

1st CS Jud Comm

Coallu Session

House BILL

No. 2597

12 LEGISLATURE

SUBJECT MATTER:

Regulate Carrying
Deadly Weapons

HOW DISPOSED OF:

TX

Passed the House

File Box No.

99

Rept of Special Committee evaluating
HB 297 (Jud Com sub for HB 35 & HB 16) & Camp
Committee Room ^{sub for HB 297. No} record of Camp's

June 29th, 1870.

Hon. Ira W. Erans,

Speaker House Representatives.

Sir: Your special committee, to whom was referred House Bill No. 297 entitled "An Act to suppress the carrying of deadly weapons except in cases of self-defence or lawful defence of the state," and also the Bill offered by Hon. F. B. Camp as a substitute therefor, entitled "An Act to regulate the carrying of Fire-Arms, &c.", having carefully ~~considered~~ considered the same and their subjects, have the honor to report herewith a Bill entitled "An Act to regulate the keeping and bearing of deadly weapons," as a substitute for House Bill No. 297, and respectfully recommend its passage. The substitute is the same as the original House bill, except section five which is stricken out, and with such amendments ^{thereto}, as the committee thought should be made.

Very Respectfully,
Brimmer, Chairman.

Camp
Cooper
Locke,
McLean

Wm. Williams, of Colorado. Hawkins, Moore - of Pe. River

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Report of Seals Com =
Miller's Reports Sub =
State for House Bill

No. 2971

9

By

By

Beckett,
Chas. H. Smith

(1.)

A Bill to be entitled
"An Act to Regulate the Keeping and
Bearing of Deadly Weapons."

Section 1. Be it enacted by the Legislature of the State of
Texas, That any person having or carrying
about his person any pistol, chick, dagger,
blow-shot, sword cane, spear, Bowie-knife
or any other kind of knife manufactured
and sold for the purpose of offense and
defense, unless he has reasonable grounds
of fearing an unlawful attack on his
person or property, or unless having on

in 1861-

* And in every case of fine under this
section where the arrest is made
by or on information ^{of a citizen} ~~of a citizen~~, she shall
be entitled to and receive one-half of
the fine ~~so~~ collected; and where the
officer arrests on his own information
he shall be entitled to and receive
one-half of the fine collected. (7)

An adopted insert after "Fifty dollars"

so
was borne
weapon ^{so} ~~was~~ carried openly and
not concealed beneath the clothing?

Adopted

(1.)

A Bill To be entitled
"An Act to Regulate the Keeping and
Bearing of Deadly Weapons."

Section 1. Be it enacted by the Legislature of the State of
Texas, That any person having or carrying
about his person any pistol, club, dagger,
blow-shot, sword cane, spear, Bowie-knife
or any other kind of knife manufactured
and sold for the purpose of offense and
defense, unless he has reasonable grounds
of fearing an unlawful attack on his
person or property, or unless having on
carrying the same about his person for the
lawful defense of the state, or as a peace
officer, shall be guilty of a misdemeanor
and on conviction for the first offense shall
be punished by fine not less than ²⁵ ~~ten~~
nor more than ¹⁰⁰ fifty dollars, and shall
forfeit to the county the weapon or
weapons so found on his person; and
for every subsequent offense shall, in
addition to such fine and forfeiture,
be imprisoned in the county jail for a

Sec 2

Amend by adding after the word
"surge" in line 4.

And that the
weapon ^{so} ~~was~~ carried ^{was borne} openly and
not concealed beneath the clothing.

Adopted

5207

(1.)

A Bill To be entitled
"An Act to Regulate the Keeping and
Bearing of Deadly Weapons."

Section 1. Be it enacted by the Legislature of the State of
Texas, That any person having or carrying
about his person any pistol, club, dagger,
blow-stick, sword cane, spear, Bowie-knife
or any other kind of knife manufactured
and sold for the purpose of offense and
defense, unless he has reasonable grounds
of fearing an unlawful attack on his
person or property, or unless having or
carrying the same about his person for the
lawful defense of the state, or as a peace
officer, shall be guilty of a misdemeanor,
and on conviction for the first offense shall
be punished by fine not less than ²⁵ ~~ten~~
nor more than ¹⁰⁰ fifty dollars, and shall
forfeit to the county the weapon or
weapons so found on his person; and
for every subsequent offense shall, in
addition to such fine and forfeiture,
be imprisoned in the county jail for a
term not exceeding sixty days.

Any
SEC. 2. ~~That~~ person charged under the first section of this act, who may
offer to prove by way of defense that he was in danger of an attack on his person
or property, shall be required to show that such danger was immediate and press-
ing, and was of such a nature as to alarm a person of ordinary courage; and if it
shall appear that this ^{danger} ~~danger~~ had its origin in a difficulty first commenced by the
accused, it shall not be considered as a legal defense.

the proceedings thereon shall be as is or may be prescribed by law in similar cases, and all monies collected on any bond, or judgment upon the same, shall be paid over and appropriated as provided in the fifth section of this act.

Sec. 7. Any officer named in ~~the~~ ^{the} section of this act, who shall refuse or fail to arrest any person he is required to arrest by said section, on his own information, or where knowledge is conveyed to him of any violation of the first and third sections of this act, shall be dismissed from his office on conviction in the District Court on any indictment or information, or by such other proceedings or tribunal as may be provided by law, and in addition shall be fined in any sum not exceeding one thousand dollars, at the discretion of the court or jury.

Sec. 8. ~~And it is hereby enacted the duty of the~~ ^{And it is hereby enacted the duty of the} ~~error to publish the act throughout the~~ ^{error to publish the act throughout the} ~~States and this act shall take effect~~ ^{States and this act shall take effect} ~~and be in force from and after sixty days~~ ^{and be in force from and after sixty days} ~~after its passage.~~ ^{after its passage.}

Wills
House
12th Legislature
1870

59 — 100.

pp 100
~~Substitute by~~
~~Committee of House~~
No. 297.

A Bill to be entitled

"An Act to Regulate
the Keeping and
bearing of
weapons."

Bill 22nd 1870 Read 1st
time July 6th 1870
July 6th 1870 Substitute adopted
usually ~~and passed~~
and passed

July 6 1870 Read 3rd time
and passed.

By
Chas. S. Corn.

Sec. 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 purposes, or into any circus, show or public exhibition of any kind, or into a ball-room, social party or other social gathering composed of ladies and gentlemen, or to any election precinct on the day or days of any election where any portion of the people of this State are collected to vote at any election, 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), or any other public assembly, and shall have or carry about his person a pistol or other fire-arm, dirk, dagger, bludge, sword-cane, spear, Bowie knife or any other kind of knife manufactured and sold for the purpose of offense and defense, unless an officer of the peace, he shall be guilty of a misdemeanor, and on conviction for the first offense shall be punished by fine not less than fifty nor more than five hundred dollars, and shall forfeit to the county the weapon or weapons so found on his person; and for every subsequent offense shall, in addition to such fine and forfeiture, be imprisoned in the county jail for a term not less than thirty nor more than ninety days.

Sec. 4. This act shall not apply to or 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.

(TX)

of this act

Sec. 5.

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 act, shall be sold or may be prescribed by the Police or County Court, and the proceeds appropriated to the same purpose.

(TX)

Sec. 6 It shall be the duty of all sheriffs, constables

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Sec. 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 education or scientific purposes, or into any circus, show or public exhibition of any kind, or into a ball-room, social party or other social gathering composed of ladies and gentlemen, or to any election precinct on the day or days of any election where any portion of the people of this State are collected to vote at any election, or to any other place where people may be assembled to muster or to perform any other pub-

lic duty (except as may be required or permitted by law), or any other public assembly, and shall have or carry about his person a pistol or other fire-arm, dirk, dagger, bludge, shot, sword-cane, spear, Bowie knife or any other kind of knife manufactured and sold for the purpose of offense and defense, unless an officer of the peace, he shall be guilty of a misdemeanor, and on conviction for the first offense shall be punished by fine not less than fifty nor more than five hundred dollars, and shall forfeit to the county the weapon or weapons so found on his person; and for every subsequent offense shall, in addition to such fine and forfeiture, be imprisoned in the county jail for a term not less than thirty nor more than ninety days.

OR LAWFUL

of Texas, the dagger, etc.

Sec. 5.

Provisions of this
~~That~~ All fines collected under this act 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 act, shall be sold as may be prescribed by the Police or County Court, and the proceeds appropriated to the same purpose.

(TX)

Sec. 6 It shall be the duty of all sheriffs, constables

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AD Bill

To be entitled "an act to suppress the carrying of deadly weapons, except in case of self defense or lawful defense of the state"

HB 297 original; sub - Remove sec. 5

Act 1

Be it enacted, by the Legislature of the State of Texas, that any person having or carrying about his person, any pistol, dirk, sword in a cane, spear, Bowie knife or any other kind of knives manufactured and sold for the purpose of offense and defense, unless he has reasonable ground of fearing an unlawful attack on his person or property, or unless having or carrying the same about his person for the lawful defense of the state, or as a peace officer, shall be guilty of a misdemeanor, and on conviction ^{for} of the first offense shall be punished by fine not less than ten dollars nor more than fifty dollars; and for every other offense shall, in addition to such fine, be imprisoned in the county jail for a term of thirty days

Act 2

That any person charged under

sec 2 found peer. see highlight corner



Clark Ross - 1

where any portion of the people of
 this state are collected to vote
 at any election, or to any other
 place where people may be
 assembled to muster, or to per-
 form ^(except as may be required or permitted by law) any other public duty, or
 any other public assembly, he
 shall have about his person
 a pistol or other fire-arm, dirk,
 sword in scabbard, spear, Bowie
 knife or any other kind of
 knives manufactured and
 sold for the purpose of offense
 and defense, unless an officer
 of the peace, he shall be
 guilty of a misdemeanor
 and his conviction shall for
 the first offense be punished
 by a fine not less than fifty
 nor more than ~~two~~ hundred
 dollars at the discretion of the
~~court~~ jury trying the same;
 and for every other offense
~~excepted~~ offense shall be
 imprisoned in the county jail
 for a term of not less than
 thirty nor more than 90 days.

Sec. 4. This Act shall not apply to or 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.

Any person
Sec. 5. ~~Person~~ ^{Any person} proposing to travel out of this State, ~~and~~ ^{or} into Mexico or the Indian Territory, or proposing to travel into those counties of the State designated as frontier counties and liable to incursions of hostile Indians, will be authorized to carry with him the arms necessary for his defence; provided, he shall first make known such intention to the Clerk of the District Court of the county of his residence, and shall take from such Clerk a license under seal of the District Court attesting forth this fact for which license he shall pay to the said Clerk a fee of fifty cents.

Sec. 6. That all fees collected under this Act shall be appropriated to the keeping in repair and maintenance of public roads.

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Chilchop No 86-2

Removed by SP Com.



Sec. 7

It shall be the duty of all sheriffs, constables, marshals, and their deputies, and all police and other peace officers, to arrest every person violating the first or ~~second~~^{third} sections of this Act, and immediately take him before a Justice of the Peace of the county where the offence is committed, or before a Mayor or Recorder of the town or city in which the offence 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; but in case of appeal to the District Court the accused shall be required to give bond in a sum equal to double the amount of the fine assessed, with two or more good and sufficient sureties; said bond to be payable to the State of Texas, approved by the Magistrate, and conditioned that the defendant will perform the judgment or deeree of the District Court that may be rendered in the case.

Sec. 8 ^{executive} Any officer named in section three of this Act who shall fail or refuse to arrest any person he is ~~required~~ to arrest ~~in~~ said section, on his own information or where knowledge is conveyed to him of ~~the~~ ^{any} violation, of ~~the~~ ^{one} and ~~time~~ ^{time} of this Act, shall be summarily dismissed from his office on indictment or information presented in the District Court, or by such other proceedings or tribunal as may be provided by law, and in addition may be fined in any sum not exceeding one thousand dollars, at the discretion of the court or jury.

Sec. 9 ^{Original} That this Act shall take effect and be in force from and after sixty days after its passage, and it is hereby made the duty of the Governor to publish the same without delay throughout the State.

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~~Handwritten scribbles~~
H.B.'s
Feb 22 1894
To be revised

the state of
approach the
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provision
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