

**IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT**

No. 20 EAP 2025

COMMONWEALTH OF PENNSYLVANIA,

Appellee,

v.

ZAIRE N. LIVINGSTON,

Appellant.

**BRIEF OF *AMICUS CURIAE* CEASEFIRE PENNSYLVANIA
EDUCATION FUND**

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INTEREST OF AMICUS¹

Amicus CeaseFire Pennsylvania Education Fund (“CeaseFirePA”) is a non-partisan, nonprofit organization dedicated to ensuring every Pennsylvanian can live free from gun violence. The organization builds awareness about the impacts of gun violence in the Commonwealth by lifting up the voices of survivors and analyzing data on the drivers of violence in the Commonwealth. CeaseFirePA runs public education campaigns to foster civic engagement and build diverse coalitions that reflect the full toll of this public health crisis. And the organization helps decision-makers understand the real-world impacts of their actions and inaction. CeaseFirePA has supporters and community partners in all 67 of Pennsylvania’s counties.

Amicus CeaseFirePA has a significant interest in protecting the tailoring of firearms regulations to meet the safety needs of local communities in Pennsylvania, and accordingly it has an interest in this case.

BACKGROUND AND SUMMARY OF ARGUMENT

The statute at issue in this appeal, 18 Pa.C.S. § 6108, bars the public carry of a firearm in Philadelphia by people who are neither licensed to carry nor exempt from licensing. Focusing on the restriction of this law’s geographical scope to Philadelphia, Appellant alleges § 6108 violates federal and state constitutional equal

¹ Pursuant to Pa. R.A.P. 531(b)(2), *amicus* states that no person or entity other than *amicus*, its members, or counsel paid for the preparation of, or authored, this brief in whole or in part.

protection guarantees. To the contrary, it is constitutional for the General Assembly to tailor firearms laws to local circumstances, and this Court should affirm.

The appropriate level of scrutiny to apply is rational-basis review. 18 Pa.C.S. § 6108 soars over that bar, because there are a great many rational bases for treating Philadelphia differently. Amicus details one such basis: Philadelphia is renowned for its large public events, and § 6108 fosters civic participation by encouraging attendance at them.

The statute at issue in this case fits neatly into a 300-year tradition of Pennsylvania lawmaking. Even in colonial times, and continuing to the present, laws have treated Philadelphia differently as to firearms. To give a particularly pertinent example, in the era when the Fourteenth Amendment was ratified, state law expressly forbade open carry in certain urban locations, namely Philadelphia's Fairmount Park and the City of Harrisburg. The former prohibition remains in effect to this day.

Beyond the firearms context, the General Assembly routinely regulates individual conduct and passes other laws that focus on the needs of large, dense municipalities. Reversing the decision below would cast doubt on the legality of a wide swath of such statutes.

ARGUMENT

I. The challenged statute violates no fundamental right and is well justified.

The U.S. Supreme Court has explicitly stated that so long as a state maintains a bona fide “shall issue” licensure system, as does Pennsylvania, it can require a citizen to obtain a permit in order to carry a firearm in public, whether concealed or open. Since a licensure law like 18 Pa.C.S. § 6108 for all of Pennsylvania would satisfy the Second Amendment, the enacted law unquestionably satisfies the Second Amendment when it applies to only part of Pennsylvania. And having already cleared the Second Amendment hurdle, that law does not get evaluated under strict scrutiny when a criminal defendant asserts a Fourteenth Amendment claim.

The appropriate level of scrutiny is therefore rational-basis review. *See generally James v. SEPTA*, 477 A.2d 1302, 1306 (Pa. 1984) (“[a] classification[] implicating neither suspect classes nor fundamental rights . . . will be sustained if it meets a ‘rational basis’ test” (citation omitted)).² There are many reasons the General Assembly might rationally have passed § 6108. Amicus presents one here: the law promotes civic participation in public events in Pennsylvania’s largest city.

² Appellant has made no argument for applying intermediate scrutiny. Nor could he, because this case does not involve any “important, though not fundamental rights” or any “sensitive classifications.” *James* 477 A.2d at 1306 (internal quotation marks and citations omitted); *cf. also N.Y. State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1, 23 (2022) (rejecting intermediate-scrutiny test in the Second Amendment context).

A. The licensure requirement does not trigger strict scrutiny.

Appellant’s entire “fundamental right” argument proceeds from a basic misunderstanding of governing law. This misunderstanding appears in its barest form when he argues that 18 Pa.C.S. § 6108 “completely bar[s]” “the right to public carry of a firearm . . . in Philadelphia.” Appellant’s Br. at 13; *see also id.* (“[I]t is simply impermissible for a state to restrict public carry in a way that effectively bans it in large geographic areas.”). This is not an accurate description of § 6108. That statute bars public carry (i.e., open or concealed carry) in Philadelphia **by unlicensed persons**, and it does not restrict public carry by those with licenses, or those exempt from licensing. The statute says, in its entirety:

No person shall carry a firearm, rifle or shotgun at any time upon the public streets or upon any public property in a city of the first class unless:

- (1) such person is licensed to carry a firearm; or
- (2) such person is exempt from licensing under section 6106(b) of this title (relating to firearms not to be carried without a license).

18 Pa.C.S. § 6108. Anyone who obtains a license under 18 Pa.C.S. § 6109 may publicly carry a firearm in Philadelphia under § 6108.

The U.S. Supreme Court has made clear that this type of regulation—requiring licensure for citizens to “exercis[e] their Second Amendment right to public carry”—is fully constitutional so long as the state has a “‘shall-issue’ licensing regime[.]” *N.Y. State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1, 38 n.9

(2022). This Court has aptly observed that Pennsylvania is a “shall-issue” state as *Bruen* used that term. *Barris v. Stroud Twp.*, 310 A.3d 175, 184 n.6 (Pa. 2024) (citing 18 Pa.C.S. § 6109). Since *Bruen*, appellate courts around the country have consistently upheld shall-issue systems like Pennsylvania’s. *E.g.*, *Antonyuk v. James*, 120 F.4th 941, 983 (2d Cir. 2024), *cert. denied*, 145 S.Ct. 1900 (2025); *Md. Shall Issue, Inc. v. Moore*, 116 F.4th 211, 222-23 (4th Cir. 2024) (en banc), *cert. denied*, 145 S. Ct. 1049 (2025); *People v. Thompson*, 2025 IL 129965, ¶ 3, ___ N.E.3d ___ (Ill. 2025); *Commonwealth v. Marquis*, 252 N.E.3d 991, 1004-14 (Mass. 2025), *cert. denied sub nom. Marquis v. Massachusetts*, No. 25-5280, 2026 WL 79628 (U.S. Jan. 12, 2026).³

Under these cases, it would pose no constitutional problem under the Second Amendment or Article I, § 21 of the Pennsylvania Constitution⁴ for the General Assembly to exercise its legislative powers to apply a licensure requirement for public carry to all 46,000 square miles of Pennsylvania. Exercising that power as to just a single municipality *a fortiori* complies with the Second Amendment. “The

³ A recent Ninth Circuit decision is not to the contrary. *See Baird v. Bonta*, 116 F.4th 723 (9th Cir. 2026). *Baird* considered a law by which “California has banned open carry in all counties with populations greater than 200,000” while allowing open carry with a license in less-populated counties. *Id.* at 726. The Ninth Circuit found this law to violate the Second Amendment (as incorporated by the Fourteenth Amendment) because it forbids open carry “with or without a permit” in larger counties. *Id.* at 728. In stark contrast, 18 Pa.C.S. § 6108 allows open carry with a permit in Philadelphia.

⁴ The right to bear arms under the Pennsylvania Constitution extends no further than under the U.S. Constitution. *Commonwealth v. Jenkins*, 328 A.3d 1076, 1096 (Pa. Super. Ct. 2024), *appeal granted*, 343 A.3d 181 (Pa. 2025).

principle that the grant of a greater power includes the grant of a lesser power is a bit of common sense that has been recognized in virtually every legal code from time immemorial.” *United States v. O’Neil*, 11 F.3d 292, 296 (1st Cir. 1993); *see also*, *e.g.*, *Rippey v. Texas*, 193 U.S. 504, 509 (1904) (“[T]he state has power to prohibit the sale of intoxicating liquors altogether, if it sees fit, and that being so it has power to prohibit it conditionally.” (internal citations omitted)); *In re Swanson St.*, 30 A. 207 (Pa. 1894) (“In all ordinary circumstances the power to do a greater act includes the power to do the lesser act, which is a part of the greater.”).

This is fatal to Appellant’s fundamental right argument. The General Assembly can require a license for public carry everywhere and thus can require it somewhere. Accordingly, there is no basis for applying strict scrutiny on the theory that § 6108 burdens a fundamental right.

Nor can Appellant spin his Second Amendment straw into strict scrutiny gold. He suggests that any “differential treatment implicating the Second Amendment” automatically becomes a strict scrutiny case, on the grounds that the right to bear arms is fundamental. Appellant’s Br. at 12 & n.2. This argument would prove far too much, transmuting broad categories of firearms cases into strict scrutiny showdowns, by framing any firearms regulation as a burden on a fundamental right. Courts rightly dismiss out of hand such jumbling of the roles of the Second, Fifth, and Fourteenth Amendments. *E.g.*, *Pena v. Lindley*, 898 F.3d 969, 986 (9th Cir.

2018) (“To the extent that the Equal Protection challenge is based on the Second Amendment’s fundamental right to bear arms and the disparate treatment of groups in exercising that right . . . that challenge is subsumed in the Second Amendment inquiry. . . .”); *United States v. Carey*, 602 F.3d 738, 741 & n.2 (6th Cir. 2010) (rejecting claim that “appears to conflate the enumerated Second Amendment right with Equal Protection and Due Process protections under the Fifth Amendment”).

B. Publicly carried firearms in public spaces deter civic participation.

Appellant urges that “[s]ingling out Philadelphia for lesser public carry rights . . . is not even arguably a legitimate state interest.” Appellant’s Br. at 14. He then argues against one potential basis for § 6108: Philadelphia’s high crime rate. *See id.* at 14-21. But that is far from being the only good reason for the law. There are many strong justifications for § 6108,⁵ just one of which Amicus will discuss in depth here: more so than anywhere else in Pennsylvania, Philadelphia frequently hosts large public gatherings, and publicly carried firearms in the absence of any licensure regime would chill participation in these civic events.⁶

⁵ *See, e.g.*, Rachael A. Callcut et al., *Banning Open Carry of Unloaded Handguns Decreases Firearm-Related Fatalities and Hospital Utilization*, Trauma Surgery & Acute Care Open 3:e000196, 2018.

⁶ Outside of Philadelphia, most gatherings of 50,000 or more people take place in environments where firearms are disallowed and attendees are subject to searches for prohibited items. *See, e.g.*, Acrisure Stadium, *Security Guidelines*, <https://acrisurestadium.com/guest-services/security-guidelines/> (last visited Feb. 9, 2026); ArtsQuest, *ArtsQuest Event Rules*, <https://www.artsquest.org/event-rules/> (listing rules for Musikfest in Bethlehem) (last visited Feb. 9, 2026); Penn State Univ., *Beaver Stadium A-Z Guide*, <https://gopsusports.com/beaver-stadium-a-z-guide> (last visited Feb. 9, 2026).

Before discussing this eminently rational basis, Amicus notes there is no need to demonstrate that the General Assembly passed § 6108 for that reason. “Under rational basis review, a ‘statute is presumed constitutional . . . and the burden is on the one attacking the legislative arrangement to negative every conceivable basis which might support it, whether or not the basis has a foundation in the record.’” *Mabey Bridge & Shore, Inc. v. Schoch*, 666 F.3d 862, 876 (3d Cir. 2012) (alteration in original) (quoting *Heller v. Doe*, 509 U.S. 312, 320-21 (1993)). Courts “will uphold a statutory classification so long as there is any reasonably conceivable state of facts that could provide a rational basis for the classification.” *United States v. Skrmetti*, 605 U.S. 495, 522 (2025) (internal quotation marks and citation omitted). “[C]ourts are free to hypothesize grounds the Legislature might have had for the classification.” *Commonwealth v. Bullock*, 913 A.2d 207, 216 (Pa. 2006).

Philadelphia is widely known for its major public gatherings in unscreened environments. These include annual traditions such as the Mummers Parade; frequent special events, which in 2026 will include America’s semiquincentennial celebration and activities associated with the FIFA World Cup and the MLB All Star Game; and spontaneous affairs such as the Super Bowl victory parade in February 2025, which drew at least one million people,⁷ and rallies by supporters of both

⁷ See Erin McCarthy, *Eagles Super Bowl Parade Gave Center City Hotels a Short-Term Boost to the Tune of \$4.3 Million*, Phila. Inquirer, Feb. 26, 2025, <https://www.inquirer.com/business/tourism/eagles-super-bowl-parade-hotel-demand-20250226.html>.

presidential candidates in November 2020 who garnered international attention when they assembled outside the Convention Center, where ballots were being tabulated.⁸ Events like these are important to the civic and economic life of Greater Philadelphia and the whole Commonwealth. It would be entirely reasonable for the General Assembly to conclude that allowing unlicensed public carry of firearms in Philadelphia would significantly chill participation in such events.

Social science research shows that the presence of firearms makes people less likely to visit public spaces and to engage in critical civic activities like voting in person. The authors of a recent original survey experiment tested the hypothesis “that the presence of armed individuals in public spaces such as parks, fairs, or farmers’ markets may dampen people’s willingness to visit such places—what we call ‘chilling effects.’” Darrell A.H. Miller et al., *Technology, Tradition, and “The Terror of the People”*, 99 Notre Dame L. Rev. 1373, 1398 (2024). They fielded “a series of six survey experiments as part of a nationally representative online survey conducted by the survey company YouGov.” *Id.* In each survey experiment, respondents were asked to answer one of two possible variants of a question, only one of which specified that guns would be allowed in public spaces. *Id.* at 1399.

⁸ E.g., Euronews, *Tension in Pennsylvania: Trump Supporters Converge on Vote Center in Philadelphia* (YouTube, Nov. 5, 2020), <https://www.youtube.com/watch?v=JjQINPvEQP0>.

The study found that the potential presence of firearms has a deterrent effect on individuals who would otherwise visit public spaces. For example, when asked how likely they would be “to recommend to a friend who has children to spend time with them in a public park in your town,” 61 percent of respondents in the control group indicated that they would be “extremely likely” or “somewhat likely” to recommend the park, versus 34 percent in the “guns” experimental group. *Id.* at 1399-400. These findings comport with the results of a separate survey of Fairfax County, Virginia area residents conducted by two of the article’s authors. Expert Report of Alexandra Filindra, Ph.D., *LaFave v. Cnty. of Fairfax*, No. 1:23-CV-1605 (E.D. Va. Apr. 26, 2024), Dkt. No. 49-1.

Alarminglly, the survey results indicate that the presence of firearms can dissuade individuals from exercising their right to vote. When asked how safe they think it will be to vote in person in the next presidential election, 79 percent of respondents in the control group indicated that they would feel “very safe” or “somewhat safe.” Miller et al. at 1411-12. However, in the experimental condition, which appended the phrase “if people can bring their firearms into election centers” to the question, only 43 percent of respondents indicated they would feel “very safe” or “somewhat safe.” *Id.* Perhaps even more troubling was the revelation that the presence of firearms at election centers may disproportionately deter women from voting, as the chilling effect among women was measured at 41 percentage points,

which was 11 percentage points higher than the corresponding number for men. *Id.* at 1414.

In Philadelphia, it is of no mere hypothetical concern that unlicensed individuals might openly and disruptively carry firearms in the heat of a contested election. For example, in November 2020, during the vote tabulation at the Convention Center, the Philadelphia Police Department arrested two Virginia men who were “carrying guns on the street near the site of the vote count, where protesters had also gathered.”⁹ Both men were convicted of violating 18 Pa.C.S. § 6108, and those convictions were upheld on appeal. *Commonwealth v. LaMotta*, 332 A.3d 1275 (Pa. Super. Ct. 2024) (non-precedential), *appeal denied*, No. 262 EAL 2025, 2025 WL 3277381 (Pa. Nov. 25, 2025); *Commonwealth v. Macias*, 331 A.3d 651 (Pa. Super. Ct. 2024) (non-precedential) (noting trial judge’s finding that “[t]he FBI then advised the Philadelphia Police Department . . . that they had received a tip from an informant that a Hummer was on its way to the Convention Center area to cause trouble and interfere with the election”).

Without § 6108, some number of Philadelphia’s residents and potential visitors would be chilled from exercising their First Amendment right to attend a political rally, a championship parade, or a public protest. It would certainly be

⁹ Chris Palmer, *No Additional Jail Time for Trump Supporters Who Brought Guns Near the 2020 Philly Vote Count*, Phila. Inquirer, Mar. 1, 2023, <https://www.inquirer.com/news/joshua-macias-antonio-lamotta-qanon-philadelphia-election-guns-no-jail-20230301.html>

rational for the General Assembly to believe in that chilling effect, and to believe this problem is uniquely significant for Philadelphia, in light of the scale and prominence of the public gatherings it hosts. Section 6108 helps to assure the public that anyone publicly carrying a firearm in Philadelphia has obtained a license and thus does not have a felony record or other disqualification under 18 Pa.C.S. § 6109(e). Nothing more is required for § 6108 to survive rational-basis review.

II. Reversal would run counter to centuries of Pennsylvania lawmaking

The General Assembly has a centuries-old practice of singling out Philadelphia when regulating firearms. More generally, the Commonwealth has an expansive range of laws that apply to Philadelphia and other large municipalities in distinct ways aligned with their special circumstances. *See generally* Pa. Const. art. III, § 20; *Wheeler v. City of Phila.*, 77 Pa. 338, 350 (1875) (“If the classification of cities is in violation of the Constitution, it follows, of necessity, that Philadelphia, as a city of the first class, must be denied the legislation necessary to its present prosperity and future development, or that the small inland cities must be burdened with legislation wholly unsuited to their needs.”).

This Court has held that “mere identification of a geographic disparity is insufficient to establish a constitutional violation.” *Commonwealth v. Bavusa*, 832 A.2d 1042, 1052 (Pa. 2003) (affirming felony gradation of firearms conviction on basis of § 6108 conviction). Federal courts similarly recognize that “the Equal

Protection Clause relates to equality between persons as such, rather than between areas and that territorial uniformity is not a constitutional prerequisite,” and “the prescription of different substantive offenses in different counties is generally a matter for legislative discretion.” *McGowan v. Maryland*, 366 U.S. 420, 427 (1961); *see also Rodgers v. Johnson*, 174 F. App’x 3, 5 (3d Cir. 2006) (“Rodgers’s equal protection claim fails because the fingerprinting requirement applies to any person applying for a gun permit in the City of Philadelphia [T]he fact that the other sixty-six counties in Pennsylvania do not impose the fingerprinting requirement does not make his claim viable”).

Reversal here would upend hundreds of years of lawmaking for firearms and beyond. The Court should affirm.

A. Firearms laws have applied differently in Philadelphia for over 300 years.

For centuries, firearms laws have looked different in Philadelphia (and occasionally in other large cities) than in the rest of the Commonwealth. Beginning in the colonial period, and continuing through the eras when all the relevant federal and state constitutional provisions were adopted, statutes and ordinances have regularly imposed firearm regulations specifically tailored to the needs of Pennsylvania’s largest and most thickly settled locality. These laws have repeatedly regulated open carry, along with other firearms-related activity ranging from discharge to gunpowder storage.

Appellant’s argument implies that all these laws are tainted by a glaring constitutional infirmity hitherto unnoticed by generations of legislators, judges, attorneys, and gun owners. They are not, and this case presents no reason to disturb centuries of sound lawmaking. A chronological survey of firearms laws specific to Philadelphia (or in one instance, Harrisburg) demonstrates the deep historical pedigree of laws like 18 Pa.C.S. § 6108.

Distinct regulation of firearms in Philadelphia is older than the Republic. More than 300 years ago, the General Assembly made it a crime to “fire any gun or other firearms . . . within the city of Philadelphia, without the governor’s special license for the same.” Act 245, 3 Pa. Statutes at Large 252, 253 (Aug. 26, 1721), § IV;¹⁰ *see also Homer v. Commonwealth*, 106 Pa. 221, 225 (1884) (holding that portions of this law remained in effect). Another enactment passed that same day made it an offense 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 inclosures 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.

Act 246, 3 Pa. Statutes at Large 254, 256 (Aug. 26, 1721), § IV;¹¹ *accord* Act 456, 6 Pa. Statutes at Large 46, 48-49 (Apr. 9, 1760), § VI (increasing the penalty for

¹⁰<https://www.palrb.gov/Preservation/Statutes-at-Large/View-Document/17001799/1721/0/act/0245.pdf>

¹¹<https://www.palrb.gov/Preservation/Statutes-at-Large/View-Document/17001799/1721/0/act/0246.pdf>

violations).¹² The rationale for these statutes’ singling out of Philadelphia is as plain now as it was then—Philadelphia is a densely populated city, and a stray bullet there is much more likely to hit a person or a structure than one fired in a rural area. *See, e.g.,* Act 245, § IV (“[W]hereas much Mischief may happen by shooting of guns; throwing, casting and firing of squibs, serpents, rockets, and other fire-works, within the city of Philadelphia, if not speedily prevented . . .”).

Another firearms-related law from the colonial era also flowed from the rationale that densely built areas need greater protections:

no person whatsoever within the precincts of the city of Philadelphia . . . nor within two miles thereof shall from and after the time the powder store aforesaid is so erected and finished presume to keep in any house, shop, cellar, store or place of the [said] city nor within two miles thereof, other than the powder store aforesaid, any more or greater quantity at any one time than twelve pounds of gunpowder under the penalty of ten pounds for every such offense.

Act 287, 4 Pa. Statutes at Large 31, 33 (Aug. 14, 1725), § II (alteration in original);¹³ *accord* Act of Dec. 6, 1783, § II, attached as Ex. A (raising the gunpowder limit to thirty pounds and the penalty to £20).

Appellant claims “[t]here is no historic[al] support for any greater limitation on the rights of people in Philadelphia under Article I, § 21 than elsewhere in

¹²<https://www.palrb.gov/Preservation/Statutes-at-Large/View-Document/17001799/1760/0/act/0456.pdf>

¹³<https://www.palrb.gov/Preservation/Statutes-at-Large/View-Document/17001799/1725/0/act/0287.pdf>

Pennsylvania.” Appellant’s Br. at 19. But in the same era as the adoption of the original version of Article I, § 21, as well as the Second Amendment and Article I, § 1 of the Pennsylvania Constitution, both the General Assembly and the City of Philadelphia continued to enact laws that regulated firearms and gunpowder in Philadelphia more stringently than in the rest of the Commonwealth. In 1787, a state statute not only updated the preexisting law about keeping gunpowder in and around Philadelphia but also added new provisions about gunpowder safety in Philadelphia, including regulations on its transport in “in any dray, cart, wagon, or other carriage.” Act 1279, 12 Pa. Statutes at Large 416, 418-19 (Mar. 28, 1787), § VI P.L.¹⁴ And in 1790, Philadelphia enacted an ordinance requiring that “no person or persons whatsoever shall fire or discharge any cannon, or other piece of artillery of ordnance . . . without the permission of the Mayor.” *The Constitution and Ordinances of the City of Philadelphia*, Ch. VI, p. 46 (1790), attached as Ex. B. These examples belie Appellant’s claim of no founding-era precedents for stricter firearms regulation in Philadelphia than in other areas of the Commonwealth.

In the years around the Fourteenth Amendment’s ratification, Pennsylvania continued regulating firearms more stringently in Philadelphia, including by restricting public carry in Philadelphia. An 1850 statute imposed a concealed-carry

¹⁴<https://www.palrb.gov/Preservation/Statutes-at-Large/View-Document/17001799/1787/0/act/1279.pdf>

restriction, making it an offense for “[a]ny persons within the limits of the city and county of Philadelphia [to] carry any fire-arms, slung-shot or other deadly weapon concealed upon his person, with the intent therewith unlawfully and maliciously to do injury to any other person.” Act of May 13, 1850, § XIV, attached as Ex. C.

Most significantly, two statutes from the 1860s and 1870s squarely disprove Appellant’s claim that “[o]pen carry has always been legal in Pennsylvania without a license,” Appellant’s Br. at 9. An 1868 statute—adopted in the very same year as the Fourteenth Amendment, and **still on the books**—makes it illegal to “carry fire-arms” in Philadelphia’s Fairmount Park. 53 P.S. § 16514(2). An 1873 statute stated that “any person who shall carry any pistol, dirk-knife, slung-shot or deadly weapon within the city limits of Harrisburg, except police officers, shall be deemed guilty of misdemeanor.” Act of Apr. 12, 1873, No. 810, attached as Ex. D. These examples fully debunk any suggestion that unlicensed open carry had always been legal everywhere in the Commonwealth before 1968, when the original version of 18 Pa.C.S. § 6108 was enacted.¹⁵

During that same era, this Court recognized that laws specific to Philadelphia were “proper legislation . . . indispensable to its prosperity,” among them “laws in regard to . . . the storage and sale of gunpowder.” *Wheeler v. City of Phila.*, 77 Pa.

¹⁵ Act of July 30, 1968, P.L. 690, No. 228, § 1.

338, 350 (1875) (affirming power of General Assembly to legislate as to classes of cities).¹⁶

This pattern continued in the twentieth century. Article I, § 26 became part of Pennsylvania's Constitution in 1967. The General Assembly enacted the current public-carry licensure requirement for Philadelphia just one year later. This enactment, and the lack of any contemporaneous question about its constitutionality in the legislative history and the courts, suggests that at the time of Article I, § 26's adoption, that constitutional provision was broadly understood to be fully compatible with laws such as § 6108.

What has changed since then to make all these laws suddenly unconstitutional? Boiled to its essence, Appellant's argument is: *Bruen*. But as discussed *supra*, § 6108 is fully compatible with *Bruen* and the Second Amendment, and it does not burden any fundamental right. Nor have any developments in the jurisprudence of the other federal and state constitutional provisions Appellant cites newly cast doubt on § 6108's propriety.¹⁷ It was constitutional when passed and constitutional now.

¹⁶ In its strongest form, Appellant's argument would undermine the Commonwealth's entire system of municipal classification, converting any statute that applies to a single class of cities into an automatic equal protection violation. This would nullify Article III, § 20 of the Pennsylvania Constitution, and it would revolutionize governance in the Commonwealth, obliterating 150 years of case law. *See, e.g., Freezer Storage, Inc. v. Armstrong Cork Co.*, 382 A.2d 715, 718 (Pa. 1978) (setting forth test for "special laws").

¹⁷ Appellant mistakenly relies on *Ortiz v. Commonwealth*, 681 A.2d 152 (Pa. 1996). Appellant's Br. at 20. *Ortiz* concerned the power of municipalities to regulate firearms. 681 A.2d at 156 (stating

B. Pennsylvania statutes routinely treat dense urban areas differently from other areas.

Outside the firearms context, a broad range of Pennsylvania statutes treat dense urban areas differently from other areas in recognition of the distinct needs in the largest cities and counties. Appellant’s equal protection theories, whether grounded in strict scrutiny or rational-basis review, would call into question critical statutes that address urban municipalities’ unique needs in domains ranging from criminal law to land use and affordable housing.

A relatively new provision of Pennsylvania’s criminal trespass law, 18 Pa.C.S. § 3503, is emblematic of how and why the General Assembly regulates conduct differently in dense urban areas. In 2019, Governor Tom Wolf signed the “Purple Paint Law,” which amended the criminal trespass law. Act of Nov. 27, 2019, P.L. 714, No. 103. Purple Paint Laws, in effect in approximately 20 states, “allow landowners to use purple paint on trees or posts to mark the boundaries of their property and indicate that trespassing is not allowed,” a method “typically used by landowners with wooded property or large rural lots.”¹⁸ In Pennsylvania, the purple

that “the General Assembly, not city councils, is the proper forum for the imposition of [firearms] regulation”). This case is about a state statute. *Commonwealth v. Hicks*, 208 A.3d 916, 926 n.6 (Pa. 2019) (“[T]he additional requirement that an individual possess a license in order to carry a firearm openly within the City of Philadelphia is prescribed by statute, not by municipal ordinance.”). *Ortiz* is also not on point because § 6108 is fully compatible with the constitutional right to bear arms.

¹⁸ James Orlando, Off. of Legis. Rsch., Conn. Gen. Assembly, Research Report 2023-R-0138 (Aug. 14, 2023), <https://www.cga.ct.gov/2023/rpt/pdf/2023-R-0138.pdf>.

paint option is not available to landowners “in a county of the first class or a county of the second class.” 18 Pa.C.S. § 3503(b)(3). Currently those counties are Philadelphia and Allegheny.¹⁹

Given the predominately urban character of Philadelphia and Allegheny counties, Pennsylvania’s Purple Paint Law reflects a prudent legislative determination that it would be unfitting to extend to those built-up regions a form of notice better suited to boskier areas. If Appellant were to prevail, someone charged with trespassing on land marked with purple paint in Jefferson County could mount a defense that it is unconstitutional to hold him to a requirement inapplicable to trespassing defendants in Pittsburgh, as people in Pittsburgh are free to ignore purple paint when entering land. Were strict scrutiny to apply, this defendant would very likely prevail. And if Appellant is correct that “even under [rational basis review] Section 6108 is unconstitutional,” Appellant’s Br. at 13, then under his new, non-deferential version of the standard, the Purple Paint Law would likely fail as well.

For another set of examples, the Vehicle Code has many provisions with unique application in large municipalities. 75 Pa.C.S. § 3722(a) prohibits the operation of all-terrain vehicles (“ATVs”) and dirt bikes on a highway, sidewalk, or bicycle lane of an “urban municipality,” defined as “[a] city of the first class, second

¹⁹ Cnty. Comm’rs Ass’n of Pa., *Pennsylvania Counties by Class*, <https://www.pacounties.org/about/pennsylvania-county-by-class> (last visited Feb. 9, 2026).

class, second class A or third class,” *id.* § 3722(g). This law demonstrates recognition of the need to distinguish between typical uses of off-road vehicles in urban versus rural locations. But if Appellant prevails, and it violates equal protection to ban unlicensed public carry in Philadelphia while allowing it elsewhere, then someone charged with riding an ATV down Broad Street in Philadelphia would have a strong constitutional defense. Numerous other Vehicle Code provisions sensibly tailored to big-city needs would be similarly imperiled. *E.g.*, 75 Pa.C.S. § 3370 (establishing automated speed enforcement program on Roosevelt Boulevard in Philadelphia and up to five additional corridors in a city of the first class); *id.* § 3371 (speed cameras in school zones in Philadelphia); *id.* § 1379 (“Suspension of registration upon sixth unpaid parking violation in cities of the first class”); *id.* § 7304.1 (“Reports and removal of abandoned vehicles within the boundaries of a city of the first class or second class”).

Examples abound in other areas of state law. Licensed pool rooms can stay open later in a city of the first class. 18 Pa.C.S. § 7105; *see also Commonwealth v. Bottchenbaugh*, 452 A.2d 789 (Pa. Super. Ct. 1982) (rejecting equal protection challenge to the statute). Special rules apply for deer control in first class cities. 34 Pa.C.S. § 2902(d). A city of the first class can “charge an affordable housing program fee for recording deeds and mortgages” 53 Pa.C.S. § 6021; *see also Phila.*

Code § 10-1001 (implementing such a fee). Adverse possession law is different for community gardens in a city of the first class. 53 Pa.C.S. § 1143.

If Appellant prevails, all of these laws and more would become susceptible to equal protection challenges. *Contra Griffin v. Cnty. Sch. Bd.*, 377 U.S. 218, 230 (1964) (“[T]here is no rule that counties, as counties, must be treated alike; the Equal Protection Clause relates to equal protection of the laws ‘between persons as such rather than between areas.’” (quoting *Salsburg v. Maryland*, 346 U.S. 545, 551 (1954))). Appellant’s theory would dramatically stretch judicial review and enfeeble the General Assembly’s ability to match legislation to local needs. The Court should not open this door.

CONCLUSION

For the foregoing reasons, the Court should affirm the judgment below.

Dated: February 11, 2026

Respectfully submitted,

/s/ Benjamin D. Geffen

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CERTIFICATION OF COMPLIANCE

I certify that this filing complies with the provisions of the Public Access Policy of the United Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

I further certify that the foregoing brief contains 5,416 words, in compliance with the 7,000-word limit established by Pa.R.A.P. 531(b)(3).

Dated: February 11, 2026

/s/ Benjamin D. Geffen
Benjamin D. Geffen

Exhibit A

Act of Dec. 6, 1783

L A W S

ENACTED IN THE FIRST SITTING
OF THE EIGHTH
GENERAL ASSEMBLY,
OF THE COMMONWEALTH OF
PENNSYLVANIA,

WHICH commenced at *Philadelphia* on *Monday* the twenty-seventh Day of *October*, in the Year of our Lord One Thousand Seven Hundred Eighty and Three.

C H A P. CIII.

*An ACT to repeal part of the Act, entitled, "An Act
" for an Impost on Goods, Wares and Merchandize,
" imported into this State."*

1783.

SECT. I. **W**HEREAS during the late War, common Salt, Salt-petre, Gun-powder, Lead or Shot, and Prize Goods, were exempted from any Impost or Duty in the "*Act for imposing a Duty on Goods, Wares and Merchandize imported into this State, passed the Twenty-Third Day of December, One Thousand Seven Hundred and Eighty:*" AND WHEREAS the necessities on which the exemptions aforesaid were founded have ceased:

Preamble.

SECT. II. *Be 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 so much of the Act aforesaid which exempts common Salt, Salt-petre, Gun-powder, Lead or Shot, and Prize Goods, from any Impost or Duty, be and the same is from henceforth repealed, made null and void.*

Repealing Clause.

Signed, by Order of the House,

GEORGE GRAY, *Speaker.*

Enacted into a Law, at Philadelphia, on Tuesday, the Eighteenth Day of November, in the Year of our Lord One Thousand Seven Hundred Eighty and Three.

PETER Z. LLOYD, Clerk of the General Assembly.

1783.

*An ACT for the better securing the City of Philadelphia,
and its Liberties, from danger of Gunpowder.*

Preamble.

SECT. I. **W**HEREAS 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 One Thousand Seven Hundred and Forty-seven, continuing the said Act in force until altered by a future Assembly, it was 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 offence: 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 Expence: 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:

Penalty on
keeping in any
House, &c.
more than
30 lb. of Gun-
Powder.

SECT. II. *Be 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* of Gunpowder, under the Penalty of a forfeiture of the whole quantity so over and above stored, together with a fine of *Twenty Pounds* for every such Offence. And whatever Master, Merchant or other Person, trading or bringing into the said Port any Gunpowder (other than such as shall be specially licenced in that behalf, by the President or Vice-President and Council of the *State of Pennsylvania*) shall not, within the space of forty-eight Hours from his first arrival and coming to anchor there, and before he haws to the Wharf, upon due notice given him by the Officer herein after appointed, or his Successor, or his or their Deputies, of the purport of this Act, deliver all the Powder so brought into the said Port aforesaid unto the said Officer, or his Successor, or his or their Deputies, he or they so offending shall forfeit at the rate of *Twenty Pounds* for every Cask so withheld, together with the whole of the Powder, if the Property of the Person so offending.

Penalty on Im-
porter for
Non delivery
of Gun-Pow-
der, upon due
Notice given.

SECT.

subject to the same Restrictions, Regulations and Penalties, as mentioned in the fourth Section of this Act. Vide 4th Sect.

SECT. XI. *And be it enacted by the authority aforesaid, That all and singular the Fines and Forfeitures arising by this Act, except under the Sum of Five Pounds, shall be recovered in any Court of Record in this State, by Bill, Complaint or Information, wherein no Essoign, Protection or Wager of Law, nor any more than one Imparance, shall be allowed; the one Moiety of which Forfeiture and Penalties shall go into the hands of the Treasurer of the Commissioners for paving the Streets, to be by them disposed of until otherwise ordered by Act of Assembly, and the other Moiety thereof to the Informer or Prosecutor who shall sue for the same.* Appropriation of Fines and Forfeitures.

SECT. XII. *And be it further enacted by the authority aforesaid, That the Officer appointed by this Act, or hereafter appointed to execute the same, shall before he enters upon the Execution of his Office, give Bond with sufficient security to the President or Vice President in Council, in the Sum of Two Hundred Pounds, conditioned for the true and faithful Performance of his Duty, according to this Act.* Officer to give security, &c.

SECT. XIII. *And it is hereby further enacted by the authority aforesaid, That all Acts heretofore made respecting the storing of Gunpowder in the said City, shall be and are hereby repealed.* Repealing Clause.

Signed by Order of the House,

G E O R G E G R A Y, *Speaker.*

Enacted into a Law, at Philadelphia, on Saturday, the Sixth Day of December, in the Year of our Lord One Thousand Seven Hundred Eighty and Three.

PETER Z. LLOYD, Clerk of the General Assembly.

C H A P. CVI.

An ACT to complete the Title of Abraham Comron and Rebecca English his Sister, to a House and Lot in Mulberry Ward, in the City of Philadelphia.

SECT. I. **W**HEREAS Abraham Comron of the City of Philadelphia, Sail-Maker, by his Petition bearing Date the twenty-fifth Day of November, One Thousand Seven Hundred and Eighty-two, did represent to the General Assembly of this Commonwealth, that the Petitioner's Grand-Father, Nicholas Cassell, deceased, did in his Life-Time, by deed of gift, convey unto Mary Comron, the Mother of the said Abraham, a certain Lot of Ground, situated in Race-street, between the Front and Second-streets, from Delaware River, in the Preamble:

Exhibit B

*The Constitution and
Ordinances of the City
of Philadelphia, Ch. VI,
p. 46 (1790)*

From THE *John Pinard.*
CONSTITUTION ¹⁸³⁷

A N D
ORDINANCES

O F
THE CITY
O F
P H I L A D E L P H I A.

P H I L A D E L P H I A:

Printed by HALL & SELLERS, in MARKET between
FRONT and SECOND-STREETS.

1790.

remain in any street, lane or alley, as aforesaid, shall forfeit and pay the sum of *one dollar*. *Provided*, That nothing herein contained shall be construed to interfere with any rules or regulations made or directed by the ordinance for regulating the markets in this city.

Proviso.

No foot-ways to be used in the manner described.

And be it further ordained and enacted, That if any person or persons shall wilfully ride, drive, or lead a horse, or drive a carriage of any kind along, or unlade or cast out of any cart, or other carriage, any timber, cord-wood, brick, stone, or coal, on or across any paved foot way in any of the streets, lanes or alleys in the built parts of this city, he or they so offending shall forfeit and pay the sum of *five shillings*.

Penalty.

No horses to be shod in the street.

And be it further ordained and enacted by the authority aforesaid, That if any blacksmith, or other person, shall cause any horse, mare or gelding to stand in any of the streets, lanes or alleys, within the built parts of this city, whilst he is shoeing, or preparing to shoe, such horse, mare or gelding, every such blacksmith, or other person, shall pay a fine of *five shillings* for each offence.

Penalty.

No cannon to be fired or illuminations made in the built parts of the city, unless, &c.

And whereas the firing of cannon, or other great pieces of artillery or ordnance, and the illuminating of houses within the city, on occasions of public rejoicing, have been attended with many great mischiefs and inconveniencies: *It is therefore ordained and enacted by the authority aforesaid*, That no person or persons whatsoever shall fire or discharge any cannon, or other piece of artillery or ordnance, or illuminate, or cause or permit to be illuminated, any house within the built parts of this city, without the permission of the Mayor of the city for the time being first had and obtained in writing under his hand, under the penalty of forfeiting and paying, for every piece of cannon or other artillery or ordnance so fired, or house so illuminated, the sum of *five dollars*.

Penalty.

And

And be it further ordained and enacted by the authority aforesaid, 1790.
 That all and every the fine and fines imposed by this ordinance shall be recoverable, with costs of suit, by any person who shall sue for the same, before the Mayor, Recorder, or any Alderman of the said city; and shall go, one moiety to the person or persons who shall sue for the same, and the other moiety to the use of the city. Application of fines.

Signed, by Order of the Board,

SAMUEL POWEL, MAYOR.

*Enacted and passed into an Ordinance,
 at Philadelphia, the eighteenth day of
 January, Anno Domini one thousand
 seven hundred and ninety.*

ANTHONY MORRIS, Clerk
 of the Corporation.

C H A P. VII.

By the MAYOR, ALDERMEN *and* CITIZENS *of*
 PHILADELPHIA.

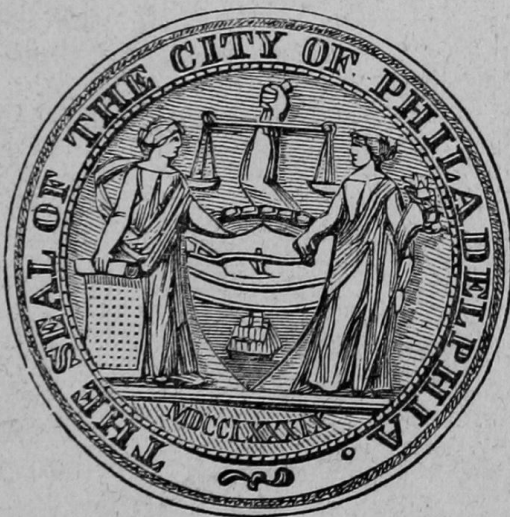
An ORDINANCE directing the Mode of selling Oysters.

I*T is hereby ordained and enacted by the Mayor, Aldermen and Citizens of Philadelphia, in Common Council assembled, and by the authority of the same, That, from and after the first day of March next, no Oysters in their shells shall be sold in the city, or at the wharves thereof, in any other manner than by count, or tale. And if any person or persons shall be guilty of selling such Oysters in any other manner, he, she or they, so* Oysters to be sold only by count, or tale.
offending.

Exhibit C

Act of May 13, 1850

A DIGEST
OF THE
ACTS OF ASSEMBLY
RELATING TO
THE CITY OF PHILADELPHIA
AND THE (LATE)
INCORPORATED DISTRICTS OF THE COUNTY OF PHILADELPHIA,
AND OF THE
ORDINANCES OF THE SAID CITY AND DISTRICTS,
IN FORCE ON THE FIRST DAY OF JANUARY, A. D. 1856.



COMPILED AND EDITED, UNDER AUTHORITY OF CITY COUNCILS, BY
WILLIAM DUANE, WILLIAM B. HOOD AND LEONARD MYERS.

8.
PHILADELPHIA:
J. H. JONES & CO., PRINTERS, NO. 34 CARTER'S ALLEY.
1856.

Concealed Weapons.

ACT OF ASSEMBLY.

From an Act entitled

“ AN ACT

To incorporate the Paoli Insurance Company,” &c. &c., passed May 13, 1850.

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

No concealed weapons to be carried.

NOTE.

By act of 3d May, 1850, § 22, establishing a police force for the city and incorporated districts of the county of Philadelphia, in case of a riot, “ any person arrested, upon whose person or in whose possession shall be found fire-arms or any other deadly weapon, shall be deemed guilty of an intention to riot, whether said fire-arms or deadly weapon shall be used or not, unless the contrary can be satisfactorily established, and punished accordingly.”

Constables.

ACT OF ASSEMBLY.

From an Act entitled

AN ACT

For the election of constables in the city of Philadelphia, passed 30th January, 1810.—5 Smith, p. 79.

SECT. V. In cases of vacancy [*in the office of ward constable*] occasioned by death, resignation or otherwise, the mayor shall appoint a suitable person as constable, until the ensuing annual election, after having first obtained the security required.

Mayor to fill vacancy in office of ward constable.

[For the provisions respecting the election of constables, see the consolidation act, section 26, *ante*, p. 43.]

NOTES.

A constable may without warrant arrest any one for a breach of the peace, committed in his view, and carry him before a justice of the peace.—2 Black. C. 292.

Where there is a breach of the peace the doors of a man's house may be broken. But long habit has attributed sanctity to this domestic asylum, which ought not to be violated without a good cause.—4 S. & R. 350.

Constables have no right to obstruct the passage of a public street by holding sales of property in execution, in any part of it, and they are liable to indictment for nuisance therefor.—*Commonwealth vs. Milliman*, 13 S. & R. 403.

Exhibit D

*Act of Apr. 12, 1873,
No. 810*

LAWS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF PENNSYLVANIA,
PASSED AT THE
SESSION OF 1873,
In the Ninety-seventh year of Independence.

WITH AN APPENDIX.

BY AUTHORITY.

HARRISBURG:
BENJAMIN SINGERLY, STATE PRINTER.
1873.

No. 808.

An Act

Authorizing the electors of the borough of Lykens, in the county of Dauphin, to elect one supervisor for said borough, et cetera.

SECTION 1. *Be it enacted, &c.,* That the qualified electors of the borough of Lykens, in the county of Dauphin, on the third Friday of March, one thousand eight hundred and seventy-three, and every succeeding March election thereafter, elect but one supervisor for said borough instead of two supervisors; and that all laws heretofore enacted in relation thereto be and the same are hereby repealed.

APPROVED—The 10th day of April, A. D. 1873.

J. F. HARTRANFT.

No. 809.

An Act

To repeal an act for the appointment of an auctioneer for the county of Westmoreland, approved twentieth March, one thousand eight hundred and sixty-nine.

SECTION 1. *Be it enacted, &c.,* That the act providing for the appointment of an auctioneer for the county of Westmoreland, approved the twentieth day of March, Anno Domini one thousand eight hundred and sixty-nine, be and the same is hereby repealed.

APPROVED—The 10th day of April, A. D. 1873.

J. F. HARTRANFT.

No. 810.

An Act

To prevent the carrying of deadly weapons within the city of Harrisburg.

SECTION 1. *Be it enacted, &c.,* That any person who shall carry any pistol, dirk-knife, slung-shot or deadly weapon

within the city limits of Harrisburg, except police officers, shall be deemed guilty of misdemeanor, and being convicted thereof, shall be sentenced to undergo an imprisonment or be fined in any sum of not less than fifty dollars, or both, at the discretion of the court, and in case of non payment of the fine so imposed, shall be imprisoned for a period of not less than three months, and be required to give security for future good behavior. The fines collected shall be paid into the city treasury for the use of said city.

APPROVED—The 12th day of April, A. D. 1873.

J. F. HARTRANFT.

No. 811.

An Act

To incorporate the Mountain Grove Camp-Meeting Association of the Methodist Episcopal Church.

Corporators

SECTION 1. *Be it enacted, &c.,* That Reverends Samuel Barnes and Samuel Creighton, Messrs. J. M. Shoop, N. P. John, M. W. Jackson, B. G. Welch, Stephen Turnbaugh, E. M. Wartin, A. J. Amerman, J. R. Cleaver and Joseph Smith, with such other person or persons, citizens of this state and of any other state, as may associate with them, and their successors, be and they hereby are created a body politic and corporate in law by the name, style and title of the Mountain Grove Camp-Meeting Association of the Methodist Episcopal Church, for the purpose of providing and maintaining for the members and friends of the Methodist Episcopal church a proper, convenient, desirable and permanent camp-meeting ground and christian family resort; and by the name of the Mountain Grove Camp-Meeting Association of the Methodist Episcopal Church, shall have perpetual succession, and be able to sue and be sued in any court of law or equity, and may have and use a common seal, and the same at their pleasure alter and renew; and shall have power to purchase and hold such real and personal estate, and erect such buildings and improvements thereon as they may deem necessary, proper or desirable for the purposes and objects of the corporation, and the same, or any part thereof, to dispose of in parcels or otherwise, by lease, or in fee simple, or otherwise, on such terms, conditions and restrictions, not repugnant to the laws of this state or the United States, as they may see fit; and the said corporation shall have authority to receive gifts or bequests, by will or otherwise, for the purpose of ornamenting, improving and maintaining the camp-ground of said association. The managers of the said corporation shall have power to borrow money to any amount, not ex-

Title.

Purpose.

Powers and privi-
leges.

Managers may
borrow money.