

No. 14-15408

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

LEONARD FYOCK, ET AL.,
Plaintiffs-Appellants,

v.

CITY OF SUNNYVALE, ET AL.,
Defendants-Appellees.

**BRIEF OF *AMICI CURIAE* BRADY CENTER
TO PREVENT GUN VIOLENCE, THE MAJOR CHIEFS
ASSOCIATION, AND THE INTERNATIONAL BROTHERHOOD OF
POLICE OFFICERS IN SUPPORT OF APPELLEE AND
SUPPORTING AFFIRMANCE**

On Appeal from the United States District Court
for the Northern District of California
(Hon. Ronald M. Whyte, Presiding)
No. CV-13-05807-RMW

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rules of Appellate Procedure Rule 26.1, counsel for the undersigned states:

The *Amici Curiae* Brady Center to Prevent Gun Violence, The Major Chiefs Association, and The International Brotherhood of Police Officers are not subsidiaries or affiliates of any publically owned corporation, and no publically held corporation is a holder of stock in these organizations.

Dated: June 23, 2014

Respectfully Submitted,

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CONSENT TO FILE

Pursuant to Rule 29(a) of the Federal Rules of Appellate Procedure, *amici* received consent from all parties to file this brief. No party's counsel authored this brief in whole or in part. No party, party's counsel, or person other than *amici*, their members, or their counsel, contributed money intended to fund preparation of this brief.

STATEMENT REGARDING ADDENDUM

An addendum setting out relevant statutory and regulatory provisions is bound together with this brief.

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INTEREST OF THE *AMICI CURIAE*

Amicus Brady Center to Prevent Gun Violence is the nation's largest non-partisan, nonprofit organization dedicated to reducing gun violence through education, research, and legal advocacy. Through its Legal Action Project, the Brady Center has filed numerous *amicus curiae* briefs in cases involving firearms regulations, including *McDonald v. City of Chicago*, 130 S. Ct. 3020 (2010), *United States v. Hayes*, 555 U.S. 415 (2009), and *District of Columbia v. Heller*, 554 U.S. 570 (2008).

Amicus Major Cities Chiefs Association is composed of police executives heading the sixty-six largest police departments in the United States, including Atlanta, Chicago, Dallas, Detroit, Los Angeles, New York, Philadelphia, and Washington, D.C., which protect roughly 22 percent of America's population.

Amicus International Brotherhood of Police Officers (IBPO) is one of the largest police unions in the country, representing a significant number of law enforcement officers across the nation. While the IBPO fully supports and defends the Second Amendment right to keep and bear arms, it strongly supports reasonable federal and state gun laws that protect the public and law enforcement officers.

Amici bring a broad and deep perspective to the issues raised by this case and have a compelling interest in ensuring that the Second Amendment is properly construed to permit reasonable governmental action to prevent gun violence.

INTRODUCTION

The right to keep and bear arms is unique among constitutional rights: the exercise of that right by one person can result in the loss of another person's life. Guns are designed to kill. And both gun possession and gun use present substantial risks to public safety.

Even as it upheld the individual's right to possess a firearm for self-defense in *District of Columbia v. Heller*, the Supreme Court acknowledged that the Second Amendment does not provide "a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose." 554 U.S. 570, 626 (2008). Indeed, the Supreme Court has emphasized that the Second Amendment permits local legislatures to devise reasonable firearms regulations as "solutions to social problems that suit local needs and values" including "[s]tate and local experimentation with reasonable firearms regulations." *McDonald v. City of Chicago*, 130 S. Ct. at 3046 (citation omitted).

In the wake of a series of tragic mass shootings, the citizens of Sunnyvale overwhelmingly voted to enact modest and reasonable regulations to promote gun safety and to reduce the public risk of catastrophic injury and loss of life from firearms. The challenged ordinance—Sunnyvale Municipal § 9.44.050—was carefully drafted to prevent and reduce such gun violence while preserving the constitutional right of law-abiding, responsible Sunnyvale residents to have an operable firearm in their homes for self-defense.

American states and municipalities have a longstanding history of regulating dangerous weapons.¹ Indeed, *Heller* expressly approved of decisions upholding “the historical tradition of prohibiting the carrying of ‘dangerous and unusual weapons.’” *Heller*, 554 U.S. at 627 (citing 4 WILLIAM BLACKSTONE, COMMENTARIES ON THE LAWS OF ENGLAND 148-49 (1st ed. 1769)). Sunnyvale’s regulation of large-capacity ammunition magazines is in keeping with that historical tradition.

¹ The attached Addendum provides a representative picture of state regulation of dangerous weapons and ammunition from the colonial era through the early twentieth century. The bulk of this research was obtained from Mark Anthony Frassetto, *Firearms and Weapons Legislation up to the Early 20th Century*, <http://ssrn.com/abstract=2200991> (last visited June 23, 2014). Additional research was done in the HeinOnline Session Laws Library, <http://home.heinonline.org/content/list-of-libraries/?c=48&sn=ssl>.

Throughout our nation’s history, states and municipalities have faced different threats to public safety at different times. Those threats often arose from technological “innovations” in weaponry. As dangerous weapons evolved, so too did public safety legislation. That many of those weapons were in common use—such as Bowie knives, switch blades, blackjacks, gun powder, and derringers—was not considered a constitutional impediment to regulating them.

Appellants argue that, so long as manufacturers can produce and distribute large volumes of a new weapon before states can respond with appropriate legislation, those weapons are forever under the protection of the Second Amendment. But that argument is refuted by the historical record: American cities and states have routinely prohibited the possession of dangerous weapons over the last 200 years—even those like Bowie knives and short-barreled shotguns that were in wide circulation. *See United States v. Miller*, 307 U.S. 174 (1939) (finding possession of short-barreled shotguns not protected by the Second Amendment). In this regard, “popularity” is not a measure of constitutionality. Just as the Second Amendment does not protect “only those arms in existence in the 18th century,” *Heller*, 554 U.S. at 582, states’ police power is not limited only to those arms previously regulated.

The District Court correctly held that Sunnyvale’s ordinance passed constitutional muster. The District Court’s decision is consistent both with *Heller*’s assurances that reasonable firearm regulations are constitutionally permissible and with the Supreme Court’s well-established recognition that the exercise of protected activity must be balanced against legitimate public interests—chief among which is public safety. *McDonald*, 130 S. Ct. at 3047; *Heller*, 554 U.S. at 626-27 & n.26. Moreover, as Judge Whyte aptly noted, “[n]o court has yet entered a preliminary injunction against a law criminalizing the possession of magazines having a capacity to accept more than ten rounds, nor has any court yet found that such a law infringes the Second Amendment.” *Fyock v. The City of Sunnyvale*, __ F.Supp.2d__, Civ. No. 13-5807-RMW, 2014 WL 984162, at *1 (N.D. Cal. March 5, 2014). This Court should not be the first.

ARGUMENT

The Ninth Circuit employs a two-step inquiry to determine the constitutionality of firearm regulations. First, the Court asks whether the challenged ordinance regulates conduct historically understood to be protected by the Second Amendment right to keep and bear arms. *United States v. Chovan*, 735 F.3d 1127, 1136 (9th Cir. 2013). If so, then the Court must then determine the appropriate level of scrutiny. *Ibid.*

Based on the relevant “historical understanding,” *Heller*, 554 U.S. at 625, the Sunnyvale ordinance is part of a long line of lawful prohibitions against dangerous and terrifying weapons. As such, the Sunnyvale ordinance falls outside the historical scope of the activity protected by the Second Amendment. But even if it did not, the ordinance does not substantially burden the right to keep and bear arms in the home recognized by *Heller*.

I. The Prohibition On Large-Capacity Ammunition Magazines Does Not Fall Within The Scope of The Core Right Historically Protected By The Second Amendment.

The district court erred by equating “commonly used” weapons with “non-dangerous” weapons. (ER7). These factors are independent—not equivalent. That a weapon has been widely available has not historically been understood as defining the scope of the right.

Heller and *McDonald* set forth “the precise methods by which [the Second Amendment]’s scope is discerned.” *Peruta v. County of San Diego*, 742 F.3d 1144 (2014). The Court must consult “both text and history.” *Heller*, 554 U.S. at 595; *see also McDonald*, 130 S.Ct. at 3047 (observing that “the scope of the Second Amendment right” is determined by historical analysis).

The proper historical analysis “presupposes what *Heller* makes explicit: the Second Amendment right is ‘not unlimited.’” *Peruta*, 742 F.3d at 1151 (quoting *Heller*, 554 U.S. at 595). Rather, “it is a right subject to ‘traditional restrictions,’ which themselves ... tend ‘to show the scope of the right.” *Id.* (quoting *McDonald*, 130 S.Ct. at 3056 (Scalia, J., concurring)); *see also United States v. Skoien*, 614 F.3d 638, 640 (7th Cir. 2010) (en banc) (“That some categorical limits are proper is part of the original meaning.”).

The most important historical restriction on the types of weapons individuals may possess is the longstanding ban on dangerous and unusual weapons. In *Heller*, the Court made clear that “restrictions on the possession of dangerous and unusual weapons *are not constitutionally suspect* because these weapons are outside the ambit of the amendment.” *U.S. v. Marzzarella*, 614 F.3d 85, 91 (2d. Cir. 2010) (citing *Heller*, 554

U.S. at 625) (emphasis added).²

The district court misread this aspect of *Heller*. While acknowledging that neither party “provided the court with any historical sources or argument,” (ER6), the district court nevertheless found that large-capacity ammunition magazines fell within the scope of the right because such magazines “are in common use, and are therefore not dangerous and unusual.” (ER7). But neither the Supreme Court nor the Ninth Circuit has ever conflated “common” with “non-dangerous.” Nor is such a reading supported by Supreme Court precedent or the historical understanding.

In *United States v. Miller*, 307 U.S. 174 (1939), the Supreme Court reversed dismissal of an indictment for transporting an unregistered short-barreled shotgun in violation of then 26 U.S.C. § 1332(c) and (d). The Court held the shotgun was unprotected by the Second Amendment. *Id.* at 178. No serious argument exists that such weapons were not in widespread circulation in 1939; nor did the Court’s analysis turn on whether or not the prohibited arms were “common.” *See Heller*, 554 U.S. at 625 (“We therefore read *Miller* to say *only* that the Second Amendment does not

² *See* Joseph Blocher, *Categoricalism and Balancing in First and Second Amendment Analysis*, 84 N.Y.U. L. Rev. 375, 413 (2009) (“*Heller* categorically excludes certain types of ‘people’ and ‘Arms’ from Second Amendment coverage, denying them any constitutional protection whatsoever.”).

protect those weapons not typically possessed by law-abiding citizens for lawful purposes, such as short-barreled shotguns.”) Rather, the *Miller* Court’s decision reflects “the historical tradition of prohibiting the carrying of ‘dangerous and unusual weapons.’” *Id.* at 627.

This is the only reading that is consistent with the historical approach *Heller* used to define the scope of the Second Amendment right. *Heller*, 554 U.S. at 595 (“There seems to us no doubt, on the basis of both text and history, that the *Second Amendment* ... right was not unlimited[.]”). Lawful weapons restrictions have never been solely limited to fantastic rarities like atomic bombs or lasers. Indeed, state and local governments have exercised their police power throughout our nation’s history to restrict the possession and use of particularly dangerous weapons and ammunition—regardless of whether those weapons were in wide circulation or possessed only by a few.

By examining the available historical sources—from the history of the right in England through the founding in colonial times up to the modern era—it becomes apparent that the possession of dangerous weapons and ammunition has routinely been restricted, and often outright prohibited, as legislators tackled the evolving threats to public safety that came from new forms of dangerous weapons and ammunition. These restrictions, which have by and large been upheld by the courts, demonstrate that the large-

capacity ammunition magazines prohibited by the Sunnyvale ordinance do not fall within the core right historically protected by the Second Amendment.

A. History of the Regulation of Carrying Dangerous and Terrifying Weapons in England.

In *Heller*, the Supreme Court emphasized “the historical reality that the *Second Amendment* was not intended to lay down a novel principle but rather codified a right inherited from our English ancestors.” 554 U.S. at 599 (internal quotations and citations omitted). The history of the English right illustrates that “common” but “deadly” weapons have been regulated for centuries.³

Restrictions on possessing dangerous and terrifying weapons have a long history in England. In 1716, the legal commentator William Hawkins wrote that the offense of going or riding armed had always been an offense under the common law. WILLIAM HAWKINS, A TREATISE OF THE PLEAS OF THE CROWN 136, ch. 63, § 8 (1716). The first such recorded instance appears to have occurred in the mid-thirteenth century. FREDERICK POLLOCK & FREDERICK WILLIAM MAITLAND, THE HISTORY OF ENGLISH LAW BEFORE THE TIME OF EDWARD 1583 (1895) (“[B]efore the end of Henry III’s reign there were ordinances which commanded the arrest of suspicious

³ See Addendum at 1-8.

persons who went about armed without lawful cause.”). It goes without saying that many—if not all—of the regulated weapons had been in “common” use for centuries.

The most important early statute, the fourteenth century Statute of Northampton, stipulated that no person shall “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.” 2 Edw. 3, c. 3 (1328). This statute was a staple in the American legal system both before and after the adoption of the Constitution. Patrick J. Charles, *Scribble Scrabble, the Second Amendment, and Historical Guideposts: A Short Reply to Lawrence Rosenthal and Joyce Lee Malcom*, 105 Nw. L. Rev. Colloquy 227, 231-36 (2011). The statute was expressly incorporated by Massachusetts, Virginia, and North Carolina in the years immediately following the adoption of the Constitution, and informed the laws of many other U.S. jurisdictions.⁴

⁴ See 2 THE PERPETUAL LAWS, OF THE COMMONWEALTH OF MASSACHUSETTS, FROM THE ESTABLISHMENT OF ITS CONSTITUTION TO THE SECOND SESSION OF THE GENERAL COURT, IN 1798 259 (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”); 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”); A COLLECTION OF ALL SUCH ACTS OF THE GENERAL ASSEMBLY OF VIRGINIA, OF A PUBLIC AND PERMANENT NATURE, AS

The historical evidence is convincing that the Statute of Northampton was not only intended to prohibit dangerous conduct with arms, but also to quell the terror that arose among the populace confronted with armed strangers in the public concourse. Patrick J. Charles, *The Faces of the Second Amendment Outside the Home: History Versus Ahistorical Standards of Review*, 60 Clev. St. L. Rev. 1, 20 (2012).

As a legal scholar explained in a 1588 treatise, the statute was thought necessary for the public good because when individuals went armed in circumstances “not usually worne and borne, it will strike a feare into others that be not armed.” ABRAHAM FRAUNCE, *THE LAVVIERS LOGLIKE EXAMPLIFYING THE PRAECEPTS OF LOGLIKE BY THE PRACTICE OF THE COMMON LAWE* 56 (London, William Howl 588) (citing 2 Edw. 3, c. 3 (1328) (Eng.)).

Following the enactment of the Statute of Northampton, English monarchs repeatedly called on their officials to enforce legislation aimed at curbing dangerous weapons that threatened public health and safety. In 1579, for example, Queen Elizabeth I called for enforcement of laws prohibiting the carrying of “Daggess, Pistolles, and such like, not on[ly] in

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).

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.” Charles, *Faces of the Second Amendment*, *supra*, at 21. (internal quotations and citations omitted). In 1594, the Queen again asked for enactment of violence prevention measures because her subjects were being terrorized by dangerous weapons including “pocket Dags” carried in public. *Id.*

In 1689, William and Mary enacted a provision of the English Bill of Rights that “has long been understood to be the predecessor to our Second Amendment.” *Heller*, 554 U.S. at 593. They declared “[t]hat the subjects which are Protestants may have arms for their defense suitable to their Conditions, and as allowed by Law.” 1 W.&M., 2d sess., c. 2, § 7 (1689). Yet, despite England’s adoption of this provision, the Statute of Northampton remained a permissible restriction that sharply limited this right.

Blackstone confirmed that the right conferred by the English Bill of Rights excluded certain classes of weapons:

The offense of riding or going armed with **dangerous or unusual** weapons, is a crime against the public peace, by terrifying the good people of the land; and is particularly prohibited by the Statute of Northampton, upon pain of forfeiture of the arms, and imprisonment during the king’s

pleasure: in like manner as, by the laws of Solon, every Athenian was finable who walked about the city in armor.

4 WILLIAM BLACKSTONE, COMMENTARIES ON THE LAWS OF ENGLAND 148-49 (1st ed. 1769) (citations omitted) (emphasis added). In other words, “the Statute of Northampton prohibited the public carrying of ‘dangerous or unusual weapons’ *because* doing so terrified the people.” *Peruta*, 742 F.3d at 1184 (emphasis in original).

On the historical record, it is evident that unusually dangerous or terrifying weapons fall outside the scope of the Second Amendment right “inherited from our English ancestors.” *Heller*, 554 U.S. at 599 (internal quotations and citations omitted). Accordingly, Appellants’ contention that possession of a “particularly dangerous” class of large-capacity ammunition magazines falls within the historically understood scope of the right *simply* because they are plentiful is profoundly mistaken. *See* App. Br. at 44-46.

B. American Municipalities and States Have Prohibited Dangerous Weapons Since the Colonial Era.

The regulation of dangerous weapons in America is not a modern invention; it was a practice accepted by the founding generation.⁵ Since the Founding, states and municipalities have repeatedly exercised their police powers to limit the possession of weapons that the community viewed to be

⁵ *See* Addendum at 9-21.

particularly dangerous. *See* WILLIAM J. NOVAK, *THE PEOPLE’S WELFARE: LAW AND REGULATION IN NINETEENTH-CENTURY AMERICA* 53-54 (1996). As dangerous weapons evolved, state and local regulations *also* evolved to address new threats to public safety. That was the case with gunpowder in cities in the eighteenth century, with Bowie knives and certain types of handguns in nineteenth-century states and towns, with brass knuckles and switchblades at the turn of the last century, and assault weapons, hollow point bullets, and large-capacity magazines in more recent years. Moreover, courts have repeatedly upheld these types of bans of dangerous weapons against constitutional challenges.

1. Gunpowder and Discharge Regulations. Colonial and state legislators recognized that it was well within their powers to regulate the storage and transportation of ammunition. In one early form of regulation, several states regulated the storage of gunpowder in order to protect against the accidental discharge of a weapon during a fire.⁶ As Chief Justice Marshall observed, “[t]he power to direct the removal of gunpowder is a

⁶ *See, e.g.*, Act of June 26, 1792, ch. 10, 1792 Mass. Acts 208; Act of Apr. 13, 1784, ch. 28, 1784 N.Y. Laws 627; Act of Dec. 6, 1783, ch. 1059, 11 Pa. Stat. 209; *see also Heller*, 554 U.S. at 685 (Breyer, J., dissenting) (describing various laws regulating gunpowder). Antebellum courts repeatedly upheld such regulations. *See, e.g., Foote v. Fire Dep’t of New York*, 5 Hill 99, 101 (N.Y. Sup. Ct. 1843) (“The statute is a mere police regulation - an act to prevent a nuisance to the city ...”); *Williams v. City Council*, 4 Ga. 509, 512 (1848).

branch of the police power, which unquestionably remains, and ought to remain, with the States.” *Brown v. Maryland*, 25 U.S. (12 Wheat.) 419, 443 (1827). He explained that “[t]he removal or destruction of infectious or unsound articles is, undoubtedly, an exercise of that power.” *Id.* at 444.

Statutes provided for the safe transport of gunpowder in a variety of ways.⁷ Limits on the amount of gunpowder a person could possess were common and typically in the range of twenty to thirty pounds. Saul Cornell & Nathan DeDino, *A Well-Regulated Right: The Early American Origins of Gun Control*, at 73 *Fordham L. Rev.* 487, 511 (2004). Many statutes also specified *how* the gunpowder had to be stored. For example, a Pennsylvania statute required that anyone keeping gunpowder “in any house, shop, cellar, store or other place within the said borough” must keep it “in the highest story of the house ... unless it be at least fifty yards from any dwelling house.” *Id.* And a New York statute required owners to separate powder “into four stone jugs or tin canisters, which shall not contain more than seven pounds each.” *Id.*

Other states, including Ohio, Tennessee, and Virginia, enacted laws regulating the discharge of guns, particularly in potentially crowded public

⁷ See Addendum at 15-18.

places like the town square.⁸

2. Gun Violence Prevention Laws. Firearms were commonly subject to police-power regulation in the States.⁹ *See* Cornell & DeDino, *A Well Regulated Right*, *supra*, at 505. Early gun regulation even extended to free white male citizens, who generally enjoyed the full panoply of political rights. A 1783 Massachusetts statute, for example, prohibited keeping a loaded firearm in “any Dwelling-House, Stable, Barn, Out-house, Warehouse, Store, Shop or other Building” in the “Town of Boston.” *Id.* at 512 (internal quotation marks omitted). The punishment was a fine and forfeiture. Pennsylvania, through the Test Acts of 1776, disarmed those who refused to take a loyalty oath. *Id.* at 506-509. And the guns used in state militias were also subject to regulation: militiamen were required to bring their firearms and present them for inspection when “mustering” for service. *Id.* at 510.

3. Prohibitions on “New” Types of Dangerous Weapons. There is nothing historically novel about Sunnyvale’s response to a danger presented

⁸ *See, e.g.*, Act of Feb. 17, 1831, ch. 834, § 6, in 3 THE STATUTES OF OHIO AND OF THE NORTHWESTERN TERRITORY 1740 (Salmon P. Chase ed., 1835); Act of Dec. 3, 1825, ch. 292, § 3, 1825 Tenn. Priv. Acts 306; Act of Jan. 30, 1847, ch. 79, 1846-1847 Va. Acts 67; Act of Feb. 4, 1806, ch. 94, 1805-1806 Va. Acts 51.

⁹ *See* Addendum at 9-15; 19-21.

by the availability of large-capacity magazines. Historically speaking, many dangerous weapons were regulated—despite being in wide circulation.

In the early part of the nineteenth century, many states were confronted with an emerging problem concerning dangerous weapons.¹⁰ In the years since the colonial era, weapons had grown smaller and cheaper, and the practice of traveling with weapons such as handguns and knives, had become both common and dangerous. *See* SAUL CORNELL, A WELL-REGULATED MILITIA: THE FOUNDING FATHERS AND THE ORIGINS OF GUN CONTROL IN AMERICA 137-40 (2008). Perceiving a threat to their citizens' safety, many state legislatures responded to this new danger by enacting laws prohibiting the carrying of concealed weapons. *See id.* at 140. Kentucky passed the first of these in 1813, prohibiting the wearing of a “pocket pistol, dirk, large knife, or sword in a cane, concealed as a weapon,” with a narrow exception for “when traveling on a journey.” Act of Feb. 13, 1813, ch. 89, 1813 Ky. Acts 100, *in* CRAMER, *supra*, at 143-44. Louisiana passed a similar law the same year. Other states soon followed suit.¹¹

¹⁰ *See* Addendum at 21-33; 42-47.

¹¹ *See* statutes from Alabama, Virginia, Arkansas, and Indiana, *in* CLAYTON E. CRAMER, CONCEALED WEAPON LAWS OF THE EARLY REPUBLIC: DUELING, SOUTHERN VIOLENCE, AND MORAL REFORM 145-46, 150-52 (1999), and from Ohio, Act of Mar. 18, 1859, 1859 Ohio Laws 56.

But many states went further in response to this new threat. Those states outlawed or severely restricted possession of entire classes of dangerous weapons altogether. For example, in 1837, Alabama imposed a tax on the sale or giving of Bowie knives. *See* Act of June 30, 1837, 1837 Ala. Acts 11, *in Cramer, supra*, at 146.

The following year, Tennessee prohibited the wearing, sale, or giving of the same weapons. *See* Act of Jan. 27, 1838, ch. CXXXVII, 1837- 1838 Tenn. Pub. Acts 200, *in CRAMER, supra*, at 148-49; *see also* Cornell, *A Well-Regulated Militia, supra*, at 142 (describing the Alabama and Tennessee statutes as “more robust” than earlier statutes by “effectively moving from regulation to prohibition of certain classes of weapons”). Many other states followed suit.¹² Such evidence confirms that it was generally recognized in the period before the Civil War that American governments could react to threats to the public safety through reasonable regulation of the right to bear arms, including outlawing entire classes of particularly dangerous weapons.

4. Post-Civil War Restrictions on Dangerous Weapons. States continued to enact broad restrictions on the possession of weapons in the years following the Civil War in response to contemporary social

¹² *See* Addendum 21-28.

problems.¹³ Even when new state constitutions contained a right to bear arms not expressly subject to legislative regulation,¹⁴ legislatures still regulated firearms.¹⁵ Several even imposed outright prohibitions on possessing handguns.

The most common regulations of the period were concealed-weapons laws. At least 15 states prohibited the carrying of concealed pistols and deadly weapons, some explicitly covering all firearms or all weapons.¹⁶ But concealed-weapons laws were not the only legislative prerogative exercised at the time.

¹³ See Addendum at 47-58; 65-71.

¹⁴ See Ala. Const. of 1868, art. I, § 28; Ark. Const. of 1868, art. I, § 5; Del. Const. of 1897, art. I, § 20; Or. Const. of 1857, art. I, § 27; Pa. Const. of 1874, art. I, § 21; S.C. Const. of 1868, art. I § 28; S.D. Const. of 1889, art. VI, § 24; Wash. Const. of 1889, art. I, § 24; Wyo. Const. of 1889, art. I, § 24.

¹⁵ See Act of Apr. 1, 1881, 1881 Ark. Acts 191; Act of Feb. 18, 1885, ch. 8, § 1-4, 1885 Or. Laws 33; 1880 S.C. Acts 448, § 1; S.D. Terr. Pen. Code § 455 (1877); Wash. Code § 929 (1881); 1876 Wyo. Laws ch. 52, § 1.

¹⁶ See Act of Apr. 1, 1881, 1881 Ark. Acts 191; Act of Feb. 18, 1885, ch. 8, § 1-4, 1885 Or. Laws 33; 1880 S.C. Acts 448, § 1; S.D. Terr. Pen. Code § 455 (1877); Wash. Code § 929 (1881); 1876 Wyo. Laws ch. 52, § 1.

See Act of Apr. 1, 1881, 1881 Ark. Acts 191; Colo. Rev. Stat. § 149, at 229 (1881); Fla. Act of Feb. 12, 1885, ch. 3620, § 1; Ill. Act of Apr. 16, 1881; Ky. Gen. Stat., ch. 29, § 1 (1880); Neb. Cons. Stat. § 5604 (1893); 1879 N.C. Sess. Laws, ch. 127; N.D. Pen. Code § 457 (1895); Act of Feb. 18, 1885, ch. 8, §§ 1-4, 1885 Or. Laws 33; 1880 S.C. Acts 448, § 1; S.D. Terr. Pen. Code § 457 (1877); Tex. Act of Apr. 12, 1871; 1869-1870 Va. Acts 510; Wash. Code § 929 (1881); W. Va. Code ch. 148, § 7 (1870).

At least four states prohibited the possession of *all* non-military handguns. For example, Tennessee criminalized carrying, “publicly 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 the hand.” 1879 Tenn. Pub. Acts, ch. 186. The only persons exempted from the statute were military personnel and those performing specified law enforcement functions. *Id*; see also *Dycus v. State*, 74 Tenn. 584, 585 (1880) (construing the act to apply even “upon one’s own farm or premises, or in fact in *any place*.”) (emphasis added).

Tennessee was not alone in such regulation. Wyoming likewise forbade anyone from “bear[ing] upon his person, concealed or openly, any fire-arm or other deadly weapon, within the limits of any city, town or village.” 1876 Wyo. Laws ch. 52, § 1. Arkansas and Texas enacted similar laws. See Act of Apr. 1, 1881, No. 96, 1881 Ark. Acts 191; Tex. Act of Apr. 12, 1871. States also outlawed the sale of non-military pistols,¹⁷ or prohibited specific weapons elected officials determined were public dangers.¹⁸

¹⁷ See Ark. Act of Apr. 1, 1881; 1879 Tenn. Pub. Acts, ch. 96.

¹⁸ See Fla. Act of Aug. 8, 1868; Ill. Act of Apr. 16, 1881; 1850 Mass. Laws, ch. 194, § 2; N.D. Pen. Code § 457 (1895); S.D. Terr. Pen. Code § 455 (1877).

Likewise, while many people on the western frontier had guns, the towns in which they lived imposed strict limitations on those weapons. ADAM WINKLER, *GUNFIGHT: THE BATTLE OVER THE RIGHT TO BEAR ARMS IN AMERICA* (2011) 165. For example, Dodge City, Kansas, prohibited the carrying of pistols and other dangerous weapons in response to violence accompanying western cattle drives. *See* Dodge City, Kan., Ordinance No. 16, § XI (Sept. 22, 1876); ROBERT R. DYKSTRA, *THE CATTLE TOWNS* 121-22 (1968). And when visitors arrived in a frontier town, they were typically required to turn over their guns to the sheriff until their departure, much like travelers are required to check firearms before boarding an airplane. The historical myth of the Wild West is indeed a myth: “On Main Street, at high noon, holsters carried no guns.” WINKLER, *supra*, at 166.

5. Restrictions on Dangerous Weapons in the Early Twentieth Century. Sunnyvale’s ordinance is far from the first prohibition on firearms capable of sustained assaults. In 1927, Michigan prohibited the possession of any “firearm which can be fired more than sixteen times without reloading.” Act of June 2, 1927, No. 372, § 3, 1927 Mich. Laws 887, 888. The National Firearms Act of 1934 imposed a tax of \$200 (\$2,000 in 2014 dollars) on the sale of machine guns and short-barreled shotguns, and

required owners of such weapons to register them and submit fingerprints to the federal government. And in 1986, Congress prohibited the transfer and possession of machine guns but for two limited exceptions. 18 U.S.C. § 922(o).

Many other “common” forms of particularly dangerous weapons were also prohibited by states during the nineteenth and twentieth centuries, including brass knuckles, switchblades, blackjacks, sword canes, and zip guns. Possession of such weapons remains illegal in many states to this day, including Texas, California, and New York.¹⁹

6. Modern Restrictions on Large-capacity Magazines and Assault Weapons. Large-capacity magazines and assault weapons present a relatively new threat to public safety, but one that has devastating consequences because of the weapons’ increased lethality. For example, a

¹⁹ See Tex. Penal Code § 46.05 “Prohibited Weapons” (making it an offense to possess “(1) an explosive weapon; (2) a machine gun; (3) a short-barrel firearm; (4) a firearm silencer; (5) a switchblade knife; (6) knuckles; (7) armor piercing ammunition; (8) a chemical dispensing device; or (9) a zip gun”); N.Y. Penal Code § 265.00 (prohibiting dangerous weapons including brass knuckles, switch blades, and machine guns); Cal. Penal Code § 21810 (prohibiting such dangerous weapons as nunchakus (commonly referred to as “nunchucks”), brass knuckles, short-barreled shotguns, cane swords, and ballistic knives).

review of 62 mass shootings between 1982 and 2012 found that large-capacity ammunition magazines were recovered in 50% of them.²⁰

In 1994, Congress adopted the Violent Crime Control and Law Enforcement Act of 1994, which made it “unlawful for a person to manufacture, transfer, or possess” a semiautomatic weapon. 18 U.S.C. § 922(v)(1). While the sunset provision of that law expired in 2004, federal law continues to prohibit any person from importing a firearm unless authorized by the U.S. Attorney General. 18 U.S.C. § 922(r). Federal law also prohibits the importation of “any frame, receiver, or barrel of such firearm which would be prohibited if assembled.” 18 U.S.C. § 925(d)(3). And in 1998, the Bureau of Alcohol, Tobacco and Firearms announced that semiautomatic rifles capable of accepting large-capacity ammunition magazines “are not generally recognized as particularly suitable for or readily adaptable to sporting purposes and are therefore not importable.”²¹

²⁰ Mark Follman et al., *More Than Half of Mass Shooters Used Assault Weapons and High-Capacity Magazines*, MOTHER JONES (Feb. 27, 2013), at <http://www.motherjones.com/politics/2013/02/assault-weapons-high-capacity-magazines-mass-shootings-feinstein>

²¹ Bureau of Alcohol, Tobacco and Firearms, *U.S. Department of the Treasury, Department of the Treasury Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles* 3 (Apr. 1998), at <http://www.atf.gov/files/publications/download/treas/treas-study-on-sporting-suitability-of-modified-semiautomatic-assault-rifles.pdf>.

In an effort to address gun violence, at least nine states either regulate or completely prohibit the possession of assault weapons, including California, New York, Connecticut, Maryland, and New Jersey.²² Similarly, eight states and the District of Columbia have enacted laws prohibiting large-capacity ammunition magazines in an effort to provide the kind of “reasonable firearm regulations” that the Supreme Court has recognized may provide a legitimate “solution[] to social problems that suit local needs and values.” *McDonald*, 130 S.Ct. at 3046.²³

C. Courts Have Historically Upheld Restrictions On Dangerous Weapons

In 1939, the Supreme Court explained that the Second Amendment “does not protect those weapons” typically used “for unlawful purposes, such as short-barreled shotguns.” *Heller*, 554 U.S. at 625 (discussing *United States v. Miller*, 307 U.S. 174, 179 (1939)). *Heller* observed that *Miller’s* prohibition against a dangerous weapon associated with illegal acts “accords

²² See, e.g., Cal. Penal Code §§ 16350; Conn. Gen. Stat. §§ 53-202a – 53-202o; Md. Code Ann., Pub. Safety § 5-101 – 5-143, 31; Mass. Gen. Laws ch. 140, §§ 121, 122, 123; N.Y. Penal Law § 265.00(22); N.J. Stat. Ann. §§ 2C:39-1w, 2C:39-5; Minn. Stat. §§ 624.712 – 624; 36.Va. Code Ann. §§ 18.2-287.4; Haw. Rev. Stat. Ann. §§ 134-1, 134-4, 134-8.

²³ See Cal. Penal Code § 16350, 16740, 16890, 32310-32450; Colo. Rev. Stat. §§ 18-12-301, 18-12-303; Conn. Gen. Stat. §§ 53-202p, 53-202q; D.C. Code Ann. § 7-2506.01(b); Haw. Rev. Stat. Ann. § 134-8(c); Md. Code Ann., Crim. Law § 4-305; Mass. Gen. Laws ch. 140, §§ 121, 131; 27; N.J. Stat. Ann. §§ 2C:39-1(y), 2C:39-3(j), 2C:39-9(h); N.Y. Penal Law §§ 265.00(23), 265.02(8), 265.10, 265.11, 265.20(7-f), 265.36-265.37.

with the historical understanding of the scope of the right.” *Id.* Indeed, American courts have historically upheld all manner of challenges to dangerous weapons that states and municipalities considered unusually threatening to public safety.

In the early Republic, state courts repeatedly upheld arms-regulating statutes against constitutional attack, even when the pertinent state constitution explicitly protected the right to bear arms. *See, e.g., Day v. State*, 37 Tenn. 496, 499 (1857); *Aymette v. State*, 21 Tenn. 154, 159-61 (1840) (right to keep weapons is unqualified, but right to bear arms for purposes other than the common defense can be regulated); *State v. Buzzard*, 4 Ark. 18, 21 (1842); *State v. Jumel*, 13 La. Ann. 399, 400 (1858) (upholding a concealed-weapons law because it only prohibited a “*particular mode* of bearing arms which is found dangerous to the peace of society”); *State v. Reid*, 1 Ala. 612, 616-17 (1840) (holding that it was permissible for the state to regulate weapons “merely to promote personal security”). Similarly, the vast majority of state and local laws regulating or outlawing dangerous arms were upheld as paradigmatic examples of the exercise of police power. “The acknowledged police power of a State extends often to the destruction of property. A nuisance may be abated. Every thing prejudicial to the health or morals of a city may be removed.”

Thurlow v. Massachusetts (The License Cases), 46 U.S. (5 How.) 504, 589-91 (1847) (McLean, J., dissenting). This power, Justice McLean explained, is “essential to self-preservation, and exists, necessarily, in every organized community. It is, indeed, the law of nature, and is possessed by man in his individual capacity. He may resist that which does him harm, whether he be assailed by an assassin, or approached by poison.” *Id.* at 589. Thus, for example, in light of the “explosive nature of gunpowder, a city may exclude it” as an “act[] of self-preservation.” *Id.* For “[i]ndividuals in the enjoyment of their own rights must be careful not to injure the rights of others.” *Id.*

In the wake of the Civil War and adoption of the Fourteenth Amendment, both courts and commentators continued to recognize state legislative authority to regulate dangerous weapons.²⁴ One contemporaneous commentator observed that the “right in the people to keep and bear arms, although secured by ... the constitution, is held in subjection to the public safety and welfare.” JOEL TIFFANY, A TREATISE ON GOVERNMENT, AND

²⁴ In *Heller*, the Supreme Court cited John Norton Pomeroy’s treatise as representative of “post-Civil War 19th-century sources” commenting on the right to bear arms. 554 U.S. at 618. As Pomeroy’s treatise observes the Second Amendment “is certainly not violated by laws forbidding persons to carry dangerous or concealed weapons, or laws forbidding the accumulation of quantities of arms with the design to use them in a riotous or seditious manner.” JOHN NORTON POMEROY, AN INTRODUCTION TO THE CONSTITUTIONAL LAW OF THE UNITED STATES 152-153 (1868)).

CONSTITUTIONAL LAW 394 (1867). Another legal scholar remarked that, even where there is a right to bear arms, “the peace of society and the safety of peaceable citizens plead loudly for protection against the evils which result from permitting other citizens to go armed with dangerous weapons.” *The Right to Keep and Bear Arms for Public and Private Defense*, 1 Cent. L.J. 259, 287 (Hon. John F. Dillon & Seymour D. Thompson, eds., 1874).

The Tennessee Supreme Court’s decision in *Andrews v. State* is illustrative. 50 Tenn. 165, 171 (1871). The plaintiffs challenged a statute forbidding any person to “publicly or privately carry any ... pocket pistol ... or revolver,” Tenn. Act of June 11, 1870, asserting “that it is in violation of, and repugnant to” the Second Amendment of the U.S. Constitution and Tennessee’s constitution. 50 Tenn. at 171. The court found that the Second Amendment right did not extend to “every thing that may be useful for offense or defense.” *Id.* at 179. Weapons such as the pocket pistol and revolver could be prohibited *altogether*. *Id.* Even the use of weapons such as “the rifle ..., the shot gun, the musket, and repeater,” could “be subordinated to such regulations and limitations as are or may be authorized by the law of the land, passed to subserve the general good.” *Id.* at 179-80.

Similarly, the Arkansas Supreme Court upheld that state’s prohibition on carrying pistols. *See Fife v. State*, 31 Ark. 455 (1876). Tracking the

reasoning of *Andrews*, the Arkansas Supreme Court upheld that State's prohibition as a lawful "exercise of the police power of the State without any infringement of the constitutional right" to bear arms. *Id.* at 461.

In 1872, the Texas Supreme Court upheld the constitutionality of a Texas law prohibiting the carrying of deadly weapons in public including "pistols, dirks, daggers, slungshots, swordcanes, spears, brass-knuckles, and bowie knives." *English v. State*, 35 Tex. 473, 474 (1872). Using the Statute of Northampton as a historical guidepost, the Court observed that "[t]he right inherent in society to ward off crimes against itself by antecedent precautions, suggests the obvious limitations to the maxim 'that purely self-regarding misconduct cannot properly be meddled with in the way of prevention or punishment.'" *Id.* (citations omitted). On these grounds, the Court upheld a conviction for carrying an unloaded pistol for the purpose of getting it repaired, concluding that such carrying is not "in any way protected either under the State or Federal Constitution." *English v. State*, 35 Tex. 473, 473, 478 (1871).

Courts in Georgia, West Virginia, and Oklahoma followed suit. *See Hill v. State*, 53 Ga. 472, 474 (1874); *State v. Workman*, 35 W. Va. 367, 373 (1891); *Ex parte Thomas*, 97 P. 260, 262 (Okla. 1908). In the Georgia case, the author of the Court's opinion noted that he was "at a loss to follow the

line of thought that extends the guarantee”—in the state Constitution of the “right of the people to keep and bear arms”—“to the right to carry pistols, dirks, Bowie knives, and those other weapons of like character, which, as all admit, are the greatest nuisances of our day.” *Hill*, 53 Ga. at 474.

In his authoritative survey of police power, published in 1904, Ernst Freund reviewed nineteenth-century weapons regulations to conclude that the constitutional guarantees of the Second Amendment and similar state constitutional provisions had “not prevented the very general enactment of statutes forbidding the carrying of concealed weapons, and the *possession or use of certain deadly weapons*.” ERNST FREUND, *THE POLICE POWER: PUBLIC POLICY AND CONSTITUTIONAL RIGHTS* 90-91 (1904) (emphasis added). Freund deemed this a classic illustration of a more general principle implicit in these regulations: “constitutional rights must if possible be so interpreted as not to conflict with the requirements of peace, order and security.” *Id.* at 91.

Sunnyvale’s dangerous weapons ordinance—enacted more than 100 years after Freund’s survey—is but one in a long line of regulations stretching back to ninth century England. Any argument that the regulation of unusually dangerous weapons does not fall within the historical scope of the right borders on the frivolous.

III. Even If The Prohibition on Large-capacity Ammunition Magazines Implicates The Second Amendment, It Is Constitutional.

Even if Sunnyvale's prohibition on large-capacity ammunition magazines somehow implicated Second Amendment interests, it would still survive review because of the slight burden that it imposes on the right and the importance of the governmental interest at stake.

Whereas the governmental interest in preventing the mass shootings enabled by large-capacity ammunition magazines is overwhelming, the corresponding burden on the right to self-defense in the home is minimal. *Heller* guaranteed law-abiding, responsible citizens the constitutional right to an operable handgun in the home for self-defense. The Court made clear that this right does not extend to every conceivable form of firearm, much less every conceivable type of ammunition. *McDonald*, 130 S. Ct. at 3047 (noting that *Heller* "recognized that the right to keep and bear arms is not 'a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose'" (citations)). So long as law-abiding, responsible citizens have the ability to obtain and use ammunition sufficient to make a handgun fully functional for self-defense in the home, the Second Amendment right is preserved.

The Sunnyvale ordinance does not in any way affect the ability of local residents to possess an operable firearm in the home for self-defense. It is no more than a modest limitation on the possession of large-capacity ammunition magazines designed to enable prolonged assaults. But since the ordinance covers only a fraction of unusually dangerous ammunition magazines, and those covered were chosen based on their offensive capabilities for mass shootings, the ban does not interfere with public access to a wide array of arms effective for self-defense in the home. *See Kovacs v. Cooper*, 336 U.S. 77, 87-88 (1949) (upholding prohibition on sound trucks when alternative “easy means of publicity” were available).

Restricting access to large-capacity ammunition magazines does not impair the ability of people to arm themselves for self-defense in their homes. It is thus an appropriately tailored means of serving the vital governmental interest in protecting the public from these unusually dangerous instruments of mayhem.

CONCLUSION

For the foregoing reasons this Court should affirm the decision below.

June 23, 2014

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CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 29(d) and 9th Cir. R. 32-1, the undersigned hereby certifies that the attached amicus brief is proportionally spaced, has a typeface of 14 points or more, and contains 6,842 words, exclusive of the exempted portions of the brief, as provided in Fed. R. App. P. 32(a)(7)(B).

The brief has been prepared in proportionally-spaced typeface using Microsoft Word 2002 in 14-point Times New Roman font. As permitted by Fed. R. App. P. 32(a)(7)(C), the undersigned has relied upon the word-count feature of this word-processing system in preparing this certificate.

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ADDENDUM

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North Carolina: 1893 N.C. Sess. Laws 348 Add. at 69

North Carolina: 1899 N.C. Sess. Laws 250 Add. at 69

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 Add. at 69

Pennsylvania: 1874 Pa. laws 91 Add. at 70

Rhode Island: 1892 R.I. Pub. Laws 14 Add. at 70

South Carolina: 1899 S.C. Acts 97 Add. at 70

Texas: 1871 Tex. Gen. Laws 14 Add. at 70

Texas: 1889 Tex. Gen. Laws 36 Add. at 71

Virginia: 1877 Va. Acts 305 Add. at 71

Virginia: 1885-86 Va. Acts 275.....Add. at 71
Wisconsin: 1883 Wis. Sess. Laws 773Add. at 71
Wyoming: 1879 Wyo. Sess. Laws chap. 43 § 1Add. at 71

II. Ability to Regulate Firearms in Post-Civil War State Constitutions

Colorado: Colo. Const. of 1876, art. II, § 13at 72
Florida: Fla. Const. of 1885, art. I, § 20at 72
Georgia: Ga. Const. of 1868, art. I, § 14.....at 72
Georgia: Ga. Const. of 1877, art. I, § 22.....at 72
Idaho: Idaho Const. of 1889, art. I, § 11at 72
Kentucky: Ky. Constitution of 1891, § 1.7.....at 72
Louisiana: La. Const. of 1879, art. IIIat 72
Mississippi: Miss. Const. of 1890, art. III, § 12at 72
Missouri: Mo. Const. of 1875, art. II, § 17at 73
Montana: Mont. Const. of 1889, art. III, § 13.....at 73
North Carolina: N.C. Const. of 1875, Art. I, § 30at 73
Tennessee: Tenn. Const. of 1870, art. I, § 26at 73
Texas: Tex. Const. of 1868, Art. I, § 13at 73
Texas: Tex. Const. of 1876, art. I, § 23at 73
Utah: Utah Const. of 1896, art. I, § 6.....at 73

I. REGULATION OF DANGEROUS AND UNUSUAL WEAPONS: PRE-COLONIAL ENGLAND THROUGH EARLY 20TH CENTURY

A. PRE-COLONIAL ENGLAND (800-1776): Regulation of Dangerous and Unusual Weapons

1. Dangerous Weapons Bans

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.

2. Dangerous Weapons Regulations

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.

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.

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.

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"

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).

Caendar 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.

B. COLONIAL UNITED STATES (1607-1791): Regulation of Dangerous and Unusual Weapons.

1. Prohibitions on Brandishing Dangerous and Terrifying Weapons

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.

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-siz; 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.

2. Bans on Firing Dangerous and Unusual Weapons

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. That 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 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.

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 . . .*

3. Regulation of Manufacturing, Inspection and Sale of Gunpowder.

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. . .

4. Regulation of Gunpowder Storage

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*).

5. Bans on Possessing Dangerous Weapons in Sensitive Areas and at Sensitive Times

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 89*

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.

C. PRE 14th AMENDMENT (1791-1868): Regulation of Dangerous and Unusual Weapons

1. Bans on Dangerous Weapons

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))

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.

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.

2. Bans on Brandishing Dangerous and Terrifying Weapons

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.

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.

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.”

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. . .

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.

New York: N.Y. Act to prevent the furtive possession and use of slung-shot and other dangerous weapons (1866) § 1-2: § 1. Every person who shall within this state use, or attempt to use, or, with intent to use against any other person, shall knowingly and secretly conceal on his person, or with like intent shall willfully and furtively possess any instrument or weapon of the kind commonly known as slung-shot, billy, sand club or metal knuckles, and any dirk or dagger (not contained as a blade of a pocket-knife), or sword-cane or air-gun, shall be deemed guilty of felony, and on conviction thereof may be punished by imprisonment in the state prison, or penitentiary or county jail, for a term not more than one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

§ 2. The having possession of any of the weapons mentioned in the first section of this act by any other than a public officer, willfully and secretly concealed on the person or knowingly and furtively carried thereon, shall be presumptive evidence of so concealing and possessing or carrying the same with the intent to use the same in violation of the provisions of this act.

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.

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.

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

3. Bans on Firing Dangerous Weapons

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 ordinance, 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 Cleaveland, section 9 see Cleaveland 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 compliant 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;*

4. Regulation of Manufacturing, Inspection and Sale of Gunpowder.

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 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 lease. § 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 . . . § That if any person with 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. . .

5. Regulation of Gunpowder Storage

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 gun-powder 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 gun-powder 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 it 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. . . 109

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.

6. Bans on Dangerous Weapons in Sensitive Areas and at Sensitive Times

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 shotgun, 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.

D. POST 14TH AMENDMENT: Regulation of Dangerous Weapons

1. Bans on Dangerous Weapons

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.

California: Cal. Act 1182 (1917), § 1 (Manufacture, etc., of certain dangerous weapons misdemeanor): Every person who manufactures or causes to be manufactured, or leases, or keeps for sale, or offers, or gives, or otherwise disposes of any instrument or weapon of the kind commonly known as a blackjack, slungslot, billy, sandelub, sandbag, bludgeon, or metal knuckles, a dirk or dagger, to any person within this state is guilty of a misdemeanor, and if he has been previously convicted of a crime made punishable by this section, he is guilty of a felony.

§ 2 (Possession of certain dangerous weapons misdemeanor): Every person who possesses any instrument or weapon of the kind commonly known as a blackjack, slungslot, billy, sandelub, sandbag, bludgeon, metal knuckles, bomb or bombshells, or who carries a dirk or dagger, is guilty of a misdemeanor, and if he has been convicted previously of any felony or of a crime made punishable by this act, he is guilty of a felony.

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 deadline weapon of like character, or any person in whose possession such weapons shall be found, 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.

Maryland: Md. Code of Public General Laws (1886), art. 27 § 30 (Concealed Weapons): Every person, not being a conservator of the peace entitled or required to carry such weapon as a part of his official equipment, who shall wear or carry any pistol, dirk-knife, bowie-knife, slung-shot, billy, sand-club, metal knuckles, razor, or any other dangerous or deadly weapon of any kind whatsoever, (penknives excepted,) concealed upon or about his person; and every person who shall carry or wear any such weapon openly, with the intent or purpose of injuring any person, shall, upon conviction thereof, be fined not more than five hundred dollars, or be imprisoned not more than six months in jail or in the house of correction.

Massachusetts: Act to regulate by license the carrying of concealed weapons (1906), § 2: Whoever, except as provided by the laws of this Commonwealth, carries on his person a loaded pistol or revolver, without authority or permission as provided in section one of this act, or whoever carries any stiletto, dagger, dirk-knife, slung-shot or metallic knuckles, shall upon conviction be punished by a fine of not less than ten nor more than one

hundred dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

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 devise 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 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.

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).

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

Texas: Act to regulate the keeping and bearing of deadly weapons (1871) art. 6512: Any person carrying on or about his person, saddle, or in his saddle-bags, any pistol, dirk, dagger, slung-shot, sword-cane, spear, brass-knuckles, bowie-knife, or any other kind of knife manufactured or sold for the purpose of offense or defense, unless he has reasonable grounds for fearing an unlawful attack on his person, and that such ground of attack shall be immediate and pressing; or unless having or carrying the same on or about his person for the lawful defense the state, as a militiaman in actual service, or as a peace officer or policeman, shall be guilty of a misdemeanor *Provided,* That this section shall not be so construed as to prohibit any person from keeping or bearing arms on his or her own premises, or at his or her own place of business, nor to prohibit sheriffs or other revenue officers, and other civil officers, from keeping or bearing arms while engaged in the discharge of their official duties, nor to prohibit persons traveling in the state from keeping or carrying arms with their baggage. . . .

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.

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.

2. Bans on Brandishing Dangerous and Terrifying Weapons

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. . .

3. Bans on Firing Dangerous Weapons

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 wilfully 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, or 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.

4. Regulation of Manufacturing, Inspection and Sale of Gunpowder.

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 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, naptha 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. . .

5. Regulation of Storage of Gunpowder and Explosives

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.
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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. 111

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. 112

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. 113

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.

6. Regulation of Possession Dangerous Weapons in Sensitive Areas and at Sensitive Times

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 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 to 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 nore 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 a 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 . . . “).

II. 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 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.