

**Appendix of Mid-to-Late Nineteenth  
Century Laws Governing the Transport  
and Carrying of Dangerous Weapons**

The following appendix provides the Court with examples of mid-to-late nineteenth century laws governing the transport and carrying of dangerous weapons, including but not limited to firearms. The examples provided below are not exhaustive. Rather, these laws represent only a sample of the nearly 200 laws governing the transport and carrying of dangerous weapons that amicus curiae has researched. To assist the Court, the laws have been divided into six categories (**I. Examples of Laws Requiring a Permit or License to Carry Dangerous Weapons; II. Examples of Laws Prohibiting the Carrying of Dangerous Weapons Concealed; III. Examples of Laws Prohibiting the Carrying of Dangerous Weapons Concealed and Openly, or Some Variant Thereof; IV. Examples of Laws Restricting the Carrying of Dangerous Weapons with Express List of Lawful Exceptions; V. Examples of Laws Restricting the Carrying or Transporting of Dangerous Weapons With Express Exemptions for Travelers, Sojourners, or People Whose Lawful or Ordinary Business Required It; and VI. Examples of Laws Restricting the Carrying or Transporting of Dangerous Weapons With Express Exemptions for Self-Defense Should the Threat Be Imminent and Reasonable**) and then listed chronologically within each category. Where a law falls in more than one category, cross-references are given.

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Upon request, amicus curiae would be pleased to submit additional examples to the Court.

**I. Examples of Laws Requiring a Permit or License to Carry Dangerous Weapons**

Ordinance No. 84: Prohibiting the Carrying of Concealed Deadly Weapons, Apr. 24, 1876, reprinted in CHARTER AND ORDINANCES OF THE CITY OF SACRAMENTO 173 (R.M. Clarken ed., 1896) (California).

Section 1: It shall be unlawful for any person, not being a public officer or traveler, or not having a permit from the Police Commissioners of the City of Sacramento, to wear or carry, concealed, any pistol, dirk, or other dangerous or deadly weapon.

Section 2: Any person violating the provisions of this ordinance shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the city prison not exceeding ten days, or by both such fine and imprisonment.

Section 3: The Police Commissioners of the City of Sacramento may grant written permission to any peaceable person, whose profession or occupation may require him to be out at late hours of the night, to carry concealed deadly weapons for his protection.

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Ordinance No. 55: Prohibiting the Carrying of Concealed Weapons, Nov. 6, 1878, reprinted in CHARTER AND REVISED ORDINANCES OF THE CITY OF EUREKA 251 (1905) (California).

Section 1: It shall be unlawful for any person not being a public officer, or traveler, or not having a permit from the Mayor of this city, to wear or carry concealed, within the corporate limits of this city, any pistol, dirk, or any other dangerous or deadly weapon.

Section 2: Every person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon due proof thereof, shall be fined in a sum not to exceed one hundred dollars, or imprisonment in the city prison not exceeding ten (10) days, or by both such fine and imprisonment. Such persons, and no others, shall be termed travelers within the meaning of this Ordinance as may be actually engaged in making a journey at the time.

Section 3: The Mayor of the city may grant written permission to any peaceable person, whose profession or occupation may require him to be out at late hours of the night, to carry concealed weapons for his own protection.

Ordinance No. 317: Concerning Offenses and Disorderly Conduct, Feb. 18, 1879, reprinted in MORNING ASTORIAN (Astoria, Oregon), Feb. 22, 1879, at 3.

Section 9: That any person or persons who shall carry any fire arms, knife, dirk, knuckles, slung-shot or any other dangerous weapon in a concealed manner

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about their or his person, within the corporate limits of the city, without a permit, which permit shall be issued by the auditor and clerk of the city upon the recommendation, in writing, of the chief of police, and upon the presentation of the treasurer's receipt, that the applicant therefore, has paid into the city treasurer the sum of five dollars for a yearly permit, or the sum of one dollar for a permit extending over the period of one month, shall upon conviction thereof before the police court, be fined not less than two nor more than twenty-five dollars, or by a term of imprisonment not exceeding twenty days, provided this section shall not apply to the officers of the law.

[City Ordinances], undated, reprinted in ARKANSAS VALLEY DEMOCRAT (Arkansas City, Kansas), Aug. 8, 1879, at 3.

Section 2: No person shall in this city, wear on or about his person any pistol, revolver or any other dangerous or deadly weapon, except by special permission from the Mayor, and whoever shall violate this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than ten dollars. Provided however that this section shall not be construed as to prevent any United States, State, County or City officer from carrying such weapons as may be necessary in the proper discharge of his duties.

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Prohibiting the Carrying of Concealed Deadly Weapons, Sep. 17, 1880, reprinted in GENERAL ORDERS OF THE BOARD OF SUPERVISORS PROVIDING REGULATIONS FOR THE GOVERNMENT OF THE CITY AND COUNTY OF SAN FRANCISCO 8 (1884) (California).

Section 22: It shall be unlawful for any person, not being a public officer or traveler, or not having a permit from the Police Commissioners of this city and county, to wear or carry concealed, in this city and county, any pistol, dirk or other dangerous or deadly weapon. Every person violating any of the provisions of this Order shall be deemed guilty of a misdemeanor, and punished accordingly. Such persons and no others shall be termed “travelers,” within the meaning of this Order as may be actually engaged in making a journey at the time. The Police Commissioners may grant written permission to any peaceable person, whose profession or occupation may require him to be out at late hours of the night, to carry concealed deadly weapons for his own protection.

Article XXVII: Carrying of Pistols, undated, reprinted in ORDINANCES OF THE MAYOR, ALDERMEN AND COMMONALTY OF THE CITY OF NEW YORK, IN FORCE JANUARY 1, 1881, 214–16 (Elliott F. Shepard & Ebenezer B. Shafer eds., 1881).

Section 264: Every person, except judges of the federal state and city courts, and officers of the general, state and municipal governments, authorized by law to make arrests, and persons to whom permits shall have been issued, as hereinafter provided, who shall have in

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his possession within the city of New York a pistol of any description concealed on his person, or not carried openly, shall be deemed guilty of a misdemeanor, and shall be punished, on conviction, by a fine not exceeding ten dollars, or, in default of payment of such fine, by imprisonment not exceeding ten days.

Section 265: Any person, except as provided in this article, who has occasion to carry a pistol for his protection, may apply to the officer in command at the station-house of the precinct where he resides, and such officer, if satisfied that the applicant is a proper and law-abiding person, shall give said person a recommendation to the superintendent of police, or the inspector in command at the central office in the absence of the superintendent, who shall issue a permit to the said person, allowing him to carry a pistol of any description. Any non-resident who does business in the city of New York, and has occasion to carry a pistol while in said city, must make application for permission to do so to the officer in command of the station-house of the police precinct in which he so does business, in the same manner as is required by residents of said city, and shall be subject to the same conditions and restrictions.

Section 266: If, at the time of arrest, a pistol of any description shall be found concealed on the person of, or not carried openly by any one arrested, the officer making the arrest shall state such fact to the police magistrate before whom the prisoner is brought, and shall make a separate complaint against such prisoner for violation of the provisions of this article.

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Section 267: The commissioners of police of the police department of the city of New York are hereby authorized and empowered, for reasons appearing to be satisfactory to them, by a vote of a majority of a quorum of said commissioners on ayes and noes, to annul or revoke any permission given under this article. All persons to whom permission shall be given are hereby declared to be individually responsible for their own acts, or the consequences that may arise from the use of pistols carried under the permission to be obtained as provided in this article.

Article II: Offenses Against Public Morals and Decency, undated, reprinted in REVISED ORDINANCE OF THE CITY OF ST. LOUIS 608, 611 (M.J. Sullivan ed., 1881) (Missouri).

Section 8: Hereafter it shall not be lawful for any person to wear under his clothes, or concealed about his person, any pistol or revolver, colt, billy, slung shot, cross knuckles, or knuckles of lead, brass or other metal, bowie knife, razor, dirk knife, dirk, dagger, or any knife resembling a bowie knife, or any other dangerous or deadly weapon, within the city of St. Louis, without written permission from the mayor; and any person who shall violate this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined not less than ten nor more than five hundred dollars for each and every offense.

Section 9: Nothing in the preceding section shall be so construed as to prevent any United States, State,

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county or city officer, or any member of the city government, from carrying or wearing such weapons as may be necessary in the proper discharge of his duties.

Offenses, Apr. 12, 1881, reprinted in LAWS AND ORDINANCES FOR THE GOVERNMENT OF THE CITY OF WHEELING, WEST VIRGINIA 204, 206 (1891).

Section 14: It shall be unlawful for any person to carry any slung shot, colt, or knucklers of lead, brass or other metal or material, or to carry about his person, hid from common observation, any pistol, dirk, bowie knife, or weapon of the like kind, without a permit in writing from the mayor to do so. It shall also be unlawful for any person to persons to sell or give away to a person not of age, any slung shot, colt, or knuckler or knucklers of lead, brass or other metal or material, or any pistol, dirk, bowie knife or weapon of the like kind.<sup>1</sup>

Ordinance No. 4: Concealed Weapons, Jun. 14, 1883, reprinted in CHARTER AND ORDINANCES OF THE CITY OF HELENA, MONTANA 103–4 (1887).

Section 1: No person shall in this city wear under his clothes, or concealed on or about his person, any

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<sup>1</sup> In 1883, the constitutionality of this ordinance was challenged and upheld by West Virginia Judge Henry Brannon. See *Concealed Weapons: Judge Brannon's Decision on This Subject*, WHEELING REGISTER (West Virginia), Oct. 14, 1883, at 1, portions reprinted in PATRICK J. CHARLES, *ARMED IN AMERICA: A HISTORY OF GUN RIGHTS FROM COLONIAL MILITIAS TO CONCEALED* 159-61 (2018).



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pistol or revolver, except by special permission from the mayor; nor shall any person wear under his clothes, or concealed on or about his person, any slung shot, cross knuckles, knuckles of lead, brass or other metal, or any bowie knife, razor, billy, dirk, dirk-knife or dagger, or any knife resembling a bowie knife, or any other dangerous or deadly weapon. Any person violating any provision or requirement of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof before the police magistrate shall be fined not less than five dollars nor more than one hundred dollars. Provided, however, that this section shall not be so construed as to prevent any United States, territorial, county or city officer, or any member of the city government, from carrying such weapons as may be necessary in the proper discharge of his duties.

*Ordinance No. 10: An Ordinance Relating to Guns, Pistols, and Other Weapons, Jun. 8, 1887, reprinted in LAKIN PIONEER DEMOCRAT (Kansas), Jun. 11, 1887, at 2.*

Section 1: That it shall be unlawful for any person or persons to come inside the corporate limits of this city with any gun, pistol, or weapon of any kind on his person or in his possession or charge, Provided, however, that the marshal or his deputy may permit any person or persons who is in his opinion should be permitted to pass through said city with their guns, pistols or other weapons, so to do.

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Section 2: That it shall be unlawful for any person who is not an officer of the law to have in his possession or about his premises any gun, pistol or weapon of any kind, without first having made application to the city marshal and received a permit to carry or keep said gun, pistol or other weapon, Provided, however, that this ordinance shall not apply to any person who is regularly engaged in the business of selling guns, pistols or other weapons in said city.

Section 3: That any gun, pistol or other weapon found in the city limits contrary to Section 1 or 2 of this ordinance may be taken charge of by the marshal of said city and sold as hereinafter provided.

General Ordinances of the Village of St. Joseph: Ordinance I, to take effect Oct. 15, 1889, reprinted in ST. JOSEPH SATURDAY HERALD (Michigan), October 5, 1889, at 7.

Section 9: No person except peace officers, shall carry or wear under their clothes, or concealed about their person any pistol, revolver or slung-shot, knuckles, bowie-knife, dirk, dagger or any other dangerous or deadly weapon, except by written permission of the President . . .

. . . Section 16: No person except peace officers in the discharge of their duty, or a citizen in self-defense, shall draw, handle or flourish a revolver, pistol or gun in any street, alley, park or other public place.

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Article XXVI: Concealed Weapons, undated, reprinted in MUNICIPAL CODE OF BERLIN, COMPRISING THE CHARTER AND GENERAL ORDINANCES OF THE CITY, CODIFIED AND REVISED 112–13 (1890) (Wisconsin).

Section 483: It shall be unlawful for any person, within the limits of the City of Berlin, to carry or wear under his clothes, or concealed about his person, any pistol, colt or slung shot, cross knuckles, or knuckles of lead, brass or other metal or bowie knife, dirk knife or dirk, razor or dagger, or any other dangerous or deadly weapon. Any person who shall violate any provision of this section, shall pay a fine of not less than one dollar nor more than fifty dollars for each offense.

Section 484: The provisions of this article shall not apply to the officers or members of the police force of said City when on duty, nor to any officer whose duty it may be to serve warrants or make arrests; nor to persons who shall have obtained from the Mayor a license to carry such weapons for their protection hereinafter provided.

Section 485: The Mayor may grant, to such persons as he may deem proper, license to carry concealed weapons and may revoke such license at his pleasure.

Section 486: Application for such license shall be made to the Mayor, and, when granted, the person so licensed shall pay to the City Treasurer the sum of one dollar, and thereupon a license shall be issued by the City Clerk and signed by the Mayor. Every such license shall state the name, age, occupation, and residence of

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the person to whom it is granted and shall expire on the thirtieth day of April next following.

Chapter XXIX: Concealed Weapons, undated, reprinted in REVISED ORDINANCES OF THE CITY OF EVANSTON 131–32 (1893) (Illinois).

Section 531: It shall be unlawful for any person within the limits of the city of Evanston to carry or wear under his clothes or concealed about his person, any pistol, colt or slung shot, cross knucklet, or knuckles of lead, brass or other metal, or bowie knife, dirk, dagger, or any other dangerous or deadly weapon . . .

. . . Section 535: Any person or persons violating any of the provisions of this chapter shall pay a fine of not less than five dollars nor more than two hundred dollars, in the discretion of the magistrate or court before whom such conviction shall be had.

Section 536: The prohibitions of this chapter shall not apply to the officers or members of the police force of said city when on duty, nor to any officer of any court whose duty it may be to serve warrants or to make arrests; nor to persons whose business or occupation may seem to require the carrying of weapons for their protection, and who shall have obtained from the mayor a license so to do, as hereinafter provided.

Section 537: The Mayor may grant to so many and such persons as he may think proper, licenses to carry concealed weapons, and may revoke any and all of such licenses at his pleasure.

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Section 538: Applications for such licenses shall be made to the city clerk, and when granted, the applicant therefor shall pay to the said clerk, for the use of the city, the sum of two dollars.

Section 539: Every such license shall state the name, age and occupation and residence of the person to whom it is granted.

*Ordinances of the City of Barre Continued: Chapter XLIII: Of Sundry Prohibitions and Penalties, reprinted in GRANITE CITY LEADER (Barre, Vermont), Jun. 15, 1895, at supplement 1–3.*

Section 13: No person shall carry within the city any steel or brass knuckles, pistol, slung shot, stiletto, or weapon of similar character, nor carry any weapon concealed on his person without permission of the mayor or chief of police in writing.

*An Ordinance Regulating the Carrying of Concealed Weapons in the City of Lincoln, Prohibiting the Carrying of the Same Under Certain Conditions, Prescribing Penalties for Violation of the Provisions of this Ordinance, and Repealing Ordinances in Conflict Herewith, Aug. 26, 1895, reprinted in REVISED ORDINANCES OF LINCOLN, NEBRASKA 209–10 (1895).*

Section 1: It shall be unlawful for any person within said city to carry about the person any concealed pistol, revolver, dirk . . . or other dangerous or deadly weapons of any kind, excepting only officers of the law in the discharge of their duties; and any person so offending

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shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to the penalty hereinafter provided . . .

. . . Section 5: The prohibitions of this ordinance shall not apply to the officers or members of the police force of the city when on duty, nor to any officer of any court whose duty may be to serve warrants or to make arrests, nor to persons whose business or occupation may seem to require the carrying of weapons for their protection, and who shall have obtained from the Mayor a license to do so.

Section 6: The Mayor may grant so many and such persons as he may think proper, licenses to carry concealed weapons, and may revoke any and all of such licenses at his pleasure. Every such license shall state the name, age, occupation, and resident, of the person to whom granted, and shall be good for one year. A fee of fifty cents shall be paid therefor to the City Treasurer, and by him placed in the police fund.

Chapter XX: Misdemeanors, undated, reprinted in ORDINANCES OF THE CITY OF MILWAUKEE TO JANUARY 1, 1896: WITH AMENDMENTS THERETO AND AN APPENDIX 687, 692–93 (Charles H. Hamilton ed., 1896).

Section 25: It shall be unlawful for any person except policemen, regular or special, or any officer authorized to serve process, to carry or wear concealed about his person, any pistol or colt, slung-shot, cross-knuckles of lead, brass or other metal, or bowie-knife, dirk knife, or dirk or dagger, or any other dangerous or

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deadly weapon, within the limits of the city of Milwaukee; provided, however, that the chief of police of said city may upon any written application to him made, issue and give a written permit application to him made, issue and give a written permit to any person residing within the city of Milwaukee, to carry within the said city a pistol or revolver when it is made to appear to said chief of police that it is necessary for the personal safety of such person or for the safety of his property or of the property with which he may be entrusted, to carry such weapon; and the holding of such permit by such person shall be a bar to prosecution under this ordinance. Said chief of police shall keep the names and residences of all persons to whom he may grant such permits, in a book to be kept for that purpose, and he shall have power to revoke such permits at any time. Said chief of police shall, upon granting each and every such permit, collect from the person to whom the same is granted, the sum of three (3) dollars, and he shall pay all moneys collected by him upon granting such permits, into the city treasury. Any person who shall wear or carry any such pistol, slung-shot, cross-knuckles, knuckles of brass, lead or other metal, knife, dirk or dagger, or any other dangerous or deadly weapon, within the limits of the city of Milwaukee, contrary to the provisions of this chapter, shall be liable to a penalty of not less than ten nor more than one hundred dollars for each and every offense.

## **II. Examples of Laws Prohibiting the Carrying of Dangerous Weapons Concealed**

An Ordinance Creating and Defining Certain Offenses and the Punishment Thereof, and to Provide for the Good Order of this City, undated 1868, reprinted in SIOUX CITY DIRECTORY 1871-72, at 70, 73 (William Shaw ed., 1871).

Section 18: Any person who shall wear or carry under his clothes, or concealed about or upon his person, any pistol or other fire arms, slungshot, crossknuckles or knuckles of lead, brass or other metal or material, or any dagger, bowie-knife, dirk-knife or other dangerous knife or instrument for cutting or stabbing, or any other dangerous or deadly weapon, within the city of Sioux City, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine: *Provided*, that this section shall not be construed to prohibit any officer of the United States, any peace officer of this State, or of any county thereof, or any officer of the city, from wearing or carrying such weapons as may be convenient or necessary and proper to be carried and used by such officers in the discharge of their official duties.

Chapter XLII: Of Concealed Weapons and Cigarettes, Mar. 29, 1869, reprinted in CHARTER AND GENERAL ORDINANCES OF THE TOWN OF LEXINGTON, VIRGINIA 87 (1892).

Section 1: If any person carry about his person, hid from common observation, any pistol, dirk, bowie-knife, razor, slung-shot, or any weapon of the like kind,



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he shall be fined not less than twenty dollars nor more than one hundred dollars; and any of such weapons mentioned shall be forfeited to the town. Nothing in this section shall apply to any officer of the town, county or state while in the discharge of his duty.

An Act to Prevent the Carrying of Concealed Weapons, Aug. 10, 1871, reprinted in LAWS OF THE DISTRICT OF COLUMBIA: 1871-1872, Part II, 33 (1872).

*Be it enacted by the Legislative Assembly of the District of Columbia, That it shall not be lawful for any person or persons to carry or have concealed about their persons any deadly or dangerous weapons, such as daggers, air-guns, pistols, bowie knives, dirk-knives, or dirks, razors, razor-blades, sword-canes, slung-shots, or brass or other metal knuckles, within the District of Columbia; and any person or persons who shall be duly convicted of so carrying or having concealed about their persons any such weapons shall forfeit and pay, upon such conviction, not less than twenty dollars nor more than fifty dollars, which fine shall be prosecuted and recovered in the same manner as other penalties and forfeitures are sued for and recovered: *Provided*, That the officers, non-commissioned officers, and privates of the United States army, navy, and marine corps, police officers, and members of any regularly organized militia company or regiment, when on duty, shall be exempt from such penalties and forfeitures.*

*An Ordinance to Prevent the Carrying of Concealed Weapons, Feb. 4, 1882, reprinted in WORTHINGTON ADVANCE (Minnesota), Feb. 9, 1882, at 3.*

Section 1: That it shall be unlawful for any person within the corporate limits of the village of Worthington to carry any pistol, dirk, slung shot or other dangerous weapon, concealed on his person.

Section 2: Whoever offends against the provisions of this ordinance shall on conviction thereof, be punished by a fine of not less than Five Dollars nor more than One Hundred Dollars, and in default of the payment of said fine, be imprisoned for a period of not more than sixty days.

*To Preserve the Peace and Good Order of the City of San Jose, May 22, 1882, reprinted in CHARTER AND REVISED ORDINANCES OF THE CITY OF SAN JOSE 91 (1882) (California).*

Section 4: It shall be unlawful for any person not being a public officer, to wear or carry concealed in this city any pistol, dirk, or other dangerous weapon.

Section 2: Whoever offends against the provisions of this ordinance shall on conviction thereof, be punished by a fine of not less than Five Dollars nor more than One Hundred Dollars, and in default of the payment of said fine, be imprisoned for a period of not more than sixty days.

**III. Examples of Laws Prohibiting the Carrying of Dangerous Weapons Concealed and Openly, or Some Variant Thereof**

Good Order and Decency, undated, reprinted in THE CHARTER AND ORDINANCES OF THE CITY OF NEW HAVEN 130, 133 (1870) (Connecticut).

Section 13: Every person who shall carry in said City any steel or brass knuckles, or any slung shot, or weapon of similar character, or shall carry any weapon concealed on his person, shall forfeit and pay a penalty of not less than five, nor more than fifty dollars for every such offense.<sup>2</sup>

Miscellaneous Ordinance, Jun. 24, 1871, reprinted in ABILENE WEEKLY CHRONICLE (Kansas), Jun. 29, 1871, at 3.

Section 7: That any person who shall carry within the corporate limits of the city of Abilene or commons, a pistol, revolver, gun, musket, dirk, bowie knife, or other dangerous weapon upon his person, either openly or concealed, except to bring the same and forthwith [to] deposit it or them at their house, store room, or

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<sup>2</sup> By 1890, New Haven's law was amended to allow for licensing: "Every person who shall carry in said City, any steel or brass knuckles, pistol, or any slung shot, stiletto or weapon of similar character, or shall carry any weapon concealed on his person without permission of the Mayor or Superintendent of Police in writing, shall, on conviction, pay a penalty of not less than five, nor more than fifty dollars for every such offense." Good Order and Decency, undated, *reprinted in* CHARTER AND ORDINANCES OF THE CITY OF NEW HAVEN 160, 164 (1890).

residence, shall be fined seventy-five dollars. Provided that the provisions of this ordinance shall not apply to city and county officers while in discharge of their duty.

An Act Regulating the Right to Keep and Bear Arms, Aug. 12, 1870, reprinted in 2 GEORGE W. PASCHAL, A DIGEST OF THE LAWS OF TEXAS 1322 (1873).

Section 1: If any person shall go into any church or religious assembly, any school-room or other place where persons assembled for educational, literary, or scientific purposes, 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, or any other public assembly, and shall have about his person a bowie-knife, dirk, or butcher-knife, or firearms, whether known as a six-shooter, gun, or pistol of any kind, such persons so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than fifty or more than five hundred dollars, at the discretion of the court or jury trying the same: *Provided*, That nothing contained in this section shall apply to any person or persons whose duty it is to bear arms on such occasions in discharge of duties imposed by law.

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Ordinance No. 9: Carrying Deadly Weapons, Jan. 28, 1873, reprinted in ARIZONA WEEKLY CITIZEN (Tucson, Arizona), Feb. 8, 1873, at 2.

Section 1: Every person not being a peace officer, who shall wear or carry any dirk, dirk-knife, gun, pistol, sword in a cane, slung-shot or other dangerous or deadly weapon, contrary to the provisions of this ordinance, within the inhabited portions of the corporate limits of the Village of Tucson, shall upon conviction before the Recorder be fined any sum not exceeding ten dollars, or be imprisoned for a period not exceeding ten days, or by both such fine and imprisonment in the discretion of the court . . .

Chapter 108: Carrying Pistols, Bowie-Knives, Etc., Dec. 26, 1873, reprinted in ORDINANCES OF THE CITY OF NASHVILLE 3 (William K. McAlister, Jr. ed., 1881) (Tennessee).

Section 1: That every person found carrying a pistol, bowie-knife, dirk-knife, slung-shot, brass knucks or other deadly weapon, shall be deemed guilty of a misdemeanor, and, upon conviction of such first offense, shall be fined from ten to fifty dollars, at the discretion of the court, but upon conviction of every such subsequent offense, shall be fined fifty dollars; *Provided, however,* That no ordinary pocket knife and common walking-canes shall be construed to be deadly weapons . . .

. . . Section 5: It is expressly understood that the provisions of this act relating to carrying such deadly

weapons as are mentioned in the preceding sections, do not extend to police nor other officers, or persons that are entitled by law to carry such deadly weapons, nor does it extend to the act of handling or moving such deadly weapons in any ordinary business way.

An Act to Prevent the Carrying of Fire Arms and Other Deadly Weapons, Dec. 2, 1875, reprinted in COMPILED LAWS OF WYOMING 352 (J.R. Whitehead ed., 1876).

Section 1: That hereafter it shall be unlawful for any resident of any city, town or village, or for any one not a resident of any city, town or village, in said Territory, but a sojourner therein, to bear upon his person, concealed or openly, any fire arm or other deadly weapon, within the limits of any city, town or village.

Section 2: That if any person not a resident of any town, city or village of Wyoming Territory, shall, after being notified of the existence of this act by a proper peace officer, continue to carry or bear upon his person any fire arm or other deadly weapon, he or she, shall be deemed to be guilty of a violation of the provisions of this act and shall be punished accordingly.

Section 3: Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than fifty dollars, and, in the default of the payment of any fine which may be assessed against him, shall be imprisoned in

the county jail for not less than five days nor more than twenty days.

Ordinance No. 1, Jul. 2, 1877, reprinted in EMPIRE CITY ECHO (Kansas), Jul. 7, 1877, at 1.

Section 6: Any person who shall carry any concealed pistol, dirk, or other deadly weapon, within the limits of this city, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined in a sum not less than \$10 nor more than \$50 . . .

. . . Section 8: Any person who shall, while exercising the right to carry firearms, not concealed, be intoxicated, or shall do any act or thing calculated to cause apprehension or alarm to any citizen within the limits of this city shall be deemed guilty of a misdemeanor, and upon conviction be fined in a sum not less than \$3.00 nor more than \$20.00.

Chapter XXVII: Offenses Against the Public Peace and Quiet, undated, reprinted in CHARTER AND ORDINANCES OF THE CITY OF SYRACUSE 191, 192 (1877) (New York).

Section 7: Any individual who shall carry about his or her person any dirk, bowie knife, sword or spear cane, pistol, revolver, slung-shot, jemme, brass knuckles, or other deadly or unlawful weapon, with the intent to do bodily harm to any other person or persons, shall be liable to a fine of not less than twenty-five dollars, and also to imprisonment not to exceed three months.

Chapter 5: Offenses Against the Person, undated, reprinted in THE REVISED ORDINANCES OF PROVO CITY, CONTAINING ALL THE ORDINANCES IN FORCE 105, 106–7 (1877) (Utah).

Section 182: Every person who shall wear, or carry upon his person any pistol, or other firearm, slungshot, false knuckles, bowieknife, dagger or any other dangerous or deadly weapon, is guilty of an offense, and liable to a fine in any sum not exceeding twenty-five dollars; *Provided*, that nothing in this section, shall be construed to apply to any peace officer, of the United States, the Territory of Utah, or of this city.

City Ordinances: Chapter V: Misdemeanors and Other Offences, undated, reprinted in CALDWELL COMMERCIAL (Kansas), Mar. 10, 1881, at 2.

Section 10: Any person carrying any deadly or dangerous weapon, such as firearms, slung shot, sheath or dirk knife or any other weapon which when used is liable to produce death or great bodily harm, unconcealed, within the corporate limit of the city, shall upon conviction be fined in a sum not less than one nor more than twenty-five dollars.

Section 11: Any person or persons carrying any deadly or dangerous weapons concealed about their person such as firearms, slung shot, sheath or dirk knife, brass knuckles or any other weapon, which when used are liable to produce death or great bodily hard and injury, shall upon conviction, be fined in a sum not



less than five nor more than fifty dollars for each and every offence.

Ordinance No. 2, Jun. 27, 1881, reprinted in GALENA MINER (Kansas), Jul. 2, 1881, at 2.

Section 6: Any person who shall carry a pistol, dirk or other deadly weapon within the limits of this city, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be fined in any sum not less than five nor more than fifty dollars . . .<sup>3</sup>

. . . Section 8: Any person who shall, while exercising the right to carry firearms, not concealed, be intoxicated, or who shall do anything calculated to cause apprehension or alarm to any citizen, within the limits of this city, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than five nor more than fifty dollars.

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<sup>3</sup> In 1881, Section 6 was modified to punish both open and concealed carry. In 1877, Section 6 stated: “Any person who shall carry any *concealed* pistol, dirk or other deadly weapon within the limits of this city, shall be deemed guilty of a misdemeanor and upon conviction thereof be fined in a sum not less than five dollars nor more than fifty dollars.” *Ordinance No. 3, Jul. 6, 1877, reprinted in GALENA MINER (KS), Jul. 7, 1877, at 3* (emphasis added).

Ordinance No. 97: Ordinance Related to Carrying Deadly Weapons, May 17, 1882, reprinted in BURLINGTON DEMOCRAT (Kansas), May 26, 1882, at 2.

Section 1: That it shall be unlawful for any person hereafter to carry on his or her person a pistol, bowie-knife, dirk or other deadly weapon, concealed or otherwise, within the corporate limits of the said City of Burlington, *Provided*: This Section shall not apply to any person carrying a deadly weapon while in the performance of his or her legitimate business, wherein the law commands such person to carry a deadly weapon.

Article III: Offenses Affecting Public Safety, undated, reprinted in DIGEST OF THE ACTS REPEALING THE CHARTERS OF CERTAIN MUNICIPAL CORPORATIONS . . . AND THE ORDINANCES OF THE TAXING DISTRICT OF SHELBY COUNTY, TENNESSEE 188, 189 (C.W. Heiskell ed., 1882).

Section 364, Sub-Section 9: It shall be deemed a misdemeanor to do, or cause to be done, any of the following acts; and any person convicted thereof shall be fined not less than one nor more than fifty dollars: . . . To carry concealed on or about the person any pistol, bowie-knife, dirk or other deadly weapon. Or to carry any pistol, slung-shot, dangerous knife, or any other deadly weapon of the like character at all or in any manner, except in self-defense or while executing some law, or to carry through the streets or other public place in the District, any loaded gun. person not being a peace officer, who shall wear or carry any dirk, dirk-knife, gun, pistol, sword in a cane, slung-shot or other dangerous or deadly weapon, contrary to the

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provisions of this ordinance, within the inhabited portions of the corporate limits of the Village of Tucson, shall upon conviction before the Recorder be fined any sum not exceeding ten dollars, or be imprisoned for a period not exceeding ten days, or by both such fine and imprisonment in the discretion of the court.

Ordinance No. 25: An Ordinance Regulating Certain Misdemeanors and Punishments, Jun. 8, 1883, reprinted in WYANDOTT HERALD (Kansas City, KS), Jun. 14, 1883, at 2 (Armourdale, Kansas).

Section 6: If any person shall carry concealed on his person any pistol or revolver, brass or iron knucks, iron, lead, or wooden billies, or slung-shot, or other weapon liable to produce great bodily harm, within the corporate limits of this city, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each offense.

Section 7: Every person who shall carry unconcealed on his person any pistol or revolver, brass or iron knucks, iron, lead, or wooden billy, or slung-shot, or other weapon liable to produce great bodily harm, within the corporate limits of this city, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00).

Section 8: The last two preceding sections shall not apply to peace officers carrying any of said weapons in the performance of their duties as such officers.

An Act to Prohibit the Unlawful Carrying and Use of  
Deadly Weapons, Feb. 18, 1887, reprinted in ACTS OF  
THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF NEW  
MEXICO, TWENTY-SEVENTH SESSION 55, 58 (1887).

Section 1: That any person who shall hereafter carry a deadly weapon, either concealed or otherwise, on or about the settlements of this territory, except it be in his or her residence, or on his or her landed estate, and in the lawful defense of his or her person, family or property, the same being then and there threatened with danger, or except such carrying be done by legal authority, upon conviction thereof shall be punished by a fine of not less than fifty dollars, nor more than three hundred, or by imprisonment not less than sixty days, nor more than six months, or by both such fine and imprisonment, in the discretion of the court or jury trying the same . . .

. . . Section 7: It shall not be necessary, in the trial of any cause arising under the provisions of this act to prove that the person charged was not, at the time of violating the said provisions, in the lawful defense of himself, his family or property, or acting by lawful authority, but the accused must prove that he was, at such time, within the exception claimed. . . .

. . . Section 9: Persons traveling may carry arms for their own protection while actually prosecuting their journey and may pass through settlements on their road without disarming; but if such travelers shall stop at any settlement for a longer time than fifteen minutes they shall remove all arms from their

person or persons, and not resume the same until upon the eve of departure . . .

*Ordinance No. 10: An Ordinance Relating to Guns, Pistols, and Other Weapons* Jun. 8, 1887, reprinted in *LAKIN PIONEER DEMOCRAT (Kansas)*, Jun. 11, 1887, at 2.

For text, see App. 9–10, *supra*.

*Ordinance No. 88*, Mar. 8, 1888, reprinted in *WILSON CITY CITIZEN (Fredonia, Kansas)*, Mar. 16, 1888, at 3.

Section 5: Every person who shall be guilty of carrying any revolver, pistol, dirk, bowie knife or other deadly weapon upon his person, concealed or otherwise, except ministerial officers in the discharge of their duties, and travelers who do not remain more than twenty-four hours in the city aforesaid, shall be deemed guilty of a misdemeanor.

*An Act Defining and Punishing Certain Offenses Against the Public Peace*, Mar. 15, 1889, reprinted in *ACTS, RESOLUTIONS AND MEMORIALS OF THE FIFTEENTH LEGISLATIVE ASSEMBLY OF THE TERRITORY OF ARIZONA* 30–31 (1889).

Section 1: If any person within any settlement, town, village or city within this Territory shall carry on or about his person, saddle, or in his saddlebags, any pistol, dirk, dagger, slung shot, sword cane, spear, brass knuckles, bowie knife, or any other kind of knife manufactured or sold for the purposes of offense or defense,

he shall be punished by a fine of not less than twenty-five nor more than one hundred dollars; and in addition thereto, shall forfeit to the County in which he is convicted, the weapon or weapons so carried.

Section 2: The preceding article shall not apply to a person in actual service as a militiaman, nor as a peace officer or policeman, or person summoned to his aid, nor to a revenue or other civil officer engaged in the discharge of official duty, nor to the carrying of arms on one's own premises or place of business, nor to persons traveling, nor to one who has reasonable ground for fearing an unlawful attack upon his person, and the danger is so imminent and threatening as not to admit of the arrest of the party about to make such attack upon legal process.

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 purposes, or into any circus, show or public exhibition of any kind, or into a ball room, social party or social gathering, or to any election precinct on the day or days of any election, where any portion of the people of this Territory are collected to vote at any election, or to any other place where people may be assembled to must or to perform any other public duty, or to any other public assembly, and shall have or carry about his person a pistol or other firearms, dirk, dagger, slung shot, sword-cane, spear, brass knuckles, bowie knife, or any other kind of a knife manufactured and sold for the purposes of offense or defense, he shall be punished by a 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 . . .

. . . Section 6: Persons traveling may be permitted to carry arms within settlements or towns of the Territory for one-half hour after arriving in such settlements or town, and while going out of such towns or settlements; and Sheriffs and Constables of the various Counties of this Territory and their lawfully appointed deputies may carry weapons in the legal discharge of the duties of their respective offices.

General Ordinances of the Village of St. Joseph: Ordinance I, to take effect Oct. 15, 1889, reprinted in ST. JOSEPH SATURDAY HERALD (Michigan), October 5, 1889, at 7.

For text, see App. 10, *supra*.

Chapter XVII: Carrying Concealed Weapons—Firing Guns, Pistols, Fire Crackers, Etc., May 22, 1890, reprinted in GENERAL ORDINANCES OF THE TOWN OF COLUMBIA, IN BOONE COUNTY, MISSOURI 34, 35 (Lewis M. Switzler ed., 1890).

Section 162: Any person who shall be guilty of carrying concealed upon or about his person any pistol, bowie knife, dirk, dagger, slung shot, or other deadly or dangerous weapon, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than one hundred dollars for every such offense.

Section 163: Any person who shall go into any church, or place where people have assembled for religious worship; or into any school room, or place where people are assembled for educational, literary or social purposes; or into any court room, during the sitting of court, or to any election precinct on any election day; or into any other public assemblage of persons met for any lawful purpose, other than for military drill, or meetings, called under the militia laws of this state, carrying concealed or in sight upon or about his person, any fire arms or other deadly or dangerous weapon, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred nor more than one hundred and fifty dollars for ever[y] such offense.

Section 164: Any person who shall be guilty of exhibiting any fire arms, or other deadly or dangerous weapon in a rude, angry, or threatening manner; or who shall carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drinks, shall be deemed guilty of a misdemeanor, and shall upon conviction be fined not less than fifty dollars for every such offense.

*Provided*, that the three last preceding sections shall not apply to police officers, nor to any officer whose duty it is to execute process or warrants, or to suppress breaches of the peace, or make arrests, nor to any posse when lawfully summoned and on duty; nor shall section 162 apply to persons moving or traveling peaceably through the state.



Article 47: Concealed Weapons, undated, reprinted in THE STATUTES OF OKLAHOMA 1890, at 495–96 (Will T. Little, L.G. Pitman, & R.J. Barker eds., 1891).

Section 1: It shall be unlawful for any person in the Territory of Oklahoma to carry concealed on or about his person, saddle, or saddle bags, any pistol, revolver, bowie knife, dirk, dagger, slung-shot, sword cane, spear, metal knuckles, or any other kind of knife or instrument manufactured or sold for the purpose of defense except as in this article provided.

Section 2: It shall be unlawful for any person in the Territory of Oklahoma, to carry upon or about his person any pistol, revolver, bowie knife, dirk knife, loaded cane, billy, metal knuckles, or any other offensive or defensive weapon, except as in this article provided . . .

. . . Section 4: Public officers while in the discharge of their duties or while going from their homes to their place of duty, or returning therefrom, shall be permitted to carry arms, but at no other time and under no other circumstances: Provided, however, That if any public officer be found carrying such arms while under the influence of intoxicating drinks, he shall be deemed guilty of a violation of this article as though he were a private person.

Section 5: Persons shall be permitted to carry shot-guns or rifles for the purpose of hunting, having them repaired, or for killing animals, or for using the same in public muster or military drills, or while travelling

or removing from one place to another, and not otherwise . . .

. . . Section 7: It shall be unlawful for any person, except a peace officer, to carry into any church or religious assembly, any school room or other place where persons are assembled for public worship, for amusement, or for educational or scientific purposes, or into any circus, show or public exhibition of any kind, or into any ball room, or to any social party or social gathering, or to any election, or to any place where intoxicating liquors are sold, or to any political convention, or to any other public assembly, any of the weapons designated in sections one and two of this article.

#### **IV. Examples of Laws Restricting the Carrying of Dangerous Weapons with Express List of Lawful Exceptions**

An Act to Regulate the Keeping and Bearing of Deadly Weapons, Apr. 12, 1871, reprinted in 2 GEORGE W. PASCAL, A DIGEST OF THE LAWS OF TEXAS 1322 (1873).

Section 1: Any person carrying on or about his person, saddle, or in his saddle-bags, any pistol, dirk, dagger, slung-shot, sword-cane, spear, brass-knuckles, bowie-knife, or any other kind of knife manufactured or sold for the purpose of offense or defense, unless he has reasonable grounds for fearing an unlawful attack on his person, and that such ground of attack shall be immediate and pressing; or unless having or carrying the same on or about his person for the lawful defense of the state, as a militiaman in actual service, or as a

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peace officer or policeman, shall be guilty 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 sixty 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 and bearing 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 legislature shall not be included under the terms “civil officers” as used in this act.

*Miscellaneous Ordinance, Jun. 24, 1871, reprinted in ABILENE WEEKLY CHRONICLE (Kansas), Jun. 29, 1871, at 3.*

For text, see App. 19–20, *supra*.

Article XVIII: Dangerous Weapons, undated, reprinted in CONSTITUTION AND LAWS OF THE CHEROKEE NATION 228 (1875).

Section 88: Every person, a citizen of this Nation, who shall in any way carry arms of any kind whatever, or who shall have on or about his person any dirk, bowie knife, pistol, revolver, slung shot, metal knuckles or other dangerous arm or weapon, except a common pocket knife, unless for the purpose of hunting game, or upon a journey, or in pursuit of fugitives from justice, or in the discharge of duty by virtue of a legal summons, shall forfeit such arms or weapons to the Nation, and be fined in any sum not exceeding one hundred dollars, or be imprisoned not exceeding six months, or be fined and imprisoned at the discretion of the court having jurisdiction.

Chapter CXLVIII: Of Offences Against the Peace, undated, reprinted in THE CODE OF WEST VIRGINIA 897-08 (John A. Warth ed., 1887).

Section 7: If a person carry about his person any revolver or other pistol, dirk, bowie knife, razor, slung shot, billy, metallic or other false knuckles, or any other dangerous or deadly weapon of like kind or character, he shall be guilty of a misdemeanor, and fined not less than twenty-five nor more than two hundred dollars, and may, at the discretion of the court, be confined in jail not less than one nor more than twelve months; and if any person shall sell or furnish any such weapon as is hereinbefore mentioned to a person whom he knows, or has reason, from his appearance or

otherwise, to believe to be under the age of twenty-one years, he shall be punished as hereinbefore provided; but nothing herein contained shall be so construed as to prevent any person from keeping or carrying about his dwelling house or premises, any such revolver or other pistol, or from carrying the same from the place of purchase to his dwelling house, or from his dwelling house to any place where repairing is done, to have it repaired and back again. And if upon the trial of an indictment for carrying any such pistol, dirk, razor or bowie knife, the defendant shall prove to the satisfaction of the jury that he is a quiet and peaceable citizen, of good character and standing in the community in which he lives, and at the time he was found with such pistol, dirk, razor or bowie knife, as charged in the indictment he had good cause to believe and did believe that he was in danger of death or great bodily harm at the hands of another person, and that he was in good faith, carrying such weapon for self-defense and for no other purpose, the jury shall find him not guilty. But nothing in this section contained shall be so construed as to prevent any officer charged with the execution of the laws of the State, from carrying a revolver or other pistol, dirk or bowie knife.

An Act Defining and Punishing Certain Offenses Against the Public Peace, Mar. 15, 1889, reprinted in ACTS, RESOLUTIONS AND MEMORIALS OF THE FIFTEENTH LEGISLATIVE ASSEMBLY OF THE TERRITORY OF ARIZONA 30-31 (1889).

For text, see App. 29-31, *supra*.

Article 47: Concealed Weapons, undated, reprinted in THE STATUTES OF OKLAHOMA 1890, at 495–96 (Will T. Little, L.G. Pitman, & R.J. Barker eds., 1891).

For text, see App. 33–34, *supra*.

**V. Examples of Laws Restricting the Carrying or Transporting of Dangerous Weapons With Express Exemptions for Travelers, Sojourners, or People Whose Lawful or Ordinary Business Required It**

An Act to Prevent Carrying Concealed or Dangerous Weapons, and to Provide Punishment Therefor, Feb. 23, 1859, reprinted in LAWS OF THE STATE OF INDIANA, PASSED AT THE FORTIETH SESSION OF THE GENERAL ASSEMBLY 129 (1859).

Section 1: *Be it enacted by the General Assembly of the State of Indiana, That every person not being a traveler, who shall wear or carry any dirk, pistol, bowie-knife, dagger, sword in cane, or any other dangerous or deadly weapon concealed, or who shall carry or wear any such weapon openly, with the intent or avowed purpose of injuring his fellow man, shall, upon conviction thereof, be fined in any sum not exceeding five hundred dollars.*

Concealed Weapons, undated, reprinted in 1 GENERAL LAWS OF THE STATE OF CALIFORNIA, FROM 1850 TO 1864, INCLUSIVE 261 (Theodore H. Hittell ed., 1870).

Section 1: Every person not being peace-officer, provost-marshal, enrolling-officer, or officer acting under

the laws of the United States in the department of the provost-marshal of this States, State and Federal assessors, collectors of taxes and licenses while in the performance of official duties, or traveler, who shall carry or wear any dirk, pistol, sword in cane, slungshot, or other dangerous or deadly weapon concealed, shall upon conviction thereof before any court of competent jurisdiction, be deemed guilty of a misdemeanor, and shall be imprisoned in the county jail for not less than thirty nor more than ninety days, or fined in any sum not less than twenty nor more than two hundred dollars.

Section 2: Such persons, and no others, shall be deemed travelers within the meaning of this act, as may be actually engaged in making a journey at the time.

Ordinance No. 1: Protecting Public Morality, Order and Safety, undated, reprinted in ORDINANCES OF THE TOWN OF BEDFORD 3 (1869) (Indiana).

Section 4: Every person, not being a traveler, who shall wear or carry any dirk, pistol, bowie knife, dagger, sword in cane, or any other dangerous or deadly weapon concealed, or who shall carry or wear such weapon with the intent and avowed purpose of injuring his fellow man, shall, upon conviction thereof, be fined in any sum not more than ten dollars.

An Act to Regulate the Keeping and Bearing of Deadly Weapons, Apr. 12, 1871, reprinted in 2 GEORGE W. PASCAL, A DIGEST OF THE LAWS OF TEXAS 1322 (1873).

For text, see App. 34–35, *supra*.

Chapter XX: Misdemeanors, undated, reprinted in A COMPILATION OF THE LAWS AND ORDINANCES OF THE CORPORATION OF LEBANON 52, 56–57 (R.E. Thompson ed., 1871) (Tennessee).

Section 23: Whoever shall carry concealed upon or about his person any pistol, Bowie knife, dirk, sword cane or other dangerous weapon, within the limits of the Corporation, unless on a journey or permitted by law to carry weapons, shall be deemed guilty of a misdemeanor, and fined not less than three dollars nor more than fifty dollars for each offence.

Chapter 108: Carrying Pistols, Bowie-Knives, Etc., Dec. 26, 1873, reprinted in ORDINANCES OF THE CITY OF NASHVILLE 3 (William K. McAlister, Jr. ed., 1881) (Tennessee).

For text, see App. 21–22, *supra*.

Chapter XXVIII: Peace and Order, undated, reprinted in REVISED ORDINANCES OF THE CITY OF OMAHA 85, 86–87 (John P. Bartlett ed., 1872) (Nebraska).

Section 6: If any person shall carry any concealed weapon or weapons, or have concealed upon or about his or her person any revolver, pistol, slung shot, bowie



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knife, or other deadly weapon or instrument, such person shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not exceeding twenty dollars. The foregoing provision shall not apply to officers whose duties require that they should carry arms, nor to well known and worthy citizens or persons of good repute who may carry arms for their own protection in going to or from their place or places of business, if such business be lawful.<sup>4</sup>

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<sup>4</sup> By 1894, Omaha's armed carriage ordinance was revised and read as follows: "It shall be unlawful for any person to wear under his clothes, or concealed about his person, any pistol or revolver, colt, billy, slug-shot, brass knuckles or knuckles of lead, dirk, dagger, or any knife resembling a bowie knife, or any other dangerous or deadly weapon within the corporate limits of Omaha. And any person guilty of a violation of this section shall, on conviction, be fined not exceeding one hundred (\$100) dollars for each and every offense; nothing in this section, however, shall be construed as to prevent the United States marshals and their deputies, sheriffs and their deputies, regular or special police officers of the city, from carrying or wearing such weapons as may be deemed necessary for the proper discharge of their duties. *Provided, however,* If it shall be proved from the testimony on the trial of any such case, that the accused was, at the time of carrying any weapon as aforesaid, engaged in the pursuit of any lawful business, calling or employment and the circumstances in which he was placed at the time aforesaid were such as to justify a prudent man in carrying the weapon or weapons aforesaid, for the defense of his person, property, or family, the accused shall be acquitted." Ordinances Defining Misdemeanors, undated, *reprinted in* COMPILED MISDEMEANOR ORDINANCES OF THE CITY OF OMAHA 11, 14-15 (W.J. Connell ed., 1894).

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Article XVIII: Dangerous Weapons, undated, reprinted in CONSTITUTION AND LAWS OF THE CHEROKEE NATION 228 (1875).

For text, see App. 36, *supra*.

An Act to Prevent the Carrying of Fire Arms and Other Deadly Weapons, Dec. 2, 1875, reprinted in COMPILED LAWS OF WYOMING 352 (J.R. Whitehead ed., 1876).

For text, see App. 22–23, *supra*.

Ordinance No. 84: Prohibiting the Carrying of Concealed Deadly Weapons, Apr. 24, 1876, reprinted in CHARTER AND ORDINANCES OF THE CITY OF SACRAMENTO 173 (R.M. Clarken ed., 1896) (California).

For text, see App. 2, *supra*.

Ordinance No. 10: An Ordinance Relating to Guns, Pistols, and Other Weapons, Jun. 8, 1887, reprinted in LAKIN PIONEER DEMOCRAT (Kansas), Jun. 11, 1887, at 2.

For text, see App. 9–10, *supra*.

Chapter XVII: Carrying Concealed Weapons—Firing Guns, Pistols, Fire Crackers, Etc., May 22, 1890, reprinted in GENERAL ORDINANCES OF THE TOWN OF COLUMBIA, IN BOONE COUNTY, MISSOURI 34, 35 (Lewis M. Switzler ed., 1890).

For text, see App. 31–32, *supra*.

An Ordinance Defining Offenses and Fixing the Punishment Thereof, Aug. 16, 1878, reprinted in AMENDED CITY CHARTER AND ORDINANCES OF THE CITY OF WALLA WALLA 165, 170 (Alex Mackay and W.T. Dovell eds., 1896).

Section 27: No person shall carry any concealed weapons within the corporate limits of the City of Walla Walla, and any person convicted thereof shall be fined in any sum not less than five nor more than twenty-five dollars; and such weapons shall be confiscated and forfeited . . . All sheath or bowie knives and pocket knives with blades more than four inches long, also all sling-shots, metal knuckles, clubs, sticks or other instruments, capable of inflicting great bodily injury, shall be deemed weapons within the meaning of this section when carried either wholly or partially concealed; provided, that this section shall not apply to the City Marshal, his Deputies, or Policemen, or City Watchmen, or private watchmen employed as such by private citizens, nor the Sheriff, Deputy Sheriff, or any Constable of Walla Walla County, or to any person temporarily sojourning in the City for a period of not exceeding five days' prior to the filing of the complaint, but in no case shall it be necessary to specify in the complaint that the accused does not belong to the excepted classes herein specified.

Ordinance No. 55: Prohibiting the Carrying of Concealed Weapons, Nov. 6, 1878, reprinted in CHARTER AND REVISED ORDINANCES OF THE CITY OF EUREKA 251 (1905) (California).

For text, see App. 3, *supra*.

Prohibiting the Carrying of Concealed Deadly Weapons, Sep. 17, 1880, reprinted in GENERAL ORDERS OF THE BOARD OF SUPERVISORS PROVIDING REGULATIONS FOR THE GOVERNMENT OF THE CITY AND COUNTY OF SAN FRANCISCO 8 (1884) (California).

For text, see App. 5, *supra*.

Ordinance No. III: Crimes and Misdemeanors, Aug. 9, 1881, reprinted in WEEKLY DEMOCRAT-TIMES (Greenville, Mississippi), Dec. 31, 1881, at 2.

Section 8: Be it further ordained, That it shall not be lawful for any person to carry, concealed in whole or in part, any bowie-knife, dirk-knife, brass or metal knuckler, pistol, slung-shot, or other deadly weapon, (unless the party so carrying such weapon shall be threatened with, or have good and sufficient cause to apprehend an attack, or traveling, or setting out on a journey, or peace officer in the discharge of his duty, and any person so offending shall upon conviction thereof before a Justice of the Peace having jurisdiction, be fined in any sum not exceeding one hundred dollars, or in default thereof work at hard labor for the term of two months; and for a second or any subsequent offense fined not less than fifty nor more than two hundred dollars, and if fine and costs are not paid, condemned to hard labor not exceeding six months.

Penal Code, Embracing Offences not Incorporated in Any of the Preceding Chapters, undated, reprinted in CODE OF ORDINANCES OF THE CITY OF EUFAULA, WITH THE CHARTER 103–4 (H.D. Clayton, Jr. ed., 1886) (Alabama).

Section 208: Any person who not being threatened with, or having good reason to apprehend attack, or traveling, carries concealed about his person a bowie-knife, or knife of like kind or description, or a pistol or slug-shot, shall on conviction be fined not less than five nor more than fifty dollars, and may also be imprisoned not exceeding twenty days, one or both, at the discretion of the mayor.

An Act to Prohibit the Unlawful Carrying and Use of Deadly Weapons, Feb. 18, 1887, reprinted in ACTS OF THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF NEW MEXICO, TWENTY-SEVENTH SESSION 55, 58 (1887).

For text, see App. 28–29, *supra*.

Ordinance No. 22: An Ordinance Relating to the Promotion of the Public Peace, Feb. 7, 1888, reprinted in CHARTER AND ORDINANCES OF THE CITY OF NEW ULM, MINNESOTA 110–11 (Jos. A. Eckstein ed., 1888).

Section 2: It shall be unlawful for any person, within the limits of this city to carry or wear under his clothes or concealed about his person, any pistol, dirk, sling-shot, or knuckle of brass or other metal, or any other dangerous or deadly weapon. Any such weapon duly adjudged by any justice court of said city to have

been worn or carried by any person in violation of this section, shall be adjudged and declared forfeited or confiscated to the city of New Ulm; and every such person so offending, on conviction, may in addition to the penalty hereinafter described, be required to furnish sureties for keeping the peace for a term not exceeding six months.

Section 3: The prohibition in the preceding section shall not apply to police, peace, and other officers of courts, whose duty may be to secure warrants or make arrests, nor to persons whose business or occupation may require the carrying of weapons for protection. Nothing in the ordinances of this city shall be construed to prohibit within the city limits any firing of a gun, pistol or other firearm when done in the lawful defense of person, property or family, or in the necessary enforcement of the laws.

An Act Defining and Punishing Certain Offenses Against the Public Peace, Mar. 15, 1889, reprinted in ACTS, RESOLUTIONS AND MEMORIALS OF THE FIFTEENTH LEGISLATIVE ASSEMBLY OF THE TERRITORY OF ARIZONA 30-31 (1889).

For text, see App. 29-31, *supra*.

Carrying Concealed Weapons, Mar. 17, 1880, reprinted in REVISED ORDINANCES OF THE CITY OF MASSILLON 50-51 (1893) (Ohio).

Section 129: That whoever carries any pistol, bowie knife, dirk, or other dangerous weapon, concealed on or

about his person, shall be fined no more than two hundred dollars, or imprisoned not more than thirty days, and for a second offense, fined not more than five hundred dollars, or imprisoned not more than three months, or both.

Section 130: That upon the trial of a complaint for carrying a concealed weapon, the jury or the Mayor, as the case may be, shall acquit or discharge the defendant if it be made to appear that he was at that time engaged in a lawful business, calling or employment, and that the circumstances in which he was placed were as to justify a prudent man in carrying the weapon for the defense of his person, property or family.

*An Ordinance Prohibiting the Unlawful Carrying of Arms, May 4, 1880, reprinted in AUSTIN AMERICAN STATESMAN (Texas), May 9, 1880, at 2.*

Section 1: Be it ordained by the City Council of the city of Austin, That if any person in this city shall carry on or about his person, saddle, or in his saddle bags any pistol, dirk, dagger, slung shot, sword-cane, spear, brass knuckles, bowieknife, or any other kind of knife manufactured or sold for purposes of offense or defense, he shall be punished by fine of not less than twenty-five nor more than one hundred dollars; and in addition thereto shall forfeit to the city of Austin the weapon or weapons so carried.

Section 2: That the preceding section shall not apply to a person in actual service as a militiaman, nor

to a peace officer or policeman, or person summoned to his aid, nor to revenue or other civil officer engaged in the discharge of his official duty, nor to the carrying of arms on one's own premises or place of business, nor to persons traveling, nor to one who has reasonable grounds for fearing an unlawful attack upon his person and the danger is so imminent and threatening as not to admit of the arrest of the party about to make such attack, upon legal process . . .

*Ordinance No. 97: Ordinance Related to Carrying Deadly Weapons, May 17, 1882, reprinted in BURLINGTON DEMOCRAT (Kansas), May 26, 1882, at 2.*

For text, see App. 26, *supra*.

Penal Code of the City of Uniontown: Chapter 1, undated, reprinted in CHARTER AND CODE OF LAWS FOR THE CITY OF UNIONTOWN, ALABAMA 49 (1885).

Section 98: Any person not being threatened with, or having good reason to apprehend attack, or traveling, or setting out on a journey, who carries concealed about his person, a bowie knife, dirk, or knife of like kind, or a pistol or fire-arm of any kind or description, or any air gun, sword cane, brass knucks or sling shot, must, on conviction, be fined, fined and imprisoned, or sentenced to hard labor for the city.



An Act Defining and Punishing Certain Offenses Against the Public Peace, Mar. 15, 1889, reprinted in ACTS, RESOLUTIONS AND MEMORIALS OF THE FIFTEENTH LEGISLATIVE ASSEMBLY OF THE TERRITORY OF ARIZONA 30–31 (1889).

For text, see App. 28–29, *supra*.

Article 47: Concealed Weapons, undated, reprinted in THE STATUTES OF OKLAHOMA 1890, at 495–96 (Will T. Little, L.G. Pitman, & R.J. Barker eds., 1891).

For text, see App. 33–34, *supra*.

Centennial City Law, Apr. 4, 1897, reprinted in TENNESSEAN (Nashville, Tennessee), Apr. 5, 1897, at 8.

Section 2: Every person found carrying a pistol, bowie knife, dirk knife, sling-shot, brass knucks or other deadly weapon shall be deemed guilty of a misdemeanor, and upon conviction of such first offense shall be fined not less than ten nor more than fifty dollars, at the discretion of the Recorder; but upon conviction of every subsequent offense shall be fined no less than fifty dollars; but no ordinary pocket knife nor walking cane shall be construed to be a deadly weapon as herein contemplated . . .

. . . Section 4: It is expressly understood that the provisions of the above sections relating to the carrying of deadly weapons do not extend to police or other officers or persons who are entitled by the law to carry such deadly weapons, nor does it extend to the act of

handling or moving such deadly weapons in an ordinary business way.

**VI. Examples of Laws Restricting the Carrying or Transporting of Dangerous Weapons With Express Exemptions for Self-Defense Should the Threat Be Imminent and Reasonable**

Ordinance No. 74: An Ordinance Relating to Breaches of the Peace, Disorderly Conduct and the Carrying of Concealed Weapons, May 24, 1870, reprinted in CITY CHARTER OF THE CITY OF HASTINGS: TOGETHER WITH ORDINANCES OF SAID CITY 74, 75 (1884) (Minnesota).

Section 3: Any person who shall go armed within the incorporated limits of said city of Hastings with a dirk, dagger, sword, pistol or pistols, or shall carry a slung-shot or metal knuckles or other offensive or dangerous weapon, without reasonable cause to fear an assault or other injury to his person or to his family or property, shall, upon conviction before said justice, be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding three months, or both, in the discretion of the justice.

An Act to Regulate the Keeping and Bearing of Deadly Weapons, Apr. 12, 1871, reprinted in 2 GEORGE W. PASCAL, A DIGEST OF THE LAWS OF TEXAS 1322 (1873).

For text, see App. 34–35, *supra*.

Ordinance No. 11: Crimes and Punishment, amended Apr. 8, 1876, reprinted in ORDINANCES, CHARTER AND LAWS FOR THE GOVERNMENT OF THE CITY OF FRANKFORT, KENTUCKY 18, 23–24 (1891).

Section 9: If any person shall carry concealed a deadly weapon upon or about his person, other than an ordinary pocket-knife, or shall sell a deadly weapon to a minor, other than an ordinary pocket-knife, such person shall, upon conviction, be fined not less than twenty five nor more than one hundred dollars, in the discretion of the court or jury trying the case. Carrying concealed deadly weapons shall be lawful in the following cases: 1st. When the person has reasonable grounds to believe his person or the person of some of his family, or his property, is in immediate danger from violence or crime. 2d. By Sheriffs, Constables, Marshals, Policemen, and other ministerial officers, when necessary for their protection in the discharge of their official duties.

An Ordinance Prohibiting the Unlawful Carrying of Arms, May 4, 1880, reprinted in AUSTIN AMERICAN STATESMAN (Texas), May 9, 1880, at 2.

For text, see App. 47–48, *supra*.

Ordinance No. III: Crimes and Misdemeanors, Aug. 9, 1881, reprinted in WEEKLY DEMOCRAT-TIMES (Greenville, Mississippi), Dec. 31, 1881, at 2.

For text, see App. 44, *supra*.

Penal Code of the City of Uniontown: Chapter 1, undated, reprinted in CHARTER AND CODE OF LAWS FOR THE CITY OF UNIONTOWN, ALABAMA 49 (1885).

For text, see App. 48, *supra*.

Penal Code, Embracing Offences not Incorporated in Any of the Preceding Chapters, undated, reprinted in CODE OF ORDINANCES OF THE CITY OF EUFAULA, WITH THE CHARTER 103–4 (H.D. Clayton, Jr. ed., 1886) (Alabama).

For text, see App. 45, *supra*.

Chapter CXLVIII: Of Offences Against the Peace, undated, reprinted in THE CODE OF WEST VIRGINIA 897–908 (John A. Warth ed., 1887).

For text, see App. 36–37, *supra*.

Ordinances: Chapter I: Of the Preservation of Good Order and Suppression of Vice, Dec. 7, 1888, reprinted in BOTTINEAU PIONEER (North Dakota), Dec. 13, 1888, at 4.

Section 3: Any person found armed within the corporate limits of the village of Bottineau with a dirk, dagger, sword, pistol or pistols, or other offensive or dangerous weapons, without reasonable cause to fear an assault or other injury of violence to his person or to his family or property, shall, upon conviction before said justice, be punished by a fine not exceeding ten

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dollars, or by imprisonment in the village jail not exceeding term of thirty days.

An Act Defining and Punishing Certain Offenses Against the Public Peace, Mar. 15, 1889, reprinted in ACTS, RESOLUTIONS AND MEMORIALS OF THE FIFTEENTH LEGISLATIVE ASSEMBLY OF THE TERRITORY OF ARIZONA 30–31 (1889).

For text, see App. 28–29, *supra*.

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