

British Firearms Control

Part 1: No Controls



The US constitution protects the rights of the citizen to keep and bear arms, but it is not now generally well known that these rights also existed in a similar form in England. These were known as the ‘common law rights of Englishmen’, which among many other things, guaranteed the right to arms for the self-defense of the individual.

When English firearms controls are mentioned, most of the general public (in England) assume that this is a good thing and that it is necessary to prevent guns getting into the wrong hands — whether it be criminals or other unsuitable persons; not fully understanding that these laws can only ever apply to the law abiding.

To fully appreciate the history of English gun laws, it is necessary to start at the beginning, so that the flaws and the lack of any real evidence of a need to fulfill the original stated objectives of these laws can be seen.

The first seeds of the current regulations were sown in the Victorian era, where there were no relevant or effective restrictions on the private ownership of any type of firearms, as the common law rights of the individual prevented any such legislation.

The common law rights of Englishmen as quoted in Blackstone's Commentaries published in 1830 made reference to the many rights, freedoms and liberties of Englishmen being accepted by later English governments as an accurate and definitive statement of the English common law.



Excerpts from Blackstone's treaties of the English common law from 1830:

“liberties that are more generally talked of than thoroughly understood; and yet highly necessary to be perfectly known and considered”

“these rights consist, primarily, in the free enjoyment of personal security, of personal liberty and of private property. So long as these remain inviolate, the subject is perfectly free; for every species of compulsive tyranny and oppression must act in opposition to one or other of these rights, having no other object upon which it can possibly be employed. ”

“To preserve these from violation, it is necessary that the constitution of Parliament should be supported in its full vigour; and limits, certainly known, to be set to the royal prerogative. And... to vindicate these rights, when actually violated and attacked,”

“and, lastly, to the right of having and using arms for self preservation and defence.”

‘and all these rights and liberties it is our birthright to enjoy entire: unless where the laws of our country have laid them under necessary restraints; restraints in themselves so gentle and moderate, as will appear upon further enquiry, that no man of sense or probity would wish to see them slackened’.

‘For all of us have it in our choice to do everything that a good man would desire to do; and are restrained from nothing, but what would be pernicious either to ourselves or to our fellow citizens’.

Nick Wilson

These common law rights were guarded with full parliamentary vigor throughout the Victorian era, with various attempts to introduce either permanent, or temporary measures to control firearms being blocked, apart from the gun licence act of 1870.



Waiting for Rabbits to bolt.



Retrieving a hare.

This was the paper Gun licence, (broadly similar to the now defunct English game licence in its paper format needed for the shooting of game birds), which was available from any post office regardless of the individual's character or status for 10 shillings, a not inconsiderable sum at the time.

This was only a financial regulation, perhaps designed to control the poaching of game birds. It was needed only for the use of a gun outside of a person's dwelling, or property, otherwise a gun licence was not required. Even so, for all of its ineffectiveness in limiting general firearms use, it caused a furore in parliament, with a Mr P.A Taylor MP stating that it was:

“an attempt to bring our laws and customs into harmony with those of the most despotic Continental Governments — it is an attempt to disarm the people!”

As it transpired, 50* and almost 100 years later,** perhaps Mr Taylor might be considered to have possessed the most remarkable foresight, fully realizing that any attempt, (no matter how minor) to infringe the common law rights of Englishmen to own firearms was to be resisted at all costs?

**The 10 shilling gun licence lasted for 97 years. It was repealed in 1967 when English shotgun controls were introduced.

*The draconian restrictions of the firearms act of 1920 effectively disarmed the vast majority of the law abiding English population.

From this point onwards, in the media the public were beginning to be made aware of the armed crime situation, such that it was at the time, with anything that could feasibly increase newspaper sales, being milked for every last drop of circulatory advantage.

It is unlikely that there had been any real increase in armed crime at the time, but only that it had become more prominent. A good case could be made for the exaggeration and downright untruths printed in the 1880's newspapers being responsible for the subsequent attempts at English gun controls by the government.



The Regulation of Carrying of Arms Bill 1881 was the first, having its initial reading on March 10th 1881. It attempted to deal with the carrying of arms, but was confused, unworkable and riddled with loopholes.

The problem was how to differentiate between a person suspected of committing an offence and a law-abiding citizen so armed for self-

protection. Because of these and other issues it was dropped before its second reading.

The 1883 firearms bill was intended to address the issue of the carrying of loaded guns in public places without reasonable excuse. It also required that anyone carrying a gun give it up for inspection by a police constable or inland-revenue officer on demand.***

The bill fully respected the common law rights to keep firearms and the carrying of firearms for self-defense, but in any case it disappeared after the first reading.

***As a matter of interest, both of these parts of the 1883 bill eventually made it onto the statute book in section 2 of the firearms act just over 80 years later

The Felonious Use of Firearms Bill 1887 made it to the debating stage and concerned itself with the use of firearms by burglars, with an imposition of a minimum of ten years' penal incarceration on anyone who committed burglary while armed with a gun. At the second reading, it was suggested that the use of firearms by burglars was on the increase, but this was not backed up by hard evidence.

The figures actually showed that there had been only a handful of cases annually within the metropolitan police district. When it is considered that firearms were completely uncontrolled and in widespread use the figures appear to be remarkably low. The bill finally died after the then Home secretary pointed out that any burglary already carried a life sentence.

The Larceny Act 1861, amendment (Use of Firearms) Bill 1889 was a spirited attempt brought by the Earl of Milltown, which was to provide for flogging for all burglaries where a firearm was carried. Although it had support in the Lords, flogging was going out of fashion and it failed to become law after the second reading. One might well speculate on the relative effectiveness that this may have had on the intentions of burglars if it had been introduced!



Due to the failure of these previously broad attempts at firearms controls, the government switched its focus on to pistols (handguns). As pistols were only generally considered useful for self-defense, this stance must be considered perverse, as self-defense was specifically stated as an English common law right.

Perhaps a more sinister reason for the government's view was that as pistols were eminently concealable, then their removal and limitation in use would better suit those in power?

If so, it was a blatant attempt to violate of the spirit of the Englishman's common law right to self-defence.



Driven Partridges.

In 1893 details of the numbers of deaths or wounds caused by pistols or revolvers over the previous three years, were presented to the House of Parliament, but were inherently misleading and did not differentiate between criminal use and accidents. When examined closely, the figures showed that pistols had in fact had a reduced usage by criminals —

but in spite of this inconvenient truth, the government continued.

The 1893 Pistols Bill

Pistols were defined as any firearm not exceeding 15 inches in length.

Dealers of pistols were to be licensed, keeping full records, which were to be kept for five years and made available on demand for police or revenue officer inspection. Private sales were unaffected.

Purchasers would have to produce a gun or game license (available by anyone from a English post office without difficulty after paying the fee).

Exceptions to this were for officers of the armed or merchant services, or for those just about to move abroad.

Persons under 18 years were prohibited from buying or carrying pistols.

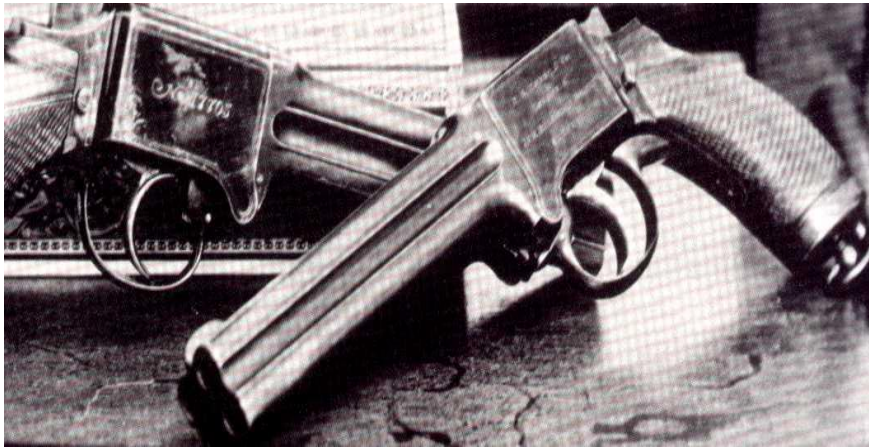
Anyone having been sentenced to prison for a crime of violence, was prohibited from carrying a pistol for five years after release.

The carrying by anyone of a loaded pistol on a highway or public place needed the permission of the area chief officer of police. The armed forces were exempt from this requirement.

All pistols were to have the makers' markings or distinctive trademarks marked upon them.

Wholesale traders were exempt from all of these restrictions, as were any dealings in antique pistols.

This was hardly a draconian measure (when compared to the UK's now virtual total handgun ban) but was of questionable utility as regards its intended purpose, being strongly attacked in parliament and was killed off.



A Mr. C.H.Hopwood stated that the bill was unnecessary, that it had not been warranted by the returns made to the house (Parliament) regarding pistol crime, that it was wholly ineffective and perhaps most tellingly:

'It attacked the natural right of everyone who desired to arm himself for his own protection, and not harm anybody else'.

'Why should Englishmen not arm themselves? It was natural and parliament ought not to interfere with such a right'.

In 1895 a private members bill brought by the Marquis of Carmarthen proposed strict controls on pistols, being much the same as the defeated 1893 bill. This provoked a strong response and was vigorously debated and it was stated in the House of Parliament that it was 'grandmotherly, unnecessary and futile'.

Mr Hopwood MP said:

'To say that because there were some persons who would make violent use of pistols, therefore the right of purchase or possession by every Englishman should be taken away is monstrous'.

This is an interestingly refreshing attitude, as it clearly considers any blame for wrongdoing by whatever means to be laid solely at the door of the perpetrator.

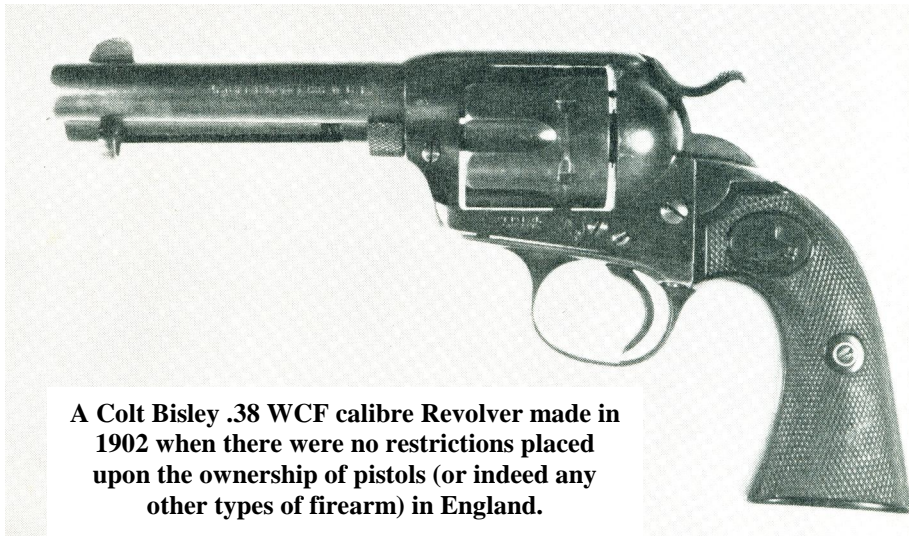
The general public, were most certainly not to be inconvenienced by the wrongful acts of the guilty few.

This is in massive contrast with today's English 'nanny state' blame culture, where it is always the means used that is responsible (with its ineffectual inevitability), rather than the person who perpetuates it.

Sir A.K.Rollit MP stated that he was:

'...surprised that with such great-grandmotherly legislation, the government should feel it necessary to help people to take care of themselves, instead of teaching them to do effectively what was their duty to themselves'.

Clearly the very concept of nannying interference by the state was considered to be utterly unacceptable.



A Colt Bisley .38 WCF calibre Revolver made in 1902 when there were no restrictions placed upon the ownership of pistols (or indeed any other types of firearm) in England.

After promised vocal support for the bill by the Home Secretary, it was finally defeated; being finished off by being forced to a division in the house — with 189 votes against to 75 in favor.

So throughout the Victorian era (1837 – 1901), and into the beginnings of the Edwardian era (1901 – 1910), all attempts to bring legislation that would exert controls on the purchase or use of firearms, thus limiting the common law rights of Englishmen, were strongly slapped down by parliament.

Indeed, this is just how the British Parliament should have responded to such impositions by the state, as laid out by Blackstone in his widely accepted 1830 treaties of the English Common law.

The only law that made it to the statute book was the Gun License act of 1870, which was a purely fiscal imposition, relating to use of a gun outside of the home. It must be appreciated that this did nothing in real terms to prevent the purchase of any type of firearm, by anyone at all of any age, if it was kept within a dwelling and used within its parameters.

Firearms were in general use throughout this period, with guns being common objects, well appreciated by the vast majority of the population, with pistols being extremely popular for self-defense in the home against intruders.

Carrying loaded firearms for self-defense was quite normal practice, but the actual incidence of their usage was tiny.

In fact as bizarre as it may seem to many unknowing English people today, (in the now stifling virtual police/nanny state) there were vast numbers of the population going about their daily business so armed in this era, but the incidence of armed crime was relatively non-existent. Of course it could be argued by some, that the prospect of capital punishment had more than a little to do with this very satisfactory state of affairs.

So the common law rights of an Englishman to arm and to defend himself had been robustly and repeatedly upheld by parliament. Unfortunately Pistols (handguns), had been singled out, and as such, were now in the front line waiting for the next assault by an increasingly controlling and authoritarian government.

The deliberate government policy of searching for a chink in the armour of parliaments' defense of the common law rights of Englishmen was firmly established.

This could readily be ascertained by the dogged reuse (albeit with slight variations) of previously discredited attempts at firearms legislation that had been summarily thrown out by Parliament.

The recycling of failed legislative material by the English government was to continue, waiting for the opportune moment to strike again at the common law rights of Englishmen to arm themselves.