

Dohoney

Senate BILL  
No. 57  
12<sup>th</sup> LEGISLATURE

1st CS

SUBJECT MATTER:

To prescribe the manner in which cases shall be tried in the Supreme Court of the State of Texas, when one or more of the judges shall be disqualified, by having presided at the trial of such cases in the District Court, or from any other cause,

inacwrk. SB 57  
amend Penal Code on  
deadly weapons

HOW DISPOSED OF:



File Box No. 101

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6112

Committee Room  
Austin Texas 11<sup>th</sup> 1871.

Hon<sup>ble</sup>. Don Campbell,  
President of the Senate

Sir:

Your committee on Judiciary  
to whom was referred Senate Bill  
7057, to be entitled "an act to pres-  
cribe the manner in which cases  
shall be tried in the Supreme Court  
of the State of Texas, when one or more  
of the judges may be disqualified  
by having presided at the trial  
of such cases in the district courts,  
or from any other cause," ask  
leave to report the same back  
and recommenced its passage with  
the accompanying amendment,

A. F. Fountain

Chairman

3 m -



COPIED FROM HOLDINGS OF THE TEXAS STATE ARCHIVES

Report of Committee  
on  
Partitions  
11

S 22-6-7

6  
Committee Room,

Austin, Texas, Oct 18<sup>th</sup> 1871.

Hon. Don Campbell,

President of the Senate:

Dear Sir:

Your Committee on Judiciary, to whom  
was referred Senate Bill No. 57 entitled  
"An Act to prescribe the manner  
in which cases shall be tried  
in the Supreme Court of the State of  
Texas when one or more of the  
Judges may be disqualified by having  
presided at the trial of such cases in the Dist  
Court or from other causes."

after careful consideration, instruct me to report the same back and  
recommend its passage not withstanding  
the veto of the Governor.

Respectfully,

M. H. Bowers Chairman.

Pro. tem.  
Report read & laid over  
under the rules.

(TX)

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REPORT

OF

Committee on Judiciary

ON

*S. D. Gray*

*(S)*

S 83 6-7

*Reviews*

11

Committee Room April 1<sup>st</sup> 1871.

Hon. Ira N. Evans,

Speaker of the House of Representatives.

Sir: Your Committee on Judiciary to whom was referred Senate Bill No 37, entitled, "An Act to prescribe the manner in which cases shall be tried in the Supreme Court of the State of Texas, when one or more of the judges may be disqualified by having presided at the trial of such case in the District or lower Court, or from any other cause," having duly considered the same, respectfully report it back with the recommendation that it do pass.

Very Respectfully,  
J. W. Robertson, Chairman

L. C. Jenkins  
J. Em. Hawkins  
~~J. C. Grothaus~~  
S. S. Weaver  
William Paisiett  
J. C. Abbott

(TK)

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Report of Committee  
on Senate Bill No. 57

3

SR 57

An Act to amend the Penal Code of the State of Texas, in reference to the use of deadly weapons. -

Be it enacted by the Legislature of the State of Texas, that the Penal Code of said State be amended as follows, to-wit. Said amendment to be called Chapter 4 of Title 11 in said Penal Code, - and read as follows to-wit,

Sec 1<sup>st</sup>. Any person, who shall hereafter carry or use a deadly weapon or weapon, within the State of Texas, unless the same be carried or used, in accordance with the laws hereinafter ~~specified~~ <sup>prescribed</sup>, shall be deemed guilty of a misdemeanor, and may be indicted and fined therefor, in a sum not less than fifty nor more than five hundred dollars -

Sec 2<sup>nd</sup>. The phrase deadly weapon or weapons as used in the foregoing section shall be construed to include all guns pistols and other fire-arms; also all swords daggers spears, dirks and knives except ordinary pocket knives. -

Sec 3<sup>rd</sup>. No person shall be prohibited from



The use of deadly weapons, on his own premises; nor when travelling out of the County of his residence; nor when used in hunting game, or food. Nor shall the citizens of the Frontier Counties, which are subject inroads of Indians be subject to the requirements of this act. Nor shall this act apply to any person who is in the Military or Militia Service of the State, while such person is engaged in such service.

Sec 4.<sup>th</sup> No person shall be subject to the foregoing penalty, who at the date of his indictment, is the bona fide holder of a legal Permit to carry arms for self defence, as prescribed in the succeeding section of this Act.

Sec 5.<sup>th</sup> Any person who shall personally appear before a Justice of the Peace in this State, and make affidavit in writing that he fears the loss of his life or great bodily harm, from some other person stating the name of such person, as well as the grounds of his fears in said affidavit; shall, if said grounds be deemed sufficient by said Justice be entitled to a written Permit, to be

granted by said Justice, and signed  
by him officially, - allowing <sup>said</sup> person  
to carry such arms as may be necessary  
for self-defense, to be therein specified;  
and which Permit may be for three,  
six or twelve months, as said Justice  
may deem necessary; and may be re-  
newed from time to time on like ap-  
plication. Provided always, that said  
Permit shall not authorize its holder  
to carry deadly weapons to any place of  
religious worship, or social entertain-  
ment, or educational exercises; nor upon  
the premises of any citizen without  
his consent.

Art 2nd Any Justice of the Peace who shall  
fraudulently issue, or refuse to issue the  
said Permit upon proper application;  
or who shall <sup>willfully</sup> violate any of the provis-  
ions of this Act, shall be subject to in-  
dictment and fine thereon in a sum  
not less than one hundred or more than  
one thousand dollars.

Art 3rd This Act shall take effect from and  
after its passage; and all laws and parts  
of laws, in conflict herewith, are hereby  
repealed.

Do hereby

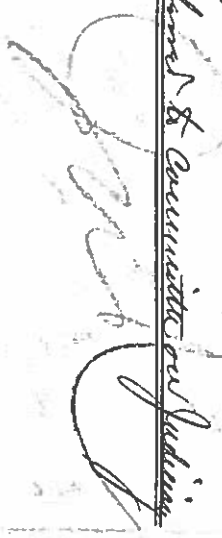
Porter Bill No. 577  
Amended  
Amended to amend

The Penal Code of

The State of Texas  
by inserting Chapter  
It reads Article 11 of  
Local Order: in the  
order to the use of  
deadly weapons

Always read this by caption

Orders & Committee on Judiciary



[REDACTED] [REDACTED]

Senate Bill No. 57.

Art. Sect.

✓ To prescribe the manner in which cases shall be tried in the Supreme Court of the State of Texas, when one or more of the judges may be disqualified by having presided at the trial of such case in the District or lower Court, or from any other cause.

Section I Be it enacted by the Legislature of the State of Texas that whenever there may not be a quorum of the judges of the Supreme Court to try any case or cases of appeal by reason of one or more of said judges having presided at the trial of such case or cases in the District or inferior Court or from being related by consanguinity or affinity to either of the parties or from being interested in the event of the suit, it shall be the duty of the Governor to appoint some one learned in the law as special judge to try such cause or causes, upon the certificate of the judge not disqualified.

Section II Be it further enacted. That said special judge shall be and he is hereby entitled to receive the sum of twenty five dollars per day for every day he may be required to sit as special judge and the Comptroller of public accounts be and he is hereby required to audit his account and draw his warrant upon the treasurer for the same.

(11)

Section III That this act take effect and  
be in force from and after its passage.



March 30/1871 Reed, in session

" 31, " Reed, 43rd, 2nd time  
and referred to Com. on Judiciary

April 15, reported back favorably  
reel 3rd time and passed,

Senate Bill No. 57.

Conduct

W. McHenry  
Chas. Clark  
April 17. Referred to  
the House

to pass ~~the~~ the measure in

which case shall be tried in the

Supreme Court of the State of Texas

when one or more of the judges may

be disqualified by having been

adjudged at the trial of such case

in the District or lower court or

from any other cause

January 28<sup>th</sup> Reed 1<sup>st</sup> time

March 28<sup>th</sup> 2<sup>nd</sup> and 3<sup>rd</sup> time

and passed.

W. McHenry  
Chas. Clark  
Referred,  
(over)

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An act entitled an act to prescribe the manner in which cases shall be tried in the Supreme Court of the State of Texas when one or more of the judges is may be disqualified by having presided at the trial of such case in the District or lower Court or from any other cause —

Section 1<sup>st</sup> Be it enacted by the Legislature of the State of Texas that whenever there may not be a quorum of the judges of the Supreme Court to try any case or cases of appeal by reason of one or more of said judges having presided at the trial of such case or cases in the District or inferior Court or from being related by consanguinity or affinity to either of the parties or from being interested in the event of the suit, it shall be the duty of the Governor to appoint some one learned in the law as special judge to try such case or cases, upon the certificate of the judges not disqualified

(TX)

Amendments to 810 200 57

Amend Section 2<sup>d</sup> by  
striking out all after the word  
"asentful" in line 9 and  
inserting the words "and  
draws did forward upon" the  
treasurers for the same.

(11)



Section 2.<sup>nd</sup>

Be it further enacted that  
said special judge shall be and  
he is hereby entitled to receive the  
sum of twenty five dollars per  
day for every day he may be  
required to sit as special judge  
and the Comptroller of public  
accounts be and he is hereby  
required to audit his account,  
and draw his warrant upon the  
for the same and the treasurer  
of the State shall pay it out of  
any money in the treasury not  
~~otherwise appropriated~~

Section 3.<sup>rd</sup>

Be it further enacted that  
this act be in force and take  
effect from and after its pas-  
= sage



Senate Bill No. 57

A Bill to be entitled  
an act to prescribe  
the manner in which  
cases shall be tried  
in the Supreme Court  
of the State of Texas  
when one or more of  
the judges may be  
disqualified by having pre-  
sided at the trial of such  
case in the District Court  
or from any other court

June 28th Read 1st time

referred to Judiciary Committee

Feb. 10. Report with amended  
March 28. Read 2d time  
amendment adopted;  
No. 57 at time and passed  
Printed

March 20 Enrolled and  
sent to the Governor