Passed

Sterie	BILL
0, 115,	LEGISLATURE.
SUBJECT I	MATTER:
effilig an	d bearing weapones,
HOW DIS	POSED OF: (1
11011 213	

shall be dismissed from his office, on conviction in the district court, on indictment or information, or by such other proceedings or tribunal as may be provided by law, and in addition shall be fined in any own not Exceed: ing one thousand dollars, at the discretion of the court or Section 8 It is hereby made the duty of the Governor to Spublish this ach throughout the State; and this ach shall take effect and be in force from and after sixty days (Th) after its passage. to incursious of hostile Indians. Section J. All fines Collected under the provisions of this ach chall be paid into the treasury of the County, and af = propriated exclusively to the Keeping in repair and maintenance of public roads; and all weapons for feited to the County under the provisions of this ack shall be cold as may be prescribed by the police at country court, and the procieds appropriated to the came purposed. Section 6. It shall be the duty of all cheriffs, constables, mar = shalo, and their defenties, and all policemen and other peace officers to arrest any person violating the first or third sections of this ach, and totake him immediately before a justice of the peace of the fourty where the offence is committed, or before a way or or recorder of the town or city in which the offered is committed, who shall investigate and try the case without delay. On all such trials the accused shall have the right of a trial by jury, and of appeal to the district court; but in case of appeal the accused shall be required to give band with two or more good and sufficient oureties, in a sum of not less than one hundred not more than two hundred dollars, if convicted under the first section, and in a sum of not less than two hundred not more than. one thousand dollars, if convicted under the third section of this aid; said boud to be payable to the State of Slepas, and approved by the magistrate, and conditioned that the defendant will perform the judgment of the district couch that may be rendered in the lase; and in case of forfeiture, the proceedings thereon shall be as is or may be prescribed by law in similar cases; and all money's col= lected on any bond, or judgment whom the same, shall be paid over and afoporoferiated as provided in the fifth cection of this act. Section 7. Muy officer named in the sixth section of this ach; who shall refuse or fail to arush any person whom he is required to arrech by said section, on his own information, or where knowledge is conveyed to him of any violation of the first or third sections of this act,

and defence, unless an officer of the peace, he shall be guilty of a mis demeanor, and on Conviction thereof shall, for the first affence, be punished by fine of not less than fifty, not more than five hundred dollars, and shall forfeit to the country the weapon or weapour so found on his person; and for Lowy subsequent offense shall, in addition to such fine and for = feiture, be imprisoned in the country gall for a term, hot less than thirty hot more than ninety days ._ Section 4. This ack shall not apply to, not be Enforced in any country of the State, which may be designated in a proclamation of the Governor as a frontier Country and liable to incursious of hostile Judian. Section 5. All fines Collected under the provisions of this ach shall be paid into the treasury of the County, and af = proportated exclusively to the Kirping in repair and maintenance of public roads; and all weakous forfeited to the County under the provisions of this ach whall be cold as may be prescribed by the police or country court, and the procieds appropriated to the came pourfered. Section 6. It shall be the duty of all sheriffs, constables, man = shalo, and their defenties, and all policemen and other peace officers to arrest any person violating the first or third sections of this ach, and to take him immediately before a justice of the peace of the fourty where the offence is committed, or before a iday or or recorder of the town or city in which the affectives is committed, who shall investigate and try the case withough Elelay. On all such trials the accused shall have the right of a trial by jury, and of appeal to the district court; but in case of appeal the accrised shall be required to give band with two or more good and sufficient sureties, in a sum of not less than one hundred not more than two hundred dollars, if Convicted under the first vection, and in a sum of not less than two hundred not more than one thousand dollars, if convicted under the third section of this aid; said boud to be payable to the State of Sepas, and approved by the magistrate, and conditioned that the differedant will perform the judgment of the district couch that may be rendered in the tase; and in case of forfeiture, the proceedings thereon shall be as is or may be prescribed by law in similar cases; and all money's col= flected on any bond, on judgment upon the same; shall be paid over and appropriated as provided in the fifth section of this act. Section 7. Muy officer named in the eisth section of this ach, who shall refuse or fail to arrest any person whom he is required to arrich by earl cection, on his own information, or where knowledge is conveyed to him of any violation of the first or third sections of this act,

to regulate the keeping and bearing of deadly weapons. Section 1. Be in Exacted by the degislature of the State of Jexas, I had any person having or carrying about his person any fristol, dirk, dagger, eling-shot, sword-cane, spear, Bowie-buile, or any other kind of Knife mann = factured or sold for the purposes of offense and defense unless he has reasonable grounds of fearing an unlawful attack on his person or property, or wiles having or car : rying the same about his person for the lawful defense of the State, or as a peace officer, shall be guilty of a mis: demeanor, and on conviction thereof shall, for the first offense, be punished by fine of not less than twenty-five, not more than one hundred dollars, and shall forfeit to the country the weapon or weapons so found on his person; and for lovery subsequent offense shall, in addition to such fine and forfeiture, be imprisoned in the County jail for a term not exceeding sixty days: and in every case of fine under this cection, where the arrest is made on information of a citizen, he shall be cutitled to, and shall receive one half of the fine Collected; and where the officer arusto on his own information, he shall be sutitled to, and shall seceive onehalf of the fine Collected . _ Section 2. Muy person changed under the first section of this ach, who may affect to proud by way of defence, that he was in danger of an attack on his person or property, shall be required to show that such dauget was immediate and pressing, and was of such a nature as to alarm a person of Irdinary courage; and that the weapon so carried was borne openly and not concealed beneath the clothing: and if it shall appear that this danger had its origin in a difficulty first commenced by the accused, it shall not be considered as a legal defense. Section 3. If any person shall go into any church or religious assembly, any school room, or other place where persons are assembled for amusement or for Educational or scientific Junforces, or into any circus, show, or public exhibition of any Rind, or into a ball-room, social party, or social gathering com: proved of ladies and gentlemen, for to any election precinch on the day or days of day election, where any portion of the people of this State are collected to vote at any electron, or to any other place where people may be assembled to muster or to perform any other public duty | Except as may be required or permitted by law on to any other public assembly, and shall have on carry about his person a pishol, or other fire-arm, dirk, dagger, slung - clot, dward- cane, spear, Bowie Krife, or any other tind of theife manufactured and cold for the purposes of offense

nench 1 3, 1871, sent to d d Referred to Committee or 1871, Readil H. B. NO

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Un let to regulate the keeping and bearing of deadly weapons. Section 1. Be it enacted by the Legislature of the State of Sexas, That any puson carrying on or about his person, saddle, or in his saddle bags, any pistol, disk, dagger, slung-shok, sword-canes spear, brass knuckles, bowie-knife, or any other kind of knife manufactured or sold for the purposes of offense or defense, unless he has reasonable grounds of fearing an unlawful altack on his person, and that such ground of attack shall be immediate and pressing, or unless having or carrying the same on or a= bout his person for the lawful defense of the State, as a militia man in actual service, or as a peace officer or policeman, shall be quilty of a misdemeanor, and, on conviction thereof, shall, for the first offense, be punished by fine of not less than twenty-five, nor more than one hundred dollars, and shall forfeit to the county the weapon or weapons so found on or about his person; and for every subsequent offense may, in addition to such fine and forfeiture, be imprisoned in the county jail for a term not exceeding oixty days; and in every case of fine under this section, the fines imposed and collected shall go into the treasury of the county in which they may have been imposed; provided, that this section

shall not be so construed as to prohibit any person from keeping or bearing arms on his or her own premises, or at his or her own place of business, nor to prohibit sheriffs or other revenue officers, and other civil officers from keeping or bearing arms while engaged in the discharge of their official duties, nor to prohibit persons traveling in the State, from keeping or carrying arms with their baggage; provided further, that members of the degislature shall not be included under the term "civil officers", as used in Section 2. Any person charged under the first sec = tion of this ack, who may offer to prove by way of defense, that he was in danger of an attack on his person, or unlawful interference with his property, shall be required to show that such

danger was immediate and pressing, and was of such a nature as to alarm a person of or= dinary courage; and that the weapon so car = ried was borne openly and not concealed be = neath the clothing; and if it shall appear that this danger had its origin in a difficulty first commenced by the accused, it shall not be considered as a legal defense. Section 3. If any person shall go intoanychurch ! or religious assembly, any school room, or other 2 place where persons are assembled for amuse = 3. ment or for educational or scientific purposes, 4 or into any cincus, whow, or public eschibition 5. of any kind, or into a ball room, social party 6. or social gathering, or to any election precinch ? on the day or days of any election, where any 8. portion of the people of this State are collected of to vote at any election, or to any other place 10 where people may be assembled to muster, or 1. to perform any other public duty, [except as may 12 be required or permitted by law or to any other 1: public assembly, and shall have or carry about 14 his person a pistol or other fire arm, dirk, dag= 13 ger, slung-shop, sword-cane, spear, bowie-knife, 16 or any other kind of knife manufactured 17 and sold for the purposes of offense and defense 1: unless an officer of the peace, he shall be guil = 1, ty of a misdemeanor, and, on conviction 20 thereof, shall, for the first offense, be punished 2.

AH by fine of not less than fifty, nor more than five hundred dollars, and shall forfiel to the county the weapon or weapons so found on his person; 23 * and for every subrequent offense [shall] in ad = 23 dition to such fine and forfeiture, be impris-26 * than thirty nor I more than ninety days. 2% Section 4. This ach shall not apply to, nor be Inforced in any country of the State, which may be designated in a proclamation of the Governor as a frontier county, and liable to incursions of hostile Indians. Dection 5. All fines collected under the provisions of this ach shall be paid into the treasury of the county, and appropriated exclusively to the keeping in repair and maintenance of public roads; and all weapons forfeited to the county under the provisions of this ach shall be sold as may be prescribed by the spolice of] country court and the proceeds appropriated to the same purpose. Section 6. It chall be the duty of all sheriffs, constables, marshals, and their deputies, and all policenew and other peace officers to arsest any person violating the first or third * sections of this ach, and to take this Timmedi = ately before a justice of the peace of the country when the offense is committed, or before a mayor, or recorder of the town or city in which the offense is committed, who shall inves = tigate and by the case without delay. On

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all such trials the accused shall have the right of a trial by jury, and of appeal to the district court; but in case of appeal, the accused shall be required to give bond, with two or more good and sufficient sureties, in a sum of nobless than one hundred, nor more than two hun = dred dollars, if convicted under the first section, and in a sum of not less than two hundred, nor more than one thousand dollars, if convicted under the third section of this ach; said bond to be payable to the State of Jixas, and ap = proved by the magistrate, and conditioned that the defendant will abide the judgment of the district court that may be rendered in the case; and in case of forfeiture, the proceedings there = on shall be as is or may be prescribed by law in similar cases; and all moneys collected on any bond, or judgment upon the same, shall be paid over and appropriated as provided in the fifth section of this ach. See himle colon dection of they officer named in the sixth section of this ach, who shall refuse or fail to ariech any person whom he is required to ar = rest by said section on his own information, or where knowledge is conveyed to him of any violation of the first or third sections of this ach, shall be dismissed from his office on conviction in the district court, on indictment or information, or by such other proceedings or tribunal as may be provided by law, and

in addition, shall be fined in any our, not exceeding five hundred dollars, at the discretion of the court or jury. Dection 8. That the district courts shall have concurrent jurisdiction under this ach, and it is hereby made the duty of the several jud= ges of the district courts of this State to give this ach especially in charge to the grand ju = ries of their respective counties_ Dection q. It is hereby made the duty of the Governor to publish this ach throughout the State; and this ach shall take effect and be in force from and after the expiration of sixty days after its passage. Amendments by the Senate to the above, concurred in by the Nouse of afresentatives, april 6, 1871. Amend section 3, line 16, by inserting after the word spear", the words, "brass knuckles." Amend section 3, line 25, by striking out the word "shall", and inserting in liew thereof, the word, "may." Amend section 3, lines 27 and 28, by striking out the words "less than thirty, nor." Amend section 5, line 7, by striking out the words Tholice or." "him" and inserting in lieu thereof, the words such person."___ The eleven amendments to section 1, are incorpora= (IX) ted in that section, as above re-engrossed_ Imformapwell, lugrossing Clerk.

NA

Will amend Mescenthen House Bill, DI: 118 rcumed is

12th Legislature, H. B. No. 115. First Session.

January 24, 1871, read first time.

February 13, 1871, rules suspended, read second time and referred to Committee on Judiciary.

March 1, 1871, reported back favorably, bill read, ordered printed and made special order for Thursday, March 9, 1871, 11 A. M.

REPORT.

COMMITTEE ROOM, Austin, February 28, 1871.

Hon. IRA H. EVANS, Speaker of House of Representatives:

Sin: Your Committee on Judiciary, to whom was referred House bill No. 115, entitled "An act to regulate the keeping and bearing of deadly weapons;" also, House bill No. 258, entitled "An act to regulate the keeping and bearing of arms;" also, House bill No. 312, entitled "An act regulating the right to keep and bear arms," after duly considering each separately, ask leave to report that these bills are in substance the same, all having a common object. Your committee are of the opinion that House bill No. 115 is best calculated to secure the end sought to be attained. They would therefore respectfully recommend that it do pass, and that House bills Nos. 258 and 312 be laid on the table. Your committe further recommend that the bill be printed.

Very respectfully,
JNO. W. ROBERTSON, Chairman.
WILLIAM PRISSICK,
F. G. FRANKS,
F. E. GROTHAUS,
H. W. YOUNG.

While we are in favor of a rigid law on this subject we are not in favor of this bill.

J. E. HAWKINS, J. W. POSEY, J. C. JENKINS.

AN ACT

REGULATE THE KEEPING AND BEARING OF DEADLY WEAPONS.

Section 1. Be it enacted by the Legis-

- lature of the State of Texas, That any per-
- son having or carrying about his person
- any pistol, dirk, dagger, slung-shot, sword-
- cane, spear, bowie-knife, or any other kind
- of knife manufactured or sold for the pur-
- poses of offense and defense, unless he has
- reasonable grounds of fearing an unlawful attack
- 9
- or carrying the same about his person for 10
- the lawful defense of the State, or as a 11
- peace officer, shall be guilty of a misde-12
- meanor, and, on conviction thereof, shall, 13
- 14 for the first offense, be punished by fine of
- not less than twenty-five nor more than 15
- one hundred dollars, and shall forfeit to 16
- the county the weapon or weapons so found 17
- on his person; and for every subsequent 18
- offense shall, in addition to such fine and 19
- forfeiture, be imprisoned in the county jail 20
- for a term not exceeding sixty days; and 21
- in every case of fine under this section, 23

on his person or property, or unless having unlawful interference with his

23 Where the arrest is made on information of

24 a chizen, he shall be entitled to, and shall

25 receive, one-half of the fine callected; and

26 where the officer arrests on his own infor-

27 mation, he shall be entitled to, and shall

28 receive one-half of the fine collected.

Sec. 2. Any person charged under the

- 2 first section of this act, who may offer to
- 3 prove by way of defense, that he was in
- 4 danger of an attack on his person or unlawful in
- 5 property, shall be required to show that
- 6 such danger was immediate and pressing,
- 7 and was of such a nature as to alarm a
- S person of ordinary courage; and that the
- 9 weapon so carried was borne openly and
- 10 not concealed beneath the clothing; and if
- 11 it shall appear that this danger had its
- 12 origin in a difficulty first commenced by
- 13 the accused, it shall not be considered as
- 14 a legal defense.

Sec. 3. If any person shall go into any

- 2 church or religious assembly, any school
- 3 room, or other place where persons are as-
- 4 sembled for amusement or for educational
- 5 or scientific purposes, or into any circus,
- 6 show, or public exhibition of any kind, or
- 7 into a ball room, social party, or social
- 8 gathering/composed of ladies and gentle-
- 9 men or to any election precinct on the day
- 10 or days of any election, where any portion

the fines imposed and collected shall go into the treasury of the County in which they may know being imposed -

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of the people of this State are collected to

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12	vote at any election, or to any other place
13	where people may be assembled to muste
14	or to perform any other public duty (ex
15	cept as may be required or permitted by
16	law,) or to any other public assembly
17	and shall have or carry about his person
18	pistol or other fire-arm, dirk, dagger, slung
19	shot, sword-cane, spear, bowie knife, or any
20	other kind of knife manufactured and solo
21	for the purposes of offense and defense
22	unless an officer of the peace, he shall be
23	guilty of a misdemeanor, and on conviction
24	thereof shall, for the first offense, be pun
25	ished by fine of not less than fifty no
26	more than five hundred dellars, and shall
27	forfeit to the county the weapon or weap-
28	ons so found on his person; and for every
29	subsequent offense shall, in addition to
80	such fine and forfeiture, be imprisoned in
31	the county jail for a term not less than
32	thirty nor more than ninety days.

thirty nor more than ninety days. SEC. 4. This act shall not apply to nor be enforced in any county of the State which may be designated in a proclamation of the Governor as a frontier county, and liable to incursions of hostile Indians.

Sec. 5. All fines collected under the provisions of this act shall be paid into the treasury of the county, and appropriated

- 4 exclusively to the keeping in repair and
- 5 maintenance of public roads; and all
- 6 weapons forfeited to the county under the
- 7 provisions of this act shall be sold as may
- 8 be prescribed by the police or county court,
- 9 and the proceeds appropriated to the same
- 10 purpose.
 - Sec. 6. It shall be the duty of all sher-
- 2 iffs, constables, marshals, and their depu-
- 3 ties, and all policemen and other peace offi-
- 4 cers, to arrest any person violating the
- 5 first or third sections of this act, and to
- 6 take him immediately before a justice
- 7 of the peace of the county where the of-
- 8 fense is committed, or before a mayor or
- 9 recorder of the town or city in which the
- 10 offense is committed, who shall investigate
- 11 and try the case without delay. On all
- 12 such trials the accused shall have the right
- 13 of a trial by jury, and of appeal to the
- 14 district court; but in case of appeal the
- 15 accused shall be required to give bond,
- 16 with two or more good and sufficient sure-
- 17 ties, in a sum of not less than one hun-
- 18 dred nor more than two hundred dollars.
- 19 if convicted under the first section, and in
- 20 a sum of not less than two hundred nor
- 21 more than one thousand dollars, if convict-
- 22 ed under the third section of this act; said
- 23 bond to be payable to the State of Texas,
- 24 and approved by the magistrate, and con-

ditioned that the defendant will perform abelle 25

26 the judgment of the district court that

may be rendered in the case; and in case 27

28 of forfeiture, the proceedings thereon shall

be as is or may be prescribed by law in 29

similar cases; and all moneys collected on 80

31 any bond, or judgment upon the same,

shall be paid over and appropriated as 32

provided in the fifth section of this act. 33

Any officer named in the sixth

section of this act, who shall refuse or fail

to arrest any person whom he is required

to arrest by said section on his own informa-

iton, or where knowledge is conveyed to him

of any violation of the first or third sections

of this act, shall be dismissed from his

office on conviction in the district court,

on indictment or information, or by such

other proceedings or tribunal as may be 10

provided by law, and, in addition, shall be 11

12

sand dollars, at the discretion of the court 13

or jury. 14

It is hereby made the duty of in charge to the

the Governor to publish this act through-

out the State; and this act shall take ef-

days after its passage.

fined in any sum not exceeding the five hundred

fect and be in force from and after sixty the expiration of

/ Sincete amendaments les Conce 120111101111 The words "Saddle or in his Saddle Bags" Omend Section 1 by Striking our 2 in line 3 the words "having or" and moesting in the downe line after the words corrying" the Amend Section one by inserting in line 5 after the word "spear" the words "Brass Knuckles" on parenthesis Omend Section 1 by Striking out in line 9 all after the word "person" 4 down to and including the word property" and insert in the same place the words "and that Such ground of attack shall be immediate and pressing " Amend Section 1 by moerting after the word "Same" in line 11 the words Amend Section 1 by moerting in

Section 3 around by throughout the Section 3 amend line 18 by moerting after the word "Spear the words "Brass Knuckles" Amend Section 3 in line 28 by Striking out the word Shall" and insert the word "may" Dection 3 amend by striking out the 14 words "less than" in line 30 and the words "thirty nor" for line 31 18 Section of amend by Striking out in line 8 the words Police or" dection 6 amend by Striking out in line 6 the word "him" and miserting in lieu thereof " Such person"

For each wagon for other vehicle drawn by mo horses or oxen (Focts) For each ragon or other wehicle, fragon by one horse or ox. menty five COPIED FROM HOLDINGS OF THE TEXAS STATE ARCHIVES

Gaze Amend Section I line 20 by Striking after the word "offense" the word "shall" and Substituting the word "may" in lien thereof Amend Section 1 by adding these to Toovided that this Section Shall not be So construed as to prohibit any Jerson from Kelping or bearing arms in his or her own frimises or at his or her promot sheriffs or other sevenue officers and other civil officers from Kelping and bearing arms while Engaged in the discharge of their Official duties non to prohibit. Jersono traveling in the State from XxX Keeping and carrying arms with their Burend Section 1 add the following "provided further that. members of the Legislature shall not be included under the term a civil officers " as used in this act 4

COPIED FROM HOLDINGS OF THE TEXAS STATE ARCHIVES Af B pu 115

() 12 Committee Room February 28 th To the Hon. Dry St. Crans, Speaker of the House of Representatives. -Sir: your Committee on Judiciary & whom was referred House Bill Nº 115, entitled, Fin Act to regulate the Keeping and bearing of deadly weapons" also, House Bill N" 258, entitled, An Act to i regulate the keeping and bearing of arms," also, Nouse Bill N" 312, entitled, In Act regulating the right to keep and bear arms", to report; - that these bills are in substance the same, all having a common object: your committee are of the opinion that House Bell A 115, is best calculated to secure the end sought to be attained; They would therefore respectfully recommend that it do hass, and that House Bills Nes 258, and 312, be laid on the table your committee further recommend that the Will be printed. Very Kespectfully How Robution William Priscok 7-G. Franks 7. E. Gruthause while we one in form of a nigir low on ore not - in form this subject ine q this Bill J. Em, Hawkins J. C. Jenskins

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