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ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD

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FILE NO. S-1064

STATE MATTERS:
Loan of a Trophy of War

Harold R. Patton
The Adjutant General
Military and Naval Department
Room 200, Armory Building
Springfield, Illinois 62706

Dear General Patton:

I have your letter wherein you explain that the wooden leg of General Santa Anna was captured by members of the Third Regiment, Illinois Volunteers at the Battle of Cerro Gordo on April 18, 1847 during the Mexican War. The leg was subsequently turned over to the State of Illinois and has been in the possession of The Adjutant General for many years. You ask if you, as The Adjutant General, may loan this artifact to the National Guard Heritage Gallery in

Honorable Harold R. Patton - 2.

Washington, D.C. for display during the Gallery's Bicentennial celebration.

Section 25 of "An Act to Establish a Military and Naval Code for the State of Illinois * * * " (Ill. Rev. Stat. 1975, ch. 129, par. 220.25) prohibits The Adjutant General from loaning the colors, flags, guidons and trophies of war belonging to the state. Section 25 reads as follows:

"The Adjutant General shall have charge of and carefully preserve the colors, flags, guidons and military trophies of war belonging to the State and shall not allow the same to be loaned out or removed from their proper place of deposit. He shall furnish, at the expense of the State, blanks and forms, and such military and naval publications as required."

If the language of a statute is plain and unambiguous, it must be held to mean what it plainly expresses.

(Department of Public Works and Buildings v. Schon, 42 Ill.

2d 537) Section 25 plainly states that The Adjutant General may not loan out trophies of war. The wooden leg of General Santa Anna is certainly not a flag or a guidon. It may, however, be a trophy of war. "Trophy" is defined in Black's Law Dictionary (Rev. 4th Ed., 1968) at page 1679 as:

Honorable Harold R. Patton - 3.

"Anything taken from an enemy and shown or treasured up in proof of victory; a price or token of victory in any contest; hence, a memento of victory or success; an ornamental group of objects hung together on a wall, or any collection of objects typical of some event, art, industry, or branch of knowledge; a memento or memorial."

You must determine from the facts surrounding the capture and subsequent use of the wooden leg whether or not it is a trophy of war. If you decide that it is a trophy of war, you would be prohibited by the clear language of section 25 from loaning the wooden leg.

Very truly yours,

A T T O R N E Y G E N E R A L