LAWS

OF

NEW HAMPSHIRE

INCLUDING

PUBLIC AND PRIVATE ACTS, RESOLVES, VOTES, ETC.

EDITED BY HENRY HARRISON METCALF, LL.B., A.M.

VOLUME FIVE
FIRST CONSTITUTIONAL PERIOD

1784-1792

CONCORD, N. H.
RUMFORD PRESS
1916

such Default had been Recorded agree'd to submit the matter to men to be by them Determin'd that the Referrees after hearing the parties and considering their several claims found a ballance Due to said Torrey—which was paid by the plantiffs in said suit, that the action was further prosecuted at May term & Execution render'd against said Torrey the settlement not-withstanding—

Wherefore said Torrey prayed to be Restor'd to his Law and the parties having been heard thereon, the facts being proov'd

& the prayer of said petition appearing Reasonable

Therefore be it enacted by the Senate and House of Representatives in General Court Conven'd; that said Torrey be restor'd to his Law & he is hereby authorized & impowred to enter said action a new, at the Inferior Court of Common Pleas to be holden at Haverhill on the first Tuesday of June next, & the Justices of said Court are hereby authorized & impower'd to sustain hear & Determine the same in the usual course of Law the Judgment aforesaid notwithstanding.

[CHAPTER 22.]

An Act to prevent the keeping of large quantities of Gunpowder in private houses in Portsmouth & for appointing a keeper of the magazine belonging to said Town.

[Passed February 28, 1786. Original Acts, vol. 10, p. 22; recorded Acts, vol. 5, p. 195. Laws, 1780 ed., p. 383; Perpetual Laws, 1789 ed., p. 184.]

Whereas the keeping of large quantities of Gunpowder in private houses in Portsmouth aforesaid or in merchant Ships or Vessels lying at the Wharves in said Town would greatly endanger the lives and properties of the inhabitants thereof in Case of Fire; which danger might be prevented by obliging the Owners of such powder to deposit the same in the Magazine provided by said Town for that purpose

Therefore be it enacted by the Senate and House of Representatives in General Court convened, that if any person or persons shall keep in any dwelling house store or other building or land within the limits of said Portsmouth except the Magazine aforesaid more than ten pounds of Gunpowder at any one time which ten pounds shall be kept in a tin Cannister properly secured for that purpose such person or persons shall forfeit the powder so kept to the firewards of said Portsmouth to be laid out by them in purchasing such Utensils as they may judge proper for the extinguishing of Fire & the said Firewards are hereby directed and empowered to seize and cause the same to be

condemned in any Court of Law of Record proper to hear and try the same to be disposed of for the purpose aforesaid And the Offender shall also forfeit and pay a fine for the use of the poor of said Portsmouth equal to the Value of the powder so kept in any Store dwelling house or building which fine shall be sued for and recovered by the Overseers of the poor of said Portsmouth for the use of said poor in any Court of Law proper to try the same.

And be it further enacted by the Authority aforesaid that every master of any merchant Ship or Vessel bringing Gunpowder into said Portsmouth shall within the space of Forty eight hours after his arrival deposit in said Magazine all the Gunpowder by him so brought as aforesaid and if he shall neglect so to do he shall pay a fine of Thirty pounds for the Use of the poor of said Portsmouth to be recovered by said Overseers in manner aforesaid.

And be it further enacted that there shall be chosen annually or oftener if necessity require by the inhabitants of said Portsmouth being legal Voters, a keeper of said Magazine whose duty it shall be to receive into and deliver out of said Magazine all the powder so deposited and to account therefor, who shall have a right to demand and receive for his time and trouble in attending on said Business at the Rate of one shilling per hundred weight for all quantities of powder above ten pounds that he shall so receive into and deliver out of said Magazine & for all quantities under ten pounds at the rate of a half-penny per pound.

[CHAPTER 23.]

State of \
New Hampshire. (

An act to discount an Execution of Israel Morey against the Proprietors of Piermont.

[Passed February 28, 1786. Original Acts, vol. 10, p. 23; recorded Acts, vol. 5, p. 197.]

Whereas Jonathan Moulton Esq; one of the said proprietors hath petitioned the General Court representing that Israel Morey late of Orford in the State aforesaid Esq^{re} but now of Fairlee in the State of Vermont so called had recovered Judgment and taken out Execution against the said proprietors & had caused the said Execution to be served on the said Moulton & urged him for the payment thereof when at the time of the said Service the said Moulton had an Execution against the said Morey for a larger Sum than would satisfy the said Execution against the proprietors but that he could not have the same

GENERAL STATUTES

OF THE

STATE OF VERMONT:

PASSED AT THE

ÁNNUAL SESSION OF THE GENERAL ASSEMBLY, COMMENCING OCTOBER 9, 1862:

TOGETHER WITH

CERTAIN OF THE PUBLIC ACTS OF THE YEAR 1862:

TO WHICH ARE PREFIXED

THE CONSTITUTIONS OF THE UNITED STATES AND THE STATE OF VERMONT.

EDITED AND PUBLISHED IN PURSUANCE OF AN ACT OF THE LEGISLATURE.

SECOND EDITION.

WITH AN APPENDIX.

COMPRISING THE PUBLIC LAWS ENACTED SINCE THE ANNUAL SESSION OF 1862.

Edited and published in pursuance of an Act of the Legislature.





PUBLISHED BY THE STATE OF VERMONT.

Digitized by Google

punished by imprisonment in the state prison for a period not less than three years, or for life, in the discretion of the court.

CHAPTER 119.

OF OFFENCES AGAINST PUBLIC POLICY.

SECTION

- 1. Issuing bills of credit, how pun-
- 2. Passing or selling bills of credit, how punished.
- 8. Issuing or passing bill less than one dollar, how punished. — Proviso.

 4. Passing bills not payable in specie,
- how punished.
- 5. Setting up lottery without authority, how punished.
- 6. Property not to be sold by way of chance or lottery.
- 7. Selling or advertising for sale lot-tery tickets, how punished.
- 8. Barratry, how punished.
- 9. Horse-racing, how punished.
- 10. Gambling, how punished.
- 11. Taverner, &c., keeping implements
- of gambling, how punished.

 12. Winning or losing at game of hazard, or taverner suffering such game, how punished.
- 13. Person paying money so lost may recover the value thereof, &c.
- 14. Gambling contracts and conveyances void.
- 15. Betting on elections, how punished.
- 16. Exhibiting theatrical shows, &c., how punished.
- 17. Exhibiting games, tricks, shows, &c., how punished.

SECTION

- 18. Owner of house, &c., permitting
- such exhibition, how punished.

 19. Exhibiting circus, &c., or suffering such exhibition, how punished.
- 20. Same subject. 21. Exhibiting living animals, &c., with-
- out permission, &c., how punished. 22. Selectmen authorized to grant permission to exhibit living animals,
- 23. Keeping crackers, squibs, &c., for
- sale or use, how punished. 24. Selectmen may prohibit use of bowling-alleys.
- 25. Their proceedings for this purpose. 1864, No. 5, p. 24, - Evidence.
- 26. Use of alley after such prohibition grants. and certificate of notice, &c., how 23, to prevent punished.
- 27. Justice may bind over, &c.
- Justice may bind over, &c.
 No person to keep more than fifty mineral waters. pounds of gunpowder within fifty 1808, No. 19, p. rods of any dwelling, nor more than 24, regulating the one pound, unless in canisters. - rale of coal and Penalty for offence.
- 29. Enlistment of men without author-special session of ity from this state or the United 1867, No. 6, p. States, for service without this state, breaches of the declared to be an offence against the peace and unlawlaws of this state.
- 30. Town grand-jurors and state's attorney directed to prosecute, &c.

relating to va-

and punish fraud petroleum oils.

eace and unlawful combinations.

Section 1. If any person or corporation within this state, Issuing bills of without authority and license from the legislature of this state, credit, how punshall emit and utter any bill of credit, or make, sign, draw, or C. S., 110, § 1. indorse any bond, promissory writing or note, bill of exchange, order, or other paper, to be used as a general currency or medium of trade, as and in lieu of money, such person or members of such corporation assenting to the same, and every of them, shall be punished by fine not exceeding six hundred dollars, or by imprisonment in the common jail not exceeding one year.

Sect. 2. If any person or corporation shall vend, utter, or Passing or selling pass any bill of credit, bond, promissory writing or note, bill of bills of credit, how punished exchange, order, or other paper, made, signed, drawn, or in- c. s., 110, § 2. dorsed, to be used as a general currency or medium of trade, as and in lieu of money, without lawful authority from the legislature of this state, or the proper and lawful authorities of some other state, district, territory, or country, except bills or notes issued by the incorporated banks in said state, district, territo-

a time not exceeding two days at any one time, on condition that such person pay to the selectmen for the use of such town a sum not exceeding fifty dollars, nor less than ten dollars.

SECT. 23. If any person shall have in his possession any Keeping crackcracker, squib, serpent, or rocket, with intent to sell or set fire to for sale or use, the same, or shall sell, or offer to sell or give away the same, or how punished. shall set fire to or throw any lighted cracker, squib, serpent, or C. S., 110, § 22. rocket, he shall be punished by a fine not exceeding ten dollars.

SECT. 24. The selectmen of the several towns in this state Selectmen may shall, whenever in their judgment the public good requires it, prohibit use of bowling-alleys. forbid any play or game upon any bowling-alley in their respec- C.S., 110, § 23.

SECT. 25. Whenever the selectmen of any town shall forbid Their proceedany play or game upon any bowling-alley, as mentioned in the ings for this purpreceding section, they shall notify the owner or keeper thereof C. S., 110, §§ 24, in writing, and lodge a certificate thereof in the town clerk's 26. office in such town, therein describing the bowling-alley, the use of which is forbidden; and the town clerk of such town shall record such certificate, and a certified copy of it under the hand of the town clerk of such town may be used as evidence in any court in this state.

SECT. 26. If the owner or keeper, or any person who shall Use of alley after thereafter become the owner or keeper of such bowling-alley, such prohibition and certificate of shall, after such certificate of notice is lodged in the town notice, &c., how clerk's office as aforesaid, suffer or permit the use of such bowl-1851, No. 33. ing-alley for any play or game, he shall forfeit and pay to the treasurer of the county wherein the offence shall be committed the sum of twenty dollars for each day or time he shall suffer or permit the same to be used as aforesaid, to be recovered by information or indictment before the county court in such county.

SECT. 27. Every justice of the peace within his own county Justice may bind may, upon the complaint of a town grand-juror, or state's attor- over, &c. C. S., 110, § 27. ney of the county, make inquiry into all breaches under sections twenty-four, twenty-five, and twenty-six of this chapter, and bind over for trial, at the county court, all offences against the same.

SECT. 28. If any person or persons, within this state, shall No person to keep keep or suffer to be kept upon premises owned or occupied by more than fifty him or them, within fifty rods of any inhabited building of any powder within fifother person, more than fifty pounds of gunpowder at any one dwelling, nor time; or any quantity exceeding one pound, unless contained more than one in sound canisters of tin or other metal; he or they shall forfeit, pound unless in for each offence, the sum of twenty-five dollars to the treasury alty for offence. of the town in which such offence was committed, to be recov- 1853, No. 35, §§ 1 ered in an action on the case in the name of such town; and the further sum of twenty-five dollars for each day that said gunpowder may be so kept, after notice from any inhabitant of such town to remove the same.

SECT. 29. If any person, without due authority from this Enlistment of state or the United States, shall hereafter enlist, recruit, or em-men without authority from this ploy, or attempt to enlist, recruit, or employ any person in this state or the Unistate for military service without this state, he shall be guilty service without of an offence against the laws of this state, and shall be pun-this state, de-Amended by No.

22 of 1864, p. 41.

ACTS AND RESOLVES

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF VERMONT,

AT THE

ANNUAL SESSION, 1865.



PUBLISHED BY AUTHORITY.

MONTPELIER:

PRINTED AT THE FREEMAN STEAM PRINTING ESTABLISHMENT.
1865.

No. 141.—AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE VILLAGE OF RUTLAND," APPROVED NOVEMBER 15, 1847.

SECTION 1. Village boundaries, name, powers, and privileges. 2. Division into wards; trustees to 11. May make certain by-laws, ordidefine boundaries; further duties of trustees. 3. Annual meeting, how called ;/12. special meetings, how called ;/ voters in village meetings. 4. Village officers, how elected; 13. Restriction of payments of monterm; each ward entitled to cer-

- tain officers. 5. Duty and powers of moderator.
- and collector.

8. Village to constitute a highway district, &c.

appraise and settle damages and make record thereof to be filed viso; aggrieved party may apply to county court; trustees cent to streets, &c.; right of appeal from such assessment, &c. 20. To take effect.

10. Duty and powers of fire-ward-

SECTION

ens; penalty of refusing to obey fire-wardens.

nances, &c., for certain purposes therein named.

Trustees may grant licenses, &c.; proceeds to be paid to village treasury.

ey; duty of certain officers relating thereto; auditors may be appointed, &c.

6. Duty and powers of clerk.
7. Duty and powers of treasurer 15. All acts, except such as are inconsistent herewith, to remain in full force.

16. May assess a tax; how collected. 9. Trustees may lay streets, &c.; 17. Village authorized to pay present indebtedness; empowered

to issue bonds therefor, &c. in town clerk's office, with pro- 18. No member deemed incompetent to act in legal proceedings by

reason of residence. may assess owners of land adja-19. All acts, &c., inconsistent, hereby repealed.

It is hereby enacted by the General Assembly of the State of Vermont:

The inhabitants of that part of the town of Rutland embraced within the following described limits, viz: commencing at a point on the east bank of Otter Creek, where a continuation of Robert Moulthrop's north line would strike said bank of said creek, at the waters edge at low water mark; thence easterly to the said Moulthrop's northeast corner; thence easterly in the same direction to a point due south from the bridge crossing Moon's brook, on Green street; thence north to a point due east of H. H. Baxter's northeast corner; thence west to said Baxter's northeast corner, thence westerly on said Baxter's north line, and ment and all legal fees, and who shall proceed in the same manner as collectors of town taxes are required by law to proceed in selling real estate at auction for the collection of town taxes.

SEC. 10. The fire-wardens shall have power, in times of fires, to suppress all tumults and riots, by force, if necessary; to direct the labor of all persons present during the continuance of such fires, to remove goods and effects endangered by such fires, and protect the same from waste and depredation, to pull down, or remove any house, store, or other building, when they may deem it necessary to prevent the spreading of such fires, for which neither they, nor their assistants, shall be made liable, and to require of the inhabitants of said village their aid and assistance for the several purposes aforesaid; and said fire-wardens may inspect the manner of manufacturing and keeping gun-powder, lime, ashes, matches, lights, fire-works of all kinds, and other combustibles, and the construction and repairs of fire-places, stoves, flues and chimneys, in said village; and a majority of said fire-wardens may, if they deem the same dangerous, order the persons manufacturing and keeping such gun-powder, lime, ashes, matches, lights, fire-works or combustibles, in what manner to manufacture and keep the same; and the occupants or owners of such fireplaces, stoves, flues or chimneys, how to repair the same; and every person refusing or neglecting to obey such order, shall forfeit and pay a fine, not exceeding twenty dollars.

SEC. 11. Said village shall have power to make, establish, alter, amend or repeal ordinances, regulations and by-laws for the following purposes, and to inflict penalties for the breach thereof:

First. To establish and regulate a market.

Second. To suppress and restrain disorderly and gaming-houses, billiard-tables, and all descriptions of gaming, and for the destruction of all instruments and devices used for that purpose.

Third. To regulate the exhibition of common showmen, and of shows of every kind not interdicted by law.

Fourth. To abate and remove nuisances.

Fifth. To compel the owner or occupant of any unwhole-

ACTS AND RESOLVES

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF VERMONT,

AT THE

FOURTH BIENNIAL SESSION, 1876.



PUBLISHED BY AUTHORITY.



RUTLAND: TUTTLE & COMPANY, PRINTERS AND PUBLISHERS. 1876. No. 192.—AN ACT IN AMENDMENT OF AN ACT TO INCORPORATE THE VILLAGE OF ST. ALBANS, APPROVED NOVEMBER 18, 1859, THE SEVERAL AMENDMENTS AND OF THEREOF HERETOFORE ENACTED.

SECTION

- Village boundaries.
- 2. Annual meeting, when held and how called.
- Officers: tenure of office; powers and duties thereof.
- Organization of fire departofficers thereof.
- to real estate lying partially
- within said village.

 Highway tax of said village direction of the trustees, with
- proviso.
 Police department, how organized; powers of police. Powers of trustees, with
- reference to sewerage.

SECTION

- 9. Powers of trustees, with reference to water department.
- 10. By-laws adopted for certain purposes.
- 11. Corporation may assess village tax; collection thereof.
- ment; powers and duties of 12. Trustees authorized to abate taxes.
- 5. Duty of listers with reference 13. No member of corporation incompetent to act in legal capacity where corporation is interested.
 - to be expended therein under 14. Corporation not to borrow money or pledge the credit of village for any purpose beyond specified amount; subject to future legislation.

It is hereby enacted by the General Assembly of the State of Vermont:

That part of the town of St. Albans included within the limits of the fire district in said town, recorded on the town records in said town in volume twenty-second, page seventy-nine, and such part of the town of St. Albans as has been included in said village corporation since November, 1859, shall hereafter be known by the name of the Village of St. Albans; and the inhabitants of said village are hereby constituted a body politic and corporate, with the usual powers incident to public corporations, to be known by the Village of St. Albans; and they may alter the bounds of said village with the consent of the person or

ment and control of said aqueduct and for the use of water from the same, and impose such fine, penalty or forfeiture for the breach thereof, not exceeding fifty dollars for any one offense, as may be judged reasonable by said corporation; and any person who shall maliciously corrupt the water of said aqueduct or reservoir, or render it impure, or who shall wilfully destroy or injure any dam or reservoir, aqueduct, pipe or hydrant, or the property held, owned or used by said corporation for the purposes of this act, shall pay three times the amount of actual damages to said corporation, to be recovered in an action on the case founded on this statute; and any such person on conviction of either the wilful or malicious acts aforesaid shall be punished by a fine not exceeding one hundred dollars and by imprisonment in the county jail, for the county of Franklin, for a term not exceeding six months.

- SEC. 10. Said corporation shall have the power to make, establish, alter, amend or repeal ordinances, regulations and by-laws for the following purposes, and to impose penalties for the breach thereof:
- 1. To establish and regulate a market, and to regulate and license the selling or peddling of meat, fish or other provisions from vehicles about the village, and all moneys paid for such licenses shall belong to the village and be paid into the village treasury.
- 2. To restrain and prohibit all descriptions of gaming and for the destruction of all instruments and devices used for that purpose.
- 3. To regulate the exhibitions of common showmen and shows of every kind not interdicted by law, and to regulate, restrain or license itinerant venders and pedlers, and all



moneys received for such licenses shall belong to the village and be paid into the village treasury.

- 4. To prevent riots, noises, disturbances or disorderly assemblages.
- 5. To abate and remove nuisances, and to restrain and suppress houses of ill-fame and disorderly houses.
- 6. To compel the owner or occupant of any unwholesome, noisome or offensive house or place, to remove or cleanse the same from time to time as may be necessary for the health or comfort of the inhabitants of said village.
- 7. To direct the location and management of all slaughter houses, markets, steam mills, blacksmith shops and sewers.
- 8. To regulate the manufacture and keeping of gunpowder, ashes and all other dangerous and combustible material.
- 9. To regulate the making of alterations and repairs of stove pipes, furnaces, fire places and other things from which damage from fire may be apprehended, and also to regulate the use of buildings in crowded localities for hazardous purposes; to provide for the preservation of buildings from fires by precautionary measures and inspections; to regulate the size, height and material of new buildings to be constructed in the village or in certain prescribed localities therein, and to establish and regulate a fire department and fire companies.
- 10. To prevent immoderate riding or driving in the streets, and cruelty to animals.
- 11. To regulate the erection of buildings and prevent encumbering the streets, sidewalks and public alleys with fire wood, lumber, carriages, boxes or other things, and



213298

CHARTER AND ORDINANCES

OF THE

CITY OF RUTLAND,

TOGETHER WITH

EXTRACTS FROM CERTAIN STATE LAWS APPLICABLE TO THE AFFAIRS OF THE CITY.

ALSO THE RULES AND ORDER OF BUSINESS OF THE CITY COUNCIL AND OF THE BOARD OF ALDERMEN, AND A REGISTER OF MUNICIPAL OFFICERS.

PUBLISHED BY AUTHORITY OF THE CITY COUNCIL.

CITY OF RUTLAND, VT.: CARRUTHERS & THOMAS, PRINTERS, 1804. ders issued by him, all complaints made to him in reference to matters within his cognizance, and all inspections and examinations made by him. He shall make reports to the city council annually, and oftener if required. He shall enter complaint to the city attorney for any violation of the provisions of this chapter.

SEC. 39. No person shall, within the limits of the No person to keep city keep or expose for sale, or fire or discharge, any rockets, squibs, fire-crackers, grenades or other fireworks or preparation of gunpowder, except by permission of the city council in writing.

or sell fireworks gunpowder without permission of city coun-

No person shall keep in any building or place within the city, excepting in such magazine or place of storage as may be provided by or under the direction of the city council, any greater quantity than twenty-five pounds of gunpowder, nitro-glycerine or other like compound for a longer period than twentyfour hours. No person shall keep any gunpowder, nitro-glycerine or other like compound except in said magazine, unless it be placed and kept in safe metal, glass or stone canisters. No person shall, by artificial light, weigh or sell gunpowder in bulk, or in any other manner than by tight metal, glass or stone packages.

Regulation cerning gunpow-

No person shall keep more than two gal- Concerning kerolons of spirits of turpentine, camphene, gasolene, crude petroleum, naptha, benzine or other so-called burning fluids deemed explosive, nor more than ten barrels of kerosene, in any one building, at once, without written permit therefor from the city council, nor shall any person draw the same from any barrel, package or other vessel, for sale or use, except by daylight.

sene oil and explosive fluids.

SEC. 42. No ashes shall be kept in any wooden concerning ashes. box, cask or barrel, or emptied on any wooden floor or

25

is the second

ACTS AND RESOLVES

7 D. B. 17 T. 13 Jay8

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF VERMONT

AT THE

SIXTEENTH BIENNIAL SESSION, 1900.



PUBLISHED BY AUTHORITY.

BURLINGTON: FREE PRESS ASSOCIATION, PRINTERS AND BOOKBINDERS. 1900.

No. 162.—AN ACT TO AMEND THE CHARTER OF THE CITY OF MONTPELIER.

Section

- Boundary of city. Power to hold real estate, erect and re-.2. pair buildings and construct and maintain aqueducts and reservoirs. Ward boundaries.
- City council may change the bounds and number of wards.

5-13. City meetings.

14. Election of city officers.

- 15. Commissioners of Green Mount Cemetery and Park Commissioners.
- Election of aldermen
- 17-18. Freemen's meetings.
 19. Vacancies in city offices. 19. Vacano 20. Salaries.

21-24. Powers of mayor and aldermen; regular meetings of city council.

Police.

- 25. Police.
 26. Appointment of superintendent of water streets, superintendent of water works, city attorney, overseer of the poor, health officer, fire wardens, city engineer.
- 27. Board of civil authority; abatement of taxes.

28. City clerk.

29-31. City treasurer.

- 32. City sheriff, constables and special
- City sheriff shall be collector of taxes; duties,

Auditors, duties of. Listers, duties of. Grand jurors, duties of.

- Overseer of the poor, duties of.
- Superintendent of streets, duties of. 39.

City attorney, duties of, Health officer, duties of. 40.

Superintendent of water works, duties

Board of fire wardens, duties of. 42.

- Commissioners of Green Mount Cemetery, duties of. No city official shall be interested in 44.
- city contract. 45.
- Certain officers to give bonds; city council may require any officer to give bond.

Aunual report.

- Assessment of taxes by city council. City council may establish water
- rates and taxes.

 50. City at special meeting may authorize
- the issue of bonds.
 51-53. The issuance and cancellation of bonds.

Temporary loans.

- 55-56. Expenditures by city council limited.
 57. Moneys to be paid only on warrant signed by mayor and voted by council.
- 58. Appropriation and disbursement of school moneys.
- 50. City council to authorize sales and leases, and conveyances to be signed by mayor; city contracts to be made by city council.

Section

60-65. Powers of city council; ordinances. 66-69. Powers of city council with respect to streets and sidewalks.

70-73. Sewers; assessments against persons benefitted.

74-79. Assessments against land owners on making of highways, sidewalks and sewers.

80-87. Citation and notice in condemnation and assessment proceedings.

88-95. Schools and school officers.

97-98. Jurisdiction of city court in criminal cases

Appeal from city court in criminal cases.

100. Filing of information in city court on request of respondent.

101. Disposition of fines, penalties and forfeitures recovered in city court.

102-3. Jurisdiction of and appeals from city court in civil cases.

104. Process returnable to city court.

105. Appeals in civil and criminal cases to Supreme Court.

Power of city court over its judgments, records and proceedings.
Reopening of causes and petitions for

107. appeal. Juries.

108. 100.

City sheriff to be city court officer.

Fees of judge, parties, juries, witnesses IIO. and officers.

Court open at all times; procedure in absence of judge. III.

112.

Docket; preservation of pleadings.
Shall be court of record; may appoint
and remove clerk, and fix his salary. 113.

114. Judge may charge jury. Jury trial had on request. 115.

City judge ex-officio justice of the 116. peace.

117. Justice or master in chancery may sign writs returnable to city court.

118. Who may institute criminal prosecu-

Pleadings.

Abatement of nuisances, 120.

City judge to file copy of oath in county clerk's office.

Payment of costs in criminal cases.

Compensation of city judge. 121.

122.

123. Prior rights, privileges and obligations of the village and town of Montpelier confirmed in the city of Mont-124. belier.

125. This act not to affect penalties or proceedings under prior acts: city offi-cials to hold office until expiration of their current terms

126. Provisions of this act to be construed as a continuation of like provisions in prior acts

127. A public act and subject to future legislation.

Takes effect from passage.

SEC. 41. The superintendent of water works, under the direction of the city council, shall have the general supervision of the water works belonging to the city, except hydrants for fire protection, and shall keep the same in repair.

SEC. 42. The board of fire wardens, or any one of them who may be present at a fire, shall have power to suppress all tumults and riots at such fire by force if necessary, to direct the labor of all persons present during the continuance of such fire, remove goods and effects endangered by such fire, protect the same from waste and depredation, and to pull down, remove or destroy any house, store or other building when they, or those present at such fire shall deem it necessary for the better preservation of any property. Said board of fire wardens may inspect the manner of manufacturing and keeping gun powder, lime, ashes, matches, lights, fireworks or combustibles, and the construction and repairs of fireplaces, stoves, flues and chimneys in said city. The board of fire wardens shall have full power to and may make investigation into the cause and origin of fires in the city and for that purpose may summon and examine witnesses and in such proceedings may have the assistance of the city attorney and make report thereof to the city council, all such witnesses to be summoned as in proceedings before justices of the peace in criminal cases, and the fees shall be paid by the city, and said fire wardens shall cause prosecutions to be entered for all violations of city ordinances relating to the same.

The board of fire wardens shall have full power to regulate their own proceedings, and to form new hose or hook and ladder companies and to organize and govern the fire department, have charge of hydrants for fire protection and subject to the approval of the city council to purchase necessary fire apparatus and to erect and control a fire alarm system and to have the general care and custody of the property pertaining to the fire department.

SEC. 43. The commissioners of Green Mount Cemetery shall constitute a board of cemetery commissioners and shall have charge of all public cemeteries and burial grounds in the city, with the same power and authority as similar officials in towns.

SEC. 44. No city official shall be directly or indirectly interested in any contract with the city, connected with the department to which his office belongs, and no city official shall have authority to bind the city by contract except by vote of the city council or by general law of the state or this act.

SEC. 45. The treasurer, clerk, sheriff, constables and superintendent of streets shall annually give bonds to the city to the satisfaction of the city council, for the faithful discharge of their respective duties, and any other city officer may, by the



For Governor, Redfield Proctor

OF RUTLAND.

For Lieut.-Governor.

Eben P. Colton OF IRASBURG.

For State Treasurer, JOHN A. PAGE OF MONTPELIER.

For Representative from 3d District.

Wm. W. GROUT OF BARTON.

ESSEX COUNTY.

C. W. King-Senator. A. S. HOWARD, W. W. FITCH-Assistant Judges.

D. S. Storks-Judge of Probate.

A. F. Nichols-States Atrorney. L. B. HARTSHORN-Sheriff.

G. L. RAMSEY-High Bailiff.

We notice that some of the papers in the district that favored Mr. Grout before the Convention, are teeming with abuse of Mr. Barlow. Now we don't know but that this is allright, but our opinion is that Mr. Grout's friends and organs would do quite as much good to Mr. Grout, and reflect quite as much credit upon themselves if they would desist. It is an old saying, "never kick a men when he is down." Mr. Barlow went into the canvass, and conducted it fairly, got beaten, and now let him rest. No unprejudiced person will say but that by the news that Mr. Mike Winu. the counter ready for distribution, and mark that Mr. Barlow was at the head

of the "Greenback" movement in Franklin county. Now we don't beber of persons, and we believe that he meant what he said. Nothing in his the head of the Greenback movement. But if the friends of Mr. Grout want any such thing to occur, they are taking just the right course to bring it his father tried to kill him, but he esabout. We shall support Mr. Grout, and do all we can to elect him, but we murderer then left the house and hold that the actions of his friends started for the hills. Immediately and organs are unfair and cowardly. The convention is past, Mr. Grout re- Fitts and Mr. Carlos Pratt hastened ceived the nomination, and we don't to the house, but not finding the mur- Creamer I bought from you is doing see what more he could ask Mr. Bar-derer, they sent for medical aid and all you claimed and I am well pleased low to do than he has done. Let the thing drop. For we can assure you that you are only burning your own have began.

N. H. Tramp Law.

The Legislature of New Hampshire now in session, has passed the quarrelsome disposition. His wife following bill against tramps. It is severe in its punishment, and is intended to meet the requirements of the times. If not exactly Draconian, still its provisions savor of imprisonment to such a degree that the persons designated will not care to test of the bill.

act the Secretary of State shall cause be assigned. printed copies of this act to be sent to the several town and city clerks, WEST RANDOLPH, Aug. 4. Mrs. consumption and death. The best who shall cause the same to be posted Winn, who was shot by her husband certificate that can be given for any in at least six conspicuous places, vesterday, died at half-past five o'- medicine is daily accorded to Downs in at least six conspicuous places, yesterday, died at half-past five o'- medicine is daily accorded to Downs

Lie highway. Sec. 9. This act shall take effect on and from August 10, 1878.

An interesting decision.

The secretary of the Interior has ions describing him. rendered a decision in the claim of Horatio N. Scott of Brookfield, Vt., who the war of 1861, which modifies the rule that has been adhered to for so show by medical testimony that the near his forge. hernia was contracted in the service. The Commissioner of Pensions rejecttaken to the Secretary of the Interior by an appeal. Judge B. Rixford of Washington, D. C., made up the case for the commissioner, and T. J. Dea-

The decision of the Secretary of the Interior as furnished by the Commissioner of Pensions is as follows:

"The claim is made on account of of such cases as that under consideradence when it is obtainable, but cases may arise in which other evidence could be accepted as sufficient proof. Your decision rejecting the claim upon the evidence, is affirmed." Boston Journal.

Vermont.

SHOCKING TRAGEDY .- West Rondolph was thrown into a terrible ex- musical journals in America. citement early last Scturday morning

His eldest child, a boy of about 11 years, heering the noise, hastily ment. dressed and came down stairs, when saped and gave the alarm. upon the alarm being given, Mr. A. Portable Creamery. derer, they sent for medical aid and gave a general alarm. Search was at once commenced, and the murderer tracked to the railroad, and finally to tracked to the railroad, and finally to process; it is free from dust and flies, fingers by going on in the strain you his hiding place. When he saw that and the labor is nothing. I cheershot himself, and was found dead. keep cows. He was about 45 years old, and of Irish parentage. He has been called a peaceable man, and was not of a quarrelsome disposition. His wife was about 28 years old, and they had been married about 12 years. They had four children, the boy above referred to, and three girls younger. They never had a word of trouble, the nations of Europe and Asia meet the nations of Europe and Asia meet with the sale and the

and the only remark that would lead one to think that he contemplated this horrible murder was made three days ago, when he said, "he wished they were all out of their misery."

In all of the land entered his petition setting forth, in substance, that James B. Brown, then of said sack, Chinese, Turk, and Persian Northamberhand, on the 22d day of March A. Belle and entered his petition setting forth, in substance, that James B. Brown, then of said the first and entered his petition setting forth, in substance, that James B. Brown, then of said the first and entered his petition setting forth, in substance, that James B. Brown, then of said the first and entered his petition setting forth, in substance, that James B. Brown, then of said the first and entered his petition setting forth, in substance, that James B. Brown, then of said the said forth, in substance, that James B. Brown, then of said the first and entered his petition setting forth, in substance, that James B. Brown, then of said the said forth, in substance, that James B. Brown, then of said the first and entered his petition setting forth, in substance, that James B. Brown, then of said the first and entered his petition setting forth, in substance, that James B. Brown, then of said the first and entered his petition setting forth, in substance, that James B. Brown, then of said the first and entered his petition setting forth, in substance, that James B. Brown, then of said the first and entered his petition setting forth, in substance, that James B. Brown, then of said the first and entered his petition setting forth, in substance, that James B. Brown, then of said the first and entered his petition setting forth, in substance, that James B. Brown, then of said the first and entered his petition setting forth, in substance, that James B. Brown, then of said the first and entered his petition setting forth, in substance, that James B. Brown, then of said the first and entered his petition setting forth, in substance, that James B. Brown, then of sa its efficiency. We add the full text this horrible murder was made three meet the German and the Greek with An Act To Panish Tramps.

Section 1. Any person going about from place to place begging and asking or subsisting upon charity, shall be taken and dependent of the purchased the lot in the purchased the purchased the lot in the purchased the purchased the lot in the purchased the purchas be taken and deemed to be a tramp, and shall be punished by imprisonunent at hard labor in the State P rison not more than fifteen months.

See 2. Any trans who shall not a state of the partners of the right of Moses Averunent at hard labor in the State P ritage containing six rooms, with chamtage containing six rooms, with son not more than fifteen months.

Sec. 2. Any tramp who shall enter any dwelling house, or kindle any fire any dwelling house, or kindle any fire in the highway or on the land of another without the consent of the owner or occupant thereof, or shall be found carrying any firearms or dangerous weapon, or shall threaten to do any injury to any person or to the real or personal at hard labor in the State Prison not more than two years.

Sec. 3. Any tramp who shall willfully and maliciously do any injury to any person or to the fully and maliciously do any injury to any person or to the fully and maliciously do any injury to any person or to the fully and maliciously do any injury to any person or to the fully and maliciously do any injury to any person or to the fully and maliciously do any injury to any person or to the fully and maliciously do any injury to any person or to the fully and maliciously do any injury to any person or to the fully and maliciously do any injury to any person or to the fully and maliciously do any injury to any person or to the fully and maliciously do any injury to any person or to the fully and maliciously do any injury to any person or to the fully and maliciously do any injury to any person or to the real or personal estate of another without the fully and maliciously do any injury to any person or to the real or personal estate of another without the fully and maliciously do any injury to any person or to the real or personal estate of another without the fully and maliciously do any injury to any person or to the real or personal estate of another without the fully and maliciously do any injury to any person or to the real or personal estate of another without the fully and maliciously do any injury to any person or to the real or personal estate of another without the fully and maliciously do any injury to any person or to the real or personal estate of another without the fully and maliciously do any injury to any person or to the real or personal estate of another without the State prison not more than five years. he refused to take medicine or to cident to hot summer weather. The Sec. 4. Any act of beggary or keep his bed. He appeared to be public, the medical profession and the

in their respective cities and towns. has never had a revolver or any kind year, renders it necessary to always Sec. 7. This act shall not apply of a gun before. He said nothing to have some reliable cough remedy at to any female or minor under the age his wife about his buying the pistol, hand. Downs Elixin is a sure cure

Montpeller, Ang. 3. Last night flendish tramp about 11 o'clock this wife with a clasp knife, and she fled to mere his wife with a clasp knife, and she fled to negation. He tightly over her mouth, suppressing to a negation of \$50 has the feat of \$50 has the flex of the f

been offered for the villain's arrest, and telegrams was sent in all direct-

WATERBURY. Aug. 3. The wife of river. She was insane.

William Donahoe, a North Pownal many years in the pension office, blacksmith, was seriously injured on requiring applicants for pension for Wednesday by the explosion of a keg disability resulting from hernia to of powder, which some one had placed

tinguish the fire; loss \$2000.

BRATTLEBORO', Aug. 6. The intense excitement occasioned by the outrage upon Mr. Crosby's adopted daughter disability from right inguinal hernia. on Saturday has somewhat abated. claim was rejected by your office on the ground that there is no record of the alleged hernia, and because the claimant had stated his inability to furnish the requisite medical evidence before the little girl on Monday, who to connect it with the service.' While immediately recognized one, who had that the evidence on file is insufficient the villian. He protested his innoto establish the claim, it does not concur in the view that the connection to prove an alibi, he being in North of such a disability with the service Adams at the time the crime was comcould be proved only by medical evidence. It is desirable that the facts establish his innocence it possible. The lockup contains a score of tramps tion should be shown by medical evitomers, who tell conflicting stories as to their past careers. All are agreed that the fraternity will walk around New Hampshire after the 10th of August.

Special Business Notices.

The Score is recognized as one of the leading and most enterprising

had murdered his wife and children. contains first class reading matter of We have heard some make the re- The facts are as follows: About four a most interesting and instructive o'clock or some time after he got up character. One of the chief attractand partially dressed himself, took ions among the sixteen pages of music his revelver and shot his sleeping in this number is the immensely poplieve that those very men have any child, a babe of 10 months, and then idea that the assertion is founded on shot his wife. The report of the first To OLD VIRGINNY, which is floating shot awakened her, but before she over the country in thousands of cop-Barlow pledged his support to Mr. could move or realize what was taking lies. In anticipation of the large call place the second shot was fired, the for the August number, the publishers STATE OF VERMONT, oall taking effect in her left side just have printed a double edition. The below the first floating rib and forward one-half inch from the median line.

have printed a double edition. The remaining thirteen pages of music are also of an interesting and attractive properties.

| Secondary | Second action since that pledge could have ward one-half inch from the median also of an interesting and attractive character. The whole sent for only ten cents. Stamps are taken in pay-Address

JOHN F. PERRY & CO., 538 Washington St., Boston.

M. E. Haseltine, Agent of Cooley's

his pursuers were close upon him, he fully recommend it to all parties that IN CHANCERY. JOHN FULLER. East Charleston, July 24, 1878.

NIJNE NOVGOROD FAIR. The great

of 17 years, or to any blind person. | tut seemed very well and quiet last for Coughs, Colds and Whooping Sec. 8. Upon the passage of this night. No cause except insanity can Cough, and all Lung Diseases, when taken in season, and one dose, we have AND SOLICITOR IN CHANCERY no doubt, has many times prevented in at least six conspicuous places, three of which shall be upon the public lock tonight. The child will recovitive three of which shall be upon the public lock tonight. The child will recovitive the storms and temperate of nearly half. the storms and tempests of nearly half BRATTLEBORO', Vt., Aug. 3. A 14 a century, and is to-day the most popsear-old daughter of Hon. Edward ular with those who have known it Crosby was brutally outraged by a longest. It has gained this great fa-

An Astonishing Fact.

A large proportion of the American cople are to-day dying from the effects of Dyspepsia or disordered liver. Nathan Adams of Stowe committed The result of these diseases upon the Regiment of Vermont Volunteers in suicide to-day by drowning in the masses of intelligent and valuable people is most alarming, making life actually a burden instead of a pleasant existence of enjoyment and usefulness as it ought to be. There is no good reason for this, if you will only throw aside prejudice and skepticism, take the advise of Druggists and your RICHFORD, Aug. 5. An incendiary friends, and try one bottle of Green's fire broke out in the dwelling house of August Flower. Your speedy relief ed Mr. Scott's claim and the case was Byron Davis, a farmer living two miles is certain. Millions of bottles of this east of this village, at 1 o'clock this medicine have been given away to try A. Bartlett & Co., morning, which destroyed everything its virtues, with satisfactory result in except an organ and two beds. The every case. You can buy a sample family were away at the time, and bottle for 10 cents to try. Three vitt, Esq., of Montpelier, Vt., made their neighbors arrived too late to ex- doses will relieve the worst case. Positively sold by all Druggists on the Western Continent.

Enjoy Life.

Nature gives us grandeur of mountains, glens and oceans, and thousands It appears from your report that the still the community are exerting every of means for enjoyment. We can desire no better when in perfect health; but how often do the majority of people feel like giving it up disheartened, discouraged and worried out with disease, when there is no occasion for this to connect it with the service. While the Department concurs in the view the Department concurs in the view the protected his inno-August Flower will make them as free from disease as when born. Dyspepsia and Liver Complaint is the direct cause of 75 per cent of such maladies as Bilionsness, Indigestion, Sick Head ache. Costiveness, Nervous Prostra- Our stock of goods is complete in tion, Dizziness of the Head, Palpita- all its branches, consisting of tion of the Beart, and other distressing symptoms. Three doses of August Flower will prove its wonderful effect. Sample bottles 10 cents. Try it,

> CERES, GODDESS OF CORN. Ceres was the goddess who presided over corn and agriculture. She was usu-ally represented holding poppies, or with a garland of them in her hand. Long.

> yellow locks waved down her shoulders to denote the goddess who ripened the corn,—and every one acknowledges the corn, that Carboline is the best of hair restorers-cooling and cleanly, deodorized and nicely perfumed. It cleanses the hair from all impurities, heals the scalp of all diseases, causes the hair to grow long and luxuriantly, and, in fact, is perfection itself by all dealers in drugs and medicines.

> > Tegal Notices.

DAV. DR CKINGHAM'S ESTATE.

D., 1878.
Daniel Powers, Esq., administrator on the estate of David Rockingham, late of concord in said district, deceased, presents his administration account for examination and allowance: and makes application for a decree of distribution and partition of the estate of said a cecased.

Whereupon, it is expected. said eccased.

Whereupon, it is ordered by said Court
that said application be referred to a session

or said Court, to be held at Gaildhall on the 17th day of Aug. 1878, for hearing and decision An! it is further ordered that notice hereog given to all interested by publication of e same three weeks successively in Essey

A true copy of record.—Attest.
Wm. H. HARTSHORN, Judge.

STATE OF VERMONT,

Essex County, Essex County, September Term, A. D., 1878. James H. Curtes, administrator of Jacob Rich's Estate.

Sec. 4. Any act of be gary or vagrancy by any person not a resident vagrancy by any person not a resident of this State shall be evidence that the person committing the same is a tramp within the meaning of this act. The last two days he has appear until the sterling qualities of the Mandake the s

Wm. & H. HEYWOOD, Solicitors.

Z. M. Mansur, Attorney at Law

LADIES AND GENTLEMEN!

The Last shall be

FIRST!

THE FIRM OF

ones in this village to go to market to ox pur 'nomoren' to is is not pust one in this village to go to market to buy good, they was able to buy at a less price than other firm in the place owing to the

GREAT REDUCTION

Of prices which have occurred since their return Consequently we are able to successfully compete with

ANY OTHER FIRM

DRY GOODS, FANCY GOODS, CLOTHING, HATS AND CAPS, CROCKERY,

> HARDWARE, GROCERIES,

PROVISIONS, &c. We have also a large stock of

PAPER HANGINGS

AND

WINDOW SHADES. Our stock of

Ladies & Gents Boots,

Is large and of the best quality.

FOR CASH.

We can sell Gents fine calf Boots for \$2 50.

Gents very fine sewed calf boots for \$3 75. And all kinds of boots for Ladies at

correspondingly low prices.

We make a specialty in selecting

FLOURS,

Of which we keep on hand. The best qualities of Spring Wheat Patent and Winter pastries that the country affords.

CORN, MEAL AND Physician & Surgeon, SHORTS,

In sacks always on hand at bottom prices.

While we make special efforts to accommodate parties needing credit, the Post office Building. we are not unmindful of the wants of a large line of close cash customers who favor us with their patronage, but assure all such that they will always find rare bargains at our store.

A. BARTLETT & Co. ISLAND POND, VERMONT.

Rawson & Pottle. (Successors to N. E. BONNEY.)

DRUGGISTS, APOTHECARIF®

-AND DEALERS IN-

Drugs, Chemicals, Fancy Goods Paints, Oils, Varnishes, Books, Stationery, Toilet Articles, Shears, Scissors, Pocket Knives, Tobacco, and every Sunday morning. I shall make a spee Cigars,

ISLAND POND, VT.

J. D. WHITE

A. Q. POTTLE, M. D

WATCHMAKER & JEWELLER

Island Pond, Vermont.

W. W. CHENEY,

Island Pond House Cutting chil-

dren's hair and honing razors a speei-

Tonsorial Artist,

ality. Bay rum for every customer. GEORGE W. HARTSHORN Ator'y. & Counsellor at Law, You will therefore save time and

D. S. STORRS.

Attorney & Counsellor at Law Agent for all the principal Fire INSURANCE COMPANIES. ISLAND POND, VERMONT.

sland Pond, Vermont, OPPOSITE BARTLETT'S STORE,

and Shampooing Rooms, Hair Cutting, Dynig, Shaving D. P. MCKENZIE.

Island Pond House

ISLAND POND, V. Bath and Billiard Rooms Connected Also a first-class Livery in connection with the House. This house is connected with the Depot by covered walk. All trains stop

D. & M K. STONE Prop'rs. LIVERY AND FEED STABLE. Having leased the barn of the Island Pone

House, I am now prepared to let good teams, with or without drivers, at reasonable races. Teams put up and baitest and good care given them while under my sare. Respectfully, S. WHEELER,

ISLAND POND, VERMONT. Saloon Grocery CIGARS, TOBACCO, CONFECTIONERY, &c. L. F. BIGELOW'S,

ISLAND POND,

Having leased for a term of years and thoroughly fitted up a shop opposite the old Grist MiN, the subscribers are now prepared to do all kinds of painting in the best style, on short notice, and at the most reasonable prices.

House and Carriage Painting in All its Branches.

Sign, Ornamental and Landscape Painting.

Also, all kinds of FURNITURE re-painted Particular attention paid to Graining. After twenty-six years' experience we fael confident in assuring the public that we can so anything in our line of business in a first-class manner. We guarantee satisfaction in work and prices. Paints of all kinds mixed. Prices to suit the times. Terms cash. Produce of all kinds taken in exchange at anyte torices.

D. C. STEVENS & CO. Island Pond. Vt., January 21, 1878. vs n-ly

L. S. STRONG,

MANUFACTURER OF

HARNESSES

Wagon trimming, a Speciality.

Derby Street. Island Poud, Vt.

A. S. TWITCHELL. ALFRED R EVANS, Commissioner for Me., TWITCHELL & EVANS.

ATTORNEYS S COUNSELORS AT LAW. OFFICE NO 10. EXCHANGE STREET, GORHAM, N. H.

Will attend to practise in the Courts - H., and Oxford County, Me. *6. I. ly. A. Q POTTLE, M. D.,

ISLAND POND, VERMONT.

Office at Drug Store. Residence at Mrs Kimpton's. Calls attended day or night. J. A. MANSUR Sheriff for Essex Co.

JAMES LESLIE,

DEALER IN

Fruits, Confectionery, Tobacco, Cigars, &c. Cigars of good quality always on hand. No HARDWARE, credit given. Opposite post office, Island Pond, Vt.

Bread! Bread!

The undersigned would respectfully inform the inhabitants of Island Pond and vicinity that his bread cart will start from the bakery, on Monday next, the 3d of June, and continue, daily, through the summer, to supply them with fresh bread.

PASTRY AND CAKES.

Thankful for past favors, and solicting an nereased share, I remain, very respectfully,

WM. LANDRY,

TIME IS

MONEY.

money by calling at

C. M. DYER'S

And securing the

GOOD BARGAINS

Which he is now offering in

DRESS GOODS

of all descriptions.

FANCY GOODS

consist of the latest novelties in

TIES,

GLOVES,

HOSIERY, DRESS-TRIMMINGS,

etc., etc., etc.,

Gent's Furnishing

GOODS.

Shirts, Underwear, Ties, Collars etc

Consisting of White and Fancy

HATS, CAPS

STRAW GOODS.

Ready-Made

My stock of

CLOTHING

is the finest without exception in Es-

BOOTS & SHOES.

of every grade and quality to suit

GROCERIES

AND

PROVISIONS

CORN,

both young and old.

FLOUR,

MEAL,

SALT,

CANNED GOODS.

GLASSWARE,

PAINTS & OILS,

I take this opportunity to thank my

friends and patrons for past favors,

C. M. DYER, BAKER AND CONFECTIONER, ISLAND MAIN St. ISLAND POND.

TOBACCO,

ROOM PAPER,

Brown Bread & Baked Beans, CHEAP FOR CASH.

or in exchange for Country Produce.

and hope by a strict attention to business to merit a continuance of the

JOHN A. PAGE.

OF MONTPELIER.

Of Rutland The Adullamites.

For years the country has been divided between two great parties. The abolition ist and know nothing parties, though moving large masses in certain localities never as parties obtained any real national power. What they did they did by their impress on the two old organizations when they absorbed or were absorbed by

greenback, workingmen's and national party. What proportions it has attained. and what proportions it may attain in the immediate future is the question of the

Like the riots of last year its appearance in places where it isn't expected is of frequent occurrence and in view of the pres ent condition of things it is well to review its prospects of power as a political force.

The foundation of the organization in whatever form it appears, is discontent. Its only purpose-that is the only united purpose-is to have things different. The west is uneasy-it wanted silver and bait, and matters are not changed. It wantgreenbacks, or that the Chinese shall go. or something so that things shall not re main as they are.

The cause of this discontent is doubtles the close neighborhood of riches and poverty-luxury and labor-together with the result of the teaching that one man i as good as another and that therefore be ought to enjoy the same things. The actual, positive condition of the men who work in America is full easier than it was twenty-five or fifty or seventy-five years

But as the desires of the rich have in creased so have those of the poor, and our continued preaching of the doctrine of equality makes it hard for a man, who has a family to support by daily labor which he can not at all times get, to see his neighbor, whom he knows to be no better morally or intellectually then himself, with his carriage and ample leisure. No doubt too the bad use of wealth made by many who have it, intensifies this feeling

With this feeling comes the thought tha the government is to blame for all the inequality of the burdens of life; and the fact that no government can change humar nature and human differences is lost sight of. Then too there is no denying that more or less, each class when in power legislates in its own interest, so there is a mixture of wisdom and fooli-hness in the effort to have " working men " represented by men of their own class.

No man has yet appeared who plays with such success upon both those string of the new party's barp, as does Dennis Kearney the "sand-lot orator" of San Francisco who has just appeared in Boston to organize the capture of the state for the new party under Butler's lead. Kear ney was given a great reception in Faneni Hall Monday evening, and made a speech full of wit, rant, common sense and reck less demagnerism combined

There is no use in calling Kearney igno rant as some of the Boston papers do. He drives straight at his object which is polit ical power for his class. He told them to bury differences and not listen to theorists; that they could not agree as to what needed but must first unite, "pool their issues' as he calls it, and get power. Mr. Kearney's madness thus has the perfection of method and the result will be that elections this year will be magnificently jum-

The new party cannot do much hurt be cause when it gets power enough to do anything it will go to pieces. It cannot seriously hurt the credit of the country and cannot inflate values to any great extent. Its successes will be spasmodic but they will be in a way productive of importanresults. Old political combinations will be broken. Masses of ignorance that have gone with one or the other of the two older parties will be detached and the old political managers be at sea. The cries of the new party are in port those that comfrom any party in opposition-and are a like much that we have heard from demo crais that we apprehend the nationals will be more largely recruited from the demo crats than from the republicans. This may however not prove to be the case and this very uncertainty is the blessing in disguise which the new organization brings. It puts the old parties on their good behavior, drives them largely from the old sectional irritations and shows the country that there is something to content about other than the issues of a past gencration.

The state convention of the new organ ization which met in Burlington las-Thursday was quite well attended an there is considerable strength to the move ment in north western Vermont. The convention adjourned to meet in St. Al bons the 22d, when a state ticket will be nominated and very likely Bradley Barlow set up for congress in the third district. If these things happen there will be lively time in that part of the state in September for the Barlow republicans are very angry over the way they were beaten in the congressional campaign and many of them will be ready to help make trouble in any way possible. In Vermont as elsewhere the greenbackers will gather to themselves all those who have a grievance-except our democratic brothres whose one thought is fraud.

SILVER BY THE TON .- The Merchant National Bank of Burlington, United States depository for the state of Verm .nt. has received from the mint a ton of standard silver dollers to be put in circulation.

There is a republican bolt in Caledonia county of large proportions. It supports Ide for state's attorney and Preston for sheriff; in short the republican county ticket of 1876 against that of 1878. The

Caledonian favors the bolt.

The County Convention.

The republicans last Saturday had a full onvention and a good deal of interest was manifested in the nominations. Dr. Bradford of Northfield presided, and J. M. Poland was secretary and M. W. Wheelock assistant secretary. The convention adjourned till afternoon, when a nominating committee of two from each town presented the following list of candidates which was approved by the convention: Senators, W. P. Dillingham and Albert Dwinell; assistant judges, Philander Ri ford and Jas. S. Coburn; judge of probate, Harvey Tilden; state's attorney, Frank Plumley: sheriff John L. Tuttle: balliff, George O. Bovce,

There was quite a lively contest in comto 18 for Mr. Dillingham and two scattervery complimentary vote for renomination unwritten history of civilization which is one of the judges, but the "third term" was stepped on except in the case of bai-

The nominations are satisfactory to the spublicans of the county and will receive the full party vote. In the only contest there was Mr. Randall made a gallant fight and would have won against any Within a year or two there has been fally of the character and qualifications of growing what is variously called the the men nominated and do not suppose they have so materially changed in two weeks as to make any repetition necessary.

The resolutions indorsed the president. state ticket and platform. There was implements of stone from the bone cav C. H. Heath and the convention adjourned wall estiminal with its work

The town committees appointed are as

The following gentlemen were named as e county committee : Clark King, George A. Putnam, George W. Tilden, J. II. Lastings, William B. Orentt, W. P. Dil-

ngham and P. P. Pitkin. The following gentlemen were minated for town committees: Bure, H. Reed, W. H. Gleiden and J. M. Perry; Berlin, D. B. Bosworth, Abel H Sewart, J. E. Benjumin, Samuel Chand-er and H. R. Wheelock; Calais, Charles French, George H. Gray, Harry Morse. dwin Robinson and Shubael Fair; Cabot. J. H. Damon, George Gould and I A Hills; Daxbury, E. W. Huntley, H. O Ward and G. H. Grandall; East tier Howard Peck, George Howland and W. G. Nye; Fayston, A. D. Bragg, Nathan Boyce and Robert Maxwell; Montpeier, H. A. Huse, L. Bart Cross and C. itkin; Moretown, George M. Fletcher, L D. Hills, R. Sawyer and James Haylett, Middlesex, D. P. Carpenter, Gardner Sawyer, C. C. Eston, Leroy Flint and D. R. Culver; Northfield, D. T. Averill, F. Plamley, O. D. Edgerton, M. Cobleigh, I. A. Holton, C. W. Ward and A. L. Smalley; Plainfield, N. C. Lombard, E. J. Bartlett and D. B. Smith; Marshfield, J. H. Mears, D. B. Pitkin D. M. Perkins nd C. B. Hill; Roxbory, W. B. Occatt Clark Flint, Z S. Stanton, Luther Tracy, Azro Boyce, A. S. Sanders and E. E. Boy nan; Waterbury, W. P. Dillingham, A. J. Brown, O. W. May, Daniel Woodward and R. J. Barber; Waitsfield, Josiat dolden, Ira E. Richardson and M. A. Bushnell; Warren, E. A. Eldridge, H. B. Carker and H. W. Lyford; Worcester, E. M. Hamblet, L. M. Hurchinson and A. R. Inneock; Woodbury, N. C. McKnight, L.

A wild moose was seen in Cabot, the ther day. Forty-seven carloads of pic-nuckers landad in Burlington yesterday. They must

have got very wet before night. E. D. Mason of Richmond is likely to be e national candidate for governor. We notice that Gen. Stannard is one of the

new party. fenn , election. The North Carolina the fancies of Rouen and the production o election shows a good deal of judependent the renowned Pallissay, old furniture vo.ing. Kentucky ditto.

A large number of republicans in Calelonia county, under the lead of the St. The collections of the period are continued nd support a "people's republican ticket."

THE ADDISON COUNTY BOLT.-The temper once people of Addison county held heir mass convention, at the camp ground, at New Haven, on Wednesday, July 31st alt, and placed in nomination as a canditate for state's attorney, for the county, Joel. H. Lucia of Vergennes.

The late elections in North Carolina and Cennesee showed that the "solid south." s breaking up somewhat. The democrats generally triumphed, but the independent element of republicanism, secured a Peru. mixed result in several localities.

nonth numbered 17—the largest monthly eigners that flock here from all parts of number the year but there was only one the globe, and from what I have seen of Daley at Stamford. There Iwere four sui- clined to believe that such is really the

A correspondent of the Charleston (S. who occupy the fat offices of the land.

or several minutes, but none were hurt.

The Midison (Wis.) Journal denies the tatement of the democrat of that city. that the eagle, " Old Abe," the veteran of the Eighth Wisconsin regiment, is dead. t says :- " He was put on hard fare, but e had seen much service during the war, and been ill-treated by the rebels in the ern sympathizers. He was tough and

The English company appointed for the Fork Sun. eversion of the authorized revision of the Old Testament have finished their fiftysecond session. The first revision of the

[From Our Regular Correspondent.] Paris Letter.

Paris, July 20th, 1878. The right wing of the Trocadero palace, periods, and becomes to a great degree an exposition of mental development of the human race. It is impossible to pass sucnittee for senator, Mr. Geo. W. Randall cessively from the inspection of the imof Waterbury receiving 18 the first ballot plements of stone, bronze, iron and finally of steel, without recognizing a progressive ng. Mr. Dillingham was elected on the development of humanity. The galleries scond bullot. Judge Martin received a of the antiquities makes the exhibition an every one can read, of whatever nation or language. It attracts the peasant and the cholar, and teaches history and philosophy by the contrast of the productions of human labor of all periods and countries. The French exhibit is the most complet-

is a whole, and is divided by partitions into a series of halls or apartments, so as other man. We have heretofore spoken to more distinctly mark the different peri-The pre-historic period is brought boldly forward by the extensive collection-

which have been made in various parts o Europe during the past ten years, such aspeaking by Messes. Plumley, Dwinell and erus, peak bogs, and from the lake dwellings of Switzerland.

The cases are filled with enormous spea heads of flints, batchets and other rudely made implements formed by chipping anwithout polish. These occur in association with the bones and teeth of the extinc cave bear, the elephant and the mastodor and specimens of these are displayed is the same cases. These rudely made im plements are supposed to belong to the first or earliest stone period. A second o later period of the stone age is indicated by implements of a superior finish; such as were ground down to smooth surfaces and in some instances polished. The nex hall contains instruments of the bronz period, extending to the Gallo-Roman the objects consist chiefly of cutting instruments, agricultural implements, lamp and objects of ornament, such as bracele of bronze and of gold, rings and pius. O the latter, a large collection contains pinwith a shield for the point, and a spiral spring at the back almost identical is form with some of the patent pins of the

present day. The next hall is devoted to the Celti and Gallie relies, and contains the remark able golden necklaces from the museum of Tonlouse. The representation of the work of the middle ages is characterized by variety of church ornaments and relic such as oak chests, seals, caskets, croziers pronzes set with masses of rock crysta like those of China and Japan; ivory cury ings, illuminated missals of vellum swords and chain armor.

The fifth hall contains objects of the six Benjamin, O. D. Town and S. J. Lovejoy enth century, or the Renaissance period Here are found curiously fashioned iron ocks and keys, cutting instruments, jew els and a few nearly spherical watches The enamels of Limoges occupys a large space, and came in great part from the collection of Baron Rothschild.

At the entrance of the sixth hall, repu eighteenth centuries, a curious collection of high healed boots and shows atteact con The nationals have won the Memphis, siderable attention. Here also are seen mirrors, intaid cabinets, black letter books and specimens of book binding Johnsbury Caledonian, have resolved to in the halls beyond, and contain the porbolt "some of the regular nominations, celains of Sevres, richty wrought table services of silver, tapestries, miniaturesnuff boxes, thread lace and elaborately decorated fans. Although the collection of antiquities, as a whole, is very large and interesting, it cannot be regarded as a complete exhibit of the progress of huma labor up to the present time. The won derful advances made in the mechanic arts of the present century, and the various applications of science to the arts are not historically shown. The collection i also deficient in representations of the an cient arts and civilization of China, Japan an I greenback movements, with the added of Egypt, Mexico, Central America and

Somebody has said that Americans The violent deaths in the state las make the best Frenchmen of all the fornurder, that of James Spellman by John our beloved countrymen abroad, I am inides, and the remainder of the deaths fact. The English are always English. and promenade in London styles on the Rue de Ricoli, affect nothing but dog-C.) News, who has visited the negro re-public of Liberia, found the 6,500 voters of the Bois de Boulogne, and, when they hat country burdened with a system of condescend to learn French, never speak government so expensive, that they pay \$101,782, or about \$29 apiece to run it, \$40,225 of which goes to the 116 statesmen who occupy the fat offices of the land. and spend more money on diamonds A TRAIN STRUCK BY LIGHTNING.—An champagne and questionable women than express train on the Boston and Albany all the other foreigners put together. The callroad was strack by lightning, on Fri- Germans, of whom we have also a great lay afternoon, and narrowly escaped disaster. The bolt struck the engine, enveligeat turn of mind, patronize cheap restauoping the whole machine in an electric rants and third-class hotels, and assimidame, knocking the fireman partially in- late with nothing as readily as beer. They sensible, and for a moment disabling the are the least popular of all the foreigners engineer, whipping his hand off the throt- here, for Paris has not yet forgotten 1871. le and nearly blinding him. The tender But an American has not been in Paris was sent several inches into the air, but a week before he waxes his mustwebe. eached the track again all right, and the buys a plug hat of the latest Parisian whole train was jolted as though off the style of Chantils, sports lavender kids rack. The passengers' hair stood on end and a whalebone cane with an ivory leg for a handle, wears narrow trowsers and tightly fitting cheviot sack coat, and patent

> possession of any superfluous strength at he next election of president. They are

The South Carolina demogratic state convention renominated Gov. Hampton A congressional contest of almost un- giving the government a majority of 143,

[From an Occasional Correspondent.] Paris Letter.

he annex to the main building, is devoted a centre-a heart, the focus of life, of char- last Saturday. e antiquities, which have been so arrang- acter, and movement. In Rome, the ed as to give a connected view of the pro- Forum with its classic memories; in Lon- forty years of age. Twelve years ago he tance in the neighborhood, has been the tion is thus not only of the present but of were once Exteriors, and their history and pected. the past. It gives the history of human chronology is known. But the Palais ventor of balloons, lived in the Boulevard trouble. is infernal machine against Louis Philipd to the dimensions of a city, with aveiues of light and passages of pleasure. All this must be seen to be understood or rather felt, for the general impression of a mile northwest of the village. he far famed Boulevards is a much more powerful appeal to the passions, emotions o the thought or reason, more clearly typ-

> and marts of this age of progress. A heterogeneous crowd, which the deights of the French capital have attracted that the shot was meant for himself, and, rom all parts of the world, gaze with rapare upon the scene of wonders. The azzling display of diamonds and other Giving the alarm to others they wen ostly jewels exhibited in the windows which are illuminated with gas by means advantage. The windows are in most cases Catholic compatery with no religious sercearranged expressly with a view to evenng effect. No where else can be seen scious much of the time before her death ach an attractive display of tiaras of famonds and precious stones, ranging in rice from five to two hundred thousand and every description of jewelry glitter in he soft, mellow light. Perfumery shops dso arranged with the most consummate kill, impregnating the air with delicious | for her and the little children makes every oles and pictures, bronze, fruit and pastry hops, in fact everything, can be found tere in the greatest profusion. Every va lety of form and device is resorted to in arranging gas lights and mirrors so as to produce the greatest effect. The names of y beautiful, while at the same time the

dumination continues until about midbrink coffee, cognac, absinthe, and peruse telligent manner. musual brilliancy and gayety.

Allekton, a wonderful new process for gun. The formula for the manufacture of the preserving liquid, "Allekton," is a secret in the possession of Dr. Rodgers, late of San Francisco, but now of New Allekton is described as a light. vellow liquid, with a peculiar smoky odor, he absolute preservation of bodies since leather boots, and says " au plaisir! " and pardon, monsicur," every five minutes, many years.

Capt. Jonathan Walker, " the man with onth, and withstood the tortures of North-likely to require all they can muster. It monuments are proposed. It is only a few upon the American turf. they have the foolbardiness to adopt an weeks since he died, and on Thursday a unsound declaration of principles or to monument erected to his memory through nominate a weak candidate, they may experience an unlooked for defeat.—New veiled at Muskegon, Mich., his old friend. Parker Pillsbury, being among the speakers on the occasion.

Tragedy in Raudolph.

Michael Wynn who lived on the Braintree road about half a mile north of West been, since their earliest recollection, one Every great metropolis has, and has had Randolph shot his wife and killed himself of the features of the town: and the chief

gressive development of the arts, and don, Regent street; in New York, Broad married his cousin Bridget Wynn and they quick beat of the trip hammer; so much orm a fitting introduction to their present way; and in Paris-modern Paris-the had four children, the oldest a boy of so that children, as they catch its rever-

> and piquancy. Formed in the seventeenth He overworked and about three weeks ago and the scurrying belts, this sound is not entury, the Boulevards were at first the had a slow fever but still managed to keep unpleasant, but, on the contrary, an agree oulwarks or ramparts of Paris, when the around. He became discouraged and tried able reminder of action and industry. The business carried on here is the rightingales frequented the groves replacto sell both his land and his house but of d by the present Boulevards, Haussmann course those with whom he tried to trade making of forks of all kinds for farming and Malesherbes, and lovers strolled in did not set a high price on what he had to purposes, steel garden rakes potato hooks the flowery fields about the Chaussee d' sell and he became completely downcast etc. The list reaches a great variety, it tatin. They have many interesting his- and some days ago told his wife he wished cluding all kinds of ice tools, such a orical associations. Mongalfier, the in- they were all dead and out of their plows and tongs. Stafford & Holden, the t. Dennis; the assassin Fieschi pointed Friday he bought a revolver of Mr. season fifty men. They have erected

> Wires at the village saying he wanted to substantial one story brick building to rebe from No. 50 Boulevard du Temple, and shoot some squirrels. Saturday morning place the old one recently destroyed by the noted beauty, Ninon de L'Enclos, lived about 4 o'clock, his wife was awakened by fire. Nearly half the building at one en on the same Boulevard, No. 23; while the a pistol shot which he had fired at the has the ground for a floor, where the trip vell known Boulevard des Italiens, the baby, just grazing its shoulder; and before hammers stand and the forging and tem enith of Parisian animation in 1815, was she realized what was taking place her pering are done. The rest of the build phabited by the celebrated comedian Reg | husband shot her through the left lung a pard, the rival of Moliare. What a trans- little below the heart. His boy heard the primation in the present day: the shop ficing and ran down stairs and escaped to They utilize the only water power rindows with the blaze of Patisi, the the house of a neighbor, Mr. Fitts. It is Barre village proper. It has not faile vealth of the Indies and Bonanzus with thought Wynn intended to kill all the this summer, but to guard against con he rarest combinations of modern ingenue children but gave up the plan on the estingencies a steam engine stands read ty and industry-a crystal p-dace extend- cape of the boy. He then left the house in the basement to apply its strengt going up the branch a little ways and whenever needed. crossing it to the west be passed over the railroad track and up into the woods about Search was at once begun by the citi-

zens to secure him, and between 8 and 9 and, perhaps, to the asthetic sense, than o'clock that morning Milton Chadwick had come within about twenty feet of nied in our more sober cities, the markets | Wynn's hiding place when he heard a pistol shot. Wynn was hidden by the bushes and Chadwick naturally supposed according to his own account, he camaway from the vicinity with rapidity again to where the shot was fired and found Wynn just breathing his last. His f reflectors throwing a soft, clear light wife lived until 5 o'clock Sunday afternoon and showing off these treasures to the best Wynn was buried in a corner of the vices Sanday. His wife, who was con requested to be buried by him. She said her husband never would have done what he did had he not been crazy for he was canes. Watches of every variety of style always kind and they had never had a word of trouble.

Her judgment in the matter is that o the community at large, though sympathy dors, add to the fairy-like impressions of body indignant that that kind of insanity ne scene. Clothing establishments, mar- doesn't begin its deadly work upon the

possessor of it.

Van Amburgh's Menagerie. The Dabaque Daily Herald of the 15th says: "Those who visited Van Amburgh's many of the principal restaurants and show yesterday must have been agreeable sees are emblazoned over the doors in disappointed, in that the animals, the pe etters of fire, the effect of which is extreme- formance, and the performers were far bet ter than was expected and were vastly suost must be enormous; but the shopkeep- perior to all others that were exhibited ers seem to pay no regard to this item of here. Every animal advertised in the bills s to be seen just as represented, the man each other in brillioncy of display. This ager evidently relying on the theory of nothing extenuate nor aught set down in malice." The rhinoceros, the hippopota-A point of ususual attraction is the mus hog, the half-dozen lions, the zebra Frand Cafe upon the Bonlevard des Capu- the largest elephant, the tigers, the camines, corner of Rue Scribe; the largest els, the dromedary, the tapir, the hyena, and most magnificent case in Paris and the leopards, the monkeys, the elegant eachably in the world. The general effect birds, etc., etc., are in excellent condition. rom the opposite side is dazzling; the Beside, the keepers are courteous and genooms are a blaze of light. It is said that themanly, and seem to take delight in 2000 persons congregate here at night to answering all questions in a polite and in-

the leading journals. The decoration and firm uce of this cafe has cost nearly a million of frames. Its main attraction is perhaps the exquisite pointing of the celling executed by artists of no less meritable properties. The paragraph of the celling executed by artists of no less meritable properties and polynomial properties. han Boulanger and Dulaney. A group gaudy, and the performers modest and on assuming, while the clown, Mr. John Foster, is plat, phair and phorty, and a drawing room, which measures thirteen. drawing room, which measures thirteen man of more than ordinary intelligence netres in circumference is a work of ritistic merit which might be envied by any art collector. Up in the side walks, in one of the ritistic merit which might be envied by the most politic and judicious manner, and not one that had been worn out by use—they were original, made up from the circumstant of the ritistic merit which are always their ront of the cafe, which are about thirty constances that surrounded him. At times, bet wide, and covered with asphaltum, too, he assumed a tragic attitude that ike the streets, are arranged small tables would have set Forest to blush, and reike the streets, are arranged small tables and neat fancy chairs made of iron. These re occupied, upon pleasant evenings, by ending it, always, with a nub that bro't ersons of both sexes, regaling themselves down the house and made the tears flow with ices, etc. The effect of this large in the fat man's eyes, and the lean to rowd, both within and without the cafe. The Langlois Brothers are marvels in their he great profusion of gas lights, the num-

pers of which seen doubled and quadrupled ance of Harry Lumkins, with his dancing sy reflection from the immense mirrors on barrel and magic table, is alone worth the he walls, combine to produce a scene of price of admission. The club swinging acts are truly astonishing. But the equestrianship of Sebastian, on a bare-back horse, eclipses all we have seen in the are he preservation of the balies of dead per- ma, not excepting the great Robison. Mr he preservation of the bodies of dead persons, is being used with success in New America, and is winning a card in Van at 71-2; first 8s, 1902, 75; 8s, 1880, 57; n the bottest weather, and the injection of the proble, and no doubt the preservative into the thoracic and the preservative into the thoracic and the he preservative into the thoracic and ab-lominial cavities—which is accomplished other re-leening feature is the absence of with- that pest of annoyance-the lemonade and out incision and without injection of the candy man. You are not bored by them reins or arteries -has arrested decomposi- during the performance, and when they months, even after it had once be- do solicit a dime, it is done in such a po-

FAST TROTTING, - At Cleveland, Ohio, g tur. The New York Eccating the other day, the horse "Rarus" took a esembling tir. The control of special purse of \$1,500 in three straight everal families in that city who testify to heats, time: 2:141-2, 2:15 and 2:14 May and June last, Dr. Rodgers claims There was no other starter than "Rurus," hat if the process were renewed from and from the fact of the horse having trotime to time a body could be preserved for ted alone this achievement is all the more remarkable. Goldsmith Maid's 2: 14 1-2. heretofore regarded as the fastest of fast time is thus thrown in the shade and "Rarus" has the distinction of making The democracy need not count on the consession of any superfluous strength at the Branded hand," has been more fortunate that have over been made than most dead heroes for whom the American turf.

A BARRE INDUSTRY .- To Barreltes of a recent generation " the fork shop " has Mr. Wyan was an Irishman about its turn, and very familiar to some dis-

advanced condition. Even the pre-historic Boulevards. Other points have been more eleven and the youngest a baby some eight berations, will say, "there is the fork elies of the human race are displayed central and more fashionable in the Paris or ten months old. Wynn was a steady, shop going," Doubtless the near inhab there to complete the series. The exposi- of the past, for the Boulevards Interiors industrious man, always quiet, and restiants have many times execrated its He last year bought a piece of land close of the working day brought a res labor in various countries from the earliest Royal, the Louvre and other centres of near West Randolph paying eleven hun- pite to their tired ears; but to some attraction have been eclipsed by these dred dollars, a price that was very high. perhaps only to those who ever take a Boulevards, which represent the type, the He afterwards bought a smaller piece of delight in moving machinery and love essence of Paris life in all its originality ground and last spring built a house on it. to hear the clatter of its busy movements

> present proprietors, employ in their busy ing is occupied by the office, wood-work ing machinery, polishing and paint room-

We wish to say here, parenthetically one word about engines generally. Th one seems to stand upon a firm foundation but we have seen those, especially in samills, set up in a manner to make a love of an engine deplore their condition Poised upon a mere frame work of tim bers that is stayed with props in every d rection but which serve only the more plainly to show its insufficiency, it pounds and wheezes along for a few years till the bed cracks, then heavy bands of iron ar applied and more shores added, and per haps the machine will succeed in doing some more work, notwithstanding the neavy odds it has to overcome. We are pleased to believe that such things are no lone so much as formerly.

Barre is now the terminus of a railroad and in the prosperity resulting therefron this industry deserves more than ever t be the support of the town, the grea source of employment for its citizens anthe mainspring of its growth. Everything about the factory is new, and it woul seem the facilities for manufacturing could not be exceeded anywhere; certainly onwitnessing the operations would believe no stroke to be lost or misapplied.

Pitching forks, which are the speciality are made from bar cast steel, and to ob serve the process is well worth a visit to he works. To see with what infinite ease he powerful shears lop off steel bars near y a half an inch by two, as square as a andy woman would cut up her sticks and with less exertion. The pieces thus cu off, which for the three tined forks are perhaps an inch and a half wide by four long, have the shank of the fork drawn or one end and are then split from the other nearly to the shank, making what are to be the tines. The two outside prongs be drawn out under the trip-hammer at one heat and, by means of corresponding grouves in the dies, made slender and straight, oval and uniformly tapering, and so smooth that a little polishing gives it the desired finish. Two times now stand in one straight line and the middle one projects at right angles from their centur.

All that remains to be done is the pointing by hand, forming into shape, tempering and polishing. Appropriate machinery makes short work of turning boring and bori fitting and ferruling the handles; and the two parts are driven together in a manner

that shows no mercy for brittle or imper fect steel. A finished fork with its bent handle is A finished fork with its bent handle is bloot-letting, but the recent bloody fight actually graceful. Its photograph of over the Lincoln per office was a pretty twenty years ago would long to withdraw its ungainly awkwardness into the obscure corner to which it is consigned, if b ought be in, approached to capture the out and placed by its side. And to prove with 64 of his backers. The women had its quality a purchaser is at liberty to pull already been sent to Fort Stanton in antic the tines till they cross or twist them in ipation of hot work, which began in ear-

One sees here implements which, from range, the Dolan party made familiar peculiarity, he immediately The company send their goods over a wide Under the recent act of Congress forbid territory, even to Scotlant and Ireland ding the use of the army except where Every country has its own notion in specially authorized by statue, Gov. Axregard to its tools which must be conciliated. Even at home there is quite a differmiles away, some of whom are said to by William Ducrow, the crystal pyramid ed. Even at home there is quite a differ-act by F. Charvat, and other wonderful ence between goods meant for the west have been spectators of the fight. and those made for New England.

RAILROAD SECURITIES .- Rutland railroad stock, preferred, is selling in Boston lowing is the text of the bill ons, is being used with success in New York. A simple painting of the remains Amburgh's show. But we cannot further 7s. 55; Connecticut and Passumpsic 7s. Amburgh's show is well worth the 1881, 104 1-4; Oglensburgh and Lake Champlain common stock, 20; preferred, 82 (a decline of 20 cents in this stock within two months.)

The list of Lumoille county republican ing-house, or kindle any fire in the highnominations is as follows:

R. F. Parker, of Wolcott; for assistant judges, L. S. Small, of Hydepark, E. H. of, or shall be found carrying any firearm packet libite; for state's attornor or other dangerous weapon, or shall threating to any person, or to cents above these quicking the real or personal estate of another, shall the real or personal estate of another, shall cents above these quicking the real or personal estate of another, shall cents above these quicking the real or personal estate of another, shall cents and fined to the real or personal estate of another and real or personal estate of another another another another and real or personal estate of another a nominations is as follows: For senator, R. F. Parker, of Wolcott; for assistant

The hard times have produced a re-The fiard times have produced a remarkable tide of westward migration.

People are going in large numbers to Dabe punished by imprisonment at hard kota, Minne-ota, Kansas and adjoining states and territories, and tempting forume five years. as agriculturists. A competent authority estimates that between 6 000,000 and 7,-000,000 acres of public lands were taken for settlement within the year ending June 30, 1878.

urday afternoon and evening, at Oleot's
Falls, on the Connecticut river, two miles above White River Junction. Between 400 and 500 guests were present, embracing prominent railway telegraph. was un- mons on the eastern question was brought above White River Junction. Between 400 to a close Friday night, and the house di- and 500 guests were present, embracing of every town are hereby authorized and to a close Friday night, and the house di-vided on Lord Harrington's motion, which was lost by a vote of 185 yeas to 338 mays, giving the government a majority of 143, several of the nominally liberal members minor prophets was completed, and the and other present state officers; and adopt precedented length terminated at Mount below the precedented length terminated at Mount below was continued as for or revision of Esther was continued as far as the end of chapter II. The company, since their first meeting on the 80th of the end of chapter II. The company, since their first meeting on the 30th of June, 1870, have sat for four hundred and sixty days, working six hours each day, and thus have revised the whole of the Old Cestament for the first time, with the exception of part of Estler, Job, Proverbs, Cectainsies, Solomon's Song and Daniel. They have also been a second time through the Pentateuch.

1876; pledging equal and exact justice to convention for the 15th district nominated all citizens without regard to race, color or Judge George W. Geddes of Mansfield on Judge Geor

News and Gossin.

The Marquis of Lorne will not go to until November-The police arrested sixteen politicians gambling is a fare bank in Brooklin, Saturday.
It is reported that Jay Gould has lost \$1,000,000 to \$1,500,000 by the decline in Granger stock.

Senator Lamar announces that he shall op the shot gun policy hereafter in Mossessippi. Thus far during the season 21000 Americans have sailed for Europe—the largest number ever

Officer Bird fired at a man whom he was chasing a New York, Sunday, and the builet instan silled an unknown young man who was passing A daughter of Thableus Frost, aged 27, at Bel-

mont, Mass., committed suicide Friday by pouring kerosene over her head and clothes and setting fire Ten thousand acres of hop-vines in Central New York give promise of an unprecedented yield, and nakegiad the hearts of hop growers and beer-ma-

Two Bloomington (lif.) girls who boasted in fun that they took part in a recent murder were ar

At Lacoll, P. Q., Saturday, the coroner's jury endered a verdict of murder against J. Castofrase, or killing the meddler Matoers, on the 21all., and obbing him of \$6000. Six trans-Atlantic steamers left Saturday. Ship

ents of grain, cheese and provisions foot up at uberal aggregate. Exports of grain amount to It has been discovered by Minnesota farmer but two acres of sandowers will supply a family

van fael through a long winter. The wood of the talks and the off of the seeds make rearing and The coal area of Illinois is estimated at 32,000 quare miles, which is three times as extensive as ne coal ages of Onio and Penusylvania. It comafth of all the productive coal fields of

One of Krupp's new guns is 20 fees long, and ighs 114,000 pounds. The shells for this monster reigh 1 135 pounds and 251 pounds of powder are quired for a charge. To manage the gun easily,

steen men are required. A 4000 pounds grantstone at Jefferd's ax factory Jamestown N. Y .. exploded Friday, one piece, eighing over 12.0 pounds, striking an employe nscious all day, and will probably die.

Mrs. Salom in Hart, of Ma hispavole, Ky., 32 was miserable after a year of life with ther wealthy pand of 70 that she hung herself, and the after on of her funeral the willower suddenly died, aving 14 ch biren by two previous marriages. In Philadelphia, Sanday, during Sunday school

greenes in a tent, the structure was struck by led, Watter Elery, aged 8 family injured, an Vm. Adams, aged 19, and Nellie Burns aged 9 niousty tojured.

Sarah Hartly has confessed that she, with Isaa reib, Uriali Troyer J. Frazer and wife and Eman el Eddinger, muddred an aged couple name lenzier, near Troxierville, Pa., last winter fo neir money. which proved to be about \$200 of but Proyer and his wife have been arrested ad officers have gone to Kansas to arrest them. The greatest eel pond in America is on the farm covers five acres, and is now so full of cels that sey can be raked out with a garden rake. Two ears ago, Mr. Wells put two thousand dozen elsento the port, intendent to have them undes arbed for five years. These have increased to

C. C. Wheeler, clerk of L. L. Holmes, banker f Bloomington. Ill., went off on his vacation eaving the numbers which open the communities ick of the s fe upon a postal card in a draward by. Burglars entered the back one night ad obtained \$20,000 without any trouble. The and the postalered read of the flures, popular ne safe door and helped themselves.

Romaine Dillon, who killed John R. Dilleber, sid, was two weeks ago celessed from the Middle wm Homes pathic A-vium for the Insane, and sid to be about to sail for Europe. Dilleber obstitus are indicated. datives are indignant and determined to asce in whether his slaver escaped the penalty of the w through family connection and wealth. gin the last fixed year the total number of letter

d pack ones registered was 4 318,137, and \$337 18 was collected in fies. The per centage or dinary letters lost was about one direct of one percent. Out of the immense sum carcied for the reasury not a penny was lost, and out of the pount carried for the post office department but two small packages, of little value, were lost. On the 1st, two tramps stopped at a farmer'

ose near Trenton, Henry county, Iowa, and after ntil evening, suddenly siezed and outraged her intil evening, subtency size. They had stopped the sach, at 5-cc, and left her insensible. They had stopped the sach, at 5-cc, ries of the farmer's little daughter by rolling her it 05 are c. if 05 ar

makes short work of turning boring and however, was knocked down, and and the money average 60 lbs, at Spot E. Smith sold one and fifteen mines, average 60 lbs, at Spot P is oken away from hon. The men then jumped to to

ong thing even for New Mexico. Post master Dolan was in and held the office and town, and McSween, who wanted to any direction and upon being released they will resume their proper shape.

One sees here implements which their exceeding long handles or other un. using McSween's quarters and killing him and eight of his men in the hand-to-hand

NEW HAMPSHIRE'S NEW TRAMP LAW. -The New Hampshire legislature bas passed an act to punish tramps. The fol-

Any person going about from place to place, begging and asking or subsisting upon charity, shall be taken and deemed be a tramp, and shall be punished by imprisonment at hard labor in the state prison not more than fifteen months.

Any tramp who shall enter any dwell-

we esist We ey, V. P. Macutchan, of Stowe; for the real or personal estate of another, shall be punished by imprisonment at hard labeler, of Morristown; bailiff, Luman Wheeler, of Morristown; be junished by imprisonment at hard la-for judge of probate, R. S. Page, of Hyde-bor in the state prison not more than two Any tramp who shall wilfully and mali-

labor in the state prison not more than Any act of beggary or vagrancy by any

person not a resident of this state shall be evidence that the person committing the same is a tramp within the meaning of

Any person upon a view of any offence The White River Junction clam bake described in this act may apprehend the association held its third annual bake Sat-

or minor under the age of 17 years, nor to

Upon the passage of this act the secre-Bellows Falls; steward, O. R. Hall, of places, three of which shall be on the pub-

State Finances.

We give below the State Trensuter's report for the year ending Aug. 1, 1878; In account with J. A. Pare, To-

160136 Amount collected on State Tax, in

For extra State pay of \$7 per month.

Auditor's Orders.

Auditor's Orders.

Court Orders.

Temporary Oct. of tex.

Pands the first Deck.

Discount on Taxes.

Interest on Resistered Loan. see the first on Surplus fund year disches. See "Temporary Long."

Temporary Long.

Coupons on Vt. Bends. 128 p. 1 Salance on hand—cash and deposits.

AgriculturalCollege fund due Isa and held by the State. Within ninety days estimate \$54 000 00 of me ppropriations will be paid, and before be funds in the Treasury for the coming fiscal Aug. 1st, 1859 will probably be exhausted.

According to the Washington corres

erably these days :- There is now wandering about the country because called on the president the other day and said that the republican state convention said that the republican solution for would probably indorse Hampion for governor, "So?" said Mr. Hayes, "Yes," said the fugitive senator, "Rainy and the fugitive senator, but if the see working that way, but if the Smalls are working that way, but if I should go down to South Carolina I'll bet the "niggers" wouldn't indorse Hamp-ton." "Why don't you go?" asked the president. Mr. Patierson began to talk of other matters. Regarding the reports of cabinet changes President Hayes is re-ported as saying: — The relations between all members of the cabinet and myself have been from the first and are now entirely harmonious and pleasant, and it is one of my ambitions, so far as I am concerned, that my administration

to last, unbroken by any changes and unmarred by any flow of unkindly feeling." WORKINGMEN,

co-existent with it in its entirety from first

BEFORE you begin your heavy spring work after a winter of relaxation, your system needs cleaning and strengthening to prevent an attack ague Billous or Spring Fever, or some offer work. You will save time, much siewners an great expense if you will use one bettle of il-Buters in your family this month. Don't was other commn.

THE MARKETS. BOSTON MARKET.

orted and telegraphed expressly for the terms
Mountain Freeman, BOSTON CATTLE MARKET. AT CAMBRIDGE AND BRIGHTON.

For the week ending Tuesday, Amoust 6, 1815

Hales. Brigaton too a country lots 5 a set to a sile and the set of the will work as \$1,000 and \$1,

the cart and, although holly pursued, escaped. The police are actively scarreing for the robbers, by the police are actively scarreing for the robbers, by the componing of the police are actively scarreing for the robbers, by the police active active

do do coupe do New Fives. do Currency sixes. FLOUR AND GRAIN. - Pite une fl grades of Soring Wheat fl cipts. We quote: SPICING WHEATS Cestern superfine, per bbi-,

inmon extras, isconsin extras, inne-ots, bakers, innesota and Wisconsin, WINTER WHEATS.

PROVISIONS .- The market for Pork same with a moderate domain at \$0 on for prime; \$10 our 10 for prime; \$10 our 10 for mess; as he market for Reef and extra clear as he market for Reef remains dail, and have been at \$10 our 10 of his mess; \$10 extra mess; and \$12 our 3 our P bid for in There is a fair demand for Laci, we 7\forall n \text{Fig. 18} P for city and Western. The

MONTPELIER MARKET.

ples, dried new swife F 2. Beet, 47220c; Beef, dried, prec

BUTAIL PRICES.

For the week ending days of the

NOTICE: This opinion is subject to motions for reargument under V.R.A.P. 40 as well as formal revision before publication in the Vermont Reports. Readers are requested to notify the Reporter of Decisions by email at: JUD.Reporter@vermont.gov or by mail at: Vermont Supreme Court, 109 State Street, Montpelier, Vermont 05609-0801, of any errors in order that corrections may be made before this opinion goes to press.

2021 VT 10

No. 2019-266

State of Vermont Supreme Court

On Appeal from

v. Superior Court, Bennington Unit,

Criminal Division

Max Misch June Term, 2020

William D. Cohen, J.

Thomas J. Donovan, Jr., Attorney General, Benjamin D. Battles, Solicitor General, and Ultan Doyle, David Boyd, and Eleanor L.P. Spottswood, Assistant Attorneys General, Montpelier, for Plaintiff-Appellant.

Matthew Valerio, Defender General, Rebecca Turner, Appellate Defender, and Carly Orozco, Law Clerk (On the Brief), Montpelier, for Defendant-Appellee.

David J. Haber, Unaffiliated Private Citizen, Burlington, Amicus Curiae.

Tristram J. Coffin, Jennifer McDonald and William T. Clark of Downs Rachlin Martin, PLLC, Burlington, Bridget C. Asay and Michael Donofrio of Stris & Maher LLP, Montpelier, J. Adam Skaggs of Giffords Law Center to Prevent Gun Violence, New York, New York, and Hannah Shearer of Giffords Law Center to Prevent Gun Violence, San Francisco, California, for Amici Curiae Giffords Law Center, Vermont Medical Society, and Gun Sense Vermont.

Jonathan T. Rose of Dunkiel Saunders Elliott Raubvogel & Hand, PLLC, Burlington, Karl A. Racine, Attorney General for the District of Columbia, Loren L. Alikhan, Solicitor General, Caroline S. Van Zile, Deputy Solicitor General, and Sonya L. Lebsack, Assistant Attorney General, Washington, DC, for Amici Curiae District of Columbia, California, Connecticut, Delaware, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Virginia, and Washington.

O. Whitman Smith of Mickenberg, Dunn, Lachs & Smith, PLC, Burlington, and Eric Tirschwell, William J. Taylor, Jr., and Mark Anthony Frassetto of Everytown Law (On the Brief), New York, New York, for Amicus Curiae Everytown for Gun Safety Support Fund.

Stephen Coteus of Tarrant, Gillies & Richardson, Montpelier, Jonathan E. Lowy and Kelly Sampson of Brady, Washington, DC, Mark D. Selwyn, Arthur W. Coviello, and Kevin O'Brien of Wilmerhale LLP, Palo Alto, California, Lauren Fletcher of Wilmerhale LLP, Boston, Massachusetts, and Jon C. Weingart of Wilmerhale LLP, Washington, DC, for Amici Curiae Brady and Brady Vermont.

Ethan A Fenn, Law Office of Ethan A. Fenn, PLC, Burlington, Joseph G.S. Greenlee of Firearms Policy Coalition, Sacramento, California, David B. Kopel of Independence Institute, Denver, Colorado, and Ilya Shapiro and Trevor Burrus of Cato Institute, Washington, DC, for Amici Curiae Cato Institute, Firearms Policy Coalition, Firearms Policy Foundation, and Independence Institute.

Clark Bensen of Polidata LLC, Corinth, and David H. Thompson and Peter A. Patterson of Cooper & Kirk PLLC, Washington, DC, for Amicus Curiae Robert Kalinowski Jr.

PRESENT: Robinson, Eaton¹ and Carroll, JJ., Wesley and Pearson Supr. JJ. (Ret.), Specially Assigned

- ¶ 1. **PER CURIAM.** This case requires us to decide whether Vermont's ban on large-capacity magazines (LCMs), 13 V.S.A. § 4021(a), violates the right to bear arms under Chapter I, Article 16 of the Vermont Constitution.² We conclude that the magazine ban is a reasonable regulation of the right of the people to bear arms for self-defense, and therefore affirm the trial court's denial of defendant's motion to dismiss the charges against him for allegedly violating § 4021(a).
- ¶ 2. Defendant was charged under 13 V.S.A. § 4021(a) with two counts of unlawfully possessing a large-capacity magazine. Section 4021 states, "[a] person shall not manufacture,

¹ Justice Eaton was present for oral argument but did not participate in this decision.

² In a separate appeal from the Vermont Superior Court, Washington Unit, Civil Division, appellants Vermont Federation of Sportsmen's Clubs; Vermont State Rifle & Pistol Association, Inc.; Powderhorn Outdoor Sports Center, Inc.; John Fogarty; and Samuel Frank, challenged the constitutionality of 13 V.S.A. § 4021. This opinion addresses arguments raised in that appeal to the extent that they differ from those raised in this case, and we have decided that case in its own docket today in a published entry order. See Vt. Fed'n of Sportsmen's Clubs v. Birmingham, 2021 VT 11, __ Vt. __, __ A.3d __ (mem.).

possess, transfer, offer for sale, purchase, receive or import into this State a large capacity ammunition feeding device," defined as:

a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept... more than 10 rounds of ammunition for a long gun; or... more than 15 rounds of ammunition for a hand gun.

<u>Id.</u> § 4021(a), (e)(1). Defendant allegedly traveled to a New Hampshire retailer, purchased two thirty-round magazines for a rifle, and transported them back into Vermont. Defendant moved to dismiss the charges on the grounds that the statute unconstitutionally impinges on the right to bear arms in Article 16 and that the grandfather provision of § 4021 violates the Common Benefits Clause of Chapter I, Article 7 of the Vermont Constitution by treating differently people who possessed large-capacity magazines before April 11, 2018, and those who acquire large-capacity magazines after that date. See <u>id.</u> § 4021(c)(1) (stating that prohibition shall not apply to devices lawfully possessed on or before statute's effective date).

- ¶ 3. In June 2019, the trial court denied defendant's motion to dismiss. The court described the two most common tests for determining the constitutionality of gun-control statutes in other jurisdictions: the "reasonableness test" used by the majority of states, and the two-prong test used by most federal circuit courts. The court concluded that § 4021 satisfies both tests. It also rejected defendant's argument under the Common Benefits Clause, reasoning that "[t]he grandfather provision allowed the Legislature to gradually curtail the availability of large-capacity magazines while lessening the burden on individuals that already possessed these devi[c]es," and that differential treatment based on the time a person acquired magazines "bears a reasonable and just relation to the governmental purpose of protecting the public from gun violence."
- ¶ 4. The trial court subsequently granted the parties' joint motion for appeal on report by agreement pursuant to Vermont Rule of Appellate Procedure 5(a)(1), reporting two questions of law: whether § 4021 violates Chapter I, Article 16, and whether it violates Chapter I, Article 7.

We accepted the appeal. The constitutionality of § 4021 is a pure question of law, which we review without deference to the trial court.³ See <u>In re MVP Health Ins. Co.</u>, 2016 VT 111, ¶ 10, 203 Vt. 274, 155 A.3d 1207.

- ¶ 5. On appeal, the State argues that Article 16 establishes a limited right to bear arms in self-defense, urges the Court to adopt the "reasonable regulation" standard used by most other states to evaluate the constitutionality of regulations impacting the right to bear arms, and contends that regardless of the standard applied, § 4021 does not violate Article 16.⁴ Defendant argues that the right to bear arms under Article 16 is "express and without limitation," that the statute "runs counter to the express requirements of the Vermont Constitution," and that we should therefore presume it to be unconstitutional.
- ¶ 6. With respect to the Common Benefits Clause, on appeal defendant argues for the first time that § 4021 violates Article 7 because it exempts large-capacity magazines transferred to or possessed by government agencies and current and retired law-enforcement officers, thus giving preferential treatment to government officials over other groups. See 13 V.S.A. § 4021(d)(1)(A), (B), (D) (creating exceptions to prohibition of LCMs). Defendant does not pursue his argument that the grandfather exemption violates the Common Benefits Clause. In its reply brief, the State argues that defendant has waived his appeal as it relates to the grandfather clause, and that he failed to preserve his new claim relating to government officials.

³ The constitutional issues in this case are based only on Article 16 and the Common Benefits Clause of the Vermont Constitution. Defendant raises no claim under the Second Amendment or Equal Protection Clause of the United States Constitution. The Second Amendment provides: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." U.S. Const. amend. II. The Equal Protection Clause prohibits states from making laws that deny any person "equal protection of the law." U.S. Const. amend. XIV. The federal case law referenced in this opinion is cited as persuasive authority only.

⁴ Pursuant to Appellate Rule 5(a)(3), the State is treated as the appellant in criminal actions appealed on report by agreement.

¶ 7. We first determine that Article 16 protects a limited right to individual self-defense, and that the proper standard for Article 16 challenges is a reasonable-regulation test. Under this test, we will uphold a statute implicating the right to bear arms provided it is a reasonable exercise of the State's power to protect the public safety and welfare. Applying this standard, we conclude that § 4021 satisfies the reasonable-regulation test because the statute has a valid purpose of reducing the lethality of mass shootings, the Legislature was within its authority in concluding that the regulation promotes this purpose, and the statute leaves ample means for Vermonters to exercise their right to bear arms in self-defense.⁵

⁵ We do not address defendant's Common Benefits Clause arguments. Because defendant did not challenge the constitutionality of the grandfather clause in his brief on appeal, we do not address it here. See <u>State v. Godfrey</u>, 2010 VT 29, ¶ 27, 187 Vt. 495, 996 A.2d 237 (noting that challenges raised at trial level but not briefed on appeal are generally waived). While the State briefed the grandfather-clause issue in its opening brief, it did not challenge the provision. See <u>In re D.C.</u>, 2016 VT 72, ¶ 5 n.1, 202 Vt. 340, 149 A.3d 466 (declining to reach waived issue even though it was briefed by opposing party).

We also do not address defendant's challenge to the statute's exceptions for governmental agencies and current or retired law enforcement officers because he did not raise the argument below, and we conclude that it was not within the intended scope of this appeal by agreement and report under Appellate Rule 5(a). "To properly preserve an issue for appeal a party must present the issue with specificity and clarity in a manner which gives the trial court a fair opportunity to rule on it." Zlotoff Found., Inc. v. Town of South Hero, 2020 VT 25, ¶ 33, __ Vt. __, 231 A.3d 1146 (quotation omitted). In his Common Benefits Clause argument before the trial court, defendant did not mention the governmental exceptions in 13 V.S.A. § 4021(d)(1) but focused entirely on the grandfather clause in § 4021(c)(1). It is true that in describing the legal issues for appeal, the trial court used the general phrasing, "Does 13 V.S.A. § 4021 violate Chapter I, Article 7 of the Vermont Constitution?" But we do not view this general phrasing as a request or authorization to address any and all Common Benefits Clause arguments, whether or not raised and addressed by the trial court. Moreover, the record is insufficient and the briefing inadequate to evaluate this argument. In particular, the record and argument concerning the bases for the challenged exemption are minimal, and defendant, having raised the argument for the first time in his appellee brief, has not briefed the question of severability in the event that this Court were to hold that one or more of the statute's exemptions run afoul of the Common Benefits Clause.

I. Legal Framework Under Article 16

- ¶ 8. Article 16 declares that "the people have a right to bear arms for the defence of themselves and the State." Vt. Const. ch. I, art. 16. We have never defined the scope of the right to bear arms, nor have we set forth a standard to determine whether a law infringes upon that right. These are our first two tasks.
- ¶ 9. When establishing a constitutional test, our goal is "to discover and protect the core value that gave life to" a constitutional provision, and "to give meaning to the text in light of contemporary experience." State v. Kirchoff, 156 Vt. 1, 6, 587 A.2d 988, 992 (1991). In doing so, we begin with the text of the provision, understood in its historical context, and we consider our own case law, the construction of similar provisions in other state constitutions, and empirical evidence if relevant. See Baker v. State, 170 Vt. 194, 206, 744 A.2d 864, 873 (1999) (identifying factors Court typically relies on in construing Vermont Constitution); see also State v. Jewett, 146 Vt. 221, 225-27, 500 A.2d 233, 236-37 (1985) (identifying text of constitutional provision, history surrounding its adoption, decisions from other states interpreting similar constitutional provisions, and economic and sociological materials as tools for interpreting provisions in the Vermont Constitution). With this guidance in mind, we consider the scope of the right to bear arms embodied in Article 16, and the proper test for evaluating the constitutionality of laws that potentially impinge on that right.

A. Scope of Right to Bear Arms

¶ 10. We conclude that Article 16 protects a right to bear arms in individual self-defense, subject to reasonable regulation. The constitutional text, considered in the historical context surrounding its enactment, is inconclusive as to the full scope and purpose of the right. To the

⁶ The quoted language here reflects the spelling of "defense" at the time the Constitution was drafted; however, we use the modern spelling, "defense," throughout the remainder of the opinion for consistency, except when quoting language from another state's constitution.

extent that Article 16 established a right to bear arms for the purpose of serving in a state militia, that aspect of the Article 16 right has no contemporary application. Considering the text alone, in light of its likely meaning at the time the Vermont Constitution was enacted, it is unclear whether Article 16 protected an individual's right to possess guns for self-defense outside of the context of actual or potential state militia service. Nevertheless, our case law has assumed that Article 16 protects such an individual right subject to reasonable regulation, and courts in most states and the United States Supreme Court have all construed similar provisions to establish a limited right to possess guns for individual self-defense. This right has never been understood as unlimited, as evidenced by case law as well as regulations of firearms throughout Vermont history. Given these considerations, we conclude that recognizing that Article 16 includes a limited right to bear arms in individual self-defense is the best way to "give meaning to the text in light of contemporary experience." Kirchoff, 156 Vt. at 6, 587 A.2d at 992. However, both our case law and the historical roots of Article 16 support an interpretation that allows for gun regulation in the interest of public safety.

1. Text

¶ 11. The full text of Article 16 provides:

That the people have a right to bear arms for the defense of themselves and the State—and as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to and governed by the civil power.

Vt. Const. ch. I, art. 16.

¶ 12. "We approach interpretation of the [Vermont] Constitution differently than we do the interpretation of statutes." <u>State v. Hance</u>, 2006 VT 97, ¶ 10, 180 Vt. 357, 910 A.2d 874. We have often relied on historical context to "illuminate the meaning" of a constitutional provision. <u>Id.</u>; see also <u>Daye v. State</u>, 171 Vt. 475, 484, 769 A.2d 630, 638 (2000) ("Plaintiffs are well served . . . in seeking guidance from the historical and ideological forces surrounding the framing

of the constitutional provision at issue."). Historical context is "[o]ne of our most useful tools to determine the meaning of a constitutional provision," because the plain meaning of the right to bear arms as commonly understood today does not necessarily align with its plain meaning when it was written in 1777.⁷ Chittenden Town Sch. Dist. v. Dep't of Educ., 169 Vt. 310, 327-28, 738 A.2d 539, 552 (1999) (noting that in trying to discern what language in constitution means, "we are trying to make the best sense we can of an historical event—someone, or a social group with particular responsibilities, speaking or writing in a particular way on a particular occasion" (quotation omitted)); cf. Turner v. Shumlin, 2017 VT 2, ¶25, 204 Vt. 78, 163 A.3d 1173 (per curiam) ("Notably, in this case we are not construing an ancient constitutional provision that would give us pause in applying the plain meaning of the provision's language without considering its historical context."). In determining that the language of Article 16 alone does not establish the contours of and limits to the right to bear arms, we consider the historical context generally, the contemporaneous meaning of the term "bear arms," and the reference in Article 16 to the right of "the people" to bear arms for the "defense of themselves and the State."

a. Historical Context

¶ 13. The historical context here is significant. Although the historical record contains scant evidence of public debate concerning the right of individuals to keep or carry weapons for nonmilitia purposes, the status and control of state militias and the desirability of a standing national army were hotly debated throughout the states during the era when Vermont's founders adopted the first Vermont Constitution. K. Ehrman & D. Henigan, The Second Amendment in the Twentieth Century: Have You Seen Your Militia Lately?, 15 U. Dayton L. Rev. 5, 14-34 (1989) (describing widespread debate concerning protection of state militias in state constitutions, the United States Constitution, and the federal Bill of Rights). The Virginia Declaration of Rights,

⁷ The right to bear arms appeared in the 1777 Constitution at Article XV; the language of Article 16 of the 1793 Constitution—the current constitution—is essentially identical.

which was the oldest and most influential declaration of rights, stated that "a well-regulated Militia, composed of the body of the people, trained to arms, is the proper, natural and safe defence of a free State." Id. at 16-17 (quoting Va. Declaration of Rights of 1776, art. 13). It did not reference a specific right to "bear arms." Id. The Pennsylvania Constitution was influenced by the Virginia Constitution, and was the first to affirmatively declare a right to "bear arms" tied to "defense of themselves" in the context of a comparable provision. Id. (quoting Pa. Declaration of Rights of 1776, arts. VIII & XIII). Most of the remaining state constitutions drew from one or both of these constitutions; only four of the state constitutions adopted prior to the federal constitution included a right to "bear arms," and only two, including Vermont's, included a reference to "defense for themselves." Id. at 17. The Vermont Declaration of Rights incorporates the language from the Pennsylvania Constitution verbatim. Id. n.91; see also Chittenden Town Sch. Dist., 169 Vt. at 334, 738 A.2d at 556 (noting that much of Vermont's original constitutional language came from Pennsylvania's constitution).

¶ 14. Ehrman and Henigan summarized the historical record concerning these provisions as follows:

[I]n none of the conventions, writings, or debates preceding the second amendment was there <u>any</u> discussion of a right to have weapons for hunting, target shooting, self-defense, or any other non-militia purpose. No such discussion appears in the Constitutional Convention records, the Anti-Federalist writings, Virginia's ratifying debates, state constitutions or declarations of the 1770s, or Congressional debates on the Bill of Rights.

Ehrman, <u>supra</u>, at 33. Instead, the debate underlying these various provisions, including the Second Amendment to the United States Constitution, arose from a "fear of standing armies in the hands of a powerful central government" that had "instilled in Americans a belief that a militia was the proper form of defense." <u>Id</u>. The goal animating these various provisions was to protect the ability of states to maintain effective state-regulated militias. <u>Id</u>. As Justice Stevens has explained, with reference to the Second Amendment to the United States Constitution,

The history of the adoption of the Amendment thus describes an overriding concern about the potential threat to state sovereignty that a federal standing army would pose, and a desire to protect the States' militias as the means by which to guard against that danger. But state militias could not effectively check the prospect of a federal standing army so long as Congress retained the power to disarm them, and so a guarantee against such disarmament was needed.

<u>District of Columbia v. Heller</u>, 554 U.S. 570, 661 (2008) (Stevens, J., dissenting). In this context, we consider the text of Article 16 more closely. In particular, we consider the meaning of the right to "bear arms for the defense of . . . the State," and the significance of the right of "the people" to bear arms "for the defense of themselves." Vt. Const. ch. I, art. 16.

- b. "Bear Arms for the defense of . . . the State"
- ¶ 15. The phrase "bear arms for the defense of . . . the State" by itself most likely meant, in the eighteenth century, to bear arms for the purpose of serving in a state militia. To the extent

We note that in interpreting our own Constitution, we are not bound by the Supreme Court's interpretation of the Second Amendment or its understanding of our Constitution. "We are a sovereign state," and in applying the Vermont Constitution, "this Court is entitled to take issue with any constitutional decision of the United States Supreme Court, regardless of whether our constitution provides the same or a different text." State v. Morris, 165 Vt. 111, 127, 680 A.2d 90, 101 (1996). The Vermont Constitution is "not a mere reflection of the federal charter," but "an independent authority, and Vermont's fundamental law." State v. Badger, 141 Vt. 430, 448-49, 450 A.2d 336, 347 (1982). And it is our responsibility alone to interpret the Vermont Constitution. Chittenden Town Sch. Dist., 169 Vt. at 319, 738 A.2d at 546; see also Michigan v. Long, 463 U.S. 1032, 1041 (1983) ("It is fundamental that state courts be left free and unfettered by us in interpreting their state constitutions." (quotation omitted)).

We are mindful that the United States Supreme Court has interpreted the language of Article 16 of the Vermont Constitution to establish a right to individual self-defense that is independent of militia service. Heller, 554 U.S. at 584-85, 585 n.8. In Heller, the Supreme Court held that the Second Amendment of the United States Constitution protects the right to carry firearms for individual self-defense. Id. at 601. In doing so, the Court rejected the petitioners' and dissenting justices' arguments that the term "bear arms" in the Second Amendment connotes primarily service in a militia, holding instead that "bear arms" means literally to carry a firearm. Id. at 584. In support of its interpretation of "bear arms," the Court pointed to the Vermont Constitution. It reasoned that because Article 16 includes the phrase "for the defense of themselves," Vermont had "clearly adopted individual rights unconnected to militia service." Id. at 601; see also id. at 585 & n.8 (citing Article 16, among other state constitutional provisions, as one of the "most prominent examples" of the use of "bear arms" in the 18th and early 19th centuries).

the right to bear arms is borne of and shaped by the purpose of ensuring a ready force to serve in the state militia, it does not apply in the modern context.

i. "Bear Arms"

- ¶ 16. Our understanding of the meaning of the constitutional right to "bear arms" in 2021 is necessarily informed by an understanding of the meaning of that term when Vermont's founders established the constitutional right, as reflected in general linguistic usage in the founding era as well as the specific terminology in the Vermont Constitution.
- ¶ 17. In recent years, Brigham Young University has released two databases—the Corpus of Founding Era American English, which contains over 120,000 texts, including legal writings, books, pamphlets, letters, and other documents dated between 1760 and 1799, and the Corpus of Early Modern English, which contains over 40,000 texts, including those published in England as well as the United States. D. Baron, Corpus Evidence Illuminates the Meaning of Bear Arms, 46 Hastings Const. L.Q. 509, 510 (2019); BYU Law & Corpus Linguistics, Corpus of Early Modern English (BYU-COEME) (last visited Jan. 8. 2021), https://lawncl.byu.edu/byucoeme/concordances; BYU Law & Corpus Linguistics, Corpus of Founding Era American English (COFEA) visited 8. (last Jan. 2021). https://lawcorpus.byu.edu/cofea/concordances/search. Analyzing these databases, occasionally alongside the Google Books database, several studies have reviewed hundreds of instances of "bear arms" and have found that the phrase was "overwhelmingly used in a collective or military sense." D. Miller, Owning Heller, 30 U. Fla. J.L. & Pub. Pol'y 153, 160-61 (2020) (emphasis omitted) (collecting studies); see also J. Jones, Comment: The "Weaponization" of Corpus Linguistics: Testing Heller's Linguistic Claims, 34 BYU J. Pub. L. 135, 161 (2020) (finding that "bear arms was used more often [though not overwhelmingly more often] in the 'figurative' specialized sense than the 'literal' carrying sense'); Baron, supra, at 511-12 (analyzing approximately 900 occurrences of the phrase "bear arms" before and during the founding era and

finding only seven that were either ambiguous or carried no military connotation); J. Blackman & J. Phillips, Corpus Linguistics and the Second Amendment, H.L. Rev. Blog (Aug. 7, 2018), https://blog.harvardlawreview.org/corpus-linguistics-and-the-second-amendment/ [https://perma.cc/4SEV-GQAZ] (analyzing sample of fifty sources and finding "overwhelming majority" were in military context). While there was some contemporary use of the term "bear arms" in a literal or individualistic sense, corpus data has revealed that "bear arms" most often meant to serve in a military capacity. See also Heller, 554 U.S. at 646-47 (Stevens, J., dissenting) (citing 18th-century dictionary definitions of "bear arms"). Coupled with "for the defense of . . . the State," and in light of the history set forth above, the phrase relates to a right to bear arms as a necessary condition to service in a State militia.

¶ 18. This understanding is consistent with the context and use of "bear arms" and "bearing arms" in the Vermont Constitution. The phrase "bear arms" in the first clause of Article 16 refers at least in part to the "defense of . . . the State," and the latter two clauses of Article 16 clearly relate to the roles and power of the standing army and military. In this context, it makes sense to read "bear arms" as being connected to militia service. And Chapter I, Article 9, the other constitutional provision containing the phrase "bearing arms," uses the term to refer to the <u>duty</u> to bear arms in militia service. Article 9 contains a conscientious-objector clause: no person "who is conscientiously scrupulous of bearing arms" can "be justly compelled thereto." Vt. Const. ch. I, art. 9. Use of the phrase "bearing arms" in Article 9 to mean military service reinforces an inference that in Article 16 the phrase "bear arms" means to carry weapons in a military context. See <u>State v. Lohr</u>, 2020 VT 41, ¶ 7, ___ Vt. ___, 236 A.3d 1277 (noting that canons of statutory construction apply "more cautiously" when interpreting the Constitution, but relying on canon that

⁹ We note that some of the more recent evidence of the public meaning of "bear arms" during the late eighteenth century that informs our analysis was not available to the United States Supreme Court when it decided <u>Heller</u> in 2008.

"we examine 'the whole and every part' of a [constitutional] provision, together with others governing the same subject matter, as parts of a system" (quotation omitted)); cf. Mosby v. Devine, 851 A.2d 1031, 1041-42 (R.I. 2004) (reasoning that reference to "bearing arms" in conscientious-objector provision "relates exclusively to military service," and concluding that "bear arms" in Rhode Island Constitution "relates to military service and the common defense").

¶ 19. On this view, the right to bear arms, while an individual right, was an individual right in service of a collective responsibility. Members of the militia generally provided their own weapons, and in Vermont, they were required to do so. P. Gillies, The Militia Governed by the Civil Power, 44-SPG Vt. B.J. 14, 15 (2018); see also Commonwealth v. Davis, 343 N.E.2d 847, 849 (Mass. 1976) ("Militiamen customarily furnished their own equipment and indeed might be under legal obligation to do so."). A law restricting possession of arms used in militia service "might then have interfered with the effectiveness of the militia and thus offended" the constitutional right to bear arms. Davis, 343 N.E.2d at 849. Based on the language of the Constitution and its historical context, the right to "bear arms for the defense of . . . the State" in Article 16 was most likely a right to bear arms for the purpose of service in the state militia.

ii. Modern Status of the State "Militia"

¶ 20. To the extent that a right to "bear arms" is tied to the purpose of preserving a state militia force, there is no modern predicate to application of the right. During the framers' era, while the militia was made up of civilians, not professionals, it was an organized body, functioning both as part of the government and as an independent force to protect the community. See Ehrman, supra, at 24 (stating that for purposes of Second Amendment, "even though the militias were composed of a large body of male citizens, the militias were seen as state units"). The militia was, as two scholars described, "a trained, organized, and armed collection of qualified males, save those of conscientious scruple and others exempted from service by their states, called together from their normal pursuits to respond to occasional and particular threats, internal or external, to

community peace." H. Uviller & W. Merkel, <u>The Second Amendment in Context: The Case of the Vanishing Predicate</u>, 76 Chi.-Kent L. Rev. 403, 598 (2000). Because militias were state-regulated, they also served as a state-based check on overreaching federal power. See Ehrman, <u>supra</u>, at 34-35 (noting that Second Amendment, among other things, ensured that federal government would not become overly oppressive and ensured states that they would have authority in federalist scheme); see also M. Driessen, <u>Private Organizations and the Militia Status: They Don't Make Militias Like They Used To</u>, 1998 B.Y.U. L. Rev. 1, 7-14 (1998) (identifying salient characteristics of eighteenth-century citizen militia: membership was state-established and defined; it was composed of lay citizens rather than professional soldiers; operations were state-supported; the militia was independent of federal government; and militia forces were dedicated to public rather than private benefit).

¶21. The Vermont militia, which was regulated by statute and in which every eligible and nonexempt man was enrolled, was first and foremost a domestic defense force. See Vt. Const. of 1777, ch. II, § 5 (stating that "[t]he freemen of this Commonwealth, and their sons, shall be trained and armed for its defense"), https://sos.vermont.gov/vsara/learn/constitution/1777-constitution/ [https://perma.cc/B937-GMQ2]. "The essential duty of the militia was to be ready to respond, to be called out on a Colonel's orders, 'upon any alarm, invasion, or notice of the appearance of an enemy, either by water or land.'" Gillies, <u>supra</u>, at 15.¹⁰

¶ 22. A state militia no longer exists. By 1840, the Vermont militia's "glory days were over," and in 1941, "when a revised chapter on the National Guard was enacted . . . the practice of requiring universal manhood military service finally ended for good in Vermont." Gillies, <u>supra</u>, at 16. The core function of the militia is now entrusted to the National Guard, which serves dual

¹⁰ Historian Gillies has noted that the militia performed other duties as well. For example, in 1778, ten Vermont militia members were "ordered to march and tread snow from Charlestown, New Hampshire to Wilmington, Vermont, to pack the ground for the sleighs that would follow." Gillies, supra, at 15.

functions as "the militia of the states and a permanent reserve component of the U.S. Army." Uviller, supra, at 538. Although the National Guard is the closest living descendant of the colonial-era militias, it is a distant cousin at best because the federal government controls its weapons and supplies. See Driessen, supra, at 15-17. Moreover, because the government now supplies weapons to members of the National Guard, regulations on firearms do not threaten the effectiveness of the militia. See Davis, 343 N.E.2d at 849. Although modern private armed groups—including, but not limited to, militant white supremacist organizations—may claim the title of a "militia" in name, in practice there is no modern equivalent to the universal, state-regulated militia known to the framers. See Driessen, supra, at 21-22 (distinguishing modern, private "neo-militias," from colonial militias on basis that colonial militias "operated legitimately with the imprimatur of the government sponsoring them"); see also C. Bogus, Race, Riots, and Guns, 66 S. Cal. L. Rev. 1365, 1380-82 (1993) (describing rise of private white-supremacist "militia" groups during Reconstruction and stating that the Ku Klux Klan "continues to expressly invoke the militia tradition").

¶ 23. To the extent that the right to bear arms is tied to the purpose of supporting service in the state militia, this aspect of Article 16 has little meaning in today's world. As one scholar noted about the Second Amendment, "[i]n the year 2000, the militia world contemplated by the Second Amendment no longer exists, and no plausible analogy to that nexus can be reconstructed." Uviller, supra, at 547. In short, the institution of the state militia, with which the right to "bear arms" was associated, is not only distinct from individual self-defense, but has no modern manifestation. For these reasons, the right to "bear arms for the defense... of the State" is essentially obsolete. The predicate no longer exists in any meaningful way. But Article 16 goes

See <u>People v. Brown</u>, 235 N.W. 245, 246 (Mich. 1931) (noting that state militia was "practically extinct and has been superseded by the National Guard," and therefore "the historical test would render the [Michigan] constitutional provision lifeless").

further by expressly stating that "the people" have a right to "bear arms <u>for the defense of themselves</u> and the State." The textual and historical question is what this additional phrase adds to the meaning of the provision.

c. "For Defense of Themselves"

- ¶ 24. The inclusion of language indicating that the "people" have a right to bear arms "for the defense of themselves and the State" introduces the possibility that the founders intended to establish a broader right to "bear arms" in individual self-defense, unmoored from potential militia service. Especially in light of the considerations set forth above, the import of the "defense of themselves" language is equivocal. But the language of Article 16 is not inconsistent with the conclusion that the right to bear arms extends beyond potential militia service to individual self-defense.
- ¶ 25. By its plain terms, the language of Article 16 describes a right of "the people" to bear arms for the purpose of defending not only the State, but also "themselves." This is the strongest evidence that Article 16 was intended to establish a right to bear arms for individual self-defense in addition to defense of the community. In fact, as noted above, citing this language from the 1777 Vermont Constitution, and the essentially identical provision of the 1776 Pennsylvania Constitution, the United States Supreme Court asserted that these constitutions "clearly adopted individual rights unconnected to militia service." Heller, 554 U.S. at 601.
- ¶ 26. Although the reference to "defense of themselves" lends support to the view that Article 16 establishes a right to bear arms to protect individual interests, the meaning of the text in historical context is equivocal. The association of the right with "the people," rather than persons, distinguishes it from many, though not all, rights enumerated in the Vermont Constitution that protect individual liberty or action disconnected from the body politic. The Constitution recognizes that all "persons" are born equally free and independent, and have inherent, unalienable rights, ch. I, art. 1; requires compensation when any "person's" property is taken for public use,

<u>id</u>. at art. 2; recognizes freedom of religion for all "persons," <u>id</u>. at art. 3; indicates that every "person" ought to have a remedy at law for injuries or wrongs, <u>id</u>. at art. 4; provides a host of protections to a "person" in prosecutions for criminal offenses, <u>id</u>. at art. 10; provides that no "person" not employed in the army or actual militia service may be subject to martial law, <u>id</u>. at art. 17; and states that no "person" shall be liable to be transported out of state for trial for an offense committed in Vermont, <u>id</u>. at art. 21.

- ¶ 27. In contrast, the Vermont Constitution generally refers to "the people" when recognizing rights associated with the body politic, to be exercised collectively. For example, the rights of governing and regulating the internal police is assigned to "the people," id. at art. 5; government is accountable to "the people," id. at art. 6; free debate and deliberation in the Legislature is essential to the rights of "the people," id. at art. 14; adherence to "justice, moderation, temperance, industry, and frugality" are necessary to preserve the blessings of liberty, and "the people" in directing their legislators and magistrates ought to pay particular attention to these principles, id. at art. 18; and "the people" have a right to assemble and petition the Legislature, id. at art. 20. But see id. at art. 13 (describing right of "the people" to freedom of speech as a basis for freedom of the press).
- ¶ 28. Some Articles include both terms, depending on whether the specific context implicates an individual or collective right or action. See, e.g., <u>id</u>. at art. 7 (referring to security of "the people" as an end of government, and prohibiting laws for particular emolument or advantage of "any single person, family, or set of persons"); <u>id</u>. at art. 9 (providing that no "person's" property can be taken without consent, protecting rights of any "person" who is conscientiously opposed to bearing arms, and stating that "the people" are not bound by any law they have not assented to for their common good); <u>id</u>. at art. 11 (recognizing the right of "the people" to be free from search or seizure and providing that warrants to seize "any person or persons" without oath and sufficient foundation ought not be granted).

- ¶ 29. Considering the Declaration of Rights in the Vermont Constitution as a whole, the description of the right to bear arms in Article 16 as belonging to "the people" places it in the category of rights generally associated with and exercised by the body politic as contrasted with rights conferred on and exercised by an individual. See Lohr, 2020 VT 41, ¶7 (noting that we consider related provisions in the Constitution as parts of a system); cf. Heller, 554 U.S. at 644-45 (Stevens, J., dissenting) (noting that the words "the people" were generally, though not exclusively, used in the United States Bill of Rights to describe individual rights exercised collectively). For these reasons, the reference to "defense of themselves and the State" in describing the purpose of the right to bear arms is equally compatible with an understanding, reinforced by the historical context described above, that "the people" and "themselves" describe an individual right to bear arms for the purpose of defending the collective body politic, rather than individual persons. Cf. Mich. Const. art. I, § 6 ("Every person has a right to keep and bear arms for the defense of himself and the state." (emphasis added)); Tex. Const. art. 1, § 23 ("Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State " (emphasis added)). As a consequence, we cannot conclude with confidence based on the text alone, understood in its historical context, that Article 16 necessarily embodies a right to possess weapons for individual self-defense.
- ¶ 30. Although the text of Article 16 does not unequivocally establish such a right, our conclusion as to the likely historical meaning of Article 16 does not <u>preclude</u> a right to possess firearms for individual self-defense. Cf. <u>Heller</u>, 554 U.S. at 599 ("It is . . . entirely sensible that the Second Amendment's prefatory clause announces the purpose for which the right was codified: to prevent elimination of the militia. The prefatory clause does not suggest that preserving the militia was the only reason Americans valued the ancient right."). Thus, although the right to bear arms reflected in Article 16 was likely tied to service in the militia, especially given the reference

to defense of "themselves," the Article 16 right may also encompass individual gun ownership for the purpose of private self-defense.

¶31. In sum, the text of Article 16, as written in the eighteenth century, was likely designed to protect the right of the people to bear arms for the purpose of constituting and serving in the state militia—a purpose that renders the right essentially obsolete in modern times. However, this interpretation does not foreclose the possibility that the provision can and should be understood to protect the right of individuals to own firearms for individual self-defense, independent of service in a state militia. To help further elucidate the meaning of the constitutional provision, we turn to our case law interpreting Article 16.

2. Vermont Case Law

Rosenthal, 75 Vt. 295, 297, 55 A. 610, 610 (1903) and State v. Duranleau, 128 Vt. 206, 210, 260 A.2d 383, 386 (1969), superseded by rule on other grounds, V.R.A.P. 5(b), as recognized in State v. Carpenter, 138 Vt. 140, 145, 412 A.2d 285, 289 (1980). Neither case includes a detailed analysis of Article 16. However, both cases offer important insight into how we have historically understood that right: first, we have assumed that Article 16 protects an individual right to bear arms outside of the context of actual or potential militia service, and second, we have assumed that the right is subject to regulation by the Legislature.

¶ 33. Rosenthal, decided in 1903, is our earliest case directly referencing Article 16. In that case, we cited Article 16 in support of our holding that the Rutland city council had exceeded its authority in making an ordinance that no person may carry a pistol without written permission of the mayor or chief of police. 75 Vt. at 299, 55 A. at 610. The ordinance prohibited carrying

Other cases have referenced the "right[] of self-defense" as an affirmative defense to a criminal charge. State v. Buckley, 2016 VT 59, ¶ 13, 202 Vt. 371, 149 A.3d 928; see also State v. Wood, 53 Vt. 560, 561 (1881) (quoting charge to jury relating to self-defense). This common-law "right" to self-defense is distinct from the constitutional right to bear arms.

pistols, concealed weapons, and several other specific types of weapons. We first stated that because the city charter did not expressly grant the council power to make such an ordinance, the council could do so only under the charter's general clause, under which an ordinance must not be "repugnant to the Constitution or laws of this state." Id. We then cited the right to bear arms under Article 16, as well as several state statutes that prohibited carrying firearms at school or with the intent of injuring another person. We concluded that the ordinance was repugnant to the Constitution and statutes because it prohibited behavior that was otherwise permitted under Vermont law, and appeared to allow permits for behavior that was otherwise prohibited under Vermont law:

[U]nless a special permission is granted . . . a person is prohibited from carrying such weapons in circumstances where the same is lawful by the Constitution and the general laws of the state; and there is nothing in the ordinance to prevent the granting of such permission, notwithstanding it be in circumstances to constitute a crime under the general laws. The result is that Ordinance No. 10, so far as it relates to the carrying of a pistol, is inconsistent with and repugnant to the Constitution and the laws of the state, and it is therefore to that extent, void. Whether this renders the whole ordinance illegal, or whether it contains any other invalid provisions, are questions not now before the court.

<u>Id</u>. at 299, 55 A. at 611.

¶ 34. This decision gives us little guidance in interpreting Article 16. Importantly, our reasoning did not rest on the premise that <u>any</u> ordinance or law restricting the use of guns is unconstitutional, or even that the ordinance at issue was unconstitutional. It relied only on the premise that, absent express authorization from the Legislature, a municipality does not have the authority to restrict the right to bear arms under the "general clause" of the city charter in a manner that is inconsistent with state statute or the Vermont Constitution. <u>Id</u>. at 297, 55 A. at 610. Nor does a municipality have the authority to permit the use of firearms where that use is otherwise prohibited by the Legislature. We looked to the Constitution and state statutes as a backdrop against which to determine whether the city council had exceeded its authority. Put simply,

<u>Rosenthal</u> was not a constitutional case, even though it relied on the constitution to describe the current state of the law and why the ordinance conflicted with existing law.

- ¶ 35. However, the decision does reflect the general assumption that the Vermont Constitution protects the individual right to carry firearms outside of the militia context. By citing Article 16 in support of our conclusion that carrying firearms is generally permitted under Vermont law, and stating that an ordinance restricting the individual use of firearms is "repugnant to the Constitution," we suggested that the right to bear arms applied without regard to a connection to state militia service. There is nothing in <u>Rosenthal</u> that suggested the right to bear arms was linked to the militia in any way.
- ¶ 36. We also assumed that the right to bear arms may be validly restricted by the Legislature. We acknowledged several statutes regulating the use of guns, now codified in Title 13: § 4003 (carrying dangerous weapon with intent to injure another), § 4004 (possessing firearm or dangerous or deadly weapon while on school property), and § 4011 (aiming gun at another). See Rosenthal, 75 Vt. at 297-98, 55 A. at 610. And we confirmed the enforceability of these regulations by holding that the municipality could not enact an ordinance that contravened them. While we did not squarely decide the scope of the Article 16 right or the Legislature's power to regulate gun use, we strongly implied that the individual right to bear arms is protected by the Constitution and can be limited by legislative acts.
- ¶ 37. The only case in which we have squarely addressed whether a statute is constitutional under Article 16 is <u>Duranleau</u>, 128 Vt. at 210, 260 A.2d at 386. In that case, we rejected a defendant's argument that 10 V.S.A. § 4705(b), which prohibits carrying a loaded rifle or shotgun in a vehicle on a public highway without a permit, violates Article 16. Our analysis was as follows:

The statute does not literally prohibit the 'bearing' of any arms, but only requires that, when rifles and shotguns are carried in mechanically propelled vehicles on public highways, that they be unloaded. This restriction, even though it relates only to rifles and shotguns, admittedly somewhat conditions the unrestrained carrying and operation of firearms. But the language of the constitutional provision does not suggest that the right to bear arms is unlimited and undefinable. To require that two particular kinds of weapons, at certain specific places and under limited circumstances, be carried unloaded rather than loaded, is not such an infringement on the constitutional right to bear arms as to make the statute invalid. This conclusion is conditioned upon the presumption that the statutory purpose is reasonable, as it must be assumed to be, and on the necessary circumstance that in this case no facts that demonstrate an unconstitutional operation of the statute are before us.

Duranleau, 128 Vt. at 210, 260 A.2d at 386 (citation omitted).

¶ 38. Like our reasoning in Rosenthal, our reasoning in Duranleau reflects the understanding that Article 16 applies to the individual "carrying and operation of firearms," but is subject to regulation. Id. Again, nothing in Duranleau suggests that the right to bear arms is limited to bearing arms in service of a militia—rather, our decision implies that the right belongs to all individuals without regard to potential militia service. And we explicitly held that "the language of the constitutional provision does not suggest that the right to bear arms is unlimited and undefinable." Id. (emphasis added). We made clear that, at least where a regulation only "somewhat conditions" the carrying and operation of firearms, Article 16 does not render firearms regulations invalid. Id. Duranleau also stands for the proposition that restrictions on the right to bear arms, like most statutes, are presumed to be reasonable and valid. See id.; see also State v. Noll, 2018 VT 106, ¶ 21, 208 Vt. 474, 199 A.3d 1054 ("We afford statutes a presumption of constitutionality.").

3. Case Law from Sister States

¶ 39. Case law from our sister states, while not binding on us as we interpret the Vermont Constitution, supports the conclusion that the scope of the right to bear arms in Article 16 includes an individual right to possess arms for the purpose of self-defense. Courts in most states with constitutional provisions relating to a right to "bear arms," whether they have constitutional

provisions very similar to Article 16 or substantially different, have concluded that their constitutions protect an individual right to bear arms for self-defense.

¶ 40. Courts in states with constitutional provisions substantially identical to Vermont's in referencing a right of "the people" to bear arms for "the defense of themselves and the State" have consistently construed these provisions to protect an individual right to bear arms for self-defense. Considering the scope of its constitutional provision declaring that "[t]he people shall have the right to bear arms for the defence of themselves, and the State," the Oregon Supreme Court reviewed the historical genesis of this language and concluded that the constitutional provision includes, among other things, an individual's right to bear arms "for defense of person and property." State v. Kessler, 614 P.2d 94, 97-98, 100 (Or. 1980). On the last point, the court explained, "Although the right to bear arms for self protection does not appear to have been an important development in England, the justification for a right to bear arms in defense of person and home probably reflects the exigencies of the rural American experience." Id. at 98.

¶41. Similarly, prior to its revision in 1968, the Florida Constitution provided, "The right of the people to bear arms in defence of themselves and the lawful authority of the State, shall not be infringed, but the Legislature may prescribe the manner in which they may be borne." Fla. Const. of 1885, Declaration of Rights, § 20.¹³ Construing this language, the Florida Supreme Court wrote, "Doubtless the guarantee was intended to secure to the people the right to carry weapons for their protection while the proviso was designed to protect the people also—from the bearing of weapons by the unskilled, the irresponsible, and the lawless." <u>Davis v. State</u>, 146 So.2d 892, 893-94 (Fla. 1962); see also <u>Schubert v. DeBard</u>, 398 N.E.2d 1339, 1341 (Ind. Ct. App. 1980) (noting that framers' debate over provision in the Indiana Constitution underscores their intent that

The current version reads: "The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner of bearing arms may be regulated by law." Fla. Const. art. I, § 8(a).

the provision serve two purposes, including providing citizenry the right to bear arms for self-defense); <u>Lehman v. Pa. State Police</u>, 839 A.2d 265, 273 (Pa. 2003) (implicitly recognizing right to bear arms for purposes unrelated to service in militia, and noting that "[t]he right to bear arms, although a constitutional right, is not unlimited and may be restricted in the exercise of the police power for the good order of society and protection of the citizens" (citation omitted)); <u>Carfield v. State</u>, 649 P.2d 865, 871 (Wyo. 1982) (rejecting defendant's challenge to statute prohibiting felons from possessing firearms on basis that defendant was not contending that his possession was for the purpose of defending the state or himself).

¶ 42. Moreover, courts in some states with constitutional provisions relating to the right to bear arms that do not include any reference to defense of "themselves," have concluded that their constitutions protect a right to bear arms for individual self-defense. See, e.g., <u>State v. Bolin</u>, 662 S.E.2d 38, 39 (S.C. 2008) (implicitly concluding that provision that "a well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed" protects a right to possess guns outside of the context of military or militia service); see also <u>Heller</u>, 554 U.S. 570 (rejecting view that Second Amendment embodies a right limited to militia service and concluding that local ordinance restricting handgun possession in the home violates Second Amendment). ¹⁴

¶ 43. Collectively, these decisions reflect a widespread, though not universal, contemporary understanding that bearing arms for self-defense, albeit subject to restrictions, is

Many state constitutions more explicitly describe a right to bear arms in a way that leaves no question that the right extends to individual self-defense. See, e.g., Colo. Const. art. II, § 13 ("The right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question; but nothing herein contained shall be construed to justify the practice of carrying concealed weapons."); Conn. Const. art. I, § 15 ("Every citizen has a right to bear arms in defense of himself and the state."); N.H. Const. part 1, art. 2-a ("All persons have the right to keep and bear arms in defense of themselves, their families, their property and the state.").

among the individual rights separately protected by many state constitutions, including those with language similar to Vermont's. 15

4. Historical Regulation of Guns and Militia in Vermont

¶ 44. Our conclusion that the right to bear arms for individual self-defense is subject to limitations and regulation is consistent with Vermont's history of public-safety regulations of both the militia and individual gun ownership. Article 16 itself admonishes that "the military should be kept under strict subordination to and governed by the civil power." Vt. Const. ch. I., art. 16. And the Vermont Constitution specifically states, "The inhabitants of this State shall be trained and armed for its defense, under such regulations, restrictions, and exceptions, as Congress, agreeably to the Constitution of the United States, and the Legislature of this State, shall direct." Id. ch. II, § 59. The militia was not an extralegal entity, and service in the Vermont militia including firearm specifications and mandatory training—was regulated by state statute beginning in 1778 and by federal statute in 1792. See Gillies, supra, at 15. The Legislature frequently revised the militia statute. Id. at 16. Some of these regulations were in place to protect the public from militia members: in an overhaul of the statute in 1793, in response to concerns that citizens had been injured on or around training days, the Legislature enacted restrictions on firing guns during those periods. Id. Consistent with its purpose, and based on the express terms of the Vermont Constitution itself, the right to bear arms for the defense of the State—that part of Article 16 as to which there is no real dispute—was from the beginning clearly subject to regulation and restriction by the Legislature. If so, then it follows that the concurrent Article 16 "right to bear arms for the defense of themselves"—which we here explicitly recognize as establishing a right to possess and

¹⁵ The ubiquity of this view is reflected in the State's own defense of the statute in this case. The State has not questioned that Chapter 1, Article 16, establishes a right to bear arms for the purpose of defending self and home. The argument that Vermont's Constitution does not protect the right to bear arms for individual defense but instead is "an individual right exercised collectively, through military action, for the common good" was advanced by an amicus curiae in a "friend-of-the-court brief."

use firearms for individual self-defense—is likewise subject to reasonable regulation by the Legislature.

¶ 45. Accordingly, in addition to those militia-related enactments and the regulations discussed in Duranleau and Rosenthal, Vermont has had, and continues to have, numerous firearms-related restrictions. See e.g., 13 V.S.A. § 4004 (prohibiting possession of firearms within a school building or school bus, or on school grounds); id. § 4010 (prohibiting manufacture or importation of gun suppressors); id. § 4011 (prohibiting pointing gun at another "except in selfdefense or in the lawful discharge of official duty"); 10 V.S.A. § 4704 (prohibiting use and possession of machine guns and gun suppressors and limiting magazine capacity of autoloading rifles while engaged in hunting), id. § 4705 (prohibiting possession of loaded rifles or shotguns in mechanically-powered vehicles), id. § 4710 (prohibiting discharge of firearm within designated safety zones). Some regulations, including the ban on gun suppressors and the restrictions discussed in Rosenthal, have been in place for over a century. See, e.g., 13 V.S.A. § 4004 (originally enacted as 1892, No. 85, § 2); id. § 4010 (originally enacted as 1912, No. 237); id. § 4011 (originally enacted as 1872, No. 30, §§ 1, 2, 5). Vermont's 1863 gunpowder storage law, which required more than one pound of powder be securely stored in a metal canister, placed a burden on the ability to rapidly prepare and fire multiple rounds of ammunition that is analogous to the magazine limit here. 1863 G.S. 119, § 28. Relative to many other states, Vermont's historical regulation of firearms has been less extensive, but the historical record reflects that even in Vermont, the use of firearms has long been understood to be subject to regulation by the State.

- 5. Summary Concerning Scope of Article 16 Right to Bear Arms
- ¶ 46. Much changed in the almost two hundred years between Vermont's adoption of its Constitution in 1777 and our decision in <u>Duranleau</u> in 1969. And much has changed between 1969 and today. The right to bear arms as commonly understood today has little to do with the right to bear arms as understood by the framers. We must bridge the gap between those worlds, and we

do so with the solemn understanding that this debate has had, and will continue to have, life-ordeath consequences.

¶ 47. We conclude that Article 16 protects a right to possess firearms for self-defense. As understood in modern times, this right is tied to the defense of self, family, and home, and is not tied to prospective military use in the context of a state militia. Its scope is accordingly limited. Cf. Kolbe v. Hogan, 849 F.3d 114, 135-36 (4th Cir. 2017) (en banc) (concluding that weapons that are most useful in military service, as opposed to individual self-defense, fall outside ambit of Second Amendment (citing Heller, 554 U.S. at 627)); N.Y. State Rifle & Pistol Ass'n, Inc. v. Cuomo, 804 F.3d 242, 253 (2d Cir. 2015) ("[T]he Second Amendment protects only those weapons 'in common use' by citizens for lawful purposes like self-defense." (quotations omitted)). Moreover, that right is subject to regulation by statute, under the test discussed below in Part I.B.

¶ 48. Although not grounded exclusively in the text of Article 16, this interpretation is the best available way to harmonize and honor the core principles of security and self-protection implicit in the right, the individual right to carry guns as implicitly recognized in our case law, and modern persuasive analysis from sister states. See <u>Kirchoff</u>, 156 Vt. at 6, 587 A.2d at 992 ("We do not construe constitutional provisions of this sort the way we do statutes, whose drafters can be expected to indicate with some comprehensiveness and exactitude the conduct they wish to forbid or control and to change those prescriptions when they become obsolete." (quotation omitted)). These considerations, as well as the historical regulation of the right in Vermont, also support our conclusion that the right to bear arms is subject to reasonable regulation pursuant to the State's police power. Whereas we have previously relied on stated or unstated assumptions that the individual right to bear arms in self-defense exists but is not unlimited, we now expressly hold as

¹⁶ Because the regulation at issue here restricts magazines to be used in firearms, we do not address the broader question of whether the right to bear arms in Article 16 encompasses weaponry other than firearms. See, e.g., <u>Kessler</u>, 614 P.2d at 95 (considering constitutionality of law prohibiting possession of "billy" club).

much. And while defendant argues that we should presume a restriction on the right to bear arms is unconstitutional, our case law supports the opposite presumption: we presume the reasonableness and constitutionality of an act of the Legislature, including those that restrict the right to bear arms. See <u>Duranleau</u>, 128 Vt. at 210, 260 A.2d at 386; see also <u>Noll</u>, 2018 VT 106, ¶ 21.

¶ 49. The disconnect between the founders' era and our own is one of the central challenges of constitutional interpretation. As we stated in <u>Baker</u>:

Out of the shifting and complicated kaleidoscope of events, social forces, and ideas that culminated in the Vermont Constitution of 1777, our task is to distill the essence, the motivating ideal of the framers. The challenge is to remain faithful to that historical ideal, while addressing contemporary issues that the framers undoubtedly could never have imagined.

170 Vt. at 207, 744 A.2d at 874. The framers were preoccupied with the need for domestic defense and the dangers of standing armies; their reality in that respect has little in common with our own. And modern weapons, after two centuries of technological development, are now more lethal and more efficient than the "arms" available to the framers. Given the stark reality of gun violence, subject to the limitations of the Constitution, the Legislature acts within its authority in exercising its inherent power to impose "such reasonable regulations and restraints as are essential to the preservation of the health, safety and welfare of the community." State v. Curley-Egan, 2006 VT 95, ¶ 9, 180 Vt. 305, 910 A.2d 200 (quotation omitted). The next question is: what is the standard for determining whether a regulation impinges on the Article 16 right to bear arms?

B. Standard for Evaluating Constitutionality of Restrictions

¶ 50. In determining the standard for evaluating Article 16 challenges, we first describe the two-part test used by a majority of federal courts and the reasonable-regulation test adopted by a majority of states. We then conclude that the state reasonable-regulation approach is most

consistent with our case law, our interpretation of Article 16, the nature of the right to bear arms, and our constitutional doctrine as a whole.

1. Approaches in Other Jurisdictions

¶ 51. The vast majority of jurisdictions apply one of two general tests in right-to-bear-arms cases. Following Heller, 554 U.S. 570, federal courts adopted a two-step test in which they first determine whether a statute burdens Second Amendment rights, then apply either intermediate or strict scrutiny depending on the severity of the burden. The majority of state courts apply the reasonable-regulation test, which is more deferential to the Legislature's judgment and the police power of the state, though a small minority of states apply higher levels of scrutiny.

¶ 52. The Supreme Court in Heller did not specify what standard should apply to challenges under the Second Amendment. That case involved a District of Columbia law that banned handgun possession in the home and required any firearm in the home to be disassembled or bound by a trigger lock at all times. Id. at 628. The Court struck down the law, reasoning that the handgun ban "amounts to a prohibition of an entire class of 'arms' that is overwhelmingly chosen by American society" for self-defense, and that the requirement that firearms be kept inoperable in the home made it "impossible for citizens to use them for the core lawful purpose of self-defense." Id. at 628, 630. The Court declined to specify the standard that applied to Second Amendment protections, holding instead that "[u]nder any of the [heightened] standards of scrutiny that we have applied to enumerated constitutional rights, banning from the home the most preferred firearm in the nation to keep and use for protection of one's home and family, would fail constitutional muster." Id. at 628-29 (quotations, footnote, and citation omitted).

The Court acknowledged that "this law, like almost all laws, would pass rational-basis scrutiny," but stated, "Obviously, [rational-basis scrutiny] could not be used to evaluate the extent to which a legislature may regulate a specific, enumerated right, be it the freedom of speech, the guarantee against double jeopardy, the right to counsel, or the right to keep and bear arms." Heller, 554 U.S. at 628 n.27.

¶ 53. Following Heller, the majority of federal circuit courts have developed a two-step framework for addressing Second Amendment claims. This approach, as the Second Circuit has described, requires courts to first "consider whether the restriction burdens conduct protected by the Second Amendment," and if it does, "determine and apply the appropriate level of scrutiny," generally intermediate or strict scrutiny. N.Y. State Rifle & Pistol Ass'n, 804 F.3d at 254 & n.49 (collecting cases).¹⁸

¶ 54. In deciding under the first prong whether a law burdens conduct protected by the Second Amendment, courts have concluded that some "presumptively lawful regulatory measures" may regulate the use or sale of firearms, but do not affect conduct protected by the Second Amendment. <u>United States v. Focia</u>, 869 F.3d 1269, 1285-86 (11th Cir. 2017) (quoting <u>Heller</u>, 554 U.S. at 626-27); see also <u>McDonald v. City of Chicago</u>, 561 U.S. 742, 786 (2010) ("We made it clear in <u>Heller</u> that our holding did not cast doubt on such longstanding regulatory measures as prohibitions on the possession of firearms by felons and the mentally ill, laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms." (quotations omitted)). Courts have noted that Second Amendment protections do not apply to "'dangerous and unusual weapons'" that are not common for lawful purposes, <u>Heller v. District of Columbia</u> (<u>Heller II</u>), 670 F.3d 1244, 1260 (D.C. Cir. 2011) (quoting <u>Heller</u>, 554 U.S. at 627), such as "M-16 rifles" and "weapons that are most useful in military service," <u>Kolbe</u>, 849 F.3d at 135-36 (quoting Heller, 554 U.S. at 627). And the Second Circuit has held that "heightened scrutiny is

The application of the two-prong test is not universal. For instance, the Seventh Circuit eschewed the levels-of-scrutiny analysis, noting that levels of scrutiny "do not resolve any concrete dispute," and focused instead on "whether a regulation bans weapons that were common at the time of ratification or those that have some reasonable relationship to the preservation or efficiency of a well regulated militia, and whether law-abiding citizens retain adequate means of self-defense." Friedman v. City of Highland Park, 784 F.3d 406, 410 (7th Cir. 2015) (quotation and citation omitted). The Eighth Circuit has acknowledged the two-prong test but has not adopted it. See United States v. Hughley, 691 F. App'x 278, 279 n.3 (8th Cir. 2017) (per curiam).

appropriate only as to those regulations that <u>substantially</u> burden the Second Amendment." <u>United</u> States v. Decastro, 682 F.3d 160, 164 (2d Cir. 2012) (emphasis added).

¶ 55. In deciding what level of scrutiny to apply under the second prong of the test, courts typically consider how severely the law restricts the "core" Second Amendment right to self-defense. See, e.g., N.Y. State Rifle & Pistol Ass'n, 804 F.3d at 258 (noting level of scrutiny depends on "(1) 'how close the law comes to the core of the Second Amendment right' and (2) 'the severity of the law's burden on the right'" (quoting Ezell v. City of Chicago, 651 F.3d 684, 703 (7th Cir. 2011))). Within this framework, several courts have suggested that a form of "intermediate scrutiny" is generally more appropriate for gun regulations than strict scrutiny because it "appropriately places the burden on the government to justify its restrictions, while also giving governments considerable flexibility to regulate gun safety." Bonidy v. U.S. Postal Serv., 790 F.3d 1121, 1126 (10th Cir. 2015); see also Stimmel v. Sessions, 879 F.3d 198, 206 (6th Cir. 2018) (stating that "intermediate scrutiny is preferable in evaluating challenges to [firearms-regulation statute] and similar provisions" (quotation omitted)).

¶ 56. In contrast to federal doctrine, state case law has largely coalesced around a "reasonable regulation" or "reasonable exercise" approach. Of the forty-three states with right-to-bear-arms provisions protecting an individual right, over half have expressly adopted some form of the reasonable-regulation test, and several others have implicitly adopted a similar test. B. Black & K. Kapp, <u>State Constitutional Law as a Basis for Federal Constitutional Interpretation: The Lessons of the Second Amendment</u>, 46 N.M. L. Rev. 240, 251-52 & n.57-58 (2016); see also <u>Benjamin v. Bailey</u>, 662 A.2d 1226, 1233 (Conn. 1995) ("State courts that have addressed the question under their respective constitutions overwhelmingly have recognized that the right [to bear arms] is not infringed by reasonable regulation by the state in the exercise of its police power to protect the health, safety and morals of the citizenry." (collecting cases) (footnote omitted)). A small minority of state courts have applied higher levels of scrutiny under their state constitutions.

See, e.g., <u>Doe v. Wilmington Hous. Auth.</u>, 88 A.3d 654, 666-67 (Del. 2014) (applying intermediate scrutiny); <u>State v. Eberhardt</u>, 145 So.3d 377, 381 (La. 2014) (applying strict scrutiny). And at least one state with constitutional language "substantially identical" to the Second Amendment treats the state constitutional right to bear arms as "co-extensive" with the Second Amendment. DiGiacinto v. Rector & Visitors of George Mason Univ., 704 S.E.2d 365, 368-69 (Va. 2011).

¶ 57. Under the reasonable-regulation test, courts "analyze[] whether the statute at issue is a 'reasonable' limitation upon the right to bear arms." Bleiler v. Chief, Dover Police Dep't, 927 A.2d 1216, 1223 (N.H. 2007) (considering whether Legislature had "a reasonable purpose" and "use[d] a reasonable means to achieve [that] purpose"). Although the language used to describe this test is not identical from state to state, courts generally agree that the inquiry centers on whether the statute is a reasonable exercise of the police power. See, e.g., Benjamin, 662 A.2d at 1233-34; Rocky Mountain Gun Owners v. Polis, 2020 CO 66, ¶ 61; Hilly v. City of Portland, 582 A.2d 1213, 1215 (Me. 1990); Mosby, 851 A.2d at 1044. This approach is distinct from rational-basis review because it "demands not just a conceivable legitimate purpose but an actual one." Rocky Mountain Gun Owners, 2020 CO 66, ¶ 56; see also Bleiler, 927 A.2d at 1223 (distinguishing rational-basis test from reasonableness test, which "focuses on the balance of the interests at stake" (quotation omitted)); State v. Cole, 2003 WI 112, ¶ 27, 264 Wis. 2d 520, 665 N.W.2d 328 (same).

The constitutions of the two states that apply strict scrutiny to limitations on the constitutional right to bear arms—Louisiana and Missouri—expressly require strict scrutiny of firearms regulations. La. Const. art. I, § 11; Mo. Const. art. I, § 23. Even in these states, courts have recognized that "the fundamental right at issue is one where some degree of regulation is likely to be necessary to protect the public safety." Eberhardt, 145 So.3d at 381; see also State v. Merritt, 467 S.W.3d 808, 814 (Mo. 2015) (en banc) ("It is clear that laws regulating the right to bear arms are not 'presumptively invalid.").

2. Applicable Standard Under Article 16

¶ 58. We conclude that the state reasonable-regulation test is the most appropriate standard for Article 16 challenges because it is consistent with our approach in <u>Duranleau</u>, the text and motivating ideals of Article 16, the nature of the right to bear arms, and our previous rejection of rigid "level-of-scrutiny" tests. Under the reasonable-regulation test, the government may regulate firearms under its police power as long as its exercise of that power is reasonable. Regulation is not reasonable if it effectively abrogates Article 16. We elaborate on these considerations below.

a. Rationale for Adopting Reasonable-Regulation Test

- ¶ 59. The reasonable-regulation test is the best approach to evaluating restrictions on the right to bear arms under Article 16 for several reasons. First, our approach in <u>Duranleau</u> aligns with the reasonable-regulation approach. We noted that we presumed the regulation was reasonable, which the defendant did not appear to contest in that case. 128 Vt. at 210, 260 A.2d at 386. And we held that the regulation "admittedly somewhat condition[ed] the unrestrained carrying and operation of firearms," but that it was "not such an infringement on the constitutional right to bear arms as to make the statute invalid." <u>Id</u>. We concluded that there were "no facts" demonstrating "an unconstitutional operation of the statute." This approach is similar to the reasonable-regulation test as described by the New Hampshire Supreme Court in <u>Bleiler</u>: "This test analyzes whether the statute at issue is a 'reasonable' limitation upon the right to bear arms. Such a test . . . 'focuses on the balance of the interests at stake.' "927 A.2d at 1223 (quoting <u>Cole</u>, 2003 WI 112, ¶ 27). <u>Duranleau</u> makes clear that a regulation could not permissibly amount to the destruction of the right to bear arms but does not suggest that the State bears the burden of proving that the regulation meets a heightened standard of scrutiny.
- ¶ 60. Second, the reasonable-regulation approach best promotes the constellation of ideals underlying Article 16. It ensures the right to bear arms for self-defense, while recognizing

that the right to bear arms has historically been subject to reasonable restrictions in the discretion of the Legislature. See supra, ¶ 44-45.

¶61. Third, the right to bear arms is distinct from other individual rights in the degree to which its exercise is associated with serious risks of harm to self and others. As other states have recognized, "[g]un control legislation... is not inherently suspicious" because there is a "compelling state interest in protecting the public from the hazards involved with guns." Bleiler, 927 A.2d at 1222-23 (quotation omitted); see also Cole, 2003 WI 112, ¶43 ("Many other states have noted the important safety interests protected by gun control laws"). For that reason, the reasonable-regulation test is "relatively deferential and generally distinct from the type of review that challenges under other constitutional rights receive." Cole, 2003 WI 112, ¶23 (quotation omitted). As the Tenth Circuit stated,

[t]he risk inherent in firearms and other weapons distinguishes the Second Amendment right from other fundamental rights that have been held to be evaluated under a strict scrutiny test, such as the right to marry and the right to be free from viewpoint discrimination, which can be exercised without creating a direct risk to others.

Bonidy, 790 F.3d at 1126.

¶62. Finally, while we have often relied on federal case law for guidance in interpreting the Vermont Constitution, we have rejected the "rigid categories utilized by the federal courts under the Fourteenth Amendment," and similarly reject them here. <u>Baker</u>, 170 Vt. at 206, 744 A.2d at 873. In applying the Common Benefits Clause we have adopted "'a relatively uniform standard, reflective of the inclusionary principle at the Common Benefits Clause's core.'" <u>Badgley v. Walton</u>, 2010 VT 68, ¶21, 188 Vt. 367, 10 A.3d 469 (alteration omitted) (quoting <u>Baker</u>, 170 Vt. at 212, 744 A.2d at 878). We likewise reject a tiered approach to evaluating regulations implicating the right to bear arms under Article 16 and adopt a uniform standard for Article 16 cases that reflects the balance of interests at the heart of the right to bear arms.

b. The Contours of the Test Under Article 16

¶ 63. Under the reasonable-regulation balancing test we now adopt, the right to bear arms in self-defense may be "regulated but not prohibited." Rocky Mountain Gun Owners, 2020 CO 66, ¶ 60.²⁰ This means that the government may regulate firearms as long as any enactment is a reasonable exercise of police power and there is a reasonable fit between the purpose and means of regulation. See id. ¶ 55. Regulation of firearms is not reasonable if it renders Article 16 a nullity. See id. ¶ 56. In applying this test to restrictions on specific firearms, ammunition, or accessories, courts may consider, among other factors, "characteristics of the particular weapon restricted," the "typical use of the proscribed weapon," and the "number and nature of the weapons subjected to the ban [compared] with the number and nature of the weapons that remain available for the vindication of the right." Benjamin, 662 A.2d at 1234.²¹

¶ 64. The reasonable-regulation test requires the statute to be a reasonable exercise of the police power. The police power in this context "signifies the governmental power of conserving and safeguarding the public safety, health, and welfare." State v. Quattropani, 99 Vt. 360, 363, 133 A. 352, 353 (1926). It derives from the "inherent" power of government to balance the possession and enjoyment of individual rights with "such reasonable regulations and restraints as

We reject defendant's assertion that any statutory regulation of the Article 16 right must at the outset be presumed to be invalid or unreasonable. Even those states that hold the right to bear arms is a "fundamental right," and therefore any statutory regulation must pass a higher level of "intermediate scrutiny," recognize that such laws "are not 'presumptively invalid." See <u>supra</u>, note 18; see also, e.g., <u>Badgley</u>, 2010 VT 68, ¶¶ 20, 38 (explaining that in considering a statutory "challenge under the Vermont Constitution [w]e start by emphasizing that statutes are presumed to be constitutional . . . presumed to be reasonable . . . the proponent of a constitutional challenge has a very weighty burden to overcome," and "we must accord deference to the policy choices made by the Legislature").

²¹ We do not address in this decision the factors to be considered in determining whether other kinds of provisions potentially impacting the right to bear arms—such as limitations on where individuals can possess firearms, regulations concerning the sale or transfer of firearms, requirements relating to securing or carrying firearms, or limitations concerning who may possess firearms—might constitute unreasonable exercises of the police power or effectively nullify the right to bear arms in defense of home, person, or property.

are essential to the preservation of the health, safety and welfare of the community." <u>Curley-Egan</u>, 2006 VT 95, ¶¶ 9-10 (quotations omitted). "Reasonableness in the exercise of the State's police power requires that the purpose of the enactment be in the interest of the public welfare and that the methods utilized bear a rational relationship to the intended goals." <u>Hilly</u>, 582 A.2d at 1215 (quotation omitted). In assessing reasonableness, therefore, courts should consider the importance of the state's goals, the reasonableness of the connection between the goals and the means chosen, and the degree to which the regulation burdens the exercise of the right to bear arms for self-defense. See <u>Sowma v. Parker</u>, 112 Vt. 241, 249-50, 22 A.2d 513, 517 (1941) ("The test used to determine the constitutionality of the means employed by the Legislature is to inquire whether the restrictions it (police power) imposes on rights secured to individuals by the Bill of Rights are unreasonable and not whether it imposes any restrictions on such rights." (quotation omitted)).

¶ 65. The test will not tolerate a statute that effectively abrogates Article 16. See Rocky Mountain Gun Owners, 2020 CO 66, ¶ 56 (emphasizing that statute may not "have either a purpose or effect of rendering the right to bear arms in self-defense a nullity"); see also Benjamin, 662 A.2d at 1234 ("The police power cannot . . . be invoked in such a manner that it amounts to the destruction of the right to bear arms." (quotation omitted)).

¶ 66. This test is not the same as rational-basis review under the U.S. Constitution. Article 16 "stands as an independent, substantive limitation on otherwise rational government action." Rocky Mountain Gun Owners, 2020 CO 66, ¶ 61. The reasonable-regulation test "requires an actual, not just conceivable, legitimate purpose related to health, safety, and welfare."

In fact, in the equal protection context, at least in the context of classifications subject to "rational basis" review under the Equal Protection Clause of the United States Constitution, we have held that the Vermont Constitution may require more rigorous review than the United States Constitution. See <u>Baker</u>, 170 Vt. at 203, 744 A.2d at 871 (describing analysis under Common Benefits Clause as "broadly deferential to the legislative prerogative to define and advance governmental <u>ends</u>, while vigorously ensuring that the <u>means</u> chosen bear a just and reasonable relation to the governmental objective").

<u>Id.</u> It "focuses on the balance of the interests at stake, rather than merely on whether any conceivable rationale exists under which the legislature may have concluded the law could promote the public welfare." <u>Bleiler</u>, 927 A.2d at 1223 (quotation omitted). Although our inquiry looks to an actual balance of interests, rather than merely a conceivable one, it does not override our general deference to the Legislature on matters within its authority. The question for courts is not whether we would strike the same balance as the Legislature, but is whether the Legislature's choices are anchored to a real, as opposed to hypothetical, foundation. And even regulations that would otherwise satisfy that standard may still be unconstitutional if ultimately they render the right at stake a nullity.

II. Application to 13 V.S.A. § 4021

¶ 67. Applying the reasonable-regulation test to the large-capacity magazine ban, 13 V.S.A. § 4021, we conclude that the statute does not violate the right to bear arms under Article 16. For the purpose of this analysis, we assume without deciding that at least some of the firearms to which such magazines may attach, and at least some of the magazines themselves, are within the general scope of Article 16's protections, subject to reasonable regulation. Cf. N.Y. State Rifle & Pistol Ass'n, 804 F.3d at 257 (assuming without deciding that law banned weapons protected by the Second Amendment where statutes would nonetheless pass constitutional muster). Accordingly, we first consider the purpose of the statute—to reduce the potential harm of mass shootings—and the connection between the regulation imposed and that goal. We next consider the burden on the right to bear arms. We conclude that § 4021 is a reasonable exercise of the State's police power in service of the statute's purpose, and poses a minimal burden on the right to bear arms.

A. Purpose and Connection

¶ 68. Section 4021 states, "A person shall not manufacture, possess, transfer, offer for sale, purchase, or receive or import into this State a large capacity ammunition feeding device."

13 V.S.A. § 4021(a). A large-capacity ammunition feeding device is defined, with some exceptions, as "a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept: (A) more than 10 rounds of ammunition for a long gun; or (B) more than 15 rounds of ammunition for a hand gun." Id. § 4021(e)(1). The statute provides for imprisonment of up to one year and a fine of up to \$500 for those who violate the statute. Id. § 4021(b). It does not apply to possession of large-capacity magazines purchased prior to April 11, 2018, id. § 4021(c)(1), or to large-capacity magazines transferred to or possessed by governmental agencies or law enforcement, id. § 4021(d)(1), in addition to several other exceptions.

¶ 69. The Legislature enacted § 4021 in April 2018, in the wake of a threatened mass shooting in Fair Haven, Vermont. See 2017, No. 94 (Adj. Sess.), §§ 8, 11. On February 14, 2018—the same day a mass shooter killed seventeen people in a high school in Parkland, Florida²³—the Fair Haven Police Department received a report about a possible threat to Fair Haven Union High School. See <u>State v. Sawyer</u>, 2018 VT 43, ¶ 5, 207 Vt. 636, 187 A.3d 377 (mem.) (reviewing hold-without-bail order), https://www.vermontjudiciary.org/sites/default/files/documents/eo18-105.bail_.pdf [https://perma.cc/88RA-ZNLU]. The suspect, an eighteen-year-old who had attended the school, reportedly told police that he had planned to commit a mass shooting at the school, that "he wanted to exceed the body count from the Virginia Tech shooting and that he had chosen his ammunition accordingly." Id. ¶ 7. In response to this scare, after

²³ E. Chuck, A. Johnson & C. Siemaszko, <u>17 Killed in Mass Shooting at High School in Parkland</u>, Florida, NBC News (updated Feb. 15, 2018, 10:20 AM), https://www.nbcnews.com/news/us-news/police-respond-shooting-parkland-florida-high-school-n848101 [https://perma.cc/576C-NVEC].

²⁴ See N. Higgins DeSmet, <u>Fair Haven Shooting Threat:</u> 'By the Grace of God' Vermont <u>Avoided Disaster</u>, Burlington Free Press (updated Feb. 23, 2018 3:51 PM), https://www.burlingtonfreepress.com/story/news/2018/02/16/teen-arrested-fair-haven-school-shooting-threat/344409002/ [https://perma.cc/XJ6F-5U2D].

extensive debate and testimony, the Legislature passed, and the Governor signed, several guncontrol measures as part of Act 94, including the statute at issue here. See 2017, No. 94 (Adj. Sess.).

¶ 70. Act 94 followed an unusual course through the Legislature. As introduced in 2017, prior to the Fair Haven mass-shooting scare, the bill proposed only "to expand Vermont's territorial jurisdiction over prohibited regulated drug sales." S.55, 2017-2018 Gen. Assem., Adj. Sess. (Vt. 2018) [hereinafter S.55] (bill as introduced), https://legislature.vermont.gov/Documents/ 2018/Docs/BILLS/S-0055/S-0055% 20As% 20Introduced.pdf [https://perma.cc/2L2M-4V9D]. In February and March of 2018, the Senate expanded the bill and retitled it: "An act relating to the disposition of unlawful and abandoned firearms." S.55 (as passed by Senate), https:// legislature.vermont.gov/Documents/2018/Docs/BILLS/S-0055/S-0055% 20As% 20passed% 20by %20the%20Senate%20Official.pdf [https://perma.cc/RX7P-GZFK]. At that stage, the bill included measures addressing the disposition of unlawful firearms, establishing regulations on the transfer of firearms, and prohibiting the sale of firearms to persons under twenty-one years of age. Id. In the aftermath of the Fair Haven scare, and after extensive testimony in the House Judiciary Committee, the House proposed amendments to add a number of additional restrictions related to firearms, including a prohibition of large-capacity magazines. See S.55 (as proposed by House), https://legislature.vermont.gov/Documents/2018/WorkGroups/Senate%20Judiciary/Bills/S.55/ S.55~Erik%20Fitzpatrick~House%20Proposal%20of%20Amendment~3-30-2018.pdf [https:// perma.cc/XD9B-GQ2N]. After further hearings in the Senate Judiciary Committee, the Senate concurred in the House amendments. S. Jour. 650, 2017-2018 Gen. Assem., Adj. Sess. (Vt. Mar. 30, 2018). With the Governor's signature, the large-capacity magazine ban codified in § 4021 was enacted into law, effective immediately. See S. Jour. 699, 2017-2018 Gen. Assem., Adj. Sess. (Vt. Apr. 12, 2018).

¶71. Although Act 94 did not contain legislative findings or a statement of purpose, we understand from reviewing the legislative record that the purpose of § 4021 is to reduce the number of people who would be killed or injured in a mass shooting in Vermont. There is no question that reducing the potential for injury and death in the event of a mass shooting is a proper Legislative purpose within the police power. The Legislature's aim was to prevent catastrophic harm to the people of Vermont—one of its core functions as our lawmaking body. See <u>United States v. Morrison</u>, 529 U.S. 598, 618 (2000) ("[W]e can think of no better example of the police power . . . than the suppression of violent crime and vindication of its victims."); <u>Kolbe</u>, 849 F.3d at 150 (Wilkinson, J., concurring) ("Providing for the safety of citizens within their borders has long been state government's most basic task.").

¶ 72. And we conclude that the Legislature acted within its constitutional authority in determining that the limitation on large-capacity magazines furthers this goal. There is ample support in the public arena for the proposition that the use of large-capacity magazines is correlated with higher numbers of deaths and injuries in mass shootings. In a report detailing shooting incidents where large-capacity magazines were used, the Violence Policy Center²⁵ stated, "Large capacity ammunition magazines are the common thread running through most mass shootings in the United States." Violence Policy Center, <u>Large Capacity Ammunition Magazines</u>, 1 (Feb. 13, 2020), https://perma.cc/6PTM-PXR81.26

²⁵ The Violence Policy Center is a national 501(c)(3) that conducts research and education on firearms violence. Violence Policy Center, https://vpc.org/ [https://perma.cc/LX2B-XR5J] (last visited Jan. 11, 2021).

It is clear that not all mass shootings involve high-capacity magazines, and it is unknown in some cases precisely what type of magazines were used. For instance, an initial Public Safety Commission report of the Parkland shooting reported that "[e]ight 30- and 40-round capacity magazines were recovered from the scene," Marjory Stoneman Douglas High School Public Safety Commission, Initial Report 262 (Jan. 2, 2019), http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf [https://perma.cc/L6PN-7UCV], but at least one court has credited evidence that the shooter used only ten-round magazines, see <u>Duncan v. Becerra</u>, 366 F. Supp. 3d

There is extensive evidence that "the use of LCMs in mass shootings increases the number of victims shot and the fatality rate of struck victims." Rocky Mountain Gun Owners, 2020 CO 66, ¶ 64. "The more rounds a shooter can fire consecutively, the more gunshot wounds they can inflict during an attack." Giffords Law Center, Large Capacity Magazines, https://lawcenter.giffords.org/ gun-laws/policy-areas/hardware-ammunition/large-capacity-magazines/ [https://perma.cc/6CJH-KJSE]. One study by an advocacy organization found that of the sixty-eight mass shootings between 2009 and 2018 where magazine size was known, those that involved the use of largecapacity magazines led to five times the number of people shot per mass shooting compared to mass shootings that did not involve the use of large-capacity magazines. Everytown for Gun Safety, Mass Shootings in America (Nov. 21, 2019), https://maps.everytownresearch.org/ massshootingsreports/mass-shootings-in-america-2009-2019/#foot note anchor 15 [https://perma.cc/FAZ5-ZD98]. Specifically, large-capacity magazines led to over twice the number of deaths and over fourteen times the number of injuries. See id. (comparing average of 10 deaths and 17.2 people injured in mass shootings involving high-capacity magazines, and average of 4.6 deaths and 1.2 people injured in mass shootings involving smaller magazines).

¶73. The research on this subject is not limited to advocacy organizations publishing nonpeer-reviewed analyses. A scholar at George Mason University reviewed data from multiple sources concerning impact of large-capacity magazine firearms in mass shootings and found that high-capacity semiautomatic weapons are used in between 20% and 58% of all firearm mass murders, and in a particularly high share of public mass shootings. C. Koper, <u>Assessing the Potential to Reduce Deaths and Injuries from Mass Shootings Through Restrictions on Automatic Weapons and Other High-Capacity Semiautomatic Firearms</u>, 19 Criminology & Pub. Pol'y 147,

-

^{1131, 1161 (}S.D. Cal. 2019). We will not engage in fact finding as to the specifics of any given mass shooting; the available data supports a conclusion that large-capacity magazines are associated with many of the deadliest shootings in the United States.

147 (2020). Koper reported that average fatalities are 38% to 85% higher, and total victims killed or wounded are two to three times higher when LCMs are used. <u>Id</u>. at 152.

Substantial available data supports the conclusion that bans on large-capacity magazines may be effective in reducing the fatalities and injuries in the event of a mass shooting. Large-capacity magazine bans "reduce[] the number of shots that can be fired from one gun, making numerous injuries less likely." Ass'n of N.J. Rifle & Pistol Clubs, Inc. v. Attorney General N.J., 910 F.3d 106, 119 (3d Cir. 2018). Some studies have suggested that the 1994-2004 federal ban on assault weapons and high-capacity magazines reduced the number of mass-shooting deaths. See J. Lowy, Comments on Assault Weapons, The Right to Arms, and the Right to Live, 43 Harv. J.L. & Pub. Pol'y 375, 382-83 (2020) (citing studies). In the Koper study described above, Koper reviewed comparisons of mass shootings with and without LCM firearms and concluded that LCM restrictions could potentially reduce total fatalities by 11% to 15%, and total injuries by 24% to 26% across all firearm mass-murder incidents. Koper, supra, at 153. Focusing particularly on public mass shootings, he cautiously projected that total deaths and injuries could potentially decline in these cases by somewhere between one-third and one-half. Id. at 153-54. Koper concluded that restrictions on assault weapons and LCMs "are not a complete solution for the problem of mass shootings or public mass shootings more specifically"; nevertheless, "they are modest policy measures that can likely help to reduce the incidence and severity of mass shootings over time." Id. at 163.

¶75. Similarly, a group of scholars at Johns Hopkins University analyzed data from the FBI and other publicly available databases to calculate state-level annual incidence of fatal mass shootings from 1984-2017. See D. Webster et al., Evidence Concerning the Regulation of Firearms Design, Sale, and Carrying on of Fatal Mass Shootings in the United States, 19 Criminology & Pub. Pol'y 171 (2020). After performing a statistical analysis of the association between fatal mass shootings and these gun laws, they concluded that bans of large-capacity

magazines were one of two policies associated with reductions in the incidence of fatal mass shootings. <u>Id.</u> at 187; see also L. Klarevas et al., <u>The Effect of Large-Capacity Magazine Bans on High-Fatality Mass Shootings</u>, <u>1990-2017</u>, 109 Am. J. Pub. Health 1754, 1758-60 (2019) (analyzing 69 high-fatality mass shootings from 1990 to 2017, finding that incidence of high-fatality mass shootings was more than double and annual number of deaths more than three times higher when comparing non-LCM ban states to LCM ban states, with similar results in multivariate analyses, and ultimately concluding that LCM bans appear to reduce both incidence of, and number of people killed in, high-fatality mass shootings).

Reports from actual mass shooting events suggest that a ban on large-capacity magazines could create opportunities for victims to flee or intervene in the event of a mass shooting. See Ass'n of N.J. Rifle & Pistol Clubs, Inc., 910 F.3d at 119 (stating that ban "will present opportunities for victims to flee and bystanders to intervene"); Rocky Mountain Gun Owners, 2020 CO 66, ¶ 64 ("[T]he pause created by the need to reload or replace a magazine creates an opportunity for potential victims to take life-saving measures."). For instance, at least one court has noted that at the 2012 Sandy Hook Elementary School shooting in Newtown, Connecticut, "[n]ine terrified children ran from one of the classrooms when the gunman paused to reload, while two youngsters successfully hid in a restroom." Kolbe, 849 F.3d at 120; see also People Threw Barstools Through Window to Escape Thousand Oaks, California, Bar During Shooting, USA Today (Nov. 8, 2018), https://www.usatoday.com/story/news/nation-now/ 2018/11/08/thousand-oaks-bar-shooting-people-broke-windows-stools-escape/1928031002/ [https://perma.cc/2VKH-ZHAU] (reporting that as gunman reloaded, bystanders threw barstools through window and "shuffle[d] as many people out as possible"). And bystanders have stopped mass shootings by intervening when the shooter pauses to reload. See Ass'n of N.J. Rifle & Pistol Clubs, 910 F.3d at 113; see also M. Stevens, Man Who Wrested Rifle from Waffle House Gunman Raises \$227,000 for Victims, N.Y. Times (May 7, 2018), https://www.nytimes.com/2018/05/07/ us/waffle-house-hero-victims.html [https://perma.cc/3BW2-E6JK]. "[L]imiting a shooter to a tenround magazine could mean the difference between life and death for many people." Kolbe, 849 F.3d at 128 (quotation omitted).

¶ 77. Other courts have recognized the potential public-safety impacts of large-capacity magazine bans. See, e.g., Worman v. Healey, 922 F.3d 26, 40 (1st Cir. 2019) ("[T]he Massachusetts legislature's conclusion that the Commonwealth's legitimate interests are best served by proscribing semiautomatic assault weapons and LCMs rests on substantial (although not incontrovertible) evidence regarding the inordinate dangers associated with the proscribed weapons"); N.Y. State Rifle & Pistol Ass'n, 804 F.3d at 263-64 ("[L]arge capacity magazines result in more shots fired, persons wounded, and wounds per victim than do other gun attacks." (quotation omitted)); Friedman v. City of Highland Park, 784 F.3d 406, 411 (7th Cir. 2015) ("A ban on assault weapons and large-capacity magazines might not prevent shootings in Highland Park (where they are already rare), but it may reduce the carnage if a mass shooting occurs."); Heller II, 670 F.3d at 1264 (stating that "evidence demonstrates that large-capacity magazines tend to pose a danger to innocent people and particularly to police officers" who may take advantage of shooter's pause to reload).

¶ 78. In addition to its potential impacts in the event of a mass shooting, § 4021 has the effect of creating a greater sense of security among the public. While this effect and purpose alone may not be sufficient to survive scrutiny under Article 16, it nevertheless is meaningful to the wellbeing of people of Vermont, particularly children. Mass shootings are "highly salient" events and cause significant stress for both adults and teenagers.²⁷ Friedman, 784 F.3d at 412. The

The American Psychological Association reported that 75% of those between the ages of 15 and 21 and 62% of adults overall felt stressed by mass shooting events. Am. Psychological Ass'n, Stress in America: Generation Z (Oct. 2018) https://www.apa.org/news/press/releases/stress/2018/stress-gen-z.pdf [https://perma.cc/S76N-7699]. Similarly, according to the Pew Research Center, 57% teens in the United States reported

legislative record includes a number of communications from Vermonters describing the impact of the potential for mass shootings on children and teenagers in Vermont. As the Seventh Circuit recognized, "If a ban on . . . large-capacity magazines reduces the perceived risk from a mass shooting, and makes the public feel safer as a result, that's a substantial benefit." <u>Id</u>.

¶ 79. We do not recount the above evidence because this Court necessarily concurs with the assessment that the limit on large-capacity magazines will in fact substantially reduce the risks and harms of mass shootings, or to signify that we credit the above accounts, studies, and arguments, and discount the thoughtful analyses and arguments of those opposed to the legislation. Rather, we recite the above to demonstrate that it is reasonable to conclude that the limit on large-capacity magazines will have an appreciable impact in reducing the injuries and fatalities in the event of mass-shooting events. In the face of this support and in the absence of a showing that § 4021 imposes a disproportionate burden on the Article 16 right, which we discuss next in Part B, the Legislature's policy determination that the LCM limit at issue is a reasonable regulation is within its constitutional authority, and we will not set it aside.

¶ 80. When it enacted § 4021, the Legislature did not formally make any legislative findings. Legislative findings can be helpful, but are not required. We can and do evaluate the constitutionality of legislation under the Vermont Constitution in the absence of an express statutory statement of the legislative basis or intent. See, e.g., <u>Baker</u>, 170 Vt. at 198-201, 216-18, 221-23, 744 A.2d at 881-82, 883-85 (purpose of Vermont "marriage laws" determined from text itself, historical context, and "common understanding" reflected by statutes read as a whole, and

that they were "very worried" or "somewhat worried" about the possibility of a shooting at their school, and the same was true for 63% of parents. N. Graf, <u>A Majority of U.S. Teens Fear a Shooting Could Happen at Their School, and Most Parents Share Their Concern, Pew Research Center (Apr. 18, 2018), https://www.pewresearch.org/fact-tank/2018/04/18/a-majority-of-u-steens-fear-a-shooting-could-happen-at-their-school-and-most-parents-share-their-concern/ [https://perma.cc/477R-L7T2]. Concern was greater among Black and Hispanic teens and parents as well as lower-income parents. Id.</u>

not from express statements of the Legislature at time of enactment); see also <u>Badgley</u>, 2010 VT 68, ¶¶ 23, 40 (holding "governmental purpose" of statute imposing mandatory retirement of State public-safety employees at age 55 was "proffered" by State and identified during litigation, and not derived from any express legislative statement because there was "no evidence of the legislative record"). And we cannot glean from the record what factors the Legislature relied on because ultimately the legislators act collectively through a binary vote ("yea" or "nay"); individual legislators may have assessed the information before them differently. That is a defining feature of representative democracy: we trust our elected representatives to reflect the "common understanding" of the community, and to use their best judgment to make decisions on our behalf, without requiring them to describe the specific weighing of factors that underlay their votes.

¶81. For these reasons, we reject any suggestion that the facts and information available to or relied upon by the Legislature, or by us in reviewing the statute's constitutionality, must be "evidence," of a sort that would be admissible in a court proceeding under the Vermont Rules of Evidence, that necessarily proves what it purports to establish. Although we will not uphold a law restricting the right to bear arms on the basis of hypothetical rationales for which there is no basis, or which are overwhelmingly refuted by contrary evidence, ²⁸ Vermont courts will not second-guess the Legislature's weighing of the facts and information supporting its enactments when its legislation is supported by adequate evidence in light of the constitutional rights potentially implicated by its legislation.

Again, we use the term "evidence" here in its broadest sense to denote information, facts, and data actually presented to the Legislature or in the public sphere, as well as testimony (whether or not under oath) and statements to the Legislature (or individual legislators or legislative committees). Our review is not limited to the data available at the time the statute was enacted.

B. Burden on Right to Bear Arms

- ¶82. The available evidence supports the Legislature's conclusion that a large-capacity magazine ban does not significantly impair the right to bear arms for self-defense. Section 4021 does not prevent Vermonters from buying or using the gun of their choice—it restricts only the capacity to shoot more than ten or fifteen rounds at a time, and thus places minimal restriction on their ability to bear arms in self-defense. Additionally, in contrast to their ubiquity among mass shootings, large-capacity magazines appear to be rarely used for self-defense purposes. Therefore, the large-capacity magazine ban does not render Article 16 a nullity. Our conclusion on this point is in line with the recent decision by the Colorado Supreme Court and almost all federal circuits to have considered a large-capacity magazine ban.
- ¶83. Section 4021 restricts only magazine capacity. It does not purport to restrict the use of firearms that accept large-capacity magazines. The Legislature has chosen not to restrict individuals' choice of firearms for self-defense or other purposes, but instead has sought to curb the potential of those weapons to inflict large-scale harm. It has done this by "set[ting] a limit on the number of rounds that can be fired before a shooter needs to reload." Rocky Mountain Gun Owners, 2020 CO 66, ¶64; see also Worman, 922 F.3d at 37 (noting that large-capacity magazine ban proscribed only "magazines of a particular capacity"). A prohibition of this sort "does not effectively disarm individuals or substantially affect their ability to defend themselves." Ass'n of N.J. Rifle & Pistol Clubs, Inc., 910 F.3d at 118. It limits access to "one tool—magazines that hold over ten rounds." Id. at 122.
- ¶ 84. And it appears from the available data that the tool—the large-capacity magazine—is almost never used for self-defense. The average number of shots fired in self-defense between 1997 and 2001, and 2011 to 2013, has been estimated to be 2.2 or fewer. Kolbe, 849 F.3d at 127 (relying on "[s]tudies of 'armed citizen' stories collected by the National Rifle Association"); see also Worman, 922 F.3d at 37 (noting lack of evidence of any self-defense episode where ten or

more shots were fired); N.Y. State Rifle & Pistol Ass'n, 804 F.3d at 260 (noting that large-capacity magazine ban does not "substantially affect [individuals'] ability to defend themselves" (quotation omitted)). Amicus curiae Cato Institute points to two incidents in which women in Georgia and Michigan successfully used firearms to fend off home invaders, but the news reports Cato relies on reflect that the women shot six and four times, respectively, undermining any suggestion that in these instances the women's self-defense relied on the capacity to shoot more than fifteen rounds from their respective handguns. See H. Fournier, Woman Fires at Home Burglars: "I Let Loose on Them," Detroit News (June 9, 2015), https://www.detroitnews.com/story/news/local/detroitcity/2015/06/09/woman-hospital-gunfight-home-invaders/28727561/ [https://perma.cc/SZF9-QEMY]; R. Phillips, Gun Rights Groups Say Georgia Home Invasion Proves Their Point, CNN 2013), https://www.cnn.com/2013/01/10/us/home-invasion-gun-rights/index.html (Jan. [https://perma.cc/9F5R-PZTX]. While a large-capacity magazine could conceivably be used for self-defense purposes, and no doubt has on some occasion somewhere, neither defendant, nor Cato nor any other amicus, has provided an example of such an occurrence despite analysis of defensive shootings over more than two decades.²⁹ To the extent the ban on large-capacity magazines infringes on the right to bear arms at all, the burden is not disproportionate, and the restriction does not render Article 16 a nullity.

¶ 85. This conclusion is consistent with the Colorado Supreme Court's recent decision in Rocky Mountain Gun Owners, 2020 CO 66. That case concerned a ban on magazines of fifteen rounds or more. Id. ¶ 6. Evaluating the constitutionality of the ban under the Colorado

Again, we do not decide here whether the estimate of "2.2 shots" for self-defense is in fact correct, but simply acknowledge that it is a significant, relevant, and widely accepted data point that supports the Legislature's conclusion that the LCM prohibition does not unreasonably nullify Vermonters' right to self-defense. Even if that specific statistic is genuinely contested, it is still true that no one has come forward with even anecdotal examples of any LCM being necessary for individual self-defense.

Constitution, the court concluded that "the evidence overwhelmingly demonstrated the reasonableness" of the ban on large-capacity magazines, and it rejected plaintiffs' argument that the ban applied to the "overwhelming majority of magazines" and therefore rendered the right to bear arms a nullity. ³⁰ <u>Id</u>. ¶¶ 64-65.

¶ 86. All but one federal circuit court to have considered a large-capacity magazine ban have also upheld such bans, often alongside bans on assault rifles. The Fourth Circuit determined that large-capacity magazines are not protected by the Second Amendment, and therefore upheld the regulation at the first step of the federal two-step test. Kolbe, 849 F.3d at 133. The First, Second, Third, and D.C. Circuits all assumed without deciding that large-capacity magazines were protected by the Second Amendment, concluded that intermediate scrutiny applied to the restrictions, and upheld the statutes applying that standard. See Worman, 922 F.3d at 36, 39; Ass'n of N.J. Rifle & Pistol Clubs, 910 F.3d at 117, 122; N.Y. State Rifle & Pistol Ass'n, 804 F.3d at 257, 264; Heller II, 670 F.3d at 1261. The Seventh Circuit applied a slightly different test to reach the same conclusion. Friedman, 784 F.3d at 410-12; see also Wilson v. Cook County, 937 F.3d 1028, 1034 (7th Cir. 2019) (declining to revisit Friedman and summarizing its holding that "because the Highland Park Ordinance did not strike at the heart of the Second Amendment, and because the residents of Highland Park were not left without a means of self-defense, the Constitution did not foreclose Cook County's efforts to preserve public safety").

¶ 87. The Ninth Circuit is the only federal circuit to strike down a large-capacity magazine ban under the Second Amendment. <u>Duncan v. Becerra</u>, 970 F.3d 1133, 1140 (9th Cir. 2020). <u>Duncan</u> involved a challenge to California's large-capacity magazine ban, which applied to magazines of ten rounds or more. <u>Id</u>. The court noted that magazines of more than ten rounds are common and come standard with many firearms, making them similar to the handguns at issue

The plaintiffs' latter argument rested on their interpretation of the specific Colorado statute at issue. Id. \P 65.

in <u>Heller</u>, 554 U.S. at 629; that the law was broad in that it "operates as a blanket ban on all types of LCMs everywhere in California for almost everyone"; and that the law no longer contained a grandfather clause. <u>Id</u>. at 1142, 1167. For those reasons, the court determined that the statute placed a substantial burden on the core of the Second Amendment right, and it evaluated the statute under a strict-scrutiny standard. <u>Id</u>. at 1164-65. The court concluded that although the governmental interest in reducing the harm of gun violence was compelling, the law was not narrowly tailored to achieve that interest. <u>Id</u>. It added that in its view, the statute would fail even intermediate scrutiny. <u>Id</u>. at 1167-68.

- ¶ 88. Defendant and amici urge us to adopt similar reasoning here. They argue that there has been "common possession of repeat arms" in this state since the Constitution was enacted, that magazines of more than ten or fifteen rounds are as common now as the handguns at issue in Heller, and therefore that banning them for self-defense purposes is categorically unconstitutional. We decline to adopt this reasoning for two reasons. First, we are not bound by the Supreme Court's decision in Heller in interpreting the Vermont Constitution. See Badger, 141 Vt. at 448-49, 450 A.2d at 347; supra, ¶ 13-14 & n.8. Second, and more importantly, our test does not turn on the popularity of a weapon. Assuming that large-capacity magazines are, as one amicus curiae argues, "common to the point of ubiquity," the number of magazines in circulation is not itself a reason to strike down this law. The proper test is whether the restriction is a reasonable exercise of police power. As long as the statute leaves available to Vermonters reasonable means to exercise the right to bear arms in self-defense, we will not question the Legislature's reasonable policy judgments based on the prevalence of a weapon alone.
- ¶ 89. For all of these reasons, we find no constitutional infirmity in § 4021 on the grounds defendant advances, and affirm the trial court's denial of defendant's motion to dismiss.

Affirmed.

Beth Robinson, Associate Justice Karen R. Carroll, Associate Justice John P. Wesley, Superior Judge (Ret.), Specially Assigned Dennis R. Pearson, Superior Judge (Ret.), Specially Assigned

BURLINGTON, FRIDAY, AUG. 9, 1878 PUBLISHED BY The Free Press Association.

u. u. BENEDICT, Editor. Te.ms--\$2.00 a year, stways in advance

TRAINS ARRIVE AT BURLINGTEN tre North, 8,38 a. m., and 1,30, 7,55 and 10

TRAINS LEAVE BURLINGTON.

Sping North and West, 4.25 and 7.30 a.m., and 12.20, 2.55, 4.1 and 7.50 p. m. Going East, by Central Vt. R. R., 7.30 a.m., and 12.20, 7.00 and 9.05 p. m. Gloss South, 5.33, and 11.30 a.m. and 1.30, 3.15 and 7.55 p. m. Going East, by Barlington & Lameille B. R., 7.40 and 9.00 a.m., and 4.41 p.m.

ir to now the open season for woodcock. PLATTSHTROH is to have a military com-

the recent rains.

Tax recent rains have raised Lake Cham-

ton is shown by the fact that one thousand

mittee consists of Masers George J. Stan-nard, of this city, H. A. Phelps, of Milton, and C. W. Reynolds, of Underhill.

Tuess was a decrease of \$500,000 in the national bank circulation of the country. inst week, which doesn't look much as though bank stockholders were making their Littanes out of the privileges con-ferred upon them by the G vernment.

RAILBOAD SECURITIES -Rutland railroad tock, preferred, is selling in Boston at 74 first 80, 1988, 75; 84, 1880, 57; 74, 59 Connecticut and Passumpsic 7s, 1881, 1001 Ogdonsburg and Lake Champlain common stack, 30; preferred, 82 (a decline of 20

A Norantz celebration will be that of the Bennington Odd Fellows and Grand Army boys, August 16. A street parade, speechmaking and a 1,500-plate clam dinner, are the principal features. The Old Fellows and members of the Grand Army throughout the State are invited to attend.

THE ADDISON COUNTY BOLT .- The temper ance people of Addison county held their mans convention, at the Camp Ground, at New Haven, on Wednesday, July 31st ult, and placed in nomination as a candidate State's Attorney, for the county, Joel H. Lucia, of Vergennes.

The Saranae horse-nail works at Vergennes, are to remove in October to Plattsburgh, N. Y., where a large share of the company's stock is hold, and their buildings will probably be occupied by Mr. J. D. Kingsland's new horse-nail company. liscently patented machines for the manufacture of these nails are now being con-

STREET BY LIGHTSING - During Thursday ight's storm the barn of Elisha Howard, of Milton, was strock by lightning and totally consumed with all its contents, including hurse, cow, a quantity of hay, farming implement - etc. The house of C. L. Welcott, in the same village, was also struck (within

and instantly killed by the cars, Thursday toreneon. She was at play on the track thremson. She was at play on the track
near her home, which is very near a curve
in the road, and it being "down grade" it
not conduct and and it being "down grade" it the train till the whole of it had passed over the body, mangling it terribly.

BUT INCREMENT TO LICEURE IN BURLING row - Col. Robert G. Ingersoll sailed from New York with his wife and two daughters He will return at the end of September and begin his lecture tour at once. Mr. James Redpath has engaged him for one hundred nights, at \$25,000 and expenses. Col. la-gerealt will deliver only literary lectures under this contract, and he goes to Scotland for the sole purpose of collecting ma terials for a lecture on Robert Burns, the post. This lecture will be delivered in Barlington, Saturday, September 28,

other day, the herse "Rarus" took a spe cial purso of \$1,500 in three straight heats, time 2 145, 2 15 and 2 14. There was no other starter than "Rarus" and from the test of the horse having trotted alone this schievement is all the more remarkable. Gold-mith Maid's 2-14, heretafore regarded

and young Bodge, of Cambridge, were drowned. The suicides were three in number—Jo has M Dana, of Woodbury, Curties M Post, of Georgia (bath hanging), and Charles Hancrolt, of Plainfield (revolver). Mre Harrington Turner, of Newport, and Hiram White, of Bennington, were thrown from extrigue and killed. An eight year old son of George Bartell, of West Eatland, was shot dead by his ninewest facilitated, was short dead by his nine-wart-nid brother. A tree fell upon Lyman Each of the Comment of t

his residence in this city, on Saturday, August 31, at the age of 64 years. Mr. printer and worked at the case in the Fare lican Convention was held at Montpelier Print office forty years ago. He subset Saturday, and placed the following ticket quently entered the ministry of the Methodius Epocestal charch and for many years was a leading member of that denomination in the Scate. He was long identified with the temperance maxement, and was Secretary of the State Temperance Society, editor and publisher of the Fermani Witness, and otherwise took a leading part in the work. He was a man of strong and sincere remaining the first propositions, and of aprinch title. His enterer mently entered the ministry of the Metho- in nomination: convertions, and of apright life. His career | Frank Plumley, reported a brief set, affirm was a long and active and honorable one, and ing the principles set forth by the State the cause of religion, of morality, and of tem- Convention, and they were adopted. Com-Atwater - health began to many given ince given early years along a weak and a year since physical procure pretty much gave him up; the line read beyond all expectation, and thin a low weeks was strong chough the discent the street. He had a wide argument and many friends. His surressing landy cannots of a widow a daughter, and a son Prof. W. O. Atwater, of Wisheyan University, Middletown, Ct.

The estate of the late E.

The estate of the late E. persons had as more a alons friend then be. ty committee-Hon. Clark King, Chair-

Most of the buildings which were burnt are to be immediately rebuilt.

Another Vermont Traged).

ATTEMPTED MURDER OF A WHOLE PARILY-SUICIDE OF THE MURDERER. A shocking tragedy occurred at West Ranloloh. Saturday, involving the murderous assault of a husband upon his wife and child and the suicide of the would-be murderer. The circumstances of the affair are

A small farmer, named Michael Winn, or Saturday morning, got up and partially dressed himself ; took his revolver and shot his sleeping child, a babe of ten menths, and then shot his wife. The report of the first shot awakened her, but before she From the East, by Contraive R. R. 5.25, 8.20 a.m. and 12.50 c.m. a could move or realize what was taking place effect in her left side just below the first floating rib fand forward one half-inch from the median line.

His eldest child, a boy of about eleven yeary, bearing the noise, hastily dressed and went down stairs, when his father tried to kill him, but he escaped and gave the alarm. The murderer then left the house and started for the hills, following the fence beside the river road for about forty rods. then crossing the river and making for the railroad, which he followed for some rods until near the railroad bridge, when he left it and hid in the bushes. Immediately upon the slarm being given, a couple of neighbors hastened with the boy to the | 1 house, but not finding the murderer, they out for medical aid and gave a general organics clubs in all the towns in the State prior to their convention at St. Albans on the 221 that his pursuers were case upon him he The remarkably high credit of Burling- shot himself, and was found dead. He was about 45 years old, and of Irish parentage. deliars of our ax per cent bands, due in | He has been called a praceable man, and 1886, changed hands in Boston, Saturday, was not of a quarrelsome disposition. His wife was about 28 years old, and they had been married about 12 years. They had our children, the hoy above referred to. and three girls younger. They never had a word of trouble, and the only remark that would lead one to think that he contemplated this herrible murder was made

> they were all out of their misery." He had been browling over some business troubles tor ome time, and cridently planned the Is better than any Medicine. murder of his whole family. He purchased the lat of land on which his house stands hat spring, and erected the house and barn The house stands on the outskirts, of the tillage, about half a mile from the depat. esides this land on which the house stands, he bought a lot containing about eighty seres in the edge of Braintree, which he designed to cultivate as a farm, but this proved very poor and his crops are an almost complete failure. Lately he had trad several times to sell, but without success. Some three weeks ago he was taken sick with a slow fever, and Dr. Stewart pro with a slow fever, and Dr. Stewart prescribed for him, but he refused to take
> medicine or to keep his bed. He appeared to be very nervous and kept moving
> around. For the past few days he had appeared much better The last two days he
> had been in the village and Friday he purchased the revolver with which he shot his
> wife and child.
>
> At last accounts his wife was still alive,
> but the ball has not been recovered and
> there is no hope of her recovery. The
> child will probably live.

Buttend Railroad-Annual Meeting. The annual meeting of the Rutland Raiload Company was held in the company's office, was largely attended by the stockbolders, and was characterized by general harmony and good feeling. The meeting was called to order by Gov. Page, president of the company, and the call was read by

RUTLAND RAILROAD COMPANY -- ANNUAL RE To The Stockholmer - The financial conditions the corporation as appears from the Transure Locks is as follows. PALABOR BUILT, JULY 1, 1878,

damage was done.

Honeither Accident.—A little girl of Michael McMahon's, of North Williston, two and a half years of age, was you \$8,464,077

The rent for the Butland and leaved rouds for the urrent year has been hald.
The receipts for the year ending June 30, 100, were

Un motion of Mr. Dewing, the Treasurer report was unanimously accepted and or-fered to be placed on file.

On motion of Gen. J. S. Whitney it was Or motion of tien, J. S. Whitely it ordered that all future annual reports of the company be printed and sent to each stockholder at least five days prior to the stockholder at least live days prior to the day of meeting.

By enanimous consent, action on the fest article of the call, needing, the election of directors, was temporarily suppended, and Gen. Whitney effered the following resolution.

Gul.

The meeting was dissolved.

At a subsequent meeting of the directors the organisation was was perfected by re-electing John B. Page president, and J. H. Whilams, clerk of the board. The treasurer, Joel M. Haven, and clerk, B. E. Smalley, of the corporation hold over without an election. WASHINGTON COUNTY REPUBLICAN CO.

VENTION. - The Washington County Repub-

The Barney Hotel has again changed and State nominations, and, Mr. Robbins, of St. Albans, having the 22nd. and State nominations, at St Albans, on

Richwood - Born, to Mr. and Mrs. W. D. Hall, the 31st inst, a pair of twin boys. It New potatoes ere selling for 75 cents per is reported that Mr. Hall has named one of them William Grout and the other Bradley

VEGETINE.

I will try Vegetine. He did.

AND WAS CURED. DELEWARE, O., Feb. 16, 1927, Mr. B. R. First Step.

Delineary, O., Feb. 16, 1977.

Thurry by ... I which is given out this feedingory, that have been made in the there shows, what Vecchine has deline for me. About two years ago a small screening map large, it saws because a large 1 leers, so traphlessime that I consulted the doctor, but I got no relief, growing worse from sky to day. Furthered terribly: I've tild not read day or night, I was so reduced my listed a brought I want to ever recover! Consulted a doctor at Continuous. I followed his advice, it if the season learning the same of the respective of the season learning to the season learning the Veretina. However, the season learning the Veretina, I could now show well highest. I continued having the Veretina, I cook intrices better. My health is good to be season well highest. I continued having the Veretina, I cook intrices better. My health is good to be season well highest. I continued having the Veretina. I leave the sunspice better. My health is good to be season well highest. I continued having the Veretina. I leave the sunspice better. My health is good to be season of the photometric to other with good success. I laive as known decrees the photometric better with good success. I saw how a season well am able to attend to be missing to me this photometric better with good success. I saw how a same of an abetter to the his histories may have a more a small commendation. Very preparation to other the photometric behavior, in the lain of the photometric behavior.

F. ANTUMENTAL

VEGETINE

Cured Her. Occupancy, Mass., June 11. be abler, I feel it my duty to say one word in grant to the year bound I have received from the read to the great washers of the word. It is come to the protein analyses of the word. It is come to the last ship typers that ever could be loveled. I do since very those my tool and your Experience. I do since very those my tool and your Experience for the soled flowest. I have not any tool and your Experience of the soled flowest. I have not have not the word of the sole is not been able to walk may be any to and shop, and do my week as my less sever I did, and I may say I saw at all be your blood partition. Walk 165 RW WELLS. feel it my duty to may one word it VELETINE the creat success of the Vent risk are a created and purfered the blood is shown be yound a degree by the great numbers who have been an are received immediate relief, with such three days ago when he said "he wished

VEGETINE

Hyperance 15 h. Nevers' Vegetine and the latter than any medicine I have never for purifying the blastic case to the of Vegetine accomplished more good than all other medicines. I have taken, THOS, IAVE, Heaterson, Ky. Victories is disapposed of Boots, Barks, and bests. It is very personnel to take, every child

VEGETINE Recommended by M. D.'s.

excellent satisfaction.
A. H. DE FIEST, M. D.,
thatleton, Ind VEGETINE

H. R. STEVENS, Boston, Mass Vegetine is sold by all Druggists, Aug 1.*46 wim.

SANFORD'S The only combination of the true Januaria Uniter with the control of the true Januaria Uniter with the control of the true Januaria and French Brandy for Cholera. Cholera Medeux, Crampe and Palin. Horthard and Activity to the Stomach and Bowels, and avolding the dangers of Cange of Water, Food and Chinate. Gineral July 35-34wis.

July 17" daw in

GLEAN'S SULPHUR SOAP Thoroughly Cares Porses of the Skin, Beautifies C. N. CASTIENTON, I EXTR AVENUE, N. Y. July 16 "MANUE"

Piano Benefilia Concert Strand Organ Property District Property Conference of the Co

(uticura

Look at This!!!

CESO II NOTE PAPER, 5 CES. PER QUIRI PERSON ENVIRONMENTS FOR SOME

CLD PRICE of CTS PER QUIKE, and to cts, per bunch by Parchages 200 Lot, but FINE to course, god will see said as above, by case and the lot. A parties of the Paper is gift edged-S. HUNTINGTON & CO.,

The Burlington High School. The Fall Term bearing September 2d.

Table First Apparatus; Apparament in this School is a specially adapted to the course of study parameter in the Course of study parameter in the University of Vernault. A limited number of four residency agents will be received.

For faither subvantion apply to C. J. ALGER, Sept. City Poulse menode. Sust. City Public Burlington, July 19, 1955. - d sataway

PIANOS.

A magnificent 7 1-4 octave Fische pright Piano just received. These in truments are not excelled for rich, powful tone and great durability.

(sell Bleinway, Weler and Becker Bro's Flame at the leavest persisting prices. Also, first-class ORGANS at TEN PER CENT ABOVE COST. Plane-funed, required and to rent. A. W. Powers,

BUBLINGTON, VERMONT. July 11 dAw11 New York & Lake Champlain

Transportation Co. D. J. N. S.FARE President - H. G. BURLEIGH for President - HORBET H. COOK, Secretary &

FIRE THE THE ENGINEERING OF Retures Phindelphia, New York, Lake Chemphia, Montreal, Ollawa, and intermediate places. THE INDUSTRIALION APPLY TO

Stars, Il Counties Sirp, New York, H. G. Whitehold, S. V. Beb, H. Coul, Whitehold, S. V. Beb, H. Coul, Whitehold, S. V. Beb, H. Coul, Whitehold, S. V. H. Coul, Whitehold, S. V. P. Coul, J. T. R. Kotteham, S. V. P. W. Myer, Romes Polish, G. V. T. W. Myer, Romes Polish, G. V. T. W. Myer, Romes Polish, G. V. Charles Jawico. JAS. J. BURNS, DENTIST

DENTAL NOTICE. A great reduction in the price of plate work from twee to Jan. 18t. 1879.

I will my ac sets of feeth at \$10 and upwards, and warrant all Work done.

J. B. WELLER, Dentist

Nov 12-dawl Corner Pine and College Ptr

Corner Church and College Streets,

CAPITAL REPRESENTED



Office, Peck's Block, College St.,

notice.

Due notice of expiration of Policies alway given.

Correspondence and orders by mail or tele
graph faithfully attended to.

Letter adjusted and paid at this office.

T. S. PECK,

General Insurance Agent.

ATTENTION !!! For a first-class Piano, buy a "Chickering" or "Steinway" of F. H. Wood, authorized Agent.
For a medium-priced Piano, buy s "Haines Bro.'s" of F. H. Wood.

For a poor, cheap Piano, purchase dsewhere. For a fine Parlor or Chapel Organ. buy a "Mason & Handin" or "Estey," of F. H. Wood, one of each now on hand. Also one good second-hand Pixno and Organ combined.

Piane Stools and Spreads for sale chesp brilers for tuning will receive prampt att F. H Wood's New Music Rooms,

ORNER COLLEGE AND PINE July 18, dantf VERMONT ACADEMY. Heaton's Barrel Churn.

THE next term will be sin WEDNERDAY, SEP-TREMBER FOUNTH, with a full corps of able and experienced teachers. The Ladies 'Dornton's plane will be ready to rune. Experience very more fungs with be ready to rune. Experience very more crate. Excellent table beard only \$1.50 per week. Catalogues now ready. Send for one to H. M. WILLAND, Principle, or W. N. WILBUS, Financial Agent. Aug.3-decdiredow it. Senten's River, VI.



THE UNIVERSAL PILE PILLS

Problem in Medical Science,

HOUGHTON 4 CO.'S VIENNA LAGER BEER

PIANO STOOLS BRIGGS ARE THE REST.

I offer more immey for the value saked than any
other maker. I do not compete with parties makmag a cheding 178-by stead, but produce a stood at a
LOW PED E which for QUALITY, STYLE and DURABILLITY cannot be equaled. Ask your dealer for
them, and if he has none send for Cotalegus and
Private. JOSHI A BRIGGS, Perensus N. II.

30 Mixed Cards, Snowflake, Damase, Ass, no two names, with names, 10 etc. J. Mixed at Co., Namesau, N. V. – Aug. 2 745.848 BARRE ACADEMY

Thursday, August 22, 1878. For beard, rooms or catalogue, upply to J. S. SPAULDING, Barre, Vt.



PIANO Bosutiful Cornet Grand ORGAN

Pinton, cost #1,600, unly \$175. Superior Grand Suprase Pranos, cost #1,100, unly \$2.5. Flogant Upright Unions, cost #8,100, unly \$2.5. New Style Upright Hannes, extremely \$1.5. Organo, Elsabope, \$2.50. Charles #510, Organo #510, Organo, Elsabope, \$2.50. Charles Organo, of a stope, cost #500, unly \$1.5. Elegant #15 Mirror Cop Organo #15 Side. PIESEMT \$170 (E. New Stein Carles) soon to be exceeded. Now-paper with marks information about cost of Pinnes and Organo *8 ENT Fift E. Pieze Address DAMER, E. BEATTY, Washington, N. J. Ang. 2 Adwise

DUBLISHED by Harper & Brothers. New York will be one of the handsome thocks ever put into the handsome thocks ever put into the hands of Carvascers. Agents withing to exceed the the work of the handsome thock will do will be speaked to exceed the the put of the pu

For terms, &c., please address
TACKABURY & ROBLES,
Managers of Agencies,
July 19-3wise Canastata, Madison Co., N.Y.

THE SCIENCE OF LIEE: SELF-PRESERVATION.

OPPOBITE REVERE HOLSO. and Physical Replify, or Vitality impaired by errorany points or too close application to burn may be restored and maximost regained.

"Variant Brook." We have received the va-shin medical works published by the Peak Medical Institute. These beach are in actual me-ant should find a place in every intelligent fam. They are not the chase order of abountable it published by tree-possible metrics and prefix to graffly carries tarkets, but are writing by a precisive professional gentlemen of emissions source of matriartin on within matters, concern where immetrices growing its The inject.

"The Book for young and models aged men to study for hear to the Science of Life or best Press."
The Book for young and models aged men to ste just how, to the Science of Life or best Press. The Science of Lefe to be good all comparisons the extraction desired for the study of the Science of Lefe to be good and comparisons the extraction desired for the science of the science of

Machachasetts Ploughaum, Jone 3, 1015,
This look contains more than 25 mignal pra-scriptions of are excellence, either need which is work more than the price of the back. An illustrated starlagues and on receipt of 66, for postage.

Address as above. The author may be apposited. press as above. The author may be moralled diseases requiring skill and experience.

Legal Notices. THERE JOHN W. LIVOCK'S ESTATE.

Is no question about it. Nicholson, the Hatter, Has more Hats and Caps than any house in Vermont. He buys them cheaper, consequently can sell them cheaper than others. He now offers Children's Block Hots for 30+ts.

Startle.

WE THE SUBSTRIBERS having been appointed by the Responsible the relationship the Probate Court for the Bottle of Chittender. Commissioners to review examine and dejach the claims and demands and arrives an experience which the claims and demands and are all claims and demands exhibited in other breach and are all claims and demands exhibited in other breach, seeing allowed by and four first that purpose, at the chief of Sun College, and court for that purpose, at the chief of Sun College, and allowed the chief Sun College, and admirate heat of the chief Sun College, and allowed the chief Sun College, and allowed the chief Sun College, and Allowed Sun College, and Sun College, an Fine For Soft Hots, widdig styles, \$1.25 - light colors, 1.50 - Stiff - nobby styles, 1.25 Mea's black Wood Hots - 50

Bankruptcy Notices.

ASSIGNATION SALE.

Gents' Furnishing Goods in great variety; Canes, Umbrellas, Travelling Bags, Shaw) Straps and Trunks, cheaper than elsewhere. Overalls and Working Pants very cheap. Full Suits of Clothing of fashionable cut and warranted durable, for \$1.00! All goods strictly for cash and the smallest possible profit.

No. 1 Central House Block.

May 17-wif

New Flour & Feed Store.

C. P. CERHEIR & CO. Lars bessed the will known stand following by C. P. Charlest & Co. Lars bessed the will be considered to August 16. All strongers was been stored to a consideration of the same premise will known stand following by and Latonitain as a Bry Goods Store and St. Prince Latellar, bear the same premise was solvened as General Beed Edors, with head of the constant prince of the cons

Children's Hats with Ostrick Feather.

YOUNG MEN'S

brown Steeling "

Men's fine Rue Bonouse Hols,

- Black Allepo - Franklin -

We are completing arrangements receiving orders for

a specialty.

of which we have all sizes on hand.

READ & MANSUR

he best Churn in use.

Jan. 12, 1877-wilm

Hinesburgh, Vt., Aug. 2, 1878.—wif

New Harness Shop.

First-Class Harness Shop, in

Manufacturers and Wholesale Deals

WHOLESALE HOUSE FOR

All mode mid by us warrant at pure, and a

HOWARD STREET, BOSTON.

Toes Protruding

hrough Racoun Hotes need no honer offend they, or children's Costly Shoes he thrown away of hat account, when athen thereine but little work. It will RICAN SHOE TIP COMPANY have save

MILLIONS OF DOLLARS

Copper and Silver Tips,

FINE SHOES.

All such will be happy to know that this comparate at last perfected a

BLACK TIP

These Tips are stamped A. S. T. Co

hee.
FARLETS buy no Children's those without the
farant or this nice Brack for, and thus reduce
our shoe bells more than one ball.

RELIABLE AND ENERGETIC CANVASSERS WANTED FOR THE GREATEST BOOK OF THE AGE:

Through the Dark Continent, BY H. M. STANLEY.

U. S. Escapent Office, Army Building, cor. Houston and Greene Stree New York, July 28, 182

SLAIM PROPOSALS will be received until mean August It. self-, for the Extension of the Break-ster at Burlington. Vermont.
For forms of bids and other information apply to his office.

TRINITY HALL, NEW DESENT.

Established Ser. English and French Home School for Young Ladies. Variet advantages of the highest order. Number of pupils fruited Fall term begins Sept. 19 For circular, address Miss E. G. Hear, Prin.

AVER'S HAIR VIGOR,

for Restoring Gray Hair to i

Natural Vitality and Color.

Newery county in Vermont, an active and over yells Agent to represent the United States to Insurance Company of New York. To the religious avery large inducement is offered.

Address. E. F. CURKIER, Geo'l Agent, July 11, 1878.—wil

JOHN NEWTON, Lt. Col. of Engineers

adds to the beauty of the finest

s American Champagne

apon or corresponding with us.

see them promptly filled.

HAY AND STRAW. Farmers having these articles for sale will consult their interests by calling Please notify us of quality and quan-ity, also price expected. Those desiring to purchase will please leave orders at our Store, and we will C. P. CURRIER & CO., West Side of City Purk.

AND EAVE-TROUGHING,

Hankrust.—In Rankrustey. No. 200. District of Vermont. So is hereby given that a petition has seen fifed in said Court, by Hastings S. Campbell, of Walerfeld, in said District, doly declared a bankrupt under the Act of Congress of March 164, 1267, for a distribute and certificate thereof, from all his debia and other claims provide under and Act, and that the All day of Sept. 1872, at 9 o'clock a. m., before the lim. Hoy H. Whoshe under and Act, and that the All day of Sept. 1872, at 9 o'clock a. m., before the lim. Hoy H. Whoshe under a said Court, at the U.S. Court Scown in Barlington, is assigned for this learning of the same, when and where all creditions who have proved thair debts, and other persons in theorem. may aftend also show cause if any they have why the prayer of said spetting should not be gunted.

This lead at Burlinghon, on the Side day of July, Active IRON AND LEAD PIPE. Cistern and Yard Pumps and Hydraulic Rams We are General Agents for

DATE B. B. SMALLEY, Clerk.

IN HANGHUPTCY.

IN the District Court of the United States for the District of Vermont, in Re. Lorento Biogham, Issuerupt. - In Bashruptey, No. Son. District of Vermont, Son. English of Section of the States of Section 1988.

Son. - Notice is hereby given that a position has been filed in soil Court, by Lorento Bingham, of St. Albons, in said Noticet, day declared a bank. Albons, in said Noticet, day declared a bank of the states of the said that These Churus are free from knots and cross grain, as every stave and even the heads are split by hand, out of the best Michigan Oak, in fact they are acknowledged by all who have used them to be The undersigned would respectfully inform the

IN BANKRUPTCY. Next door to H. M. Hull's Store, where he will be glad to see all his old customers and many new ones.

JOHN H. ALLEN. beith filed in said court, by fillsha A. Falser, of Fair-nax, in said Heisteld, tally declared a bankrupt under the Act of Courgess of March M. 1987, for a discharge ant destribute thereof, from all his debts and other claims provable under and act, and that the 2d day (1981 H. Whoter, Judges of said Court, at the U.S. Court Hesser in Bestington, is saidened for the hearing of the same, when and we ere all creditors who have proved their debts, and other persons in interest, may attend and show cause of any they have why the prayer of said petition should not be granted. Patell at Burlington, on the Osth day of July, 3. 3. 3. MOSES FAIRBANKS & CO. Tonics, Beers, Lager Beer, Ale, Porter and Cider, in Bottles and Casks.

N the Di trief Court of the United States, for the Postriet of Vermout, In Re. Alfred G. Smith, Bailtrupt, In Bankruptey, No 274, District of

it gion on the ath day of July, 18: IN BANKRUPTCY. riet Court of the United State Vermont In Re. James W. its In Hankruptey, No. 777

ner-thip debt. and other claims provable and Act, and that the 3d day of Sept., 1878, and A. in, he're the Hon, Heyt H. Wheeler, 2 and C. was the surface of the same, to be a in missioned for the insuring of the same, to be a in missioned for the insuring of the same, to the provider of the insuring of the same, at where all residings who have proved their not other persons in interest, may attend and use ir any they have, why the prayer of acid about not be granted, at Harring ton, on the ath day of July, 1878, at Harring ton, on the ath day of July, 1878, by SMALLEY, Clerk.

eary, Vt., July Sist, 1878.
F. V. FLETCHER, Assignee.

trict Court of the United St. of Vermont. In the marks krupt. In Hankruptey.

JAMES D. BULL, Amignee. IN BANKRUPTCY.

Advancing years
reviews, care, deappointment, and here
ritary predisposition,
all turn the hair gray,
and schere of them in
ritins (to shed preticaturely.

Ayer - Hair Veger, by
long and extensive use,
has brossen that it
happened by estant remental carely come remental carely come re-In the Peak let Court of the United States for the District of Vermont. In the courter of O. F. & theo. W. Humpbery, Bank 1994. In Bankrupter,

Hat Burke, this with day of July, 1939 PANISA S. TOWNSEND, Assignment

THE QUINTESSENCE OF JAMAICA GINGER, CHOICE AROMATICS.

AND FRENCH BRANDY.

SANFORD'S

Cramps and Pains, breaks up Colds, Chills, and Pevers in one might. It promotes perstrengthens, and invigorates the body, quiet the mind and nervous forces, and induces refreshing sleep. For the young, the aged, medica. Howeve of diluted and waethlow naist upon having

SANFORD'S JAMAICA GINGER

Sold by all Wholestle and Rocal Druggists. ocers, and Dealers in Medicine the out the United States and Canadia. Price

COLLINS' VOLTAIC PLASTERS.

USE THE WELLS, RICHARDSON A Poblichwill

25 Wath name, i.e., as ferall, with name, i.e., as contained accepts a call to Webster, Mass. Rev.

CHOICE FARMING

Minnesota and Dakota, Vinoun & St. Peter Railroad Co. THE WINONA A ST. PUTER RAILEDAD

COUNTY, MINNESOTA. GEO, P. GOODWIN, Land Commis

PURE OLD PROSES

FOR PRIVATE WINES

USE AND US

Pure Old Hourbon and Rye WHISKEYS.

Heat French REANDY.

Holland GIN.

Fine Old Janusica, Santa Cruz and Medical Mark.

Fine Old Janusica, Santa Cruz and Medical Mark.

Old Port, Sherry and Madeira WINES.

California WINES. California WINES.
Guinness' Bublin STOUT.
Base English ALE.
And every variety of baseign and B
WINES AND SPIRITS.

Dr. David S. More has discavered a rein-situated in the northern part of Pomfeet, that he thinks such as time A precimen taken from another locality upon bung tested exhibited a very fair per centage of nickle, and the vein from which it was taken seems to be inexhaustible. Recently a young fellow named Smith conferred to his father that he and two others, named Sout and Andrews, committed the jewelry robbery, at Coventry. The father had them all arrested, but in court the young man swere that he never fold his father that he knew anything about the robbery, and all were discharged.

A Given Russell, was despited.

WYOMOKE

ost Nutritious Restorative known Supplies Deficiency of Nerve Nutriment, Imparting

deability resulting from hernia to show by medical evidence that the hernia was contracted in the service. The Commissione Depot, 598 and 621 Main Street, Hartford, Conu. rejected Mr. Scott's claim, and the case was Br. Scott's Celebrated IVER LIVE HEART MIDNEY appeal. Judge B. Rixford, of Washington. And RESERVATIO PLANTER.

elaimant. The decision of the Socretary of the later, as furnished to the Commis-MANTLES, COUNTERS,

Stairs, Wainscoting, THE PLOORS And every variety of Marble and Granite Bork.

Every one desiring to obtain ruch work will in for their interest to dull on J. W. GOODELL & CO., BUBLINGTON, VT.

STEAM MILLS.

Haymaking Across the sunny fields cles went, Who learn severely naty; the said Such days were never meant. To wante in corners sharty." She would not take a single may.

he would not read by: Excusing or decader, "and turn the hay. Come out," she said, "and turn the hay. Became the run is shiring." Some plead bettern. Why, you see. The multiday for Helconde. The multiday for Helconde. Another. When Fix creat these three Last pages of the rends. Two micromats who had styly ductions that and belief Variet. Were explained, lips and dingure ret. I wep in the kitchen green.

So program; was the test excluse.
She broaded me contrainted in:
The best you conside make excurse.
These best process are to the day.
The best process are to the day.
The opinion of the test of the day.
And so, at the day is such because "I want to the day.
Our most describe rate."

he est our stations row by row.

And marshaled is resistable,

See, now the fe in the way to re.

The seaths want turning straightly,

Norsteag them lives and large and ours,

Norsteag them lives and large.

The haymakers who drank their "fours,"

In shadow, thought se erany. But not five minutes, work was done.

'Ero desirentials trind her.

'Ero desirentials trind her.

State in and Kare's morged into one.
And Jock must laste the coler.

Maile some would labe, come would play.
And some would ret airweige.

Also "sine spine, "its mil I say.
I cannot keep you do ady."

Actual the first three should a tide Of volume, song, and insighter the raked her line with hunset pride, I followed sident after We left the others for behind. And make the three smallers and make the tide that The turbber had go together.

Metistans Intelligence Methodist : The society at White Rive notion is making an effort to secure the rection of a church At Richford, fifteen ference. The Presiding Elder baptized ten at the recent quarterly meeting.

Baptist : Rev. Wallace Crocker, for two years paster of the church at Groton, has just resigned .- Ray, Z. Jones is now in the tenth year of his pastorate at East Hubbardton. The little church now has more male members than there were then male and female members. It has bought a parounge and an organ since the present pastorate commenced, and a small fund (\$500) has been secured for the church.

aided by members of his church, is holdat the different school districts in town throughout the year being 150 .- Mrs conducting Bible Readings every Thursday alternoon, at three o'clock, to the great

internally.

In general: Rev. J. F. Sunmons, pastor Bunkingrow, Vt., Jan. 25, 1028.
F. E. Small & Co., Mindfelory, Fr.
I write you to-day to be you know how I am, and
I hardy think I can say enough in your praise, as
I am entirely well. I have not roup a particle of Yours truly, etc.

Long, Builington, Vt., who are the only proprie of the genuine. Frice in centr per buttle. 10th of March, with 16th conversions. At North Ferrisburgh, insettings were commenced the 14th of March, closing April 9th; about 200 conversions. At Centre Ferrisburgh the meetings opened April 25th, and at Vergennes the 12th of May. In the meetings at Ferrisburgh Centre and Vergennes, about 200 conversions were made, about 20 of which the Rev H. N. Munger received on probation in the M. E. church of Vergennes. sudden Changes. Sudden Changes.

The Proprietors of Down's Ensian frequently loan it remarked by those not in the trade, that cough medicines do not sell such during the sum mer months. This is a mirtaken likes The sudden changes to which this climate in cusherests at all seasons of the year, render it were say to always have some reliable cough remark at hand. Down's Exixin is a sure curs for coughs, called and Whooping Cough, and all Lung Diseases, when taken in season and one does, we have no doubt, has ment A wild moore was seen in Cabot, the othseason, and one dose, we have no doubt, has many er day.

Hiram White, Eq., a prominent citizen of Bennington, died recently from injuries received by being thrown from a wagon. times prevented con-amption and death. The ben certificate that can be given for any medicine t

At Roxbury, the other day, Mrs. Mason Shepard laid her little girt, eight months old, on the bod, and in some way it rel-ed on its face and ded from sufficiation. A Trausan Barn in your own room he or. This is secured by a cheap apparatus recently principle, for the production of Turkies and Vaper Butts, at the cost of the alcohol that supplies the heat. It has proved more effective than the ordinary Turkish Bath House in excitating Rhoumatters, Astlina, Castal Marks Bone in excitating Rhoumatters, Astlina,

> The only proparation in the market for electric using, they will never allow themselves to be with

Beautiful Heless no doubt had a fine complex con, but it is more than doubtful whether hex conted in purity the complexions of the latins who

The Republicans of Grand Side County are re-Sclock Screnous, to nominate a candidate for Sena tor and candidates for County Officers for the two

Person Reuse. The Secretary of the To Farmers !!

KERNEY's Feer Possis will certainly dustry
Points Bugs. Sold only by R. B. Storme & Co.,
Park Drug Store.

July Saleste Interior recently rendered a decision in the claim of Horatio N. Scott, of Brackfield, , who served in Co. D at the 17th Regisent of Vermont Volunteers in the rebeln, which modifies the rule that has been othered to for many years in the pension

The Centaur Lintments are of two highly The White is for the human family, the Vellow pinls of the effects produced by these remarkable taken to the Secretary of the Interior by Preparations are wrapped around every bottle, and the Office of The CENTAGE COMPANY, 4: Doy Street

Consumption Curva. As old physician retired these practice, laying had pluced in his hands by an East India mission ary the formula at a cipple vegetable remedy, for the speedy and permanent cure for con-

was discovered by a missionary in South America. Bond a relf-addressed envelope to the Rev. Joseph

STATE NEWS.

Congregations!: Rev. W. S. Blaisdell, paster of the church, at Randolph Centre, ing Bible exercises every Sonday afternoon This church is pragressing quite finely under

tion in this city, on Saturday, and was at-Prentiss, author of "Stepping Heaven-ward, who spends her Summer at Derset, is and evening. The performances of the trained borses bordered on the miraculous; the feats of the Japanese acrobats were USE THE WELLS, RICHARDISON A spiritual edification of Christians and others who attend,—Rev. E. P. Chittenden closes this labors at Earton's Landing, Aug. 13, and Mr. Lawrence Phelips at Ferrisburg, Aug. 1, the latter going to Barton, Sept. 1.

O LOR I see sealt. A So cent buttle rolors do pounds, and adds 5 cents per possal to its rolors do pounds, and adds 5 cents per possal to per possal marvellous; the feats of the educated dogs and goats were funny in the extreme; and

teneral Soirs.

torn from his legs, while the boy was thrown to ground and so bally injured as to be in a critical condition.

office, requiring applicants for pension for

D. C., made up the case for the Commis-

Montpelier, Vt., made the brist for the

25 PANHIONARILE CARDS, no two allke with name, life, and the first church at Springfield, accepts a call to Webster, Mass.—Rev. Oct. 77-7019

ESSEX CLASSICAL INSTITUTE, ESSEX CLASSICAL INSTITUTE, ESSEX CLASSICAL INSTITUTE, Will DILLY devoted to Academical work, with ample instruction in all its departments. Definite courses, of study, appear to both extending private families, \$1 and \$10 and \$20. Beard in private families, \$1 and \$20. Beard in private families, \$2 and \$2 an was as had as any I ever heard of, some of the rime being confined to the house for a number of days. I have tried a great many of the best destines, also everything I could hear of in the shape of modifies, but got no help until I tried your Universal File-Pills. The great success is the complete caring of the disease, and not half-way doing it. I say to all suffering at the piles, who will give your Files a tainful trial, our rest seared of a meety cars Formerly Captain Streemer Oakes Amen. Se dvertigemen' Markifemety

sions. At Port Henry, the meeting com-menced the 6th of January, and closed the 31st with over 200 conversions. From Port Henry she went to Charlotte, commencing the meetings the 34 of Feb., closing the 10th of March, with 168 conversions. At MASDRAGE SITTERS made by Henry Jounson &

daily accorded to howe it fairs in the fact that it has serviced the torons and temperate of nearly half a century, and is to day the most pepular with those who have known it longest. It has guined this great faces with the public entirely on its own merits, having had been advertising dains for it in the whole then than is due for some medicines in a single year. For sale everywhere,

July 13-45841 inappe

Aug i dawen @ East ith fit . Cin.

As Goorge Runnels was driving through the village of Moretown last Sonday his horse took fright at the church belis and ran. The wagon was smashed and Mr., Runnels thrown and so badly bruised about

sioner of Pensions, and T. J. Deavnt, of New York City. Jan 18, "15-will

Judge fixford, who is mentioned in this

iron ore, have necessitated the almost complete stoppage of the miner at Miney lle. The Port Henry Herald says that aside from the New Bed Mines which are being work ed with the usual force, Witherhous Sher-

> man & Co. have but fifteen miners at work. The Port Henry Iron Ore Company have shut down all their mines but "21," where they employ about twenty miners in clearing up the remnants of the blasted pillars and roof. They have, however, began to mine ore at Fisher Hill with a small force, especting to increase the same. The cre is being used to make Ressemer iron at the Poughkeepsie furnaces. The companies have all the ore on their darks that they expect to self this season. Cour's Equipounnicentin gave an exhibi-

THE LONGEST CANDE VOTAGE OR record

was that undertaken and successfully ac-

complished by Mr. Charles E. Chase, a cor-

espondent for the Boston Joseph, who

rarcreed a distance of over 2,000 miles in

his cance Bubble, a craft fourteen feet long,

thirty-one inches in beam, ten and one half

inches in depth, and weighing about forty

pounds. Mr. Chase started on his trip on

the 7th of May last, from New York with

his tiny vessel loaded with provisions, change of clothing, shelter tent, all compact

ly arranged in the limited space of the hull

of his boat, and proceeded up the Harlem

river through the Champlain Canal to Lake

Champlain and through the lake to Rucses

Point-the latter part of the trip being made by dint of hard paddling, as he had

constantly to encounter head winds. Passing

from the lake to the Richelica river, the

voyagear glided by some of the finest

scenery on this continent, and through a region to which railroads and steam are

comparatively unknown. From the Riche-lieu river he entered the St. Lawrence, and

sailed down to Quebec, where he was hospi-tably received by some of the leading residents and the Palisade Boat Club. After

residents and the Palicade Boat Club. After remaining a short time at Quebec, he travelled by portage over one hundred miles to the Chaudiere river, and hannehed his ea noe on this beautiful stream. From the Chaudiere Mr. Chase travelled by portage to Wheeler's Mills, in Hereford township, Canada, and entered Hull's stream, a tributary of the Connecticut. Entering the Connecticut, the canoeist followed its tortinous course to Long Island Sound, and paddled down to Little Hell Gate, entered the East river and landed at his starting-point, serving-eight days, four hours and forty-five minutes after his departure, and having made the longest enone cruise that ever was attempted in this country. The cruise was full of incidents, his cance on three occasions having holes store in her while shooting

full of includents, his cance on three occasions having holes store in her while shooting rapids in the Canadian streams. He had many kind receptions by people living on the route of his journey, surprised at his attempting to make so long a journey in so frail a craft, and who did all they could to make his stay at their dwelling places comfortable.

PORT HENRY. - The depression in theiron

trade, and the consequent limited sales of

altogether the show was an excellent one and gave general satisfaction. The balloon was sent up in the ovening and its light was witnessed by an immense multitude. It formed a striking and beautiful spec-

bleeding or itching for weeks, and do not see why I am not se well as I ever was, and I assure you that I feel happy over the result. I think my cam was as had as any I ever heard of some of the time

s faithful trial, can rest asspred of a specity cura-

MANDRAKE BOTTERS are just the Medicine to use during the limited term. They rectify tarpidity of the Liver, give tone to the Stomach, they art the medical procession, and the prece, have burns ample testimony to the sterling qualities of the

Catarth, Skin Dissarer, Dynaspata, and all Nervous and Debilitating Maladier, Pemphiet free. Leurs's Pourages Tunners Barn Co.,

Carbell is prepared to London and units here by

has hady and head that he has not yet been sheld be leave his bed. He saw wont to go at the last County Connection in reference to pick up the wreck, and his been straibled and fell and was badly out and the skin shall be entitled to in this and subsequent, containing the control of the con of at the last County Consention in reference to the

DAVID S. SHERT, I Grand Isle County Flowing Adams, II. C. Hills.

report, was formerly from Franklin county, Vt. After studying law at St. Albans be removed to Wisconsin and obtained a situation from Wisconsin in the pension office, T. INNAN, Station D. Bible House, New York City where he has been for several years.