



HISTORICAL WEAPONS RESTRICTIONS ON MINORS

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ABSTRACT

Since the Supreme Court’s ruling in 2022 that recast the basis for judging the constitutionality of contemporary gun laws according to the existence of historical analogs, all manner of laws have been subject to court challenge, including those that restrict gun access to those under the age of twenty-one. To date, federal courts have split on this question. Given this new, history-based standard for judging the constitutionality of current weapons laws, this Article examines the historical record pertaining to how the age of majority was defined in our past and how that pertains to the history of laws that restricted minors’ access to firearms and other weapons. This Article offers the most extensive assessment of state laws and local ordinances from the eighteenth and nineteenth centuries to be found to date. In addition, it includes a new and extensive excavation of a wide range of college and university codes in the eighteenth and nineteenth centuries that limited or barred students from having weapons during that time period, the nature and extent to which has not been identified or reported before. All of this information supports the conclusion that the broadly accepted age of majority during this time period was twenty-one.

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I. INTRODUCTION

The Supreme Court's 2022 ruling in *New York State Rifle & Pistol Association, Inc. v. Bruen*¹ redefined, recast, and scrambled the definition of gun rights under the Second Amendment's right to bear arms. In the ruling, the high court set out at least two important, if freighted, principles: that the Second Amendment now protected a right of citizens to carry firearms in public for self-protection; and that the constitutionality of modern gun laws would now be evaluated based on whether "the regulation is consistent with the Nation's historical tradition."² In so doing, the Court has spurred challenges to all manner of gun laws, sometimes yielding contradictory outcomes involving similar issues. Such has been the case with challenges to state laws that restrict weapons access to those between the ages of eighteen and twenty-one; challenges to these laws have yielded at least five federal court rulings to date, with three rulings upholding a right of those between eighteen and twenty to have access to guns,³ and two other cases denying that right by upholding the existing laws.⁴

In this Article, I examine the historical record pertaining to how the age of majority was defined in our past and how that pertains to the history of laws that restricted minors' access to firearms and other weapons. This examination offers the most extensive assessment of state laws and local ordinances from the eighteenth and nineteenth centuries to be found to date. In addition, it includes a new and extensive excavation of a wide range of college and university codes in the eighteenth and nineteenth centuries that limited or barred students from having weapons during that time period, the extent of which has not been identified or reported before. All of this information supports the conclusion that the broadly accepted age of majority during this time period was twenty-one. Given the Supreme Court's newly established history-based yardstick for determining the constitutionality of contemporary gun laws, this evidence lends important weight to setting twenty-one as the appropriate age of majority for gun possession and use under most circumstances. This analysis takes on greater importance

1. 597 U.S. 1 (2022).

2. *Id.* at 17.

3. See *Firearms Poly Coal., Inc. v. McCraw*, 623 F. Supp. 3d 740, 745 (N.D. Tex. 2022); *Fraser v. ATF*, No. 3:22-CV-410, 2023 WL 3355339, at *23 (E.D. Va. May 10, 2023); *Fraser*, No. 3:22-CV-410, 2023 WL 5617899, at *1–2 (E.D. Va. Aug. 30, 2023); *Worth v. Harrington*, No. 21-CV-1348, 2023 WL 2745673, at *1 (D. Minn. 2023).

4. *Reese v. ATF*, 647 F. Supp. 3d 508, 525 (W.D. La. 2022); *NRA v. Bondi*, 61 F.4th 1317, 1320 (11th Cir. 2023).

because young adults are more likely to be perpetrators of violent crime.⁵ For example, while those between the ages of eighteen and twenty compose less than four percent of the population, they are responsible for more than fifteen percent of manslaughter arrests and homicides.⁶ A U.S. Department of Justice study spanning from 1980 to 2008 reported that those between the ages of eighteen and twenty-four consistently had the highest rate of homicide.⁷ In 2019, according to FBI data, the age that committed the largest number of homicides that year was nineteen, followed by those age eighteen.⁸ Beyond that, society has traditionally assumed a greater obligation to protect and guide its young.

I. HISTORICAL RESTRICTIONS ON MINORS' ACCESS TO WEAPONS

From the colonial era through the nineteenth century, and up until 1971, the generally recognized age of majority in America was twenty-one. As Vivian Hamilton notes in her study of the definition of adulthood in the United States,

The immediate historical origins of the U.S. age of majority lie in the English common law tradition. The American colonies, then the United States, adopted age twenty-one as the near universal age of majority. The U.S. age of majority remained unchanged from the country's founding well into the twentieth century.⁹

Similarly, *Black's Law Dictionary* notes that "infancy" (the traditional term "infants" applied to what are now labeled minors) is defined as "the state of a person who is under the age of legal majority,— at common law, twenty-one years."¹⁰ As the constitutional scholar James Kent noted in his classic *Commentaries*,

5. U.S. DEP'T OF JUST., TRENDS IN YOUTH ARRESTS FOR VIOLENT CRIMES (2022), <https://ojjdp.ojp.gov/publications/trends-in-youth-arrests.pdf>.

6. *Crime In the United States 2019*, U.S. DEP'T OF JUST., <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/tables/table-38#:~:text=Arrests%2C%20by%20Age%2C%202019%20In%202019%2C%2093.0%20percent,88.9%20percent%20of%20p%20er-sons%20arrested%20for%20property%20crimes> (last visited Mar. 5, 2024); *Age and Sex Composition In the United States: 2021*, U.S. CENSUS BUREAU, <https://www.census.gov/data/tables/2021/demo/age-and-sex/2021-age-sex-composition.html> (last visited Mar. 5, 2024).

7. U.S. DEP'T OF JUST., HOMICIDE TRENDS IN THE UNITED STATES, 1980–2008, at 1, 4 (2011), <https://bjs.ojp.gov/content/pub/pdf/htus8008.pdf>.

8. See U.S. DEP'T OF JUST., *supra* note 6.

9. Vivian E. Hamilton, *Adulthood in Law and Culture*, 91 TUL. L. REV. 55, 64 (2016).

10. *Infancy*, BLACK'S LAW DICTIONARY (6th ed. 1991). *Merriam Webster's Dictionary of Law* defines "infant" as "a person who is not of the age of majority." MERRIAM-WEBSTER'S DICTIONARY OF LAW (1st ed. 1996).

The necessity of guardians results from the inability of infants to take care of themselves; and this inability continues, in contemplation of law, until the infant has attained the age of twenty-one years. The age of twenty-one is the period of majority for both sexes The age of twenty-one is probably the period of absolute majority throughout the United States¹¹

Concerns over the prospect of minors obtaining ready access to firearms were often expressed in the nineteenth century, especially in the latter half of that century.¹² Voicing a typical sentiment of the time, the Supreme Court of Tennessee said this in an 1878 decision: “we regard the acts to prevent the sale, gift, or loan of a pistol or other like dangerous weapon to a minor, not only constitutional as tending to prevent crime but wise and salutary in all its provisions.”¹³ At the time, the legal age for purchasing or owning a firearm in Tennessee was twenty-one.¹⁴

My survey of old weapons laws in America as they relate to minors (i.e., those who have not reached the age of majority) reveals that they were numerous and prolific, dating from the 1700s through the early 1900s.¹⁵ At least forty-six states enacted laws to keep guns and other dangerous weapons (usually including fighting knives, types of clubs, and various explosives, sometimes including ammunition) out of the hands of minors, though the age limits set in these laws encompassed some variation.¹⁶

At least seven states enacted thirteen laws pertaining to minors and weapons before 1861. The earliest law, enacted in New York City in 1763, said that,

[I]f any Children, Youth, Apprentices, Servants, or other Persons, do fire and discharge any Gun, Pistol, Leaden-Gun, Rockets, Crackers, Squibs, or other Fire-Works, at any Mark, or at Random, against any Fence, Pales or other Place in any Street, Lane or Alley, or within any Orchard, Garden or other Inclosure

11. 2 JAMES KENT, COMMENTARIES ON AMERICAN LAW 233 (John M. Gould ed., 14th ed. 1896).

12. PATRICK J. CHARLES, ARMED IN AMERICA: A HISTORY OF GUN RIGHTS FROM COLONIAL MILITIAS TO CONCEALED CARRY 156, 404–05 (2018).

13. *State v. Callicutt*, 69 Tenn. 714, 716–17 (1878).

14. *NRA v. Bondi*, 61 F.4th 1317, 1326 & n.13 (11th Cir. 2023) (citing *Warwick v. Cooper*, 37 Tenn. (5 Sneed) 659, 660 (Tenn. 1858)).

15. My analysis is based on and drawn from the compendium of old weapons laws found at the Duke Center for Firearms Law Repository of Historical Gun Laws. *Repository of Historical Gun Laws*, DUKE CTR. FOR FIREARMS L., <https://firearmslaw.duke.edu/repository/search-the-repository/> (last visited Mar. 6, 2024).

16. See Appendix A (on file with author).

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[sic], or in any Place where Persons frequent to walk; such Person so offending, shall forfeit for every such Offense, the Sum of Forty Shillings.¹⁷

In 1803, the city enacted a provision to hold parents accountable for any unlawful firearm discharge by a minor.¹⁸ A similar measure was enacted in 1859.¹⁹

Other early laws and ordinances pertaining to minors and weapons were enacted in Delaware (1812), South Carolina (1817), Connecticut (1835), Kentucky (1853, 1859, 1860), Alabama (1856), and Tennessee (1856, 1858). The Delaware state law was enacted to prevent firearms firing “within the towns and villages, and other public places” of the state, and extended its prohibition to any “child or children” that broke the law, with the parents bearing the penalty for violation.²⁰ The South Carolina law prohibited the firing of firearms in Columbia, noting that if such illegal firing were committed “by minors or other disorderly persons, who have no ostensible property,” the guns in question could be seized.²¹ The Connecticut law held parents liable for violations by “minors and apprentices” for firing any gun or “crackers, or other fire works” within the city of New London.²² The three Kentucky laws applied to two cities. The first penalized selling gunpowder to those under fifteen without parental consent and also to “free colored persons.”²³ The second and third applied the prohibition to pistols, fighting knives (including Bowie knives), certain clubs, “or other [concealed] deadly weapon” to minors and also to any “slave, or free negro.”²⁴ The Alabama law imposed a fine on

17. N.Y.C., N.Y., Ordinances § VI (1763).

18. N.Y.C., N.Y., Ordinances ch. 23, § 1 (1803) (preventing the firing of guns in the City of New York).

19. N.Y.C., N.Y., Ordinances ch. 13, § 6 (1859) (concerning the firing of fire-arms, cannons, and fire-work).

20. 195 DEL. LAWS 522 § 2 (1812).

21. COLUMBIA, S.C., Ordinances No. 41 (1823) (prohibiting the firing of guns in Columbia).

22. NEW LONDON, CONN., Ordinances ch. 26, § 2 (1835) (prohibiting the firing of guns and pistols in New London and making parents and guardians liable for breaches by minors and apprentices).

23. LOUISVILLE, KY., Ordinances No. 68 (1853) (prohibiting the sale of gunpowder to minors under fifteen and to African-Americans). As discussed below, minors were often grouped together with African-Americans in laws that limited their ability to obtain or possess weapons. Though racist and abhorrent, these laws show that, historically, minors are treated differently than persons afforded full rights under the law.

24. 1859 Ky. Acts 245 § 23 (amending an earlier act to consolidate several acts concerning the town of Harrodsburg); 1860 Ky. Acts 245 ch. 33, § 23 (amending an earlier act to consolidate several acts concerning the town of Harrodsburg).

anyone who sold, gave, or lent a pistol or fighting knife to a minor.²⁵ The two Tennessee state laws penalized anyone who gave to minors any “pistol, bowie-knife, dirk, Arkansas tooth-pick, [or] hunter’s knife.”²⁶ The early laws applying to cities and towns both reflected and presaged the effort to keep dangerous weapons out of the hands of minors in populated areas, for reasons discussed below.

During and following the Civil War, restrictions on minors’ possession and use of weapons proliferated. From 1861 to 1880, twelve states enacted fifteen laws.²⁷ From 1881 to 1900, thirty-one states and the District of Columbia enacted forty-nine laws.²⁸ From 1855 to 1900, at least nineteen states and the District of Columbia adopted laws that set twenty-one as the age of maturity.²⁹ From 1901 to 1933, twenty-four states enacted thirty-five laws (note that state totals here exceed forty-six because some states enacted multiple laws across these time periods).³⁰ The contents of these state laws establish four important principles: that the laws went to great lengths to keep guns (mostly handguns, but sometimes any guns) and other weapons out of the hands of minors; that the definition of who constituted a minor varied during this time and according to the specific type of weapons restriction; that the age of maturity set in weapons laws was most commonly twenty-one; and that the category of minors was a class not entitled to anything like gun rights.

While the specific regulatory mechanisms across the states varied some, they generally encompassed provisions to criminalize the act of transmitting guns (whether through sale, gift, trade, or the like) and usually other weapons (primarily fighting knives and clubs) to minors—whether by private individuals or commercial dealers. Some of the laws stipulated that those under the given age could have weapons in their possession with parental consent or supervision.³¹ Some of the provisions also extended to barring minors’ possession or ignition of gunpowder and firework-type explosives, including percussion caps and the like.³² The inferior legal status of minors is punctuated by the fact that some of these

25. 1856 Ala. Acts 17 § 1 (amending the criminal law).

26. 1856 Tenn. Pub. Acts 92 ch. 81, §§ 2–3 (restricting the sale, loan, or bequest of weapons to minors); TENN. CODE § 4864 (1858) (restricting the sale of liquors and weapons to minors and slaves). The laws excepted guns for hunting. *Id.*

27. *See* Appendix A, *supra* note 16.

28. *Id.*

29. *See id.* For example, in 1859, Kentucky enacted a law setting twenty-one as the relevant age limit. *NRA v. Bondi*, 61 F.4th 1317, 1326 (11th Cir. 2023).

30. *See* Appendix A, *supra* note 16.

31. *See id.*

32. *See id.*

laws also included other categories of people who were viewed as not entitled to full rights, including African-Americans (enslaved and free before the Civil War), servants, those of “unsound mind,” those who were intoxicated, convicts, and drug addicts.³³ Some of these restrictions—most notably those applying to African-Americans—are abhorrent in the modern context. But it would be a mistake to ignore them. Rather, the fact that minors were often included as a similar prohibited category of person underscores the fact that minors were treated in the same category as others with more limited legal rights.

In terms of age limits, while they ranged from a low of twelve to a high of twenty-one, it is clear that twenty-one was by far the most commonly set age of majority.³⁴ Of the 107 laws counted in Table 1 that set a numerical age limit (not including the fifteen laws that did not give a numerical age in the laws’ text or for which no known case law provided for one), forty-five of them (42%) set the age of majority at twenty-one. When the laws concerning twenty-one-year-olds are broken down by decades, four of them (9%) came before 1861; 18% of them were enacted from 1861–1880; 49% of them were enacted in the period from 1881–1900; and 24% during the period from 1901–1933.

The next most common was age sixteen (21%), followed by age eighteen (13%). The lower age limits tended to have other qualifiers, like the age at which children could have a gun or go hunting but subject to parental supervision.³⁵ Listed below are the respective ages of majority that appear in those laws for which the age was stated or could be discerned.³⁶ Given that American law regarding the legal status of children was in flux in the nineteenth century,³⁷ as were the circumstances giving rise to guns and minors laws, there is in fact a surprising degree of agreement about the ages as described here. This is especially notable given that the nation during this time transitioned from an overwhelmingly rural nation (where children working on a farm, for example, was an accepted practice) to an industrial nation by the end of the nineteenth century (where the notion of children working in factories and mines, for example, was increasingly abhorrent to society).³⁸

33. *See id.*

34. *See infra* Table 1.

35. *See* Appendix A, *supra* note 16.

36. Note that a few laws list multiple ages for different types of restrictions within the same law.

37. *See supra* notes 31–36.

38. *See supra* notes 31–37 and accompanying text.

TABLE 1
WEAPONS LAWS RESTRICTIONS FOR MINORS BY AGE LIMIT*

Age	21	20	18	17	16	15	14	13	12	Unknown
Number of Laws	45	1	14	1	23	11	7	1	4	15

*Source: Appendix A. Laws that did not designate a numerical age in their text or that could not be ascertained are in the column “Unknown.”

As noted, the age set also varied depending on the nature of the restriction (higher age limits on the age for carrying concealable weapons, for example, or lower age limits for those allowed to hunt or have dangerous, but less lethal, “toy guns”).³⁹ What was not in flux, however, was the principle that minors, however defined, were not eligible to exercise anything like adult rights, including any right to have a gun or other dangerous weapon or substance (absent in loco parentis) in the nineteenth century.

The rise of weapons laws pertaining to minors during the course of the nineteenth century is most readily explainable by understanding the profound changes in American state and society during this time period. At the start of the nineteenth century, over ninety percent of the population in the United States was engaged in agriculture.⁴⁰ The typical American lived and worked on subsistence family farms. Under those circumstances, children mostly lived at home, under the care of their parents, and participated in farm work from an early age. Children had no access to what we would now call “disposable income,” much less anything resembling a “right” to obtain firearms on their own. Indeed, at the start of the 1800s, the economy was “based primarily on small-scale farming and local commerce.”⁴¹ By the end of the 1800s, however, the nation had “matured into a far-flung capitalist marketplace entwined with world markets” that “generated changes in every other area of American life, from politics to the legal system, from the family to social values.”⁴² The once primarily rural society “became [by the end of the 1800s] a highly structured, increasingly centralized, urban-industrial

39. Catie Carberry, *The Origin of Toy Guns in America*, DUKE CTR. FOR FIREARMS L. (Jul. 18, 2019), <https://firearmslaw.duke.edu/2019/07/the-origin-of-toy-guns-in-america/>.

40. NAT'L AGRIC. STAT. SERV., U.S. DEP'T OF AGRIC., *THE STORY OF U.S. AGRICULTURAL ESTIMATES 1* (Apr. 1969), https://www.nass.usda.gov/About_NASS/pdf/The%20Story%20of%20U.S.%20Agricultural%20Estimates.pdf.

41. 1 GEORGE BROWN TINDALL & DAVID E. SHI, *AMERICA: A NARRATIVE HISTORY* 444 (6th ed. 2004).

42. *Id.* at 444–45.

society buffeted by the imperatives of mass production, mass consumption, and time-clock efficiency.”⁴³ With the rise of urbanization and industrialization that characterized the industrial revolution came a concomitant rise in—and ruthless exploitation of—child labor outside of the home, especially in the industrial and manufacturing sectors, that ultimately led to the proliferation of child labor laws, minimum wage laws, and compulsory education requirements, among many other changes.⁴⁴ Urbanization also led to “an increased number of youth on the streets” who in turn “became involved in juvenile crime.”⁴⁵ Stated differently, “[r]apid urbanization disrupted families, resulting in overcrowding and an increase in crime, including crimes committed by children.”⁴⁶

In the light of this history, it is little wonder that relatively few minors weapons laws existed in the eighteenth century, since minors mostly lived with their parents in circumstances where minors did not possess the means, ability, inclination, or right to obtain firearms on their own. When massive societal changes altered these circumstances, it is no surprise that weapons laws concerning minors proliferated, especially in urban areas first, and then more generally in the latter half of the nineteenth century.⁴⁷ The smaller number of earlier restrictions was not attributable to a different public understanding of legal rights for minors in the eighteenth century (as noted earlier, the accepted age of majority, even in the eighteenth century, was twenty-one).⁴⁸ Rather, the rise in laws restricting minors’ access to weapons was a result of the spread of mass produced, cheap firearms in urban areas in the latter part of the nineteenth century— including to minors—resulting in an array of legal

43. 2 GEORGE BROWN TINDALL & DAVID E. SHI, *AMERICA: A NARRATIVE HISTORY* 802 (6th ed. 2004).

44. *Id.* at 822–24, 974–76; see also Michael Schuman, *History of Child Labor in the United States*, U.S. BUREAU OF LAB. STAT. (Jan. 2017), <https://www.bls.gov/opub/mlr/2017/article/history-of-child-labor-in-the-united-states-part-1.htm>.

45. Lyle Therese A. Hilotin-Lee, *History of the Juvenile Justice System*, FINDLAW (Aug. 28, 2023), <https://www.findlaw.com/criminal/juvenile-justice/development-of-the-juvenile-justice-system.html>.

46. Michele Deitch, *Historical Perspective*, NAT’L INST. OF CORR., <https://info.nicic.gov/dtg/node/9> (last visited Mar. 6, 2024).

47. See *supra* pp. 104–06.

48. Saul Cornell, “*Infants*” and *Arms Bearing in the Era of the Second Amendment: Making Sense of the Historical Record*, YALE L. & POL’Y REV., https://ylpr.yale.edu/inter_alia/infants-and-arms-bearing-era-second-amendment-making-sense-historical-record#:~:text=Professor%20Cornell’s%20Remark%20offers%20a,into%20an%20originalist%20legal%20framework (last visited Feb. 5, 2024). As Jacob D. Charles noted, the absence of evidence—historical silence on a question—does not imply any sort of historical understanding that the government lacked power to act. Jacob D. Charles, *The Dead Hand of a Silent Past: Bruen, Gun Rights, and the Shackles of History*, 73 DUKE L. J. 67, 74 (2023).

enactments to address the problem, including anti-concealed carry weapons laws.⁴⁹ As is true of other firearms and weapons laws, these social problems led to the vast majority of states adopting an array of laws to protect minors, including measures to keep guns and other weapons from children throughout the 1800s.⁵⁰ These measures also functioned to protect society from minors' consequent misdeeds.⁵¹ That power was (and is) extensively exercised.

One final, related point merits attention. The fact that the age for militia service in the late 1700s and 1800s was typically defined as beginning at age eighteen is used as a basis for arguing that eighteen-to-twenty-year-olds should have the same right to buy and own guns in the present era.⁵² For example, the Uniform Militia Act of 1792 defined militia service as applicable to those between the ages of eighteen and forty-five.⁵³

But the notion that eighteen-to-twenty-year-olds could be compelled to enter military or militia service as somehow also inferring either a contemporaneous or modern civilian right of eighteen-to-twenty-year-olds to buy and own guns conflates two very different ideas. First, militia and military service are obligations or duties, not rights.⁵⁴ An obligation is, quite simply, something that one *must* do under law, as in to submit to military service under circumstances of a military draft, for example. An obligation is, in other words, “[t]hat which a person is bound to do or forebear; any duty imposed by law.”⁵⁵ A right, on the other hand, is something that one *may* do by one's own judgment, or “powers of free action.”⁵⁶ One does not implicate the other. Even that portion of the 1792 Militia Act that required militia-eligible men to keep and maintain “a good musket or firelock” did so as one of the requirements attendant to military service.⁵⁷ In addition, militia/military service is entirely different from civilian activities, rights, and actions. Military service

49. Robert J. Spitzer, *Gun Law History in the United States and Second Amendment Rights*, 80 L. & CONTEMP. PROBS. 55, 63–67 (2017); see, e.g., LEE KENNETT & JAMES LAVERNE ANDERSON, *THE GUN IN AMERICA: THE ORIGINS OF A NATIONAL DILEMMA* 133–86 (1975); ALEXANDER DECONDE, *GUN VIOLENCE IN AMERICA: THE STRUGGLE FOR CONTROL* 105–18 (2001).

50. See *supra* pp. 104–06.

51. See *supra* pp. 104–06.

52. See David B. Kopel & Joseph G.S. Greenlee, *History and Tradition in Modern Circuit Cases on the Second Amendment Rights of Young People*, 43 S. ILL. UNIV. L.J. 119, 154–55 (2018).

53. Militia Act of 1792, ch. 33, 1 Stat. 271.

54. Cornell, *supra* note 48.

55. *Obligation*, BLACK'S LAW DICTIONARY (6th ed. 1991).

56. *Right*, BLACK'S LAW DICTIONARY (6th ed. 1991).

57. Militia Act of 1792, ch. 33, 1 Stat. 271.

occurs through a rigorous, closely supervised, and coordinated system of hierarchical rank, order, and discipline, especially with respect to firearms in a military context, even when that involved the ill-trained, poorly disciplined, and haphazard American militias of the late eighteenth and nineteenth centuries.⁵⁸ Further, it is well understood that members of the military are not necessarily entitled to the same rights (such as free speech) as civilians.⁵⁹

And finally, the militia implementation laws of the thirteen states enacted in the 1790s further support the idea that militia service by eighteen-to-twenty-year olds did not confer a right to obtain or own firearms. After passage of the Uniform Militia Act of 1792 by, each state enacted its own militia law in conformity with the federal law, with the states including more specific and detailed provisions. These state militia laws exempted those under twenty-one from the requirement in the 1792 federal law that recruits obtain their own firearms. Instead, the burden for arming militia members who were below the age of twenty-one fell to the recruits' parents, masters (employers), or guardians.⁶⁰ In instances where those under twenty-one came from families or circumstances without the means to purchase the necessary weapons, government monies could be used to purchase muskets, though the firearms remained the property of the government that purchased them.⁶¹

58. ROBERT J. SPITZER, *THE POLITICS OF GUN CONTROL* 38–39, 45–48 (8th ed. 2021).

59. Elizabeth Beaumont, *Rights of Military Personnel*, FREE SPEECH CTR., <https://firstamendment.mtsu.edu/article/rights-of-military-personnel/> (Sep. 19, 2023). Members of the military are governed under the Uniform Code of Military Justice. *Id.*

60. *See, e.g.*, ACTS AND LAWS OF THE STATE OF CONNECTICUT, IN AMERICA 298–99 (Hartford, Hudson & Goodwin 1796); ROBERT & GEORGE WATKINS, A DIGEST OF THE LAWS OF THE STATE OF GEORGIA 461–62 (Philadelphia, R. Aitkin 1800); WILLIAM KILTY, THE LAWS OF MARYLAND (Annapolis, Frederick Green 1800); THE PERPETUAL LAWS OF THE COMMONWEALTH OF MASSACHUSETTS 340 (Worcester, Isaiah Thomas 1789); THE LAWS OF THE STATE OF NEW HAMPSHIRE 422 (Portsmouth, John Melcher 1797); WILLIAM PATTERSON, LAWS OF THE STATE OF NEW JERSEY, REVISED AND PUBLISHED UNDER THE AUTHORITY OF THE LEGISLATURE 440 (New Brunswick, Abraham Blauvelt 1800); THE LAWS OF THE STATE OF NEW YORK 447 (New York, Thomas Greenleaf 1798) (providing New York's Militia Act of 1793); JAMES IREDELL & FRANCOIS XAVIER MARTIN, PUBLIC ACTS OF THE GENERAL ASSEMBLY OF NORTH CAROLINA 159 (New Bern, Martin & Ogden 1804); 14 JAMES T. MITCHELL & HENRY FLANDERS, THE STATUTES AT LARGE OF PENNSYLVANIA FROM 1682 TO 1801, at 456 (Harrisburg, Harrisburg Publishing Co. 1909); PUBLIC LAWS OF THE STATE OF RHODE-ISLAND AND PROVIDENCE PLANTATIONS 69 (Newport, H & O Farnsworth 1798); BENJAMIN ELLIOTT & MARTIN STROBEL, THE MILITIA SYSTEM OF SOUTH CAROLINA, BEING A DIGEST OF THE ACTS OF CONGRESS CONCERNING THE MILITIA, LIKEWISE OF THE MILITIA LAWS OF THIS STATE 23 (Charleston, A.E. Miller 1835); 12 WILLIAM WALLER HENING, THE STATUTES AT LARGE: BEING A COLLECTION OF ALL THE LAWS OF VIRGINIA 12 (Richmond, George Cochran 1823).

61. *See, e.g.*, Hening, *supra* note 60.

II. HISTORICAL WEAPONS RESTRICTIONS ON COLLEGE CAMPUSES

One other category of laws and rules bears on the larger idea that minors below the age of twenty-one were not accorded anything akin to “gun rights” in history. This category pertains to the legal status of college students. As historian Saul Cornell noted: “College was one of the very few circumstances where minors lived outside of their parents’ or a guardian’s direct authority. As a matter of law, minors attending college traded strict parental authority for an equally restrictive rule of *in loco parentis*.”⁶² Admittedly, college education in the modern era is far more widespread and democratized. As of 2022, over thirty-seven percent of Americans have at least a four year college degree.⁶³ In 1870, the newly created Federal Department of Education (then a sub-cabinet department) reported that 9,000 college degrees had been awarded as of that year.⁶⁴ Also in 1870, about 63,000 students were enrolled in institutions of higher learning.⁶⁵ Yet the fact that few Americans attended college in the eighteenth and nineteenth centuries compared to the present era does not undercut the significance of college rules restricting students’ access to firearms and other weapons. As discussed below, public universities overseen by state legislatures in at least a dozen states enacted weapons restrictions. Further, these rules, discussed below, applied regardless of the size of the student bodies and were based on the universally understood *in loco parentis* powers exercised by colleges and universities over their students. The numerous rules governing private campuses are not public law, to be sure, but they do provide a different source of information confirming that those under twenty-one were not entitled to anything resembling gun rights. Indeed, college rules from this early period are a microcosm of societal attitudes

62. Cornell, *supra* note 48; see also Brian Jackson, *The Lingering Legacy of In Loco Parentis: An Historical Survey and Proposal for Reform*, 44 VAND. L. REV. 1135, 1136 (1991); STEVEN J. NOVAK, *THE RIGHTS OF YOUTH: AMERICAN COLLEGES AND STUDENT REVOLT, 1798–1815*, at 103–05 (1977). Even during this period, a college education was generally four years in length, and attracted students in their late teens.

63. Tyler Talbott, *The Percentage of Americans with College Degrees in 2023*, COLL. TRANSITIONS (Aug. 12, 2023) <https://www.collegetransitions.com/blog/percentage-of-americans-with-college-degrees/>.

64. OFF. OF EDUC. RSCH. & IMPROVEMENT, U.S. DEPT OF EDUC., 120 YEARS OF AMERICAN EDUCATION: A STATISTICAL PORTRAIT 5 (Thomas D. Snyder ed., 1993).

65. Clair Kluskens, *Census Fun Fact #6 - The Evolving Enumeration of College Students, 1850-1950*, HISTORYHUB (Jul. 4, 2021), <https://historyhub.history.gov/genealogy/census-records/b/census-blog/posts/census-fun-fact-6—the-evolving-enumeration-of-college-students-1850-1950>. The U.S. population in 1870 was about 38 million. *POP Culture: 1870*, U.S. CENSUS BUREAU, https://www.census.gov/history/www/through_the_decades/fast_facts/1870_fast_facts.html (last visited Mar. 6, 2024).

concerning the rights (or lack of rights) pertaining to young people and for that reason alone are highly instructive.

Some have argued that colleges' control over their students during this time, including weapons restrictions, was not based on students' age, but rather was "based on their status as students living together in dormitories."⁶⁶ This, however, is incorrect for two reasons.

First, these rules often applied to students whether they lived on campus or off campus.⁶⁷ That is, they were codes that applied uniformly to *all* students enrolled in these institutions. For example, an 1810 regulation for Georgia public colleges and universities said, "no student shall be allowed to keep any gun, pistol, Dagger, Dirk sword cane or any other offensive weapon in College or elsewhere, neither shall they or either of them be allowed to be possessed of the same out of the college in any case whatsoever."⁶⁸ In fact, these codes typically regulated or proscribed a range of student behaviors extending far beyond firearms restrictions both on campus and off, providing further evidence of colleges' plenary in loco parentis authority over students.

Second, experts on early American higher education make perfectly clear that college faculty and administrators functioned in the manner of, and with authority comparable to, parents. This is the very definition of in loco parentis: to act "[i]n the place of a parent; instead of a parent; charged . . . with a parent's rights, duties, and responsibilities."⁶⁹

For example, one study of American college life in the 1700s and 1800s noted that "[t]eachers assumed the position of parents."⁷⁰ Another confirmed that as early as the mid-1700s, "[c]olonial [college] faculties had assumed without question their authority over students"⁷¹ This translated into a college campus system where faculty and administrators exercised,

66. *Rocky Mountain Gun Owners v. Polis*, No. 23-CV-01077, 2023 WL 5017253, at *16 (D. Colo. Aug. 7, 2023).

67. See, e.g., WALTER C. BRONSON, *THE HISTORY OF BROWN UNIVERSITY, 1714–1914*, at 183 (Boston, D.B. Updike ed. 1914); *LAWS AND REGULATIONS OF THE COLLEGE OF WILLIAM AND MARY 19* (Richmond, Thomas White ed. 1830); *LAWS AND REGULATIONS OF OBERLIN COLLEGE 11* (Oberlin, Shankland & Harmon 11th ed. 1859). Students often sought or needed housing off campus, even in the 1700s and early 1800s. See DAVID F. ALLMENDINGER, *PAUPERS AND SCHOLARS: THE TRANSFORMATION OF STUDENT LIFE IN NINETEENTH-CENTURY NEW ENGLAND* 82–90, 98–99 (1975).

68. *The Minutes of the Senatus Academicus of the State of Georgia, 1799–1842*, at 86, DUKE CTR. FOR FIREARMS L., <https://firearmslaw.duke.edu/laws/the-minutes-of-the-senatus-academicus-of-the-state-of-georgia-1799-1842-at-86-1810/> (last visited Mar. 6, 2024).

69. *In loco parentis*, BLACK'S LAW DICTIONARY (6th ed. 1991).

70. ALLMENDINGER, *supra* note 67, at 114.

71. David F. Allmendinger, *The Dangers of Ante-Bellum Student Life*, 7 J. SOC. HIST. 75, 75 (1973).

[A]n intimate, “parental” system of ordering the lives of students. “Parental” government was more than a metaphor. . . . The “parental” system extended over students an intimate supervision of residence, diet, company-keeping and manners. More rigorous in its substitution of faculty for family than modern conceptions of *in loco parentis*”⁷²

Another analysis of college life makes the same point:

During the colonial period and the early years of the Republic, higher education was conducted . . . in an environment that mirrored the families students left behind . . . [t]he dominant legal philosophy courts used to describe this familial relationship was the doctrine of *in loco parentis*. College authorities stood in the place of parents to the students entrusted to their care.”⁷³

And the age range of college students in the late 1700s and 1800s generally coincided with the age range of college students today: roughly eighteen to twenty-two.⁷⁴ My excavation and examination of laws and campus rules pertaining to college students and dangerous weapons uncovered a considerable series of them—far more than have been unearthed up until now.⁷⁵ These codes extend to both public and private colleges and universities. The difficulty in unearthing and identifying these old college codes was complicated by the fact that relatively little attention has been given to this subject, that there is no central repository of such college policies to my knowledge, and many of these measures have been found in old reprints of campus policies which have been subject to far less modern examination and digitization as compared

72. *Id.* at 79–80.

73. See Jackson, *supra* note 62, at 1135–36 (footnotes omitted). Moreover, as Jackson further notes, the fundamentals of this system persisted: Even when college life changed “[i]n the late nineteenth and early twentieth centuries . . . the traditional legal interpretation of the student-university relationship remained relatively constant as courts continued to defer to almost every expression of institutional authority.” *Id.* at 1136.

74. ALLMENDINGER, *supra* note 71, at 131–38. Allmendinger studied twelve New England colleges from 1751 to 1860, and compiled data on the ages of those graduating from those institutions. *Id.* While the age of graduation included a scattering of students who graduated younger than eighteen and older than twenty-eight, the most common age of students at graduation was consistently from ages twenty to twenty-two. *Id.*; see also JOSEPH F. KETT, RITES OF PASSAGE: ADOLESCENCE IN AMERICA 1790 TO THE PRESENT 51–52, 55 (1977). Then and now, colleges included a few younger students and those older than twenty-two who for various reasons sought out a college education at a later age. *Id.*

75. A full list, including excerpted provisions, is available from the Author.

with old state laws.⁷⁶ In all, I tallied at least twelve state university systems (many applying to multiple campuses) and nearly fifty private colleges that imposed firearms restrictions. In no instance did I uncover a campus student discipline policy that did not include an anti-firearm restriction.

In 1655, nineteen years after the founding of the institution, Harvard College enacted a campus policy saying, in part, that “noe students shall be suffered to have [a g]un in his or theire chambers or studies, or keepeing for theire use any where else in the town.”⁷⁷ Yale College enacted a similar measure in 1745 and 1795.⁷⁸

Among public universities subject to state laws, the state university systems of North Carolina (1799, 1838),⁷⁹ University of South Carolina (1807),⁸⁰ University of Georgia (1810),⁸¹ Ohio University (1814),⁸² University of Virginia (1824),⁸³ University of Delaware (1828),⁸⁴ College

76. An extremely helpful source to track down old college student codes of conduct was DONALD G. TEWKSBURY, *THE FOUNDING OF AMERICAN COLLEGES AND UNIVERSITIES BEFORE THE CIVIL WAR* (1969). Especially helpful was Tewksbury’s bibliography of “Historical References” pertaining to the origins of American colleges and universities founded before the Civil War that often included the names of sources which I could then track down, and which often included original college codes and his list of “Permanent Colleges and Universities Founded Before the Civil War.”

77. *A COPY OF THE LAWS OF HARVARD COLLEGE* 8, 10 (Cambridge, J. Wilson & Son 1655) (including a section titled “Thirdly concerneing penall lawes”); *see also LAWS OF HARVARD COLLEGE* ch. 6, § 1, no. 2 (Cambridge, Univ. Press 1824).

78. FRANKLIN BOWDITCH DEXTER, *BIOGRAPHICAL SKETCHES OF THE GRADUATES OF YALE COLLEGE: May 1745–May 1763*, at 8 (New York, H. Holt 1745); *THE LAWS OF YALE-COLLEGE, IN NEW-HAVEN, IN CONNECTICUT, ENACTED BY THE PRESIDENT AND FELLOWS*, Oct. 6, 1795, ch. VIII, at 26 (New Haven, Thomas Green & Son ed. 1800).

79. *UNIVERSITY OF NORTH CAROLINA, LAWS OF THE UNIVERSITY OF NORTH-CAROLINA; ESTABLISHED BY THE BOARD OF TRUSTEES AT THEIR SESSION IN DECEMBER, 1799* (Raleigh, J. Gales 1800); *ACTS OF THE GENERAL ASSEMBLY AND ORDINANCES OF THE TRUSTEES, FOR THE ORGANIZATION AND GOVERNMENT OF THE UNIVERSITY OF NORTH CAROLINA, LAWS FOR THE GOVERNMENT OF THE UNIVERSITY*, ch.V, §13, at 15 (Raleigh, Office of the Raleigh Register 1838).

80. EDWIN L. GREEN, *A HISTORY OF THE UNIVERSITY OF SOUTH CAROLINA* 220 (1916).

81. *The Minutes of the Senatus Academicus of the State of Georgia, 1799–1842*, at 86, DUKE CTR. FOR FIREARMS L., <https://firearmslaw.duke.edu/laws/the-minutes-of-the-senatus-academicus-of-the-state-of-georgia-1799-1842-at-86-1810/> (last visited Mar. 6, 2024).

82. THOMAS N. HOOVER, *THE HISTORY OF OHIO UNIVERSITY* 57 (1954); *see also Ohio University Rules for Students*, OHIO HIST. COLLECTION, <https://ohiomemory.org/digital/collection/p267401coll36/id/16772> (last visited Mar. 6, 2024).

83. *UNIVERSITY OF VIRGINIA BOARD OF VISITORS MINUTES* 4–5 (Oct. 1824).

84. *The University of Delaware – Chapter 2, University Archives and Records Management*, UNIV. OF DEL., <https://sites.udel.edu/uarm/the-university-of-delaware-chapter-2/> (last visited Mar. 6, 2024).

of William and Mary (Va., 1830),⁸⁵ Miami University of Ohio (1843),⁸⁶ University of Iowa (1848),⁸⁷ the College of New Jersey/Rutgers College/Drew University (1853, 1854, 1871),⁸⁸ the University of Kentucky (1865, 1890-1891),⁸⁹ Purdue University (Indiana, 1874),⁹⁰ the University of Mississippi (1878, 1880, 1892),⁹¹ and the University of Vermont (1885),⁹² all adopted strict measures against having, keeping, firing, and/or carrying weapons on campus—sometimes extending to student housing and off-campus student behavior. Note that some of these encompass state university systems covering multiple campuses.⁹³

Similar measures existed on private campuses. In addition to Harvard and Yale, other private campuses included: Union College (N.Y., 1802),⁹⁴ Brown University (R.I.; 1803, 1865),⁹⁵ Middlebury College (Vt., 1803, 1839),⁹⁶ Hampden-Sidney College (Va., 1805),⁹⁷ Hamilton College

85. LAWS AND REGULATIONS OF THE COLLEGE OF WILLIAM AND MARY 19 (Richmond, Thomas White ed. 1830).

86. THE LAWS OF MIAMI UNIVERSITY FOR THE GOVERNMENT OF THE FACULTY AND STUDENTS, 1843, at 15 (J.M. Christy ed. 1843), <https://digital.lib.miamioh.edu/digital/collection/univdocs/id/3116/rec/3>.

87. MERLE CURTI & VERNON CARSTENSEN, THE UNIVERSITY OF WISCONSIN: A HISTORY, 1848-1925, at 196 (1949).

88. REVISION OF THE STATUTES OF NEW JERSEY: PUBLISHED UNDER THE AUTHORITY OF THE LEGISLATURE BY VIRTUE OF AN ACT APPROVED APRIL 4, 1871, at 236-37, 282-83 (Trenton, John L. Murphy ed. 1877).

89. JAMES F. HOPKINS, THE UNIVERSITY OF KENTUCKY: ORIGINS AND EARLY YEARS 167 (1951); KENTUCKY UNIVERSITY, CATALOGUE OF KENTUCKY UNIVERSITY 23 (Lexington, Ky. Univ. 1890).

90. ROBERT W. TOPPING, A CENTURY AND BEYOND: THE HISTORY OF PURDUE UNIVERSITY 86 (1988).

91. 1878 Miss. Laws 176 ch. 46, § 4 (An Act To Prevent The Carrying Of Concealed Weapons And For Other Purposes); JOSIAH A. PATTERSON CAMPBELL, THE REVISED CODE OF THE STATUTE LAWS OF THE STATE OF MISSISSIPPI: WITH REFERENCES TO DECISIONS OF THE HIGH COURT OF ERRORS AND APPEALS, AND OF THE SUPREME COURT, APPLICABLE TO THE STATUTES 776-777 (Jackson, J.L. Power ed. 1880); THE ANNOTATED CODE OF THE GENERAL STATUTE LAWS OF THE STATE OF MISSISSIPPI 327, § 1030 (R.H. Thompson ed. 1892).

92. LAWS OF THE UNIVERSITY OF VERMONT, ch. 4, § 4234, ch. 6, §§ 4, 9 (Burlington, 1885).

93. See, e.g., *supra* note 79.

94. WAYNE SOMERS, ENCYCLOPEDIA OF UNION COLLEGE HISTORY 533 (2003).

95. WALTER C. BRONSON, THE HISTORY OF BROWN UNIVERSITY, 1714-1914, at 182-83 (1914); LAWS OF BROWN UNIVERSITY § 5, no. 4 (Providence, 1865).

96. THE LAWS OF MIDDLEBURY-COLLEGE 16 (Middlebury, Huntington & Fitch 1804); THE LAWS OF MIDDLEBURY COLLEGE ch. 7, §§ 1, 11 (Middlebury, 1839).

97. JOHN L. BRINKLEY, ON THIS HILL: A NARRATIVE HISTORY OF HAMPDEN-SYDNEY COLLEGE, 1774-1994, at 65 (1994).

(N.Y., 1813),⁹⁸ Bowdoin College (Me., 1817),⁹⁹ Princeton University (N.J. 1819),¹⁰⁰ Columbian College (now George Washington University, D.C., 1824),¹⁰¹ University of Cambridge (Mass., 1825),¹⁰² Furman University (S.C., 1826),¹⁰³ Trinity College (Ct., 1826),¹⁰⁴ McKendree College (Il., 1828),¹⁰⁵ Centenary College of Louisiana (1830),¹⁰⁶ Dickinson College (Pa., 1830),¹⁰⁷ Mississippi Presbytery and Oakland College (Miss., 1831),¹⁰⁸ Colby College (Me., 1832),¹⁰⁹ Allegheny College (Pa., 1834),¹¹⁰ Wake Forest University (N.C., 1834),¹¹¹ Lafayette College (Pa., 1837),¹¹² LaGrange College (Ala., 1837),¹¹³ University School of Nashville (Tenn., 1837),¹¹⁴ Georgetown University (Washington, D.C., 1839),¹¹⁵ Randolph-Macon College (Va., 1839),¹¹⁶ Kemper College (Mo., 1840),¹¹⁷ Davidson

98. HAMILTON COLLEGE, DOCUMENTARY HISTORY OF HAMILTON COLLEGE 151 (1922) (including “The Laws of Hamilton College, 1813, Chapter VIII, Of Crimes and Misdemeanors, § XII”).

99. ERNST CHRISTIAN HELMREICH, RELIGION AT BOWDOIN COLLEGE: A HISTORY 39 (1981).

100. At the time, Princeton was known as the College of New Jersey. LAWS OF THE COLLEGE OF NEW JERSEY, ch. 17, § 9, ch. 19, § 10 (Trenton, George Sherman 1819).

101. LAWS OF THE COLUMBIAN COLLEGE IN THE DISTRICT OF COLUMBIA, ch. 5, § 2, no. 10 (Washington, D.C., 1824).

102. STATUTES AND LAWS OF THE UNIVERSITY IN CAMBRIDGE, ch. 7, § 76, no. 3, (Cambridge, Univ. Press 1825).

103. W.J. MCGLOTHLIN, BAPTIST BEGINNINGS IN EDUCATION: A HISTORY OF FURMAN UNIVERSITY 115 (1926).

104. LAWS OF WASHINGTON COLLEGE 10 (1826) (renamed Trinity College in 1845).

105. CENTENNIAL HISTORY OF MCKENDREE COLLEGE 1928, at 238 (1928).

106. WILLIAM HAMILTON NELSON, A BURNING TORCH AND A FLAMING FIRE: THE STORY OF CENTENARY COLLEGE OF LOUISIANA 81 (1931).

107. THE STATUTES OF DICKINSON COLLEGE, AS REVISED AND ADOPTED BY THE BOARD OF TRUSTEES, APRIL 16, 1830, at 22–23 (Carlisle, Geo. Fleming 1830).

108. CONSTITUTION & LAWS OF THE INSTITUTION OF LEARNING UNDER THE CARE OF THE MISSISSIPPI PRESBYTERY, OAKLAND COLLEGE (MISS.) 10 (1831).

109. LAWS OF WATERVILLE COLLEGE, MAINE 11 (Glazier, Masters & Co. 1832) (renamed Colby College).

110. ERNEST ASHTON SMITH, ALLEGHENY—A CENTURY OF EDUCATION, 1815–1915, at 401 (1916).

111. GEORGE WASHINGTON PASCHAL, HISTORY OF WAKE FOREST COLLEGE 136 (1935).

112. DAVID B. SKILLMAN, THE BIOGRAPHY OF A COLLEGE: BEING THE HISTORY OF THE FIRST CENTURY OF THE LIFE OF LAFAYETTE COLLEGE 130 (1932).

113. *Circular Letter of the Faculty of La Grange College*, N. ALABAMIAN, May 5, 1837, <https://www.newspapers.com/image/308403735/?terms=%22the%20faculty%22&match=1>.

114. W.M. ALCOTT, AMERICAN ANNALS OF EDUCATION AND INSTRUCTION FOR THE YEAR 1837, at 185 (Boston, Otis, Broaders & Co. 1837).

115. 1 ROBERT E. CURRAN, A HISTORY OF GEORGETOWN UNIVERSITY 195 (2010).

116. JAMES EDWARD SCANLON, RANDOLPH-MACON COLLEGE: A SOUTHERN HISTORY 1825–1967, at 63–64 (1983).

117. THE LAWS OF KEMPER COLLEGE, NEAR ST. LOUIS, MISSOURI 9 (St. Louis, Churchill & Harris 1840).

College (N.C., 1845-46),¹¹⁸ Denison University (Ohio, 1847),¹¹⁹ Emory University (Ga., 1847),¹²⁰ Dartmouth College (N.H., 1849),¹²¹ Beloit College (Wisc. 1850),¹²² Illinois College (1850),¹²³ Gettysburg College (Pa., 1852),¹²⁴ Tufts University (Mass., 1852),¹²⁵ Westminster College (Mo., 1852),¹²⁶ Franklin and Marshall College (Pa., 1853),¹²⁷ Amherst College (Mass., 1855),¹²⁸ LaGrange Synodical College (Tenn., 1859),¹²⁹ Oberlin College (Ohio, 1859),¹³⁰ Albion College and Wesleyan Seminary (Mich., 1860),¹³¹ McKenzie College (Tex., 1860),¹³² Centre College (Ky., 1861),¹³³ Grinnell College (Iowa, 1865),¹³⁴ Howard College (Ala., 1870),¹³⁵ Vanderbilt University (Tenn., 1874),¹³⁶ and Williams College (Mass., 1878).¹³⁷

These many examples strongly indicate that policies restricting students' access to weapons were common, if not ubiquitous, on campuses during this time. I reach this conclusion because in every instance where I was able to obtain an actual code of student conduct for campuses in the 1700s and 1800s, the codes included provisions restricting guns and

118. CORNE CORNELIA REBEKAH SHAW, DAVIDSON COLLEGE 300 (1923) (referring to Appendix IX, Old Rules).

119. FRANCIS W. SHEPHERDSON, DENISON UNIVERSITY: 1831-1931 A CENTENNIAL HISTORY 55 (1931).

120. HENRY M. BULLOCK, A HISTORY OF EMORY UNIVERSITY 134 (1972).

121. LAWS OF DARTMOUTH COLLEGE 11 (Hanover, Dartmouth Press 1849).

122. LAWS OF BELOIT COLLEGE, ch. 4, § 2 (1850).

123. TRANSACTIONS OF THE ILLINOIS STATE HISTORICAL SOCIETY FOR THE YEAR 1906, at 245 (1906) (including the Laws of Illinois College, 1850).

124. 1 CHARLES H. GLATFELTER, A SALUTARY INFLUENCE: GETTYSBURG COLLEGE, 1832-1985, at 153 (1987).

125. RUSSELL E. MILLER, LIGHT ON THE HILL: A HISTORY OF TUFTS COLLEGE 1852-1952, at 397 (1986).

126. M.M. FISHER, HISTORY OF WESTMINSTER COLLEGE, 1851-1903, at 85 (1903).

127. JOSEPH HENRY DUBBS, HISTORY OF FRANKLIN AND MARSHALL COLLEGE 229 (1903).

128. THE LAWS AND REGULATIONS OF AMHERST COLLEGE, ch. 9, § 7 (Amherst, William Faxon 1855).

129. CODE OF LAWS FOR THE GOVERNMENT OF LA GRANGE SYNODICAL COLLEGE, ch. 10, §§ 2-9 (1859).

130. OBERLIN COLLEGE, LAWS AND REGULATIONS OF OBERLIN COLLEGE 11 (11th ed. 1859).

131. EIGHTEENTH ANNUAL CATALOGUE OF THE OFFICERS AND STUDENTS OF THE ALBION FEMALE COLLEGE, AND WESLEYAN SEMINARY (1860-1861), at 32 (1860).

132. Frederick Eby, *Laws of McKenzie College*, *EDU. IN TEX.* (Apr. 25, 1918).

133. LAWS OF THE CENTRE COLLEGE OF KENTUCKY, LOCATED AT DANVILLE 5 (Frankfort, A.G. Hodges & Co. 1861).

134. JOHN SCHOLTE NOLLEN, GRINNELL COLLEGE 72 (1953).

135. Mitchell B. Garrett, *Sixty Years of Howard College, 1842-1902*, 85 *HOW. COLL. BULL.* 81 (1927).

136. EDWIN MIMS, HISTORY OF VANDERBILT UNIVERSITY 126 (1946).

137. LAWS OF WILLIAMS COLLEGE, AUTHORIZED BY THE TRUSTEES AT THEIR MEETING IN JULY, 1878, at 13 (North Adams, James T. Robinson & Son 1878).

other weapons. I found no instance of a student code of conduct from this period lacking a no-guns provision. Finally, the law and policy regulations pertaining to the college campuses listed here do not include an entire other category of statutes from the time that barred the carrying or possession of firearms and other weapons in schools and educational institutions more generally.¹³⁸ This compilation of college student discipline codes restricting firearms lends strong additional support to the idea that weapons restrictions were commonly understood to apply to those under the age of twenty-one, and that minors had nothing resembling a “right” to obtain or have firearms.

III. CONCLUSION

State and local restrictions that were designed to keep guns and other dangerous weapons out of the hands of minors were ubiquitous in the nineteenth century. By far the most common age set in legislation for adulthood, and therefore for full ability to access weapons, was twenty-one. The relative paucity of such regulations pertaining to minors before the time examined here was not based on any belief that those below the age of twenty-one were somehow adults with full rights. Historians note that minors in the eighteenth century decidedly did not have such full rights.¹³⁹ The right to vote, for example, was generally set at twenty-one by the time of the Revolutionary period and thereafter in the United States.¹⁴⁰ The critical change leading to a proliferation of age-based restrictions on gun purchase and ownership that occurred in the mid-to-late nineteenth century was a general consequence of profound societal shifts from overwhelmingly agrarian life—where children generally lived and worked at home and therefore under direct parental control—to urban, industrialized life—where children increasingly worked and lived outside of the home in population centers. As noted here, the fact that at least forty-six states enacted age-based restrictions (most commonly set for those below the age of twenty-one) on weapons ownership or use by minors during the time period examined here reflects a societal understanding that concerns about safety and judgment when minors

138. *E.g.*, 1870 Tex. Laws 63, ch. 46, § 1 (regulating the right to keep and bear arms); 1883 Mo. Laws 76, § (amending § 1274, art. 2, ch. 24 of the revised statutes of Missouri); Act of Mar. 18, 1889, 13 Ariz. Sess. Laws 30, §§ 1–9.

139. Cornell, *supra* note 48; Hamilton, *supra* note 9.

140. John Adams noted as much in the 1770s. JOSEPH J. ELLIS, *THE CAUSE: THE AMERICAN REVOLUTION AND ITS DISCONTENTS, 1773–1783*, at 69 (2021). The minimum voting age of twenty-one was not reduced until Georgia became the first state to do so in 1943. F.M. BREWER, *THE VOTING AGE* (1944), <https://library.cqpress.com/cqresearcher/document.php?id=cqresrre1944090900>.

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had access to dangerous weapons were no less significant at that time than in the present day.

APPENDIX A
TABLE OF STATE LAWS RESTRICTING WEAPONS TO MINORS

STATE	YEAR*	OTHERS BARRED IN SAME LAW
Alabama	1855/1856 (minors 21#); 1866 (under 18); 1876 (under 18)	
Alaska		
Arizona	1901 (under 14)	Indians (1901)
Arkansas		
California	1896 (18)	
Colorado		
Connecticut	1835 (minors); 1871 (minors); 1881 (16)	
Delaware	1812 (child); 1881 (minors 21); 1881 (21); 1911 (21); 1918 (no hunt under 15); 1919 (21)	Intoxicated (1911, 1919)
District of Columbia	1892 (under 21); 1932 (under 18)	No drug addicts, unsound mind, convicts (1932)
Florida	1881 (under 16)	Unsound mind (1881)
Georgia	1876 (minors 21); 1920 (21)	
Hawaii	1927 (minors); 1933 (under 20; no shotguns under 16)	
Idaho	1909 (under 16)	Intoxicated (1909)
Illinois	1873 (minors); 1881 (minors 21); 1914 (21); 1917 (21)	
Indiana	1875 (under 21);	

	1881 (under 21); 1905 (under 21); 1925 (under 21) 1929 (sentence enhanced if commit weapon crime over 16)	
Iowa	1884 (minors 21); 1887 (21); 1897 (21)	
Kansas	1883 (minors 21); 1887 (21)	Unsound mind (1887)
Kentucky	1853 (under 15); 1859 (minors 21); 1860 (21)	Free colored, enslaved persons (1853, 1859)
Louisiana	1890 (under 21); 1893 under 18)	
Maine	1892 (under 16)	
Maryland	1882 (under 21); 1904 (under 15); 1908 (under 21)	
Massachusetts	1882 (under 16); 1884 (under 16); 1909 (under 15); 1922 (under 15)	Unnaturalized or foreign born (1922)
Michigan	1883 (under 13)	
Minnesota	1885 (under 18), 1888 (under 18)	
Mississippi	1878 (minors 21, parents under 16); 1880 (minors 21, parents under 16)	Intoxicated (1878, 1880)
Missouri	1883 (minors 21); 1887 (no ammo under 16); 1917 (21)	Intoxicated (1883, 1917)
Montana		
Nebraska	1895 (minors)	
Nevada	1881 (under 21)	

New Hampshire	1883 (minors)	
New Jersey	1882 (under 15); 1885 (under 15); 1903 (under 15); 1914 (no hunt under 14);	
New Mexico		
New York	1763 (no children, youth); 1803 (minors); 1859 (minors); 1884 (under 18); 1885 (under 18); 1885 (under 18); 1900 (under 18; no spring/air gun under 16; no toy pistol under 16); 1911 (under 16); 1911 (under 16)	Apprentices, Servants (1763); apprentices, servants, slaves (1803)
North Carolina	1893 (minors 21); 1913 (under 12)	
North Dakota	1923 (under 18)	
Ohio	1883 (under 14); 1913 (no toy gun under 16; no gun under 17)	
Oklahoma	1890 (minors); 1891 (minors)	Intoxicated (1890)
Oregon	1868 (rt. to have guns over 16); 1903 (under 14); 1917 (under 21)	
Pennsylvania	1881 (under 16); 1883 (under 16)	
Rhode Island	1883 (under 15); 1883 (under 15)	
South Carolina	1817 (minors); 1923 (minors; no parents to child under 12)	Disorderly persons, those w/o property

South Dakota	1903 (under 15)	
Tennessee	1856 (no minors except hunting, defense); 1858 (under 21); 1863 (21); 1867 (no minors 21 exc. hunting)	
Texas	1897 (minors 21)	
Utah	1905 (under 14)	
Vermont	1912 (under 16)	
Virginia	1869 (under 16); 1903 (under 12)	
Washington State	1883 (under 16); 1909 (under 14)	
West Virginia	1882 (under 21); 1891 (21); 1925 (under 18 lesser penalty; "over 21" to get license)	Intoxicated (1925)
Wisconsin	1882 (minors 21); 1883 (21)	Intoxicated (1883)
Wyoming	1890 (no concealed weapon under 21; no cartridges under 16)	
TOTAL STATES	46	15
TOTAL LAWS	104	

*Source: <https://firearmslaw.duke.edu/repository-of-historical-gun-laws/advanced-search> The designation "minors" after years of law means the laws restrict weapons from this category without specifying an age. Years with numbers following them are ages defined in the laws as age of majority.

#The designations "minors 21" refer to laws that say only "minors" without listing an age, but where state court rulings define minors as those under twenty-one. *See* *NRA v. Bondi*, 61 F.4th 1317 (11th Cir. 2023).