

## **Praise the Lord! & Pass the Ammunition**

In the last few years, most American states made right-to-carry handgun licenses easier to get for law-abiding adults. While this is a welcome change, a few states have combined this liberalizing of licensing with a ban on carrying in churches.<sup>1</sup> How much this would have surprised our colonial ancestors, who were *required* to bring guns to church!

Why? Because the colonial governments were afraid—with good reason—of Indian attack or slave revolt while church was in session.

A 1619 statute of Virginia required everyone to attend church on the Sabbath, “and all such as bear arms shall bring their pieces, swords, powder and shot.” Those failing to bring their guns were subject to a three shilling fine.<sup>2</sup> Colonial Maryland had similar concerns. A 1642 law required that any man who was “able to bear arms” “to go to church or chapel or any considerable distance from home” had to carry a loaded gun.<sup>3</sup>

Massachusetts Bay Colony also required most men to bring their guns to church. Because of the danger of Indian attack, and because much of the population was neglecting to carry guns, a 1637 law ordered every male above eighteen years of age (except magistrates and elders of the churches) to “come to the public assemblies with their muskets, or other pieces fit for service, furnished with match, powder, & bullets, upon pain of 12*d.* for every default....”<sup>4</sup>

Plymouth Colony had similar rules about coming to church armed. Issack de Rasieres, a visitor from New Netherland, described 1627 Plymouth and “the Sabbath-day procession up the hill to worship, every man armed and marching three

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<sup>1</sup> Tex. Penal Code § 46.035(b)(6); Michigan Compiled Laws § 28.425o (2000).

<sup>2</sup> August 2, 1619, “Proceedings of the Virginia Assembly, 1619,” in Lyon Gardiner Tyler, *Narratives of Early Virginia, 1606-1625* (New York: Charles Scribner’s Sons, 1907; reprinted New York: Barnes & Noble, 1959), 273. Spelling, punctuation, and capitalization have been modernized.

<sup>3</sup> William Hand Browne, ed., *Archives of Maryland* (Baltimore: Maryland Historical Society, 1885), 1:103.

<sup>4</sup> Nathaniel B. Shurtleff, *Records of the Governor and Company of the Massachusetts Bay in New England* (Boston: William White, 1853), 1:190.

abreast....”<sup>5</sup> In 1641, Plymouth ordered, “It is enacted that every township within this government do carry a competent number of pieces fixed and complete with powder, shot, and swords every Lord's day to the meetings--one of a house from the first of September to the middle of November, except there be some just & lawful impediment.”<sup>6</sup> Obviously, the *township* didn't carry guns to church, but the people that lived in the township.

Connecticut ordered in 1643, “To prevent or withstand such sudden assaults as may be made by Indians upon the Sabbath or lecture days, it is ordered, that one person in every several house wherein is any soldier or soldiers, shall bring a musket, pistol or some piece, with powder and shot to each meeting....” Within a month, the Connecticut legislators complained that, “Whereas it is observed that the late order for one in a family to bring his arms to the meeting house every Sabbath and lecture day, hath not been attended by [many] persons” there was now a fine for failing to do so.<sup>7</sup>

New Haven was originally a separate colony from Connecticut. A 1644 statute “ordered that every male from 16 to 60 years old within this jurisdiction be furnished forthwith, with a good gun, a sword, a pound of good powder....” On “viewing days” militia officers were to inspect everyone's guns, with fines for failure to be armed.

At least some New Haven militiamen did not obey the law—and the government considered this important. On January 4, 1644, 12 men were fined two shillings each “for defect. guns.” Two of the twelve men who were fined two shillings for defective guns were also fined six pence “for want of shot,” and two others were fined one shilling for “want of shot and powder.”<sup>8</sup>

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<sup>5</sup> William Bradford, Samuel Eliot Morison, ed., *Of Plymouth Plantation, 1620-1647* (New York: Alfred A. Knopf, 2001), 111 n. 7.

<sup>6</sup> William Brigham, ed., *The Compact with the Charter and Laws of the Colony of New Plymouth...* (Boston: Dutton and Wentworth, 1836), 70.

<sup>7</sup> J. Hammond Trumbull, ed., *The Public Records of the Colony of Connecticut, Prior to the Union with New Haven Colony* (Hartford, Conn.: Brown & Parsons, 1850), 1:95, 96.

<sup>8</sup> Hoadly, *Records Of The Colony And Plantation Of New Haven*, 122-3.

We know that this enforcement of the law was not a one-time matter, because some years later, a Mathew Camfield was fined “for want of some powder last viewing day 12*d.*, and for not bringing his arms to meeting one lecture day, 2*s.* 6*d.*”<sup>9</sup>

Others asked for exemption from this requirement. In 1649, William Paine requested permission that “he might be freed from bringing his arms [on] Lord’s day and lecture days, because he lives [far off] and hath three small children, and his wife is lame and cannot help to bring the children.” The New Haven government agreed to exempt Paine from the requirement “so [long] as his wife continues lame....”<sup>10</sup> They could afford to give Paine a temporary exemption because others were armed.

In 1743, South Carolina also required “every white male inhabitant of this Province, (except travelers and such persons as shall be above sixty years of age,) who [are] liable to bear arms in the militia of this Province” to “carry with him a [long] gun or a pair of horse-pistols... with at least six charges of gun-powder and ball...” to church. Anyone who failed to bring a long gun or a pair of pistols with ammunition was to be fined 20 shillings.

In 1770, Georgia passed a somewhat similar law requiring every free man to carry a rifle or pistol to church each Sunday. Like South Carolina’s law, the Georgia statute authorized church officials to search every man up to 14 times per year to make sure that they were armed.<sup>11</sup>

It should be self-evident that America is a different place today than it was in 1650. We no longer worry about Indian attack or British invasion. It is quite astonishing, however, how differently Americans regard the carrying of a gun today: what once was *required*, in Texas and Michigan is now *prohibited*.

Some characteristics of human nature, however, haven’t changed. Some Americans today are still looking for ways to let someone else do the work of protecting the community from sudden attack.

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<sup>9</sup> Hoadly, *Records Of The Colony And Plantation Of New Haven*, 486.

<sup>10</sup> Hoadly, *Records Of The Colony And Plantation Of New Haven*, 500.

<sup>11</sup> Don B. Kates, Jr., “Handgun Prohibition And The Original Meaning Of The Second Amendment,” 82 *Michigan Law Review* (1983), 216-17.