

APPENDIX

Surety Laws

District of Columbia

If any person shall go armed with a dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without reasonable cause to fear an assault or other injury or violence to his person, or to his family or property, he may, on complaint of any person having reasonable cause to fear an injury or breach of the peace, be required to find sureties for keeping the peace for a term not exceeding six months, with the right of appealing as before provided.

Of Proceedings to Prevent and Detect the Commission of Crimes, ch. 141, § 16, *in* THE REVISED CODE OF THE DISTRICT OF COLUMBIA 570 (Washington, A. O. P. Nicholson 1857).

Maine

Any person, going armed with dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without a reasonable cause to fear an assault on himself, or any of his family or property, may, on the complaint of any person having cause to fear an injury or breach of the peace, be required to find sureties for keeping the peace for a term, not exceeding one year, with the right of appealing as before provided.

Of Proceedings for Prevention of Crimes, ch. 169, § 16, *in* THE REVISED STATUTES OF THE STATE OF MAINE 707, 709 (Augusta, William R. Smith & Co. 1841).

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Massachusetts

If any person shall go armed with dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without reasonable cause to fear an assault or other injury, or violence to his person, or to his family or property, he may, on complaint of any person having reasonable cause to fear an injury, or breach of the peace, be required to find sureties for keeping the peace, for a term not exceeding six months, with the right of appealing as before provided.

Of Proceedings to Prevent the Commission of Crime, ch. 134, § 16, *in* THE REVISED STATUTES OF THE COMMONWEALTH OF MASSACHUSETTS 748, 750 (Boston, Dutton & Wentworth 1836).

Michigan

If any person shall go armed with a dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without reasonable cause to fear an assault or other injury, or violence to his person, or to his family or property, he may, on complaint of any person having reasonable cause to fear an injury or breach of the peace, be required to find sureties for keeping the peace, for a term not exceeding six months, with the right of appealing as before provided.

Of Proceedings to Prevent the Commission of Crime, ch. 162, § 16, *in* THE REVISED STATUTES OF THE STATE OF MICHIGAN 690, 692 (Detroit, Bagg & Harmon 1846).

Minnesota

If any person shall go armed with a dirk, dagger, sword, pistol or pistols, or other offensive or dangerous weapon, without reasonable cause to fear an assault or other injury, or violence to his person, or to his family, or property, he may, on complaint of any other person having reasonable cause to fear an injury or breach of the peace, be required to find sureties for keeping the peace, for a term not exceeding six months, with the right of appealing as before provided.

Of Proceedings to Prevent the Commission of Crimes, ch. 112, § 18, *in* THE REVISED STATUTES OF THE TERRITORY OF MINNESOTA 526, 528 (Saint Paul, James M. Goodhue, 1851).

Oregon

If any person shall go armed with a dirk, dagger, sword, pistol, or other offensive or dangerous weapon, without reasonable cause to fear an assault, injury, or other violence to his person, or to his family or property, he may, on complaint of any other person, having reasonable cause to fear an injury or breach of the peace, be required to find sureties for keeping the peace for a term not exceeding six months, with the right of appealing as before provided.

Proceedings to Prevent Commission of Crimes, ch. 16, § 17, *in* THE STATUTES OF OREGON 218, 220 (Oregon, Asahel Bush 1854).

Pennsylvania

If any person shall threaten the person of another to wound, kill or destroy him or to do him any harm in person or estate, and the person threatened shall appear before a justice of the peace, and attest, on oath or affirmation, that he believes that by such threatening he is in danger of being hurt in body or estate, such person so threatening as aforesaid, shall be bound over, with one sufficient surety, to appear at the next sessions, according to law, and in the meantime to be of his good behavior, and keep the peace toward all citizens of this commonwealth. If any person, not being an officer on duty in the military or naval service of the state or of the United States shall go armed with a dirk, dagger, sword or pistol, or other offensive or dangerous weapon, without reasonable cause to fear an assault or other injury or violence to his family, person or property, he may, on complaint of any person having reasonable cause to fear a breach of the peace therefrom, be required to find surety of the peace as aforesaid.

Proceedings to Detect the Commission of Crimes, § 6 (1860), *in* A DIGEST OF THE LAWS OF PENNSYLVANIA 248, 250 (John Purdon comp., 1861).

Virginia

If any person shall go armed with any offensive or dangerous weapon, without reasonable cause to fear an assault or other injury, or violence to his person, or to his family or property, he may be required to find sureties

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for keeping the peace for a term not exceeding twelve months, with the right of appealing as before provided.

Of Proceedings to Prevent the Commission of Crimes, ch. 14, § 16, 1847 Va. Acts 127, 129.

West Virginia

If any person go armed with a deadly or dangerous weapon, without reasonable cause to fear violence to his person, family, or property, he may be required to give a recognizance, with the right of appeal, as before provided, and like proceedings shall be had on such appeal.

For Preventing the Commission of Crimes, ch. 153, § 8, *in* THE CODE OF WEST VIRGINIA 702, 703 (Wheeling, John Frew 1868).

Wisconsin

If any person shall go armed with dirk, dagger, sword, pistol or pistols, or other offensive and dangerous weapon, without reasonable cause to fear an assault or other injury, or violence to his person, or to his family, or property, he may, on complaint of any other person having reasonable cause to fear an injury, or breach of the peace, be required to find sureties for keeping the peace for a term not exceeding six months, with the right of appealing as before provided.

An Act to Prevent the Commission of Crimes, § 16, *in* STATUTES OF THE TERRITORY OF WISCONSIN 379, 381 (Albany, N.Y., Packard, Van Benhuysen & Co. 1839).

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Criminal Laws Restricting Carrying Concealed Weapons in Surety States

Maine

No person shall in a threatening manner display any firearm, slung-shot, knuckles, bowie knife, dirk, stiletto or other dangerous or deadly weapon, nor shall wear under his clothes or concealed about his person any such firearm, slung-shot, knuckles, bowie knife, dirk, stiletto or other dangerous or deadly weapon unless first licensed so to do in the following manner.

An Act to Prohibit the Carrying of Dangerous or Deadly Weapons Without a License, ch. 217, § 1, 1917 Me. Laws 216.

Massachusetts

Any person arrested upon the warrant of a magistrate, issued against him for any alleged offence against the laws of this Commonwealth, and any person committing any criminal offence against the laws of this Commonwealth, or any breach or disturbance of the public peace, who may, at the time of the commission of such offence, or breach or disturbance of the public peace, be arrested by any sheriff, deputy sheriff, constable, or police officer, in this State, and who shall, at the time of such arrest, be armed with any dangerous weapon, of the kind usually called a slung shot, shall be punished by a fine not exceeding fifty dollars, or imprisonment in the common jail or house of correction for a term not exceeding one year.

An Act in Relation to the Carrying of Slung Shot, ch. 194, § 1, 1850 Mass. Acts 401.

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Whoever when arrested upon a warrant of a magistrate issued against him for an alleged offence against the laws of this state, and whoever when arrested by a sheriff, deputy-sheriff, constable, police officer, or watchman, while committing a criminal offence against the laws of this state, or a breach or disturbance of the public peace, is armed with, or has on his person, slung shot, metallic knuckles, billies, or other dangerous weapon, shall be punished by a fine not exceeding fifty dollars, or by imprisonment in the jail not exceeding one year.

1860 Mass. Acts ch. 164, § 10.

Michigan

That it shall be unlawful for any person, except officers of the peace and night-watches legitimately employed as such, to go armed with a dirk, dagger, sword, pistol, air-gun, stiletto, metallic knuckles, pocket-billie, sand-bag, skull-cracker, slung-shot, razor, or other offensive and dangerous weapon or instrument concealed upon his person.

An Act to Prevent the Carrying of Concealed Weapons, and to Provide Punishment Therefor, ch. 317, *in* THE GENERAL STATUTES OF THE STATE OF MICHIGAN 3800 (Chicago, Callaghan & Co. 1890).

Minnesota

Every person who shall manufacture, or cause to be manufactured, sell, keep for sale, offer, or dispose of, any instrument or weapon of the kind usually known as a slung-shot, sand-club, or metal knuckles; or who shall attempt to use against another, or with intent so to use, shall carry, conceal, or possess, any of the weapons hereinbefore specified, or any dagger, dirk, knife, pistol, or other dangerous weapon, shall be guilty of a gross misdemeanor. The possession by any person, other than a public officer, of any such weapon concealed or furtively carried on the person shall be presumptive evidence of carrying, concealing, or possessing with intent to use the same.

An Act to amend Section 8770, General Statutes, 1913, Relating to the Manufacture, Sale, and Possession of Dangerous Weapons, ch. 243, 1917 Minn. Laws 354.

Oregon

It shall be unlawful for any person to carry concealed about his person in any manner whatever any revolver, pistol, or other fire-arm, or any knife (other than an ordinary pocket-knife), or any dirk or dagger, slung-shot or metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of any other person.

An Act to Prevent Persons from Carrying Concealed Weapons, Feb. 18, 1885, Ore. 13th Legis. Assembly (General Law), *in* THE CODES AND GENERAL LAWS OF OREGON (San Francisco, Bancroft-Whitney Co. 1887).

Pennsylvania

Any person within the limits of the city and county of Philadelphia, who shall carry any fire-arms, slung-shot or other deadly weapon concealed upon his person, with the intent therewith unlawfully and maliciously to do injury to any other person, shall be deemed guilty of a misdemeanor, and upon the conviction thereof, shall be sentenced to undergo solitary confinement at hard labor in the prison of said county for a period of not less than one month, nor more than one year, at the discretion of the court; and the jury trying the case may infer such intent as aforesaid, from the fact of the said defendant carrying any such weapons in the manner as aforesaid.

Act of May 3, 1850, § 14, *in* A DIGEST OF THE LAWS OF PENNSYLVANIA 150 (Philadelphia, Kay & Brother 1857).¹

Virginia

That if any person shall hereafter habitually or generally keep or carry about his person any pistol, dirk, bowie knife, or any other weapon of the like kind, from the use of which the death of any person might probably ensue, and the same be hidden or concealed from common observation, and he be thereof convicted, he shall for every such offence forfeit and pay the sum of not less than fifty dollars nor more than five hundred

¹ An analogous statute with statewide application was passed in 1875. Act of Mar. 18, 1875, Pub. L. No. 38 § 1.

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dollars, or be imprisoned in the common jail for a term not less than one month nor more than six months, and in each instance at the discretion of the jury; and a moiety of the penalty recovered in any prosecution under this act, shall be given to any person who may voluntarily institute the same.

An Act to Prevent the Carrying of Concealed Weapons, ch. 101, 1838 Va. Acts 76, 76–77.

City of Washington

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 dagger, pistol, bowie knife, dirk knife, or dirk, colt, slungshot, or brass or other metal knuckles within the City of Washington; and any person or persons who shall be duly convicted of so carrying or having concealed about their persons any such weapon shall forfeit and pay upon such conviction not less than twenty dollars nor more than fifty dollars; which fines shall be prosecuted and recovered in the same manner as other penalties and forfeitures accruing to the city are sued for and recovered; *Provided*, That the Police officers when on duty shall be exempt from such penalties and forfeitures.

Act of Nov. 18, 1858, in GENERAL LAWS OF THE CORPORATION OF THE CITY OF WASHINGTON 114 (Washington, Robert A. Waters 1860).

Wisconsin

If any person shall go armed with a concealed dirk, dagger, sword, pistol, or pistols, revolver, slung-shot, brass knuckles, or other offensive and dangerous weapon, he shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the state prison for a term of not more than two years, or by imprisonment in the county jail of the proper county not more than twelve months, or by fine not exceeding five hundred dollars, together with the costs of prosecution, or by both said fine and costs and either of said imprisonments ; and he may also be required to find sureties for keeping the peace and against the further violation of this act for a term not exceeding two years : *provided*, that so going armed shall not be deemed a violation of this act whenever it shall be made to appear that such person had reasonable cause to fear an assault or other injury or violence to his person, or to his family or property, or to any person under his immediate care or custody, or entitled to his protection or assistance, or if it be made to appear that his possession of such weapon was for a temporary purpose, and with harmless intent.

An Act to Prohibit the Carrying of Concealed Weapons, ch. 7, § 1, 1872 Wis. Sess. Law 17.
