less than $200 nor more than $500, imprisoned not more than 10 years and whipped with 30 lashes.

Subchapter XLIV. RECEIVING STOLEN PROPERTY

Section 791. RECEIVING STOLEN PROPERTY VALUED AT $100 OR MORE

Whoever buys, receives or conceals any money, goods, or other things being the subject of larceny, to the value of $100 or more, which have been stolen or taken by robbery, knowing the same to have been stolen or taken by robbery, is guilty of a felony, and shall be imprisoned not more than 3 years.

Section 792. RECEIVING STOLEN PROPERTY VALUED AT LESS THAN $100; JURISDICTION; INDICTMENT OR JURY TRIAL; APPEAL

(a) Whoever buys, receives or conceals any money, goods, or other things being the subject of larceny, to the value of less than $100, which have been stolen or taken by robbery, knowing the same to have been stolen or taken by robbery, shall be fined not more than $500 or imprisoned not more than 1 year, or both.

(b) Justices of the peace shall have jurisdiction of offenses under subsection (a) of this section, except those committed within the corporate limits of the City of Wilmington.

(c) Every person convicted under this section in any Court of Common Pleas, in the Municipal Court for the City of Wilmington, or before any justice of the peace, shall have the right to an appeal to the Superior Court of the county. No such conviction or sentence shall be stayed pending appeal unless the person convicted shall give bond in an amount and with surety to be fixed by the judge or justice before whom such person was convicted, at the time such appeal is taken. Such appeal shall be taken and bond given within five days from the time of conviction.

Section 793. VALUATION OF STOLEN PROPERTY RECEIVED

In all prosecutions under this subchapter, the value of goods and other things being the subject of larceny shall be determined as is provided by law with respect to prosecutions for larceny.
Subchapter XLVII. ROBBERY AND ASSAULT

Section 811. ROBBERY

Whoever feloniously takes from the person of another, by violence or by putting in fear, any money or other property or thing, which may be the subject of larceny, is guilty of robbery and a felony and shall be fined not less than $500, imprisoned not less than 3 nor more than 25 years, and may, in case of first offense, be whipped with not more than 40 lashes; provided that if the offense is otherwise than the first offense the offender shall be whipped with 40 lashes.

Section 812. ASSAULT WITH INTENT TO COMMIT ROBBERY

Whoever assaults another with intent to commit robbery is guilty of a felony and shall be fined not less than $300, imprisoned not less than 1 year, and may be whipped with not more than 20 lashes.

Subchapter XLVIII. SEXUAL OFFENSES AGAINST MINORS

Section 821. HARBORING MALE OR FEMALE UNDER 18 YEARS FOR SEXUAL PURPOSES OR IN HOUSE OF ILL-FAME

(a) Whoever takes, receives, employs, harbors or uses, or causes or procures to be taken, received, employed, harbored, or used a male or female under the age of 18 years for the purpose of sexual intercourse; or

Whoever, being a proprietor or proprietress of any house of prostitution, reputed house of prostitution or assignation, house of ill-fame or assignation, harbors or employs any male or female in any such house, under the age of 18 years, under any pretext whatever -

Shall be fined not more than $1,000 or imprisoned not more than 7 years, or both.

(b) As used in subsection (a) of this section, the terms "house of prostitution," "reputed house of prostitution or assignation," "house of ill-fame or assignation" include all premises which by common fame or report, are used for purposes of prostitution or assignation.

Section 822. LEWDLY PLAYING WITH CHILD UNDER 16 YEARS

Whoever lewdly and lasciviously plays or toys with any child under the age of 16 years, may be fined not more than $500 or imprisoned not more than 3 years, or both.

Subchapter XLIX. SODOMY

Section 831. CRIME AGAINST NATURE

Whoever commits the crime against nature is guilty of felony, and shall be fined not more than $1,000 and imprisoned not more than 3 years.

Subchapter L. SPURIOUS COINS

Section 842. USE OF SPURIOUS COINS FOR FRAUDULENT OPERATION OF VENDING MACHINES

Whoever, by means of any token, slug, false or counterfeited coin, or by any other means, method, trick or device whatsoever not lawfully authorized by the
owner, lessee, or licensee of any vending machine, coin-box telephone or other receptacle designed to receive or be operated by lawful coin of the United States of America in furtherance of or in connection with the sale, use or enjoyment of property or service, knowingly operates or causes to be operated, or attempts to operate or attempts to cause to be operated, any vending machine, coin-box telephone or other receptacle designed to receive or be operated by lawful coin of the United States of America; or

Whoever takes, obtains, accepts, or receives from or by means of any such machine, coin-box telephone or other receptacle, any article of value or service, or the use or enjoyment of any telephone, telegraph or other facility or service without depositing in, delivering to and payment into such machine, coin-box telephone or receptacle the amount of lawful coin of the United States of America required therefor by the owner, lessee or licensee of such machine, coin-box telephone or other receptacle,

Shall be fined not more than $200 or imprisoned not more than 60 days, or both.

Subchapter LIII. TRESPASS

Section 871. TRESPASS UPON REALTY; ARRESTS; JURISDICTION; SUMMARY PROCEEDINGS; RECOGNIZANCE; OTHER LAWS AND RIGHTS UNIMPAIRED

Whoever wilfully enters into or upon or trespasses upon the ways, lands or premises of another in this State shall, for each offense, be fined not more than $5 and costs.

Any constable or other conservator of the peace, the owner or occupier of the ways, lands or premises, his agent or employee, or any other person whom he, or any of them may call to their or his assistance, may arrest the offender, either with or without warrant, either upon the premises, or in immediate flight therefrom, and if with warrant, then at any place, and take him before a justice of the peace, or other court having jurisdiction, in the county where the offense is committed. Such justice of the peace or court may hear and determine every such case in a summary manner. The offender may also be held in recognizance with good security to keep the peace, and not to trespass for one year, in the penal sum of $100. If the fine and costs are not paid, or recognizance not given when recognizance is required, the justice or court shall commit such offender for not more than 30 days. All prosecutions, proceedings and costs, where not otherwise directed, shall be the same as in other criminal cases before such justices of the peace or courts.

Nothing in this section shall limit or affect the jurisdiction of justices of the peace under section 9303 of Title 10, or affect the right of the party injured, to his civil action for damages, as in cases of trespass.

Section 873. WILFUL TRESPASS AND INJURY TO REAL OR PERSONAL PROPERTY; ARREST

Whoever, in New Castle County, having wilfully entered into or upon or trespassed upon the ways, lands or premises of another, wilfully damages, destroys or injures the real or personal property located or being thereon shall be fined not less than $25 nor more than $1,000, or imprisoned not more than 1 year, or both.

Any constable, or other conservator of the peace, the owner or occupier of the ways, lands or premises, or personal property, his agent or employee, or any other person who... he or any of them may call to their or his assistance may arrest the trespasser, either with or without warrant, either upon the premises, or in immediate flight therefrom and if with warrant, then at any place. The proceedings for commitment and trial of the offender shall be as provided by
law as in cases of other misdemeanors.

Section 874. OATH OF COMPLAINANT AS EVIDENCE OF OWNERSHIP

In case of the ownership of any ways, lands or premises being called into question in proceedings under section 871 of this title, or in case of it being claimed that any such ways, lands, or premises are not private property, the oath or affirmation of the complainant shall be received in evidence of such ownership.

Section 876. BILL POSTING WITHOUT OWNER'S CONSENT; FRONTAGE RIGHTS; PRIMA FACIE EVIDENCE

Whoever posts, paints, burns, sets up, or exposes any bill, placard or advertisement, or causes the same to be posted, painted, burnt, set up or exposed upon the property or premises of any other person without the consent of the legal owner or custodian of such property or premises first obtained for that purpose, shall be fined not more than $200 or imprisoned not more than 1 year, or both.

The owner of any property or premises fronting on any public street or road shall, for the purposes of this section, be deemed and taken to be the legal owner of the rocks, trees, walls and fences in front of such property or premises to the middle or centre line of such street or road.

The name or part of the name of any person or persons or corporation appearing in any such bill, placard, or advertisement, or the fact that the goods, wares, merchandise or business of any person or persons or corporation is advertised by such bill, placard or advertisement, shall be prima facie evidence of its presence there by the authority or with the knowledge of such person or the officers of such corporation.

Section 877. TRESPASSING WITH INTENT TO PEER OR PEEP INTO A WINDOW OR DOOR OF ANOTHER; PENALTY; JURISDICTION

Whoever willfully trespasses in or upon the occupied property or premises of another utilized as a dwelling, with intent to peer or peep into the window or door of such property or premises and, who while on such property or premises, otherwise conducts himself in a manner commonly referred to as a "Peeping Tom" shall be fined not less than $25 nor more than $200 or imprisoned for not more than six months, or both. Any person violating the provisions of this section may be referred by the court to the Delaware State Hospital for examination and for treatment. Justices of the Peace shall have concurrent jurisdiction of violations of this section. (Added 50 Del. Law, Ch. 41, Sect. 1, eff. Apr. 20, 1955.)

Subchapter LIV. VAGRANTS, GYPSIES AND TRAMPS

Section 881. DEFINITIONS

As used in this subchapter -
"Tramp" means any person without a home in the town or hundred in which he may be found wandering about without employment and any regular and visible means of living;
"Vagrants" include (1) all beggars and vagabonds who roam about from place to place, without any lawful business or occupation, sleeping in out-houses, barns, market places, sheds, or in the open air not giving a good account of themselves;
and (2) all persons roaming about the country, commonly known as gypsies.

VAGRANTS AND GYPSIES

Section 882. PENALTY FOR VAGRANCY; JURISDICTION; APPEAL

(a) It is unlawful to be a vagrant, and whoever is convicted of being a vagrant shall be imprisoned not more than 10 days.
(b) Justices of the peace shall have jurisdiction of offenses under this section.
(c) Any person convicted by a justice of the peace or any Court of Common Pleas or the Municipal Court for the City of Wilmington of being a vagrant may appeal from such conviction to the Superior Court in the same county. The person appealing shall enter into recognizance, with sufficient surety, in such sum as the justice or court shall determine conditioned for his appearance at the Superior Court, at the next term thereof, to be held in the county in which the judgment of conviction was rendered, to answer to the complaint made before the justice or court, and abide the judgment of the Superior Court.

In every case of appeal the justice or court shall bind the witnesses of this State for their appearance to testify and shall forthwith transmit a copy of his record to the Prothonotary of the county who shall enter the appeal.

Section 883. GYPSY ENCAMPMENT, TRANSACTIONS OR CRAFT

(a) No roving band of nomads, commonly called gypsies, shall pitch or settle an encampment, carry on transactions, or practice their craft in this State.
(b) Whoever, being a member of such roving band or accompanying such band, violates the provisions of subsection (a) of this section, shall be imprisoned not more than 6 months.

TRAMPS

Section 884. POWERS AND DUTIES OF JUSTICES OF THE PEACE AND THE MUNICIPAL COURT

The Municipal Court for the City of Wilmington, any Court of Common Pleas, and all justices of the peace throughout this State, in the several and respective cities, hundreds and districts, shall independently and respectively have the same jurisdiction and powers to arrest, work, and hire out tramps, as Town commissioners have in the towns.

The failure of any such court or officer to act promptly in the premises shall be sufficient cause and authority for any other such officer to act.

Any and all such officers shall act promptly and efficiently, either on their own motion or when called upon by any citizen to do so.

Section 885. DUTY OF MUNICIPAL OFFICERS TO ARREST TRAMPS AND PUT THEM TO WORK

The corporate officers of every city and town in this State -
(1) shall cause every tramp found within the limits of such city or town to be immediately arrested and put to work on the streets or other public works thereof; or
(2) shall hire out such tramps to private persons; and
(3) for this purpose may employ such overseers as may be necessary.

Section 886. NEGLECT OR REFUSAL OF CERTAIN OFFICERS TO ARREST AND COMMIT TRAMPS AND OTHERWISE AID OTHER OFFICERS; CONFINEMENT

Whoever, being a sheriff, coroner, constable, policeman or watchman, neglects
or refuses to arrest and commit any tramp and otherwise aid and assist any of the courts and officers mentioned in section 884 of this title, shall be fined in such amount, or imprisoned for such term, or both, as the court in its discretion may determine.

The jails of the proper counties may be temporarily used for the confinement of tramps when committed by any court or officer mentioned in sections 884 and 885 of this title.

Section 888. TERM OF TRAMP LABOR; RE-ARREST

The term of working tramps on the streets or other public works, or of hiring them to private persons, shall not exceed one month at any one time, and at the end of their term they shall be discharged, but may be again re-arrested and again put to work as before for like offending.

Section 889. UNLAWFUL ACTS OF TRAMPS

Whoever, being a tramp -

(1) enters any dwelling-house or kindles any fire in any public highway, or on land of another without the consent of the owner or occupant thereof; or

(2) is found carrying any firearm or other dangerous weapon; or

(3) does or threatens to do any injury to any person or to the real or personal estate of another,

shall be fined in such amount, or imprisoned for such term, or both, as the court in its discretion may determine.

Section 890. TRIAL BY JURY; BAIL

Any person arrested as a tramp, under the provisions of sections 884-889 of this title shall be entitled to trial by jury, if he demands the same, upon entering into recognizance with one or more sureties, in the sum of $500, conditioned for his appearance at the next session of the Superior Court, to answer the charge.

Section 891. PERSONS NOT SUBJECT TO SECTIONS 884-890

Sections 884-890 of this title shall not apply to any -

(1) female; nor

(2) minor under the age of 16 years; nor

(3) blind person.
PART II. CRIMINAL PROCEDURE GENERALLY

CHAPTER 19. ARREST AND COMMITMENT; FRESH PURSUIT

Subchapter I. ARREST AND COMMITMENT

Section 1901. DEFINITIONS

As used in this subchapter —
"Arrest" is the taking of a person into custody in order that he may be forthcoming to answer for the commission of a crime;
"Peace officer" is any public officer authorized by law to make arrests in a criminal case.

Section 1902. QUESTIONING AND DETAINING SUSPECTS

(a) A peace officer may stop any person abroad who he has reasonable ground to suspect is committing, has committed, or is about to commit a crime, and may demand of him his name, address, business abroad, and where he is going.
(b) Any person so questioned who fails to identify himself or explain his actions to the satisfaction of the officer may be detained and further questioned and investigated.
(c) The total period of detention provided for by this section shall not exceed two hours. The detention is not an arrest and shall not be recorded as an arrest in any official record. At the end of the detention the person so detained shall be released or be arrested and charged with a crime.

Section 1903. SEARCHING QUESTIONED PERSON FOR WEAPON

A peace officer may search for a dangerous weapon any person whom he has stopped or detained to question as provided in section 1902 of this title, whenever he has reasonable ground to believe that he is in danger if the person possesses a dangerous weapon. If the officer finds a weapon, he may take and keep it until the completion of the questioning, when he shall either return it or arrest the person. The arrest may be for the illegal possession of the weapon.

Section 1904. PERMISSIBLE FORCE FOR ARREST

(a) No unreasonable force or means of restraint shall be used in detaining or arresting any person.
(b) A peace officer who is making an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall he be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect an arrest.
(c) A peace officer, who has reasonable ground to believe that the person to be arrested has committed a felony, is justified in using such force as may be necessary to effect an arrest, to prevent escape, or to overcome resistance only when -
   (1) There is no other apparently possible means of making the arrest or preventing escape; and
   (2) The officer has made every reasonable effort to advise the person that he is a peace officer and is making an arrest.

Section 1905. RESISTING ARREST

If a person has reasonable ground to believe that he is being arrested by a
peace officer, he shall refrain from using force or any weapon in resisting arrest regardless of whether or not there is a legal basis for arrest.

Section 1906. ARREST WITHOUT WARRANT

(a) An arrest by a peace officer without a warrant for a misdemeanor is lawful whenever he has reasonable ground to believe that the person to be arrested has committed a misdemeanor -

(1) in his presence; or

(2) out of his presence and without the State, and if law enforcement officers of the State where the misdemeanor was committed request an arrest and the accused will not be apprehended unless immediately arrested.

(b) An arrest by a peace officer without a warrant for a felony, whether committed within or without the State is lawful whenever -

(1) he has reasonable ground to believe that the person to be arrested has committed a felony, whether or not a felony has in fact been committed; or

(2) a felony has been committed by the person to be arrested although before making the arrest the officer had no reasonable ground to believe the person committed it.

Section 1907. VALIDITY OF ARREST ON IMPROPER GROUNDS

If a lawful cause of arrest exists, the arrest is lawful even though the officer charges the wrong offense or gives a reason that does not justify the arrest.

Section 1908. POSSESSION AND DISPLAY OF WARRANT

An arrest by a peace officer acting under a warrant is lawful even though the officer does not have the warrant in his possession at the time of the arrest, but, if the person arrested so requests, the warrant shall be shown to him as soon as practicable.

Section 1910. RELEASE OF PERSON ARRESTED WITHOUT WARRANT

(a) Any officer in charge of a police department or any officer delegated by him may release, instead of taking before a magistrate, any person who has been arrested without a warrant by an officer of his department whenever -

(1) He is satisfied either that there is no ground for making a criminal complaint against the person or that the person was arrested for drunkenness and no further proceedings are desirable; or

(2) The person was arrested for a misdemeanor and has signed an agreement to appear in court at a time designated, if the officer is satisfied that the person is a resident of the State and will appear in court at the time designated.

(b) A person released as provided in this section shall have no right to sue on the ground that he was released without being brought before a magistrate.

Section 1911. HEARING WITHOUT DELAY; PERMISSIBLE DELAY

If not otherwise released, every person arrested shall be brought before a magistrate without unreasonable delay, and in any event he shall, if possible, be so brought within 24 hours of arrest, Sundays and holidays excluded, unless a Resident Judge of the county where he is detained or of the county where the crime was committed for good cause shown orders that he be held for a further period of not exceeding 48 hours.
Section 19120. IDENTIFICATION OF WITNESS

Whenever a peace officer has reasonable ground to believe that a crime has been committed, he may stop any person who he has reasonable ground to believe was present thereat and may demand of him his name and address. If the person fails to identify himself to the satisfaction of the officer, he may take the person forthwith before a magistrate. If the person fails to identify himself to the satisfaction of the magistrate, the latter may require him to furnish bond or may commit him to jail until he so identifies himself.

Subchapter II. FRESH PURSUIT

Section 1931. DEFINITIONS

As used in this subchapter -
"Fresh pursuit" includes fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony, or who is reasonably suspected of having committed a felony, and also includes the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed; however, fresh pursuit as used herein does not necessarily imply instant pursuit, but pursuit without unreasonable delay.

Section 1932. ARREST BY OUT-OF-STATE POLICE

(a) Any member of a duly organized State, county or municipal peace unit of another state of the United States who enters this State in fresh pursuit, and continues within this State in such fresh pursuit, of a person in order to arrest him on the ground that he is believed to have committed a felony in such other state, shall have the same authority to arrest and hold such person in custody, as has any member of any duly organized State, county or municipal peace unit of this State, to arrest and hold in custody a person on the ground that he is believed to have committed a felony in this State.

(b) This section shall not be construed so as to make unlawful any arrest in this State which would otherwise be lawful.

Section 1933. HEARING BEFORE JUSTICE OF THE PEACE; WAIVER OF EXTRADITION

If an arrest is made in this State by an officer of another state in accordance with the provisions of section 1932 of this title, he shall without unnecessary delay take the person arrested before a justice of the peace of the county in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the justice of the peace determines that the arrest was lawful he shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the Governor of this State, or admit him to bail for such purpose. If the justice of the peace determines that the arrest was unlawful he shall discharge the person arrested.

If the person so arrested waives extradition in the manner provided by law, upon the filing of the waiver at the central office or headquarters of any local, county or State police, or at the local office of the Attorney General, the officer having the arrested person in charge may forthwith take him from this State to the state where the arrested person is wanted for having committed the felony.

Section 1934. SHORT TITLE

This subchapter may be cited as the Uniform Law on Fresh Pursuit.
CHAPTER 23. SEARCH AND SEIZURE

Subchapter I. GENERAL PROVISIONS

Section 2301. NECESSITY OF COMPLIANCE WITH STATUTE

No person shall search any house or place without the consent of the owner (or occupant, if any) unless such search is authorized by and made pursuant to statute.

Section 2302. SEARCH WITHOUT WARRANT IN HOT PURSUIT

A search of a house or other place may be made without a warrant if the search is made for a person hotly pursued, provided the pursuer has probable cause to believe that such person has committed a felony.

Section 2303. SEARCH WITHOUT A WARRANT WHEN INCIDENT TO ARREST

A search of a house or other place may be made without a warrant if -

1. The search is made incidental to a lawful arrest; and
2. The search is made contemporaneously with the arrest; and
3. The arrest is made on the premises searched; and
4. The premises are under the control of the person arrested; and
5. The search is made in order to find and seize either (A) the fruits of the crime, (B) the means by which the crime was committed, (C) weapons and other things to effect an escape from custody; and
6. The search without a warrant is necessary to prevent the escape or removal of the person or thing to be searched for.

Section 2304. PERSONS AUTHORIZED TO ISSUE SEARCH WARRANTS

Any Judge of the Superior Court, the Court of Common Pleas, the Municipal Court for the City of Wilmington, or any justice of the peace, or any magistrate authorized to issue warrants in criminal cases may, within the limits of their respective territorial jurisdictions, issue a warrant to search any house or place for each or any of the items specified in section 2305 of this title. (As amended 49 Del. Laws, Ch. 220, Sect. 9, eff. June 30, 1953.)

Section 2305. OBJECTS OF SEARCH WARRANT

A warrant may authorize the search of any house or place for any of the following -

1. Papers, articles or things of any kind which were instruments of a criminal offense;
2. Property obtained in the commission of a crime, whether the crime was committed by the owner or occupant of the place to be searched or by another;
3. Papers, articles or things designed to be used for the commission of a crime and not reasonably calculated to be used for any other purpose;
4. Papers, articles or things, the possession of which is unlawful;
5. Persons for whom a warrant of arrest has been issued.

Section 2306. APPLICATION OR COMPLAINT FOR SEARCH WARRANT

The application or complaint for a search warrant shall be in writing, signed by the complainant and verified by his oath or affirmation. It shall designate
the house or place to be searched and the owner or occupant thereof (if any), and shall describe the things or persons sought as particularly as may be, and shall substantially allege the cause for which the search is made or the offense committed by or in relation to the persons or things searched for, and shall state that the complainant suspects that such persons or things are concealed in the house or place designated and shall recite the facts upon which such suspicion is founded.

Section 2307. ISSUANCE OF SEARCH WARRANT; CONTENTS

If the Judge, justice of the peace or other magistrate finds that the facts recited in the complaint constitute probable cause for the search, he may direct a warrant to any proper officer or to any other person by name for service. The warrant shall designate the house or place to be searched, and shall describe the things or persons sought as particularly as possible, and may be made returnable before any Judge, justice of the peace or magistrate before whom it shall also direct to be brought the person or thing searched for if found, and the person in whose custody or possession such person or thing is found, to be dealt with according to law. (As amended 49 Del. Laws, Ch. 220, Sect. 9, eff. June 30, 1953.)

Section 2308. SEARCH AT NIGHT TIME

A search warrant shall not authorize the person executing it to search any dwelling house in the night time unless the Judge, justice of the peace or magistrate is satisfied that it is necessary in order to prevent the escape or removal of the person or thing to be searched for, and then the authority shall be expressly given in the warrant. (As amended 49 Del. Laws, Ch. 220, Sect. 9, eff. June 30, 1953.)

Section 2309. GROUNDS FOR SEIZURE OF SUBJECT MATTER OF SEARCH

(a) Any papers, articles or things which are the subject matter of a search warrant may be seized -

(1) By any peace officer without a search warrant where such paper, article or thing is in plain view without the necessity of a search.

(2) Where such paper, article or thing is discovered pursuant to a valid search, with or without a search warrant, whether or not such paper, article or thing is an object of the search or is described in the search warrant.

(b) The papers, articles and things seized, together with the person in whose possession or custody they are found shall be brought forthwith before a Judge, justice of the peace or other magistrate to be dealt with according to law.

Section 2311. DISPOSITION OF PROPERTY VALIDLY SEIZED

(a) The following disposition shall be made of any papers, articles or things validly seized -

(1) If the papers, articles or things were obtained as the result of the commission of a crime, they shall be returned to their lawful owners.

(2) If the papers, articles or things were allegedly used in the commission of a crime, they shall be returned to the person from whom seized if such person is not thereafter duly convicted of the alleged crime; but if such person is duly convicted of the alleged crime, the papers, articles and things shall be disposed of as the Court directs.

(3) If possession of the papers, articles or things seized is unlawful, they
shall, upon petition, be disposed of as any Judge of the Superior Court directs.

(b) Any papers, articles or things validly seized may be retained by the police for a reasonable length of time for the purpose of apprehending the offender or using the papers, articles or things so seized as evidence in any criminal trial, or both.

CHAPTER 27. JURISDICTION AND VENUE

Subchapter I. GENERAL PROVISIONS

Section 2701. ORIGINAL JURISDICTION

(a) The justices of the peace shall have original jurisdiction to hear, try and finally determine misdemeanors alleged to have been committed, only when such jurisdiction is expressly conferred by law. Such jurisdiction, unless otherwise expressly provided by law, shall be co-extensive with their respective counties.

(b) The Court of Common Pleas for New Castle County shall have original jurisdiction to hear, try and finally determine all misdemeanors alleged to have been committed in New Castle County outside the City of Wilmington, except where jurisdiction over such offenses is vested exclusively in another court. The jurisdiction conferred by this subsection includes concurrent jurisdiction with the justices of the peace in all cases in which the justices of the peace have jurisdiction.

(c) The Court of Common Pleas for Kent County shall have original jurisdiction to hear, try and finally determine all misdemeanors alleged to have been committed in Kent County, except where jurisdiction over such offenses is vested exclusively in another court. The jurisdiction conferred by this subsection includes concurrent jurisdiction with the justices of the peace in all cases in which the justices of the peace have jurisdiction.

(d) The Municipal Court for the City of Wilmington shall have jurisdiction to hear, try and finally determine all misdemeanors alleged to have been committed in the City of Wilmington, except where jurisdiction over such offenses is vested exclusively in another court. The Municipal Court shall have sole original jurisdiction to inquire of, hear, try and finally determine all offenses committed within the City against any of the laws, ordinances, regulations or charter of the City. The jurisdiction conferred by this subsection includes concurrent jurisdiction with the justices of the peace in all cases in which the justices of the peace have jurisdiction.

(e) The Superior Court shall have jurisdiction, original and concurrent, over all crimes, except where jurisdiction is exclusively vested in another court.

(f) The Family Court for New Castle County and the Juvenile Court of Kent and Sussex Counties shall have such criminal jurisdiction, exclusive or concurrent, as is expressly conferred upon them by law.

(g) The jurisdiction conferred by this section to hear, try and finally determine prosecutions of a crime or offense includes the power to issue all process and to conduct such proceedings as may be necessary or appropriate for the complete exercise of such jurisdiction.

(h) The Court of Common Pleas for Sussex County shall have original jurisdiction to hear, try and finally determine all misdemeanors alleged to have been committed in Sussex County, except where jurisdiction over such offenses is vested exclusively in another Court. The jurisdiction conferred by this subsection includes concurrent jurisdiction with justices of the peace in all cases in which the justices of the peace have jurisdiction. (As amended 49 Del. Laws, Ch. 291, Sect. 3, eff. July 8, 1953.)
Subchapter II. PROSECUTION OF CHILDREN AS ADULTS

Section 2711. GROUNDS FOR JURISDICTIONAL CHANGE

Any child, who has attained his or her sixteenth birthday and who is alleged to have thereafter committed an offense, which, but for the passage of this subchapter would have been a delinquent act only, and who, in the judgment of the court which conducts on behalf of the State of Delaware a hearing in his or her interest, is not amenable to and will not profit by the processes of the court, may be proceeded against by information or indictment and be prosecuted in the same manner and in the same court, and upon conviction shall suffer the same penalties for the commission of the offense as if the child were an adult at the time of the commission of the offense.

Section 2712. VESTING OF EXCLUSIVE JURISDICTION IN SUPERIOR COURT

When there shall have been filed in the office of the Prothonotary of the county in which the offense was committed, as a part of the permanent records in the case, a statement in writing signed by the judge of the inferior court having jurisdiction of the child and of the offense, setting forth that in the judgment of the court the child is not amenable to and will not profit by the processes of the court, the same shall constitute a deprivation of jurisdiction over the person and the offense of the child of all inferior courts of this State, and the sole and exclusive jurisdiction of the person and of the offense of the child shall vest in the Superior Court and the Attorney General may thereafter proceed by information or indictment, as the case may be.

Subchapter III. VENUE

Section 2732. HOMICIDE

In every case of murder, and of manslaughter, if a person is poisoned or wounded, in one county, and dies thereof in another county, prosecution shall be had in the county wherein such person was poisoned, or wounded. Whenever the cause, producing the death of a person, happens in a county, and the death out of it, the offense shall be deemed complete in the county wherein the cause happens and shall there be inquired of, heard and determined.

Section 2733. ACCOMPlices AND ACCESSORIES AFTER THE FACT

If any person acts as an accomplice or an accessory after the fact in one county to a crime committed in another county, he may be prosecuted in the county in which the principal crime was committed.

Section 2734. RECEIVING STOLEN GOODS

The receiver, buyer, or concealer, of stolen or robbed goods, or things being the subject of larceny, may be prosecuted either in the county wherein the larceny, or robbery, was committed, or in the county where such goods, or things were knowingly bought, received, or concealed.

Section 2735. TRANSPORTATION OF STOLEN GOODS BY OFFENDER

If any thing, which is the subject of larceny, is stolen in one county of this state and carried into another by the thief, the offender may be prosecuted in
either of the counties, and the offense shall be deemed complete in each county, and the stealing, taking and carrying away, may be laid in either.

Section 2736. OFFENSES BEGUN IN THIS STATE

If any criminal offense is begun in this State and completed elsewhere, it shall be deemed to have been committed in this State, and may be dealt with, inquired of, tried, determined and punished in this State in the same manner as if it had been actually and wholly committed in this State.

CHAPTER 29. LIMITATIONS

Section 2901. CAPITAL OFFENSES

No person shall be prosecuted, tried or punished for treason or other capital offense, wilful murder excepted, unless the indictment is found within three years next after such treason or capital offense is done or committed.

Section 2902. NON-CAPITAL OFFENSES

No person shall be prosecuted, tried or punished, for any crime or offense not capital, unless the indictment is found or the information is instituted within two years next after such offense is committed.

Section 2903. PERSONS FLEEING FROM JUSTICE

Nothing in this chapter shall extend to any person fleeing from justice.

CHAPTER 31. INDICTMENT AND INFORMATION

Section 3102. DEGREES OF MURDER

The different degrees of murder shall be distinguished in indictments.

Section 3103. FORGERY

In an indictment for forgery, it is sufficient to set forth the substance of the instrument whereof the forgery is alleged.

Section 3105. OWNERSHIP OR POSSESSION OF PROPERTY BY MORE THAN ONE PERSON

Whenever it may be necessary, in any indictment, or information, to state ownership of any property, real or personal, belonging to, or in the possession of more than one person, whether such persons be partners in trade, joint tenants, parceners, or tenants in common, trustees, or members of a joint stock company, it shall be sufficient to name one person only, and the property may be described as belonging to the person so named, and another, or others, as the case may be.

CHAPTER 35. WITNESSES AND EVIDENCE

Subchapter I. GENERAL PROVISIONS

Section 3501. TESTIMONY OF ACCUSED PERSONS

Every person who is accused of any crime whatsoever, punishable by the laws
of this State, may upon his trial before any tribunal established by the Constitution or laws of this State, testify in his own behalf, and may testify for or against any other person jointly tried with him. A refusal or failure to testify shall not be construed or commented upon as an indication of guilt.

Section 3502. TESTIMONY OF WIFE OR HUSBAND

A wife or husband may testify for or against each other, in criminal causes in any of the courts of this State.

Section 3505. PROOF OF POSSESSION OR SPECIAL PROPERTY

In the prosecution of any offense committed upon, in relation to, or in any way affecting any real estate, or personal property, chose in action, or thing, it is sufficient if it is proved on the trial that, at the time when the offense was committed, either the actual, or constructive possessions, or the general, or special property, in the whole, or any part thereof, was in the person, or community, alleged in the indictment or information to be the owner thereof.

CHAPTER 37. VERDICT

Section 3701. CONVICTION OF LESSER OFFENSE ON TRIAL FOR MURDER

A person indicted for murder may be found guilty of either degree of murder, or of manslaughter.

Section 3702. CONVICTION OF PETIT LARCENY ON TRIAL FOR LARCENY

Upon the trial of any person for grand larceny and felony the accused shall not be entitled to an acquittal upon proof that the goods, chattels, or effects, or other things being the subject of larceny, are under the value of $100; but the jury may acquit of the felony and find a verdict of guilty of petit larceny and a misdemeanor against the accused, if the evidence warrants such findings.

Section 3703. CONVICTION OF MISDEMEANOR ON TRIAL FOR FELONY FOR RECEIVING STOLEN GOODS

Upon the trial of any person for any felony under section 791 of this title, the accused shall not be entitled to an acquittal upon proof that the money, goods, or other things being the subject of larceny, are under the value of $100, but the jury may acquit of the felony and find a verdict of guilty of a misdemeanor against the person indicted for the offense described in the indictment if the evidence warrants such finding. When such verdict is found, the Court shall impose a fine on the person so found guilty of a misdemeanor, of not more than $500, or shall imprison him for not more than 1 year, or both.

Section 3704. CONVICTION OF ASSAULT ON TRIAL FOR RAPE

Upon the trial of any person for rape, the jury may find a verdict of guilty of assault against the person indicted, if the evidence warrants such finding. When such verdict is found, the Court may impose a fine and imprisonment, or either, according to its discretion.

Section 3705. CONVICTION OF LARCENY ON CHARGE OF ROBBERY

A person indicted for robbery may be found guilty of larceny, if the evidence
warrants such finding.

Section 3706. CONVICTION OF LESSER OFFENSE ON TRIAL FOR FELONY INCLUDING BREAKING AND ENTERING

Upon the trial of any person for any felony whatever, where the crime charged includes a breaking and entering of the dwelling-house of another, or the breaking and entering of any store, warehouse, shop, office, or other building of another, wherein any goods, money or other thing being the subject of larceny is kept or deposited, or the breaking and entering into any house or office wherein public records are kept, the jury may acquit of the intent charged (whether such intent is executed or not), and find a verdict of guilty of the breaking and entering alone, if the evidence warrants such finding. When such verdict is found, the Court may impose a fine on the person so found guilty of the breaking and entering, of not more than $300 or may imprison him for not more than 3 years, or both.

Section 3707. CONVICTION OF ASSAULT ON TRIAL FOR FELONY INCLUDING ASSAULT

Upon the trial of any person for any felony whatever, where the crime charged includes an assault against the person, the jury may acquit of the felony and find a verdict of guilty of assault against the accused, if the evidence warrants such finding. When such verdict is found, the court may fine the person, so found guilty of an assault, not more than $300 and imprison him not more than three years. Nothing in this section shall be construed so as to apply to capital cases.

Section 3708. CONVICTION OF LARCENY ON CHARGE OF EMBEZZLEMENT; CONVICTION OF EMBEZZLEMENT ON CHARGE OF LARCENY

A person indicted for or charged with embezzlement may be found guilty of larceny, and a person indicted for or charged with larceny may be found guilty of embezzlement if the evidence warrants such a finding. (Added 50 Del. Laws, Ch. 299, Sect. 5, eff. June 20, 1955.)

CHAPTER 39. SENTENCE, JUDGMENT AND EXECUTION

Section 3911. HABITUAL CRIMINAL; FOURTH OFFENSE; LIFE SENTENCE MAY BE IMPOSED

Any person who has been three times convicted of a felony under the laws of this State, and/or any other State, United States or any territory of the United States, and who shall thereafter be convicted of a subsequent felony of this State is declared to be a habitual criminal, and the Court in which such fourth or subsequent conviction is had, in imposing sentence, may, in its discretion, impose a life sentence upon the person so convicted. (Added 49 Del. Laws, Ch. 413, eff. July 15, 1953.)

CHAPTER 41. FINES, COSTS, PENALTIES AND FORFEITURES

Section 4101. PAYMENT OF FINES, COSTS, ETC., UPON CONVICTION

(a) On conviction upon indictment or information for any crime, or offense, all the costs shall be paid by the party convicted.

(b) The court in every capital case shall, and in every other case, may make an order that any costs, fine, penalty, or restitution money shall be levied and
made of the goods and chattels, rights and credits, lands and tenements of the party convicted, and award writs of fieri facias, with a clause for summoning garnishers, and of venditioni exponas for executing such order. The same proceedings shall be had thereupon as on other writs of execution; except that any real estate of the party convicted, shall, for want of goods and chattels, be sold without inquiry of the rents and profits or respect to the value of such rents.

(c) Any order made under subsection (b) of this section shall, from its date, be a lien upon all the lands and tenements of the party convicted, within the county. The order may be made, although the defendant may be in custody in execution of the judgment, or for non-payment of the costs, fine, penalty, or restitution money.

(d) The provisions of this section are cumulative, and shall not impair any judgment given upon any conviction.

Section 4102. PAYMENT OF COSTS UPON ACQUITTAL

(a) If, upon indictment or information, the defendant is acquitted, the costs shall be paid by the county.

(b) In cases of surety of the peace (which are herein deemed to be cases of a criminal nature) the court may order that the costs shall be paid by the defendant, or by the prosecutor, or by the county, as it deems just.

Section 4103. NON-PAYMENT OF FINES AND COSTS; IMPRISONMENT AND DISCHARGE

(a) Upon sentencing any person convicted of crime to pay a fine or costs, or to pay restitution money, the Superior Court, any Court of Common Pleas, the Family Court for New Castle County, the Juvenile Court of Kent and Sussex Counties, or the Municipal Court of the City of Wilmington, may, if no term of imprisonment for non-payment of such fine, or costs, or restitution money, shall be otherwise fixed by law, make an order that in default of the payment of such fine, or costs, or restitution money, such person shall be imprisoned for a term not exceeding one year and then discharged.

(b) Upon sentencing any person convicted of crime to pay a fine or costs, or to pay restitution money, a justice of the peace, any municipal or alderman's court other than the Municipal Court of the City of Wilmington or any other statutorily-created court having jurisdiction in criminal cases, may, if no term of imprisonment for non-payment of such fine, or costs, or restitution money, shall be otherwise fixed by law, make an order that in default of the payment of such fine, or costs, or restitution money, the person so sentenced shall be imprisoned, if the fine shall not exceed $100, for a term not exceeding 30 days, or, if the fine shall exceed $100, for a term not less than 30 days or more than 90 days, and then discharged.

(c) If no such order of imprisonment for non-payment of any such fine, or costs, or restitution money shall have been made by the court, justice of the peace, or alderman imposing the sentence, such court, justice of the peace or alderman, as the case may be, may make an order discharging the prisoner from custody upon petition of the prisoner and proof of his inability to pay the fine, restitution money, and costs. (As amended 51 Del. Laws, Ch. 319, eff. Feb. 6, 1958.)
PART III. PROCEDURE IN PARTICULAR COURTS

CHAPTER 51. SUPERIOR COURT

Subchapter I. GENERAL PROVISIONS

Section 5101. WRITS OR PRECEP'TS TO TAKE PERSONS INDICTED

The Superior Court may issue writs or precepts, under the seal of the Court, to any sheriff, or other officer, of any county in the State, to take any person indicted.

Section 5102. SUBPOENAS AND WARRANTS GENERALLY; ENFORCEMENT

The Superior Court, in the exercise of its criminal jurisdiction, may issue subpoenas and other warrants into any county in the State, for summoning or bringing any person to give evidence in any matter triable before it and may enforce obedience by fine or imprisonment. Such subpoenas and warrants shall be in such form as may be prescribed by the rules of the Court.

Section 5104. COMPOSITION OF COURT IN CASES TRIED WITHOUT JURY; CONCURRENCE OF ALL JUDGES SITTING

In a criminal case tried without a jury, the Superior Court shall consist of either one, two or three judges, as the Court shall determine; but if more than one judge shall try such case, the concurrence of all the judges sitting shall be required for a verdict.

CHAPTER 53. COURT OF COMMON PLEAS FOR NEW CASTLE COUNTY

Section 5301. CRIMINAL PROCEDURE GENERALLY

(a) The proceedings in all criminal cases in the Court of Common Pleas for New Castle County shall be by information and without indictment by grand jury, or trial by petit jury, with the right of appeal as provided in the 28th section of the 4th Article of the Constitution of the State of Delaware.

(b) The Court shall have the same authority at all times to receive pleas of guilty from persons charged with crimes, as is exercised by the Superior Court, and thereupon to impose sentence or probation, according to law, as fully as is now done by the Superior Court.

Section 5302. ELECTION BY ACCUSED TO HAVE CASE TRIED BY COURT WHEN PROCEEDING BROUGHT BEFORE JUSTICE OF THE PEACE

The accused, in all criminal cases where a justice of the peace in New Castle County has jurisdiction and power to hear and finally determine the matter, may elect to have the case tried by the Court of Common Pleas for New Castle County.

CHAPTER 55. COURT OF COMMON PLEAS FOR KENT COUNTY

Section 5501. CRIMINAL PROCEDURE GENERALLY

The proceedings in all criminal cases in the Court of Common Pleas for Kent County shall be by information and without indictment by grand jury or trial by petit jury, with the right of appeal as provided in the 28th section of the 4th
Article of the Constitution of the State of Delaware.

Section 5502. ELECTION BY ACCUSED TO HAVE CASE TRIED BY COURT WHEN PROCEEDING BROUGHT BEFORE JUSTICE OF THE PEACE

The accused, in all criminal cases where a justice of the peace in Kent County has jurisdiction and power to hear and finally determine the matter, may elect to have the case tried by the Court of Common Pleas for Kent County.

CHAPTER 56. COURT OF COMMON PLEAS FOR SUSSEX COUNTY (NEW)

Section 5601. CRIMINAL PROCEDURE GENERALLY

(a) The proceedings in all criminal cases in the Court of Common Pleas for Sussex County shall be by information and without indictment by grand jury or trial by petit jury, with the right of appeal as provided in the 28th section of the 4th Article of the Constitution of the State of Delaware.

(b) The Court shall have the same authority at all times to receive pleas of guilty from persons charged with crimes, as is exercised by the Superior Court, and thereupon to impose sentence or probation, according to law, as fully as is now done by the Superior Court. (Added 49 Del. Laws, Ch. 291, Sect. 2, eff. July 8, 1953.)

Section 5602. ELECTION BY ACCUSED TO HAVE CASE TRIED BY COURT WHEN PROCEEDING BROUGHT BEFORE JUSTICE OF THE PEACE

The accused, in all criminal cases where a Justice of the Peace in Sussex County has jurisdiction and power to hear and finally determine the matter, may elect to have the case tried by the Court of Common Pleas for Sussex County. (Added 49 Del. Laws, Ch. 291, Sect. 2, eff. July 8, 1953.)

CHAPTER 57. MUNICIPAL COURT FOR THE CITY OF WILMINGTON

Section 5701. CRIMINAL PROCEDURE GENERALLY

The proceedings in all cases in the Municipal Court for the City of Wilmington shall be by information and without indictment by grand jury, or trial by petit jury, with the right of appeal as provided in Article IV, Section 28, of the Constitution of this State.

Section 5702. POWERS OF COURT

(a) The Municipal Court for the City of Wilmington may punish all persons, who commit offenses within the City against any of the laws, ordinances, regulations or charter of the City, in the manner prescribed by such laws, ordinances, regulations or charter.

(b) The Court may impose fines according to law, and levy such fines, and may award process, take recognizance for keeping the peace, for being of good behavior, and for appearance, or otherwise, or may commit the prisoner, as occasion lawfully requires without being accountable to the State for any fines or amercements to be imposed for the offenses, or any of them, except such as are, by law, made payable into the State Treasury for offenses against the State.

Section 5703. PROSECUTIONS FOR BREACH OF MUNICIPAL LAWS

All prosecutions brought in the Municipal Court for the City of Wilmington for
breaches of any of the municipal laws, ordinances or regulations of the City, shall be in the name of The Mayor and Council of Wilmington.

Section 5704. CONTEMPT; ISSUANCE OF PROCESS IN AID OF JURISDICTION

The Municipal Court for the City of Wilmington may punish contempt, and may issue all process necessary for the exercise of its jurisdiction, which process may be executed in any part of the State. All police officers of the City shall execute such process when placed in their hands, and any failure to properly execute such process shall be punishable as a contempt of the Court.

Section 5705. POWERS AND JURISDICTION OF JUDGES

Any Judge of the Municipal Court for the City of Wilmington shall have and may exercise all the powers and jurisdiction of a justice of the peace in criminal cases for New Castle County, and shall have and may exercise concurrent jurisdiction and powers with the Municipal Court for the City of Wilmington of all prosecutions for breach of any ordinance, law, rule and regulation of the City of Wilmington, and warrants for the arrest of the offenders thereof may be issued. For this purpose a Judge of the Municipal Court shall sit daily each morning, Sunday included and each evening, when there is a session of the Municipal Court, and hear and dispose of, in a summary way all the offenses and cases of breach of the peace brought before him by the police officers of the City or otherwise, either with or without process, and impose the fines and penalties provided by law, ordinance, rule or regulation.

Section 5706. DISPOSITION OF CASES BY JUDGE

At each session of the Municipal Court for the City of Wilmington, all persons who have been arrested or confined in the City cells or other lock-up of the City, either with or without warrant, shall be presented for disposal by a Judge of the Court according to law. For this purpose, the Chief of Police of the City shall cause all such persons to be brought before the Judge of the Municipal Court for hearing or trial. The Chief of Police, or person acting for him, shall personally attend and be present at all such hearings and sessions of the Municipal Court, and shall have ready and present to the clerk thereof at each session a list of the cases coming before the Court, and the names of persons to be tried, the offense charged, and the names of the witnesses.

Section 5707. JUDGES' POWERS AS COMMITTING MAGISTRATES

The Chief Judge and the Associate Judge of the Municipal Court are constituted conservators of the peace within the City of Wilmington, and either Judge may, as a committing magistrate, commit for trial at the proper court all persons charged with a breach of any of the laws of this State, or with a breach of any of the laws, ordinances, regulations or charter of the City of Wilmington.

Such Chief Judge or Associate Judge may also punish by a fine of not more than $10, all breaches of the peace committed within the City punishable by any law of this State and not herein made cognizable by the Municipal Court for the City of Wilmington, where the offense is not of a high or aggravated nature, if, after a hearing, he is satisfied that the case ought not to be submitted to a higher jurisdiction; otherwise he shall commit or bind the defendant for his appearance at the proper court to answer the charge, and shall also bind the witnesses for their appearance, and may require surety of them if necessary.

The fees to be charged for services under this section shall be the same as
those authorized to be charged by justices of the peace in like services, and shall be collectible in like manner, for the use of the City, as provided in section 5714 of this title.

The process issued by the Chief Judge or Associate Judge, sitting as a committing magistrate, shall be the same as is issued by justices of the peace in like cases, and all such process may be directed to the city constables or police and shall be executed by them in like manner as process issued out of the said Municipal Court. Any failure to properly execute the process shall be punishable by the Chief Judge or Associate Judge as a contempt.

Section 5708. COMPELLING APPEARANCE OF DEFENDANTS AND MATERIAL WITNESSES

Whenever any person is brought before any justice of the peace, or before the Chief Judge or Associate Judge of the Municipal Court, sitting as a committing magistrate, charged with the commission of a misdemeanor within the limits of the City of Wilmington, every such justice and Judge shall bind the person so charged, with sufficient surety for his appearance at the next term of the Municipal Court for the City of Wilmington or at the next term of the Superior Court in and for New Castle County; and if he does not give such surety, shall commit him for trial by either of such Courts, as the case may be. Such justice, and the Chief Judge or Associate Judge sitting shall also bind material witnesses for their appearance without surety, unless he believes the witness will not appear and that the loss of his testimony ought not to be risked, in which case he may require surety and may commit the witness if it be not given.

Section 5710. DUTIES OF JUSTICES OF PEACE OR COMMITTING MAGISTRATES WITH RESPECT TO BAIL AND COMMITMENT

Every justice of the peace or other committing magistrate, whenever any person is brought before him charged with any criminal matter or offense properly cognizable in the Municipal Court for the City of Wilmington, shall inquire into the same, and if he finds that there is probable ground for the charge, he shall hold the person accused to bail for his appearance at a session of the Municipal Court, not more than 4 days distant from the hearing, and in default of bail, the person accused shall be committed to the custody of the Chief of Police of the City of Wilmington to await such session. All bail bonds shall be forwarded to the Clerk of the Municipal Court within 2 days after the hearing, and every bail bond and commitment shall have endorsed upon the same an itemized statement of all costs which may have accrued up to that time, and the same shall be taxed as costs against the accused in any judgment or sentence which may be pronounced against such accused in the Municipal Court. Any Judge of the Court may strike off any portion of the costs which shall be illegal or which he shall deem unnecessary.

Section 5714. FEES UPON DISMISSAL OF CAUSE

All fees for the attendances for the prosecution in any criminal case or proceeding had in the Municipal Court for the City of Wilmington, in which it shall be determined by such Court that the case or proceeding ought to be dismissed as against the defendant therein, shall be paid out of the City Treasury.

Nothing in this section shall authorize the payment of witness fees to any person who shall not at the same time be a city policeman.

The payment of the fees shall be by a warrant of the Clerk of the Court, directed to the City Treasurer, setting out the case in which and the person to whom such fee is due. Such warrant shall be signed by a Judge of the Court and approved by the City Auditor. The warrant shall be made payable to the person to whom such witness fees are due.
CHAPTER 59. JUSTICE OF THE PEACE

Section 5901. ADVISING ACCUSED OF RIGHT TO TRIAL BY COURT OF COMMON PLEAS

In all criminal cases in New Castle, Kent, and Sussex Counties where a justice of the peace has jurisdiction to hear and determine the matter and the accused has the right to elect to have the case tried by the Court of Common Pleas of such county, every justice of the peace and the officer making the arrest shall advise such accused of his right so to elect, and every officer making an arrest and every justice of the peace is required so to advise the accused before the justice of the peace shall have jurisdiction to try the case. (As amended 50 Del. Laws, Ch. 58, Sect. 1, eff. Apr. 27, 1955.)

Section 5903. THREATS; BINDING TO SURETY OF THE PEACE AND APPEARANCE

Whoever threatens to kill or wound another or to injure him in person or estate shall on proof of such threats, before a justice of the peace, either by the oath of the party threatened or otherwise, and on affidavit by the party, that he believes, from such threatening, he is in danger to be hurt in body or estate, be bound to surety of the peace, and for his appearance at the proper court for the county.

Section 5904. ASSAULTS, BATTERIES, BREACHES OF THE PEACE, VIOLATIONS OF ORDINANCES; BINDING TO ANSWER OR APPEAR; FORM

Every justice of the peace may punish by fine, not exceeding $10, all assaults and batteries, and other breaches of the peace punishable by any law of the State, when the offense is not of a high or aggravated nature; provided, that the defendant shall, in writing, submit to his decision; and provided also, that after hearing, he shall consider that the case ought not to be submitted to a higher jurisdiction; otherwise he shall commit or bind the defendant for his appearance at the proper court to answer the charge, and shall also bind the witnesses for their appearance and may require surety of them, if necessary. He may also punish, by such fine, any offense against an authorized ordinance of a city or town. (As amended 50 Del. Laws, Ch. 412, Sect. 1, eff. July 11, 1955.)

Section 5905. ASSAULT AND BATTERY; SETTLEMENT BY PARTIES

In every case of assault and battery the justice of the peace may permit the parties to settle the matter and either discontinue the proceedings or annul any recognizance, on payment of costs.

Section 5912. EXECUTION OF WARRANT OF ARREST

A warrant of arrest, issued by a justice of the peace in one county, may be executed in any county of the State. The constable or officer having it in hand may command aid as in his own county.

Section 5913. PROCEEDINGS ON ARREST

Upon the arrest of any person according to the provision of this chapter, the justice of the peace, before whom he is brought in the county where the offense was committed, shall try the case so far as to determine whether the defendant ought to be discharged, or bound for his appearance at court, or held to answer finally before the justice. In which last case, the justice shall proceed to
hear fully and to determine the case. But if the matter is not properly cognizable before the justice for final decision, he shall commit, or bind the party for his appearance at the court having cognizance of the case.

Section 5914. PRELIMINARY HEARING; EXAMINATION

A justice of the peace shall conduct a preliminary hearing in accordance with the Rules of Criminal Procedure for the Superior Court. At such hearing he may examine the party accused, taking his voluntary declarations, without threats or promises, and shall also examine the witnesses in the presence of the accused.

PART V. STATE POLICE AND DETECTIVES

CHAPTER 85. STATE BUREAU OF IDENTIFICATION

Section 8501. SUPERVISION AND LOCATION; APPOINTMENT OF SUPERVISOR

(a) The State Bureau of Identification, hereinafter in this chapter referred to as "Bureau", is continued within the Delaware State Police.
(b) The Bureau shall be under the supervision and control of the Superintendent of State Police. It shall be equipped and maintained by the State Police, and shall be located in the main offices of the State Police.
(c) The Superintendent of State Police shall appoint, subject to the approval of the State Highway Department, a Supervisor of the Bureau. The Supervisor shall be a regularly appointed member of the State Police, who shall be trained and experienced in the classification and filing of fingerprints, and he and all other employees of the Bureau shall be subject to the same rules and regulations governing the State Police.

Section 8503. INFORMATION TO BE SUPPLIED BY PEACE OFFICERS

Every sheriff, constable, chief police officer, officer in charge, members of the State Police and other law enforcement agencies and officers of the state and of any local government unit shall transmit to the Bureau, so far as available, as provided in section 8507 of this title:
(1) Within 48 hours after the arrest of any person, the names, finger-prints, and such other data as the Supervisor may from time to time prescribe of all persons arrested for, or suspected of:
(A) An indictable offense; or such non-indictable offense as is, or may hereafter be, included in the compilations of the Federal Bureau of Investigation of the U. S. Department of Justice;
(B) Being a fugitive from justice;
(C) Being a vagrant of transient;
(D) Being a suspicious person;
(E) Being concerned in gambling or gambling devices;
(F) Being a known habitual offender, or criminal;
(G) Being habitual users of narcotics, or other habit-forming drugs;
(H) Being the operator of a motor vehicle while under the influence of intoxicating liquor or drugs, or leaving the scene of accident without identifying themselves;
(I) Being in possession of stolen goods or of goods believed to have been stolen; and
(J) Being in possession of illegal or illegally carried weapons or in possession of burglar's tools, tools for defacing or altering of the numbers on automobiles, automobile parts, automobile engines, or automobile engine parts; or
other articles used in the manufacture or alteration of counterfeit money or bank notes; or illegally in possession of high power explosives, infernal machines, bombs, or other contrivances reasonably believed by the arresting person to be intended to be used for unlawful purposes.

(2) The finger-prints, photographs, and other data prescribed by the Supervisor concerning unidentified dead persons.

(3) The finger-prints, photographs, and other data prescribed by the Supervisor of all persons making application for a permit to buy or possess illegal weapons or firearms or to carry concealed a deadly weapon.

(4) A record of the indictable offenses and of such non-indictable offenses as are committed within the jurisdiction of the reporting officer, including a statement of the facts of the offense and a description of the offender, so far as known, the offender's method of operation, the official action taken, and such other information as the Supervisor may require.

(5) Copies of such reports as are required by law to be made, and as shall be prescribed by the Supervisor, to be made by pawnshops, second-hand dealers, and dealers in weapons.

Section 8507. FORWARDING OF REQUIRED INFORMATION TO SUPERVISOR; FORMS

The officers and officials described in this chapter shall furnish to the Bureau the information and reports specified at or within such time or period as the Supervisor shall designate, on forms prescribed by the Supervisor, and shall forward without delay two copies, or such number of copies as the Supervisor may require.

Section 8511. FURNISHING INFORMATION UPON APPLICATION

Upon application, the Bureau shall furnish a copy of all information available pertaining to identification and history of any person or persons of whom the Bureau has a record, or any other necessary information, to:

(1) Any sheriff, constable, chief police officer of the State or of any local government unit, or to any officer of similar rank and description of any State, or of the United States, or of any foreign country; or

(2) The prosecuting attorney in any court of this State in which such person is being tried for any offense; or

(3) The judge in any court of this State in which such person is so being tried.

Section 8512. FURNISHING INFORMATION IN NON-CRIMINAL CASES

If any officer or official described in section 8511 of this title, transmits to the Bureau the identification data of any unidentified deceased or injured person or any person suffering from loss of memory, the Bureau shall furnish to such officer or official any information available pertaining to the identification of such person.

Section 8516. CERTIFIED COPIES OF RECORDS

Any copy of a record, picture, photograph, fingerprint or other paper or document in the files of the Bureau certified by the Supervisor to be a true copy of the original shall be admissible in evidence in any court of this State in the same manner as the original might be.
Section 8522. CONSTRUCTION OF CHAPTER

This chapter shall be liberally construed, to the end that offenders may be promptly and certainly identified, apprehended, and prosecuted.
(EXCERPTS FROM)

DELAWARE CODE

TITLE 16 - HEALTH AND SAFETY

CHAPTER 17. REFUSE AND GARBAGE

Section 1704. DUMPING REFUSE OR OTHER MATERIAL UPON PROPERTY; VIOLATION AND PENALTY

(a) No person, by agent or otherwise, shall cast, throw, fell or deposit or in any manner cause to be felled or deposited on or upon any public or private real property anywhere in this State, without first obtaining the consent of the legal owner or custodian of such property or premises first obtained for that purpose, in the case of private property, or from the legal authority having control, management or administration thereof in the case of such public property, any refuse, debris, waste, dirt, trash, brush, tree or part thereof, offal or any other material, matter or substance of any kind whatsoever. No such refuse, et cetera, shall be dumped or deposited within 50 feet of any highway, whether or not the consent required has been obtained, except where any authorized dumping is to fill a low place to a level not higher than the adjacent roadway shoulder and a sign has been erected designating such place for dumping.

(b) Whoever violates sub-section (a) of this section shall be fined not less than $15 nor more than $100.
UNITED STATES RAILROAD ADMINISTRATION
WALKER D. HINES, DIRECTOR GENERAL OF RAILROADS
PASSENGER STATIONS ON PENNSYLVANIA RAILROAD,
EASTERN WEST JERSEY & SEASHORE RAILROAD
NEW YORK, PHILADELPHIA & NORFOLK RAILROAD
HUNTINGDON & BROAD TOP MOUNTAIN RAILROAD
JANUARY 15, 1919

JAS. P. ANDERSON, DAVID N. BELL, OLIVER T. BOYD,
PASSENGER TRAFFIC MANAGER GENERAL PASSENGER AGENT
ALLEN, LANE & COOPER PERSNERS PHILADELPHIA.

Deleted
Section 4112. STOPPING AND PARKING

(a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic controlled device, in any of the following places -

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within 15 feet of a fire hydrant;
5. On a crosswalk;
6. Within 20 feet of a crosswalk at an intersection;
7. Within 30 feet upon approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
8. Between a safety zone or island and the adjacent curb or within 30 feet of point on the curb immediately opposite the ends of a safety zone or island, unless the State Highway Department or the governing authority of any city or town indicates a different length by signs or markings;
9. Within 50 feet of the nearest rail or railroad crossing, unless the State Highway Department or the governing authority of any city or town indicates a different length by signs or markings;
10. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet to the entrance when properly sign-posted;
11. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;
12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
14. At any place where official signs prohibit stopping.

(b) No person shall move a vehicle not owned by such person into such prohibited area or away from a curb such distance as is unlawful.

(c) Whoever violates any of the provisions of this section shall be fined not less than $3 nor more than $25.
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