EXECUTIVE ORDER 1-53

SELECTED LAWS OF GUAM AND RULES AND REGULATIONS FOR
THE LICENSING OF COCKPITS, OPERATION OF COCKPITS,
AND CONDUCT OF COCKFIGHTS

By virtue of the authority given me by Section 26102 of the
Government Code of Guam, I, FORD Q. ELVIDGE, Governor of Guam, do
hereby promulgate the following rules and regulations which were
recommended by the Cockpit License Board as Executive Order 1-53.
These rules and regulations shall become effective immediately.

DEFINITIONS

"Board" shall mean the Cockpit License Board.

"Claim" A claim shall constitute one peck or bite with beak, or
one strike with the feet, provided the claiming cock does not run away
or show any other sign of defeat immediately after he makes the claim,
and before the referee has declared him the winner. If the claiming cock
immediately runs away or shows any other sign indicative of defeat, the
referee shall pit as many times as are necessary to bring the fight to a
decisive conclusion. Beak or feet must touch the opponent to count.

"Reeler" shall mean a person who affixes the knife or spur
to the leg of a chicken.

"Pitter" shall mean a person who places a chicken in the ring,
just prior to a fight.

"Pitting Board" shall mean a piece of wood, plywood or light
metal approximately 3' x 3' x 1/4".

"Referee" shall mean a person who because of his qualifications
and good moral character has been designated by the majority of the
Board as a Referee.
TITLE XXVII
CHAPTER 2 GOV'T
CODE OF GUAM

LICENSING OF COCKPITS

Section 26100. License board: established. There is hereby established in the government of Guam a Cockpit License Board (hereinafter referred to as the "Board") which shall consist of three members including the chairman appointed by the Governor with the consent of the Legislature.

Section 26101. Same: term and compensation. The members and chairman of the Board shall be appointed for terms of one year each and shall receive no compensation as such, but may be reimbursed for reasonable and necessary expenses incurred in the course of their official duties, as certified by the Treasurer of Guam.

Section 26102. Same: rules and regulations. The Governor may issue as executive orders and the Board may recommend to the Governor for issuance as executive orders such reasonable rules and regulations, not inconsistent with the laws of Guam as may be necessary or desirable to enable the Board to carry into effect the provisions of this chapter.

Section 26103. Same: employees. Within the limits of its authorized budget and consistent with the Compensation Law of Guam, the board may employ and discharge such employees as shall from time to time be necessary in carrying out the duties and responsibilities imposed thereunder.

Section 26104. Cockpits: licensed. There may be established as hereinafter provided licensed cockpits in Guam.

Section 26105. Licenses: issuance. Licenses for the operation of cockpits shall be issued by the Board only after the awarding of the license as herein provided.
Section 26106. Same: bids; notice. Notice of the proposed awarding of the license for the operation of the cockpit shall be posted in at least three public places, in the municipality for which a license is to be issued for a period of fifteen (15) days prior to the date stated in the notice for the receiving of bids for such license.

Section 26107. Same: bids. Bids must be submitted within a period of ten (10) days from the date fixed in the notice for the receiving of bids. Each bid shall be accompanied by a deposit of ten dollars ($10.00) which shall not be returned and the amount of such deposits shall be paid into the Treasury of Guam. All bids must be sealed and will be publicly opened five (5) days after the expiration of the dates for receiving bids at the hour and place to be stated in the notice. The minimum bid which can be received or accepted by the board for the operation of a licensed cockpit shall be the sum of five hundred dollars ($500.00).

1. All bids must be accompanied by a drawing, showing:
   (a) The design and location of the proposed cockpit;
   (b) The type and location of sanitary facilities to be provided. At each cockpit there must be separate sanitary toilet facilities for men and women;
   (c) Size and location of parking facilities.

Section 26108. Same: award. The Board shall award the license to the highest bidder provided that the bidder is approved by the Board. In the event that for any reason the Board does not approve the highest bidder, or the highest bid is for any
reason otherwise not acceptable to the Board, new notice shall be posted and bids received in the same manner as if no notice had heretofore been given except, that a bidder who has been disapproved by the Board may not submit a new bid.

Section 26109. Same: duration. All licenses shall be for a period of two (2) years but may at the expiration of that time be renewed by the Board for an additional period of two (2) years upon the payment by the licensee of an amount equal to the amount of his original bid.

Section 26110. Same: number. No more than one license for the operation of a cockpit shall be permitted in each municipality and no cockpit shall be located within a radius of five hundred (500) yards from the defined limits of a village.

Section 26111. Same: suspension or revocation. A license may be suspended or revoked for violation of any section of this Chapter or any executive order issued pursuant thereto. All proceedings for such suspension or revocation shall be by the Board in the manner provided by the Administrative Adjudication Act.

Section 26112. Same: citizenship required. No license shall be issued to anyone not a citizen of the United States.
Section 26112. Cockfights: Days. Cockfights may be held on Sundays, legal holidays or church holidays or on the Saint's feast day of each village. In addition thereto, additional cockfight events may be held each year upon the approval thereof by a majority of the members of the Board.

Section 26114. Same: hours. The hours of operation of cockpits shall be as follows:

(a) Sundays, legal and/or church holidays, 9:00 A.M. to 6:30 P.M.
(b) Saint's Feast Day of a village, 10:00 A.M. to 6:30 P.M.
(c) On other authorized days, 10:00 A.M. to 6:30 P.M.
(d) The Board, or if such Board is not in existence the Governor of Guam, may authorize the operation of cockpits in connection with approved charitable activities for additional hours after 6:30 P.M. but not later than 10:00 P.M.

Section 26115. Same: Admission fees. The admission fee to a cockpit shall be as follows:

(a) Each person entering the arena with a fighting cock, $1.00
(b) Each person entering the arena without a fighting cock, $2.00

Section 26116. Same: wagers. The amount of a wager placed by any one person on any one combat shall not exceed fifty dollars ($50.00).
Section 26117. Same: same: fees. For each combat between cocks, a fee not to exceed two percent (2%) of the total amount of bets, will be collected by the holder of the franchise.

Section 26118. Same: charities. Notwithstanding any of the provisions of this chapter, the Board, or if such Board is not in existence, the Governor of Guam may authorize the temporary operation of cockpits in connection with approved charitable activities without the awarding of licenses, posting of notices or the payment of fees specified herein, nor shall any other taxes be collected for such operation.

1. The Board may upon written application "authorize" the operation of a cockpit on designated days within the time limits established by Section 26114(c);

2. Any cockpit operator must notify the Police Department of its intention to hold a fight at least 24 hours prior to the fight.

3. The franchise holder shall provide a piece of board measuring about 3' x 3' x $\frac{1}{4}$" to be used by the referee in the pit as a pitting board.

Section 337 (as amended). Cockpits and cockfighting. — Every person who shall either:

1. Operate a cockpit without a license;

2. Engage in cockfighting (Balentia) outside of a licensed cockpit;

3. Permit any person under 18 years of age to attend a licensed cockpit is guilty of a misdemeanor.
Section 337(a). Every person who shall drug, cripple, poison or in any manner injure any gamecock intended to be matched or entered in a lawful cockfight is guilty of a misdemeanor, and punishable by a fine of not less than five hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment. For purposes of this section, the taking of a gamecock to within the enclosure of any cockpit shall be sufficient to constitute an intent to match.

Section 337(b). Every person who shall cause or procure the commission of the offense described in sub-section (a), of this section, or who shall conspire with any person or persons to commit the same, or who shall solicit or attempt the commission of such offense is guilty of a misdemeanor and punishable by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

Section 337(c). Every person who, at any time, has in his possession any grain or other chicken feed, or substance suitable for consumption by chickens which has been mixed or treated with any drug, chemical, or other substance poisonous or harmful to chickens with intent to drug, cripple, poison or in any manner injure any gamecock intended to be matched or entered in a lawful cockfight, is guilty of a misdemeanor. For purposes of this section, possession of any grain or chicken feed, or substance suitable for consumption by chickens which has been mixed or treated with any drug, chemical, or other substance poisonous or harmful to chickens within the enclosure of any cockpit shall be sufficient to constitute an intent to drug, cripple, poison or in any manner injure any gamecock.
CONDUCT OF COCKFIGHTS

1. The rules given herein are expected to cover actions most frequently encountered in cockfighting. There are certain peculiarities in this game, however, which are almost impossible to anticipate. Therefore, if and when an incident occurs which cannot be decided according to the rules, the referee is the sole judge. As such, arbitrary settlement of all disputes in the pit is his responsibility.

The rules shall be applied to all types of fights unless specifically exempted by the special rules for fights other than those between 2 cocks armed with knives (Asara).

2. The referee -

A. Appointment of referee shall be by a letter signed by the majority of the Board members.

B. To be eligible to apply for appointment as referee, a person must have qualifications as prescribed below:

(a) At least five (5) years experience in cockfighting.

(b) A good understanding of cockheeling.

(c) A thorough knowledge of the rules and regulations governing cockfighting on Guam and a good ability to interpret such rules and regulations.

(d) A good vision and free from any other physical defects which might hinder him from performing properly the duties of a referee.

B. The referee will receive no remuneration for "draw" or "no contest" fight.

C. No referee shall officiate in a fight in which one of the cocks is heeled by him.

D. Shall be in complete charge of the fight, with the exception of the betting transactions, from the time he is chosen to officiate the contest until the fight is concluded.
E. Shall instruct all participants to go inside the pit with their roosters.

F. Shall make all decisions.

3. The franchise holder, or his designated representative, is solely responsible for all bets taken in for the fight and for the proper distribution of such bets.

4. All bets must be collected and accounted for before the fight.

5. Personal checks are not acceptable as bets. All bets must be in U. S. currency.

6. No person other than those listed below shall be permitted in the pit after the responsible person has informed the referee that all bets have been collected and accounted for.

   (a) Referee
   (b) Elected or hired heelers
   (c) Pitters (one for each competing cock).

7. The referee's service fee shall be paid by the franchise holder or his designated representative after each contest, from the stake of the losing side before it is paid to the winner.

   The referee's service fee for any contest in which the total of the bets on the losing side is $200.00 or less, is $1.00. If the total of the bets (on the losing side) on any one combat is more than $200.00, the referee's fee shall be as follows:

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8. Heelers may remain in the pit to assist the pitters in unsheathing the knives. However, they shall step out of the pit immediately after the scabbards have been taken out. Heelers must not enter the pit.
while the fight is in progress, unless called upon by the referee to assist.

9. The Pittors shall pit their cocks after the referee has signalled or instructed them to do so, setting their cocks down in the generally accepted manner and distance.

10. The pitters should pit their cocks as often as the referee directs until the cocks start fighting. Immediately after the cocks start fighting, the pitters shall step out of the pit and remain near the gate on the alert for further instructions from the referee.
11. The piters shall not touch or handle their cocks after the fight starts, unless instructed by the referee to do so. Any pitter who violates this rule may be immediately declared the loser by the referee.

12. No contest shall be stopped because of interference by person or persons other than the piters of the competing cocks. The police officer on duty shall act promptly and appropriately to suppress interference.

13. If the pitter is not the owner of the cock, the referee may permit the owner to enter the pit to examine the knife of his cock after healing. This will also give the owner a chance to impart last-minute instructions to his pitter. Upon completion of examination the owner must go out of the pit.

14. Pre-fight examination as outlined below will be performed by the referee if either or both sides request for it. In the absence of such a request, the referee shall decide which of the below-listed provisions shall be complied with.

   (a) Check cocks and knives for any physical defects
   (b) Wipe off knives
   (c) Walk each cock for about half a dozen steps from the center of the pit to one direction; repeat it to the opposite direction.
   (d) Lift each cock about 3' from ground by tail. When cock makes five or six strokes with feet allow him to drop to ground.

15. If either side objects to the tests under (c) and (d) under the pretext that the cock is wild and resents strangers, or because of any other reason, the pitter may be allowed to perform the tests, in whatever manner the referee may direct.
16. Pitters may bill their cocks if they want to do so. Billing shall be done only before the scabbards are taken off of the knives.

17. No intoxicated person shall be permitted to handle cocks for healing or pitting. The referee is charged with the enforcement of this rule.

18. Police officers on duty and members of the Cockpit License Board are not allowed to bet on fights.

19. It is prohibited for any referee to bet on a fight if he is the elected referee of the fight.

20. It is prohibited for any healer to bet on the cock opposing the cock he healed.

21. Heelers are hired by the contestants at their discretion.

22. No fight shall be terminated because of broken knife caused by combat action, unless the pitter of the cock whose knife is broken tells the referee to stop the fight and award it to the opponent.

23. Subsequent pittings shall be executed in the same manner as the initial pitting as long as both cocks are still able to move sprightly, i.e., the pitting board need not be used.

24. The fight will progress, uninterrupted as long as both cocks are making an effort to fight.

25. The pitting board may be employed for pitting when one or both cocks are in feeble condition. In this method, the referee orders both pitters to handle their cocks and bring them to the center of the pit. The referee places the board on the ground about the center of the pit, holding it there in upright position, and orders the pitters to set down their cocks at the opposite sides of the board at an equal distance to be specified by the referee. The referee then pulls out the board from in front of the cocks. This gives both cocks an even chance to resume the fight. At this stage of the game the pitters are permitted to remain in the pit so as to be readily available for subsequent pittings.
26. One unopposed claim will be required of any cock before he can be declared the winner. The only exceptions to this stipulation are, if and when the contestants, by mutual consent, agree to accept the referee's decision without a claim. When "no claim" is agreed to, there can be no appeal from the referee's decision. A cock may be declared the loser by default, for misconduct by the pitter. This automatically makes the other cock the winner regardless of his performance.

27. When both cocks have ceased to fight, but are standing and able to fight, the referee may, at his discretion, have the cocks repitted as many times as he thinks necessary to bring the fight to a decisive conclusion. On any repitting, if the cocks are close to the pit wall, the referee may have them repitted in or near the center of the pit.

28. Any time both cocks are dead, without either cock claiming, the fight must be declared a draw.

29. The referee will pit one or both cocks for the claim, only when he is sure one or both cocks are unable or unwilling to continue the fight. When one or both cocks are not standing, and are down on the pit floor, the referee will IMMEDIATELY pit one or both cocks in a reasonable manner, so that they will be directly opposite each other and close enough so each has an equal chance to claim against the other from his pitted position, if he is able to do so. If neither cock makes an attempt to resume the fight the referee will tap each cock lightly on the back three times. If neither cock claims the fight is a draw. In no case will the body of one cock be pitted over the other cock.

30. If one cock leaves fighting position showing sign of defeat and the other claims, the claiming cock wins.
31. If one cock leaves fighting position in such a manner as if he was luring his opponent to run after him, cocks shall not be pitted until the referee is sure that neither would go to the other. As long as they seek each other willingly, they should be left alone to fight in this manner without interruption.

32. If the knife of either cock got stuck, and neither cock is making an effort to fight, the referee shall call both pitters and instruct them to hold their roosters where they are or in any other position which would be most favorable for him to extricate the knife. The referee only shall pull out the knife, and he should exercise the utmost care so as not to aggravate the wound. In this instant, the referee shall be particularly observant of the actions of the handler of the cock whose knife is being pulled out. The handler might push his cock, a trick resorted to to cause deeper penetration of the knife, or he might pull his cock, which is another trick that might cause aggravation of the wound. It is the duty of the referee to prevent the handler from attempting such tricks.

33. The "Rule of Three Pittings" will apply under certain conditions of the claim. Both the rules and the conditions are explained under items (C), (D), (E), (F), of paragraph No. 34.

34. When pitted for the "Claim", if:

A. One cock claims and the other refuses, the claiming cock must be immediately declared the winner.

B. Both cocks claim, they will not be handled or repitted until one or both do not continue to claim, in which case they will be IMMEDIATELY repitted, as many pittings as necessary, until one cock refuses to make one claim in any individual pitting. The cock that refuses must be declared the loser, and the claiming cock the winner.
C. Both cocks refuse to claim, they will be allowed two more pittings, provided neither cock claim on the second pitting. If neither cock claim for three consecutive pittings, the fight must be declared a draw (Rule of Three Pittings).

D. One cock leaves fighting position and the other cock does not claim, they will be allowed two more pittings, provided neither cock claims on the second pitting. If neither cock claims for three consecutive pittings, the fight must be declared a draw, regardless of the fact that one cock may have run. The winning cock must make one unopposed claim. (Rule of Three Pittings).

E. One cock is dead, or dies, and the other cock is alive, and the alive cock does not claim, the alive cock will be allowed a maximum of two additional pittings (a total of three) to make one claim. If the alive cock does not claim in three consecutive pittings, the fight must be declared a draw. However, after the alive cock has refused to claim against the dead cock the first time, the dead cock, in subsequent pittings must be pitted in a manner to show some motion or movement to simulate life. (Rule of Three Pittings).

F. After cocks have been restricted to a maximum of two additional pittings because: (1) both cocks failed to claim, (2) either or both cocks ran, (3) one cock died, no combination of these conditions will change the original maximum of two additional pittings, (Rule of Three Pittings).

EXAMPLE: If a cock dies or runs in the second pitting after both refused to claim in the proceeding pitting, only one more pitting will be allowed. If either cock dies or runs in the third pitting, without the other cock claiming, the fight must be declared a draw. When the "Rule of Three Pittings" goes into
effect for any of the three listed reasons, the outcome must be a draw, unless one cock claims, which makes him the winner; or both cocks claim which will automatically void the previously imposed restrictions of the rule, and makes the fight wide open, on the same basis it was before the rule was imposed. If in any subsequent pitting, the cocks fail to claim, run, or one dies, the "Rule of Three Pittings" must be reimposed, and will not be affected by restrictions previously imposed by the rule.

This procedure will continue until a decision can be reached.

36. If, during any fight, the referee has ample reasons to suspect that either of the competing cocks has been poisoned, doped, or maliciously crippled or injured prior to the fight, and is so handicapped that he cannot reasonably handle himself, then he (the referee) must immediately stop the fight and impound both cocks and the battle money on both sides. It will be the pit operator's responsibility to have the cocks thoroughly examined by a competent veterinarian. If an autopsy is advisable either or both of the cocks may be destroyed for this purpose, without incurring any liability. If the veterinarian's findings indicate that either or both of the cocks have been maliciously incapacitated, with the apparent intent of fixing or stealing the fight, the case must then be placed with the Board for appeals, to determine responsibility. If, after investigation of the facts and evidence, responsibility can be placed, fines, and expenses incurred will be levied against the impounded money of the guilty party. If responsibility cannot be placed, but there is ample evidence of malicious mischief, any expenses involved will be equally deducted from the impounded money of both parties.

37. Any condition or circumstance that may arise during any fight, that is not specifically covered by the rules, will be interpreted and decided in keeping with the general intent and purpose of the rules. The referee in making his decisions will be guided by this provision.
38. A referee's decision may be appealed to the Board for review and judgment, only when all of the following conditions apply, and all of the stated requirements have been complied with. The conditions and requirement will be as follows:

A. The complete unaltered rules requiring one claim must have been used for the fight, in question. There must not have been any special arrangement or requirements agreed to that would, in any way add to alter or affect the requirements of the established rules.

(A) The fight must not have been for less than $100.00 on each side.

(B) Verbal notice must be given the referee and the pit operator or his representative, immediately after the referee's decision concluding the fight so that payment of the prize money may be held up. Also, so that written notes may be made of the conditions of the fight while they are clear in the minds of potential witnesses.

(C) Written notice of appeal shall be submitted to a member of the Board or pit operator before midnight of the following day.

(D) The written notice must state:

a. Name and address of complainant.

b. What interest he had in the fight; that is, owner of cock who allegedly received an unjust decision, part owner of the cock, a representative of the owner of cock, or whatever his connection with the fight was.

c. What is contended to be wrong with the decision.

d. Name and address of the opposing party in the fight.

(E) The complainant must make himself available to the Board at the time and place they designate. This must be complied with to facilitate early settlement, and payment of the prize money.
1. Battle royal is a fight in which more than two (2) cocks compete in a single contest.

2. The rules governing ordinary fight shall prevail, unless specified otherwise below; i.e., where there is a conflict between any of the rules governing ordinary fight and any of the rules specified herein, the rules specified herein shall govern.

3. The referee shall draw a circle about five (5) feet in diameter in the center of the pit, marking every spot on the line of the circle where he wants each competing cock to be set for pitting. When directed by the referee to prepare for pitting, every pitter shall unsheathe the knife of his cock, set down his cock on the mark assigned to him, and shall hold his cock there. When the referee signals or instructs to "pit" all pitters shall release their hold on their cocks at the same time and step out of the pit.

4. The cocks will fight by seeking each other. No further pittings will be necessary until such time that only two cocks remain and are no longer seeking to continue to fight. After the first pitting, whenever there is no engagement while there are more than two (2) survivors, the referee shall, if they are far separated, make an attempt to crowd them up.

5. The winner shall take all.

COCKFIGHTING WITHOUT KNIFE (BALENTIA)

1. Whenever the contest is between two cocks or between two young chickens, the rules prescribed herein shall govern. Any type of chicken may fight.

2. Each fight must be officiated by a referee who shall be chosen by the owners of the chickens as soon as they have agreed to a contest.

3. The referee shall apprise the chicken owners of the various terms provided in the rules. As soon as the owners have declared their mutual agreement to any particular term or terms, the referee shall instruct them to prepare their chickens accordingly and proceed with the fight.

4. Chickens shall be prepared for the contest in the presence of the referee.
5. The referee only shall give pertinent instructions and he shall make all decisions.

6. There is given below a list of the various conditions most commonly applied in a fight without knife. The owners of the chickens to be competed must agree to any of these conditions before the contest if they are to be followed.

(a) Fight both chickens as they are.
(b) Moisten both chickens with water before the fight.
(c) Moisten only one chicken with water before the fight.
(d) Sharpen the spurs of both cocks before the fight.
(e) Sharpen the spurs of only one cock before the fight.
(f) Tie the toe or toes of one chicken with a string to his leg, tying to be done by the owner of the opponent in a manner agreed upon. If, during the fight, the string breaks or becomes loose, the fight shall be suspended until the toes have been retied. However, if the stipulation was that the toes shall not be retied once the string breaks or becomes loose after the fight has started, then, should the string break or become loose at any stage of the fight, the fight shall be permitted to progress, without interruption. If any part of either chicken is entangled with the loose string at any time, in any manner other than that specified in the agreement, the chicken shall be disentangled immediately and the fight resumed.

7. The chickens shall be handled for pitting under any of the conditions specified below. The owners must inform the referee of their preference before the fight.

(a) Fighters shall handle and pit chickens in or near the center of the pit whenever they get close to the pit wall, or whenever either or both chickens are unable or unwilling to continue the fight.
(b) Chickens shall be permitted to fight without interruption as long as they are in the pit and are still able and willing to fight. Whenever either or both chickens are no longer able or willing to continue the fight, they shall be handled and pitted wherever they are.

8. Pitters shall step out of the pit and remain there until called upon by the referee to handle or for any other necessity.

9. If neither chicken is able to continue the fight on account of darkness, but both are still willing to fight, the fight shall be declared a draw.

10. If both chickens are blinded during the fight and neither is able to continue the fight effectively as the result, the referee shall pit them as often as necessary to see if a decision can be reached. If after this action the referee believes that neither chicken can carry the fight to a conclusion in his favor, the referee shall call the fight a draw.

11. If one chicken leaves fighting position showing signs of defeat and the other claims, the claiming chicken wins.

12. If either chicken refuses to continue the fight in any manner and his opponent does not claim, they shall be pitted for three consecutive times. If neither chicken claims for three successive times, the fight shall be declared a draw.

13. When either chicken makes three successive unopposed claims, the claiming chicken shall be declared the winner.

By virtue of the authority vested in the Cockpit License Board by Chapter 2, Title XXVII, Government Code of Guam, RULES AND REGULATIONS FOR THE LICENSING OF COCKPITS, OPERATION OF COCKPITS, AND CONDUCT OF COCKFIGHTS,
are herewith forwarded as recommendations to the Governor of Guam for promulgation as executive order, to become effective on the date of such promulgation.

Dated this 25th day of May, 1953.

By virtue of the authority vested in me as Governor of Guam by Chapter 2, Title XXVII, Government Code of Guam, the above RULES AND REGULATIONS FOR THE LICENSING OF COCKPITS, OPERATION OF COCKPITS, AND CONDUCT OF COCKFIGHTS are approved and promulgated as government of Guam Executive Order 1-53.

This order shall become effective on this 28th day of May, 1953.

COUNTERSIGNED

R. S. HERMAN
Secretary of Guam