

Firearms and Weapons Legislation Up To The Early Twentieth Century

Compiled by Mark Frassetto

Purpose

In *District of Columbia v. Heller*, the landmark U.S. Supreme Court case that found an individual right in the Second Amendment, Justice Scalia stated:

Like most rights, the right secured by the Second Amendment is not unlimited. From Blackstone through the 19th-century cases, commentators and courts routinely explained that the right was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose. . . . For example, the majority of the 19th century courts to consider the question held that prohibitions on carrying concealed weapons were lawful under the Second Amendment or state analogues. . . . *Although we do not undertake an exhaustive historical analysis today of the full scope of the Second Amendment* nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.¹

This research is intended to undertake at least a portion of the exhaustive historical analysis from which Justice Scalia abstained. This research provides a fairly comprehensive picture of state firearms legislation from the colonial era until the start of the twentieth century.

¹ *District of Columbia v. Heller*, 554 U.S. 570, 626 (2008) (emphasis added).

Methodology

This document was created by first performing a literature review of secondary sources including law review articles, cases, and legal briefs addressing the Second Amendment.² Statutes discussed within these sources were included in this document. After the literature review, primary sources were searched. The bulk of the research was done in the HeinOnline Session Laws Library. Yale Law School's Avalon Project was an important source, especially for the extremely old English statutes. State archives that have digitized their session laws were searched. Some session laws have also been digitized by Google Books; these were searched as well.

When possible, session laws were keyword searched for the terms gun, pistol, rifle, weapon, armed, danger, and militia. Results were then reviewed for relevance. An obvious problem with this approach is it fails to discover alternative spellings; however, the HeinOnline session law search hit on inexact matches such as "gunn" or "pistole," which mitigated the problem of spelling.³ Sources that did not allow keyword searches were manually reviewed for relevant statutes.

For the most part, American or colonial statutes cited to within other secondary sources were also independently found within the session law search. In some cases, these sources were not independently found and the description given by the article's author was used as a description. In other cases, a citation was given to a statute without a particular description and the author was unable to independently confirm the source's existence. These sources have also been included as a guide to future researchers.

This document is intended to be fairly comprehensive; however, every statute dealing with gun control could not be included. Conspicuously absent are the majority of militia regulations and statutes, ordinances and laws dealing with gunpowder storage, regulations on hunting, and laws against firing weapons. These laws were so prevalent that it was not realistic to include them all. Also excluded is each instance of a statute that was reenacted in essentially the same form within the same historical period. When a restriction was in effect during multiple historic periods, the author tried to include an example in all periods.

Sources are divided into four historical periods: (1) English, which includes English statutes up to the split with the American colonies in 1776; (2) Colonial, which includes statutes passed within the American colonies beginning in 1607 and continuing to the ratification of the Constitution in 1791; (3) Pre-14th Amendment; and (4) Post-14th Amendment. Occasionally, Greek and Roman statutes are also included in a "Classical" category; however, no serious effort was made to discover non-English/American sources of law. This research is also not intended to be a comprehensive listing of English firearms regulations. When the secondary sources discussed English regulation, some effort was made to follow up with primary sources, but no attempt was made to comprehensively document English regulations.

² Cases were reviewed for the statutes they referenced, not the law they created.

³ In this document, spelling has been modernized throughout for ease of reading and understanding. Best efforts were made to avoid changing the meaning of any statutes while making these corrections.

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Types of Regulations

Ability to Regulate Firearms in Post-Civil War State Constitutions

Colorado: Colo. Const. of 1876, art. II, § 13: That the right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when hereto legally summoned shall be called in question; but nothing herein contained shall be construed to justify the practice of carrying concealed weapons.

Florida: Fla. Const. of 1885, art. I, § 20: The right of the people to bear arms in defense of themselves and the lawful authority of the State, shall not be infringed, but the Legislature may prescribe the manner in which they may be borne.

Georgia: Ga. Const. of 1868, art. I, § 14: The right of the people to bear arms in defense of themselves and the lawful authority of the State, shall not be infringed, but the Legislature may prescribe the manner in which they may be borne.

Georgia: Ga. Const. of 1877, art. I, § 22: The right of the people to keep and bear arms, shall not be infringed, but the General Assembly shall have power to prescribe the manner in which arms may be borne.

Idaho: Idaho Const. of 1889, art. I, § 11: The people have the right to bear arms for their security and defense; but the legislature shall regulate the exercise of this right by law.

Kentucky: Ky. Constitution of 1891, § 1.7: The right to bear arms in defense of themselves and of the State, subject to the power of the General Assembly to enact laws to prevent persons from carrying concealed weapons.

Louisiana: La. Const. of 1879, art. III: A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be abridged. This shall not prevent the passage of laws to punish those who carry weapons concealed.

Mississippi: Miss. Const. of 1890, art. III, § 12: The right of every citizen to keep and bear arms in defense of his home, person or property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but the legislature may regulate or forbid carrying concealed weapons.

Missouri: Mo. Const. of 1875, art. II, § 17: Right to bear arms, when – That the right of no citizen to keep and bear arms in defense of his home, person and property, or in aid of the civil power, when hereto legally summoned, shall be called in question; but nothing herein contained is intended to justify the practice of wearing concealed weapons.

Montana: Mont. Const. of 1889, art. III, § 13: The right of any person to keep or bear arms in defense of his own home, person, and property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but nothing herein contained shall be held to permit the carrying of concealed weapons.

North Carolina: N.C. Const. of 1875, Art. I, § 30. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and as standing armies in time of peace, are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapon, or prevent the legislature from enacting penal statutes against said practice.

Tennessee: Tenn. Const. of 1870, art. I, § 26: That the citizens of this State have a right to keep and to bear arms for their common defense; but the Legislature shall have power, by law, to regulate the wearing of arms with a view to prevent crime.

Texas: Tex. Const. of 1868, Art. I, § 13: Every person shall have the right to keep and bear arms, in the lawful defense of himself or the government, under such regulations as the Legislature may prescribe.

Texas: Tex. Const. of 1869, art. I § 13: Every person shall have the right to keep and bear arms, in the lawful defense of himself or the State, under such regulations as the Legislature may prescribe.

Texas: Tex. Const. of 1876, art. I, § 23: Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power by law to regulate the wearing of arms with a view to prevent crime.

Utah: Utah Const. of 1896, art. I, § 6: the people have the right to bear arms for their security and defense, but the legislature may regulate the exercise of this right by law.

Bans on Handguns/ Total Ban on Firearms

English: (800-1776)

33 Hen. 8, c. 6, § 1 (1541): Prohibition on “little short handguns, and little hagbutts,” which were a “great peril and continual fear and danger of the King’s loving subjects.”.

22 Car. 2, c.25, § 3 (1671): No person who had not lands of the yearly value of 100 pounds other than the son and heir of an esquire or other person of higher degree, should be allowed to own a gun.

Pre-14th Amendment (1791-1868)

Georgia: *Act of Dec. 25, 1837, 1837 Ga. Laws 90. § 1*: it shall not be lawful for any merchant, or vender of wares or merchandize in this State, or any other person or persons whatsoever, to sell, or offer to sell, or to keep or have about their person or elsewhere, any of the hereinafter described weapons, to wit: Bowie, or any other kind of knives, manufactured and sold for the purpose of wearing, or carrying the same as arms of offense or defense, pistols, dirks, sword canes, spears etc., shall also be contemplated in this act, save such pistols as are known and used, as horseman’s pistols, etc.

Tennessee: *Act of Jan. 27, 1838, 1837-1838 Tenn. Pub. Acts 200, chap. 137*: Banning sale of Bowie Knives and Arkansas toothpicks.

Post 14th Amendment (1868-2008)

Arkansas: *Ark. Act of Apr. 1, 1881, § 1909*: Any person who shall sell, barter or exchange, or otherwise dispose of, or in any manner furnish to any person any dirk or bowie knife, or a sword or a spear in a cane, brass or metal knucks, or any pistol of any kind whatever, except such as are used in the army or navy of the United States, . . . or any kind of cartridge for any pistol, or any person who shall keep any such arms or cartridges for sale, shall be guilty of a misdemeanor.

Kansas: *General Statutes of 1901, § 1003*: The council may prohibit and punish the carrying of fire arms or other deadly weapons, concealed or otherwise, and may arrest and imprison, fine or set at work all vagrants and persons found in said city without visible means of support, or some legitimate business.

Tennessee: *Tenn. Pub. Acts of 1879, chap. 186*: (Carrying) publically or privately, any . . . belt or pocket pistol, revolver, or any kind of pistol, except the army or navy pistol, usually used in warfare, which shall be carried openly in hand.

Tennessee: *1879 Tenn. Pub. Acts 135, An Act To Prevent The Sale Of Pistols, chap. 96, § 1*: It shall be a misdemeanor for any person to sell, or offer to sell, or bring into the State for the purpose of selling, giving away, or otherwise disposing of belt or pocket pistols, or revolvers, or any other kind of pistols, except army or navy pistol; proved that this act shall not be enforced against any persons now having license to sell such articles until the expiration of such present license.

Tennessee: *1883 Tenn. Pub. Acts 17, A Bill To Be Entitled An Act To Prevent The Sale, Loan Or Gift Of Pistol Cartridges In This State*: It shall be unlawful for any person or persons to buy or sell or give away any pistol cartridges in this state. . . any person or persons violating this Act, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty five or more than one hundred dollars. . . provided however that nothing in this act shall be construed to interfere with the sale of cartridges for rifle guns or shot guns, or cartridges for army or navy pistols.

Texas: *Tex. Act of Apr. 12, 1871*. (Ban on handguns in towns).

Wyoming: *1876 Wyo. Compilation of Laws, chap. 52, § 1*: forbid bearing upon his person, concealed or openly, any fire-arm or other deadly weapon, within the limit of any city, town or village.

Cities

Dodge City, Kansas: Dodge City Ordinance No. 16, § XI (Sept. 22 1876)

Brandishing

English (800-1776)

Laws of King Alfred the Great, A.D. Cir. 890, Cap. 38: If a man fight before a king's ealdorman in the 'gemot,' let him make 'bot' with 'wer' and 'wite,' as it may be right; and before this, cxx. shillings to the ealdorman as 'wite.' If he disturb the folkmote by drawing his weapon, cxx. shillings to the ealdorman as 'wite.' If aught of this happen before a king's ealdorman's junior, or a king's priest, xxx. shillings as 'wite. See Anglo-Saxon Law – Extract from Early Laws of the English, The Avalon Project, Yale Law School, Lillian Goldman Law Library available at <http://avalon.law.yale.edu/medieval/saxlaw.asp>

Laws of King Alfred the Great, A.D. Cir. 890, Cap. 7, If anyone fights or draws his weapon in the king's hall, and is arrested, it shall be for the king to decide whether he shall be put to death or permitted to live, in case the king is willing to forgive him.

Colonial (1607-1791).

Maine: An Act to Prevent Routs, Riots, and Tumultuous assemblies, and the Evil Consequences Thereof, reprinted in CUMBERLAND GAZETTE (Portland, MA.), Nov. 17, 1786, at 1. On October 26, 1786 the following was passed into law by the Massachusetts Assembly: That from & after the publication of this act, if any persons, to the number of twelve, or more, being armed with clubs or other weapons; or if any number of persons, consisting of thirty, or more, shall be unlawfully, routously, riotously or tumultuously assembled, any Justice of the Peace, Sheriff, or Deputy ... or Constable ... shall openly make [a] proclamation [asking them to disperse, and if they do not disperse within one hour, the officer is] ... empowered, to require the aid of a sufficient number of persons in arms ... and if any such person or persons [assembled illegally] shall be killed or wounded, by reason of his or their resisting the persons endeavoring to disperse or seize them, the said Justice, Sheriff, Deputy-Sheriff, Constable and their assistants, shall be indemnified, and held guiltless.

New York: 1642 N.Y. Laws 33, Ordinance Of The Director And Council Of New Netherland Against Drawing A Knife And Inflicting A Wound Therewith: . . . No one shall presume to draw a knife much less to would any person, under the penalty of fl.50, to be paid immediately, or, in default, to work three months with the Negroes in chains; this, without any respect of person. Let every one take heed against damage and be warned.

Pre 14th Amendment (1791-1868)

Arizona: 1867 *Ariz. Sess. Laws 21, An Act To Prevent The Use Of Deadly Weapons And The Indiscriminate Use Of Fire Arms In The Towns Ad Villages Of The Territory, § 1*: § 1. That any person in this Territory, having, carrying or procuring from another person, any dirk, dirk knife, bowie knife, pistol, gun, or other deadly weapon, who shall in the presence of two or more persons, draw or exhibit any of said deadly weapons in a rude, angry or threatening manner, not in necessary self-defense, or who shall in any matter unlawfully use the same in any fight or quarrel, the person or persons so offending upon conviction thereof in any criminal court in any county of this territory, shall be fined in any sum not less than one hundred nor more than five hundred dollars or imprisonment in the county jail not less than one nor more than six months, in the discretion of the court; or both such fine and imprisonment, together with the cost of prosecution.

Idaho: 1864 *Idaho Sess. Laws 304, An Act concerning Crimes and Punishments, § 40*: That nay person in this territory, having, carrying, or procuring from another person, any dirk, dirk-knife, sword-cane, pistol, gun or other deadly weapon, who shall in the presence of two or more persons, draw or exhibit any of said deadly weapons, in a rude, angry, and threatening manner, not in necessary self-defense, or who shall, in any manner unlawfully use the same in any fight or quarrel, the person or persons so offending, upon conviction thereof in any criminal court in any county in this territory, shall be fined in any sum not less than one hundred nor more than five hundred dollars. . .

Washington: 1852 *Wash. Sess. Law 80, An Act Relative To Crimes And Punishments, And Proceedings In Criminal Cases, chap. II § 30*: Every person who shall, in a rude, angry, or threatening manner, in a crowd of two or more persons, exhibit any pistol, bowie knife, or other dangerous weapon, shall on conviction thereof, be imprisoned in the county jail not exceeding one year, and be fined in any sum not exceeding five hundred dollars.

Washington: 1859 *Wash. Sess. Laws 109, An Act Relative To Crimes And Punishments, And Proceedings In Criminal Cases, chap. II § 30*: Every person who shall, in a rude, angry or threatening manner, in a crowd of two or more persons, exhibit any pistol, bowie knife or other dangerous weapon, shall, on conviction thereof, be imprisoned in the county jail not exceeding one year, and be fined in any sum not exceeding five hundred dollars.

Post 14th Amendment (1868-2008)

Arizona: 1901 *Ala. Acts 1253, Crimes Against the Public Peace, § 392*: Every person who, not in necessary self-defense, in the presence of two or more persons, draws or exhibits any deadly weapon in a rude angry or threatening manner, or who in any manner unlawfully uses the same in any fight or quarrel, is guilty of a misdemeanor.

Arkansas: 1868 *Ark. Acts 218, §§ 12-13: § 12*. That when any person or persons shall resent the execution of any civil or criminal process, by threatening, or by actually drawing a pistol, gun, or other deadly weapon, upon the sheriff or other officer authorized

to execute such process, such person or persons for every such resistance, intimidation, or offense shall be deemed guilty of a felony, and shall, upon conviction, be imprisoned in the penitentiary for a term not less than one nor more than five years § 13. When any person shall draw a pistol, gun, or any other deadly weapon, upon any other person or citizen, for the purpose of frightening or intimidating him or them from doing or attempting to do any lawful act, when such person or persons drawing said pistol, gun, or other deadly weapon, are not justified

Florida: 1897 Fla. Laws 59, *An Act to Punish the Improper Exhibition of Dangerous Weapons, chap. 4532, § 1*: If any person or persons carrying any dirk, dirk-knife, sword, sword-cane, gun, pistol or other deadly weapon, shall in the presence of one or more persons exhibit the same, in a rude, careless, angry or threatening manner, not in necessary self-defense, the person so offending shall, upon conviction thereof, be punished by imprisonment not exceeding three months or by a fine not exceeding one hundred dollars, or by both fine and imprisonment.

Georgia: 1880 Ga. Laws 154, *An Act to make penal the intentional pointing, or aiming of fire-arms at another, whether loaded or unloaded, § 1*. from and after the passage of this Act, any person who shall intentionally point or aim a gun or pistol, whether loaded or unloaded, at another not in a sham-battle by the military, and not in self-defense, or in defense of habitation, property, or person, or other instances standing upon like footing of reason and justice, shall be guilty of a misdemeanor. . .

Idaho: 1870 Idaho Sess. Laws 21, *An Act to Amend an Act Concerning Crimes and Punishments Approved December 21st, A.D. 1864 and an Act Amendatory thereto, approved January 10th, A.D. 1867, § 40*: That any person in this territory having, carrying, or procuring from another person any dirk, dirk knife, sword, sword cane, pistol, gun, or other deadly weapon, who shall in the presence of two or more persons, draw or exhibit any of said deadly weapons in a rude, angry and threatening manner, not in necessary self-defense, or who shall in any manner unlawfully use the same in a fight or quarrel, the person or persons so offending, upon conviction thereof in any criminal court in any county in this territory shall be fined in any sum not exceeding 100 dollars . .

Indiana: 1875 Ind. Acts 62, *An Act Defining Certain Misdemeanors, And Prescribing Penalties Therefore, § 1*. That if any person shall draw or threaten to use any pistol, dirk, knife, slung shot, or any other deadly or dangerous weapon upon any other person he shall be deemed guilty of a misdemeanor, and upon conviction therefor, shall be fined in any sum not less than one nor more than five hundred dollars, to which may be added imprisonment in the county jail not to exceed six months; That the provisions of this act shall not apply to persons drawing or threatening to use such dangerous or deadly weapons in defense of his person or property, or in defense of those entitled to his protection by law.

Indiana: 1883 Ind. Acts 1712, *Pointing or Aiming Firearms a Misdemeanor, chap. 87*: It shall be unlawful for any person over the age of ten years, with or without malice, purposely to point or aim any pistol, gun, revolver, or other firearm, either loaded or

empty, at or toward any other person, and any person so offending shall be guilty of an unlawful act, and upon convictions shall be fined in any sum not less than five hundred dollars.

Montana: 1885 *Mon. Laws 74, An Act To Amend § 62 of Chapter IV of the fourth division of the revised statutes*, § 62: Every person in this territory having, carrying, or procuring from another person, any dirk, dirk-knife, sword, sword-cane, pistol, gun, or other deadly weapon, who shall in the presence of one or more persons, draw or exhibit any of said deadly weapons in a rude or angry or threatening manner, not in necessary self-defense, or who shall in any manner unlawfully use the same in any fight or quarrel, the person or persons so offending, upon conviction thereof in any criminal court in any county in this territory shall be fined. . .

Nevada: 1873 *Nev. Stat. 118, An Act To Amend An Act Entitled "An Act Concerning Crimes And Punishments," Approved November Twenty-Sixth, Eighteen Hundred And Sixty-One*, § 40: Any person in this State, having, carrying, or procuring from another person, any dirk, dirk knife, sword, sword cane, pistol, gun, or other deadly weapon, who shall in the presence of two or more persons, draw or exhibit any of said deadly weapons, in a rude, angry, or threatening manner, not in necessary self-defense . . .

New Mexico: 1886 *N.M. Laws 56, § 4*: Any person who shall unlawfully draw, flourish or discharge a rifle, gun or pistol within the limits of any settlement in this territory, or within any saloon, store, public hall, dance hall or hotel, in this territory, except the same be done by lawful authority or in the lawful defense of himself, his family or his property, upon conviction thereof shall be punished by a fine of not more than one thousand dollars, or by imprisonment . . .

North Carolina: 1889 *N.C. Sess. Laws 502, An Act Making It a Misdemeanor To Handle Fire-arms In Certain Ways, chap. 527, § 1*: That it shall be unlawful for any person to point any gun or pistol at any person, either in fun or otherwise, whether such gun or pistol be loaded or not loaded.

Oregon: 1893 *Or. Rev. Stat. 29, An Act To Punish The Pointing Of Firearms At a Human Being, § 1*: It shall be unlawful for any person over the age of sixteen years, with or without malice, purposely to point or aim any pistol, gun, revolver, or other firearm, within range or said firearm, either loaded or empty, at or toward any other person, except in self-defense. And any person so offending shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than ten dollars nor more than five hundred dollars, or be imprisoned in the county jail not less than ten days nor more than six months or both.

Washington: 1869 *Wash. Sess. Laws 203, An Act Relative To Crimes And Punishments, And Proceedings In Criminal Cases, chap. 2, § 32*: Every person who shall, in a rude, angry or threatening manner, in a crowd of two or more persons, exhibit any pistol, bowie knife, or other dangerous weapon, shall on conviction thereof, be imprisoned in the

county jail not exceeding one year and be fined in any sum not exceeding five hundred dollars.

Wyoming: 1884 Wyo. Sess. Laws, chap. 67, § 1, as codified in Wyo. Rev. Stat., Crimes (1887): Exhibiting deadly weapon in angry manner. § 983: Whoever shall, in the presence of one or more persons, exhibit any kind of fire-arms, Bowie Knife, dirk, dagger, slung-shot or other deadly weapon, in a rude, angry or threatening manner not necessary to the defense of his person, family or property, shall be deemed guilty of misdemeanor, and on conviction thereof, shall be punished by a fine not less than ten dollars, nor more than one hundred dollars, or by imprisonment in the county jail not exceeding six months. . .

Concealed Carry

English (800-1776)⁴

Statutes and Royal Proclamations

13 Edw. 1 (1285) (Eng.) (Statutes for the City of London): No person shall travel) about the Streets” of London, “after Curfew tolled . . . with Sword or Buckler, or other Arms for doing Mischief . . . nor any in any other Manner, unless he be a great Man or other lawful Person of good repute.

Calendar of the Close Rolls, Edward I, vol. IV, 1296-1302, 318 (September 15, 1299, Canterbury) (H.C. Maxwell-Lyte ed., London, Mackie And Co. 1906). (Command to sheriffs of Salop and Staffor to prohibit anyone from “going armed within the realm without the King’s special license).

Calendar of the Close Rolls, Edward I, vol. IV, 1296-1302 at 588 (June 13, 1302, Cartham); see (July 16, 1302, Westminster): To the sheriff of York. Order to cause proclamation to be made throughout his bailiwick prohibiting any knight, esquire or any other person from tourneying, tilting . . . making jousts, seeking adventures or otherwise going armed without the king’s special license, and to cause to be arrested the horses and armour of any persons found thus going with arms after proclamation.

5 Calendar of the Close Rolls, Edward I, vol. V, 1302-1307, 210 (June 10, 1304, Stirling) (H.C. Maxwell-Lyte ed., London, Mackie And Co. 1908): To the sheriff of Leicester. Order to cause proclamation to be made immediately upon sight of this order prohibiting any knight, esquire or other person from tourneying, tilting . . . making jousts, seeking adventures, or otherwise going armed in any way without the king’s license.

⁴ This section is almost exclusively based on the research of Patrick Charles, the foremost expert on the Statute of Northampton and English carry laws.

Calendar of the Close Rolls, Edward II, vol. I, 1307-1313, 52 (February 9, 1308, Dover) (H.C. Maxwell-Lyte ed., London, Mackie And Co.1892): no knight, esquire, or other shall, under pain of forfeiture . . . go armed at Croydon or elsewhere before the king's coronation.

Statute of Northampton, 2 Edw. 3, c. 3 (1328): It is enacted, that no man great nor small, of what condition soever he be, except the king's servants in his presence, and his ministers in executing of the king's precepts, or of their office, and such as be in their company assisting them, and also [upon a cry made for arms to keep the peace, and the same in such places where such acts happen,] be so hardy to come before the King's justices, or other of the King's ministers doing their office, with force and arms, (2) nor bring no force in affray of the peace, (3) nor to go nor ride armed by night nor by day, in fairs, markets, nor in the presence of the justices or other ministers, nor in no part elsewhere, upon pain to forfeit their armour to the King, and their bodies to prison at the King's pleasure. (4) And that the King's justices in their presence, sheriffs, and other ministers in their bailiwicks, lords of franchises, and their bailiffs in the same, and mayors and bailiffs of cities and boroughs, within the same cities and boroughs, and borough-holders, constables, and wardens of the peace within their wards, shall have power to execute this act. (5) And that the justices assigned, at their coming down into the country, shall have power to enquire how such officers and lords have exercised their offices in this case, and to punish them whom they find that have not done that which pertained to their office. (Noted in the statutes at large as "No Man shall come before the justices, or go or ride armed

Statutory Crime of Affray, 25 Edw. 3, stat. 5, c. 2, § 13 (1350): and if perchance any man of this realm ride armed covertly or secretly with men of arms against any other to flay him, or rob him, or take him, or retain him till he hath made fine or ransom for to have his deliverance, it is not the mind of the King nor his Council, that in such Case it shall be judged treason, but shall be judged Felony or trespass, according to the laws of the land of old times used, and according to the laws of the land of old time, used and according to the case requireth.

Calendar of the Close Rolls, Edward III, vol. I, 1327-1330, 420 (November 10, 1328, Wallingford) (H.C. Maxwell-Lyte ed., London, Mackie And Co. 1896): (ordering the Sheriff) to cause the statute in the late parliament at Northampton (Statute of Northampton) prohibiting men coming armed before [the] justices or other ministers . . . or going armed, etc., to be observed in all its articles throughout the whole of [the] bailiwick.

Calendar of the Close Rolls, Edward III, vol. II, 1330-1333, 131 (April 3, 1330, Woodstock) (H.C. Maxwell-Lyte ed., London, Mackie And Co.1898): (ordering sheriff to) take all those whom [they] shall find going armed, with their horses and armour . . . as the king understands that many are going about armed, in the sheriff's bailiwick, contrary to the form of the statute made in the late parliament of Northampton.

Calendar of the Close Rolls, Edward III, vol. III, 1333-1337, 294 (January 30, 1334, Woodstock) (H.C. Maxwell-Lyte ed., London, Mackie And Co.1898): no one except a minister of the king should use armed force or go armed in fairs, markets, etc. under pain of loss of [his] arms and imprisonment.

Calendar of the Close Rolls, Edward III, vol. III, 1333-1337, 539 (January 21, 1336, Woodstock): The king orders the sheriff to cause proclamation to be made throughout that bailiwick that no one, under pain of forfeiture, shall make such gatherings, or go armed in fairs, markets and other places.

3 Calendar of the Close Rolls, Edward III, vol. III, 1333-1337 695 (August 18, 1336, Perth): (ordering the sheriff of Wilts that) no one, except the king's serjeants and ministers, shall go armed, or ride or lead or procure an armed power before the justices or elsewhere in that county, nor do anything to injure the king's peace against the form of the statute of Northampton; and the sheriff shall cause all those whom he finds doing the contrary, after the proclamation, to be arrested.

Reenactment of the Statute of Northampton, 20 Rich. 2, c. 1 (1396-97): First, whereas in a Statute made the Seventh Year of the Reign of the King that now is, it is ordained and assented, That no man shall ride armed within the realm, against the Form of the Statute of Northampton thereupon made, nor with launcegays (apparently a type of spear) within the same realm. And that the said launcegays shall be utterly put out within the said realm, as a thing prohibited by the King, upon Pain of Forfeiture of the same Launcegays, Armours, or any other Harnels (?) in the hands and possession of them that bear them from henceforth within the same realm against the same statutes and Ordinances without the King's special license: Our Lord the King, considering the great Clamor made to him in this present Parliament, because that the said statute is not holden, hath ordained and established in the said parliament, that the staid statutes of Northampton, and also to make and ransom to the King. And moreover That no Lord, Knight, nor other, little nor great, shall go nor ride by night nor by Day armed, nor bear Sallet no Skull of Iron, nor of other Armour, upon the Pain aforesaid, save and except the King's Officers and Ministers in doing their office. . . (Summarized in statutes at large as "Against riding or going armed).

Calendar of Close Rolls, Richard II, vol. I, 1377-1381, 34 (December 1, 1377, Westminster) (H.C. Maxwell-Lyte ed., 1914): [W]ith particular exceptions therein specified, no man whatsoever estate or condition shall go with armed force, lead any force to the disturbance of the peace, ride or go armed by day or night in fairs, markets or in [the] presence of justices or other the king's ministers or elsewhere under pain of losing their arms and of imprisonment.

Calendar of the Close Rolls, Richard II, vol. III, 1385-1389, 128 (February 6, 1386, Westminster) (H.C. Maxwell-Lyte ed., 1914): (ordering Sir Henry Grene to) repair to the town of Pyghtesle . . . and elsewhere in Nor[t]hamptonshire" and "cause proclamation to be made, on the king's behalf forbidding any man of whatsoever estate or condition to go armed there or lead an armed power to the disturbance of the peace, or do aught else in

breach of the peace or of the Statute of Northampton concerning the carrying of arms, or to the terror or disturbance of the people.

Calendar of the Close Rolls, Richard II, vol. III, 1385-1389, 399-400 (May 16, 1388, Westminster): Order to arrest and imprison until further order for their deliverance all those who shall be found going armed within the town, leading an armed power, making unlawful assemblies, or doing aught else whereby the peace may be broken and the people put in fear . . . as in the statute lately published as Northampton among other things it is contained that no man of whatsoever estate or condition shall be bold to appear armed before the justices or the other king's ministers in performance of their office, lead an armed force in breach of the peace, ride or go armed by day or night in fairs and markets or elsewhere in presence of justices etc. under pain of losing his arms and of imprisonment.

Calendar of the Close Rolls, Richard II, vol. II, 1381-1385, 3 (August 7, 1381, Reading) (H.C. Maxwell-Lyte ed., 1920): Order to cause proclamation to be made at the town of Warkenaby and elsewhere on the king's behalf forbidding any man of whatsoever estate or condition to go armed contrary to the peace or to the Statute of Northampton concerning the carrying of arms contrary to the peace.

Calendar of the Close Rolls, Richard II, vol. II, 1381-1385, 92 (November 2, 1381, Westminster) (H.C. Maxwell-Lyte ed., 1920): Proclamation to London "no stranger or privy person, save those deputed to keep the peace, shall go armed therein after they shall come to their lodgings

Calendar of the Close Rolls, Richard II, vol. IV, 1389-1392, 530 (December 23, 1391, Westminster) (H.C. Maxwell-Lyte ed., 1922): (ordering the sheriff to arrest any) "man of whatsoever estate or condition" that shall "go armed, girt with a sword or arrayed with other unaccustomed harness, bear arms, swords, or other such harness, or do aught whereby the peace or the statutes concerning the bearing of arms contrary to the peace may be broken".

Calendar of the Close Rolls, Henry IV, vol. II, 1402-1405, 526 (July 16, 1405, Westminster) (A.E. Stamp ed., 1929): "Order to cause proclamation to be made, forbidding any man of whatsoever estate or condition to make unlawful assemblies within the town and suburbs of Suthwerke, to go armed, girt with sword or arrayed with other unusual harness, to carry with him arms, swords or harness aforesaid, or to do aught whereby the peace may be broken or the statutes concerning the bearing of arms contrary to the peace, or any of the people disturbed or put in fear, under pain of losing such arms etc. and of imprisonment".

Calendar of the Close rolls, Henry IV, vol. III, 1405-1409 485 (January 30, 1409, Westminster) (A.E. Stamp ed., 1931) "Forbidding any man of whatsoever estate or condition to go armed within the city and suburbs, or any except lords, knights and esquires with a sword, and the king's will is that one sword and no more be borne after each of these, under pain of forfeiting armour and swords".

Calendar of the Close Rolls, Henry VI, vol. IV, 1441-1447, 224 (May 12, 1444, Westminster) (A.E. Stamp ed., 1937): (Affirming validity of Statute of Northampton) "[A] statute published in the parliament holden at Nor[t]hampton in 2 Edward III, wherein it is contained that no man of whatsoever estate or condition shall go armed, lead an armed power in breach of the peace, or ride or pass armed by day or night in fairs, markets or elsewhere in the presence of justices, the king's ministers or others under pain of losing his arms and of imprisonment".

John Carpenter, *Liber Albus: The White book of the City of London* (Henry Thomas Riley ed., London, 1861): "[T]hat no one, of whatever condition he be, go armed in the said city or in the suburbs, or carry arms, by day or by night, except the vadlets (valets) of the great lords of the land, carrying the swords of their masters in their presence, and the serjeants-at-arms of his lordship the King, of my lady the Queen, the Prince, and the other children of his lordship the King, and the officers of the City, and such persons as shall come in their company in aid of them, at their command, for saving and maintaining the said peace; under the penalty aforesaid, and the loss of their arms and armour".

26 Hen. 8, c. 6, § 3 (1534): banned within Wales "hand-gun, sword, staff, dagger, halberd, morespikes, spear or any other weapon, privy coat or armour defensive Person or persons dwelling or residing within *Wales* . . . of what estate, degree or condition soever he or they be . . . unto any Sessions or court to be holden within *Wales* . . . or to any place *within the di[s]tance of two miles* from the same Sessions or court, nor to any town, church, fair, market, or other congregation, except it be upon the hute and outcry made of any felony or robbery done or perpetrated . . ." (edited for clarity).

Calendar of State Papers Domestic: Elizabeth, 1601-3, With Addenda 1547-65, 214 (June 1602) (Mary Anne Everett Green ed., 1870): (Elizabeth called for stricter enforcement of Statute of Northampton).

By the Queen Elizabeth I: A Proclamation Against the Common Use of Dagges, Handgunnes, HarqueBuzes, Calliwers, and Cotes of Defense (London, Christopher Barker 1579): "Actes of Parliament remaining of force, which included the tenets of the Statute of Northampton to prohibit the carrying of "Dagges, Pistolles, and such like, not only in Cities and Townes, [but] in all partes of the Realme in common high[ways], whereby her Majesties good qu[i]et people, desirous to live in peaceable manner, are in feare and danger of their lives".

By the Queen Elizabeth I: A Proclamation Prohibiting the Use and Carriage of Dagges, Birding Pieces, and other Gunnes, contrary to Law 1 (London, Christopher Barker 1600): "all Justices of the Peace to take straight order for the due execution of the Lawes aforesaid, according to the true intent and meaning of the same," including the car[r]ying and use of Gunnes (contrary to the sayd Statutes) and especially of Pistols, Birding pieces, and other short pieces and small shot".

Robert Gardiner, THE COMPLETE CONSTABLE 13 (6th ed. 1724) “For the preventing the Breach of the Peace, [the constable] . . . may stop all such Persons as go or ride unlawfully arm’d and take their Arms from them, and commit them to Prison . . . “.

Joseph Keble, An ASSISTANCE TO THE JUSTICES OF THE PEACE, FOR THE EASIER PERFORMANCE OF THEIR DUTY, 224 (W London, W. Rawlins, S. Roycroft, and H. Sawbridge 1683): “Again, if any person whatsoever (except the Kings Servants and Ministers in his presence, or in executing his Precepts or other Officers, or such as shall assist them, and except it be upon the Hue-and-cry make to keep the peace, &c.) shall be so bold as to go or ride Armed, by night or by day, in Fairs, Markets, or any other places . . . then any Constable, or any of the said Officers may take such Armour from him for the Kings use, and may also commit him to the Gaol; and therefore it shall be good in this behalf for these Officers to stay and Arrest *all such persons as they shall find to carry Dags or Pistols*, or to be apparelled with Privy-Coats or Doublets, as by the Proclamation made [by Queen Elizabeth]”. (edited for ease of reading)

By the King James I: A Proclamation Against the Use of Pocket Dags (London, Robert Barker, 1612): Whereas the bearing of Weapons covertly, and specially of short Daggess, and Pistols . . . hath ever beene, and yet is by the Lawes and polic[y] of this Realme straitly forbidden as car[r]ying with it inevitable danger in the hands of desperate persons . . . And some persons being questioned for bearing of such about them, have made their excuse, That being decayed in their estates, and indebted, and therefore fearing continually to be Arrested, they weare the same for their defence against such Arrests. A case so farre from just excuse, as it is of itselfe a grievous offence for any man to arme himselfe against Justice, and therefore deserves . . . sharpe and severe punishment. But besides this evill consequence . . . we have just cause to provide also against those devilish spirits, that maligning the quiet and happiness of this Estate, may use the same to more execrable endes. And therefore by this Due Proclamation, We doe straitly charge and command all Our subjects and other persons whatsoever, that they neither make, nor bring into this Realme, any Daggess, Pistols, or other like short Gunnes [prohibited by law]

1 Hawkins § 8: [A] Man cannot excuse the wearing such Armour in Publick, by alledging that such a one threatened him, and that he wears it for the Safety of his Person from his Assault; but it hath been resolved, That no one shall incur the Penalty of the said Statute for assembling his Neighbours and Friends in his own House, against those who threaten to do him any Violence therein, because a Man’s House is as his Castle.. (edited for ease of reading)

The Post Boy (London), December 21, 1699, at 1, col. 1: Whereas, We have received Information That several Persons not Qualified by the Laws of this Realm, to carry Arms, have nevertheless in contempt and Violation of the Law, taken on them to Ride and Go Armed, and for their so doing, have sometimes insisted on Licenses formerly Granted, which have been Re-called and made Void . . . and others have wholly Falsified and Counterfeited Licenses to carry Arms . . . We have for the Remedying the said evil,

thought fit to Re-call all Licenses whatsoever . . . and to Require all persons whatsoever having such Licenses, to bring in and Lodge the same with the Clerk of the Council . . .

9 *Geo. 1, c. 22 (1723)*: Making it a felony to appear armed and disguised in forests, etc.

Colonial (1607-1791)

Maryland: *Md. Const. of 1776, art. III, § 1*: (guaranteeing) [T]he Common Law of England, and the trial by Jury, according to the course of that law, and to the benefit of such of the English statutes as existed on the Fourth day of July, seventeen hundred and seventy-six; and which, by experience, have been found applicable to their local and other circumstances, and have been introduced, used and practiced by the Courts of Law or Equity . . . (presumably including the Statute of Northampton).

Massachusetts: *1750 Mass. Acts 544, An Act For Preventing And Suppressing Of Riots, Routs And Unlawful Assemblies, chap. 17, § 1*: If any persons to the number of twelve or more, being armed with clubs or other weapons. . . shall be unlawfully, riotously, or tumultuously assembled . . . (Read riot act, if don't disperse) . . . It shall be lawful for every officer . . . to seize such persons, and carry them before a justice of the peace; and if such persons shall be killed or hurt by reason of their resisting . . . officers and their assistants shall be indemnified and held guiltless.

Massachusetts: *The Perpetual Laws, of the Commonwealth of Massachusetts, From the Establishment of its Constitution to the Second Session of the General Court, in 1798, (Worcester, Isaiah Thomas 1799)*: confirming that no person “shall ride or go armed offensively, to the fear or terror of the good citizens of this Commonwealth”

New Jersey: *The Grants, concessions, and Original Constitutions of the Province of New Jersey, 289 (1758). An Act Against Wearing Swords, &c., (1686)*: (banned) “several Persons [from] wearing Swords, Daggers, Pistols, Dirks, Stilladoes, Skeines, or any other unusual and unlawful Weapons (in public because it induced) great Fear and Quarrels”.

North Carolina: *Francois Xavier Martin, A Collection of Statutes of the Parliament of England in Force in the State of North Carolina, 60-61 (Newbern 1792)*: (confirming that no person may “go nor ride armed by night nor by day, in fairs, markets, nor in the presence of the King's Justices, or other ministers, nor in no part elsewhere”.

Virginia: *A Collection of all Such Acts of the General Assembly of Virginia, of a Public and Permanent Nature, as are Now in Force, 33 (Augustine Davis 1794)*: confirming that no person may go or ride armed by night or day, in fairs, markets, or elsewhere, or in the presence of the Court's Justices or other ministers of justice.

Pre 14th Amendment (1791-1868)

Alabama: *An Act to Suppress the Evil Practice of Carrying Weapons Secretly. Feb. 1, 1839 § 1*: it is declared, “that if any person shall carry concealed about his person any species of fire-arms, or any bowie knife, Arkansas tooth-pick, or any other knife of the like kind, dirk, or any other deadly weapon, the person so offending shall, on conviction thereof before any court having competent jurisdiction, pay a fine not less than fifty, nor more than five hundred dollars, to be assessed by the jury trying the case; and be imprisoned for a term not exceeding three months, at the discretion of the judge of said court (*Reprinted from Clayton E. Cramer, Concealed Weapon Laws of the Early Republic: f, Southern Violence and Moral Reform (1999)*) .

Alabama: *1841 Ala. Acts 148, Of Miscellaneous Offences, chap. 7, § 4*: Everyone who shall hereafter carry concealed about his person, a bowie knife, or knife or instrument of the like kind or description, by whatever name called, dirk or any other deadly weapon, pistol or any species of fire arms, or air gun, unless such person shall be threatened with or have good cause to apprehend an attack, or be travelling, or setting out on a journey, shall on conviction, be fined not less than fifty nor more than three hundred dollars. . .

Arkansas: *Revised Statutes of Arkansas (1837) Division VIII, chap. 44, art. I, § 13; Act of Jan. 14, 1820, chap. 23*: Every person who shall wear any pistol, dirk, butcher or large knife, or a sword in a cane, concealed as a weapon, unless upon a journey, shall be adjudged guilty of a misdemeanor.

California: *1849 Cal. Stat. 245, An Act to Incorporate the City of San Francisco, § 127*: . . . if any person shall have upon him any pistol, gun, knife, dirk, bludgeon, or other offensive weapon, with intent to assault any person, every such person, on conviction, shall be fined not more than one hundred dollars or imprisoned in the county jail not more than three months.

Colorado: *1862 Colo. Sess. Laws 56, An Act To Prevent The Carrying Of Concealed Deadly Weapons In The Cities And Towns Of This Territory, § 1*: If any person or persons shall within any city, town, or village in this Territory, whether the same is incorporated or not, carry concealed upon his or her person any pistol, bowie knife, dagger, or other deadly weapon, shall, on conviction thereof before any justice of the peace of the proper county, be fined in a sum not less than five, nor more than thirty-five dollars.

Colorado: *1867 Colo. Sess. Laws 229, Criminal Code, § 149*: If any person or persons shall, within any city, town or village in this territory, whether the same is incorporated or not, carry concealed upon his or her person, any pistol, bowie-knife, dagger or other deadly weapon, such person shall on conviction thereof before any justice of the peace of the proper county, be fined in any sum not less than five nor more than thirty five dollars.

The provision of this section shall not be construed to apply to sheriffs, constables and police officers, when in the execution of their official duties.

Delaware: *Rev. Stats. of the State of Del. to the Year of Our Lord One Thousand Eight Hundred and Fifty-two, 333 (Dover, Delaware 1852)*: Any justice of the peace may also cause to be arrested . . . all who go armed offensively to the terror of the people, or are otherwise disorderly and dangerous.

District Of Columbia: *The Revised Code of the District of Columbia, Prepared Under the Authority of the Act of Congress, 570 (A.O.P. Nicholson, Washington 1857)*: 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

Georgia: *Acts of the General Assembly of the State of Georgia Passed in Milledeville at an Annual Session in November and December, 1837: An Act to guard and protect the citizens of this State against the unwarrantable and too prevalent use of deadly weapons,*” assented to on the 25th December, 1837 § 1 enacts: “that it shall not be lawful for any merchant or vender of wares or merchandize in this State, or any other person or persons whatever, to sell, or to offer to sell, or to keep or to have about their persons, or elsewhere, any of the herein-after-described weapons, to wit: Bowie or any other kinds of knives, manufactured and sold for the purpose of wearing or carrying the same as arms of offence or defense; pistols, dirks, sword-canes, spears, &c., shall also be contemplated in this act, save such pistols as are known and used as horseman's pistols.”

Indiana: *Laws of the State of Indiana, Passed at the Fourth Session of the General Assembly 1820*: Every person, not being a traveler, who shall wear or carry a dirk, pistol, sword in a cane, or other dangerous weapon, concealed, shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars, for the use of county seminaries: provided, however, that this act shall not be so construed as to affect travelers. - *Laws of Indiana, ed. of 1831, p. 192.*

Indiana: *1831 Ind. Acts 192, § 58*: That every person , not being a traveler, who shall wear or carry a dirk, pistol, sword in a cane, or other dangerous weapon concealed, shall upon conviction thereof, be fined in any sum not exceeding one hundred dollars.

Kentucky: *An Act to Prevent Persons in this Commonwealth from wearing Concealed Arms, Except in Certain Cases (1813) § 1*. Be it enacted by the General Assembly of the Commonwealth of Kentucky, that any person in this Commonwealth, who shall hereafter wear a pocket pistol, dirk, large knife, or sword in a cane, concealed as a weapon, unless when travelling on a journey, shall be fined . . . (later ruled a violation of Kentucky state constitution firearms right element).

Louisiana: *Acts Passed at the Second Session of the First Legislature of the State of Louisiana (New Orleans: Baird and Wagner, 1813)*; : Be it enacted by the Senate and the House of Representatives of the State of Louisiana in General Assembly convened, that from and after the passage of this act, any person who shall be found with any concealed weapon, such as a dirk, dagger, knife, pistol, or other deadly weapon,

concealed in his bosom, coat, or in any other place about him that do not appear in full open view, any person so offending, shall on conviction thereof before any justice of the peace, be subject to pay a fine . . .

Louisiana: *Henry A. Bullard & Thomas Curry, 1 A New Digest of the Statute Laws of the State of Louisiana, from the Change of Government to the Year 1841 at 252 (E. Johns & Co., New Orleans, 1842)*: Any person who shall be found with any concealed weapon, such as a dirk, dagger, knife, pistol, or any other deadly weapon concealed in his bosom, coat, or in any other place about him, that do not appear in full open view . . .

Maine: *The Revised Statutes of the State of Maine, passed October 22, 1840 at 709 (William R. Smith & Co., Augusta, 1841)*: Any person, going armed with any dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without a reasonable cause to fear an assault on himself . . . (shall be punished).

Massachusetts: “no person may go armed with a dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without reasonable cause to apprehend an assault or violence to his person, family, or property.” *See Peter Oxenbridge Thacher, Two Charges to the Grand Jury of the County of Suffolk for the Commonwealth of Massachusetts, at the Opening of Terms of the Municipal Court of the City of Boston, On Monday December 5th 1836 and on Monday, March 13th, A.D. 27-28 (Dutton and Wentworth).*

Massachusetts: *1850 Mass. Gen. Law, chap. 194, §§ 1, 2, as codified in Mass. Gen. Stat., chap. 164 (1873) § 10*: Whoever when arrested upon a warrant of a magistrate issued against him for an alleged offense against the laws of this state, and whoever when arrested by a sheriff, deputy sheriff, constable, police officer, or watchman, while committing a criminal offense 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, bills, or other dangerous weapon, shall be punished by fine . . .

Massachusetts: *Boston Gazette, January 16, 1809, at 2 (Ordinance in Gloucester, MA)*: To suppress all disturbers of the peace, and notice every abuse offered by any individual, or combination of men, patrolling our streets and wharves, having *offensive weapons*, either by night or day, to the annoyance and terror of the inhabitants; and have them apprehended and punished at the expense of the town . . . (edited for clarity).

Montana: 1864 Mont. Laws 355, An Act To Prevent The Carrying Of Concealed Deadly Weapons In The Cities And Towns Of This Territory, § 1: If any person shall within any city, town, or village in this territory, whether the same is incorporated or not, carry concealed upon his or her person any pistol, bowie-knife, dagger, or other deadly weapon, shall, on conviction thereof before any justice of the peace of the proper county, be fined in any sum not less than twenty five dollars, nor more than one hundred dollars.

New Mexico: 1853 N.M. Laws 404, An Act Of 14th January, 1853, § 20: That each and every person is prohibited from carrying short arms such as pistols, daggers, knives, and other deadly weapons, about their persons concealed, within the settlements, and any

person who violates the provisions of this act shall be fined in a sum not exceeding ten dollars, nor less than two dollars.

New Mexico: 1853 N.M. Laws 406, An Act Prohibiting The Carrying Of Weapons Concealed Or Otherwise, § 25: That from and after the passage of this act, it shall be unlawful for any person to carry concealed weapons on their persons, or any class of pistols whatever, bowie knife, cuchillo de cinto (belt buckle knife), Arkansas toothpick, Spanish dagger, slung shot, or any other deadly weapon, of whatever class or description that may be, no matter by what name they may be known or called under the penalties and punishment which shall hereinafter be described.

New Mexico: 1864-65 N.M. Laws 404, *Deadly Weapons*, § 20: That each and every person is prohibited from carrying short arms, such as pistols, daggers, knives, and other deadly weapons, about their persons concealed, within the settlements, and any person who violates the provisions of this act, shall be fined in a sum not exceeding ten dollars, nor less than two dollars, or shall be imprisoned for a term not exceeding fifteen days nor less than five days.

Ohio: *Act of March 18, 1859, § 1; Ohio Laws at 56*: Whoever shall carry a weapon or weapons, concealed on or about his person, such as a pistol, bowie knife, dirk, or any other dangerous weapon, shall be deemed guilty.

Oregon: *The Statutes of Oregon Enacted and Continued in Force by the Legislative Assembly, as The Session Commencing 5th December, 1853, 220 (Asahel Bush, Oregon 1854)*: If any persons shall go armed with dirk, dagger, sword, pistol, or other offensive and 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.

Pennsylvania: 1851 Pa. Laws 382, *An Act Authorizing Francis Patrick Kenrick, Bishop Of Philadelphia, To Convey Certain Real Estate In The Borough Of York, And A supplement To The Charter Of Said Borough, § 4*: That any person who shall willfully and maliciously carry any pistol, gun, dirk knife, slung shot, or deadly weapon in said borough of York ,shall be deemed guilty of a felon, and being thereof convicted shall be sentenced to undergo an imprisonment at hard labor for a term not less than 6 months nor more than one year and shall give security for future good behavior for such sum and for such time as the court before whom such conviction shall take place may fix;

Pennsylvania: *John Purdon, A Digest of the Laws of Pennsylvania, From the Year One Thousand Seven Hundred to the Twenty-First Day of May, One Thousand Eight Hundred and Sixty-One, 250 (9th ed., Philadelphia 1862)*: “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 (he shall be punished).

Tennessee: *1821 Tenn. Pub. Act, chap. 13, at 16. Passed at the First Session of the Twenty Second General Assembly of the State of Tennessee 1837-38*: Each and every person so degrading himself, by carrying a dirk, sword cane, French knife, Spanish stiletto, belt or pocket pistols . . . Shall pay a fine.

Tennessee: *An Act to suppress the sale and use of Bowie Knives and Arkansas Tooth Picks in this State (1838) § 2*: That if any person shall wear any Bowie knife, Arkansas tooth pick, or other knife or weapon that shall in form, shape or size resemble a Bowie knife or Arkansas toothpick under this clothes, or keep the same concealed about his person , such person shall be guilty of a misdemeanor, and upon conviction thereof shall be fined. . . and shall be imprisoned.

Virginia: *Acts of the General Assembly of Virginia, Passed at the Session of 1838, chap. 101, at 76*: It is against the law to habitually or generally keep or carry about his person any pistol, dirk, bowie knife, or any other weapon of the like kind . . . hidden or concealed from common observation.

Virginia: *An Act to prevent the carrying of concealed weapons, (1838)*: Be it enacted by the general assembly. 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 . . . or be imprisoned in the common jail for a term not less than one month. *(from Clayton E. Cramer, Concealed Weapon Laws of the Early Republic: Dueling, Southern violence, and Moral Reform (1999).*

Virginia: *1856-57 Va. Acts, chap. 140, pt. 554, as codified in Virginia Code, tit. 54. (1873)*: If a 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.

Wisconsin: *The Revised Statutes of the State of Wisconsin: Passed at the Annual Session of the Legislature Commencing January 13, 1858, and Approved May 17, 1858 at 985 (W.B. Keen, Chicago 1858)*: If any person shall go armed with a 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

Post 14th Amendment (1868-2011)

Alaska: *1896-99 Alaska Sess. Laws 1270, An Act To Define And Punish Crimes In The District Of Alaska And To Provide A Code Of Criminal Procedure For Said District, chap. 6, § 117*: That it shall be unlawful for any person to carry concealed about his person in any manner whatever, any revolver, pistol, or other firearm, or knife (other than an ordinary pocket knife), or any dirk or dagger, slung shot, metal knuckles, or any

instrument by the use of which injury could be inflicted upon the person or property of any other person.

Arizona: 1889 *Ariz. Sess. Laws 16, An Act Defining And Punishing Certain Offenses Against The Public Peace, § 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 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 his is convicted, the weapon or weapons so carried.

Arizona: 1893 *Ariz. Sess. Laws 3, An Act To Regulate And Prohibit The Carrying Of Deadly Weapons Concealed, § 1*: It shall be unlawful for any person to have or carry concealed on or about his person any pistol or other firearm, dirk, dagger, slung-shot, sword cane, spear, brass knuckles, or other knuckles of metal, bowie knife or any kind of knife of weapon except a pocket-knife not manufactured and used for the purpose of offense and defense.

Arizona: 1901 *Arizona 1251, Crimes Against the Public Peace, § 381*: It shall be unlawful for any person (except a peace officer in actual service and discharge of his duty) , to have or carry concealed on or about his person, any pistol or other firearm, dirk, dagger, slung shot, sword cane, spear, brass knuckles or other knuckles of metal, bowie-knife or any kind of knife or weapon, except a pocket knife, not manufactured and used for the purpose of offense and defense.

§ 385: If any person within any settlement, town, village or city within this territory shall carry on or about his person, saddle, or in saddlebags, any pistol, dagger, slung-shot, sword-cane, spear, brass knuckles, bowie- knife or any other kind of knife manufactured or sold for 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 shall forfeit to the county in which he is convicted the weapon or weapons so carried.

§ 390: Persons travelling may be permitted to carry arms within settlements or towns of the territory, for one half hour after arriving in such settlements or towns, 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 . . .

Arkansas: *Ark. Act of Apr. 1, 1881, as codified in Ark. Stat. chap. 45 (1884) § 1907*: Any person who shall wear or carry in any manner whatever as a weapon any dirk or bowie knife, or a sword, or a spear in a cane , brass or metal knucks, razor, or any pistol of any kind whatever, except such pistols as are used in the army or navy of the United States, shall be guilty of a misdemeanor.

Colorado: 1876 *Colo. Sess. Laws 304, General Laws, § 154*: if any person shall have upon him any pistol, gun, knife, dirk, bludgeon, or other offensive weapon, with intent to

assault any person, such person, on conviction shall be fined in any sum not exceeding five hundred dollars, or imprisoned in the county jail no exceeding six months.

Colorado: *Colo. Rev. Stat. (1881) pt. 229 § 149, as codified in Colo. Stat. Ann., chap. 35 (1911) Section 1830. Carrying concealed weapons – Second offense – Search without warrant – Confiscation*: No person, unless authorized to do so by the chief of police of a city, mayor of a town or the sheriff of a county, shall use or carry concealed upon his person any fire arms, as defined by law, nor any pistol, revolver, bowie knife, dagger, sling shot, brass knuckles or other deadly weapon.

Delaware: *1881 Del. Laws 716, An Act Providing For The Punishment Of Person Carrying Concealed Deadly Weapons, chap. 548, § 1*: if any person shall carry concealed a deadly weapon upon or about his person other than an ordinary pocket knife, or shall knowingly sell a deadly weapon to a minor other than an ordinary pocket knife, such person shall upon conviction thereof, be fined not less than twenty-five or more than one hundred dollars or imprisoned in the county jail for not less than ten nor more than thirty days, or both at the discretion of the court . . .

Florida: *1887 Fla. Laws 164, An Act to Establish the Municipality of Jacksonville Provide for its Government and Prescribe it's jurisdiction and powers, chap. 3775, § 4*: the Mayor and City council shall within the limitations of this act have power by ordinance to . . . regulate and license the sale of firearms and suppress the carrying of concealed weapons.

Florida: *Fla. Act of Feb. 12, 1885, chap. 3620, § 1 as codified in Fla. Rev. Stat., tit. 2, pt. 5 (1892) 2421. Carrying concealed weapons*: Whoever shall secretly carry arms of any kind on or about his person, or whoever shall have concealed on or about his person any dirk, pistol or other weapon, except a common pocket knife, shall be punished by imprisonment not exceeding six months, or by fine not exceeding one hundred dollars.

Idaho: *1888 Idaho Sess. Laws 23, An Act Regulating The Use and Carrying of Deadly Weapons in Idaho Territory, § 1*: It is unlawful for any person, except United States officials of Idaho Territory, County officials, Peace officers, Guards of any jai, and officers or employees of any express company on duty, to carry, exhibit or flourish any dirk, dirk-knife, sword, sword-cane, pistol, gun or other deadly weapons, within the limits or confines of any city, town or village or in any public assembly of Idaho Territory. Every person so doing is guilty of a misdemeanor and is punishable by fine not less than fifty dollars nor more than one hundred dollars or by imprisonment I the county jail for a period of not less than twenty days nor more than fifty days, or by both such fine and imprisonment.

Illinois: *Ill. Act of Apr. 16, 1881, as codified in Ill. Stat. Ann., Crim. Code, chap. 38 (1885). 91. Concealed Weapon – Flourishing weapon. § 4*: Whoever shall carry a concealed weapon upon or about his person of the character in this Act specified, or razor as a weapon, or whoever, in a threatening or boisterous manner, shall display or flourish any deadly weapon, shall be guilty of a misdemeanor and shall be fined, in any sum not less than twenty-five dollars (\$25) nor more than two hundred dollars.

Kentucky: 1871 Ky. Acts 89, *An Act To Prohibit The Carrying Of Concealed Deadly Weapons*, § 1: That if any person shall hereafter carry concealed any deadly weapon upon their persons other than an ordinary pocket-knife, except as provided for in next section, he shall be fined, on the first conviction, not less than twenty-five dollars nor more than one hundred dollars, or imprisoned not less than thirty days, nor more than sixty days, or both so fined and imprisoned and on any subsequent not less than one hundred nor more than four hundred dollars, or imprisoned not less than two months nor more than six months, or both.

Kentucky: 1880 Ky. Gen. Stat. chap. 29, § 1: 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 indictment and conviction, be fined . . . § 5. Carrying concealed deadly weapons shall be lawful in the following cases: 1st. When a 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; 2nd. By sheriffs, constables, marshals, policemen, and other ministerial officers, when necessary for their protection in the discharge of their official duties.

Kentucky: 1891 Ky. Acts 1076, *An Act for the Government of Cities of the Third Class*, pt. 14: To regulate, restrain or prevent the establishment or continuance in or near said city of any trade or occupation, business or manufactory offensive to the public, or dangerous to health, or in causing or producing fire; and to regulate the sale of fire-arms and to prevent the carrying of concealed deadly weapons.

Maryland: 1872 Md. Laws 57, *An Act To Add An Additional Section To Article Two Of The Code Of Public Local Laws, Entitled "Anne Arundel County," Sub-title "Annapolis," To Prevent The Carrying Of concealed Weapons In Said City*, § 246: It shall not be lawful for any person to carry concealed, in Annapolis, whether a resident thereof or not, any pistol, dirk-knife, bowie-knife, sling-shot, billy, razor, brass, iron or other metal knuckles, or any other deadly weapon, under a penalty of a fine of not less than three nor more than ten dollars in each case, in the discretion of the Justice of the Peace, before whom the same may be tried, to be collected

Michigan: 1887 Mich. Pub. Acts 144, *An Act to Prevent The Carrying Of Concealed Weapons, And To Provide Punishment Therefore*, § 1: 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-billy, sand bag, skull cracker, slung shot, razor or other offensive and dangerous weapon or instrument concealed upon his person.

Michigan: 1891 Mich. Pub. Acts 409, *Police Department*, pt 15: . . . And all persons who shall carry concealed on or about their persons, any pistol, revolver, bowie knife, dirk, slung shot, billie, sand bag, false knuckles, or other dangerous weapon, or who shall lay in wait, lurk or be concealed, with intent to do injury to any person or property, who shall threaten to beat or kill another or injure him in his person or property . . . shall be deemed a disorderly person, and upon conviction thereof may be punished by a fine not

exceeding one hundred dollars and the costs of prosecution, and in imposition of any such fine and costs the court may make a further sentence that in default of payment, such offender be imprisoned in the city prison. . .

Michigan: 1895 Mich. Pub. Acts 596, . . . An Act Supplemental To The Charter Of The City Of Detroit . . . § 44: No Person shall fire or discharge any gun or pistol or carry firearms or throw stones or other missiles within said park or boulevard, nor shall any person fire, discharge or set off any rocket, cracker, torpedo, squib, or other fireworks or things containing any substance of any explosive character on said park or boulevard, without the permission of said commissioners, and then only under such regulations as they shall prescribe.

Minnesota: *George B. Young, the General Statutes of the State of Minnesota, As Amended by Subsequent Legislation, with which are incorporated all General Laws of the State in Force at the Close of the Legislative Session of 1878, at 629 (Davidson & Hall, St. Paul 1879)*: Whoever goes armed with a dirk, dagger, sword, pistol or pistols, or other offensive and dangerous weapons, without reasonable cause to fear an assault or other injury or violence to his person . . . (shall be punished).

Mississippi: 1878 Miss. Laws 175, An Act To Prevent The Carrying Of Concealed Weapons And For Other Purposes, § 1: That any person not being threatened with or havin good and sufficient reason to apprehend an attack, or traveling (not being a tramp) or setting out on a long journey, or peace officers, or deputies in discharge of their duties, who carries concealed in whole or in part, any bowie knife, pistol, brass knuckles, slung shot or other deadly eapon of like kind or description shall be deemed guilty of a misdemeanor, and on conviction, shall be punished for the first offense by a fine of not less than five dollars nor more than one hundred dollars . . .

Missouri: 1873 Mo. Laws 328, *An Act to Incorporate The Town Of Moberly, art. III, § 1, pt. 15*: To restrain . . . any person who shall threaten quarrel, challenge or fight within said city, or any person who shall be found intoxicated, who shall carry concealed deadly weapons in said city, of any person who shall be found guilty of a misdemeanor, and to define what acts shall constitute a misdemeanor.

Missouri: 1883 Mo. Laws 76, *An Act To Amend Section 1274, Article 2, Chapter 24 Of The Revised Statutes Of Missouri, Entitled "Of Crimes And Criminal Procedure" § 1274*: If any person shall carry concealed, upon or about his person, any deadly or dangerous weapon, or 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 to any election precinct on any election day, or into any court room during the siting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill or meetings called under the militia law having upon or about his person any kind of fire arms, bowie knife, dirk, dagger, slung-shot, or other deadly weapon, or shall in the presence of one or more persons shall exhibit and such weapon in a rude, angry or threatening manner, or shall have or carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall directly or indirectly sell or deliver, loan or barter to any minor any such

weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Nebraska: *Neb. Cons. Stat. (1893). § 5604*: Whoever shall carry a weapon or weapons concealed on or about his person, such as a pistol, bowie-knife, dirk, or other dangerous weapon, on conviction of the first offense shall be fined not exceeding one hundred dollars, or imprisoned in the county jail not more than thirty days, and for the second offense not exceeding one hundred dollars or imprisoned . . .

Nebraska: *1895 Neb. Laws 237, Statutes Relating To The government Of The City Of Lincoln, Art.. XXVI, § 4*: It shall be unlawful for any person within the said city to carry about his or her person any toy pistol, toy gun, or other toy arm or arms, or sling shots, out of or by which any leaden or other dangerous missiles may be discharged. Any person so offending shall, upon conviction thereof, be fined in any sum not exceeding twenty dollars, and stand committed until such fine and costs are paid or secured.

New York: *1891 N.Y. Laws 177, An Act To Revise The Charter Of The City Of Buffalo, § 209*: No person other than members of the police force, regularly elected constables, the sheriff of Eric county, and his duly appointed deputies, shall, in the city, carry concealed upon or about his person, any pistol or revolver or other dangerous weapon or weapons without first obtaining a permit as hereinbefore provided; and such permit shall be produced and exhibited by any person holding the same upon the request of a member of the police force. . .

North Carolina: *N.C. Sess. Laws (1879) chap. 127, as codified in North Carolina Code, Crim. Code, chap. 25 (1883) § 1005, Concealed weapons, the carrying or unlawfully, a misdemeanor*: If any one, except when on his own premises, shall carry concealed about his person any pistol, bowie knife, dirk, dagger, slungshot, loaded case, brass, iron or metallic knuckles or razor or other deadly weapon or like kind, he shall be guilty of a misdemeanor, and be fined or imprisoned at the discretion of the court. And if anyone not being on his own lands, shall have about his person any such deadly weapon, such possession shall be prima facie evidence of the concealment thereof. . .

North Dakota: *N.D. Pen. Code § 457, as codified in N.E. Rev. Code (1895). § 7312*: Carrying or using slung shot. Every person who carries upon his person, whether concealed or not , or uses or attempts to use against another, any instrument or weapon of the kind usually known as slung shot, or of any similar kind, is guilty of a felony. § 7313. Carrying concealed weapons. Every person who carries concealed about his person any description of firearms, being loaded or partly loaded, or any sharp or dangerous weapon, such as is usually employed in attack or defense of the person is guilty of a misdemeanor.

Oklahoma: *1890 Okla. Sess. Laws 476, Of Crimes Against The Public Health And Safety, § 20*: Every person who carries concealed about his person any description of firearms,

being loaded or partly loaded, or any sharp or dangerous weapon, such as is usually employed in attack or defense of the person is guilty of a misdemeanor.

Oklahoma: *Wilson's Rev. & Ann. St. Okla.(1903) § 583, c. 25*: 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.

Oregon: *Laws of Oregon (1885), An Act to Prevent Persons from Carrying Concealed Weapons, § 1-4, p. 33, as codified in Ore. Code, chap. 8 (1892) § 1969*: 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.

Oregon: *§ 1970*: Any person violating any of the provisions of § 1969 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than five days nor more than one hundred days . . .

Rhode Island: 1893 R.I. Pub. Laws 231, An Act Prohibiting The Carrying Of Concealed Weapons, chap. 1180, § 1: No person shall wear or carry in this state any dirk, bowie knife, butcher knife, dagger, razor, sword in cane, air gun, billy, brass or metal knuckles, slung shot, pistol or fire arms of any description, or other weapons of like kind and description concealed upon his persons . . . (additional fine provided if intoxicated while concealed carrying).

South Carolina: 1880 *S.C. Acts 448, § 1, as codified in S.C. Rev. Stat. (1894). § 129 (2472.)*: Any person carrying a pistol, dirk, dagger, slungshot, metal knuckles, razor, or other deadly weapon usually used for the infliction of personal injury, concealed about his person shall be guilty of a misdemeanor and upon conviction thereof, before a Court of competent jurisdiction shall forfeit to the County the weapon so carried concealed and be fined in a sum not more than two hundred dollars. . .

South Dakota: *S.D. Terr. Pen. Code (1877), § 457 as codified in S.D. Rev. Code, Penal Code (1903) Sec. 470*: Every person who carries upon his person, whether concealed or not, or uses or attempt to use against another, any instrument or weapon of the kind usually known as slung shot, or of any similar kind, is guilty of a felony. *§ 471*. Every person who carries concealed about his person any description of firearms, being loaded or partly loaded, or any sharp or dangerous weapons, such as is usually employed in attack or defense of the person, is guilty of a misdemeanor.

Tennessee: *An Act to Preserve the Peace and Prevent Homicide (June 11, 1870)*: That it shall not be lawful for any person to publicly or privately carry a dirk, swordcane, Spanish stiletto, belt or pocket pistol or revolver. Any person guilty of a violation of this

section shall be subject to presentment or indictment, and on conviction, shall pay a fine of not less than ten, nor more than fifty dollars, and be imprisoned at the discretion of the court, for a period of not less than thirty days, nor more than six months; and shall give bond in a sum not exceeding one thousand dollars, to keep the peace for the next six months after such conviction.

Tennessee: *Act of 1871, chap. 90, to preserve the peace and to prevent homicide*: That it shall not be lawful for any person to publicly or privately carry a dirk, sword cane, Spanish stiletto, belt or pocket pistol, or revolver, other than an army pistol, or such as are commonly carried and used in the United States army, and in no case shall it be lawful for any person to carry such army pistol publicly or privately about his person in any other manner than openly in his hands.

Tennessee: *Tenn. Pub. Acts (1879) chap. 96, as codified in Tenn. Code (1884) 5522*: Any person who carries under his clothes, or concealed about his person, a bowie-knife; Arkansas tooth-pick, or other knife or weapon of like form, shape, or size, is guilty of a misdemeanor, and, upon such conviction, shall be fined not less than two hundred dollars nor more than five hundred, and shall be imprisoned in the county jail not less than three nor more than six months.

Tennessee: *Tenn. Pub. Acts (1879), chap. 186, as codified in Tenn. Code (1884). 5533*: It shall not be lawful for any person to carry, publicly or privately, any dirk, razor concealed about his person, sword cane, loaded cane, slung-shot or brass knucks, Spanish stiletto, belt or pocket pistol, revolver, or any kind of pistol, except the army or navy pistol used in warfare, which shall be carried openly in hand.

Texas: *1870 Tex. Gen. Laws 63, An Act Regulating The Right To Keep And Bear Arms, chap. 46, § 1*: If any person shall go into any church or religious assembly, any school room or other place where persons are assembled for educational , literary or scientific purposes, or into a ballroom, 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 fire-arms, whether known as a six shooter , gun or pistol of any kind, such person 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. . .

Texas: *Tex. Act of Apr. 12, 1871, as codified in Tex. Penal Code (1879) Art. 163*: If any person other than a peace officer, shall carry any gun, pistol, bowie knife, or other dangerous weapon, concealed or unconcealed, on any day of election , during the hours the polls are open, within the distance of one-half mile of any poll or voting place, he shall be punished as prescribed in article 161 of the code. Art. 318. If any person in this state shall carry 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 purposes of offense or defense, he shall be punished by fine . . . in addition thereto, shall forfeit to the county in which he is convicted, the weapon or weapons so carried.

Virginia: *Va. Acts (1869-1870), chap. 349, pt. 510, as codified in Virginia Code, tit. 54 (1873)*: If a person habitually carry about his person, hid from common observation, any pistol, dirk, bowie knife, or any weapon of the like kind, he shall be fined fifty dollars, and imprisoned for not more than twelve months in the county or corporation jail. The informer shall have half of such fine.

Virginia: *1877 Va. Acts 301, Crimes And Punishments, chap. 6, pt. 7*: if a person habitually carry about his person, hid from common observation, any pistol, dirk, bowie-knife, or any weapon of the like kind, he shall be fined not more than fifty dollars.

Washington: *Wash. Code § 929 (1881)*: If any person carry upon his person any concealed weapon, he shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined . . . (or imprisoned) not more than thirty days. . .

Washington: *1881 Wash. Sess. Laws 76, An Act to Confer a City Govt. on New Tacoma, chap. VI, § 34, pt. 15: The City Government of New Tacoma within its incorporated limits has power and authority to . . . Regulate the transportation, storage and sale of gunpowder, giant powder, dynamite, nitroglycerine, or other combustibles, and to provide or license magazines for the same, and to prevent by all possible and proper means, danger or risk of injury or damages by fire arising from carelessness, negligence or otherwise . . . to regulate and prohibit he carrying of deadly weapons in a concealed manner, to regulated and prohibit the use of guns, pistols and firearms, firecrackers, and detonation works of all description.*

Washington: *1883 Wash. Sess. Laws 140, An Act to Incorporate The City Of Whatcom, chap. II, § 8*: The city of Whatcom shall have the power to prevent injury or annoyance from anything dangerous, offensive, or unhealthy . . . to regulate and prohibit the carrying of deadly weapons in a concealed manner; to regulate and prohibit the use of guns, pistols and firearms, fire-crackers, bombs and detonating works of all descriptions.

Washington: *1883 Wash. Sess. Laws 302, An Act To Incorporate the City of Snohmish, chap. VI, § 29, pt. 15*: to regulate and prohibit the carrying of deadly weapons in a concealed manner; to regulate and prohibit the use of guns, pistols, and fire-arms, fire crackers, bombs and detonating works of all descriptions;

West Virginia: *W. Va. Code chap. 148, § 7 (1870)*: If any person, habitually, carry about his person, hid from common observation, any pistol, dirk, bowie knife, or weapon of the like kind, he shall be fined fifty dollars. The informers shall have one half of such fine.

West Virginia: *W. Va. Code chap. 153, § 8 (1870)*: 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.

West Virginia: *W. Va. Code chap. 148 § 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. *See State v. Workman*, 14 L.R.A. 600 (1891).

Wisconsin: *1883 Wis. Sess. Laws 713, An Act to Revise, consolidate And Amend The Charter Of The City Of Oshkosh, The Act Incorporating The City, And The Several Acts Amendatory Thereof, chap. 6, § 3, pt. 56*: To regulate or prohibit the carrying or wearing by any person under his clothes or concealed about his person any pistol or colt, or slung shot, or cross knuckles or knuckles of lead, brass or other metal or bowie knife, dirk knife, or dirk or dagger, or any other dangerous or deadly weapon and to provide for the confiscation or sale of such weapon.

Wisconsin: *1883 Wis. Sess. Laws 970, An Act To Incorporate The City Of Sturgeon Bay, § 52, pt. 40*: To prevent bonfires and the use of firearms and fireworks in the city or in any place or part thereof which may be dangerous to the city or any property therein, or annoying to the citizens thereof. *pt. 83*: To prohibit and prevent the carrying by any person of any pistol, bowie-knife, dirk, dagger or other concealed and dangerous weapon. Except as authorized by law.

Wisconsin: *1883 Wis. Sess. Law 1017, An Act To Incorporate The City of Nicolet, § 32, pt. 45*: to regulate and prohibit the carrying or wearing by any person under his clothes, or concealed about his person, of any pistol, sling-shot or knuckles, bowie-knife, dirk knife, or dirk or dagger, or any other dangerous or deadly weapon and to provide for the confiscation or sale of such weapon.

Wyoming: *Wyo. Comp. Laws (1876) chap. 52, § 1, as codified in Wyo. Rev. Stat., Crimes (1887). Carrying Concealed Weapon. Sec. 980*: 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.

§ 2. Non-Resident Carrying Weapons after Notification by Officer. § 981. If any person not a resident of any town, city or village of Wyoming Territory, shall after being notified of the existence of the last preceding section 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 said section and shall be punished accordingly.

§ 3. Penalty for violating last two sections. Sec. 982. Any person violating any of the provisions of the last two preceding sections shall be deemed guilty of misdemeanor, and

upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than fifty dollars. . .

Wyoming: *Wyo. Comp. Laws (1876) chap. 35 § 127, as codified in Wyo. Rev. Stat., Crimes (1887) Having possession of offensive weapons. § 1027*: If any person or persons have upon him any pistol, gun, knife, dirk, bludgeon or other offensive weapon, with intent to assault any person, every such person, on conviction, shall be fined in any sum not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months.

Dangerous and Unusual Weapons

Colonial (1607-1791)

New Jersey: 1771 N.J. Laws 346, An Act For The Preservation Of Deer And Other Game, And To Prevent Trespassing With Guns, § 10: And Whereas a most dangerous method of setting guns has too much prevailed in this province, be it enacted by the authority aforesaid, that if any person or persons within this colony shall presume to set any loaded in such manner as that the same shall be intended to go off or discharge itself, or be discharged by any String, Rope, or other Contrivance, such person or persons shall forfeit and pay the sum of Six Pounds; and on Non-Payment thereof shall be committed to the common jail of the county for Six Months.

Pre-14th Amendment (1791-1868)

Alabama: *An Act to Suppress the Use of Bowie Knives: Section 2. June 30, 1837*: And be it further enacted , That for every such weapon (Bowie Knife , sold or given, or otherwise disposed of in this State, the person selling, giving or disposing of the same, shall pay a tax of one hundred dollars, to be paid into the county Treasury; and if any person so selling, giving or disposing of such weapon shall fail to give in the same to his list of taxable property, he shall be subject to the pains and penalties of perjury. (Reprinted from Clayton E. Cramer, *Concealed Weapon Laws of the Early Republic: Dueling, Southern Violence and Moral Reform* 146 (1999))

Massachusetts: *Mass. Gen. Law (1850), chap. 194 §§ 1, 2 as codified in Mass. Gen. Stat., chap. 164 (1873) § 11*: Whoever manufactures, or causes to be manufactured, or sells, or exposes for sale, any instrument or weapon of the kind usually known as slung shot, or metallic knuckles, shall be punished by fine not less than fifty dollars, or by imprisonment in the jail not exceeding six months.

Tennessee: *Act of Jan. 27, 1838, chap. 137 at 1837-1838 Tenn. Pub. Acts 200*: That if any merchant, . . . shall sell, or offer to sell . . . any Bowie knife or knives, or Arkansas tooth picks . . . such merchant shall be guilty of a misdemeanor and shall be fined . . . and imprisoned.

Post-14th Amendment (1868-2011)

Florida: *Fla. Act of Aug. 8, 1868, as codified in Fla. Rev. Stat., tit. 2, pt. 5 (1892) 2425. Manufacturing or selling slung shot*: Whoever manufactures, or causes to be manufactured, or sells or exposes for sale any instrument or weapon of the kind usually known as slung-shot, or metallic knuckles, shall be punished by imprisonment not exceeding six months, or by fine not exceeding one hundred dollars.

Georgia: *1921 Ga. Laws 247, An Act to regulate and control the purchase, sale and use of explosives . . . , § 1*: That from and after the passage of this Act, It shall be unlawful for any person, association of persons, co-partnerships or corporations to have, own, possess or control within the State of Georgia, any dynamite, nitroglycerine, gun cotton, or any other high explosive of any name whatsoever, without first having registered . . .

Illinois: *Illinois Act of Apr. 16, 1881, as codified in Ill. Stat. Ann., Crim. Code, chap. 38 (1885) 88. Possession or sale forbidden § 1*: Be it enacted by the people of the state of Illinois represented in the General Assembly. That whoever shall have in his possession, or sell, or give or loan, hire or barter, or whoever shall offer to sell, give loan, have or barter, to any person within this state, any slung shot or metallic knuckles, or other deadly weapon of like character, or any person in whose possession such weapons shall be found, shall be guilty of a misdemeanor . . .

Michigan: *1875 Mich. Pub. Acts 136, An Act To Prevent The Setting Of Guns And Other Dangerous Devices, § 1*: If any person shall set any spring or other gun, or any trap or device operating by the firing or explosion of gunpowder or any other explosive, and shall leave or permit the same to be left, except in the immediate presence of some competent person, he shall be deemed to have committed a misdemeanor; and the killing of any person by the firing of a gun or device so set shall be deemed to be manslaughter.

Michigan: *Pub. Acts 1929, Act No. 206, Section 3, Comp. Laws 1929, § 16751*: It shall be unlawful within this state to manufacture, sell, offer for sale or possess any machine gun or firearm which can be fired more than sixteen (16) times without reloading or any muffler, silencer, or device for deadening or muffling the sound of a discharged firearm, or any bomb, or bomb shell, blackjack, slung shot, billy, metallic knuckles, sand club, sand bag, or bludgeon or any gas ejecting device, weapon, cartridge, container, or contrivance designed or equipped for or capable of ejecting any gas which will either temporarily or permanently disable, incapacitate, injure or harm any person with whom it comes in contact.

North Dakota: *1891 N.D. Laws 193, An Act To Amend §§ 1, 2 Of Chapter 63 Of The General Laws Of 1883 § 1*: It shall be unlawful for any person or persons to kill, ensnare or trap in any form or manner, or by any device whatever, or for any purpose, any buffalo, elk, deer, antelope or mountain sheep . . .

Ohio: *1877 Ohio Laws 278, Offenses Against Public Policy, § 60*: Whoever, except in case of invasion by a foreign enemy, or to suppress insurrection or a mob, or for the purpose of raising the body of a person drowned, or for the purpose of blasting or

removing rock, fires any cannon, or explodes at any time more than four ounces of gunpowder, up on any public street or highway, or nearer than ten rods to the same, shall be fined not more than fifty nor less than five dollars.

Ohio: *1894 Ohio Laws 86, An Act To Prevent The Use Of Air Guns Or Other Arms Or Implements By Which Hard Or Dangerous Substance Is Shot, Forced Or Thrown, § 1*: It shall be unlawful for any person to shoot, force or throw, by the means of any air gun or other arm or implement of any kind, and lead, iron or other hard substance upon any of the streets, alleys, lanes or public places within the state of Ohio, any person so offending shall be guilty of a misdemeanor and fined in any sum not more than twenty-five dollars nor less the one dollar.

Oklahoma: *1890 Okla. Sess. Laws 475, Crimes Against The Public Health And Safety, § 18*: §18. Every person who manufactures or causes to be manufactured, or sells or offers or keeps for sale, or gives or disposes of any instrument or weapon of the kind usually known as slung shot, or of any similar kind is guilty of a misdemeanor. § 19. Every person who carries upon his person, whether concealed or not or uses or attempts to use against another, any instrument or weapon of the kind usually known as slung shot, or of any similar kind, is guilty of a felony.

Rhode Island: *1896 R.I. Pub. Laws 50, An Act Concerning Explosives Used In Fire Crackers, chap. 342, § 1*: Every person who shall sell, expose for sale, or have in his possession with intent to sell, use or explode or shall use or explode any fire cracker containing any explosive other than gunpowder, shall be fined not more than twenty dollars.

South Dakota: *S.D. Terr. Pen. Code § 457 (1877), as codified in S.D. Rev. Code, Penal Code (1903) § 469*: it shall be unlawful for any person or persons at any time . . . to set any gun or guns or gun trap to be discharged upon or by, any buffalo, elk, deer, antelope or mountain sheep as driven or pursued in any manner whatever.

Tennessee: *Tenn. Pub. Acts (1879) Chap. 96, as codified in Tenn. Code (1884)*: It is a misdemeanor to sell, or offer to sell, or into this State for the purpose of selling . . . any knife or weapon mentioned in the preceding section (Bowie Knife).

Vermont: *1884 Vt. Acts & Resolves 74, An Act Relating To Traps, § 1*: A person who sets a spring gun trap, or a trap whose operation is to discharge a gun or firearm at an animal or person stepping into such trap, shall be fined no less than fifty nor more than five hundred dollars, and shall be further liable to a person suffering damage to his own person or to his domestic animals by such traps, in a civil action for twice the amount of such damage. If the person injured dies, his personal representative may have the action as provided in sections two thousand one hundred and thirty eight and two thousand one hundred and thirty nine of the revised laws.

Dueling

Colonial (1607-1791)

Massachusetts: 1719 Mass. Acts 135, An Act For Punishing Or Preventing of Dueling, chap. 10, § 1: That whoever, fight a duel, combat, or engage in a reencounter with rapier, or small-sword, backsword, pistol, or any other dangerous weapon, to the danger of life, mayhem or wounding of the parties or the affray of his majesties' good subjects (although death doth not thereby ensue) , and be thereof convicted by due course of law, before the court of assize, or court of general sessions of the peace, in the respective counties of this province, shall be punished by fine not exceeding a one hundred pounds, imprisonment not exceeding six months, or corporally punished.

Massachusetts: 1728 Mass. Acts 516, *An Act for Repealing An ACT Entitled "An Act For The Punishing And Preventing Of Dueling," And For Making Other Provisions Instead Thereof.* chap. 15, § 1: That whoever, from and after the publication of this act, shall be so hardy and wicked as to fight a duel, or for private malice, displeasure, fury or revenge, voluntarily engage in a reencounter with rapier or small-sword, backsword, pistol or any other dangerous weapon, to the hazard of life, mayhem or wounding of the parties, or the affray of his majesty's good subjects, although death doth not thereby ensue ; or shall by word, message or any other way challenge another to fight a duel, or shall accept a challenge, although no duel be fought, or shall any ways abet, prompt, encourage or seduce any person to fight a duel or to challenge another to fight, and be, by due course of law, before the court of assize and general goal delivery in any of the respective count [^e][y]s within this province, convicted thereof, shall for every such offence be carried publicly in a cart to the gallows, with a rope about his neck, and sit on the gallows for the space of one hour with a rope about his neck as aforesaid, and then committed to the common goal of the county, and there remain, without bail or mainprize, for the space of twelve months ; and at the expiration thereof shall find sureties for the peace and good behavior for and during the space of twelve months more.

Pennsylvania: 1779 An Act For The Suppression Of Vice And Immorality 181, section 13: That if any person within this commonwealth shall challenge the person of another to fight at sword, pistol, rapier or other dangerous weapon, such person so challenging shall forfeit and pay for every such offense (being lawfully convicted by the testimony of one or more credible witnesses, or by the confession of the party offending) the sum of five hundred pounds, or suffer twelve months imprisonment without bail or mainprise, and the person accepting such challenge shall in like manner forfeit and pay the like sum of five hundred pounds, or suffer the like imprisonment; and moreover the said challenger, and challenged (when he accepts) shall be disabled ever after from holding any office of profit or honor within this state. And if any person or persons shall willingly and knowingly carry and deliver any written challenge or verbally deliver any message meant as a challenge, and shall thereof be legally convicted as above, he or they so offending, shall for every such offense forfeit and pay the sum of five hundred pounds or suffer twelve months imprisonment and be disabled as in the case of giving or receiving challenges.

Pre 14th Amendment

Idaho: 1863 Idaho Sess. Laws 435, *An Act Concerning Crimes and Punishments*, § 40: If any person shall by pervious appointment or agreement fight a duel with a rifle, shot gun, pistol, bowie knife, dirk, small sword, back sword or any other dangerous weapon, and in so doing shall kill his antagonist, or any person or persons, or shall inflict such wound as that party or parties injured shall die thereof within one year thereafter every such offender shall be deemed guilty of murder in the first degree, and upon conviction thereof shall be punished accordingly.

Illinois: Criminal Code, Div. V, § 43 (1855): If any person hereafter shall willfully and maliciously, or by agreement, fight a duel or single combat with any engine, instrument or weapon, the probable consequence of which might be the death of either party, and in so doing shall kill his antagonist, or any person or persons, or shall inflict such would as that the party injured shall die thereof within one year thereafter, every such offender, his second, as well as the second of the person killed, and all aiders, abettors, and counselors, being thereof duly convicted, shall be considered to have committed a high misdemeanor, and shall be punished by confinement to labor in the penitentiary for any term not exceeding five years nor less than one year.

Michigan: 1816 Mich. Pub. Acts 128, *An Act For The Punishment Of Crimes*, § 47: That if any person shall by word, message, letter, or any other way, challenge another to fight a duel, with a rapier, or small sword, back sword, pistol, or other dangerous weapon, or shall accept a challenge, although no duel be fought, or knowingly be the bearer of such challenge, or shall nay way abet, prompt, encourage, persuade, seduce or cause any person to fight a duel, or to challenge another to fight such a duel. . .

Mississippi: 1837 Miss. Laws 288, *An Act To Prevent The Evil Practice Of Dueling In This State, And For Other Purposes*, § 1: Every person who shall hereafter .challenge another to fight a duel . . . with deadly weapons . . . shall on conviction thereof, before any circuit or criminal court in this state, be fined in a sum of not less than three hundred dollars . . .

Nevada: 1861 Nev. Stat. 61, *An Act Concerning Crimes and Punishments*, chap 28, § 36: Any person who shall engage in a duel with any deadly weapon although no homicide ensue, or shall challenge another to fight such duel, or shall send or deliver any verbal or written message, purporting or intending to be such challenge, although no duel ensue, shall be punished by imprisonment in the Territorial Prison, not less than two nor more than ten years, and shall be incapable of voting or holding any office of trust or profit, under the laws of this territory.

Rhode Island: 1844 R.I. Pub. Laws 380, *An Act Concerning Crimes And Punishments*, §§15-16: § 15. Every person who shall be convicted of voluntarily engaging in a duel, with any dangerous weapon, to the hazard of life, and every person who shall be convicted of accepting a challenge to fight such duel, though no duel be fought, shall be imprisoned not exceeding seven years, nor less than one year. § 16. Every person who shall be convicted of challenging another to fight a duel with any dangerous weapon, to the hazard of life, and

every person who shall be convicted of accepting a challenge to fight such duel, though no duel be fought, shall be imprisoned not exceeding seven years, nor less than one year.

Washington: 1859 Wash. Sess. Laws 107, *An Act Relative To Crimes And Punishment And The Proceeding In Criminal Cases*, chap. 2, §§ 14, 15, 23: § 14. If either party to a duel be killed, the survivor shall be deemed guilty of murder in the second degree. § 15. If any person shall, by previous appointment made within, fight a duel without this territory, and in so doing shall inflict a mortal wound upon any person, whereof the person so injured shall die. Such person so offending shall be deemed guilty of murder in the second degree, within any county in this territory. § 23. Every person who shall accept such challenge, or who shall knowingly carry or deliver any such challenge or message, whether a duel ensue or not, and every person who shall be present at the fighting of a duel with deadly weapons, as an aid, or second, or who shall advise, encourage, or promote such duel, shall, on conviction thereof, be imprisoned in the penitentiary, not more than five years nor less than six months.

Post 14th Amendment

Idaho: 1874 Idaho Sess. Laws 322, *Offenses Against the Persons or Individuals*, § 36: Any person who shall engage in a duel with any deadly weapon, although no homicide ensue, or shall challenge another to fight such duel, or shall send or deliver any verbal or written message purporting or intending to be such challenge, although no duel ensue, shall be punished by imprisonment in the territorial prison not less than two nor more than ten years, and shall be incapable of voting or holding office of trust or profit under the laws of this territory.

Montana: 1879 Mont. Laws 359, *Offences Against The Lives And Persons Of Individuals*, § 23: If any person shall, by previous appointment or agreement fight a duel with a rifle, shotgun, pistol, bowie-knife, dirk, small-sword, back sword, or other dangerous weapon, and in so doing shall kill his antagonist, or any person or persons or shall inflict such wound as that the party or parties injured shall die thereof within one year thereafter, every such offender shall be deemed guilty of murder in the first degree, and, upon conviction thereof, shall be punished accordingly (death by hanging).

Washington: 1869 Wash. Sess. Laws 202, *An Act Relative To Crimes And Punishments and Proceedings in Criminal Cases*, chap. 2, §§ 22, 23: § 22. Every person who shall engage in a duel with any deadly weapon, although no homicide ensue, or shall challenge another to fight a duel, or shall send or deliver any written or verbal message, purporting or intending to be such challenge, although no duel ensue, shall be imprisoned, on conviction thereof, in the penitentiary, not more than ten years, nor less than one year. § 23. Every person who shall accept such challenge, or who shall knowingly carry or deliver any such challenge or message. whether a duel ensue or not, and every person who shall be present at the fighting of a duel with deadly weapons, as an aid or second, or who shall advise, encourage, or promote such duel. shall on conviction thereof, be imprisoned in the penitentiary not more than five years nor less than six months.

Felons, Foreigners and Others Deemed Dangerous By the State

English (800-1776)

4 Hen 4, c. 29, Welshmen Shall Not Be Armed (Translation unavailable).

Colonial (1607-1791)

Connecticut: 1723 Conn. Acts 292 (Reg. Sess.) An Act For Preventing Lending Guns Ammunition etc. to the Indians: No persons or persons within this Colony, shall be allowed or admitted to prosecute before any Assistant or Justice of the Peace or Court of Judicature in this Colony, any action of debt, detinue, or other action whatsoever for any gun or guns, or ammunition, lent, sold, or any ways trusted to any Indian or Indians whatsoever, till this court shall see cause to order otherwise; and that every such gun lent as aforesaid shall be forfeited; one half to hi(m) that shall prosecute to effect, the other to the county treasury where such prosecution is.

New Jersey: 1639 *N.J. Laws 18, Ordinance Of The Director And Council Of New Netherland, Prohibiting The Sale Of Firearms, etc. To Indians . . .* : Whereas the Director General and Council of New Netherland have observed that many persons, both Servants of the Company and Inhabitants, have contrary to the orders and commands of their High Mightiness the Lords States General and the Incorporated West India Company, presumed to sell to the Indians in these parts, Guns, Powder and Lead, which hath already caused much mischief, and if no means be adopted by Us here to prevent the same would hereafter entail nothing else than greater evil; Therefore every inhabitant of New Netherland, be his state, quality or condition what it may, is most expressly forbidden to sell any Guns, Powder or Lead to the Indians on pain of being punished by Death, and if any one shall inform against any person who shall violate this law, he shall receive a reward of Fifty guilders. . . (Laws and Ordinances of New Netherland, 1638-1674).

New York: 1645 *N.Y. Laws 47, By The Director And council Of New Netherland Further Prohibiting The Sale Of Firearms, etc., To Indians*: Whereas the Director General and Council of New Netherland having long ere this noticed the dangerous practice of selling Guns, Powder and Lead to the Indians, and moreover published at the time an Ordinance prohibiting the same on pain of Death, notwithstanding which some persons have yet undertaken to barter all sorts of ammunition among the Heathen, purchasing the same secretly here and then transporting it up the River and elsewhere, to the serious injury of this Country, the strengthening of the Indians and the destruction of the Christians, as We are now, also, informed with certainty, that our enemies are better provided with Powder than we, which they contrive to obtain through other Barbarians, our friends. . . There, we must expressly forbid, as we hereby do, all persons from this time forth from daring to trade any munitions of War with the Indians, or under any pretense whatsoever, to transport them from here without express permission, on pain of being punished by Death, and having the vessel confiscated in which the same shall be found laden or to have been put on board. Let

everyone be warned hereby and save himself from difficulty. (Renewed 1648 N.Y. Laws 101) (*Laws and Ordinances of New Netherland, 1638-1674*).

New York: 1656 N.Y. Laws 235, *Ordinance Of The Director And Council Of New Netherland Renewing The Ordinances For The Formation Of Villages, And Against Admitting Armed Indians Into Cities, Villages And Houses*: . . . further, in order to prevent such dangers of isolated murders and assassinations, the Director General and Council, with the advice of the Burgomasters of this city, cannot for the present devise any better or other expedient than already stated, and besides that, to interdict and forbid the admission of any Indians with a gun or other weapon, either in this city or in the Flatland, into the Villages and Hamlets, or into any Houses or any places, on pain of forfeiting such arms, which may and also shall be taken from them . . . (Laws and Ordinances of New Netherlands, 1638-1674).

Pennsylvania: 1763 Pa. Laws 319, *An Act To Prohibit The Selling Of Guns, Gunpowder Or Other Warlike Stores To The Indians*, § 1: If any person or persons whatsoever shall directly or indirectly give to, sell barter or exchange with any Indian or Indians whatsoever any guns, gunpowder, shot, bullets, lead or other warlike stores without license . . . every such person or persons so offending, being thereof legally convicted . . . shall forfeit and pay the sum of five hundred pounds . . . and shall be whipped with thirty-nine lashes on his bare back, well laid on, and be committed to the common gaol(jail) of the county, there to remain twelve months without bail or mainprise.

Pennsylvania: 1776 Pa. Laws 11, *An Ordinance Respected The Arms Of Non-Associators*, § 1: The colonel or next officer in command of every battalion of militia in this state is hereby authorized, empowered and required to collect, receive and take all the arms in his district or township nearest to such officer which are in the hands of non-associators in the most expeditious and effectual manner in his power, and shall give to the owners receipts for such arms, . . .

Pennsylvania: 1779 Pa. Laws 193, *An Act . . . for disarming persons who shall not have given attestations of allegiance and fidelity to this state*, § 4. And whereas it is very improper and dangerous that persons disaffected to the liberty and independence of this state shall possess of have in their keeping, or elsewhere, any firearms, or other weapons used in war, or any gun powder, § 5. That from and after the passing of this act, the lieutenant or any sub lieutenant of the militia of any county or place within this state, shall be, and is hereby empowered to disarm any person or person who shall not have taken any oath or affirmation of allegiance to this or any other state and against who information on oath shall be given before any justice of the peace that such person is suspected to be disaffected to the independence of this state, and shall take from every such person any cannon, mortar, or other piece of ordinance, or any blunderbuss, wall piece, musket, fusee, carbine or pistols, or other firearms, or any hand gun; and any sword, cutlass, bayonet, pike or other warlike weapon, out of any building, house or place belonging to such person.

Virginia: 1631 Va. Acts 155, *Acts Of February 24th, 1631, Act XLVI*: All trade with the savages prohibited as well public as private (*The Statutes at Large: being a collection of all laws of Virginia from the first session of the legislature, in the year 1619 . . .*).

Virginia: 1633 Va. Acts 209, Acts Made By The Grand Assembly Holden At James City, August 21st, 1633, Act X, That No Arms or Ammunition Be Sold To The Indians: It is ordered and appointed, That if any person or persons shall sell or barter any guns, powder, shot or any arms or ammunition unto any Indian or Indians within this territory, the said person or persons shall forfeit to public uses all the goods and chattels that he or they then have to their own use, and shall also suffer imprisonment during life, the one half of which forfeiture shall be to him or them that shall inform and the other half to public uses. (*The Statutes at Large: being a collection of all laws of Virginia from the first session of the legislature, in the year 1619 . . .*).

Virginia: 1639 Va. Acts 224, Acts of January 6th, 1639, Act XVII: An act in 1637, which makes it a felony to barter with the Indians repealed, and enacted that for trading with them for arms and ammunition shall be felony, and for other commodities imprisonment at discretion of the Governor and Council. (*The Statutes at Large: being a collection of all laws of Virginia from the first session of the legislature, in the year 1619 . . .*).

Virginia: 1642 Va. Acts 238, Acts of March 2nd 1642, Act XXIII: Be it also enacted and confirmed, that what person or persons soever shall sell or barter with any Indian or Indians fore piece, powder and shot and being thereof lawfully convicted, shall forfeit his whole estate . . . and if any person shall barter or trade with the Indians for any other commodities such person shall suffer imprisonment at the discretion of the Governor and Counsel. . . What person or persons soever within the colony, shall lend any Indian either piece, powder and shot, it shall be lawful for any person meeting with any such Indian so furnished, to take away either piece, powder or shot, so as such person taking away . . . the party delinquent for his just offence shall forfeit two thousand pounds of tobacco . . .

Pre 14th Amendment (1791-2011)

Missouri: 1844 Mo. Laws 577, An Act To Restrain Intercourse With Indians, chap. 80, § 4: No person shall sell, exchange or give, to any Indian, any horse, mule, gun, blanket, or any other article or commodity whatever, unless such Indian shall be traveling through the state, and leave a written permit from the proper agent, or under the direction of such agent in proper person.

Oregon: 1853 Or. Rev. Stat. 257, An Act To Prohibit The Sale Of Arms And Ammunition To Indians § 1: If any white citizen, or other person than an Indian shall sell, barter, or give to any Indian in this territory any gun, rifle, pistol or other kind of firearms, any powder, lead, percussion caps or other ammunition whatever, any person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not more than six months, nor less than one month, and by fine not exceeding five hundred nor less than one hundred dollars.

Post 14th Amendment (1868-2011)

Florida: Fla. Act of Feb. 12, 1885, chap. 3620, § 3 as codified in Fla. Rev. Stat., tit. 2, pt. 5 (1892) 2424. Officer to take possession of arms: The officer making any arrest under the preceding sections shall take possession of any arms or weapons found upon the person

arrested , and shall retain the same until after the trial of such person, and if he be convicted, said arms or weapons shall be forfeited . . .

Firing Weapons

Colonial (1607-1791)

Connecticut: *1672-1714 Conn. Acts 3, (Reg. Sess.) False Alarms*: It is ordered by the authority of this Court, that if any person or persons in this colony without just and necessary occasion to do so shall cause any Alarm, by firing any gun or guns or otherwise, in any of our plantations, at any time between the shutting in the evening or break of the Day (such practices being prejudicial to the comfort and safety of the plantations) the person or persons that are discovered and convicted to be guilty herein shall pay five pounds a piece to the public treasury, or suffer two months imprisonment, or other corporal punishment. . .

Delaware: *3 Del. Laws 326, Supplement To The Act Entitled "An Act For Establishing The Boundaries Of The Town Of New Castle, And For Other Purposes Therein Mentioned, chap. 144, § 11*: And be it enacted, That from and after the passing of this act, it shall not be lawful for any person or person whatsoever, to shoot, or discharge any loaded musket, fowling piece, fuzee, or pistol within the limits of the town of New Castle aforesaid, under the penalty of forfeiting and paying for every such offense by hem or them, so committed, the sum of on dollar . . . Provided always, That nothing herein contained shall be construed to prevent the firing of cannon and small arms on days of public rejoicing; or on the days and times of military parade.

Georgia: *An Act for Regulating the Watch in the Town of Savannah, (1759) Allen D. Candler, The Colonial Records of the State of Georgia 18:295*;

Massachusetts: *1697 Mass. Acts 268, An Act For Putting The Militia Of This Province Into A Readiness For Defense Of The Same, chap. 1, § 3*: That no person or persons whatsoever, in any town or garrison, shall presume to discharge or shoot off any gun or guns after the shutting in the daylight in the evening, or before daylight in the morning, unless in the case of alarm, approach of the enemy, or other necessary defense, on pain that every person so offending, and being thereof convicted before one or more of his majesties justices of the peace, shall forfeit and pay the sum of ten shillings . . . (or) be set in the stocks, not exceeding two hours' time . . .

Massachusetts: *1713 An Act To Prohibit Shooting Or Firing Off Guns Near The Road Or Highway On Boston Neck, chap. 6, § 1*: That no person or persons, from and after the publication of this act, may presume to discharge or fire off any gun upon Boston Neck within ten rods of the road or highway leading over the same on pain of forfeiting and paying the sum of twenty shillings . . . § And for the better conviction of persons offending against this act, it shall be lawful, to and for any freeholder, to arrest and take into custody any gun so fired off, and render the same to one of the next justices in Boston, in order to its being produced at the time of trial.

Massachusetts: 1746 Mass. Acts 305, *An Act to Prevent the Firing of Guns Charged with Shot or Ball in the Town of Boston, chap. 11, § 1*: § 1. That no person or persons, from and after the publication of this act, shall presume to discharge or fire off any cannon laden with shot, from any wharf or vessel . . . (within certain areas) § 2. That no person shall . . . discharge any gun or pistol, charged with shot or ball, in the town of Boston, or in any part of the Harbor . . . And for the more effectual conviction of any person or persons so offending, it shall be lawful for any person to seize and take into custody any gun so fired off, and deliver the same . . . § 3 this law shall not be construed or understood as to prevent soldiers in their common training days from discharging arms. (reenacted frequently)

Massachusetts: 1775 Mass. Acts 445, *An Act For Forming And Regulating The Militia Within The Colony Of The Massachusetts Bay, In New England, And For Repealing All The Laws Heretofore Made For That Purpose, chap. 10 § 2, 8, 10*: That that part of the militia of this colony, commonly called the training band shall be constituted of all the able-bodied male persons therein, from sixteen years old to fifty. . . § 8. That each and every officer and private soldier of said militia . . . shall equip himself and be constantly provided with a good firearm. § 10. Tat the clerk of each and every company of said militia shall . . . take an exact list of his company, and of each man’s equipment respectively.

Massachusetts: AT A LEGAL MEETING OF THE FREEHOLDERS AND OTHER INHABITANTS OF THE TOWN OF NEWBURYPORT . . . HELD ON THE TWENTY-NINTH DAY OF MARCH, A.D. 1785, *reprinted in Essex Journal, and the Massachusetts and New Hampshire General Advertiser (Essex, Mass.), May 11, 1785, pg. 2, col. 2*: That no person (excepting the militia, when under arms, on muster-days, and by the command of their officer) shall fire off any sort of gun, pistol or other thing charged or composed in whole, or in part of gun-powder, in array of the streets, lanes or public ways in this town, nor so near as to affright any horse, or in any sort tend to affright, annoy or injure any person whatever—nor shall any person discharge at a mark or otherwise any gun, charged with ball, at any time or front of any place within this town, nor in any direction but such only as from time to time shall be approved of and licensed by the town, or by the select-men thereof.

New Hampshire: *An Act in Addition to the Act for regulating the Militia, 1718, New Hampshire Session Laws: Act and Laws of his Majesties Colony of Connecticut in New England (1702)*.

New York: 1665 N.Y. Laws 205, *Ordinance Of The Director General And Council Of New Netherland To Prevent Firing Of Guns, Planting May Poles And Other Irregularities Within This Province*: Whereas experience hath demonstrated and taught that, besides an unnecessary waste of powder, much Drunkenness and other insolence prevail on New Year’s and May Days, by firing of guns, planting May poles and carousing; also other deplorable accidents such as wounding, which frequently arise therefrom. In order to prevent these in future, the director General and Council expressly forbid from this time forth all firing of Guns . . . on a penalty of 12 guilders for the first offense; double for the second offense, and for the third an arbitrary correction . . .

New York: “*An Act to Prevent firing of guns and other firearms within this state, on certain days therein mentioned, 1785, Laws of the State of New York (Albany: Weed, Parsons, and Co., 1886 2:152.*

North Carolina: “*An Act to prevent the pernicious Practice of hunting with a gun in the night by Fire Light, 1774, North Carolina Session Laws.*

Pennsylvania: *1750 Pa. Laws 208, An Act For The More Effectual Preventing Accidents Which May Happen By Fire, And For Suppressing Idleness, Drunkenness, and other debaucheries*: That if any persons or persons whatsoever, within any county town, or within any other town or borough, in this province, already built and settled, or hereafter to be built and settled . . . shall fire any gun or other fire-arm, or shall make or cause to be made, or sell or utter, or offer or expose for sale, any squibs, rockets or other fire-works, within any of the said towns or boroughs without the governors special license for the same, every such person or persons, so offending shall be subject to the like penalties and forfeitures . . .

Pennsylvania: “ *1774 Pa. Laws 411, An Act To Suppress The Disorderly Practice Of Firing Guns etc, On The Times Therein Mentioned, § 1*: That if after the publication of this act any person or persons shall on any thirty-first day of December or first or second day of January in every year wantonly and without reasonable occasion discharge and fire off any hand-gun, pistol or other firearms, or shall cast or fire any squibs, rockets or other fireworks within the inhabited parts of this province to the disturbance of any of his majesties subjects there inhabiting and being, every such person offending and being thereof convicted . . . shall for every such offense forfeit . . . ten shillings . . . (or) be committed to prison for the space of five days.

Rhode Island: “*An Act for Preventing Mischeif being done in the town of Newport, or in any other town in this government, 1731 Rhode Island Session Laws.*

South Carolina: *1731-43 S.C. Acts 174, § 41*: And Whereas an ill custom has prevailed in this province, of firing guns in the night time; for the prevention thereof for the future, be it enacted that if any person shall fire or shoot off any gun or pistol in the night time after dark and before day-light without necessity every such person shall forfeit the sm of 40s. current money for each gun so fired as aforesaid to be recovered by warrant from any one justice of the peace of the county where the offense is committed, according to the direction of the act for the trial and small and mean causes, and shall be paid to the church wardens of the parish where ht the offense shall be committed, for the use of the poor of the said parish.

Virginia: *1631 Va. Acts 155, Acts Of February 24th, 1631, Act L*: No commander of any plantation shall either himself or suffer others to spend powder unnecessarily, that is to say, in drinking or entertainments. (The Statutes at Large: Virginia beginning in 1619) (edited for clarity).

Virginia: *1632 Va. Acts 178, Acts of September 4th, 1632, Act XLIV*: No commander of any plantation, shall either himself or suffer others to spend powder unnecessarily, that is to say in drinking or entertainment. (The Statutes at Large: Virginia beginning in 1619) (edited for clarity).

Virginia: 1642 Va. Acts 238, Acts of March 2nd 1642, Act XXXV: Be it further enacted and confirmed, for the better observation of the Sabbath and for the restraint of diverse abuses committed in the colony by unlawful shooting on the Sabbath day as aforesaid, unless it shall be for the safety of his or their plantations or corn fields or for defense against the Indians, he or they so offending shall forfeit his or their first offense he or they so offending shall forfeit . . . the quantity of twenty pounds. (The Statutes at Large: being a collection of all the laws of Virginia, from the first session of the legislature, in the year 1619. . .).(1644 Va. Acts 288, Act of February 17, 1644, Act X: Penalty increased to 100 pounds of tobacco)

Virginia: 6 Commonwealth, c. 12 (Virginia, 1655-56), Hening, Statutes at Large, 1:401 & 18 Charles I, c. 35 (Virginia 1642).

Virginia: 1655 Va. Acts 401, Acts of March 10, 1655, Act XII: What persons or persons soever shall after publication hereof, shoot any guns at drinking (marriages and funerals only excepted) that such person or persons so offending shall forfeit 100 lb. of tobacco to be levied by distress in case of refusal and to be disposed of by the militia in ammunition towards a magazine for the county where the offence shall be committed. (The Statutes at Large: being a collection of all the laws of Virginia, from the first session of the legislature, in the year 1619. . .).

Virginia: 1657, Va. Acts 434, Act III, Acts of March 13th 1658, The Sabbath to Be Kept Holy: That the Lord's day be kept holy, and that no journeys be made except in case of emergent necessities on the day that no goods be laden in botes (boats) nor shooting in guns . . . the party delinquent to pay one hundred pounds of tobacco or laid in the stocks . . . (The Statutes at Large: being a collection of all the laws of Virginia, from the first session of the legislature, in the year 1619. . .).

Virginia: 1657, Va. Acts 437, Acts of March 13th 1658, Act XIII, Against Shooting On Other Men's Lands: If any planter or person shall hunt or shoot upon or within the limits or precincts of his neighbor or others' dividends without leave first obtained for do doing and having been warned by the owner of the land, to forbear hunting and shooting as aforesaid: He or they so offending shall forfeit for every such offense four hundred pounds of tobacco . . .

Pre-14th Amendment (1791-1868)

Arizona: 1867 Ariz. Sess. Laws 21, An Act To Prevent The Use Of Deadly Weapons And The Indiscriminate Use Of Fire Arms In The Towns And Villages Of The Territory, § 2: That any person or persons having or carrying any pistol or gun who shall in the public streets or highways discharge the same indiscriminately, thereby disturbing the peace and quiet, and endangering the lives of the inhabitants of any town or neighborhood in this territory, such person or persons upon conviction thereof before any Justice of the Peace in the county where such offense may be committed shall be fined in any sum not less than fifty dollars and imprisonment in the county jail not less than two nor more than ten days, in the discretion of the Justice of the Peace, together with the cost of prosecution.

Connecticut: 1845 Conn. Acts 10, An Act Prohibiting the Firing of Guns and Other Fire Arms in the City of New Haven, chap. 10: Every person who shall fire any gun or other firearm of any kind whatever within the limits of the city of New Haven, except for military purposes, without permission first obtained from the mayor of said city, shall be punished by fine not exceeding seven dollars, or by imprisonment in the county jail not exceeding thirty days.

Delaware: 1812 Del. Laws 522, *An Act To Prevent The Discharging Of Fire Arms Within The Towns And Villages, And Other Public Places Within This State, And For Other Purposes*, § 1: From and after the first day of June next, if any person or persons shall presume to fire or discharge any gun, ordinance, musket, fowling-piece, fuse or pistol, within any of the towns or villages of this State, or within the limits thereof, or where the limits cannot be ascertained, within one quarter of a mile of the centre of such town or village, shall fire or discharge any gun, ordinance, musket, fowling piece, fuse or pistol, within or on any of the greens, streets, alleys or lanes of any of the towns and villages within this State, whereon any buildings are or shall be erected.

Delaware: 9 Del. Laws 167, *An Act To Prevent The Discharge Of Firearms In The Village Of Camden, Kent County, And For Other Purposes Therein Mentioned*, § 1: If any person or persons shall presume to fire or discharge any gun ordnance, musket, fowling-piece, fuse or pistol . . . within or on any of the streets alleys or lanes of the said village of Camden, whereon any buildings are or may be erected, shall be fined or punished as hereinafter mentioned.

Delaware: 10 Del. Laws 9, *A Supplement To The Act Entitled An Act To Survey, Lay-Out And Regulate The Streets Of Smyrna And For Other Purposes*, § 2: That it shall be the duty of the said commissioners, justice of the peace and constable to suppress, extinguish and prevent all bonfires from being lighted or kept up in any of the streets, lanes or alleys of the said town, and to suppress and prevent the firing of guns, pistols crackers or squibs, or the making or throwing of fire balls by boys or others within the limits of said town.

Delaware: 10 Del. Laws 664, *An Act To Incorporate The Town Of Camden And For Other Purposes*, § 3: Immediately upon the election of the aforesaid commissioners, they and their successors . . . They shall, in addition to the powers hereinbefore conferred, have power to regulate . . . to prohibit the firing of guns or pistols. (Law was a standard part of city charters).

Kansas: 1860 Kan. Sess. Laws 138, *An Act to Amend and Consolidate the Several Acts Relating to the City of Lawrence*, § 25, pt. 19: To prevent and punish the discharge of firearms, rockets, gunpowder and fireworks in the streets of the city or in the vicinity of any building.

Kentucky: 1839 Ky. Acts 246, *An Act to Amend the Several Acts Concerning the Towns of Paris and Elizabethtown*, chap. 1279, § 8: They shall have power to ordain a penalty on persons who shall be guilty of running horses within the limits of said town, blowing horns, or crying aloud, in such manner as to disturb the peace and quiet of the town, or the shooting a gun, or pistol in said town, any sum not exceeding twenty dollars. . .

Kentucky: 1855 Ky. Acts 139, *An Act to Incorporate the Town of Baltimore*, § 10: Any person who shall shoot of a gun or pistol, or shall run or gallop a horse creature in said town, shall be liable to a fine of not less than two nor more than four dollars . . .

Kentucky: 1865 Ky. Acts 715, § 2: If any person shall shoot off a gun or pistol within the corporate limits of said town, it shall be the duty of the trustees and officers of said town to report the fact to the police judge, who shall forthwith have the person so offending arrested and brought before him for trial, and on conviction of the offense, shall be fined by said judge in a sum not to exceed ten dollars and a forfeiture to said town of the gun or shall be the duty of said judge to have the gun or pistol so used sold at public auction and the proceeds thereof shall be paid into the treasury of said town. . .

Maryland: 1792 Md. Laws 22, *A Supplement To An Act Entitled, An Act to Improve And Repair The Fleets In Elizabethtown, In Washington County, And For Other Purposes Therein Mentioned*, chap. 52, pt. 4: That if any person or persons shall fire any gun or pistol in the said town, such person or persons shall, for every such offense, forfeit and pay the sum of five shillings current money.

Mississippi: 1833 Miss. Law 231, *An Act To Amend An Act Entitled An Act To Incorporate The Town Of Gallatin* . . . § 3: That every person who shall willfully run any horse or fire any gun or pistol within said corporation, shall for the first offense, pay the sum of five dollars, and for the second offense, shall pay ten dollars, and double that for any other offense, to be recovered before the President of the Selectmen of said town; provided that no person shall be liable to the penalties for shooting, when the same may be accidental or necessary.

New Hampshire: 1823 N.H. Laws 73, *An Act To Establish A System Of Police In The Town Of Portsmouth, And For Other Purposes*, § 4: That if any person or persons shall within the compact part of the town of Portsmouth, that is to say within one mile of the courthouse, fire or discharge any cannon, gun, pistol or other fire arms, or beat any drum . . . or fire or discharge any rockets, squibs, crackers, or any preparation of gunpowder. . . for every such act shall be taken and deemed to be an offender against the police of Portsmouth, and shall be liable to the penalties hereinafter expressed.

North Carolina: 1862 N.C. Sess. Laws 60, *An Act To Amend The Charter Of The City of Raleigh*, § 9: They may prohibit and prevent by practices the riding or driving of horses or other animals at a speed greater than six miles an hour, within the city; and also the firing of guns, pistols, crackers, gun powder or other explosive, combustible or dangerous materials in the streets, public grounds, or elsewhere within the city.

Ohio: 1823 Ohio Laws 57, *An Act To Incorporate The Town Of Wooser In The County Of Wayne*, § 10: . . . to impose a fine of not more than five dollars for shooting a gun or running a horse within said town.

Ohio: *Act of Feb. 17, 1831 § 6, reprinted in 3 statutes of Ohio and Northwestern Territory 1740 (Salmon P. Chase ed., 1835)*: “(it is a crime to) shoot or fire a gun at a target within the limits of any recorded town plat in the state . . . (it is a crime to “play”) bullets along or across any street in any town or village”.

Ohio: *City of Cleveland: Laws for the Regulation and Government of the Village of Cleveland, section 9 see Cleveland Herald, Aug. 15, 1820 at 1.*

Rhode Island: *1820 R.I. Pub. Laws 31, An Act to Prevent Certain Disorders In The Town Of Bristol, § 3*: That if any person or persons shall, at any time hereafter, fire any gun or pistol in any of the streets, roads, lanes, buildings, or from any of the walls or fences thereto contiguous, and within the compact part of said town, without justifiable cause, such person or persons shall upon complaint and conviction thereof as aforesaid pay a fine not less than two dollars nor more than four dollars for the first offense and the sum of four dollars for each and every subsequent offense, to be paid and appropriated as aforesaid.

Tennessee: *Act of Dec. 3, 1825 Tenn. Priv. Acts 306*;

Tennessee: *Ch 242, 1825 Tenn. Priv. Acts at 307.* (allowing the mayor and aldermen of the town of Winchester and Reynoldsburgh to restrain and punish shooting and the carrying of guns)

Tennessee: *Act of Nov. 16, 1821, chap. 93, 1821 Tenn. Pub. Acts 78-79*: (prohibited) shooting at a mark within the bounds of any town, or within two hundred yards of any public road of the first or second class within the state.

Vermont: *1818 Vt. Acts & Resolves 64, § 42*: No non-commissioned officer, private or citizen shall unnecessarily fire a gun, single musket or pistol in any public road or near any house, or place of parade,

Virginia: *Act of Feb. 4, 1806, chap. 94, 1805-06 Va. Acts 51.*

Virginia: *Act of Jan. 30, 1847, chap. 79, 1846-47 Va. Acts 67*;

Post 14th Amendment

Arizona: *1901 Ala. Acts 1251, Crimes Against the Public Peace § 38*: Any person who shall purposely or carelessly, discharge any gun, pistol or other firearm in any saloon, dance house, store or other public house or business house in this territory, thereby endangering the life or person of another, or thereby disturbing any of the inmates thereof, or who shall thereby injure, destroy or damage any property therein, or who shall discharge the same in any city, village or town of this territory, except in necessary self-defense, shall be fined in any sum not exceeding three hundred dollars, or be imprisoned in the county jail for a period not exceeding six months, or shall be punished by both such fine and imprisonment

California: *1874 Cal. Stat. 465, An Act For the Protection of The Property At East Park, In Sacramento County, § 1*: It shall be unlawful upon the grounds known as East Park, situated in the County of Sacramento, for any person to discharge any gun or pistol or firearm of any description . . .

California: *1877 Cal Stat. 117, An Act amending Section Four Hundred and Fifteen of the Penal code, in Relation to Crimes Against The Public Peace, § 1*: Every person who maliciously and willfully disturbs the peace or quiet of any neighborhood or person, by loud

or unusual noise, or by tumultuous or offensive conduct or threatening, trading, quarreling, challenging to fight, or fighting, or who on the public streets of any unincorporated town or upon the public highways of any unincorporated town, or upon the public highway in such unincorporated town, or upon the public highways in such unincorporated town, run any horse race either for a wager or for amusement, or fire any gun or pistol in such unincorporated town, or use any vulgar, profane or indecent language . . . shall be punished by fine not exceeding two hundred dollars, or by imprisonment in the County Jail for not more than ninety days, or by both fine and imprisonment, or either at the discretion of the court.

Delaware: 16 Del. Law 188 § 17: It shall be the duty of the said commissioners, bailiff or justice of the peace, to suppress extinguish and prevent all bonfires in the town, or in any of the streets, lanes or alleys of the said town, and to suppress or prevent the firing of guns, pistols or the letting off of fireworks.

Georgia: 1875 Ga. Laws 189, *An Act to prevent the shooting or firing of guns or pistols in the village of Vineville, in the county of Bibb*, § 1: it shall not be lawful for any person or persons to discharge, fire or shoot off any gun or guns, pistol or pistols (except military salutes, and persons discharging, firing or shooting guns or pistols on their own premises, or on the premises of another, with the permission of the owner thereof,) within three hundred yards of any part or portion of the public road running through the village of Vineville . . .

Georgia: 1898 Ga. Laws 107, *An Act to make it unlawful for any person to wilfully and wantonly fire off or discharge any loaded gun or pistol on Sunday, except in defense of person or property*, § 1: it shall be unlawful for any person to wilfully or wantonly fire off or discharge any loaded gun or pistol on Sunday, except in defense of person or property.

Idaho: 1868 Idaho Sess. Laws 95, *An Act Amendatory of an Act Entitled "An Act Concerning Crimes and Punishments" approved, December 21st, A.D. 1864*, § 1: If any person shall willfully or maliciously disturb the peace or quiet of any neighborhood or family by loud or unusual noises, or by tumultuous or offensive conduct, threatening, traducing, quarreling, challenging to fight or fighting or by the firing any gun, pistol or any other species of fire arms within the limits of any city, town or village in this territory, every person convicted thereof shall be fined in a sum not exceeding two hundred dollars or imprisonment in the county jail not exceeding two months.

Kentucky: 1875 Ky. Acts 450, *An Act to Amend an Act Entitled "An Act to Amend and Reduce into One Several Acts in Regard to the Town of Vanceburg, in Lewis County"*, § 43: No person, except watchmen, gunsmiths and militiamen in the discharge of their duty, or unless in defense of life or property, shall fire a gun or pistol within the city limits; any person thus offending shall be fined not less than one dollar nor more than five dollars.

Michigan: 1887 Mich. Pub. Acts 251, . . . *An Act To Incorporate The City Of Marshall . . . § 11, pt. 7*: To Direct the location of all buildings for storing gunpowder or other combustible or explosive substances; to make regulations concerning the buying, carrying, selling, keeping and using gunpowder, firecrackers or fireworks and the discharge of cannon and fire-arms; and the use and kind of lamps or lights to be used in barns, stables and all

buildings usually regarded as extra hazardous on account of fire, and to regulate, prevent and restrain the making of bonfires in the streets, lanes, alleys and public places.

Montana: 1873 Mont. Laws 46, An Act To Prevent Parties From Shooting Within The Limits Of Towns And Private Enclosures, § 1: That it shall be unlawful for any person to fire any gun, pistol or any fire-arm, of whatever description, within the limits of any town, city, or village in this territory, or within the limits of any private enclosure which shall contain an dwelling house.

Nebraska: 1895 Neb. Laws 237, Statutes Relating To The government Of The City Of Lincoln, Art. XXVI, § 1: No person except an officer of the law in the discharge of his duty, shall fire or discharge any gun, pistol, fowling-piece, or other fire-arm, within the corporate limits of the city of Lincoln, under penalty of a fine of ten dollars for each offense.

Nebraska: 1895 Neb. Laws 237, Statutes Relating To The government Of The City Of Lincoln, Art.. XXVI, § 3: It shall be unlawful for any person or person to discharge or cause to be discharged any toy pistol, toy gun, or other toy arm or arms or sling shot, loaded with leaden or other dangerous missiles, at any time or under any circumstances within the limits of the said city of Lincoln. Any person so offending shall upon conviction thereof, be fined in any sum not exceeding fifty dollars for each offense . . .

Nevada: 1891 Nev. Stat. 78, An Act To Prevent The Willful Injury To, Or Interference With Railroad Property, And To Provide For The Punishment Thereof. § 1: . . . or shall discharge any gun, pistol or any other fire arm at any train, car, locomotive or tender . . .

New Jersey: 1872 N.J. Laws 17, An Act For The Protection Of Bridges Over The Delaware, chap. 85, § 3: It shall not be lawful for any person or persons passing, riding or driving over any toll bridge as aforesaid, to carry any lighted cigar or pipe, or to carry fire in any form, or to light any match, or cigar, or pipe, or to fire off any gun, o other fire arms, or to explode any fireworks of any description, on said bridge, or within its enclosures.

North Carolina: 1891 N.C. Sess. Laws 52, An Act To Amend The Charter Of The Town Of Faison, chap. 52, § 27: That they may prohibit the firing of any gun, pistol, fire-cracker, gunpowder, other materials or other dangerous combustibles in the streets, public grounds or elsewhere in said towns.

Oklahoma: 1890 Okla. Sess. Laws 480, Crimes And Punishment, chap. 25, § 21: Every person who willfully discharges any species of firearm, air gun, or other weapon or throws any other missile in any public place, or in any place where there is any person to be endangered thereby , although no injury to any person shall ensue, is guilty of a misdemeanor.

Oregon: 1885 Or. Rev. Stat. 264, An Act To Incorporate The City Of Junction and Repeal An Act Entitled "An Act To Incorporate The City Of Junction;" approved October 20, 1872, § 6: the Mayor and common council . . . shall have exclusive power . . . to regulate . . . the discharge of firearms or other preparation of gunpowder or combustibles of any kind.

Pennsylvania: 1871 Pa. Laws 142, *An Act To Incorporate The City Of Oil City, And To Provide For The Payment Of The Debt Of The Borough Of Oil City*, § 20: To pass ordinances providing for the punishment of discharging fire-arms of any description, rockets, gun-powder and fireworks in the streets of the city or in the immediate vicinity of a building.

Wisconsin: 1883 Wis. Sess. Laws 368, *And Act To Revise, Consolidate And Amend The City Charter Of The City Of Fond Du Lac*, chap. 6, § 8, pt. 17: To prohibit, restrain or regulate the discharge of fire-arms and the explosion of gunpowder and guncotton, and the firing of firecrackers and fireworks of any kind within the city.

Hunting

English (800-1776)

Law of King Canute A. D. 1016-1035. Secular Dooms, Cap. 81: And I will that every man be entitled to his hunting in wood and in field, on his own possession. And let every one forego my hunting: take notice where I will have it untrespassed on, under penalty of the full 'wite.'

The Dialogue Concerning the Exchequer, circa 1080, Book 1, § 12: The forest of the king is the safe dwelling-place of wild beasts; not of every kind, but of the kinds that live in woods; not in all places, but in fixed ones, and ones suitable for the purpose; whence it is called "forests," the " e " being changed into " o," as if it were " feresta " . i.e., an abiding place for wild beasts.

Colonial (1607-1791)

Maryland: 1715 Md. Laws 90, *An Act For The Speedy Trial Of Criminals, And Ascertaining Their Punishment In The County Courts When Prosecuted There, And For Payment Of Fees Due From Criminal Persons*, chap. 26, § 7: And to prevent the abusing, hurting or worrying of any stock of hogs, cattle or horses, with dogs, or otherwise, Be It Enacted, That if any person or persons whatsoever, that have been convicted of any of the crimes aforesaid, or other crimes, or that shall be of evil fame, or a vagrant, or dissolute liver, that shall shoot, kill or hunt, or be seen to carry a gun, upon any person's land, whereon there shall be a seated plantation, without the owner's leave, having been once before warned shall forfeit and pay one thousand pounds of tobacco . . .

Massachusetts: 1710 Mass. Acts 667, *An Act For The Better Regulation Of Fowling*, chap. 13, § 1-2: §1. That if any person or persons shall, at any time . . . use any boat, canoe, float, raft or other vessel dressed up, or otherwise disguised, or of any boat or canoe with sails, wherewith to approach and shoot at any water-fowl . . . he or they shall each of them forfeit and pay for every such offence the sum of forty shillings . . . § 2. And every such offender shall be and hereby is prohibited and restrained from using a gun to shoot at water-fowl for the space of three years . . .

Massachusetts: 1717 *Mass. Acts 87, An Act For The Better Regulation Of Fowling, chap. X, §§ 1, 2*: § 1. That if any person or persons shall, at any time after two months from the publication of this act, make use of any boat, canoe, float, raft or other vessel, wherewith to approach to and shoot at any waterfowl in any part of this province, he or they so offending shall each of them forfeit and pay for every such offence, the sum of forty shillings to the informer.

§ 2. And every such offender shall be, and hereby is, prohibited and restrained from using a gun to shoot at waterfowl, for the space of three years next after his offence, upon the like penalty of forty shillings for each time he shall presume so to offend, to be disposed of in manner as the forfeiture aforementioned.

New Jersey: “*An Act for the Preservation of Deer, and other game, and to prevent trespassing with Guns*” 1771 *New Jersey Session Laws*.

New York: 1652 *N.Y. Laws 138, Ordinance Of The Director And Council Of New Netherland Against Firing At Partridges Or Other Game Within The Limits Of New Amsterdam*: . . . the Hon. Director General and Council, in order to prevent accidents, expressly forbid and interdict all person henceforward firing within the jurisdiction of this city or about the Fort, with any guns at Partridges or other Game that may by chance fly within the city, on pain of forfeiting the gun and a fine at the discretion of the Judge to be applied . . .

North Carolina: “*An Addittional Act to an Act, entitled, An Act , to prevent killing deer at unseasonable times, and for putting a stop to many abuses committed by white persons, under pretense of hunting*” 1745 *North Carolina Session Laws*.

North Carolina: 1768 *N.C. Sess. Laws 168, An Act To Amend An Act Entitled, “An Additional Act To An Act, Entitled, An Act To Prevent Killing Deer At Unseasonable Times, And For Putting A Stop To Many Abuses Committed By White Persons Under Pretense Of Hunting*: Whereas by the before recited act, persons who have no settled habitation, or not tending five thousand corn hills, are prohibited from hunting, under the penalty of five pounds and forfeiture of his gun.

Pennsylvania: 1821 *Pa. Laws 254, An Act To Prevent The Killing Of Deer Out Of Season, And Against Carrying Of Guns Or Hunting By Persons Not Qualified*, § 3: Be it enacted by the authority aforesaid, That if any person or persons shall presume, at any time after the sixteenth day of November, in this present year on thousand seven hundred and twenty one, to carry any gun or hunt on the improved or inclosed lands of any plantation other than his own, unless he have license or permission from the owner of such lands or plantation, and shall thereof convicted . . . forfeit the sum of ten shillings. And if any person whatsoever, who is not owner of of fifty acres of land and otherwise qualified in the same manners as persons are or ought to be by the laws of this province for electing of members to serve in assembly, shall at any time . . . carry any gun, or hunt in the woods or inclosed lands, without license or permission obtained from the owner or owners of such lands, and shall be thereof convicted in manner aforesaid, such offender shall forfeit and pay the sum of five shillings.

Vermont: *Constitution of Vermont - July 8, 1777*, § 39: That the inhabitants of this State, shall have liberty to hunt and fowl, in seasonable times, on the lands they hold, and on other lands (not enclosed;) and, in like manner, to fish in all beatable and other waters, not private property, under proper regulations, to be hereafter made and provided by the General Assembly.

Virginia: *1639 Va. Acts 228, Act of January 6th, 1639, Act XXI*: Not to Shoot or hunt on other men's land that is seated and bounds marked under penalty of 40s. but may pursue deer and shoot on their own land.

Virginia: *1642 Va. Acts 248, Acts of March 2nd, 1642, Act XI*: Whereas the rights and interests of the inhabitants are very much infringed by hunting and shooting of diverse men upon their neighbors lands and dividends contrary to the privileges granted to them by their patents, whereby many injuries do daily happen to the great damage of the owners of the land whereon such hunting or shooting is used, It is therefore enacted and confirmed that if any planter or person shall hunt or shoot upon or within the precincts or limits of his neighbor or other dividend without leave first obtained for his so doing, and having been warned by the owner of the land to forbear hunting and shooting as aforesaid, he or they so offending shall forfeit for every such offence four hundred pounds of tobacco . . . (The Statutes at large: being a collection of all the laws of Virginia, from the first session of the legislature, in the year 1619 . . .).

Pre 14th Amendment (1791-1868)

California: All moneys collected for licenses for the sale of gunpowder, shall be paid into the charitable fund of the Fire Department.

Delaware: *9 Del. Laws 263, An Act For The Protection Of Fish And Game In And On The Waters Of The Delaware Bay And River, And The Streams, Tributary Thereto, Within The Limits Of This State, § 1*: That from and after the passage of this act, it shall not be lawful for any person or persons living and residing without the limits of this State to come into or enter upon the waters of the Delaware bay and river . . . for the purpose, and with intent to . . . hunt, shoot, or kill any geese, ducks, fowls or birds of other kind whatever . . . under the penalty of forfeiting all and singular the boars, vessels, guns . . . or other implements that may be used for the purposes aforesaid . . .

Delaware: *12 Del. Laws 365, An Act To Amend Chapter 55 Of The Revised Code Of The State Of Delaware, Entitled "For The Protection Of Fish, Oysters And Game" chap. 328, § 10*: It shall be unlawful for any person not being a citizen of this State, to catch, take or kill, by himself or by his agent, or as the agent for or in the employment of any other person, whether such person be or be not a citizen of this State, any fish, wild goose, . . . upon any of the waters of this state . . . or to enter upon such waters, land or marsh for such unlawful purpose, and any person offending against the provisions of this section, shall be deemed guilty of a misdemeanor, and shall pay a fine of not less than fifty dollars and not more than one hundred dollars, and any boat or vessel, with her tackle, apparel and furniture and any gun . . . used with the consent or knowledge of the owner thereof, shall be forfeited and may be seized, condemned and sold as hereinafter provided.

Delaware: *14 Del. Laws 401, An Act For The Protection Of Fish, Oysters And Game, § 10*: It shall be unlawful for any person not being a citizen of this State, to catch, take or kill by himself or by his agent, or as the agent for, or in the employment of any other person whether such other person be or be not a citizen of this State, any fish, wild goose, wild duck, or other wild fowl . . . shall pay a fine of not less than fifty dollars, and not moer than one hundred dollars, and any boat or vessel, with her tackle, apparel and furniture, and any gun . . . § 16. If any person or person(s) shall enter upon any lands not owned by himself with gun and dog, or with gun alone, for the purpose of shooting any kind of birds or game without first obtaining permission to do so by the owner or occupant, he shall forfeit and pay a fine of five dollars; and if he shall not pay the said fine he shall forfeit his gun until redeemed . . .

Florida: *1828 Fla. Laws 75, An Act Relating To Crimes and Misdemeanors, § 106*: If any person shall hunt by fire light in the night time, with a gun or other firearms beyond his own enclosure, such person shall on conviction be fined in a sum not exceeding twenty five dollars, or imprisonment, not exceeding one month, at the discretion of the court.

Florida: *1852 Fla. Laws 137, An Act To Prevent Fire Hunting in the County of St. Johns, § 1*: It shall not be lawful for any person or persons to hunt with a gun or other fire arms, by fire light in the night time at any place within the County of St. Johns in this state, except within his own enclosure such persons shall on conviction be fined in a sum not exceeding twenty five dollars or imprisonment not exceeding one month at the discretion of the Court.

Florida: *1865 Fla. Laws 27, An Act Prescribing Additional Penalties For the commission of Offenses Against the State, and for Other Purposes. Chap. 1466, § 19*: It shall not be lawful for any person to hunt or range with a gun within the enclosed land or premises of another without the permission of the owner, tenant, or person having control thereof; and any person so offending shall be deemed to be guilty of a misdemeanor, and on conviction, shall be punished as is provided in the last forgoing section.

Maryland: *1838 Md. Acts 108, An Act for the Preservation of Wild Fowl in the Waters of Smith's Island and its Vicinity, in Somerset County, §§ 1-2: § 1*. That from and after the first day of May next, it shall not be lawful for any person or persons, by day or night to navigate or paddle any open skiff, canoe or open boat of any description, on board of which open skiff, canoe or open boat aforesaid may be any offensive weapon, gun, musket, fowling piece or pistol, . . . within fifty yards of any blind for shooting fowl, with intent to shoot or molest any wild fowl or fowls within the region aforesaid. § 2. That the discovering or finding of any offensive weapon, gun, musket, fowling piece or pistol in any open skiff, canoe or open boat as aforesaid, within fifty yards of any blind for shooting fowl, shall in all cases within the region aforesaid, be deemed prima facie evidence of intent to shoot or molest said wild fowls, and shall subject the offender in each and every case, to a penalty of ten dollars . . .

North Carolina: *1856 N.C. Sess. Laws 22, An Act To Declare The Meaning Of That Portion Of The Revised Code Which Relates To Fire Hunting By Night, chap. 24, § 1*: The true intent and meaning of the 95th section of the 34th chapter of the Revised Code was and is hereby declared to be to prevent fire hunting for deer with a gun or guns in the night time and nothing more.

Virginia: 1852 Va. Acts 133, An Act Amending The Twentieth Section Of Chapter . . . Concerning Wild Fowl, § 20: If any person except from the land, shall shoot at or kill wild fowl during the night within this state; or if any person shall from a skiff or float, or by the aid thereof, within the jurisdiction of . . . whether in the night or day time, shoot or kill wild fowl, he may be convicted thereof before a justice; and on conviction shall surrender his gun and any such skiff or floar, and the same shall be forfeited to the commonwealth. If he fail to surrender them, he shall be committed to jail for thirty days, unless the surrender be sooner made. . .

Post 14th Amendment (1868-2011)

Connecticut: 1872 Conn. Acts 108 (Reg. Sess.) An Act in Addition to an Act for the Preservation of Game, chap. 115, § 2: No person shall at any time kill any wild duck, goose or brant with any instrument known as a punt gun or swivel, or with any other than such guns as are habitually raised at arms-length and fired from the shoulder, or shall use any instrument or gun other than such guns as aforesaid, with attempt to capture or kill such wild duck, good or brant, under a penalty of seven dollars.

Delaware: 16 Del. Laws 410, For The Protection Of Fish, Oysters, And Game, chap. 422, §§ 10, 16: It shall be unlawful for any person, not being a citizen of this state to catch, take or kill by himself or by his agent, or as the agent for, or in the employment of any other person, whether such other person be or be not a citizen of this State any fish, wild goose, wild duck or other wild fowl, upon the waters of this state . . . any person offending against the provisions of this section shall be deemed guilty of a misdemeanor and shall pay a fine of not less than fifty dollars and not more than one hundred dollars , and any boat or vessel, with her tackle, apparel and furniture, and any gun, decoy-geese, or decoy ducks . . . If any person or person(s) shall enter upon any lands not owned by himself with gun and dog, or with gun alone for the purpose of shooting any kind of birds or game without first obtaining permission to do so by the owner or occupant, he shall forfeit and pay a fine of five dollars; and if he shall not pay the said fine he shall forfeit his gun until redeemed, as hereinafter provided. . .

Georgia: 1880 Ga. Laws 142, An Act to prevent the practice of hunting deer in the night-time by fire-light, usually called fire-hunting, and to provide a punishment therefor, § 1: That, from and after the passage of this Act, it shall be unlawful for any person or persons to hunt with a gun by fire-light, or kill any deer so hunting by fire-light in the night-time in this State. . .

Iowa: 1894 Iowa Acts 70, An Act To Restrain Hunters From Trespassing Upon Cultivated or Enclosed Lands Without Permission and Providing Penalties Therefor, chap. 64, § 1: No person shall hunt with dog or gun upon the cultivated or enclosed lands of another without first obtaining permission from the owner, occupant or agent thereof.

Maryland: 1874 Md. Acts 224, An Act To Protect Wild Fowl in Worcester County, chap. 164, §§ 1-2: § 1. No Person shall during, the hours intervening between twilight at evening

and twilight of the following morning, shoot or kill, or shoot at, capture with nets, by fire light, any wild fowl within the limits of Worcester County. § 2. No person shall, at any time, kill or shoot at any wild fowl within the limits of Worcester County, with any swivel or pivot gun, or any kind of gun which cannot be conveniently discharged from the shoulder at arms-length and without a rest.

Maryland: 1882 Md. Laws 257, *An Act to . . . Exempt All That Portion of the Waters of the Chesapeake Bay Lying Northward of a Certain Line Therein Described from the Operation and Effect of Sections One and Three . . .* § 8: . . . the special police appointed by this act are authorized to arrest any person or persons who may be discovered in the act of hunting or shooting crippled ducks, or in purloining ducks that have been killed by other persons having a proper license to shoot, as well as other persons violating the provisions of this section, and upon conviction thereof before any justice of the peace of Cecil or Harford Counties, the license of such persons or persons shall be revoked, and such persons or persons whether licensed or not, shall be fined not less than twenty dollars for each offense and shall forfeit the boat and gun or guns, and material so employed in violation of the provisions of this section, which boat and gun or guns, and material shall be sold, and the proceeds of such fine and sale after the costs of prosecution have been paid, shall go to the officer or officers making the arrest. . .

Maryland: 1886 Md. Laws 730, *An Act to Amend . . . An Act To Revise And Consolidate The Several Acts Relating To The Protection Of Game*, sub § 4: (description of protected zone with hunting limited to coastal landowners) . . . and any person violating this section, shall, on conviction thereof, before any justice of the peace or Circuit Court of the county where such violation occurs, be subject to a penalty for each offense of not less than fifty dollars . . .

Michigan: 1883 Mich. Pub. Acts 6, *An Act To Amend . . . Acts Relating To The Protection Of Game*, § 4: no person or persons shall at any time kill or attempt to kill, any wild duck or other wild fowl with or by means of a swivel or punt gun, or by means or use of any battery, sunken boat, or other device similar to a battery, or rob or destroy the nests or any wild duck or wild goose or brant, or in any manner kill or molest the same, at night or at any time, on their nesting places.

Nebraska: 1893 Neb. Laws 393, *An Act To Amend Section 5660, and Section 5663 of chapter 10, . . .*, §5666: it shall also be unlawful for any person, at any time by the aid or use of any swivel, punt gun, big gun (so called), or any other than the common should gen; or by the aid or use of any punt boat, or sneak boat used for carrying such gun, to catch, kill, wound, or destroy, upon any of the waters, bays, rivers, marshes, mud flats, or any cover to which wild fowl resort within state of Nebraska.

New Jersey: 1874 N.J. Laws 138, *An Act to Amend And Consolidate The Several Acts Relating To Game And Game Fish*, chap. 525, § 4: No person shall at any time kill any wild duck, brant, or goose with any device or instrument known as a swivel gun, or with any gun other than such guns as are habitually raised at arm's length and fired from the shoulder; or shall use any net, device, instrument, or gun other than such gun as aforesaid with intent to capture or kill any such wild duck or goose, under a penalty of fifty dollars.

North Carolina: 1869 N.C. Sess. Laws 59, *An Act To Prohibit Hunting On The Sabbath, Chap 18, § 1*: The General Assembly of North Carolina do enact, That if any person or persons whomsoever shall be known to hunt in this State on the Sabbath with a dog or dogs, or shall be found off of their premises on the Sabbath, having with him or them a shot-gun, rifle or pistol, he or they shall be subject to indictment; and upon conviction, shall pay a fine not to exceed fifty dollars . . .

North Carolina: 1879 N.C. Sess. Laws 54, *An Act For The Better Protection Of Wild Fowl In Carteret County, chap. 46, § 1*: That it shall not be lawful for any person in the hunting of wild fowl in Carteret County to use any gun other than can be fired from the shoulder.

North Dakota: 1899 N.D. Laws 125, *An Act Relating To The Protection of Game And Fish, § 7, pt. 5*: at any time kills or shoots any wild duck, goose, crane or brant with a swivel gun or other guns except such as is commonly shot from the shoulder, or in hunting such birds makes use of any artificial light or batter . . .

Ohio: *Act 97 O. L. 463 (Lan. R. L. 10642; R. S. 6961)*, (“no persons shall hunt or shoot or have in the open air for such purposes any implements for hunting or shooting on any Sunday”).

Ohio: 1874 Ohio Laws 148, *An Act to Protect Certain Birds And Game, And To Protect Land Owners And Punish Trespassing Upon Improved Or Enclosed Land, And To Repeal Certain Statutes Therein Designated, § 2*: And it shall be unlawful for any person, by the aid or use of any swivel or punt gun, or any other than the common shoulder gun, or by the aid or sue of any push boat or sneak boat, used for carrying such gun, to catch, kill or wound, or destroy or to pursue after, with such intent upon the waters, bays, rivers, marshes, mud flats, or any cover to which wild fowl resort, within the state of Ohio, any wild goose, wild duck or brant.

Oregon: 1872 Or. Rev. Statutes 26, *An Act For The Protection Of Game And Fish, § 6*: It shall be unlawful for any person or persons at any time, to place, or use in any of the streams or rivers of this State, any drugs, charms, or powder, of to use any giant blasting or gun powder, or other explosive material, for the purpose of catching, killing or destroying fish; and any person violating the provision of this section, shall be fined twenty dollars for the first offence, double that sum for the second and treble that sum for the each succeeding offense. . .

Oregon: 1895 Or. Rev. State. 95, *An Act For The Protection Of Game, Fish And Wild Fowl Of The State Of Oregon, And To Provide For The Appointment Of A Fish And Game Warden, § 16*: Every person who shall use any batteries or swivel or pivot-gun, or any other gun than one to be held in the hands and fired from the shoulder, either from the shore or on a boat, raft or other device, on the Columbia river, or on any other lake or river in the state of Oregon, at any time, for the purpose of shooting wild ducks, geese, swan or other water fowl, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as hereinafter provided.

Pennsylvania: 1876 Pa. Laws 105, *An Act To Amend And Consolidate The Several Acts Relating To Game And Game Fish, § 4*: No person shall at any time, kill nay wild duck or

goose with any device or instrument known as a swivel or punt gun, or with any gun other than such guns as habitually are raised at arm's length and fired from the shoulder or shall use any net, device, instrument, or gun other than such gun as aforesaid, with intent to capture or kill any such wild duck or goose, under a penalty of ten dollars.

Rhode Island: 1890 *R.I. Pub. Laws 17, An Act In Amendment Of And IN Addition to Chapter 94 Of The Public Statutes Of Birds*, § 6: Every person who shall at any time of year. . . shall shoot any water fowl by means or by the use of any battery, swivel, punt or pivot gun, shall be fined for each offence, twenty dollars.

South Carolina: 1878 S.C. Acts 724, *An Act to Amend An Act To Prevent Fishing With Nets In The Fresh Water Streams Of This State At Certain Seasons Of The Year*: It shall not be lawful for any person on the counties of Horry, Marion, Darlington . . . to fish with nets or gigs, or set traps, or shoot fish with any kind of gun, in any of the fresh water rivers, creeks, lakes . . .

South Dakota, 1899 *S.D. Sess. Laws 112, An Act For The Protection Of Game And The Appointment Of Wardens, And The Licensing Of Hunters And Prescribing Penalties For The Violation Of Its Provisions, pt. 3*: At any time kills or shoots any wild duck, goose or brant with any swivel gun or other gun, except as is commonly shot from the shoulder, or in hunting such birds makes use of any artificial light or battery. . . .

Texas: 1897 *Tex. Gen. Laws 214, An Act To Preserve And Protect The Wild Game, Birds, And Wild Fowl, Of The State And Provide Adequate Penalties For The Unlawful Taking, Slaughter, Sale Or Shipment Thereof, And To Repeal All Laws And Parts Of Laws In Conflict Therewith, chap. 149, § 4*: It shall be unlawful to destroy any wild geese or wild ducks by any means otherwise than by an ordinary gun, capable of being held to and shot from the shoulder, and whoever violates the provision of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten nor more than one hundred dollars.

Utah: 1899 *Utah Laws 42, An Act For The Protection Of Fish, Game, And Birds . . .*, § 24: It shall be unlawful for any person to use any gun larger than ten gauge while hunting for fowl or birds.

Virginia: 1875 *Va. Acts 109, An Act To Amend And Re-enact Section Twelve, Chapter Ninety-nine, code Of Eighteen Hundred And Seventy-Three, For The Protection Of Wild Fowl In The Countless Counties Bordering ON The Potomac And Rappahannock*, § 12: If any person shall, at any time, either in the night or day time shoot at wild fowl in any county bordering . . . with any gun which cannot be conveniently discharged from the shoulder at arm's length without a rest, or have such gun in his possession on a boat, a justice of any such county shall require such gun to be surrendered, and shall order it to be destroyed, and shall fine the offender ten dollars. . . .

Washington: 1883 *Wash. Sess. Laws 100, 102 An Act For The Protection of Fish and Game*, § 12: Every person who shall use any sink box on any lake or river, or other waters in Washington Territory, for the purpose of shooting ducks or geese or other water fowls therefrom, or who shall use any batteries or swivel or pivot gun on boats, canvas, rafts or

other device at any time, for the purpose of killing any water fowl within the limits of Washington Territory, shall be guilty of a misdemeanor.

West Virginia: 1889 W. Va. Acts 173, *An Act to Repeal chapter 28 Of The Acts Of The Legislature Of 1889, Entitled "AN Act To Establish A Court Of Limited Jurisdiction In The county Of Wayne, pt. 11*: And it shall be unlawful for any person by the use of any swivel or pivot gun, or any other than the common shoulder gun, or by the aid of any push boat or sneak boat, used for carrying such gun, to catch, kill, wound or destroy, or to pursue with such intent upon any of the waters, bogs . . . within this state, any wild goose, wild duck or brant.

Manufacturing, Inspection and Sale of Gunpowder.

Colonial (1607-1791)

Maryland: 1757-68 Md. Acts 53, *An Act Prohibiting All Trade With The Indians, For The Time Therein Mentioned, § 3*: That it shall not be lawful for any person or persons within this Province, to sell or give to any Indian Woman or Child, any gunpowder, shot, or lead, whatsoever, nor to any Indian Man within this province, more than the quantity of one pound of gunpowder and six pounds of shot or lead, at any one time, and not those, or lesser quantities of powder or lead oftener than once in Six months, under the Penalty of Five Pounds Current Money for every pound of gunpowder. . .

New Jersey: 1776-77 N.J. Laws 6, *An Act For The inspection Of Gunpowder, chap. 6, § 1*: That any person who, from and after the publication of this act, shall offer any gun powder for sale, without being previously inspected and marked as is herein after directed, shall forfeit, fore every such offence, the sum of five shillings a pound for every pound weight so offered for sale, and so in proportion for greater or lesser quantity. . .

Pre-14th Amendment (1791-1868)

Connecticut: 1836 Conn. Acts 105 (Reg. Sess.) *An Act Incorporating The Cities of Hartford, New Haven, New London, Norwich and Middletown, chap. 1, § 20*: relative to prohibiting and regulating the bringing in, and conveying out, or storing of gunpowder in said cities . .

Indiana: 1847 Ind. Acts 93, *An Act To Reduce the Law Incorporating the City of Madison, and the Several Acts Amendatory thereto Into One Act, And To Amend the Same, chap 61, § 8, pt. 4*: to regulate and license, or provide by ordinance for regulating and licensing . . . the keepers of gunpowder and other explosive compounds.

Iowa: 1845 Iowa Laws 119, *An Act to Incorporate and Establish the City of Dubuque, chap 123, § 12*: they shall have power from time to time to make and publish all such

laws and ordinances as to them shall seem necessary to provide for the safety, preserve health, promote the prosperity and improve the morals, order, comfort and convenience of said city, and the inhabitants thereof, to impose fines, forfeitures and penalties on all persons offending against the laws and ordinances of said city, and provide for the prosecution, recovery and collection thereof, and shall have power to regulate by ordinance the keeping and sale of gunpowder within the city.

Massachusetts: 1814 Mass. Acts 464, An Act In Addition To An Act, Entitled “An Act To Provide For The Proof Of Fire Arms, Manufactured Within This Commonwealth.” § 1: From and after the passing of this act, all musket barrels and pistol barrels, manufactured within this commonwealth shall, before the same shall be sold, and before the same shall be stocked, be proved by the person appointed according to the provisions of this act . . . with a charge of powder equal in weight to the ball which fits the bore of the barrel to be proved . . . § 2. If any person or persons, from and after the passing of this act, shall manufacture within this Commonwealth, any musket or pistol, or shall sell and deliver, or shall knowingly purchase any musket or pistol, without having the barrels first proved according to the provisions of the first section of this act, marked and stamped according to the provisions of the first section of the act to which this is an addition . . .

New Hampshire: 1820 N.H. Laws 274, An Act To Provide For The Appointment Of Inspectors And Regulating The Manufacture Of Gunpowder, chap XXV, §§ 1-9: The Governor . . . is hereby authorized to appoint an inspector of gunpowder for every public powder magazine, and at every manufactory of gunpowder in this state . . . § 2. And be it further enacted that from and after the first day of July next, all gunpowder which shall be manufactured within this estate shall be composed of the following proportions and quality of materials. . . § 3. It shall be the duty of each of said inspectors to inspect examine and prove all gunpowder which after the first day of July shall not be deposited at any public powder magazine, or manufactory of this state. . . § 4: No gunpowder within this state shall be considered to be of proof unless one ounce thereof, placed in a chamber of a four inch howitzer and elevated so as to form an angle of forty five degrees with the horizon, will, upon being fired throw a twelve pound shot seventy five yards at the least. § 5: Whenever any of said inspectors shall discover any gunpowder, deposited at any public powder magazine, or any other place within this state, which is not well manufactured or which is composed of impure materials . . . the inspector in such case, shall mark each cask containing such impure ill manufactured or deficient gunpowder. § 6. If any person shall knowingly sell any condemned gunpowder . . . every such person, so offending, shall forfeit and pay not less than two hundred dollars nor more than five hundred dollars. . . § 7. Each inspector . . . be shown to the faithful and impartial discharge of the duties of his office, and each inspector one cent for each pound gunpowder, by him examined inspected and proved § 8. That if any manufacturer of gunpowder meant to be sold inspected . . . shall forfeit . . . not less than two dollars . . . § 9. That if any person within this state . . . shall knowingly . . . shall forfeit not less than 5 dollars nor more than 500 dollars.

New Hampshire: 1825 N.H. Laws 74, An Act To Regulate The Keeping And Selling, And Transporting Of Gunpowder, chap. 61, § 5: That if any person or persons shall sell or

offer for sale by retail any gunpowder in any highway, or in any street, lane, or alley, or on any wharf, or on parade or common, such person so offending shall forfeit and pay for each and every offense a sum not more than five dollars nor less than one dollar, to be recovered and applied as aforesaid.

New Jersey: 1811 N.J. Laws 300, An Act To Regulate Gun Powder Manufactories And Magazines Within This State, § 1: No person or persons whatsoever shall be permitted within this state to erect or establish or cause to be erected or established any manufactory which shall be actually employed in manufacturing gun powder either by himself or any other person, either on his own land or another, within the distance of a quarter of a mile from any dwelling house, barn or out house, without the consent under hand and seal of all and every the owner or owners of such dwelling house. . .

Ohio: 1849 *Ohio Laws 408, An Act To Incorporate The Town Of Ripley In The County Of Brown*, § 4: That the said town council of Ripley shall have power to ordain and establish laws and ordinances . . . to regulate the sale of gunpowder therein.

Pennsylvania: 1794 *Pa. Laws 764, An Act Providing For The Inspection Of Gunpowder chap. 337*: Whereas gun-powder imported from abroad, and manufactured within this stat, have frequently been found to vary much in its strength, and sometimes of inferior qualities, and its defects not discovered until brought into actual use : and whereas the modes herefore rules to prove the force thereof have been found uncertain and variable; and whereas Joseph Leacock, of the city of Philadelphia, hath invented an engine, called a pendulum powder proof, with a graduated arch and catch pall, by which it is conceived that the force of gunpowder may be proved by experiment, and the article reduced to certain and uniform standards of strength, whereby the manufacture may be advanced towards ultimate perfection, and the purchaser and consumer protected against fraud and imposition.

Tennessee: 1867-68 *Tenn. Pub. Acts 26, An Act To Amend The Charter Of The City Of Memphis, And For Other Purposes, pt. 20*: To provide for the prevention and extinguishment of fires . . . to regulate and prevent carrying on manufactures dangerous in causing or producing fire . . .

Vermont: 1865 *Vt. Acts & Resolves 213, An Act To Amend An Act Entitled “An Act To Incorporate The Village Of Rutland, :” Approved November 15, 1847, § 10*: . . . and said fire wardens may inspect the manner of manufacturing and keeping gun-powder, lime, ashes, matches, lights, fire-works of all kinds, and other combustibles, . . . and said fire-wardens may , if they deem the same to be dangerous, order the persons manufacturing and keeping such gun powder . . . in what manner to manufacture and keep the same. . .

Post 14th Amendment

California: 1883 Cal. Stat. 156, § 153: The Municipal Council shall provide by ordinance for the payment into a “Fireman’s Charitable Fund” of such city, or city and county, of all moneys received for licenses for the storage, manufacture, or sale of gunpowder, blasting

powder, gun cotton, fireworks, nitroglycerine, dualine, or any explosive oils or compounds, or as a municipal tax upon the same; also all fines collected in the police court for violations of fire ordinances. . . .

Kentucky: 1874 Ky. Acts 327, *An Act to Revise and Amend the Charter of the City of Newport*, § 6: To prohibit the manufacture of gunpowder or other explosive, dangerous or noxious compounds or substances in said city, and to regulate their sale and storage by license.

Nebraska: 1869 Neb. Laws 53, *An Act To Incorporate Cities Of The First Class In The State Of Nebraska*, § 47: The City Council shall have power to license all . . . vendors of gunpowder. . .

Nebraska: 1895 Neb. Laws 233, *Statutes Relating To The government Of The City Of Lincoln*, § 17: No person shall keep, sell, or give away any gunpowder or guncotton in any quantity without permission in writing signed by the Chief of Fire Department and City Clerk, and sealed with the corporate seal, under a penalty of twenty-five dollars for every offense: Provided, any person may keep for his own defense a quantity of gunpowder or guncotton not exceeding one pound.

New Hampshire: 1891 N.H. Laws 332, *Safe-keeping Of Gunpowder And Other Explosives*, § 7: If any person shall carry from town to town, or from place to place, any gunpowder for the purpose of peddling or selling it by retail in quantities less than twenty-five pounds, or shall sell, or offer to sell by retail, any gunpowder in any highway or street, or on any wharf, parade, or common, or if any person shall sell or deal out any gunpowder in the night time, between sunset and sunrise, he shall forfeit for each offense a sum not more than five dollars.

New Jersey: 1886 N.J. Laws 358, *An Act To Regulate The Manufacture And Storage Of Gun Powder, Dynamite And Other Explosive*, § 1: No person or persons or corporations shall after the passage of this act, be permitted within this state to erect, have or maintain, or cause to be erected, had or maintained any establishment, storehouse or building in which in which shall be manufactured, stored or kept any gun powder, blasting powder, dualin, dynamite, forcite, giant powder, nitroglycerine, or any powder or materials of which nitroglycerine is an essential ingredient or forms a component part, or any other explosive within the distance of one thousand feet from any public road . . .

Ohio: 1889 Ohio Laws 164, *An Act To Amend Section 2669 Of The Revised Statutes, As Amended April 22, 1885*, § 2669: The council of the city or village may provide by ordinance for licensing all exhibitors of shows or performances of any kind, not prohibited by law, hawkers, peddlers, auctioneers of horses and other animals on the highways or public grounds of the corporation, vendors of gun powder and other explosives, taverns and houses of public entertainment, and hucksters in the public streets or markets, and in granting such license, may extract and receive such sum of money as it may think reasonable . . .

Oklahoma: 1890 Okla. Sess. Laws 447, *Crime and Punishment*, § 24: Every person guilty of making or keeping gunpowder or saltpeter within any city or village, in any quantity of manner such as is prohibited by law or by and ordinance of said city or village, in consequence whereof any explosion occurs whereby any human being is killed, is guilty of manslaughter.

Oklahoma: 1890 Okla. Sess. Laws 474, *Crime and Punishment*, § 4: Every person who makes or keeps gunpowder or saltpeter within any city or village, and every person who carries gunpowder through the streets thereof, in any quantity or manner such as is prohibited by law, or by any ordinance of such city or village, is guilty of a misdemeanor.

Rhode Island: 1885 R.I. Pub. Laws 6, *An Act In Amendment Of And in Addition To Chapter 242 Of The Public Statutes, Entitles "Of Offenses Against Private Property."* § 1: Every person who shall knowingly deliver or cause to be delivered to any person or carrier any box, can or other package of nitroglycerine, gunpowder, naphtha or other equally explosive material, not marked with a plain and legible label describing its contents, or who shall remove or cause to be removed any such label or mark shall be fined not more than ten thousand dollars or imprisoned not more than five years.

Tennessee: 1899 Tenn. Pub. Acts 327, *An Act To Repeal The Charter Of The Town Of Waverly, In Humphreys county, And to Incorporate Said Town And Define Its Rights, Powers, etc.*, § 10: To regulate, restrain, or prevent the carrying on of manufactories dangerous in causing or producing fires, and to prevent and suppress the sale of firearms, fireworks, Roman candles, crackers, sky rockets, etc., and toy pistols. . .

Militia Regulation

Classical Period (Prior to 800 AD)

Constitution of Athens, Aristotle § 4: Now his constitution had the following form. The franchise was given to all who could furnish themselves with a military equipment.

English (800-1776)

Militia Act of 1662, 13 & 14 Car. 2, c. 3, § 1 (1662) (Allowed Militia lieutenants to disarm individuals deemed to be a threat to the state).

Colonial (1607-1791)

Connecticut: 1775 Conn. Acts 413 (Reg. Sess.) *An Act For Supplying The Troops Ordered to be raised For the Special Defense and Safety of this Colony with Necessary Fire Arms*: . . .

And if it shall so happen that a sufficient supply of arms cannot be procured in the several methods before directed, then sufficient arms to make good the deficiency, shall be impressed, completely to arm and equip said inhabitants that shall so enlist as aforesaid; the said impress to be limited only to the arms belonging to House-holders and other persons not on the militia roll; and that every person from whom any gun shall be impressed as aforesaid, shall be paid for the use of such Gun the sum of four shillings, and in case of loss, shall be paid the just values of said gun deducting the sum of four shillings aforesaid.

Delaware: *An Act for Establishing a Militia Within this State, § 6 (Del. 1782)*. (Imposed a 20 shilling fine for failing to “keep the [same] arms by him at all times, ready and fit for Service”).

Georgia: *An Act for the Better Security of the Inhabitants by Obliging the Male White Persons to Carry Fire Arms to Places of Public Worship, 1770, reprinted in 1775-1770 Georgia Colonial Laws 471 (1932)*. (Requiring men to bring a firearm to church for inspection).

Massachusetts: 1693 Mass. Acts 128, *And Act for Regulating the Militia, chap. 3, §§ 1, 5: § 1*. That all male persons from sixteen years of age to sixty, (other than such as are hereinafter excepted), shall bear arms and duely attend all musters and military exercises of the respective troops and companies where they are listed . . . § 5 That every listed soldier and other householder shall be always provided with a well fixed firelock of musket or bastard musket bore . . .

Massachusetts: 1742 Mass. Acts 44, *An Act For Enlisting The Inhabitants Of Dorchester Into His Majesty’s Service For The Defense Of Castle William, As Occasion shall Require. Chap. XXVI, § 1*: That the inhabitants of the town of Dorchester, who are by law subject to common musters and military exercises there, not exceeding fifty years of age, Shall be enlisted . . . § 2. That if any of the men in the town of Dorchester enlisted as aforesaid shall neglect, absent, or refuse to attend at time and place for the exercise of the great artillery as aforesaid . . . such soldier shall pay to the clerk . . . 5 shillings.

Massachusetts: *1757 Mass. Acts 51, An Act in Addition to the Several Act Of This Province for Regulating the Militia, chap. 18, § 1*: That the captain or chief officer of each military foot company shall instruct and employ his company in military exercises six days in a year . . . and on each of said days he shall make a strict enquiry into the state of the arms and ammunition of his company . . . that every person from the age of sixteen to sixty, not exempted by law, shall appear with arms and ammunition according to law, and attend his duty each of the aforesaid days. . .

Massachusetts: *The General Court of Massachusetts, January Session 1784 (Laws and Resolves 1784, chap. 55, pp. 140, 142)*: provided for the organization and government of the Militia. It directed that the Train Band should ‘contain all able bodied men, from sixteen to forty years of age, and the Alarm List, all other men under sixty years of age. Also, ‘That every non-commissioned officer and private soldier of the said militia not under the control of parents, masters or guardians, and being of sufficient ability therefor in the judgment of

the Selectmen of the town in which he shall dwell, shall equip himself, and be constantly provided with a good fire arm, etc. See *United States v. Miller*, 307 U.S. 174 (1939).

New Hampshire: 1786 *N.H. Laws 409, An Act For Forming And Regulating The Militia Within This State, And For Repealing All The Laws Heretofore Made For That Purpose*, § 7: Every Non-Commissioned Officer and Soldier, both in the alarm unit and training band, shall be provided, and have constantly in readiness a good musket, and a bayonet fitted thereto, with a good scabbard and belt, a worm, priming-wire, and brush, a cartridge-box that will hold at least twenty-four rounds . . .

New Jersey: 1718-1741 *N.J. Laws 101, An Act To Prevent Killing Of Deer Out Of Season And Against Carrying Of Guns And Hunting By Persons Not Qualified*, pt. 4: That if any person or persons shall presume, at any time after the publication hereof, to carry any Gun, or hunt on the improved or inclosed lands in any plantation, other than his own unless he has license or permission from the owner of such lands or plantation . . . And if any person whatsoever, who is not owner of one hundred acres of land, or otherwise qualified, in the same manner as persons are or ought to be electing representatives to serve in general assembly shall at any time after the publication hereof, carry any gun, or hunt in the woods or unenclosed lands, without license or permission obtained from the owner or owners of such lands . . . such offender shall forfeit and pay the sum of ten shillings.

New Jersey: 1778 *N.J. Laws 45, An Act For The Regulating, Training And Arraying Of The Militia*, pt. 11: Every person enrolled shall constantly keep himself furnished with a good musket, well fitted with a bayonet, steel ramrod and worm, a cartridge-box, twenty three rounds of cartridges fixed to his musket, a priming wire, brush and twelve flints, a knapsack and Canteen under the forfeiture of six shillings for the want of a musket, and one shilling for the want of the other articles whenever called out to training or service, to be recovered and applied as herein after is directed: provided always that if any person be furnished as aforesaid, with a good rifle gun, the apparatus necessary for the same, and a tomahawk it shall be accepted in lieu of a musket and the bayonet, and other articles belonging thereto.

New York: 1640 *N.Y. Laws 23, Ordinance Of The Director And Council Of New Netherland, Providing For The Arming And Mustering Of The Militia In Case Of Danger*: The Hon. Director and Council have considered it advisable to ordain that the Inhabitants residing at and around Fort Amsterdam, of what state, quality or condition soever they be, shall each provide himself with a good gun and keep the same in good repair and at all times ready and in order; and as they live at a distance from one another, every warned person is placed under his corporal in order that in time of danger he may appear at his post with his gun. Should it happen, which God forbid, that any mischief occur either from enemies or traitors at night, the people will be notified by the discharge of three cannon fired in quick succession; and if by day, means will be found to give warning to everyone, who is commanded thereupon to repair instantly to his corporal at the place appointed and then to adopt such measures as the exigency of the case shall require, on pain of being fined Fifty guilders. (Laws and Ordinances of New Netherland, 1638-1674).

New York: *An Act passed April 4, 1786 (Laws 1786, c. 25)*: That every able-bodied Male Person, being a Citizen of this State, or of any of the United States, and residing in this State, (except such Persons as are herein after excepted) and who are of the Age of Sixteen, and under the Age of Forty-five Years, shall, by the Captain or commanding Officer of the Beat in which such Citizens shall reside, within four Months after the passing of this Act, be enrolled in the Company of such Beat. That every Citizen so enrolled and notified, shall, within three Months thereafter, provide himself, at his own Expense, with a good Musket or Firelock, a sufficient Bayonet and Belt, a Pouch with a Box therein to contain not less than Twenty-four Cartridges suited to the Bore of his Musket or Firelock, each Cartridge containing a proper Quantity of Powder and Ball, two spare Flints, a Blanket and Knapsack.

North Carolina: *1786 N.C. Sess. Laws 407, An Act For Raising Troops For The Protection Of The Inhabitants Of Davidson County, chap. 1 §5*: That every able bodied man who shall be enlisted into the said service, and shall furnish himself with one good rifled or smooth bored gun fit for service, one good picker, hot-bag and powder horn, twelve good flints, one pound of good powder, and two pounds of good leaden bullets or buck shot suitable to his gun . . .

Rhode Island: *1844 R.I. Pub. Laws 501, An Act To Regulate The Militia, §§1, 45*: § 1. Every able bodied white male citizen in this state, who is or shall be of the age of eighteen years, and not exceeding the age of forty-five years, excepting persons absolutely exempted by the provisions of this act, and idiots, lunatics, common drunkards, paupers, vagabonds, an persons convicted of any infamous crime shall be enrolled in the militia . . . § 45. No officer, non-commissioned officer, or private, shall unnecessarily or without orders from his superior officer, come to any place of parade with his musket, rifle or pistol loaded with balls, slugs, shot or other dangerous substance, or shall so load the same while on parade.

Vermont: *1779 Vt. Acts & Resolves 59, An Act For Forming And Regulating The Militia; And For Encouragement Of Military Skill, For The Better Defense Of This State*: That every listed soldier and other householder, shall always be provided with, and have in constant readiness, a well fixed firelock, the barrel not less than three feet and a half long, or other good firearms, to the satisfaction of the commissioned officers of the company to which he doth belong, or in the limits of which he dwells; a good sword, cutlass, tomahawk or bayonet; a worm, and priming wire, fit for each gun; a cartouch box or powder and bullet pouch; one pound of good powder, four pounds of bullets for his gun, and six good flints; on penalty for eighteen shillings, for want of such arms and ammunition as is hereby required.

Virginia: *1631 Va. Acts 155, Acts Of February 24th, 1631, Act XLVII*: No Man shall go or send abroad without a sufficient party well armed. *Act XLVIII*: No man shall go to work in the grounds without their arms, and a sentinel upon them. *Act LI*: All men that are fitting to bear arms, shall bring their pieces to the church upon pain of every offence of the mayster allow not thereof to pay 2 lb. of tobacco, to be disposed by the church wardens who shall levy it by distress, and the servants be punished. (The Statutes at large: being a collection of all the laws of Virginia, from the first session of the legislature in the year 1619).

Virginia: : 1632 Va. Acts 178, Acts of September 4th, 1632, Act XLV: All men that are fitting to bear arms, shall bring their pieces to the church upon pain for every offence, if the default be in the master, to pay 2lb of tobacco, to be disposed by the church-wardens, who shall levy it by distress, and the servants shall be punished commander. (The Statutes at large: being a collection of all the laws of Virginia, from the first session of the legislature in the year 1619).

Virginia: *An Act for better Regulation of the Militia (November 1738)*: II. . . . chief officer of the militia, in every county, shall list all free male persons, above the age of one and twenty years. . . V. . . Every horse-man shall be furnished with a serviceable horse, a good saddle, . . . carbine or fusee, and bucket, holsters, a case of pistols, cutting sword or cutlass, double cartouch box, and six charges of powder. . . And every footman [as opposed to horse-man] shall be furnished with a firelock, musket, or fuzee, well fixed [in good order], a bayonet fitted to same, or a cutting sword or cutlass, a cartouch-box, and three cartridges of powder; and appear with the same at the time and place appointed for muster and exercise, as foresaid; and shall also keep at his house, one pound of powder, and four pounds of ball; and bring the same into the field, when he shall be required. . . VI. And be it further enacted, that all such free mulattos, Negro, or Indians, as are or shall be listed, as aforesaid, shall appear without arms; and may be employed as drummers, trumpeters, or pioneers, or in such other servile labor, as they shall be directed to perform. . . VII. . . every captain shall, once in three months, or oftener, if required, muster, train, and exercise his troop or company: And the county lieutenant, colonel, or chief commanding officer, in every county, shall cause a general muster and exercise of all the troops and companies within his county to be made in the month of September, every year. . . X. . . And every person listed in the foot, shall pay [a fine of] five shillings, or fifty pounds of tobacco, at their election [choice], for not appearing at muster, completely armed and accoutered . . .).

Virginia: 1642 Va. Acts 238, Acts of March 2nd 1642, Act XLI: It is enacted and confirmed that masters of every family shall bring with them to church on Sundays one fixed and serviceable gun with sufficient powder and shot upon penalty of ten pound of tobacco for every master of a family so offending to be disposed of by the churchwardens who shall levy it by distress and servants being commanded and yet omitting shall receive twenty lashes on his or their bare shoulders, by order from the county courts where he or they shall live. (*The Statutes at Large: Being a collection of all the laws of Virginia, from the first General Assembly in 1619*).

Virginia: *An Act for better regulating and training the Militia (August 1755)*: Fine for not appearing at muster increased to 10 shillings.

Virginia: *An Act for better regulating and disciplining the Militia (April 1757)*: I. WHEREAS it is necessary, in this time of danger, that the militia of this colony should be well regulated and disciplined, Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly. . . That from and after the passage of this act every . . . officer, bearing any commission in the militia of this colony, shall be an inhabitant of and resident in the county of which he is or shall be commissioned. . . IV. . . That every person so as aforesaid inlisted (except free mulattoes, negroes, and Indians) shall be

armed in the manner following, that is to say: Every soldier shall be furnished with a firelock well fixed, a bayonet fitted to same, a double cartouch-box. . . .

Virginia: *An Act for amending and further continuing the act for the better regulating and disciplining the Militia (November 1762) (reenacted act of 1757). (Renewed in 1766, 1771 & 1775).*

Virginia: *The General Assembly of Virginia, (October, 1785) (12 Hening's Statutes c. 1, p. 9 et seq.)*: The defense and safety of the commonwealth depend upon having its citizens properly armed and taught the knowledge of military duty. . . All free male persons between the ages of eighteen and fifty years . . . shall be inrolled or formed into companies.' 'There shall be a private muster of every company once in two months. . . Every officer and soldier shall appear at his respective muster-field on the day appointed, by eleven o'clock in the forenoon, armed, equipped, and accoutred, as follows: every non-commissioned officer and private with a good, clean musket carrying an ounce ball, and three feet eight inches long in the barrel, with a good bayonet and iron ramrod well fitted thereto, a cartridge box properly made, to contain and secure twenty cartridges fitted to his musket, a good knapsack and canteen, and moreover, each non-commissioned officer and private shall have at every muster one pound of good powder, and four pounds of lead, including twenty blind cartridges; and each serjeant shall have a pair of moulds fit to cast balls for their respective companies, to be purchased by the commanding officer out of the monies arising on delinquencies. Provided, That the militia of the counties westward of the Blue Ridge, and the counties below adjoining thereto, shall not be obliged to be armed with muskets, but may have good rifles with proper accoutrements, in lieu thereof. And every of the said officers, non-commissioned officers, and privates, shall constantly keep the aforesaid arms, accoutrements, and ammunition, ready to be produced whenever called for by his commanding officer. If any private shall make it appear to the satisfaction of the court hereafter to be appointed for trying delinquencies under this act that he is so poor that he cannot purchase the arms herein required, such court shall cause them to be purchased out of the money arising from delinquents").

State Constitutions:

Delaware: *Del. Const. (1776) art. IX*: The president, with the advice and consent of the privy council, may embody the militia, and act as captain-general and commander-in-chief of them, and the other military force of this State, under the laws of the same. Art. 28. To prevent any violence or force being used at the said elections, no person shall come armed to any of them, and no muster of the militia shall be made on that day; nor shall any battalion or company give in their votes immediately succeeding each other, if any other voter, who offers to vote, objects thereto; nor shall any battalion or company, in the pay of the continent, or of this or any other State, be suffered to remain at the time and place of holding the said elections, nor within one mile of the said places respectively, for twenty-four hours before the opening said elections, nor within twenty-four hours after the same are closed, so as in any manner to impede the freely and conveniently carrying on the said election: *Provided always*, That every elector may, in a peaceable and orderly manner, give in his vote on the said day of election.”).

Georgia: Ga. Const. (February 5, 1777), art. XXXIII: The governor for the time being shall be captains general and commander-in-chief over all the militia, and other military and naval forces belonging to this State. art. 34. All militia commissions shall specify that the person commissioned shall continue during good behavior.

Maryland: Md. Const. (November 11, 1776), “A Declaration of Rights and the Constitution and Form of Government agreed to by the delegates of Maryland in Free and Full Convention Assembled” art. XXV: That a well-regulated militia is the proper and natural defense of a free government.

New Hampshire: N.H. Const. (1776): That general and field officers of the militia, on any vacancy, be appointed by the two houses, and all inferior officers be chosen by the respective companies.

New Jersey: *The Fundamental Constitutions for the Province of East New Jersey in America, (1683) art. VII*: . . . the great Assembly should have power, by act confirmed as there expressed, to erect, raise and build within the said Province, or any part thereof, such and so many forts, castles, cities and other places of defense, and the same, or any of them, to fortify and furnish with such provisions and proportions of ordnance, powder, shot, armour and all other weapons, ammunition and abilments of war, both offensive and defensive, as shall be thought necessary and convenient for the safety and welfare of the said Province; as also to constitute train bands and companies, with the number of the soldiers . . . And that amongst the present Proprietors there are several that declare, that they have no freedom to defend themselves with arms, and others who judge it their duty to defend themselves, wives and children, with arms; . . . no man that declares he cannot for conscience sake bear arms, whether Proprietor or planter, shall be at any time put upon so doing in his own person, nor yet upon sending any to serve in his stead. And on the other side, those who do judge it their duty to bear arms for the publick defence, shall have their liberty to do in a legal way. In pursuance whereof, there shall be a fourth committee erected, consisting of six proprietors, or their proxies, and three of the freemen, that are to set in the other three committees, which shall be such as to understand it their duty to use arms for the publick defence; which committee shall provide for the publick defence without and peace within, against all enemies whatsoever; and shall therefore be stiled the committee for the preservation of the publick peace: And that all things may proceed in good order, the said committee shall propound-to the great Council what they judge convenient and necessary for the keeping the peace within the said Province, and for publick defence without, by the said great Council to be approved and corrected, as they, according to exigence of affairs, shall judge fit; the execution of which resolutions of the great Council shall be committed to the care of the said committee . . .

New Jersey: N.J. Const. (1776) art. VIII: That the Governor, or, in his absence, the Vice-President of the Council, shall have the supreme executive power, be Chancellor of the Colony, and act as captain-general and commander in chief of all the militias and other military force in this Colony; and that any three or more of the Council shall, at all times, be a privy-council, to consult them; and that the Governor be ordinary or surrogate general. . . X. That captains, and all other inferior officers of the militia, shall be chosen by the

companies, in the respective counties; but field and general officers, by the Council and Assembly.

New York: *N.Y. Const. (April 20, 1777) Art. XV*:. And whereas it is of the utmost importance to the safety of every State that it should always be in a condition of defense; and it is the duty of every man who enjoys the protection of society to be prepared and willing to defend it; this convention therefore, in the name and by the authority of the good people of this State, doth ordain, determine, and declare that the militia of this State, at all times hereafter, as well in peace as in war, shall be armed and disciplined, and in readiness for service. That all such of the inhabitants of this State being of the people called Quakers as, from scruples of conscience, may be averse to the bearing of arms, be therefrom excused by the legislature; and do pay to the State such sums of money, in lieu of their personal service, as the same; may, in the judgment of the legislature, be worth. And that a proper magazine of warlike stores, proportionate to the number of inhabitants, be, forever hereafter, at the expense of this State, and by acts of the legislature, established, maintained, and continued in every county in this State.

North Carolina: *N.C. Const. (December 18th, 1776) “A Declaration of Rights” art. XVII*: That the people have a right to bear arms, for the defense of the State; and, as standing armies, in time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil power.

Pennsylvania: *Penn. Const. (September 28, 1776) pmb.*: WHEREAS all government ought to be instituted and supported for the security and protection of the community as such, and to enable the individuals who compose it to enjoy their natural rights, and the other blessings which the Author of existence has bestowed upon man; and whenever these great ends of government are not obtained, the people have a right, by common consent to change it, and take such measures as to them may appear necessary to promote their safety and happiness. . . . art. XIII. That the people have a right to bear arms for the defense of themselves and the state; and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up; And that the military should be kept under strict subordination to, and governed by, the civil power.

South Carolina: *S.C. Const. (March 26, 1776) art. X*: That if a member of the general assembly or of the legislative council shall accept any place of emolument or any commission except in the militia, he shall vacate his seat, and there shall thereupon be a new election, but he shall not be disqualified from serving upon being reelected.”). (showing a militia was considered).

Vermont: *Vt. Const. (July 8, 1777)*: The freemen of this Commonwealth, and their sons, shall be trained and armed for its defense, under such regulations, restrictions and exceptions, as the general assembly shall, by law, direct; preserving always to the people, the right of choosing their colonels of militia, and all commissioned officers under that rank, in such manner, and as often, as by the said laws shall be directed. . . §. 42. All field and staff

officers, and commissioned officers of the army, and all general officers of the militia, shall be chosen by the General Assembly”).

Pre 14th Amendment (1791-1868)

Connecticut: *1799 Conn Acts 511 (Reg. Sess.) An Act For The Militia, § 4*: That the fines and penalties incurred for non-appearance and deficiencies of arms, ammunition and accoutrements shall in future be as follows. Each non-commissioned officer, drummer, fifer or trumpeter who shall neglect to appear at the time and place appointed for regimental or battalion exercise or review being legally warned thereto shall forfeit and pay a fine of three dollars for each days neglect and for each days neglect to appear at the time and place appointed for company exercise or inspection, being legally warned thereto, shall forfeit and pay a fine of one dollar and fifty cents, and each private belonging to any company of militia shall for non-appearance on days of Regimental or Battalion exercise or review, being thereto legally warned, forfeit and pay a fine of two dollars for each days neglect and for non-appearance at time and place fore company exercise or inspection he shall forfeit and pay a fine of one dollar for each days neglect; and for deficiencies of arms, ammunition and accoutrements required by law, and each non-commissioned officer and private shall forfeit and pay for each day of review or exercise the he shall be deficient the following fines viz. for a gun or pair of pistols, each seventy-five cents; for sword, bayonet or cartridge box, each fifty cents; and for each of the other articles required by law, twenty-five cents.

Kentucky: *1799 Ky. Acts 7, An Act to Amend an Act Entitled “An Act Concerning the Militia”, §§ 1-3*: The bridagier generals shall attend each regimental muster within their brigades to view the same; it shall be the duty of the brigade major, attended by the commandant of the regent to inspect the same at every muster. § 2. All fines arising within the bounds of any regiment on account of delinquencies of officers, privates, or otherwise, shall be appropriated to the use of such regiment only. § 3. Each non-commissioned officer shall have ten days notice of each muster; and each non-commissioned officer and private; appearing on parade without a gun after being duly notified, shall be fined any sum not exceeding fifty cents, at the discretion of a court martial.

Louisiana: *1804 La. Acts 184, An Act for Regulating and Governing the Militia of the Territory of New Orleans, § 13*: each non-commissioned officer and private of the infantry, shall constantly keep himself provided with good musket or guns, a sufficient bayonet and belt, two spare flints and a knapsack, a cartridge or pouch with box therein to contain not less than twenty four cartridges . . .

Maryland: *A Supplement to the Act Entitled, An Act to Regulate and Discipline the Militia of this State, § 30 (Md. 1799)*: Any private or non-commissioned officer, to whom a musket is delivered, shall use the same in hunting, gunning or fowling or shall not keep his arms . . . in neat and clean order . . . shall [pay a fine].

Minnesota: *MINN. STAT. Chap. 120 § 1, 8: Be it enacted by the legislature of the state of Minnesota*: That all able-bodied, white male citizens resident of this state, being eighteen

years of age, and under the age of forty-five years, excepting persons exempt by law, shall be enrolled in the militia, and perform military duty in such manner—not incompatible with the constitution and laws of the United States—as hereinafter prescribed. § 8. That it shall be the duty of the township assessors of the several townships, and the assessors of the several wards of the several cities, to prepare a list of all persons liable to be enrolled as aforesaid, in their respective wards, townships or districts, save and except members of uniform volunteer companies. Township, ward or district assessors aforesaid, shall annually, at the time of assessing taxable property, make out a roll or list of all names of persons enrolled as aforesaid, and place it in the auditor's office of the proper county; and it shall be the duty of such auditor annually on or before the first day of November, to return an accurate copy of such records of enrollment to the adjutant-general of the state.

Mississippi: 1814 *Miss. Laws 16, An Act To Authorize The Governor Of Mississippi Territory To Accept Of The Services Of Citizens Exempted From Militia Duty*, § 2: Immediately on the governor's acceptance of any number of volunteers, by virtue of this act, each private shall proceed to provide himself with a good rifle, musket or shot-gun with four flints, twenty rounds of powder ball, or buckshot, best suited to his gun, together with the most convenient accoutrements. The commissioned officers shall be armed with swords; and the arms and accoutrements of all such volunteers shall be exempted from executions in payment of debts and their persons when on service, free from arrest in civil cases.

Missouri: 1835 *Mo. Laws 537, An Act To Organize Govern and Discipline the Militia*, art. XII, Pt. 5: Every non-commissioned officer and private, appearing without being armed and equipped as the law directs, at any parade or rendezvous, shall be sentenced to pay the following fines, namely : For want of a sufficient sword and belt, if belonging to the artillery or light artillery, and for want of a sufficient musket with a steel rod, or rifle, if belonging to a company of light infantry, grenadiers, riflemen or infantry, one dollar; for want of a sufficient bayonet and belt, fifty cents; for want of a pouch with a box therein, sufficient to contain twenty four cartridges suited to the bore of his musket, twenty-five cents; and whenever ordered by the commander in chief or the commandant of the division, brigade, regiment or extra battalion so equipped as on parade, for want of two spare flints and a knapsack, twenty four cartridges, shot pouch, powder horn, twenty balls, and a quarter of a pound of powder, twenty-five cents each, but the whole number of spare flints, cartridges and balls, shall be considered each as only one deficiency, provided that no person be fined for not appearing on parade with a gun, who does not own one. . .

New Hampshire: 1795 *N.H. Laws 525, An Act In Addition To An Act, Entitled, "An Act For Regulating The Militia Within This State*: Every free, able bodied, white male citizen of this state, resident therein, who is, or shall be of the age of fifteen years and under forty years of age, under such exceptions as are made in said act, shall be enrolled in the militia and shall in all other respects be considered as liable to do the duties of the militia in the same way and manner, as those of the age of eighteen years and upwards. . .

North Carolina: 1861 *N.C. Sess. Laws 25, Militia Bill*, § 10: Every resident enrolled and notified, as is directed in the third section of this act, shall within one month thereafter, provide himself with a good musket, smooth bore gun or rifle, shot pouch and powder horn, and shall appear so armed and accoutered when called out to exercise or in actual service; the

commissioned officers shall severally be armed with a sword or revolver at his discretion; and every resident so enrolled and providing himself with arms and accoutrements as herein directed, shall hold the same exempt from all writs, executions, or sales for debt or for the payment of taxes . . .

Ohio: *1836 Ohio Laws 30, An Act To Organize And Discipline The Militia, § 29*: That in every regiment, squadron or battalion the field officers shall each arm himself with a good and sufficient sword and pair of pistols, and furnish himself with a good and sufficient horse, with saddle, bridle, . . . in each company of cavalry or troop of horse, the commissioned officers shall each be armed with a good and sufficient sword and pair of pistols . . . and in the artillery each private or matross shall be armed with a good and sufficient musket, bayonet and belt, or fuse, with a cartridge box to contain twenty-four cartridges, suitable to the bore of his gun. . .

Rhode Island: *1794 R.I. Pub. Laws 21, An Act To Organize The Militia Of This State, § 10*: And if he shall not be armed and equipped according other said Act of congress, when so appearing, without sufficient excuse, she shall, for appearing without a gun, forfeit one shilling and sixpence; without bayonet and belt six pence . . .

South Carolina: *1791 S.C. Acts 16, An Act To Amend And More Effectually Put In Force For The Time Therein Limited, The Act Entitled An Act For The Regulation Of The Militia Of This State . . .* : And be it further enacted by the authority aforesaid, That every free man of this state, liable to bear arms in any of the regiment, battalions or companies of foot in this state and who shall appear at any such regiment or battalion muster or at any muster or review ordered by his Excellency the governor, or at any company muster ordered in pursuance of this act, or by virtue of the said act of the twenty-sixth day of March 1784, not provided with a good musket and bayonet, and cartouch box capable of containing at least twelve rounds of cartridges or other sufficient fun and a good and sufficient small sword, broad sword, cutlass or hatchet, and a powder horn or flask capable of holding at least 12 rounds of powder . . . shall forfeit and pay for each and every such default, the sum of two dollars, or the sum of half a dollar for each article of arms or accoutrements herein before directed, to be affected and levied on such defaulter, in the manner in and by the said act directed and appointed.

Tennessee: *1821 Tenn. Pub. Acts 63, An Act To Amend The Militia Laws Of This State, chap. 55, §§ 2-3*: The commissioned and staff officers of the infantry are hereby required to meet at the place holding their battalion musters at eleven o'clock on the day preceding said muster armed with a rifle, musket, or shot gun and dressed in the uniform prescribed by law, for the purpose of being trained at regimental drills and the commanding or senior officer, present shall call, or cause the roll to be called, and make a return of all delinquents to the next regimental or battalion court martial. § 3. The regimental courts martial shall have power to fine delinquents, field or staff officers, and it shall be the duty of the commanding or senior officer present at any regimental or battalion or drill muster to make a return of all such delinquents . . .

Texas: *1836 Tex. Gen. Laws 55, An Act To Provide For The National Defense By Organizing The Militia, § 1*: . . . to enroll every such citizen as aforesaid, and all those who shall from time to time arrive at the age of seventeen years or being the age of seventeen years and under

the age of fifty years . . . that every citizen so enrolled and notified, shall within ten days thereafter provide himself with a good musket, a sufficient bayonet and belt, six flints, knapsack and cartridge box, and twenty-four suitable ball cartridges; or with a good rifle, yauger, or shotgun, knapsack, shot pouch, powder horn, fifty balls suitable to the caliber of his gun, and a half pound of powder. . .

Vermont: 1837 *Vt. Acts & Resolves 38, An Act For Regulating And Governing The Militia Of This State, chap. 9, art. 20*: Every non commissioned officer and private who shall neglect to keep himself armed and equipped as provided by this act, or who shall, at any time of examination, or any company training, in the month of June, be destitute, or appear unprovided with the arms and equipments herein directed, excepting as before excepted, shall pay a fine not exceeding seventy-five cents for a gun, and twenty-five cents for each and every other article, in which he shall be delinquent; or if he shall appear with his arms in an unfit condition, he shall be fined not exceeding seventy-five cents, at the discretion of his commanding officer.

Post 14th Amendment (1868-2011)

Iowa: 1878 *Iowa Acts 108, Military Code of Iowa, chap. 125, § 1*: That all able-bodied male citizens between the ages of eighteen and forty-five years, who are not exempted from military duty according to the laws of the United States shall constitute the military force of this state. . .

Missouri: 1877 *Mo. Laws 306, An Act To Repeal Sections One And Two Of An Act Entitled "An Act To Provide For The Appropriation Of A Contingent Fund, The Employment Of Clerks And The Auditing Of Claims Against The State On File In The Office Of The Adjutant General, art. IV, § 3*: A soldier who, unnecessarily or without orders from a superior officer, comes to any parade with his firearms loaded with ball, slug or shot, or shall so load the same while on duty, or unnecessarily or without orders from a superior officer, discharge the same, when going to or returning from or upon parade, shall forfeit not less than one nor more than five dollars.

Possession by and Sales to Minors

Pre 14th Amendment (1791-1868)

Alabama: Act of February 2nd, 1856 (Pamphlet Acts of 1855-6, p. 17): (makes it a misdemeanor to "sell, or give, or lend to any male minor a pistol). See *Coleman v. State*, 32 Ala. 581 (1858).

Kentucky: 1859 *Ky. Acts 245, An Act to Amend An Act Entitled "An Act to Reduce to One the Several Acts in Relation to the Town of Harrodsburg, § 23* : If any person, other than the parent or guardian, shall sell, give or loan, any pistol, dirk, bowie knife, brass knucks, slung-

shot, colt, cane-gun, or other deadly weapon, which is carried concealed, to any minor, or slave, or free negro, he shall be fined fifty dollars.

Post 14th Amendment (1868-2011)

Delaware: § 1: That if any person shall carry concealed a deadly weapon upon or about his person other than an ordinary pocket knife, or shall knowingly sell a deadly weapon to a minor other than an ordinary pocket knife, such person shall, upon conviction thereof, be fined not less than twenty-five nor more than two hundred dollars or imprisoned in the county jail for not less than ten days nor more than six months, or both at the discretion of the court: Provided, that the provisions of this section shall not apply to the carrying of the usual weapons by policemen and peace officers.” See *State v. Quail*, 28 Del. 310 (1914).

Florida: 1881 Fla. Laws 87, *An Act to Prevent the Selling, Hiring, Bartering, Lending or Giving to Minors under Sixteen Years of Age, or to any person of unsound mind, certain Fire-arms or other dangerous weapons chap. 3285, § 1-2*: § 1. it shall be unlawful for any person or persons to sell, hire, barter, lend or give to any minor under sixteen years of age any pistol, dirk or other arm or weapon, other than an ordinary pocket-knife, or a gun or rifle used for hunting, without the permission of the parent of such minor, or the person having charge to such minor, and it shall be unlawful for any person or persons to sell, hire, barter, lend or give to any person or persons of unsound mind any dangerous weapon, other than an ordinary pocket knife. § 2. Any person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty nor more than fifty dollars, or imprisoned in the county jail not more than three months.

Georgia: Penal Code 1234 § 340 (1910): (forbids the sale of pistols to minors and makes the violations of the statute a misdemeanor). See *Spires v. Goldberg*, 26 Ga. App. 530 (1921).

Illinois: Cook County Ordinance chap. 53 of Chicago Code of 1911: § 6: It shall be the duty of the general superintendent of police to refuse such permit to (a) all persons having been convicted of any crime; (b) all minors. Otherwise, in case he shall be satisfied that the applicant is a person of good moral character, it shall be the duty of the general superintendent of police to grant such permit upon the payment of a fee of one dollar.

Indiana: Section 1886 R.S. 1881: bans selling a deadly weapon to a minor. see *State v. Allen*, 94 Ind. 441 (1884).

Kansas: 1883 Kan. Sess. Laws 159, *An Act To Prevent Selling, Trading Or Giving Deadly Weapons Or Toy Pistols To Minors, And To Provide Punishment Therefor, §§ 1-2*: § 1. Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver, or toy pistol, by which cartridges or caps may be exploded, or any dirk, bowie knife, brass knuckles, slung shot, or other dangerous weapons to any minor, or to any person of notoriously unsound mind, shall be deemed guilty of a misdemeanor, and shall upon

conviction before any court of competent jurisdiction, be fined not less than five nor more than one hundred dollars. § 2. Any minor who shall have in his possession any pistol, revolver or toy pistol, by which cartridges may be exploded, or any dirk, bowie-knife, brass knuckles, slung shot or other dangerous weapon, shall be deemed guilty of a misdemeanor, and upon conviction before any court of competent jurisdiction shall be fined not less than one nore more than ten dollars.

Kentucky: Banned sale of deadly weapon to a minor. See *Tankersly v. Commonwealth*, 9 S.W. 702 (1888).

Louisiana: 1890 La. Acts 39, *An Act Making It A Misdemeanor For Any Person To Sell, Give Or Lease, To Any Minor, Any Pistol, Bowie-Knife, Dirk Or Any Weapons, intended To Be Carried Or Used As A Concealed Weapon*, § 1: It shall be unlawful for any person to sell, or lease or give through himself or any other person any pistol, dirk, bowie-knife or any other dangerous weapon which may be carried concealed to any person under the age of twenty-one years.

Michigan: 1883 Mich. Pub. Acts 144, *An Act To Prevent The Sale And Use Of Toy Pistols*, § 1: That no person shall, sell, give, or furnish to any child under the age of thirteen years, any cartridge of any form or material, or any pistol, gun, or other mechanical contrivance, specially arranged or designated for the explosion of the same.

Minnesota: Ordinance # 2395 § 2: “That hereafter it shall be unlawful for any person or dealer therein, at any time during thirty days next preceding the fifth day of July, in each year, to sell, expose or offer for sale, or in any manner furnish or dispose of to any resident of the city of St. Paul, or to any other person for use in said city, or to any minor person at any time, any blank cartridge, pistol or revolver, or any of the explosives, firecrackers, or fireworks, the use of which in prohibited in section one of this ordinance, and all such acts are hereby prohibited.” See *Schmidt v. Capital Candy Co.*, 166 N.W. 502 (1918).

Mississippi: 1878 Miss. Laws 175, *An Act To Prevent The Carrying Of Concealed Weapons And For Other Purposes*, §§ 2-3: § 2. It shall not be lawful for any person to sell to any minor or person intoxicated, knowing him to be a minor or in a state of intoxication, any weapon of the kind or description in the first section of this Act described (pistols, various knives etc. , or any pistol cartridge, and on conviction shall be punished by a fine not exceeding two hundred dollars . . . § 3. Any father, who shall knowingly suffer or permit any minor son under the age of sixteen years to carry concealed in whole or in part, any weapon of the kind or description in the first section of this act described (pistols, knives, etc.) shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than twenty dollars, nor more than two hundred dollars, anf if the fine and costs are not paid, shall be condemned to hard labor . . .

Nebraska: 1895 Neb. Laws 237, *Statutes Relating To The government Of The City Of Lincoln*, Art.. XXVI, §§ 2, 5: § 2. No person shall sell, loan, or furnish, to any minor, any gun, fowling-piece, or other fire-arm, within the limits of the city, under penalty of a fine of fifty dollars for each offense. § 5. It shall be unlawful for any parent, guardians, or other person having the care and custody of any minor, to purchase for or give to any

such minor or knowingly to permit any minor to have any toy pistol, toy guns, or other toy arms or arms or sling shot, out of which any leaden or other dangerous missiles may be discharged . . .

New Jersey: 1885 *N.J. Laws 52, An Amendment To An Act To Prevent Vending, Using, Or Exploding Of Guns, Pistols, Toy Pistols, Or Other Fire-Arms To Or By Persons Under The Age Of Fifteen Years In This State*, § 2: That it shall not be lawful to sell, hire or loan to any person under the age of fifteen years any gun, pistol, toy pistol, or other fire-arms; or for any person under the age of fifteen years to purchase, barter or exchange any gun, pistol, toy pistol or other fire-arms; nor for any person under the age of fifteen years to carry, fire or use any gun, pistol, toy pistol or other fire-arms, except in the presence of his father or guardian, or for the purpose of military drill in accordance with the rules of a school.

Ohio: 1888 *Ohio Laws 222, To Prohibit The Sale Of Toy Pistols In The State Of Ohio*, § 6986b: That it shall be unlawful for any firm, company or person in the state of Ohio, to sell or exhibit for sale any pistol manufactured out of any metallic or hard substance, commonly known as a toy pistol; to a minor under the age of fourteen years; any firm company or person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten nor more than fifty dollars, or be imprisoned not less than ten days nor more than twenty days, or both and shall be liable to a civil action in damages of any person injured by such sale.

Pennsylvania: Act of June 10, 1881, § 1: makes any person, “who shall knowingly and willfully sell or cause to be sold, to any person under sixteen years of age, any cannon, revolver, pistol or other such deadly weapon, guilty of an offense.” See *McMillen v. Steele*, 275 Pa. 584 (1923).

Rhode Island: 1883 *R.I. Pub. Laws 157, An Act In Amendment Of And in Addition To Chapter 92 Of The Public Statutes “Of Fire-arms and Fire-works”*, § 1: No person shall sell to any child under the age of fifteen years, without the written consent of a parent or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part of any gun, pistol or other mechanical contrivance arranged for the explosion of such cartridge or of any fulminate.

Tennessee: § 4864 (This section makes it a misdemeanor to sell, give, or loan a minor a pistol. or other dangerous weapon, except a gun for hunting, or weapon for defense in traveling). See *State v. Callicutt*, 69 Tenn. 714 (1878).

Texas: 1897 *Tex. Gen. Laws 221, An Act To Prevent The Barter, Sale And Gift Of Any Pistol, Dirk, Dagger, Slung Shot, Sword Cane, Spear, Or Knuckles Made Of Any Metal Or Hard Substance To Any Minor Without The Written Consent Of The Parent Or Guardian Of Such Minor. . . , chap. 155*: That if any person in this State shall knowingly sell, give or barter, or cause to be sold, given or bartered to any minor, any pistol, dirk, dagger, slung shot, sword-cane, spear or knuckles made of any metal or hard substance, bowie knife or any other knife manufactured or sold for the purpose of offense or defense, without the written consent of the parent or guardian os such minor, or of someone standing in lieu thereof, he shall be punished by fine of not less then twenty-five

nor more than two hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days, or by both such fine and imprisonment and during the time of such imprisonment such offender may be put to work upon any public work in the county in which such offense is submitted.

Registration and Taxation

English (800-1776)

26 Hen. 8, c. 6, § 3 (1534): Person or persons dwelling or residing within *Wales* . . . of what estate, degree or condition so ever he or they be . . . unto any Sessions or court to be holden within *Wales* . . . or to any place *within the distance of two miles* from the same Sessions or court, nor to any town, church, fair, market, or other congregation, except it be upon the hute and outcry made of any felony or robbery done or perpetrated . . . [or] except it be by the commandment, *licence or assent* of the said justices, steward or other officer. . . .(Edited for clarity).

Colonial (1607-1791)

The Articles of Confederation of the United Colonies of New England, May 19, 1643: It is by these Confederates agreed that the charge of all just wars, whether offensive or defensive, upon what part or member of this Confederation so ever they fall, shall both in men, provisions and all other disbursements be borne by all the parts of this Confederation in different proportions according to their different ability in manner following, namely, that the Commissioners for each Jurisdiction from time to time, as there shall be occasion, bring a true account and number of all their males in every Plantation, or any way belonging to or under their several Jurisdictions, of what quality or condition so ever they be, from sixteen years old to threescore, being inhabitants there.

New Hampshire: *1759-76 N.H. Laws 63, An Act About Powder Money:* That every foreign ship or vessel above thirty tons, coming into any port or part of this province from over the sea to trade or traffic, all or the major part of the owners whereof are not actually inhabitants of this province shall, every voyage they make pay two shillings in money per ton, or one pound of good gunpowder for the supply of his majesty's fort and fortifications within this province, to be received by the treasurer, or such other person or persons as shall be appointed to receive the same.

New York: *1652 N.Y. Laws 128 Ordinance of the Director and Council of New Netherland Against Illegal Trade In Powder, Lead And Guns In New Netherland By Private Persons:* Exact text lost to history. (*Laws and Ordinances of New Netherland, 1638-1674*).

Pennsylvania: *1802 Pa. Law 116, A Supplement To "An Act For Securing The City Of Philadelphia And The Neighborhood Thereof, From Damage By Gunpowder;" (1) And Also, to "An Act For Providing For The Inspection Of Gunpowder."* § 1: . . . The inspector of

Gunpowder, in and for the port of Philadelphia . . . are hereby authorized . . . to inspect and mark all gunpowder which shall be manufactured thereat in the manner directed . . .

South Carolina: 1893 S.C. Acts 426, *An Act To Amend An Act Entitled "An Act To Provide For A License For The Sale Of Pistols Or Pistol Cartridges Within The Limits Of This State"*, § 2: . . . That the County Commissioners of the Several Counties of the State be, and they are hereby, authorized to issue licenses in their respective Counties for the sale of pistols and pistol cartridges upon the payment to County Treasurer by the person or corporation so applying for said licenses of the sum of twenty-five dollars annually.

Virginia: 1631 Va. Acts 155, *Acts Of February 24th, 1631, Act LVI*: It is ordered and appointed, that the commanders of all the several plantations, do upon holy days exercise the men under his command, and that the commanders yearly do likewise upon the first day of December, take a muster of their men, together with the women and children, and their ages, counties and towns where they are born, with the ships they came in and year of the Lord, as also of arms and munitions . . . (The Statutes at large: being a collection of all the laws of Virginia, from the first session of the legislature in the year 1619) (reenacted 1632 Va. Acts 178, *Acts of September 4th, 1632, Act LIII*).

Virginia: 1651 Va. Acts 365, *Articles At The Surrender Of The Country: Articles Agreed On And Concluded At James City In Virginia For The Surrendering And Settling Of That Plantation Under The Obedience And Government Of The Commonwealth Of England . . .* Art. 13: That all ammunition, powder and arms, other than for private use shall be delivered up, securities being given to make satisfaction for. (The Statutes at large: being a collection of all the laws of Virginia, from the first session of the legislature in the year 1619).

Pre-14th Amendment (1791-1868)

Georgia: 1866 Ga. Law 27, *An Act to authorize the Justices of the Inferior Courts of Camden, Glynn and Effingham counties to levy a special tax for county purposes, and to regulate the same*, § 3, 4: collect a tax of two dollars per head on each and every dog over the number of three, and one dollar a piece on every gun or pistol, musket or rifle over the number of three kept or owned on any plantation in the counties aforesaid; the said tax to be applied to such county purposes as the said courts shall direct. § 4. . That the owner of every plantation in said counties shall be required to render, upon oath, a full return of every dog, gun, pistol, musket, or rifle so held or kept as aforesaid, and shall be held responsible for the tax imposed upon them, which tax the said Inferior Courts are hereby authorized and empowered to enforce, as in other cases.

Massachusetts: "An Act for regulating and Governing the Militia of the Commonwealth of Massachusetts, 1793 Massachusetts Session Laws:

Mississippi: 1867 Miss. Laws 327, *An Act To Tax Guns And Pistols in The County Of Washington*, § 1: A tax of not less than five dollars or more than fifteen dollars shall be levied and assessed annually by the board of Police of Washington county upon every gun

and pistol which may be in the possession of any person in said county, which tax shall be payable at any time on demand by the sheriff, and if not so paid, it shall be the duty of the sheriff to forthwith distrain and seize such gun or pistol, and sell the same for cash at the door of the Court House, after giving ten days notice by advertisement, posted in front of said Court House . . .

North Carolina: 1858 N.C. Sess. Laws 34, An Act Entitled Revenue, chap. 25, § 27, pt. 15: Every dirk, bowie-knife, pistol, sword-cane, dirk-cane and rife cane, used or worn about the person of any one at any time during the year, one dollar and twenty-five cents. Arms used for mustering shall be exempt from taxation.

North Carolina: 1856 N.C. Sess. Laws 34, An Act Entitled “Revenue” chap. 34, § 2, pt. 4: On every pistol, except such as are used exclusively for mustering, and on every bowie-knife, one dollar and twenty five cents; on dirks and swordcanes, sixty five cents: Provided, however, That of said arms, only such shall be taxable , as at some time within the year have been used, worn or carried about the person of the owner, or of some other, by his consent.

Pennsylvania: 1795 Pa. Laws 346, § 1-12: All gunpowder manufactured within this state with intent to sell the same within the city or county of Philadelphia, shall be put in good and tight kegs, or casks . . . all such gunpowder, and all other gunpowder, wheresoever manufactured, imported into the port of Philadelphia for sale, shall be deposited forthwith on such importation or bringing in by land or water, in the public magazine . . . (describes testing and grading regime – punishment for failure to comply was confiscation of gunpowder).

Rhode Island: 1851 R.I. Pub. Laws 9, *An Act In Amendment Of An Act Entitled An Act Relating To Theatrical Exhibitions And Places Of Amusement*, § 1: No pistol gallery or rifle gallery, or any other building or enclosure, where firearms are used for practicing in firing with ball or shot, shall hereafter be kept in the compact part of the town of Newport, under a penalty of two hundred dollars for the first offense and five hundred dollars for every subsequent offense. . . § 2. The town council of said town is hereby authorized and required to assess, levy and collect a tax not exceeding two hundred dollars per annum on any person who shall own or keep a pistol gallery, rifle gallery, or other building or enclosure, referred to in the preceding section . . .

Virginia: Act of Feb. 4, 1806, 1805-1806 Va. Acts chap. 94, at 51: required every “free negro or mulatto” to first obtain a license before carrying or keeping “any fire-lock of any kind, any military weapon, or any powder or lead.”

Post 14th Amendment (1868-2011)

Alabama: 1898 Ala. Acts 190, *An Act To Amend The Revenue Laws Of The State Of Alabama*, pt. 66-67: 66th. For dealers in pistol, bowie or dirk knives, whether principal stock in trade or not, one hundred dollars. 67th. For wholesale dealers in pistol or rifle cartridges in towns or cities of twenty thousand or more inhabitants, ten dollars. In all other places, five dollars: Provided that the wholesale dealers license shall entitle them to sell at retail.

Florida: 1898 Fla. Laws 71, *An Act To Regulate The Carrying of Firearms, chap. 4147, § 1* : § 1. In each and every county of this State, it shall be unlawful to carry or own a Winchester or other repeating rifle or without taking out a license from the county commissioner of the respective counties, before such persons shall be at liberty to carry around with him on his person and in his manual possession such Winchester rifle or other repeating rifle. § 2. The County Commissioners of the respective counties in this State may grant such licenses at any regular or special meeting. § 3. The person taking out such license shall give a bond running to the Governor of the State in the sum of one hundred dollars, conditioned on the proper and legitimate use of the gun with sureties to be approved by the county commissioners, and at the same time there shall be kept by the County Commissioners granting the same a record of the name of the person taking out such license, the name of the make of the firearm so licensed to be carried and the caliber and number of the same. § 4. All persons violating the provisions of Section 1 of this act shall be guilty of a misdemeanor, and on conviction shall be fined not exceeding one hundred dollars or imprisonment in the county jail not exceeding 60 days.

Hawaii (Monarchy): 1870 Haw. Sess. Laws 26, *An Act To License The Carrying Of Fowling Pieces And Other Firearms, chap. 20, § 1-3*: § 1. That the Minister of the Interior may at any time license for a term of one year, any applicant for such license to use and carry fire-arms for sporting purposes, in the District of Kona, Island of Oahu, on receiving for such license the sum of Five dollars. § 2. Any person in said District who shall use or carry for sporting purposes, any gun, carbine, rifle, pistol, or other fire-arms, without having at first obtained a license as hereinbefore provided, shall, upon conviction therefor, before any Police or District Justice, be fined in a sum not to exceed Fifty Dollars for every such offense, and in default of payment of such sum, shall be imprisoned at hard labor, until such fine and costs are paid, according to law. § 3. All such licenses shall be signed by the Minister of the interior, numbered according to their respective dates and impressed with the seal of his Department, and no such license shall be transferable.

Illinois: Act of Apr. 16, 1881, paragraph 90.

Georgia: 1894 Ga. Laws 326, *Treasurer's Report*: From Pistol Dealers Tax for 1893 . . . \$90.00; From Pistol Dealers Tax for 1894 . . . \$2,522.00.

Louisiana: 1870 La. Acts 126, *An Act To Provide A Revenue, to Levy And Collect Taxes, To Grant And Collect Licenses, To Provide For The Creation, Appointment And Removal Of Revenue Officers And To Define Their Duties. . . , § 3, pt. 6*: From each proprietor or keeper of every billiard saloon, bowling alley or pistol gallery, in which there is but one table, alley or target, twenty five dollars; where there are two tables, alleys or targets, forty dollars; where there are more than two tables, alleys or targets, ten dollars additional on each table, alley or target.

Mississippi: 1886 Miss. Laws 19, *An Act To Amend . . . So As To Increase The Public Revenue, And Provide For The Faithful Collection Of The Same*: On each shooting gallery or target, gun, or similar contrivance, by whatsoever name called (2.50).

Mississippi: 1898 *Miss. Laws 22, An Act Creating Privilege Taxes On Certain Industries In Mississippi*, § 63: Pistol Cartridges: On Each firm or dealer in pistol cartridges, capable of being fired in pistols or out of shells, for the manufacture of same (5.00).

Nebraska: 1895 *Neb. Laws 210, § 6*: 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 such licenses at his pleasure. Every such license shall state the name, age, occupation, and residence 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.

Oregon: 1868 *Or. Rev. Stat. 18, An Act To Protect The Owners Of Firearms*: Whereas, the constitution of the United States, in article second of amendments to the constitution, declares that “the right to the people to keep and bear arms shall not be infringed;” and the constitution for the state of Oregon, in article first, section twenty-seven, declares that “the people shall have the right to bear arms for the defense of themselves and the state;” therefore, § 1. Every white male citizen of this state above the age of sixteen years, shall be entitled to have, hold, and keep, for his own use and defense, the following firearms, to wit; either or any one of the following names guns and one revolving pistol: a rifle, shot-gun (double or single barrel, yager, or musket; the same to be exempt from execution , an all cases, under the laws of Oregon. § 2. No officer, civil or military, or other person, shall take form or demand of the owner any fire-arms mentioned in this act, except where the services of the owner are also required to keep the peace or defend the state.

Virginia: *An Act To Amend And Re-Enact Section 3780 Of The Code In Relation To Carrying Concealed Weapons*, § 3780: provided the county judge of any county in term time, and the husting judge of any husting court, in term time, upon a written application and satisfactory proof of the good character and necessity of the applicant to carry concealed weapon may grant such permission for one year . . .

Wyoming: 1899 *Wyo. Sess. Laws 27, An Act For The Better Protection Of The Game And Fish Of This State. . . , § 14*: Any person who is a bona fide citizen of the State of Wyoming shall upon payment of one dollar to any justice of the peace of the county in which he resides, be entitled to receive from said justice of the peace, a gun license, which license shall permit such person to pursue, hunt and kill any of the animals mentioned in this section. . . Any person who is not a resident of the State of Wyoming, shall upon payment to any justice of the peace of this state of the sum of forty dollars to be entitled to receive from such justice of the peace a license, which license shall permit such person to pursue, hunt and kill any of the animals mentioned in this section.

Race and Slavery Based Firearms Restrictions⁵

Colonial (1607-1791)

Maryland: 1715 *Md. Laws 117, An Act For The Speedy Trial Of Criminals, And Ascertaining Their Punishment In The County Courts When Prosecuted There, And For Payment Of Fees*

⁵ Other firearms restrictions are also race based both patently and latently. These restrictions are of the patent kind.

Due From Criminal Persons, chap. 26, § 32: No negro or other slave within this province shall be permitted to carry any guns, or any other offensive weapon, from off their master's land, without license from their said master; and if any negro or other slave shall presume so to do, he shall be liable to be carried before a justice of peace and be whipped, and his gun or other offensive weapon shall be forfeited to him that shall seize the same and carry such negro so offending before a justice of the peace.

New Jersey: 1750 *N.J. Laws 444, An Act Regulating Taverns, Ordinaries, Inn Keepers and Retailers Of Strong Liquors, pt. 4*: If any negro or mulatto slave or slaves shall be seen or found from his or their masters house, after the hour of nine at night except on their masters or mistresses particular business or shall be seen to hunt, or carrying a gun on the Lord's Day; the constables or constable of such town or precinct, on information or knowledge thereof, shall and are hereby required and directed to apprehend and carry such negro and mulatto slaves before the next justice of the peace, who shall order such negro or mulatto slave or slaves, if found guilty to be whipped as by the preceding clause . . .

North Carolina: 1715-55 N.C. Sess. Laws 36, § 7: And whereas great damages are frequently done, by slaves being permitted to hunt or range with dogs or guns: for prevention whereof, it shall not be lawful for any slave, on any pretense whatsoever, to go, range, or Hunt on any persons land other than his masters, with dog or gun, or any weapon, unless there be a white man in his company; under the penalty of twenty shillings to be paid by his master, for every offense. . .

South Carolina: 1731-43 S.C. Acts 168, § 23: it shall not be lawful for any slave, unless in the presence of some white person, to carry or make use of firearms or any offensive weapon whatsoever, unless such negro or slave shall have a ticket or license in writing from his master, mistress or overseer, to hunt and kill game, cattle, or mischievous birds or beasts of prey, and that such license be renewed once every month, or unless there be some white person of the age of 16 or upwards, in the company of such slave when he is hunting or shooting; or that such slave be actually carrying his masters arms too or from his masters plantation, by a special ticket, for that purpose, or unless such slave be found in the day time actually keeping off rice birds, or other birds within the plantation to which such slave belongs, loading the same gun at night within the dwelling house of his master, mistress or white overseer. And provided also that no negro or other slave shall have liberty to carry any guns, cutlass, pistol or other weapon abroad from at any time between Saturday evening after sunset and Monday morning before sunrise. .

Virginia: 1639 Va. Acts 224, Acts of January 6th, 1639, Act X: All persons except negroes to be provided with arms and ammunition or be fined at pleasure of the governor and Council. (The Statutes at large: being a collection of all the laws of Virginia, from the first session of the legislature, in the year 1619:. . .) .

Pre-14th Amendment (1791-1868)

Delaware: 1 Del. Laws 104, An Act For The Trial Of Negroes, chap 93, §6: and be it further enacted by the authority aforesaid, That if any Negro or Mulatto slave shall presume to carry any guns, swords, pistols, fowling-pieces, clubs, or other arms and weapons whatsoever,

without his masters special license for the same, and be convicted thereof before a magistrate, he shall be whipped with twenty-one lashes, upon his bare back.

Delaware: 7 *Del. Laws 135 (1827). An Act Concerning Crimes And Offenses Committed By Slaves, And For, The Security Of Slaves Properly Demeaning Themselves*, § 8: That is any negro or mulatto slave shall join, or be willingly present at any riot, rout or unlawful assembly, or shall commit an assault and battery upon any white person, or shall without special permission of his or her master or mistress presume to carry any gun, pistol, sword, dirk, or other unusual or dangerous weapon or arms, every negro or mulatto slave so offending, and being thereof convicted before any justice of the peace for the county in which the offense shall be committed shall be whipped with not less than ten nor more than forty lashes, publically upon the bare back.

Delaware: 8 *Del. Laws 208, An Act To Prevent The Use Of Firearms By Free Negroes And Free Mulattoes, And For Other Purposes* chap. 176, § 1: it shall be unlawful for free negroes and free mulattoes to have, own, keep or possess any gun, pistol, sword or any warlike instruments whatsoever: Provided however that if upon application of any such free negro or free mulatto to one of the justices of the peace of the county in which such free negro or free mulatto resides . . .

Delaware: 9 *Del. Laws 552 (1843), A Further Supplement To An Act Entitled “An Act To Prevent The Use Of Fire-arms By Free Negroes And Free Mulattoes And For Other Purposes*, § 1: That the proviso in the first section of the act to which this is a further supplement, and all and every the provisions of the said act, or any other supplemental act thereto, which authorizes the issuing by a justice of the peace of a license or permit to a free negro or free mulatto to have, use and keep in his possession, a gun or fowling piece, be and the same are hereby repealed, made null and void.

Delaware: 9 *Del. Laws 430, An Act Concerning Fees*, § 1: Justices of the Peace shall receive . . . For licenses to negroes to keep a gun, twenty five cents.

Delaware: 12 *Del. Laws 332, An Act In Relation To Free Negroes And Mulattoes*, § 7: That free negroes and free mulattoes are prohibited from owning or having in their possession, a gun, pistol, sword or any other warlike instrument, and any free negro or free mulatto offending against the provisions of this section shall be fined ten dollars by any justice of the peace before whom complaint shall be made and upon failure to pay the fine and cost he or she shall be committed to prison, and after the expiration of twenty days, if the fine and cost shall not be paid, he or she shall be sold to pay the fine and cost, for any period not exceeding seven years.

Georgia: 1860 *Ga. Laws 56, An Act to add an additional Section to the 13th Division of the Penal Code, making it penal to sell to or furnish slaves or free persons of color, with weapons of offence and defence; and for other purposes therein mentioned*, § 1: any person other than the owner, who shall sell or furnish to any slave or free person of color, any gun, pistol, bowie knife, slung shot, sword cane, or other weapon used for the purpose of offence or defense, shall, on indictment and conviction, be fined by the Court in a sum not exceeding

five hundred dollars, and imprisoned in the common Jail of the county not exceeding six months . . .

Indiana: *1804 Ind. Acts 108, A Law Entitled a Law Respecting Slaves, § 4*: And be it further enacted, That no slave or mulatto whatsoever shall keep or carry any gun, powder, shot, club or other weapon whatsoever, offensive or defensive, but all and every gun weapon and ammunition found in the possession or custody of any negro or mulatto, may be seized by any person and upon due proof thereof made before any justice of the peace of the district where such seizure shall be, shall by his order be forfeited to the seizor, for his use and moreover every such offender shall have and receive by order of such justice any number of loashes not exceeding thirty nine on his or her bare back, well laid for every such offense.

Kentucky: 1798 Ky. Acts 106, No negro, mulatto, or Indian whatsoever shall keep or carry any gun, powder, shot, club, or other weapon whatsoever, offensive or defensive but all and every gun, weapon and ammunition found in the possession or custody of any negro, mulatto or Indian may be seized by any person and upon due proof thereof made before any justice of the peace of the county where such seizure shall be shall by his order, be forfeited to the seizor for his own use, and moreover every such offender shall have and receive by order of such justice any number of lashes not exceeding thirty nine on his or her back, well laid for every such offense.

Kentucky: *1851 Ky. Acts 296, Of Dealing With Slaves and Suffering Them To Go At Large, § 12*: If any negro shall keep or carry a gun, or other deadly weapon, powder, or shot the same may be seized by any free white person; and upon due proof thereof, before a justice of the peace, it shall be forfeited, and vested in the person seizing; and if the negro offending be a slave, he shall by a judgment of a justice of the peace, be punished by striped not exceeding thirty nine; if a free negro, fined five dollars.

Maryland: *1806 Md. Laws 44, An Act To Restrain The Evil Practices Arising From Negroes Keeping Dogs, And To Prohibit Them From Carrying Guns Or Offensive Weapons, chap. 81*: It shall not be lawful for any negro or mulatto within this state to keep any dog, bitch or gun , except he be a free negro or mulatto, and in that case he may be permitted to keep one dog, provided such free negro or mulatto shall obtain a license from a justice of the peace for that purpose, and that the said license shall be in force for one year, and no longer, and if any dog or bitch owned by any negro, not possessed of such license, shall be seen going at large, it shall be lawful for any person to kill the same, and in case of any suit instituted therefor, the person or persons killing the said dog or bitch may plead the general issue, and give this act in evidence.

II. It shall not be lawful for any free negro or mulatto to go at large with any gun, or other offensive weapon; and in case any free negro or mulatto shall be seen going at large carrying a gun or other offensive weapon, he shall be liable to be carried before any magistrate, in virtue of a warrant to be issued by any justice of the peace, directed to a constable of the county, and on conviction of having violated the provisions of this section of the act, such offender shall thereupon forfeit, to the use of the informant, such gun or other offensive weapon, which shall thus have been found in his or her possession, and be subject to the payment of the costs which shall have accrued in such prosecution; provided that nothing in

this act shall extend to prevent any free negro or mulatto from carrying a gun or other offensive weapon who shall, at the time of his carrying the same, have a certificate from a justice of the peace, that he is an orderly and peacable person, which certificate shall be in force for one year from the date thereof and no longer. . .

Mississippi: 1799 *Miss. Laws 113, A Law For The Regulation Of Slaves*: No Negro or mulatto shall keep or carry any gun, powder, shot, club or other weapon whatsoever, offensive or defensive; but all and every gun, weapon and ammunition found in the possession or custody of any negro or mulatto may be seized by any person . . . every such offender shall have and receive by order of such justice, any number of lashes not exceeding thirty-nine, on his or her bare back, well laid on, for every such offense.

Mississippi: 1804 *Miss. Laws 90, An Act Respecting Slaves, § 4*: no Slave shall keep or carry any gun, powder, shot, club or other weapon whatsoever offensive or defensive, except tools given him to work with . . .

Missouri: 1854 *Mo. Laws 1094, An Act Concerning Free Negroes and Mulattoes, §§ 2-3: § 2*. No free negro or mulatto shall be suffered to keep or carry any firelock, or weapon of any kind, or any ammunition, without license first had and obtained for the purpose, from a justice of the peace of the county in which such free negro or mulatto resides, and such license may be revoked at any time by the justice granting the same or by any justice of the county.

New Mexico: 1858 *N.M. Laws 68, An Act To Provide For The Protection Of Property In Slaves In This Territory, § 7*: Any person who shall sell, lend, hire, give, or in any manner furnish to any slave any sword, dirk, bowie-knife, gun, pistol or other fire arms, or any other kind of deadly weapon of offence, or any ammunition of any kind suitable for fire arms . . .

North Carolina: 1860 *N.C. Sess. Laws 68, An Act To Amend Chapter 107, Section 66, Of The Revised Code, Relating To Free Negroes Having Arms, § 1*: That chapter 107, section 66, of the Revised Code be amended to read as follows: If any free negro shall wear or carry about his person or keep in his house any shot gun, musket, rifle, pistol, sword, cane, dagger, bowie knife, powder or shot, he shall be guilty of a misdemeanor, and upon conviction fined not less than fifty dollars.

Tennessee: 1835-36 *Tenn. Pub. Acts 168, An Act to Amend The Penal Laws Of The State, chap. 168, § 1*: Any free person who, without the consent of the owner, shall sell, loan or give to any slave, any gun, pistol, sword, or dirk, shall be guilty of a misdemeanor, and shall, on conviction by presentment or indictment, be fined not less than fifty dollars, and imprisoned not less than ten days.

Texas: 1839 *Tex. Gen. Laws 172, An Act Concerning Slaves, § 6*: That no slave in this republic shall carry a gun or other deadly weapon without the written consent of his master, mistress or overseer, such arms or other weapons shall be liable to be taken by any person from any such negro, and all such property forfeited if it does not exceed ten dollars in value; but any such property may be reclaimed by the owner on paying ten dollars to the person who may have so taken the same.

Sensitive Areas and Sensitive Times

Colonial (1607-1791)

Delaware: *Del. Const. (1776), art. XXVIII*: To prevent any violence or force being used at the said elections, no person shall come armed to any of them, and no muster of the militia shall be made on that day; nor shall any battalion or company give in their votes immediately succeeding each other, if any other voter, who offers to vote, objects thereto; nor shall any battalion or company, in the pay of the continent, or of this or any other State, be suffered to remain at the time and place of holding the said elections, nor within one mile of the said places respectively, for twenty-four hours before the opening said elections, nor within twenty-four hours after the same are closed, so as in any manner to impede the freely and conveniently carrying on the said election: *Provided always*, That every elector may, in a peaceable and orderly manner, give in his vote on the said day of election.

Maryland: 1637: *Md. Laws 216, § 6*: Orders etc., That no one shall come into the house of Assembly (whilst the house is set with any weapon upon peril of such fine or censure as the house shall think fit.

Maryland: 1650 *Md. Laws 273, Orders made & agreed upon by the Assembly for the better ordering of Both Houses, pt. 5*: That none shall come into either of the houses whilst they are sett, with any gun or weapon upon peril of such fine or censure as the houses shall think fit. (edited for clarity).

New Hampshire: 1759-76 *N.H. Laws 115, An Act In Addition To The Act For Regulating The Militia*: No person or persons whatever in any town or garrison within this province shall during the time of war, or of keeping a military watch in such town or garrison, presume to discharge or shoot off any gun or guns after sun-setting, or before the sun rising, unless in case of alarm, approach of an enemy, or other necessary defense. . .

New Jersey: Art. 320: If any person shall go into any church or religious assembly, any school room, or other place where persons are assembled for sacrament or for educational or scientific purposes, or into any circus, show, or public exhibition of any kind . . . and shall have or carry about his person a pistol or other fire-arm, dirk, dagger, slung-shot, sword-cane, spear, brass-knuckles, bowie-knife, or any other kind of a knife manufactured and sold for the purpose of offense and defense, he shall be punished by fine. . . and shall forfeit to the county the weapon or weapons so found on his person.

New Jersey: § 4: And be it enacted, that no private or non-commissioned officer shall bring a loaded gun on parade, or discharge his gun on the parade on the day upon which the militia are to parade, except by order of some commissioned officer, under the penalty of half a dollar for each such offense, and that the militia shall be excused from bringing ammunition in the field on parade days. . .

(Ohio) Northwest Territory: 1790 *Oho Laws 38, An Act For Suppressing and Prohibiting Every Species Of Gaming For Money Or Other Property, And For Making Void All*

Contracts And Payments Made In Furtherance Thereof, Section 4: That if any person shall presume to be discharged or fired, any gun or other firearms at any mark or object, or upon any pretense whatever, unless he or she shall at the same time be with such gun or fire-arms a the distance of at least one quarter of a mile from the nearest building of any such city, town, village or station, such person shall for every such offense, forfeit and pay to the use of the county in which the same shall be committed, a sum not exceeding five dollars, nor less than one dollar. And if any person being within a quarter of a mile of any city, town, village or station as aforesaid shall at the same time willfully discharge or fire any gun or fire-arms, or cause of procure the same to be discharged or fired, at any time after the setting of the sun and before the rising of the same, he or she so offending, shall in like manner forfeit and pay the use aforesaid, a sum not exceeding five dollars, nor less than one dollar. . .

Pennsylvania: *1821 Pa. Laws 254, An Act To Prevent The Killing Of Deer Out Of Season, And Against Carrying Of Guns Or Hunting By Persons Not Qualified, § 4:* And be it further enacted by the authority aforesaid, That no person whatsoever shall presume to shoot at or kill with a firearm any pigeon, dove, partridge, or other fowl in the open streets of the city of Philadelphia, or in the gardens, orchards and enclosures adjoining upon and belonging to any of the dwelling houses within the limits of the said city, upon the forfeiture of five shillings for every such offense.

Rhode Island: *1636-1748 R.I. Pub. Laws 31, At A General Assembly Held For Rhode Island Colony At Newport 6th of May, 1679:* That if any person or persons shall presume to sport game or play at any manner of game or games or shooting out any gun or shall set tipling & drinking in any tavern . . . on the first day of the week more than necessity requireth. . . he shall be sentenced to set in the stocks three hours or pay five shillings . . .

Rhode Island: *1762 R.I. Pub. Laws 132:* That no person whatsoever shall fire a gun or other fireworks within one hundred yards of the said powder house, upon the penalty of paying a fine of ten shillings lawful money for every such offence . . .

Rhode Island: *R.I. Pub Laws 360, An Act In relation To the Discharge Of Fire-Arms, And The Firing And Selling Of Fire-works. §§ 1, 3, 5:* If any person shall fire any rifle, gun, musket, blunderbuss or pistol, loaded with a bullet or shot, in or across any road, street, square or lane, he shall forfeit any pay not less than three dollars nor more than ten dollars. § 3: If any person shall fire any musket, rifle, fowling piece, blunderbuss or other small arms, bot being at the time under military duty, within the following limits, viz: the whole city of providence . . . except upon landed owned or occupied by him, or except on other days than the first day of the week, by permission or the owner or occupant of the land on and into which he may shoot, he shall forfeit and pay the sum of five dollars for the first offense, and ten dollars for every subsequent offense. § 5. If any person shall fire any gun, rifle, musket or blunderbuss in any road, street, lane or tavern, or other public house, after sun setting and before sun rising, he shall forfeit the sum of five dollars for the first offense, and seven dollars for every subsequent offense.

Pre 14th Amendment

Connecticut: 1847 *Conn. Acts 11 (Reg. Sess.) An Act Relating To Cemeteries chap. 9*: That every person, who shall willfully and maliciously destroy, mutilate, deface or injure, or remove any tomb, monument or gravestone or other structure placed within any cemetery, grave yard or place of public burial . . . or shall discharge any gun or other fire-arm within said cemetery, shall upon conviction thereof be punished by a fine not exceeding one hundred dollars, or by imprisonment in a common jail not exceeding six months. . .

Connecticut: 1859 *Conn. Acts 62 (Reg. Sess.) An Act in Addition To And In Alteration Of "An Act For Forming And Conducting The Military Force, chap. 82, § 5*: If any booth shed, tent, or other temporary erection within one mile of any military parade ground muster field or encampment, shall be used and occupied for the sale of spirituous or intoxicating liquor, or for the purpose of gambling, the officer commanding said parade ground, muster field or encampment, the sheriff or deputy-sheriff of the county, or any justice of the peace, selectman, or constable of the town in which such booth, shed, tent, or other temporary erection is situated, upon having notice or knowledge that the same is not used or occupied, shall notify the owner or occupant thereof to vacate and close the same immediately; and if said owner or occupant shall refuse or neglect so to do said commanding officer . . . may forthwith abate such booth . . . as a nuisance, and may pull down or otherwise destroy the same with the assistance of any force, civil or military.

Delaware: 7.1 *Del. Laws 330, An Act To Prevent The Discharging Of Fire-Arms Within The Towns And Villages, And Other Public Places Within This State, And For Other Purposes. §1*: If any person or persons shall presume to fire or discharge any gun, ordinance, musket, fowling piece, fuse or pistol within any of the towns or villages of this State or within the limits thereof, or where the limits cannot be ascertained, within one quarter of a mile of the center of such town or village shall fire or discharge any gun ordnance, musket, fowling piece, fuse or pistol within or on any of the greens, streets, alleys or lanes of any of the towns and villages within this State, whereon any buildings are or shall be created or within one hundred yards of any mill-dam, over or across where any of the main public or state roads may go or pass; every person or persons so offending shall be fined or punished as hereinafter directed.

Georgia: 1847 *Ga. Laws 138, An Act To Incorporate The Evergreen Cemetery Company Of Bonaventure, § 5*: any person who shall willfully or wantonly destroy, mutilate, deface, injure or remove any tomb, monument, gravestone, or other structure placed in the Cemetery aforesaid, or any fence, railing, or other work for the protection or ornament of the same, or of any burial-lot within the limits aforesaid, or shall willfully or wantonly destroy, remove, cut, break or injure any tree, shrub or plant within the limits aforesaid, or shall shoot or discharge any gun or other firearms within the limits aforesaid, shall be deemed guilty of a misdemeanor . . .

Illinois: 1855 Ill. Laws 465, An Act To Incorporate The Springdale Cemetery Association, § 15: Any person who shall . . . shoot off or discharge any gun or other firearms within the said limits shall be deemed guilty of a misdemeanor . . .

Indiana: 1855 Ind. Acts 153, An Act To Provide For The Punishment Of Persons Interfering With Trains or Railroads, chap. 79, § 1: That any person who shall shoot a gun, pistol, or other weapon, or throw a stone, stick, clubs, or any other substance whatever at or against any locomotive, or car, or train of cars containing persons on any railroad in this State, shall be deemed guilty of a misdemeanor . . .

Kentucky: 1866 An Act To Prevent Shooting On The Sabbath In This Commonwealth, § 1: That No person shall, within this commonwealth, on the Sabbath day, enter or go upon the land of another person to catch, shoot, or kill any birds fowl, or any other animal of any kind and any such person having in his possession a gun at the time or after he enters upon the premises of another as aforesaid shall, upon conviction thereof by proceedings before any justice of the peace, in any county of the State . . .

Maryland: 1841 Md. Laws 114, An Act To Incorporate The Mount Orange Cemetery, In The County of Baltimore, § 4: Any Person who shall willfully destroy, mutilate, deface, injure or remove any tomb monument, grave stone, or other structure, placed in the cemetery . . . or shall shoot or discharge any gun, or other fire arms, within the said limits, shall be considered guilty of a misdemeanor . . .

Massachusetts: 1856 Mass. Acts 85-87, An Act to Incorporate the Proprietors of Oak Grove Cemetery, chap. 164, § 6: Any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monument, grave-stone, or other structure placed in the cemetery aforesaid . . . or discharge any gun or other fire-arms, within the said limits, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace, or other court of competent jurisdiction, shall be punished by a fine not less than five dollars, nor more than one hundred dollars.

Massachusetts: 1866 Mass. Acts 197, An Act Concerning The Militia, § 120: A soldier who unnecessarily or without order from a superior officer comes to any parade with his musket, rifle or pistol loaded with ball, slug or shot, or so loads the same while on parade, or unnecessarily or without order from a superior officer discharges the same when going to, or returning from or upon parade, shall forfeit not less than five nor more than twenty dollars.

Missouri: 1840 Mo. Laws 194, An Act To Incorporate The Rural Cemetery Association, § 7: Any person who shall willfully . . . shoot or discharge any gun or other fire arms within the said limits, shall be deemed guilty of a misdemeanor . . .

New Hampshire: 1795 N.H. Laws 525, An Act In Addition To An Act, Entitled, "An Act For Regulating The Militia Within This State: No non-commissioned officer or private soldier, shall upon any muster day, or the evening of the same day, discharge and fire off a musket or gun in any public road, or near thereto, or in, or near to any house, or on, or near to the place of parade, unless leave therefore be first had from a commissioned officer . . .

New Hampshire: 1820 N.H. Laws 322, § 49: If any non-commissioned officer or private shall come on to any parade with his musket, rifle, or pistol loaded with powder and ball, slugs or shot, he shall for such offence forfeit not less than two nor more than ten dollars. . .

North Carolina: 1868 N.C. Sess. Laws 59, *An Act To Prohibit Hunting On The Sabbath, chap. 18, § 1*: If any person or persons whomsoever shall be known to hunt in this state on the Sabbath with a dog or dogs, or shall be found off of their premises on the Sabbath, having with him or them a shot-gun, rifle or pistol, he or they shall be subject to indictment; and upon conviction , shall pay a fine not to exceed fifty dollars at the discretion of the Court. . .

Ohio: 1788-1801 Ohio Laws 42, *An Act For Suppressing And Prohibiting Every Species Of Gaming For Money Or Other Property, § 4*: If any person shall presume to discharge or fire, or cause to be discharged or fired, any gun or other fire arms at any mark or object, or upon any pretense whatever, unless he or she shall at the same time be with such gun or fire-arms at the distance of at least on quarter mile from the nearest building of any such city, town, village or station, such person shall for every such offense, forfeit and pay to the use of the county in which the same shall be committed, a sum not exceeding five dollars, nor less than one dollar.

Ohio: 1841 Ohio Laws 73, *To Incorporate The Woodland Cemetery Association Of Dayton, § 5*: That any person who shall willfully . . . shoot or discharge any gun within the limits aforesaid, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof, before the mayor of the city of Dayton, be punished by a fine not less than five dollars, nor more than fifty dollars.

Pennsylvania: 1847 Pa. Laws 266, *An Act Relating To The Laurel Hill Cemetery In Philadelphia, § 1*: That if any person shall open any tomb or grave in the lands of the cemetery of Laurel Hill cemetery company of Philadelphia . . . or shall shoot or discharge any gun or other fire arms within said limits shall be deemed guilty of a misdemeanor. . .

Pennsylvania: 1848 Pa. Laws 182, *An Act To Incorporate A Company To Erect A Bridge Over The River Schuylkill, At Or Near Laurensville, In The county Of Chester, § 13*: . . . and if any person shall be guilty of carrying any lighted cigar . . . or who shall discharge any pistol or gun, or any fire arms on or near said bridge, so that the said bridge, by possibility, so set on fire or injured by said causes, he or she so offending, shall forfeit and pay said corporation the sum of five dollars for every such offence. . .

Rhode Island: 1819-21 R.I. Pub. Laws 289, *An Act To Prevent Certain Disorders In The Town Of Bristol, § 3*: That if any person or person shall, at any time hereafter, fire any gun or pistol in any of the streets, roads, lanes, buildings, or from any of the walls or fences thereto contiguous, and within the compact part of said town, without justifiable cause, such person or persons shall upon complaint and conviction thereof as aforesaid, pay a fine not less than two dollars nor more than four dollars for the first offense . . .

Rhode Island: 1843 R.I. Sess. Laws 13, *An Act to Regulate The Militia*, § 38: No non-commissioned officer or private, shall unnecessarily, or without orders from his superior officer, come on to any place of parade, with his musket, rifle, or pistol loaded with balls, slugs, shot, or other dangerous substance, or shall so load the same while on parade.

Rhode Island: 1851 R.I. Pub. Laws 9, *An Act In Amendment Of An Act Entitled An Act Relating To Theatrical Exhibitions And Places Of Amusement*, §§ 1-2: No pistol gallery, or rifle gallery, or any other building, or enclosure, where fire arms are used for practicing in firing with ball or shot, shall hereafter be kept in the compact part of the town of Newport, under a penalty of two hundred dollars for the first offence and five hundred dollars for every subsequent offense; to be recovered, to and for the use of the State by indictment in any court proper to try the same. And the town council of said town is hereby authorized and directed to define the limits of the compact part of said town, which limits shall be taken and deemed, to all intents under this act, to comprehend the compact part of the town. § 2: The town council of said town is hereby authorized and required to assess, levy and collect a tax not exceeding two hundred dollars per annum on any person who shall own or keep a pistol gallery, rifle gallery, or other building or enclosure, referred to in the preceding section, which tax shall be collected and appropriated in the same manner as is provided in the fifth section of the act of which this is an amendment in regard to the tax therein mentioned.

Texas: 1866 Tex. Gen. Laws 210, *An Act To Prohibit The Discharging Of Fire Arms In Certain Places Herein Named*, chap. 170, § 1: It shall not be lawful for any person to discharge any gun, pistol, or fire arms of any description whatever, on, or across any public square, street or alley, in any city or town in this state; provided this act shall not so construed as to apply to the outer town or suburbs of any city or town.

Vermont: 1818 Vt. Acts & Resolves 65, *An Act Regulating And Governing The Militia Of This State*, § 42: No noncommissioned officer, private or citizen shall unnecessarily fire a gun, single musket or pistol, in any public road, or near any house or place of parade, on the evening preceding on the day or evening of the same, on which any troop company, battalion or regiment shall be ordered to assemble for military duty, unless embodied under the command of some commissioned officer. . .

Washington: 1859 Wash. Sess. Laws 119, *An Act Relative To Crimes And Punishment, And Proceedings In Criminal Cases*, chap. 5, § 76: Every person who shall convey into any penitentiary, jail or house of correction, or house of reformation, any disguise, or any instrument, tool, weapon or other thing, adapted to, or useful, in aiding any prisoner there, lawfully committed or detained, to make escape . . . shall, on conviction thereof, be imprisoned in the penitentiary not more than four years, nor less than one year, or imprisoned in the county jail any length of time not exceeding one year, and be fined in any sum not exceeding five hundred dollars.

Post 14th Amendment (1868-2011)

Alabama: 1898-99 Ala. Acts 154, *An Act For The Better Protection Of Passengers On Railway Trains In This State*, § 1: That it shall be unlawful for any person to discharge any gun, pistol, or other firearm, except in self-defense, while on a passenger train in this State;

or to recklessly handle any firearm or other weapon in the presence of any other person or persons on any train carrying passengers in this state.

Arizona: 1901 *Ariz. Acts 1252, Crimes and Punishments, § 387*: If any person shall go into 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, to 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 minister, 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 firearm, dirk, dagger, slung-shot, sword-cane, spear, brass knuckles, bowie knife or any other kind of knife manufactured and sold for the purposes of offense or defense, he shall be punished by a fine not less than fifty or more than five hundred dollars, and shall forfeit to the county the weapon or weapons so found on his person.

§ 391: It shall be the duty of the keeper of each and every hotel, boarding house and drinking saloon, to keep posted in a conspicuous place in his bar room, or reception room . . . a plain notice to travelers to divest themselves of their weapons in accordance with section 382 . . .

Florida: 1899 *Fla. Laws 93, chap. 4701, An Act for the Better Protection of Passengers Railway Trains in the State of Florida, § 1*: § 1. That it shall be unlawful for any person to discharge any gun, pistol, or other fire-arm except in self-defense, while on any passenger train in this state; or ot recklessly handle any fire-arm or other weapon in the presence of any other person or persons on any train carrying passengers in this State. § 2. Any person guilty of either of the offenses described in the first section of this act shall upon conviction be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not exceeding six months, one or both at the discretion of the Court.

Georgia: 1882 *Ga. Laws 131, An Act to prevent the discharge of fire-arms on the public highways of this State and within fifty yards of the same; to make such an act a misdemeanor, and prescribe a punishment therefore, § 1*: it shall be unlawful for any person between dark and daylight willfully and wantonly to fire off or discharge any loaded gun or pistol on any of the public highways in this State, and within fifty yards of any such public highway, except in defense of person or property or on his own premises.

Georgia: 1897 *Ga. Laws 96, An Act to make it unlawful for any person to fire any pistol, gun or other firearm on any excursion train or at any picnic, except in his or her defense, and to prescribe a penalty for violating same, and for other purposes, § 1*: it shall be unlawful for any person to fire any pistol, gun or other firearm on any excursion train, or at any picnic, except in his or her defense.

Illinois: 1885 *Ill. Laws 54, An Act To Protect Cemeteries and to provide for their regulation and management § 1*: That any person who shall willfully destroy, mutilate or injure any tomb, monument, stone, vault, tree, shrub or ornament or any object whatever in any cemetery, or in any avenue, lot or part thereof, or shall hunt, shoot or discharge any gun, pistol or other missile, with the limits of any cemetery, or shall cause any shot or missile to

be discharged into or over any portion thereof, or shall violate any of the rules made and established by the board of directors of such cemetery . . .

Iowa: 1876 Iowa Acts 142, *An Act to Diminish Liability to Railroad Accidents and to Punish Interference with, and Injury to the Property of Railroad Companies, chap. 148, § 1*: If any person shall throw any stone, or other substance of any nature whatever, or shall present or discharge any gun, pistol, or other fire arm at any railroad train, car or locomotive engine he shall be deemed guilty of a misdemeanor and be punished accordingly.

Louisiana: 1870 La. Acts 160, *An Act To Regulate the Conduct and to Maintain the Freedom of Party Election . . .*, § 73: It shall be unlawful for any person to carry any gun, pistol, bowie knife or other dangerous weapon concealed or unconcealed, on any day of election during the hours the polls are open, or on any day of registration or revision of registration within a distance of one-half mile of any place of registration or revision of registration; any person violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not less than one hundred dollars and imprisonment in the parish jail not less than one month . . .

Louisiana: 1873 La. Acts 117, *An Act Conferring Certain Additional Powers and Privileges on the Metairic Cemetery Association, and to Punish Trespassers, § 1*: And any person who shall willfully destroy, mutilate, deface injure or remove any tomb, monument, gravestone, or other structure placed therein, or shall willfully destroy, cut, break or remove any tree shrub or plant within the limits of said cemetery, or shoot or discharge any gun or firearms within said limits shall be deemed guilty of a misdemeanor, and shall upon conviction thereof, before any court or tribunal of competent jurisdiction, be punished by a fine at the discretion of the judge, according to the aggravation of the offense. . .

Maryland: 1872 Md. Laws 520, *An Act To Incorporate A Company To Construct A Bridge Across The Severn River, At Annapolis, In Anne Arundel County, § 17*: That for the safety of passengers and vehicles passing on said bridge, there shall be a penalty of not less than ten nor more than fifty dollars for any person or persons to shoot any gun, pistol, or fire-works of any kind, whatever on the said bridge . . .

Maryland: 1886 Md. Laws 315, *An Act to Prevent the Carrying of Guns, Pistols, Dirk-knives, Razors, Billies or Bludgeons by any Person in Calvert County, on the Days of Election in said County, Within One Mile of the Polls § 1*: That from and after the passage of this act, it shall not be lawful for any person in Calvert County to carry, on the days of election and primary election within three hundred yards of the polls, secretly, or otherwise, any gun, pistol, dirk, dirk-knife, razor, billy or bludgeon, and any person violating the provisions of this act, shall be deemed guilty of a misdemeanor and on conviction thereof by the Circuit Court of Calvert County . . . shall be fined not less than ten nor more than fifty dollars for each such offense. . .

Maryland: 1890 Md. Laws 297, *Sabbath Breaking, chap. 290, § 1*: No person whatsoever shall hunt with dog or gun on the Lord's day, commonly called "Sunday," nor shall profane the Lord's day by gunning, hunting, fowling, or by shooting or exploding any gun, pistol or

firearm of any kind, or by any other unlawful recreation or pastime, and any person violating the provisions of this section shall, for every such offense, upon conviction before any justice of the peace for the county, forfeit the gun, pistol or other firearm used in such violation and be fined not less than five dollars, nor more than thirty dollars. . .

Mississippi: 1878 *Miss. Laws 176, An Act To Prevent The Carrying Of Concealed Weapons And For Other Purposes*, § 4: Any student of any university, college or school who shall carry concealed in whole or in part any weapon of the kind or description in the first section of this act described, or any teacher or instructor or professor who shall knowingly suffer or permit any such weapon to be carried by any student or pupil, shall be deemed guilty of a misdemeanor, and on conviction be fined not exceeding three hundred dollars . . .

Missouri: 1879 *Mo. Laws 90, An Act To Prohibit The Discharge Of Firearms In The Immediate Vicinity Of Any Courthouse, Church Or Building Used For School Or College Purposes*, § 1: Hereafter it shall be unlawful for any person in this State, except he be a sheriff or other officer, in the discharge of official duty to discharge or fire off any gun, pistol or fire-arms of any description in the immediate vicinity of any court house, church or building used for school or college purposes.

Nevada: 1881 *Nev. Stat. 19, An Act To Prohibit The Use Of Firearms In Public Places*, § 1: Any person in this State, whether under the influence of liquor or otherwise, who shall except in necessary self-defense, maliciously, wantonly or negligently discharge or cause to be discharged any pistol, gun or any other kind of firearm, in or upon any public street or thoroughfare, or in any theater, hall, store, hotel, saloon or any other place of public resort, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the County Jail for a term not less than two nor more than six months. . .

North Carolina: 1868 *N.C. Sess. Laws 59, An Act To Prohibit Hunting On The Sabbath*, § 1: . . . or shall be found off their premises on the Sabbath, having with him or them a shot-gun, rifle or pistol, he or they shall be subject to indictment; and upon conviction, shall pay a fine not to exceed fifty dollars at the discretion of the Court, two-thirds of such fine to ensure to the benefit of the free public schools . . .

North Carolina: 1871 *N.C. Sess. Laws 113, An Act To Incorporate The Hollywood Cemetery, chap. 72*, § 4: That any person who shall willfully . . . shoot or discharge any gun or other firearms within the limits thereof shall be deemed guilty of a misdemeanor and upon conviction before any justice of the peace of the county of Pasquotank, shall be fined at the discretion of the court and be moreover liable to the company for the damage done by such act.

North Carolina: 1889 *N.C. Sess. Laws 820, An Act To Incorporate Mount Pleasant Baptist Chapel Church -- In Ashe County*, § 3: That it shall be unlawful for any person to . . . fire off a gun or pistol in hearing distance of those assembled for or occupied in divine worship at said church.

North Carolina: 1893 N.C. Sess. Laws 348, *An Act To Incorporate Vestibule Church (colored) In Cleveland County*, § 5: That it shall be a misdemeanor for any one while a congregation is assembled at the church for any social, religious, political or educational purposes, or while any such congregation is breaking and leaving, to fire any gun or pistol, to throw anything which any one might be hurt, to cut loose any animal, or commit any damage to any article of personal property; and for every such offence, on conviction, the offender shall be fined ten dollars.

North Carolina: 1899 N.C. Sess. Laws 250, *An Act To Prohibit Shooting Guns Or Pistols In The Towns Of Sparta, Alleghany County, And Jefferson, Ashe County*, § 1: That it shall be unlawful for any person wantonly or in sport to shoot or discharge any gun or pistol in or within one hundred yards of any street in any public road leading out of the towns of Sparta in Alleghany county and Jefferson in Ashe county for a distance of one-fourth mile from the court houses in said towns.

Oregon: *To prevent a person From Trespassing Upon Any Enclosed Premises Or Lands Not His Own Being Armed With A Gun, Pistol, Or Other Firearm, And to Prevent Shooting Upon Or From The Public Highway*, §§ 1-3: § 1. It shall be unlawful for any person other than an officer on lawful business, being armed with a gun, pistol, or other firearm, to go or trespass upon any enclosed premises or lands without the consent of the owner or possessor thereof. § 2. It shall be unlawful for any person to shoot upon or from the public highways. § 3. It shall be unlawful for any person being armed with a gun or other firearm to cause, permit or suffer any dog, accompanying such person, to go or enter upon any enclosed premises without the consent of the owner or possessor thereof provided that this section shall not apply to dogs in pursuit of deer or varmints.

Pennsylvania: 1874 Pa. laws 91, *An Act To Regulate The Manner Of Increasing The Indebtedness of Municipalities To Provide For The Redemption Of The Same And To Impose Penalties For The Illegal Increase Thereof*, § 31, cl. 5: and if any person . . . shall discharge any pistol or gun, or any fire arms on or near said bridges, he, she or they so offending shall forfeit and pay to the said company the sum of five dollars each. . .

Rhode Island: 1892 R.I. Pub. Laws 14, *An Act In Amendment Of Chapter 92 Of The Public Statutes, Entitled "Of Firearms And Fireworks*, §§ 1, 3: § 1. Every person who shall discharge any rifle, gun, musket, blunderbuss, fowling piece, pistol, air gun, spring gun, or other contrivance arranged to discharge shot, bullets, arrows, darts, or other missiles in or across any road, street square, or lane shall be fined not less than three dollars nor more than twenty dollars." § 3. Every person not being at the time under military duty, who shall discharge any rifle, gun, musket, blunderbuss, fowling piece, pistol, air gun, spring gun, or other small arms, or any contrivance arranged to discharge shot, bullets, arrows, darts or other missiles, except upon land owned or occupied by him, or by permission of the owner or occupant of the land on or onto which he may shoot, within the compact part of any town or city, or not being at the time on military duty shall anywhere discharge any of such arms or contrivances on Sunday, shall be fined not exceeding twenty dollars.

South Carolina: 1899 S.C. Acts 97, *An Act To Prevent Drunkenness And Shooting Upon The Highway, No. 67, § 1*: That any person who shall engage in any boisterous conduct, under the influence of intoxicating liquors, or while feigning to be under the influence of such liquors, or without just cause or excuse, shall discharge any gun, pistol or other firearms while upon or within fifty yards of any public road, except upon his own premises, shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not more than one hundred dollars or be imprisoned for not more than thirty days.

Texas: 1871 *Tex. Gen. Laws 14, An Act To Incorporate The Town Of Millican, County of Brazos, art. 10*: That from and after the passage of this act it shall be unlawful to fire any pistol, rifle, shot gun, or other kind of firearms, within the limits of the town of Millican, and any person violating this act shall be fined not less than five nor more then twenty five dollars.

Texas: 1889 *Tex. Gen. Laws 36, Malicious Mischief, art. 683b*: That any person who shall willfully or maliciously throw a stone or other missile or fire a gun or pistol at or into any coach or passenger car of a moving railway train, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum of not less than twenty five dollars and not more than one thousand dollars.

Virginia: 1877 *Va. Acts 305, Offenses Against The Peace, pt. 21*: If any person carrying any gun, pistol, bowie-knife, dagger, or other dangerous weapon, to any place of worship while a meeting for religious purposes is being held at such place, or without good and sufficient cause therefor, shall carry any such weapon on Sunday at any place other than his own premises, shall be fined not less than twenty dollars. If any offense under this section be committed at a place of religious worship, the offender may be arrested on the order of a conservator of the peace without warrant, and held until warrant can be obtained, but not exceeding three hours.

Virginia: 1885-86 *Va. Acts 275, An Act To Incorporate The Smithfield Evergreen Cemetery Near The Town Of Smithfield, In The county Of Isle Of Wight, Virginia, pt. 10*: Any person who shall willfully destroy, injure or remove any tombstone or monument placed in the said cemetery . . . or shall shoot of or discharge any gun, pistol or other firearm within the said enclosure, shall be guilty of a misdemeanor, and shall upon conviction, be fined not less than five dollars. . .

Wisconsin: 1883 *Wis. Sess. Laws 773. An Act To Revise, Consolidate And Amend The Charter Of The City Of Neenah, Approved March 14, 1873, And The Several Acts Amendatory Thereof, tit. 12, § 162*: Any person who shall be found in or upon any street, alley or public ground within said city, or within any saloon, shop, store, grocery, hall, church, school house, barn, building or other place within said city . . . shall use toward or in the presence of another, violent or insulting language or be guilty of any breach of the peace, or firing of any gun or pistol, or fighting or threatening to fight, shall be deemed guilty of a misdemeanor.

Wyoming: 1879 Wyo. Sess. Laws chap. 43 § 1, as codified in Wyo. Rev. Stat., Crimes (1887) § 984. (“It shall be unlawful for any person in this territory to fire any rifle, revolver, or other firearm of any description whatever, from any window, door, or other part of any railroad car or train, engine or trailer, or along the line of railroad during the passing of any train or engine . . . and any person so offending shall, on conviction be fined . . .”).

Sentence Enhancement for Use of Weapon

English (800-1776)

John Carpenter, Liber Albus: The White Book of the City of London, at 408 (Henry Thomas Riley ed., London, 1861): “[T]he better to preserve the peace of his lordship the King, and that each may fear the more to break his peace, it is ordained, that if any person shall draw a sword, misericorde, or knife, or any arm, even though he do not strike, he shall pay unto the City half a mark, or remain in the prison of Newgate fifteen days. And if he shall draw blood of any one, let him pay unto the City two shillings, or remain in the said prison forty days”.

Colonial (1607-1791)

Connecticut: 1783 Conn. Acts 633, An Act For The Punishment of Burglary And Robbery: That whoever shall commit Burglary, by breaking up any dwelling house or shop, wherein goods, wares and merchandise are deposited, or shall commit robbery, by robbing any person in the Field of Highway, if in the perpetuation of said crimes the person or persons committing the same, shall be guilty of any personal abuse, force or violence, or shall be so armed with any dangerous armor or weapon as clearly to indicate their violent intentions, such person or persons, found guilty as aforesaid, and being thereof convicted before the Superior Court, shall suffer death. (whipping and jail if did not meet the aggravating factors).

Massachusetts: 1717 Mass. Acts 87, An Act For The Better Regulation Of Fowling, chap. X, §§ 2: And every such offender shall be, and hereby is, prohibited and restrained from using a gun to shoot at waterfowl, for the space of three years next after his offence, upon the like penalty of forty shillings for each time he shall presume so to offend, to be disposed of in manner as the forfeiture aforementioned.

Ohio (Northwest Territory): 1788 Ohio Laws 8, A Law Respecting Crimes and Punishments . . . : If the person or persons so breaking and entering any dwelling house, shop, store or vessel as aforesaid, shall commit, or attempt to commit any personal abuse, force, or violence, or shall be so armed with any dangerous weapon or weapons as clearly to indicate a violent intention, he, she or they so offending, upon conviction thereof, shall moreover, forfeit all his, her or their estate, real and personal, to this territory, out of which the party injured shall be recompensed as aforesaid, and the offender shall also be committed to any gaol (jail) in the territory for a term no exceeding forty years.

Pre 14th Amendment (1791-1868)

Alabama: *An Act to Suppress the Use of Bowie Knives (June 30, 1837) § 1*: Be it enacted by the Senate and House of Representatives that if any person carrying any knife or weapon known as Bowie Knives or Arkansas Tooth-picks, or either or any knife or weapon that shall in form, shape or size, resemble a Bowie-Knife or Arkansas (sic) Tooth-pick, on a sudden reencounter, shall cut or stab another with such a knife, by reason of which he dies, it shall be adjudged murder, and the offender shall suffer the same as if the killing had been by malice aforethought. See Clayton E. Cramer, *Concealed Weapon Laws of the Early Republic: Dueling, Southern Violence and Moral Reform* 146 (1999).

Mississippi: *1837 Miss. Law 290, An Act To Prevent The Evil Practice Of Dueling In This State And For Other Purposes, § 5*: That if any person or persons shall be guilty of fighting in any corporate city or town, or any other town or public place, in this state, and shall in such fight use any rifle, shot gun, sword cane, pistol, dirk, bowie knife, dirk knife, or any other deadly weapon or if any person shall be second or aid in such fight, the person so offending shall be fined not less than three hundred dollars, and shall be imprisoned no less than three months; and if any person shall be killed in such fight, the person so killing the other may also be prosecuted and convicted as in other cases of murder.

Nebraska: *1858 Neb. Laws 69, An Act To Adopt And Establish A Criminal code For The Territory Of Nebraska, § 135*: And if any person shall have upon him any pistol, gun, knife, dirk, bludgeon or other offensive weapon with intent to assault any person, every such person, on conviction, shall be fined in a sum not exceeding one hundred dollars. . .

Tennessee: *An Act to suppress the sale and use of Bowie knives and Arkansas Tooth Picks in the State. (1838) § 4*: That if any person carrying any knife or weapon known as a Bowie knife, Arkansas tooth pick, or any knife or weapon that shall in form, shape or size resemble a Bowie knife, on a sudden reencounter, shall cut or stab another person with such knife or weapon, whether death ensues or not, such person so stabbing or cutting shall be guilty of a felony, and upon conviction thereof shall be confined in the jail and penitentiary house of this state, for a period of time not less than three years, nor more than fifteen years.

Washington: *1854 Wash. Sess. Laws 80, An Act Relative To Crimes And Punishments, And Proceedings In Criminal Cases, chap. II, S 28*: Every person who shall assault and beat another with a cowhide or whip, having with him at the time a pistol, or other deadly weapon, shall on conviction thereof, be imprisoned in the county jail not more than one year, nor less than three months, and be fined in any sum not exceeding one thousand dollars.

Washington: *1859 Wash. Sess. Laws 108-109, An Act Relative To Crimes And Punishment And The Proceeding In Criminal Cases, chap. 2, § 28*: Every person who shall assault and beat another with a cowhide or whip, having with him at the time a pistol or other deadly weapon, shall, on conviction thereof, be imprisoned in the county jail not more than one

year nor less than three months, and be fined in any sum not exceeding one thousand dollars. (double the maximum sentence for simple assault and battery).

Post 14th Amendment

Florida: *Florida Act of Aug. 6, 1888, chap. 1637, subchap. 7, § 10, as codified in Fla. Rev. State., tit. 2, pt. 5 (1892) 2423*: Persons Engaged in criminal offense having weapons. – Whoever, when lawfully arrested while committing a criminal offense or a breach or disturbance of the public peace is armed or has on his person slung-shot, metallic knuckles, billies, firearms or other dangerous weapon, shall be punished by imprisonment not exceeding one year and by fine not exceeding fifty dollars.

Illinois: *1869 Ill. Laws 4, An Act to Incorporate the Town of Minooka, § 13*: They shall have the power to . . . regulate the storage of gunpowder and other combustible materials . . .

Montana: *1887 Mont. Laws 549, Criminal Laws, § 174*: If any person shall have upon him or her any pistol, gun, knife, dirk-knife, bludgeon, or other offensive weapon, with intent to assault any person, every such person, on conviction, shall be fined not more than one hundred dollars, or imprisoned in the county jail not more than three months.

North Carolina: *1869 N.C. Sess. Laws 407, An Act in Relation to Punishment, chap. 167, § 7. Assault With Deadly Weapon Without Intent To Kill*: Every person who commits any assault upon the person of another, with any deadly or dangerous weapon, or who unlawfully shoots or attempts to shoot at another with any kind of fire-arms, with intent to injure any person, without intent to kill such person or to commit any felony shall be punished upon conviction by imprisonment in the State's prison not exceeding five years.

South Carolina: *1880 S.C. Acts 448, An Act To Provide A Punishment For Carrying Any Deadly Weapon Concealed About The Person, §5*: That if any person be convicted of assault, assault and battery . . . and it shall appear upon the trial that the assault . . . shall have been committed with a deadly weapons of the character specified in § 1 of this act, carried concealed upon the person of the defendant so convicted, the presiding Judge shall, in addition to the punishment provided by law for such assault . . . inflict further punishment upon the person so convicted of confinement in the penitentiary for not less than three months nor more than twelve months, with or without hard labor, or fined in a sum not less than two hundred dollars. . .

Washington: *1869 Wash. Sess. Laws 203, An Act Relative to Crimes and Punishments And Proceedings In Criminal Cases, chap. 2, § 31*. Every person who shall assault and beat another with a cowhide or whip, having with him at the time a pistol or other deadly weapon, shall, on conviction thereof, be imprisoned in the county jail not more than one year nor less than three months, and be fined in any sum not exceeding one thousand dollars,

Storage

English (800-1776)

The Laws of the Earliest English Kings, *Laws of King Alfred the Great: cap. 36*: It is Further enacted: if a man has a spear over his shoulder, and anyone is transfixed thereon, he shall pay the *wergild* without the fine. § 1. If is transfixed before his eyes, he shall pay *mon tio gewealdes* .

Colonial (1607-1791)

Massachusetts: 1715 Mass. Acts 23, *An Act In Addition to An Act For Erecting Of A Powder house In Boston*, §§ 1, 4. That from and after the publication hereof, any person within the town of Boston, that shall presume to keep, in his house or Warehouse, any powder above what is by law allowed, shall forfeit and pay for every half [e] barrel [1] the sum of five pounds . . . That any person or persons whomsoever that shall throw any squibs, serpents or rockets, or perform any other fireworks within the streets, . . (shall be fined).

Massachusetts: 1719 Mass. Acts 137, *An Act In Addition To The Act For Erecting A Powder House In Boston*, chap. III, § 1: §1. That from and after the publication of this act no gunpowder shall be kept on board any ship or other vessel, lying to or grounded at any wharf within the port of Boston. And if any gunpowder shall be found on board [any] such ship or vessel lying aground, as aforesaid, such powder shall be liable to confiscation, and under the same penalty as if it were found lying in any house or warehouse. And be it further enacted by the authority aforesaid, § 2. That no powder be carried through any town upon trucks, under the penalty of ten shillings per barrel for every barrel of powder so conveyed, and so proportionally for smaller cask.

Massachusetts: 1771 Mass. Acts 168, chap. 9, § 1: all the gunpowder which shall be imported and landed, in the port of Boston aforesaid, after finishing such new magazines, or either of them, shall be carried into and placed in one or both of them, or in the magazine at Charlestown, according to such order as aforesaid, and not el[e]s[e]where, on pain of forfeiting all such gunpowder as shall be lodged or kept in any other place ;

Massachusetts: 1782 Mass. Acts 119 *An Act in Addition to the Several Acts Already Made for the prudent Storage of Gun Powder within the Town of Boston*, Chap. 46, § 1: “That all Cannon, Swivels, Mortars, Howitzers, Cohorns, Fire Arms, Bombs, Granades, and Iron Shells of any Kind, that shall be found in any Dwelling House, Out House, Stable, Barn, Store, Ware House, Shop, or other Building, charged with, or having in them any Gun Powder, shall be liable to be seized by either of the Firewards of the said Town : And upon Complaint made by the said Firewards to the Court of Common Pleas, of such Cannon, Swivels, Mortars, or Howitzer, being so found, the Court shall proceed to try the Merits of such Complaint by a Jury ; and if the Jury shall find such Complaint supported, such Cannon, Swivel, Mortar, or Howitzer, shall be adjudged forfeit, and be sold at public Auction.

Massachusetts: *Act of Mar. 1, 1783, chap. 13, 1783 Mass. Acts 218*: “The depositing of loaded arms in the houses of the town of Boston is dangerous” “no loaded firearms are allowed in “dwelling-house, stable, barn, out-house, ware-house, store, shop or other building” failure to comply resulted in forfeiture of the firearm.

Massachusetts: *Act of June 26, 1792, chap. X, 1792 Mass. Acts 208*: (Addressed the carting and transporting of gunpowder in Boston).

Massachusetts: *Act of June 19, 1801, ch. XX, 1801 Mass. Acts 507*: (relating to storage of gunpowder in Boston).

Massachusetts: *Act of Oct. 4, 1780, chap. V, 1780 Mass. Acts 326*: (relating to a powder house in Boston).

New Hampshire: *1786 N.H. Laws 383, An Act To Prevent The Keeping Of Large Quantities Of Gun-Powder In Private Houses In Portsmouth And For Appointing A Keeper Of The Magazine Belonging To Said Town*: That if any person or persons, shall keep in any dwelling-house, store or other buildings, on land, within the limits of said Portsmouth, except the magazine aforesaid, more than ten pounds of gun-powder at any one time, which ten pounds shall be kept in a tin canister properly secured for that purpose, such person or persons shall forfeit the powder . . .

New York: *Act of Apr. 13, 1784, chap. 28 1784 N.Y. Laws 627*: (Specified how gunpowder was to be stored).

New York: *N.Y. Laws of 1784, chap. 28, at 627*: (required separation of gunpowder into four stone jugs or tin canisters, which shall not contain more than seven pounds each.

Pennsylvania: *1725 Pa. Laws 31, An Act For The Better Securing Of The City Of Philadelphia From The Danger Of Gunpowder, § 2*: No person whatever within the precincts of the city of Philadelphia aforesaid nor within two miles thereof shall from and after the time the powder store aforesaid is erected and finished presume to keep in any house, shop, cellar, store, or place of the city nor within two miles thereof, other than the powder store aforesaid. (reenacted 1746 Pa. Laws 52, chap. 472)

Pennsylvania: *“An Act for the better securing the city of Philadelphia and its liberties from danger of gunpowder” Act of Dec. 6, 1783, chap. 1059, 11 Pa. Stat. 209 (Section I, P.L.)*: Whereas by an act, entitled “An act for the better securing the city of Philadelphia from danger of gunpowder, passed in the year one thousand seven hundred and twenty four, and a supplement thereto, passed in the year on thousand seven hundred and forty seven, continuing the said act in force until altered by a future assembly, it is directed that all gunpowder brought into the port of Philadelphia should be deposited in a certain powder house therein described under the penalty of ten pounds for every offense --And Whereas another powder house or magazine hath been erected in the said city in the public square on the south side of Vine street, between the Sixth and Seventh streets from Delaware at the public expense -- And whereas the said penalty of ten pounds is not deemed sufficient to deter persons from storing large quantities of gunpowder in private houses and stores, to the great danger of the inhabitants --[Section I.] (Section II, P.L) Bit it therefore enacted and it is

hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That no person whatsoever, within the precincts of Philadelphia, nor within two miles thereof, shall, from and after the passing of this act, presume to keep in any house, shop or cellar, store or place whatsoever, in the said city, nor within two miles thereof, other than in the said public magazine, any more or greater quantity at any one time than thirty pounds weight of gunpowder, under the penalty of forfeiture of the whole quantity so over and above stored together with a fine of twenty pounds for every such offense.

Pennsylvania: *Section XLII, 1781-1782 Pa. Laws at 41*: (Required gunpowder be stored on the top story of a house).

Rhode Island: 1762 R.I. Pub. Laws 132: Every persons who shall import gunpowder into the town of Newport aforesaid shall cause the same to be conveyed immediately to the powder house at the North Easterly part of town . . .

Virginia: *1629 Va. Acts 147, Acts of March 24th, 1629, § 5*: For the better furtherance and advancement of staple commodities, and more especially that of potashes and saltpeter, it is thought fit that every master of a family within the several plantations of this colony shall use their best endeavors to preserve and keep in dry and tight houses or casks all those ashes that shall proceed and be made by the wool that is burned in clearing their grounds . . . And that every master of a family shall have a special care, after a notice thereof given, to preserve and keep all their urine which shall be made in their several plantations. . . (*The Statutes At Large: being a collection of all the laws of Virginia, from the first session the legislature, in the year 1619: published pursuant to an act of the General Assembly of Virginia, passed on the fifth day of February one thousand eight hundred and eight*).

Pre 14th Amendment (1791-1868)

Alabama: *1848 Ala. Acts 121, An Act To Prevent the Storage of Gunpowder in larger quantities than one hundred pounds within the City of Mobile*: It shall be unlawful for the Corporation of the City of Mobile, or any person or persons to receive or keep, or have in storage in any building of any kind within three miles of the Mobile River, or bay, any gunpowder or gun cotton or any explosive material; in larger quantities than one hundred pounds, unless the same be kept on one of the islands in the Mobile river or bay .

California: *1851 Cal. Stat. 361, An Act to Reincorporate the City of San Francisco, § 13*: To regulate the location of slaughterhouses, markets, stables, and houses for the storage of gunpowder and other combustibles.

California: 1855 Cal. Stat. 27, to Incorporate the City of Marysville, pt. 10: To provide for the prevention and extinguishment of fires and to organize and establish fire companies.

Connecticut: *1832 Conn. Acts 391 (Reg. Sess.) An Act Regulating The Mode Of Keeping Of Gunpowder Chap. 25, § 1-2: § 1* It shall be lawful for the selectmen of each and every town within this state, or a majority of them, by their order, in writing, directed to the owners or persons having charge of the same, to cause to be removed to some safe and convenient place

within said town, and within such time, as in said order may be prescribed, and quantity of gunpowder so deposited or kept, within the limits of said town, as in the opinion of said select men, or a majority of them, may endanger the persons or dwellings of any individuals whatsoever. Whereupon it shall become the duty of the persons thus notified to remove the said gunpowder within the time and to the place specified in said order. § 2. That in case the said gunpowder shall not be removed pursuant to said order, as is hereinbefore prescribed the said select-men, or a majority of them, may remove or cause the same to be removed to such place within said town, as in their opinion shall be deemed safe and convenient. And they shall have and retain a lien upon the said powder for all necessary expenses in removing and keeping the same.

Connecticut: *1859 Conn. Acts 62 (Reg. Sess.) An Act In Addition To And In Alteration Of “An Act For Forming And Conducting The Military Force, Chap. 82, § 7*: It shall be the duty of the quarter-master general, annually to inspect armories and gun houses of the several companies and also the rooms occupied by the regimental bands; and on or before the first day of November, to make to the adjutant-general a full report of the condition of the same and what companies are entitled to the allowance for armory rent; for which services he shall be allowed the sum of nine-cents for every mile of necessary travel.

Connecticut: *1862 Conn. Acts 76 (Reg. Sess.) An Act In Addition To “An Act to Provide For the Organization And Equipment Of a Volunteer Militia, and To Provide For the Public Defense,’ approved, May 8, 1861, Chapter 68, § 34*: It shall be the duty of the brigade inspectors of the respective brigades, annually, in the month of October or November, to carefully inspect the armories and gun houses of the companies belonging to their brigades, and also the rooms occupied by regimental bands; and, on or before the first day of December, to make a full report to the quartermaster general of the condition of the same, and of the number of arms and equipments of the state deposited in such armories and gun-houses. . .

Connecticut: *1864 Conn. Acts 95 (Reg. Sess.) An Act In Addition To And In Alteration Of “An Act Relating To The Militia”, chap. 73, § 8*: It shall be the duty of the quartermaster general to provide a suitable armory for each company of active militia, upon a certificate from the adjutant general, that such company has organized according to law, and has made requisition for an armory through the commanding officer of said company, as a drill room and place to preserve its arms and equipments; and also to provide for the expenses of cleaning and keeping in good repair the said arms and equipments, in such manner as he may prescribe . . .

Delaware: *4 Del. Laws 281, An Act To Alter And Re-Establish The Charter Of The Borough Of Wilmington, § 11*: to regulate the storage of gunpowder, or any other dangerously combustible matter.

Delaware: *8 Del. Laws 198, A Supplement To The Act Entitled “An Act For Establishing The Boundaries Of The Town Of Dover, And For Other Purposes Therein Mentioned, § 2*: And be it enacted, that is shall be the duty of the said commissioners, justices and constable to suppress, extinguish and prevent all bonfires for being lighted or kept up on the public

square of the said town, and to suppress and prevent the firing of guns crackers or squibs, by boys or others, within the limits of the said town.

Delaware: *12 Del. Laws 630, An Act To Prevent The Loading Of Gunpowder Within Certain Distances Of Railroads, chap. 554, § 1*: It shall be unlawful for any person or persons to load gunpowder of any kind into cars on any railroad in this State, within one hundred yards of the bed of the regular track used in carrying passengers, and upon conviction of any person engaged in participating in any way in loading or putting gunpowder of any kind into cars standing within one hundred standing within one hundred yards of the regular bed of the railroad engaged in carrying passengers in this State, he shall forfeit and pay to the State a fine of one thousand dollars and be imprisoned for the term of six months. . .

Florida: *1838 Fla. Laws 70, An Act To Incorporate the City of Key West, § 8*: Be it further enacted, that the common council of said city shall have power and authority to prevent and remove nuisances . . . to provide safe storage of gunpowder. . .

Idaho: *1863 Idaho Sess. Laws 634, To Incorporate the City of Idaho in Boise County, § 5*: Said mayor and common council shall have full power and authority . . . To regulate the storage of gunpowder and other combustible materials. . .

Illinois: *1855 Ill. Laws, 25, An Act To Incorporate The Town Of Daville, § 16*: (the town council shall have the power to) to regulate the storage of tar, pitch, rosin, gun-powder and other combustible material.

Indiana: *1836 Ind. Acts 77, An Act To Prevent Disasters On Steam Boats, § 7*: That when gunpowder is shipped on board a steam boat, which shall at all times by stowed away at as great a distance as possible from the furnace and written notification thereof shall be placed in three conspicuous parts of the boat; and in the event of such notification not being so exhibited, then for any loss of property or life for which the powder may be deemed the cause, the owner shall be liable . . .

Iowa: *1838 Iowa Acts 449, An Act to Prevent Disasters On Steam Boats, Navigating The Waters Within The Jurisdiction Of The Territory Of Iowa, §§ 11-12*: § 11. It shall be the duty of the master, and officers, of any steam boat carrying gunpowder, as freight, to store the same in the safest part of the vessel, and separate and apart from articles liable to spontaneous combustion, and where, in discharging the cargo, it will not be necessary to carry any lighted lamp, torch, or candle, and the master and officers failing to comply with the provisions of this section, shall forfeit one hundred dollars each . . . § 12. It shall not be lawful for any person or persons, to put, or keep any gun powder on any steam boat, without first giving the master, or officers, notice thereof, and any person, or persons, so offending shall be liable to pay the sum of one hundred dollars . . .

Kansas: *1860 Kan. Sess. Laws 137, An Act to Amend and Consolidate the Several Act Relating to the City of Lawrence, § 25, pt. 7*: To regulate the keeping and conveying of gun powder and other combustible and dangerous materials, and the use of candles and lights in barns and stables.

Kentucky: *1806 Ky. Acts 122, An Act to Amend the Several Acts for the Better Regulation of the Town of Lexington, § 3*: Said trustees are hereby authorized to make such regulations as

they may deem necessary and proper relative to the keeping of gunpowder in the said town of Lexington, and if necessary may prohibit any inhabitants of said town, from keeping in the settled parts thereof, any quantity of gun powder which might in case of fire be dangerous . . .

Louisiana: 1816 La. Acts 92, *An Act to Amend the act entitled “An Act to Incorporate the City of New Orleans” and the Act Entitled “An Act To Determine the Mode of Election of the Mayor, Recorder, and Other Public Officers Necessary for the Administration and Police of the City of New Orleans and for Other Purposes, § 1*: The Mayor and City Council of the City of New Orleans shall have power and authority . . . To prevent gun powder being stowed within the walls and suburbs in such quantity as to endanger the public safety . . .

Maine: 1821 Me. Laws 98, *An Act for the Prevention of Damage by Fire, and the Safe Keeping of Gun Powder, chap. 25, § 5*: Be it further enacted, That it shall, and may be lawful for any one or more of the selectmen of any town to enter any building, or other place, in such town, to search for gun powder, which they may have reason to suppose to be concealed or kept, contrary to the rules and regulations which shall be established in such town, according to the provisions of this Act, first having obtained a search warrant therefore according to law.

Michigan: 1841 Mich. Pub. Acts 30, *An Act To Amend An Act Entitled “An Act To Incorporate The Village of Ypsilanti, And The Acts Or Acts Amendatory Thereof.”, §14*: The common council shall have full power and authority . . . relative to the keeping and sale of gunpowder in said village.

Michigan: 1867 Mich. Pub. Acts 68, *An Act To Revise The Charter Of The Village Of Hudson, § 31, pt. 12*: To regulate the buying, selling, and using of gunpowder, firecrackers and fire-works, and other combustible materials, to regulate and prohibit the exhibition of fire-works, and the discharge of fire-crackers and fire-arms, and to restrain the making or lighting of fires in the streets and other open spaces in the village.

Mississippi: 1817-18 Miss. Laws 220, *Supplemental To An Act To Erect The Town Of Natchez Into A City To Incorporate The Same, § 2*: That said president and select men, shall and may, from time to time, pass ordinances to regulate the keeping, carting and transporting gun powder or other combustible or dangerous materials . . .

Missouri: 1822 Mo. Laws 42, *An Act To Incorporate Inhabitants Of The Town Of St. Louis, § 12*: The Mayor and Board of Aldermen, shall have power by ordinance, to . . . regulate . . . the storage of gun powder, tar, pitch, rosin, hemp, cotton and other combustible materials.

Nebraska: 1867 Neb. Laws 68, *An Act To Incorporate Nebraska City, § 25*: The city council shall regulate the keeping and sale of gun-powder within the city . . .

New Hampshire: 1793 N.H. Laws 464, *An Act To Prevent The Keeping Of Large Quantities Of Gun-Powder In Private Houses In Portsmouth, And For Appointing A Keeper Of The Magazine Belonging To Said Town*: If any person or persons, shall keep in any dwelling-house, store or other building on land, within the limits of said Portsmouth, except the magazine aforesaid, more than ten pounds of gun-powder at any one time, which ten pounds shall be kept in a tin canister, properly secured for the purpose, such person or persons shall forfeit the powder so kept . . .

New Jersey: 1837 N.J. Laws 373, *An Act To Incorporate The City Of Trenton*, § 24: For regulating the keeping and transporting of gunpowder or other combustible or dangerous materials.

New Mexico: 1851 N.J. Laws 114, *An Act Incorporating The city of Santa Fe*, § 7: The board of common councilors shall have power to pass by laws and ordinances . . . to prohibit the firing of fire-arms . . . to regulate and prescribe the quantities and places in which gunpowder or other dangerous combustibles may be kept.

Ohio: 1832 *Ohio Laws 194, An Act To Regulate The Keeping Of Gunpowder In The City Of Cincinnati*, § 1: It shall not be lawful for any person or persons to deposit or keep in any store, ware house or other building in the city of Cincinnati any greater quantity than twenty eight pounds of gunpowder at any one time, and all gunpowder which shall be deposited or kept in said city contrary to the provisions of this act or contrary to the provisions of any of the ordinances of said city shall be forfeited to the said city of Cincinnati, and may be seized and disposed of in such a manner as the city council of said city shall by ordinance prescribe.

Ohio: 1833 *Ohio Laws 118, An Act To Regulate The Keeping Of Gunpowder In The County Of Hamilton*, § 1: That it shall be the duty of the commissioners of the county of Hamilton, to examine on or before the first day of May next, all buildings wherein any gunpowder may be kept or stored by a greater quantity than one keg within said county.

Oregon: 1862 *Or. Laws 9, An Act To Incorporate The City Of Albany*, § 6: to regulate the storage of gun powder and other combustible materials and the use of candles, lamps and other lights in shops, stables and other places.

Pennsylvania: 1791 *Pa. Laws 105, A Supplement To The Act, Entitled "An Act For Securing The City Of Philadelphia And The Neighborhood Thereof From Damage By Gun-powder*, § 1: That it shall and may be lawful for the owners of gun-powder not deposited , or to be deposited, in the said magazine, the square to the south of Vine street, to remove and deposit the same in the said new magazine; and all gun-powder brought into the city of Philadelphia, from and after the first day of July next, shall be deposited and kept in the said new magazine subject to the regulation contained in the said first recited act.

Rhode Island: 1798-1813 *R.I. Pub. Laws 85, An Act Relative To The Keeping Gun-Powder In The Town Of Providence*, §2: All and every person and persons whomsoever, who shall hereafter keep or deposit gunpowder , in a greater quantity that twenty-eight pounds, in any shop or shops, building or buildings, or in any other place or places in said town, except only such place or places as the Town-council of said town shall allow and designate for the purpose, shall forfeit and pay the sum of twenty dollars, for each and every such offense . . .

Tennessee: 1855-56 *Tenn. Pub. Acts 34, An Act to Amend And Reduce Into One, The Acts Relating To The Charter Of The Town Of Clarkeville*, pt. 20: to provide for the prevention and extinguishment of fires; to organize, establish and equip fire companies, hose companies, and hook and ladder companies; to regulate, restrain or prohibit the erection of wooden or combustible buildings in any part of the city; to regulate and to prevent the carrying on of manufactories dangerous in causing or producing fires; to regulate the storage of gun powder, tar, pitch, rosin, saltpeter, gun cotton and all other combustible or explosive material. . .

Texas: 1839 *Tex. Gen. Laws 214, An Act To Incorporate The City Of Austin, § 7*: to prevent gunpowder being stored within the city and suburbs in such quantities as to endanger the public safety. . .

Utah: 1864-65 *Utah Laws 47, To Incorporate The City Of Payson, § 27*: To direct or prohibit the location and management of houses for the storing of gunpowder, tar, pitch, resin or other combustible and dangerous materials within the city, and to regulate the conveying of gunpowder.

Washington: 1857 *Wash. Sess. Laws 116, An Act to Incorporate the City of Vancouver, chap. 1, § 32, pt. 16*: To regulate the storage and sale of gunpowder, or other combustible material, and to provide, by all possible and proper means, against danger or risk of damage by fire arising from carelessness, negligence or otherwise.

Washington: 1861 *Wash. Sess. Laws 22, An Act To Incorporate The City Of Walla Walla, art. V, § 3, pt. 22*: To regulate the storage of gunpowder, . . .and all other combustible materials, . . . in shops, stables and other places. To prevent, remove or secure any fire-place, stove, chimney, oven, boiler, or other apparatus which may be dangerous in causing fire.

Washington: 1862 *Wash. Sess. Laws 48, An Act to Amend an Act Creating And Organizing The County Of Nez Perce, art. V, § 3, pt. 22*: To regulate the storage of gunpowder, pitch, tar, rosin, and all other combustible materials, and the use of candles, lamps, or other lights in shops, stables and other places. To prevent, remove or secure any fire-place, stove, chimney, oven, boiler, or other apparatus which may be dangerous in causing fire.

Post 14th Amendment

California: 1875 *Cal. Stat. 628, An Act Amendatory of “An Act to Reincorporate the City of San Jose approved March seventeenth, eighteen hundred and seventy four*: To prohibit the establishment and maintenance of such slaughter-houses, or the storage of gunpowder and other combustibles and explosive substances within the incorporated limits of the city.

Florida: 1887 *Fla. Laws 164, An Act to Establish the Municipality of Jacksonville Provide for its Government and Prescribe it’s jurisdiction and powers, chap. 3775, § 4*: the Mayor and City council shall within the limitations of this act have power by ordinance to . . .regulate the storage of gunpowder, tar, pitch, resin, saltpeter, gun cotton, coat oil and other combustible, explosive and inflammable material. . .

Idaho: 1897 *Idaho Sess. Laws 89, An Act To Amend Section 3, 4, and 11 of An Act Incorporating The City of Boise Approved January 11, 1866, Being Sections 130, 132 and 138 Of The Special And Local Laws of Idaho, § 2, pt. 18*: To regulate the storage and sale of gun powder, or other combustible material, and to prevent by all possible and proper means, danger or risk of injury or damage by fire arising from carelessness, negligence or otherwise.

Indiana: 1879 *Ind. Acts 210, An Act To Amend The Thirtieth Section Of An Act Entitled "An Act Granting The Citizens Of The Town Of Evansville, In The county Of Vanderburgh, A City Charter, Approved January 27, 1847, pt. 9*: To regulate the keeping and conveying of gunpowder, and all other combustible and dangerous materials, and the use of candles and lights in barns and stables.

Kentucky: 1869 *Ky. Acts 481, An Act to Amend and Reduce into One the Several Acts in Reference to the Town of Princeton, art. V, pt. 14*: To regulate the keeping and conveying of gun-powder and other combustible and dangerous materials.

Michigan: 1869 *Mich. Pub. Acts 158, A Act to Amend An Act Entitled "An Act To Incorporate The Village Of Howell, § 15*: The common council shall have full power and authority to make by laws and ordinances relative to . . . keeping and sale of gunpowder, nitroglycerine, and all other dangerous and explosive articles, or burning fluids.

Michigan: 1879 *Mich. Pub. Acts 45, An Act To Amend . . . An Act To Incorporate The Village Of Constantine, § 12*: The Common Council shall have full power and authority to . . . regulate the keeping and sale of gunpowder in said village.

Mississippi: 1884 *Miss. Laws 412, An Act To Amend And Reduce One Act The Act Incorporating The City Of Columbus And The Several Acts Amendatory Thereto, chap. 390, § 24, pt. 16*: To Regulate and prevent the storage of cotton, hay, gun powder, oil or any other combustible, explosive or inflammable material or substance; or of any material or substance offensive to public comfort or injurious to health.

Missouri: 1873 *Mo. Laws 215, An Act To Amend The Charter Of The Town Of Canton . . . , § 10*: The Board of Trustees shall have power and authority to . . . regulate the storage of gunpowder, tar pitch, rosin and other combustible materials . . .

Montana: 1887 *Mont. Laws 68, An Act To Amend An Act Entitled An Act Concerning The Storage Of Gunpowder, § 2*: No person, company or corporation shall store, deposit or keep within the limits of any city, town or village, gun-powder, nitroglycerine, guncotton, dynamite, and other dangerous or powerful explosives exceeding fifty pounds, and no magazine or storehouse where such explosives are stored or kept, shall hereafter be located nearer than one half mile from such city, town or village; provided this act shall not be construed to prevent the keeping of a reasonable supply of powder in any safe place at a mine.

Nebraska: 1897 *Neb. Laws 162, An Act To Amend . . . Compiled Statutes of 1895 For The government Of Cities, § 24, pt. 38*: To regulate and prevent the transportation of gun powder or other explosives or combustible articles, tar, pitch, rosin, coal, oil, benzene, turpentine, hemp, cotton, nitroglycerine, dynamite, petroleum, or any other productions thereof and other materials of like nature.

Nevada: 1877 *Nev. Stat. 88, An Act to Amend An Act Entitled "An Act Entitled An Act To Incorporate The Town Of Gold Hill, Approved February Twenty-one, Eighteen Hundred And Seventy Three, § 1, pt. 5*: The Board of Trustees shall have power . . . To regulate the storage of gunpowder and other explosive or other combustible material.

New Jersey: 1886 N.J. Laws 358, *An Act To Regulate The Manufacture And Storage Of Gun Powder, Dynamite And Other Explosives*, § 1: . . . nothing in this act shall be so construed as to prevent any person or persons from storing in fire-proof magazines any quantity of gun powder or blasting powder not exceeding in quantity two thousand pounds within the said distance of one thousand feet of a public road.

Ohio: 1878 Ohio Laws 199, *An Act To Amend, Revise, And Consolidate The Statutes Relating To Municipal Corporations, To Be Known As Title Twelve, Part One, Of The Act To Revise And Consolidate the General Statutes Of Ohio*, pt. 14: To regulate the transportation and keeping of gunpowder, and other explosive and dangerous combustibles, and to provide or license magazines for the same.

Oregon: 1878 Or. Rev. Stat. 136, *An Act to Incorporate The Town Of Independence, In The County Of Polk, And State Of Oregon*, § 4: To regulate the storage of gunpowder and other combustible material, and the use of candles, lamps and other lights in shops, halls and other places.

Pennsylvania: 1868 Pa. Laws 321, *An Act Supplementary To An Act To Incorporate The City Of Corry . . .*, § 1, pt. 6: To regulate, by ordinances, . . . the storage, sale of gunpowder, fire-works and other inflammable or dangerous articles and the location of refineries.

South Dakota: 1890 S.D. Sess. Laws 72, *An Act To Provide For The Incorporation Of Cities And Their Classification According To Population*, pt. 53: To Regulate and prevent the storage of gun powder, tar, pitch, resin, coal, oil, benzine . . . also to regulate and restrain the use of fire-works, fire crackers, torpedoes, roman candles, sky rockets, and other pyrotechnic displays.

Tennessee: 1895 Tenn. Pub. Acts 129, *An Act To Incorporate The city Of South Fulton, in Obion county Tennessee . . .*, § 14: To regulate the storage of gunpowder, tar, pitch, resin, saltpeter, gun cotton, coal oil, and all other combustibles, explosive or inflammable material, and the use of lights, candles, lamps, stove pipes, steam pipes, and chimneys in all storehouses, dwellings, outhouses, shops, stables, and other places, and to regulate and suppress the use and sale of fire crackers or fireworks of all kinds, toy pistols, air guns or target guns.

Texas: 1876 Tex. Gen. Laws 29, *An Act To Incorporate The City Of Galveston And to Grant A New Charter, tit. 7, art. II, § 108*: To direct, control and prohibit the keeping and management of houses, or building for the storing of gunpowder and other combustible, explosive or dangerous materials, within the city, to regulate the keeping and conveying of the same, and the use of candles and other lights in stables and other like houses.

Utah: 1888 Utah Laws 166, *An Act To Establish A Uniform System Of County Governments*, § 31: To adopt such rules and regulations within their respective counties, except within municipal corporations, with regard to the keeping and storing of every kind of gun powder, Hercules powder, giant powder, or other combustible material, as the safety and protection of the lives and property of individuals may require.

Vermont: 1876 Vt. Acts & Resolves 357, *An Act In Amendment Of An Act To Incorporate The Village Of St. Albans, Approved November 18, 1859, And Of The Several Amendments Thereof Heretofore Enacted*, § 10, pt. 8: To regulate the manufacture and keeping of gunpowder, ashes and all other dangerous and combustible material.

Virginia: 1879 Va. Acts 104, *City Council – Powers, Duties, etc., chap. V*, § 5, pt. 19: To direct the location of all buildings for storing gun powder or other combustible substances; to regulate the sale and use of gun powder, fire-crackers, fire work, kerosene oil, nitroglycerine . . . the discharge of firearms . . .

Washington: 1881 Wash. Sess. Laws 93, *An Act to Incorporate the City of Dayton, chap. II*, § 20: The city of Dayton shall have power to prevent injury or annoyance from anything dangerous, offensive, or unhealthy, and to cause any nuisance to be abated . . . to regulate the transportation, storing and keeping of gunpowder and other combustibles and to provide or license magazines for the same

Washington: 1881 Wash. Sess. Laws 115, 122, *An Act to Incorporate the City of Port Townsend, chap. II*, § 21: The City of Port Townsend has Power to Prevent injury or annoyance from anything dangerous, offensive, or unhealthy, and to cause any nuisance to be abated . . . to regulate the transportation and keeping of gunpowder, or other combustibles, and to provide or license magazines for the same.

Washington: 1883 Wash. Sess. Laws 161, *An Act to Incorporate the City of Ellensburg. Chap. II*, § 20: The city of Ellensburg shall have power to prevent injury or annoyance from anything dangerous, offensive, or unhealthy . . . to regulate the transportation storing and keeping of gunpowder and other combustibles and to provide or license magazines for the same.

West Virginia: 1899 W.Va. Acts 24, *An Act To Amend And Re-Enact And To Reduce Into One Act, The Several Acts Incorporating The Town Of Sisterville, In The county Of Tyler; Defining The Powers Thereof, And Describing The Limits Of Said Town; And Incorporating The city Of Sisterville, In Said Tyler County*, pt. 28: The council of said city shall have power . . . To regulate the keeping of gunpowder and other inflammable or dangerous substances. . .

Wisconsin: 1883 Wis. Sess. Laws 294, *An Act To Revise, Consolidate And Amend The Charter Of The City Of Wausau. Chap. 151*, § 38: The powers conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according of law. Depots, houses or buildings of any kind, wherein more than twenty-five pounds of gun powder are deposited, stored or kept at any one time . . . within the limits of said city are hereby declared and shall be deemed public or common nuisances.

Wisconsin: 1883 Wis. Sess. Laws 368, *And Act To Revise, Consolidate And Amend The City Charter Of The City Of Fond Du Lac, chap. 6*, § 8, pt. 13: To prevent and prohibit the manufacture, keeping or storing of nitroglycerine, and to regulate the keeping and storing of gunpowder, gun cotton, burning fluids, coal oils and other dangerous explosive materials, in said city, and to provide for the inspection of illuminating fluids.

Wyoming: 1884 Wyo. Sess. Laws 129, *An Act Entitled An Act To Incorporate The town Of Sheridan*, chap. 85, § 28: to regulate the storage of gun-powder, kerosene and other dangerous material.