

Excerpt from  
Laws of Vermont 1902

No. 228.—AN ACT TO INCORPORATE A CITY AND TOWN OF ST. JOHNSBURY.

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

SECTION 1. Out of the territory heretofore existing within the limits of the town of St. Johnsbury is established the city of St. Johnsbury, embracing all the territory included within the limits described in this act; and the remainder of the territory of the town of St. Johnsbury is established as a new town to be the town of ST. Johnsbury.

The village of St. Johnsbury is established as a soon as this act shall go into operation, and all property, rights, funds, taxes, and rights of action belonging to said village of St. Johnsbury shall at once be transferred and belong to said city of St. Johnsbury; and said city of St. Johnsbury shall assume and have all the duties, liabilities, obligations and debts of said village of St. Johnsbury.

The present selectmen of the town of St. Johnsbury shall be selectmen of the new town of St. Johnsbury until others are elected, and shall for the purpose of electing new town officers warn a meeting of the legal voters thereof on application of six freeholders, at such time and place as they may fix upon, in the same manner that town meetings are warned by law for the election of all necessary town officers, and when such election shall be made, the said town shall be organized, and thereupon the official duties of the present selectmen and other officers superceded by such election shall be determined, and said town shall assume and have all the duties, liabilities, obligations, privileges, immunities and powers that the old town of St. Johnsbury had, except as otherwise provided by this act.

SEC. 2. Upon application of 25 legal voters, who shall be residents of the territory included within the limits of the city of St. Johnsbury, as established by this act, the trustees of the village of St. Johnsbury shall call a meeting of the legal voters, who are inhabitants of said territory, at such place as said trustees shall designate, for the purpose of determining whether said legal voters will vote to accept the provisions of this act and organize under the same a city government; if the provisions of this act are not accepted by a majority of the votes cast by the legal voters who are inhabitants of said territory, on or before the first Tuesday in February, 1903, then the provisions of this act shall become null and void. At least two weeks' notice of said meeting shall be given by publishing in the ST. Johnsbury Caledonian and by posting in at least three public places within the village of St. Johnsbury, a call for said meeting. If said meeting, and the meeting of the legal voters of the town of St. Johnsbury hereinafter provided for in this act, shall vote to accept the provisions of this act, the same shall take effect on the first Tuesday of March, 1903, and the duty of warning a meeting of the legal voters of said city on that day for the purpose of electing officers and doing any other necessary thing to fully organize under this act shall be performed by the clerk or trustees of the village of St. Johnsbury whose duty it now is to warn meetings for such village. Warning of such meetings shall be given by posting notices in at least three public places within the village of St. Johnsbury and by publication in the St. Johnsbury Caledonian at least two weeks previous to said meeting.

Upon application of twenty-five legal voters, who shall be legal voters in the town of St. Johnsbury, the selectmen of the town of St. Johnsbury shall call a meeting of the legal voters of said town at such place as said selectmen shall designate, for the purpose of determining whether said legal voters will vote to accept the provisions of this act so far as the town of St. Johnsbury is concerned; if the provisions of this act are not accepted by said town of St. Johnsbury by a majority of the votes cast by the legal voters within said town on or before the first Tuesday in February, 1903, then the provisions of this act shall be null and void. At least two weeks' notice of said meeting shall be given by posting at least three notices of said meeting in public places within said town of St. Johnsbury and by publication of said notice at least three times in the St. Johnsbury Caledonian.

SEC. 3. The inhabitants of that portion of the old town of St. Johnsbury included within the following boundaries, to wit:

Beginning at the northwest corner of Waterford on the easterly line of Barnet, thence northeasterly on the northerly line of Waterford to the southwest corner of lands in said St. Johnsbury now owned by the estate of Philemon Hill,

Thence northerly along the land between the lands owned by the estate of Captain F. C. Harrington and C. H. Higgins on the west and the estate of the said Hill on the east to said Higgins' northeast corner.

Thence westerly along said Higgins' north line to the southeast corner of land owned by F. N. Carr,

Thence northerly along said Carr's east line to his northeast corner,

Thence westerly along said Carr's north line to land owned by Hastings White,

Thence northerly along said White's east line to the lot line which forms the boundary between U. G. Goss' land on the north and French Carrick's land on the south,

Thence westerly along said lot to the center of the Passumpsic River,

Thence southerly along the center of said river to a point opposite and in range with the line between David E. Harriman's land on the north and the Johnson farm, so-called, now occupied by Fred Thomas, on the south,

Thence westerly along the lines forming the northerly boundary of the said Johnson farm to land owned by Azro Peck,

Thence southerly along said Peck's east line to his southeast corner,

Thence westerly on the lines forming the southerly boundary of said Peck's land and the northerly boundary of Leonard Penniman's land to land owned by Smith S. Emerson,

Thence southerly to said Emerson's southeast corner,

Thence westerly along the line forming the boundary between the land of the said Emerson and that of Charles Weeks on the north and lands owned by Eli Rivers,

Thence northerly on the east line along said Rivers' land to the southeast corner of land owned by Henry Rickaby,

Thence westerly along the line forming the boundary between the lands owned by said Rickaby and Cushman on the north and the said Rivers and Thomas Byers on the south to the line between the towns of St. Johnsbury and Danville,

Thence southerly along said own line to the line between St. Johnsbury and Barnet,

Thence southeasterly along said town line to the place of beginning, are hereby incorporated and made a body corporate and politic under the name of the city of St. Johnsbury; and by that name may sue and be sued, prosecute and defend in any court; may have a common seal, and alter it at pleasure; may take, hold, purchase and convey such property real and personal as the purposes of the corporation may require; may borrow money on credit of the city, in the mode and under the restrictions hereinafter provided; may elect a representative to the general assembly of the state, and the same number of justices of the peace as a town of equal population; and generally shall have, exercise and enjoy all such rights, immunities, powers and privileges as are conferred upon or are incident to towns in this state; and shall be subject to like duties, liabilities and obligations, except as otherwise provided in this act.

SEC. 4. The city of St. Johnsbury is hereby divided into six wards, described as follows, in what description any line running along a street or stream shall be understood to follow the center of such street or stream:

Ward 1. Commencing on the south line of the city at the center of Passumpsic river, thence northerly on said river to its junction with Moose river, thence easterly on Moose river to Concord avenue, thence easterly on Concord avenue to Portland street, thence easterly on Portland street and the highway leading to East St. Johnsbury to the east line of the city, thence southerly on said line to the south line of said city, thence westerly to place of beginning.

Ward 2. Beginning on the north line of the city at the center of Passumpsic river, thence southerly on said river to Hastings bridge, thence southerly on Passumpsic street to Hastings street, thence southerly on Hastings street to North Railroad street, thence southerly on said Railroad street to Paddocks village bridge, thence southerly and easterly on Passumpsic river to its junction with Moose river, thence easterly on Moose river to Concord avenue, thence along the north line of Ward 1 to the east line of the city, thence northerly and westerly along the east and north lines of the city to point of beginning.

Ward 3. Beginning at the Paddocks Village bridge, thence southerly along the west line of Ward 1 to Sleepers river, thence northerly and westerly on Sleepers river to Railroad street, thence north on Railroad street to Pearl street, thence north on Pearl street and North avenue to Spruce street, thence west on Spruce street to Main street, thence easterly on Main street to place of beginning.

Ward 4. Beginning at the corner of Spruce and Main street, thence easterly along Main street to North Railroad street, thence northerly along the west line of Ward 2 to the north line of the city, thence westerly on said north line to the northwest corner of the city, thence in a straight line to the center of Winter street at its westerly end, thence easterly along Winter street to Main street, thence south on Main street to Maple street, thence easterly on Maple street to the west line of Ward 3, thence northerly and westerly on said west line to the place of beginning.

Ward 5. Beginning at the corner of Maple and Pearl streets, thence south on the west line of ward 3 to the center of Eastern avenue, thence westerly on Eastern avenue to main street, thence southerly on Main street to Western avenue, thence westerly on Western avenue to Sleepers river, thence northerly on Sleepers river to the southwesterly line of Ward 4, thence easterly on the southerly line of Ward 4 to the place of beginning.

Ward 6. All the remaining part of the territory included within the limit of said city.

SEC. 4½. The trustees of the village of St. Johnsbury shall prepare a check list of the legal voters within the limits of the proposed new city of St. Johnsbury for use at the first city meeting and shall divide the same according to wards as provided in section four of the act incorporating the city of St. Johnsbury. Said check list shall be certified to by the clerk of the village of St. Johnsbury and all persons who are legal voters within the limits of said proposed city shall be entitled to have their names registered in the check list of the ward where they reside at the time said check list is made up. Said check list shall contain the names of such women, who may register and who are entitled under the laws of this state to vote for school officers, and at such meeting the trustees of the village of St. Johnsbury shall provide separate ballot boxes for depositing votes for school directors. At least five days before such election the trustees of the village of St. Johnsbury shall appoint two ballot clerks from each ward in said proposed city, one of said ballot clerks to be appointed from the republican party and one from the democratic party. The duties of such ballot clerks shall be the same as those prescribed in the general law and they shall be under the supervision of the presiding officer. The trustees of the village of St. Johnsbury shall prepare and direct the placing of as many sets of ballot boxes as there shall be wards in said proposed city, in the hall where such meeting is held, and shall designate one member of the board of civil authority of said village to act as ward clerk, and receive and deposit ballots in the proper boxes at the polling places of each ward; and said trustees of said village of St. Johnsbury are empowered to do any other act, not repugnant to the laws of this state, to hold and conduct the first election in said proposed city of St. Johnsbury. The president of said village of St. Johnsbury shall be the presiding officer at said first election and shall declare the result of said election at the polling place of each ward, and the clerk of said village shall perform all the duties of the city clerk in recording and publishing the result of said election.

SEC. 5. Said city may purchase, hold and convey any real estate, and erect and keep in repair any buildings necessary or convenient for their purpose, and may construct and maintain such water works and electric light system as a majority of the legal voters may judge best.

SEC. 6. On the first Tuesday of March in each year a meeting of the legal voters of said city, for the election of city officers, shall be held at 6 o'clock a.m. at a place to be appointed by the city council of said city, of which notice shall be posted in at least three public places within the limits of said city, and at least twelve days previous thereto, which notices shall be signed by the city clerk and in case of his failure, by the mayor, provided that if the annual meeting shall fail to be holden for want of notice before mentioned, or for any other cause the city shall not thereby be prejudiced, but the several officers hereinafter mentioned may at any time thereafter be elected at a special meeting called for that purpose as hereafter provided.

SEC. 7. The city clerk when directed by the city council or when requested in writing by twenty-five legal voters of said city to do so, shall call a special meeting of the voters of the city in the same manner as is provided for the calling of the annual meeting; in case of the failure of the clerk to call the meeting aforesaid that duty shall be performed by the mayor.

SEC. 8. All officers shall be elected by ballot according to the general law of the state except when otherwise provided in this act and the ballot boxes shall be open from 6 o'clock a.m. until 3 o'clock p.m. and no business except election of officers shall be transacted at any annual or special meeting when officers are elected, until after 3 o'clock p.m.

SEC. 9. Certificates of nominations for officers to be filled at city meetings shall be filed with the city clerk not less than six and not more than fifteen days before such meetings, and such nominations may be withdrawn in the manner provided by general law, if done at least four days before said city meeting.

SEC. 10. The city council shall direct the placing and opening of as many sets of ballot boxes as there shall be wards in said city, in the hall where the annual or any special meeting of the city for the election of city officers shall be held, for receiving votes for all officers to be elected, and the number of the ward shall be distinctly marked on each ballot box and notice shall be posted pointing out where the voters of each ward shall vote, and the boxes shall be so located as in the opinion of the city council will best accommodate the voters.

SEC. 11. Check-lists of the voters in the city shall be made in conformity with the laws of this state for all such meetings by the board of civil authority and the city council which shall divide such check-lists of voters according to wards, and shall arrange the names of the voters in each ward in alphabetical order, which check-list so divided as aforesaid, shall be certified by the mayor and city clerk as the check-list for each ward respectively, and shall be used at the polling place of such ward.

SEC. 12. All persons who are legal voters in city meeting shall be entitled to have their name registered in the ward where they reside at the time when check-list was made up.

SEC. 13. At any city meeting when school directors are to be elected, the check-list for each ward shall also contain the names of such women who may register in each ward as are under the laws of this state entitled to vote for school officers, and at any such meeting the city council shall provide in each ward in which a school director is to be elected separate ballot boxes for depositing votes for school directors.

SEC. 14. At the close of the balloting of any city election, the mayor and board of civil authority as hereinafter constituted, shall count the votes cast for all officers and report to the meeting a list of the candidates for whom votes have been cast for each office and the number of votes such candidates have received, which shall be recorded by the city clerk, and the candidate who has received a majority of the votes cast for each respective office shall by the mayor be declared elected to that office, but if no candidate shall have received a majority of all votes cast for the office for which he is a candidate then the mayor shall so inform the city meeting and shall order a new ballot in such ward or wards as have failed to elect and a reasonable time shall be allowed for receiving and counting such votes as shall be cast at that or any subsequent ballot until all officers are duly elected.

SEC. 15. At the annual meeting the said city shall elect from among the legal voters thereof, a mayor a city clerk, a city constable, two grand jurors, three listers, three auditors, and city treasurer, who shall hold office until the next annual meeting and until their successors are duly elected and qualified; and shall also elect petit jurors and grand jurors for the county who shall be nominated by the city council.

SEC. 16. There shall be elected at the annual meetings six aldermen, one from each ward, who shall be a bona fide resident of and elected by the voters of the ward he represents, who shall hold office until the next annual meeting and until their successors are duly elected and qualified.

SEC. 17. Freeman's meeting for all purposes provided by the laws of this state shall be held in this city in the same manner as towns except that they shall be called for 6 o'clock a.m. and the polls shall be open at that hour and the qualifications of voters shall be the same as for voters at freeman's meetings in towns.

SEC. 18. The clerk, or in the case of his failure, the mayor, shall sign the warnings for freeman's meetings and the mayor if present, and in his absence the president of the board of aldermen shall be the presiding officer, but in their absence any member of ht board of civil authority of the city selected by such board for that purpose shall preside.

SEC. 19. If an alderman, during his term, removes from the ward which he represents, his office shall be declared vacant by the city council, and the city council shall fill such vacancy by the appointment of some suitable person residing in said ward.

A vacancy in the office of mayor shall be filled by election at a meeting of the city called for that purpose, and in case of a vacancy in the office of mayor the city council shall direct the clerk to call a meeting for the election of a mayor. All other vacancies shall be filled by the city council until the next annual meeting of said city.

SEC. 20. No claim for personal services shall be allowed to the officers elected at the annual meeting except the city clerk, treasurer, constable, listers and auditors, who may receive such compensation as shall be fixed by the city council. The compensation of all other officers, servants and employees of the city shall be fixed by the city council.

SEC. 21. The administration of all fiscal, prudential and municipal affairs of said city and the government thereof, shall be vested in the mayor and the aldermen.

The mayor and aldermen shall be sworn to the faithful performance of their duties respectively.

The mayor and aldermen in their joint capacities shall be the city council.

SEC. 22. The aldermen duly elected and qualified shall constitute the board of aldermen, and they shall elect one of their number president of said board, who shall hold that office until the next election of aldermen.

SEC. 23. The mayor shall be the chief executive officer of the city and *ex-officio* a school director. He shall use his best efforts to see that the laws and city ordinances are enforced, and that the duties of all subordinate officers are faithfully performed; he shall take care that the finances of the city are properly managed, and shall bring before the city council whatever he may deem worthy of their attention, for prudentially and efficiently carrying on the affairs of the city. The mayor shall preside at all meetings of the city, with the power of moderator in town meetings, and at all meetings of the city council. In his absence the president of the board of aldermen shall act as mayor in his stead.

SEC. 24. The city council shall have all the power of selectmen, and shall have power to remit penalties for the breach of city ordinances, in whole or in part, and shall cause the reason for such remission to be entered on the city records.

SEC. 25. The mayor shall appoint a chief of police for a term not longer than during the term of office of the mayor making the appointment, but such officer shall not continue in office after the next regular meeting of the city council unless the appointment shall then be approved by said council.

The mayor may suspend or remove such officer and appoint another, subject to the approval of the city council at its next regular meeting thereafter. The chief of police may appoint such number of regular police officers as the city council shall authorize, and may remove such officers and appoint others in their places, all subject to the approval of the city council at its next regular meeting. Said chief of police may appoint for a period not exceeding five days such number of special police officers as he may deem advisable.

All such police officers shall have authority to serve anywhere within the state and return process in criminal cases, returnable within the state and for such duties there shall be taxed and allowed the fees provided by law for sheriff, for similar services, which fees shall belong to the city to be paid into the city treasury whenever such policemen shall be under pay from the city, and the said police officers shall have the power throughout the state of constables in all matters arising under the criminal and police laws of this state and the ordinances, by-laws and regulations of the city.

SEC. 26. The city council shall appoint and may remove at their pleasure and appoint others in their stead, the following officers, who shall hold office until their successors shall be appointed, none of whom shall be members of the city council:—A superintendent of streets, a superintendent of water works, a superintendent of parks, city attorney, a health officer, with the approval of the state board of health, a board of fire wardens, consisting of one chief and first and second assistant engineers, and such other officers as are required by law.

SEC. 27. The city council and the justices of the peace residing in the city shall constitute the board of civil authority for the city; and in conjunction with the listers and city clerk, shall constitute a board for the abatement of taxes, and shall be governed by the general law of the state in respect to the abatement of taxes. The board of civil authority and the board for the abatement of taxes shall perform all duties imposed by law upon such boards in the towns.

All meetings of the board of civil authority and board for the abatement of taxes shall be appointed and called by the mayor, who shall request the city clerk to notify the members thereof, and when requested by the mayor the city clerk shall notify the members thereof of the time and place of such meeting, by written notice duly mailed to each member at least three days before such time appointed.

The mayor shall preside at all meetings of the board of civil authority and the board for the abatement of taxes.

SEC. 28. The city clerk shall perform for the city the same duties, and have the same rights and authority as devolve by law upon town clerks, and may perform any official act that may be performed by town clerks under any law of this state, except so far as the same are changed or modified by this act, and the same fees shall be paid to him therefor, except fees required by general law to be paid to the city.

He shall be clerk of the city council, board of civil authority and board for the abatement of taxes, and shall keep a record of their proceedings.

He shall be sworn to the faithful performance of his duty, and his records, copies and certificates shall be legal evidence in all courts and for all purposes, as those of town clerks. He shall have exclusive charge and custody of the records and papers of the city, which shall not be taken out of or away from his office, unless upon order or process of a court of competent jurisdiction, but the city council may by ordinance regulate the temporary removal from said office by any city official of such papers and documents as relate to his department and are necessary for the transaction of city business.

SEC. 29. The city treasurer shall have the same powers and be subject to the same liabilities as are prescribed by law for a treasurer, and all fees allowed by law to him as treasurer shall belong to the city.

SEC. 30. It shall be the duty of the city treasurer to collect all water rates for the use of the city water under such regulations and ordinances as shall be prescribed by the city council.

SEC. 31. The city constable shall have the same powers and be under the same duties and liabilities as are prescribed by law for town constables, and may serve any process within the state returnable to any court within the state. The said constable and all police officers shall have the same powers as sheriffs in suppressing

riots in unlawful assemblages, and of arresting without warrant all persons disturbing the peace, and may bring them before any competent court forthwith.

SEC. 32. The city constable shall be the collector of taxes, and shall have the same powers and be subject to the same liabilities as collectors of town taxes are subject to, and shall proceed in the performance of his duties as collectors of town taxes unless otherwise provided in this act.

SEC. 33. The auditors shall have all the powers and duties of town auditors and shall examine and adjust the accounts of all city officers, and report to the annual city meeting the accounts so settled with the items thereof, and the financial condition of the treasury.

SEC. 34. The listers shall have the same powers and discharge the same duties and be subject to the same liabilities as are prescribed for listers in towns.

SEC. 35. The city grand jurors shall be the complaining officers and have the same power and be subject to the same liabilities in said city as are conferred and imposed by law upon town grand jurors.

SEC. 36. The overseer of the poor shall have the same power and duties as devolve by law upon such officers in towns, except he shall not have power to draw upon the city treasurer but shall be supplied with money for the purposes of his office by warrant drawn on said treasurer in pursuance of an appropriation by the city council, in the same manner as other warrants on that officer.

SEC. 37. The superintendent of streets, under the direction of the city council, shall have the superintendence of all roads, streets, sidewalks and sewers in said city, and the construction and maintenance of the same.

SEC. 38. It shall be the duty of the city attorney to prosecute and defend all suits, by or against the city, or in which the city is interested, to prosecute for all violations of the city ordinances, and advise the mayor, city council and all city officers when requested by them upon any legal questions concerning the affairs of the city.

SEC. 39. The health officers shall perform within the city the duties imposed by law upon health officers.

SEC. 40. 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.

SEC. 41. The board of fire wardens, or any of them who may be present at a fire, shall have the power to suppress all tumults and riots at such fire, 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 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 gunpowder, 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 matters under their charge.

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

SEC. 42. No city official shall be directly or indirectly interested in any contract with the city, nor to bind the city by contract except by vote of the city council.

SEC. 43. The treasurer, clerk, constable, superintendent of streets and superintendent of water works shall annually give bonds to the city to the satisfaction of the city council for the faithful discharge of their respective duties, and the city council may require any other city officer to give similar bonds, and in case of the neglect of any officer to give such bonds after ten days' notice from the city council that he is required to do so, his office shall become vacant, and the vacancy shall be filled as herein provided. A full record of all the affairs of the city generally, of all receipts and disbursements of the city money shall be kept, which, together with the report of the board of school directors, shall be annually published under the direction of the mayor, and distributed among the voters of the city at least ten days prior to the annual city meeting, and such report shall include estimates for the expenses of the city for the year next ensuing.

SEC. 44. The city council shall assess such taxes upon the grand list of the city, as the city at any annual or special meeting warned for that purpose may vote, for the payment of debts and current expenses of the city and for carrying out any of the purposes of this act, and for the payment of all state and county taxes; and all such taxes may be included in one rate bill, and whenever any such tax shall be assessed by the city council, they shall make out rate bill accordingly.

SEC. 45. The city council shall establish rates to be paid for the use of water supplied by the city water works.

SEC. 46. The city council in addition to such water rates may annually assess a water tax upon real estate situated upon the streets through which the city water pipes may be hereafter laid and opposite such pipes, and a hydrant tax for similar benefits upon the buildings not opposite the water pipes but within five hundred feet of any city fire hydrant, for the benefit conferred by the city water works, and such water and hydrant tax may in the discretion of the city council, be assessed either upon the city or such real estate and buildings (the real estate so assessed in most cases to be more than twenty rods in depth) or on such real estate and buildings in proportion to the dimensions and frontage. The listers in making the grand list shall, if so directed by the city council, rate with the grand list an appraisal under oath of such real estate and buildings, which tax shall be collected in the same manner provided for the collection of other city taxes.

SEC. 47. The city, at an annual or special meeting warned for that purpose may authorize the issue of notes or bonds for the purpose of refunding any outstanding bonds of the city or for the erecting of buildings and the purchase of real estate by the city and shall stipulate in such vote the amount of such bonds and the city council shall by resolution fix the time in which said bonds shall be payable, which shall in no case exceed twenty-five years, the kind and denomination, either registered or with coupons attached, and the place where said bonds shall be payable.

SEC. 48. Such notes or bonds shall be signed by the mayor and countersigned by the treasurer of said city and if interest coupons are attached they shall be signed by the treasurer; and the bonds or notes shall contain a statement that they were issued for the purposes mentioned and in conformity with the provision of this act and such statement shall be conclusive evidence of the same, and of the liability of the city to pay such notes or bonds, in an action by a person who in good faith holds such notes or bonds.

SEC. 49. The city treasurer shall keep a record of every note or bond issued under the provisions of this act, therein stating the number and denomination of each note or bond, when and where payable, to whom issued, and the rate of interest thereon; and also shall keep a record of payments, interest and principal, and if any coupons are taken up shall deface the same.

SEC. 50. When old notes or bonds are taken up, by exchange or by sale of the new notes or bonds, the treasurer shall keep a record of the same and such old notes and bonds shall be cancelled.

SEC. 51. The city council shall have authority to borrow money in anticipation of the receipt of taxes for such amount as the city council is authorized to expend in any one year and to pay indebtedness of the city created before the term of office of the then mayor, and for that purpose may pledge the credit of the city and may issue its negotiable notes which shall be signed by the mayor and countersigned by the treasurer and

payable on demand, and shall be designated temporary loan, but this shall not be considered as a revenue of the city in ascertaining the amount which may be expended in any one year.

SEC. 52. The money raised by taxation, from fines and from other lawful sources, shall constitute the entire sum from which appropriations and payments are to be made by the authority of the city council, except that money raised by bonds hereby authorized shall be appropriated and paid out for the purposes for which the bonds were issued in the manner provided for other payments.

SEC. 53. The credit of the city shall not be pledged except in the manner herein provided, and the city council shall not expend in any year a sum of money in excess of the revenues of the city for that year or increase the indebtedness of the city.

SEC. 54. No money shall be paid out of the city treasury, except upon warrant signed by the mayor when authorized to do so by vote of the city council.

SEC. 55. The city council shall annually appropriate such sum as may be realized from the tax assessed for school purposes, all such moneys as shall arise from the income of the United States deposit fund, the town school fund and the income of any other property or money donated by any person to said city for the use of schools, the total amount of which shall be designated the school fund and a separate account thereof shall be kept by the treasurer; and the city council shall authorize the mayor to draw warrants on the treasurer for the payment of the same to the chairman of the board of school directors upon requisition made by them at such times and for such amounts not exceeding in total for the year the amount of the school fund, as such requisition shall designate, and all warrants drawn for this purpose shall be endorsed by the mayor "school fund".

SEC. 56. The city council may authorize the sale or lease of any real or personal estate belonging to the city, and all conveyances, grants or leases of any such real estate shall be signed by the mayor, and be sealed with the city seal.

All contracts on behalf of and purchases for the city shall be made by the city council except as herein otherwise provided.

SEC. 57. The city shall have power by its city council:

1. To establish and regulate a market, and to regulate and license the selling and peddling of meat, fish and other provisions in vehicles within the city.

2. To regulate the speed for driving or riding horses, teams or bicycles, and to regulate the riding of bicycles and the use of automobiles within said city.

2½. To limit within said city the length of time horses or other domestic animals may be fastened or allowed to remain upon any street, lane, alley or highway without suitable covering or blanket, regard being had to the season of the year and state of the weather at said time, and to restrain and prohibit the use for work or driving, within said city, of lame, sick or otherwise disabled horses or other domestic animals.

3. To prevent loafing on the sidewalks within said city.

4. To prevent the assembling or gathering of crowds of people upon any of the sidewalks or streets within said city.

5. To regulate, license, tax prohibit the exhibition of common showmen, circuses, menageries and shows of every kind not prohibited by law, and all plays, exhibitions or entertainments for money.

6. To prohibit all descriptions of gaming.

7. To regulate, license, tax or prohibit selling of goods by itinerant vendors, peddlers and transient auctioneers, but not including farmers selling produce raised by themselves.

8. To prevent riots, noises, disturbances and disorderly assemblages.

9. To abate and remove nuisances.
10. To restrain and suppress house of ill fame and disorderly houses.
11. To regulate and determine the time and place of bathing in any of the public waters within the city, and to prevent the same.
12. To regulate and punish vagrants.
13. To make regulations respecting paupers.
14. 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, and as may be necessary for the health and comfort of the inhabitants of the city.
15. To compel the cleansing and repairing of any premises when in such condition as to seriously impair the general appearance of the city, and to be seriously injurious to any property in the city, and to control the removal of rubbish, waste and objectionable material therefrom.
16. To direct and regulate the location and management of all slaughter houses, markets, blacksmith shops, sewers and all private drains, and to compel the construction of drains within the limits of the city under such inspection and regulation as the city council may adopt.
17. To regulate the manufacture and keeping of gunpowder, ashes, lime, matches, fireworks and other dangerous and combustible material.
18. To regulate the making of alterations and repairs of stove pipes, furnaces, fireplaces 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 fire by precautionary measures and inspection.
19. To regulate and prevent incumbering the streets, sidewalks and public alleys with fire-wood, lumber, boxes or other articles.
20. To provide for the care, preservation and improvement of public grounds.
21. To restrain or regulate the keeping or running at large of cattle, horses, sheep, swine, goats, dogs and fowls.
22. To compel all persons to remove from the sidewalks and gutters in front of the premises owned or occupied by them, all snow, ice and dirt, and to keep such sidewalks and gutters clean, and to compel the owner or occupant of any land or premises in the city to cut and remove from the sidewalks in front of said land and premises, all grass, brush, thistles and weeds, growing or being thereon, under such regulations as may be prescribed therefor.
23. To license saloons, victualing houses, billiard saloons, bowling alleys, shooting galleries, places of amusement and auctioneers, under such regulations as may be prescribed therefor.
24. To regulate and restrain the use of rockets, squibs, firecrackers or other fireworks in the streets or on the commons or parks of the city.
25. To license cartmen, truckmen, hacks, coaches, cabs or carriages, and to regulate their charges and prescribe their duties.
26. To provide for the lighting of the streets and public buildings of the city.
27. To provide for the maintenance, trimming and planting of shade and ornamental trees in the public streets and parks of the city, and for the removal of the same whenever the public good or convenience requires the same to be removed.

28. To prohibit and punish injuries to shade and ornamental trees in the public streets and parks of the city.

29. To manage and control the parks, commons and other public places in the city, and to regulate the use of the same by the public.

30. To regulate the burial of the dead.

31. To provide for returning certificates of all births, marriages, deaths and burials, and for keeping a record thereof.

32. To regulate the time and manner in which examinations of public documents, land records and other public records may be made.

33. To regulate or prohibit the suspending or putting up of any sign or awning in or over any street, lane, alley, common or other public place in the city, and to order and direct what signs and awnings heretofore erected or suspended as aforesaid, shall be changed, taken down or removed.

34. To prevent the pollution of city water and to protect the city waterworks from injuries of every description.

35. To provide water for the protection of the city against fire and for domestic and other purposes, and to regulate the use of the same; and to establish and maintain reservoirs, aqueducts, water pipes, hydrants or any other apparatus necessary for such purposes, upon, in and through the land of individuals and corporations, and land adjacent to any source of water supply, or reservoir, necessary to control to prevent pollution or injury to such water supply, on making compensation therefor; and in taking such lands for such purposes said city council shall proceed in the same manner as the selectmen of towns are authorized by law to proceed in the taking of lands for highways; and the same right of appeal to the county court from the decision of the city council in taking such lands and in awarding land damages, shall be allowed; and such appeal shall be taken in the same manner as is provided by law from the decision of the selectmen in such matters; except that such appeal, if taken from the appraisal of damages only, shall not prevent the said city from proceeding with its work as though no such appeal had been taken.

36. To fix, demand, impose and enforce such terms, conditions and regulations for the use of any street or highway in said city by any street railroad, traction, telegraph, telephone, electric, gas, electric lighting, electric power, water or other company or any person enjoying the privileges or exercising the functions of any such company aforesaid as shall be just and reasonable, including any sum or sums of money to be paid to said city for the use of any street or highway by any or all of said companies for the purpose of laying, maintaining and operating any street rail way therein, or for the purpose of therein erecting and maintaining any poles, wires, pipes or any other apparatus in or under the surface of said street; and to prohibit the use of such street by any such company or person until such terms have been complied with.

SEC. 58. The city council may make, alter, amend or repeal any resolution, by-laws, regulations and ordinance which it may deem necessary and proper for carrying into execution the foregoing powers or for the well-being of said city, and which shall not be repugnant to the constitution or laws of this state; and to provide penalties for the breach thereof; all of which by-laws, regulations and ordinances shall be duly published in one or more newspapers in said city, to be prescribed by the city council, at least six days before they shall take effect, and all fines penalties, taxes and moneys paid for licenses thereby provided for shall belong to the city and be paid into the city treasury.

SEC. 59. No fine shall be imposed for the violation of any city ordinance or by-law exceeding one hundred dollars, provided, that when it may be necessary to abate a nuisance the expense of such abatement may be imposed upon the delinquent, in addition to said fine; and if any person shall violate any city ordinance or by-law, he may, on conviction thereof, be imprisoned in the house of correction at Rutland, in the county of Rutland, at hard labor, for a term not exceeding six months, in addition to or in lieu of said fine in the discretion of the court; and if any person convicted for violation of any city ordinance or by-law shall neglect to pay such

fine and costs as the court in its discretion shall adjudge, subject to the limitation herein contained, within twenty-four hours from the rendition of such judgment, he shall be committed to said house of correction under the same regulations and in the same manner as provided by sections 5206 and 5207 of the Vermont Statutes.

SEC. 60. In addition to said fine or punishment for any violation of any ordinance or by-law, the city may have and maintain an action on the case, against any person damaging or destroying any of the property of said city, or injuring or corrupting any of the water supply or water works of said city and recover treble damages and costs against said person.

SEC. 61. If any person while residing without this state and while owning real or personal property within the city shall with and by means of said real or personal estate or by his agents or servants, violate any of the regulations or ordinances which said city is authorized to make, the city may sue for and recover the penalty for violation of such ordinance and shall proceed in the same manner as in civil actions against persons residing without the state having property within the state.

SEC. 62. A person violating any ordinance, regulation or by-law of the city, shall be liable in damages to the said city or to the person who shall sustain damage as the direct result of said violation; such damages may be recovered in an action declaring upon such ordinance, regulation or by-law.

SEC. 63. the city council may lay out of any convenient width, alter, maintain, establish and change the grade of, and discontinue any street, road, lane, alley, or walk in said city, and appraise and settle the damages therefor, causing their proceedings to be recorded in the city clerk's office in said city, provided that any person aggrieved by the proceedings shall have the like opportunity of applying to the county court to obtain redress as is or may be allowed by law to those aggrieved by the proceeding of selectmen in similar cases.

SEC. 64. The city council in laying out or establishing new streets or highways, and in making altering or repairing sidewalks, and in grading, paving, macadamizing, curbing and guttering streets and highways, either at the time of laying out or improving the street or making the sidewalk or after its completion, shall have power and may, upon notice of the owners of adjoining lands, assess the owners of such lands so much of the expense of making such new street, sidewalk or street improvements, including land damages for new streets, as the city council shall adjudge such lands to be benefited thereby, which assessment shall be and remain until paid a lien in the nature of a tax upon the land assessed.

SEC. 65. If such street, highway or sidewalk shall not have been at the time of making such assessment actually opened, made or altered, as the case may be, the city council may estimate the probably expense of such opening, making or altering and make the assessment upon such estimate, and if the expense of such opening, making or repairing shall exceed such assessment, the balance when determined shall be returned to the land owners in proportion to the amounts of their several assessments.

SEC. 66. The city council shall have power to order that any street or part of a street in said city shall be watered, when, in their judgment, the public good shall so require. The watering of such streets shall be done by the superintendent of streets under the direction of the city council, and the city council may assess the land of the abutting owners on each side of such street so watered, one-third of the expense of watering such street, for each lineal foot of frontage, and the city shall pay one-third of such expense.

SEC. 67. The city council may make, maintain and repair such common sewers in the city as the public health or convenience of individuals shall require and for that purpose, on notice to land owners, may take the lands of such owners on making compensation for the same.

SEC. 68. In the taking of lands for sewers the city council shall proceed in the same manner as is prescribed by law for selectmen in taking land for highways and in awarding damages therefor; and the city council shall make a return of their doings to the city clerk who shall keep a record of the same.

SEC. 69. Every person whose particular drain shall enter into any such common sewer either at the time of the construction of the common sewer or thereafter, or who in the opinion of the city council, shall

receive benefit thereby for draining his premises or whose land shall be benefited by the proximity of such common sewer or lands adjoining or abutting streets in which a common sewer is laid may be assessed by said city council, upon notice, his just share toward the expense of laying and constructing such common sewer.

SEC. 70. Any person aggrieved by the action of the city council in the award of damages for lands taken for such common sewer shall have the like opportunity of applying to the county court to obtain redress as is or may be allowed by law to those aggrieved by the proceedings of selectmen in the laying out of highways so far as the same may be applicable.

SEC. 71. From any assessment made upon any land or the owner thereof when prior notice is required there shall be the same right of appeal to the county court and the same proceedings in respect to such appeal as is provided for appeals from the laying out of highways so far as the same shall be applicable, and the final decision of the county court in the matter of such appeal shall, when the record thereof is duly recorded as aforesaid, be a lien upon the lands so assessed as above mentioned, but such appeal shall not delay the laying out or building of such new highway or street or the making, altering, or repairing of such sidewalk, or making of a sewer.

SEC. 72. The city council shall make out a statement of all assessments made where no notice is required, describing the lands or buildings assessed, and on or before December first in each year cause the same to be recorded in a book kept for that purpose in the city clerk's office, and deliver a copy of the same to the treasurer of said city, whose duty it shall be to notify each person so assessed, by mail, of the amount of their assessments, on or before the tenth day of December, in each year, and to collect all such assessments.

SEC. 73. If the owner of lands assessed by authority of this act shall neglect, for the space of thirty days after the final decision of the city council, or in case of an appeal, after the final decision of the county court, to pay to the city treasurer the amount of said assessment, the city council shall issue their warrant for the collection of the same, signed by the mayor and directed to the city constable, who shall have authority to sell at public auction so much of said land as will satisfy said assessment 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 and shall receive therefor the same fees as is provided for the same proceedings in the collection of town taxes.

SEC. 74. When an appeal is had from an assessment or award of damages, made by the city council, the opening, making or altering of any street or highway or the construction of any sidewalk or sewer shall not be thereby delayed.

SEC. 75. The pendency of proceedings on appeal from the laying out, altering or discontinuance of any street shall not vacate the lien created upon the lands assessed by the city council but shall suspend the same until the final determination of such proceedings.

SEC. 76. Whenever a description of lands or buildings is required in making assessments, or the records thereof, a reference to the deed of conveyance to the owner thereof, giving the date of the same and the volume and page of the land records where the same is recorded, or the street and number upon which the same is situated, shall be sufficient description.

SEC. 77. Whenever under the provisions of this act the city council is required to give notice for the taking of land for public purposes or the awarding of damages therefor or for the laying of assessments, a citation shall be issued signed by the city clerk and containing the names of all persons to whom notice is to be given, not less than six and not more than sixty days before the time of hearing by the city council thereon.

SEC. 78. Such citation shall be served by any sheriff or constable in the state upon such land owner at least six days and not more than sixty days prior to the time of hearing.

SEC. 79. Service of such citation may be accepted by any or all persons therein named, by endorsing their acceptance in writing thereon.

SEC. 80. Such citation may be served upon a person not an inhabitant of this state by leaving a true and attested copy of said citation with his return thereon endorsed, with, or at the residence of, his known agent or attorney, if he has one in this state; and if not, with or at the residence of the occupant of the land to which such hearing may appertain.

If there is no such occupant, then such copy of said citation shall be by said sheriff or constable left with the city clerk for such persons so owning or interested in such land.

SEC. 81. Said city clerk shall mail to the last known post-office address of such person, in a registered package, a true and attested copy of such citation and shall make a certificate of all his doings touching said copy.

SEC. 82. The return of such sheriff or constable upon the original citation and the certificate of the city clerk and the registry receipts shall be *prima facie* evidence of the service of said citation as herein provided.

Said citation and return thereon, with said certificates of said city clerk and registry receipts shall be made a part of record of said proceedings and shall be filed in the office of the city clerk.

SEC. 83. If at any stage of the proceedings for taking of land for public purposes or for the making of assessments thereon by the city council, or any proceedings subsequent thereto, it shall appear that any person owning or interested in such land shall not have been duly notified, the city council shall cause a citation to be served on such person as herein provided for service upon persons originally cited and shall cause said proceedings to be postponed to such time as will permit such citation so issued to be served.

SEC. 84. No proceedings instituted by the city council in pursuance of said citation nor any proceedings subsequent and pertaining thereto shall be void on account of any failure to give notice to any person or persons interested therein or for that reason shall be dismissed, but such proceedings shall be suspended till such person or persons are duly notified; whereupon the same proceedings shall be had in the same manner and with the same effect as if such person had been duly notified by the original citation. If the person so notified shall appear he may be heard upon all matters therein pending in which he is interested.

SEC. 85. The management and control of the public schools shall be vested in a board of six school directors to be elected at the annual meeting, one from each ward, who shall be a bona fide resident of and elected by the voters of the ward he represents, and shall hold office for the term of one year. If a school director, during his term, removes from the ward he represents, his office shall be declared vacant by the city council and the city council shall fill such vacancy by the appointment of some suitable person residing in said ward.

The board of school directors shall have all and the same powers, and be subject to all and the same duties and liabilities as town school directors.

The mayor shall be an *ex-officio* school director.

SEC. 86. The board of school directors shall make an annual report of their doings and expenditures to the city council on or before the first day of February in each year, in which report they shall make an estimate of the necessary expenditures for the support of the schools for the ensuing year, the amount of income to be derived from the United States deposit fund and other school income other than taxation, and the report shall be published with a report of the city officials as hereinbefore provided.

#### CITY COURT.

SEC. 87. A municipal court within and for the city of St. Johnsbury is hereby established, to be called a city court, and it shall be a court of record and have a seal. The governor shall, during the month of March, 1903, appoint and commission until the first day of December, 1904, a judge of said court from among the freemen of said city; and the governor shall, during the month of November, 1904, and biennially thereafter,

appoint and commission, for the term of two years from the first day of December, a judge of said court, and shall be appointment fill any vacancy that may occur in said office.

SEC. 88. The city court may try and determine all prosecutions for criminal offenses committed within the city and town of St. Johnsbury, which are not punishable by death or imprisonment in state's prison, and shall have the same jurisdiction as a justice of the peace to cause to be apprehended and committed to prison, or bound over with sufficient sureties for trial by the county court, persons charged with crime exceeding its jurisdiction to try and determine.

SEC. 89. The city court shall have exclusive original jurisdiction of all complaints and prosecutions for violations of city ordinances and by-laws, and upon the conviction of any person, by said court, for any crime or misdemeanor within its jurisdiction to try and determine, or for the violation of any city ordinance or by-law, when the sentence of a fine, or fine and cost, shall be imposed, the city court shall further order that if such sentence is not complied with within twenty-four hours from its rendition, the person so convicted and sentenced shall be imprisoned in the house of correction in the city of Rutland, in the county of Rutland, for as many days as thrice the number of dollars to be paid by the sentence, including costs of commitment, which costs shall be fixed and determined by said court and included in the sentence, and said city court may, in its discretion, issue a warrant of commitment forthwith, provided that if the person so convicted shall be a boy, under the age of nineteen years, or a girl under the age of seventeen years, the city court may sentence such offender to the Vermont industrial school, at Vergennes, in the county of Addison, until of age, under the same regulations and conditions as prescribed by section 5219 of the Vermont Statutes.

SEC. 90. In all criminal cases before said city court there shall be the same right of appeal to the county court as is provided by law in criminal cases before a justice of the peace, and such appeal shall be taken in the same manner and under the same regulations as in criminal cases before a justice of the peace.

SEC. 91. All fines, penalties and forfeitures recovered in said city court shall be paid to the judge and by him into the treasury of the city of St. Johnsbury, except in cases where, by law, express provisions to the contrary are made; and the judge of said city court shall account for and pay over the same in the same manner and shall be subject to the same regulations and perform the same duties in respect to the same as is provided by law in case of justices of the peace in like cases.

SEC. 92. The city court shall have jurisdiction of all actions of a civil nature, including actions against the lessees of lands and tenements holding over without right as provided in sections 1560 and 1565, both inclusive, of the Vermont Statutes, if either of the parties reside in said city or said town of St. Johnsbury, at the time of the commencement of the action, or if neither party resides in the state at such time, except replevin for goods and chattels where the value thereof exceeds two hundred dollars, as fixed by the appraisers, and actions for slanderous words and where the title to land is concerned, where the debt or other matter in demand does not exceed five hundred dollars, and of actions of trespass on the freehold where the sum in demand does not exceed one hundred dollars; but nothing herein contained shall affect the jurisdiction of the county court as now provided by law, provided that the provisions of subdivisions 2,3 and 4 of section 1146 of the Vermont Statutes, in regard to the town in which writs in certain suits therein described shall be made returnable, shall apply to said city court.

SEC. 93. From the judgment of the city court in all civil cases an appeal shall be allowed in the same manner and under the same provisions as now provided in regard to appeals from a justice court, except that no appeal shall be allowed in civil cases when the matter in demand shall not exceed fifty dollars, subject to the same exceptions as are provided by law in regard to appeals from a justice court when the matter in demand does not exceed twenty dollars; and in actions of replevin for goods and chattels when the appraised value of the goods and chattels replevied does not exceed twenty dollars.

SEC. 94. Process returnable to said city court shall be substantially in the same form as in a justice court, and shall be served in the same manner.

SEC. 95. In all prosecutions for criminal offenses within the jurisdiction of the city court to try and determine, and in all appealable civil cases before said city court, exceptions to the judgment, rulings and orders of said city court upon questions of law, may be taken to the supreme court in the same manner and under the same regulations as provided by law for exceptions in the county court, and thereupon the cause in which exceptions are taken shall pass to the supreme court, and in such case the exceptions shall be filed with the clerk of Caledonia county court within thirty days from the date of the judgment, but no exceptions shall be allowed when an appeal is taken to the county court.

SEC. 96. The city court shall have the same power over its judgments, records and proceedings as are now vested in the county courts, and may open and reconsider any judgment rendered by default upon application made by the party defaulted within thirty days from the date of such judgment, provided no execution shall have been issued; and no execution shall issue in any cause until the expiration of twenty-four hours after judgment.

SEC. 97. The provisions of sections 1667 to 1674 inclusive, of the Vermont Statutes, shall apply to said city court; but a party aggrieved when the city court has rendered judgment under the circumstances mentioned in the sections last above referred to, instead of applying to the county court for an appeal, may apply to said city court for leave to have the cause reopened and heard in said city court, such application to be made in the same manner and all proceedings under such application to be the same as specified in said sections, the city court and the judge thereof acting instead of the county court and the judge of the county or supreme court; and the judge of said court may do any act or thing in such case that the judge of the county or supreme court may do in case of petition for appeal under the provisions of said sections. Such proceedings shall be had within the time specified in said sections for petition for an appeal.

SEC. 98. Juries in said city court shall be the same and be drawn and summoned in the same manner as juries in a justice court.

SEC. 99. The city constable shall be an officer of said city court in the same manner and subject to the same exceptions and regulations that the first constable of the town is in a justice court.

SEC. 100. In all cause, both civil and criminal, before the city court, the city judge shall be entitled to tax and receive double the fees allowed by law to a justice of the peace, except for copies of records or files in said court. Parties, juries, witnesses and officers shall be entitled to the same fees as are now provided by law in civil and criminal causes before a justice of the peace.

The city judge shall also be entitled to tax and receive the sum of one dollar for each bill of exceptions allowed and signed by him, but the city judge shall only be allowed ten cents per folio for any copies of any proceedings which he may be required to furnish to any person.

SEC. 101. The city court shall be held by the judge thereof and be open at all times; in case of his absence from the city, or in case of his disability from any cause, the mayor may name any one of the justices of the peace of the city to act as judge to hold said court during the absence or disability of the judge, who shall, for the time being, exercise all powers of the judge of said court; in the absence of the judge the clerk of the court or any justice of the peace of the city shall have power to continue a cause, but not to alter any order for continuance which may have been made and entered upon the docket by the judge. Any justice of the peace, by agreement of the parties to a cause, in the absence of the judge may try and determine a cause pending in said city court.

SEC. 102. A docket shall be kept upon which shall be entered all causes pending in said city court, and full records for all causes determined shall be made and kept in a book or books kept for that purpose, but it shall not be necessary to spread at lengths upon the record all of the pleadings. All process, pleadings and papers relating to any cause in said city court shall be kept and preserved and, together with the records shall, be subject to inspection and examination by any person, and upon the tender of the legal fees the city judge shall furnish, or cause to be furnished, duly certified copies of any such records, pleadings, process or papers.

SEC. 103. The judge of said court may, in his discretion, appoint and remove at his pleasure a clerk of said court, who shall have the power to perform the duties incident to a clerk of the county court, and said judge shall fix and pay said clerk's compensation out of his own fees and emoluments, provided, that the judge may himself perform all the duties and acts which a clerk may do and perform.

SEC. 104. The judge may only instruct the jury touching the questions of law applicable the cause on trial.

SEC. 105. Either party in a civil or criminal cause before the city court shall be entitled to a jury, under the same regulations and provisions as are fixed by law relating to juries in a justice court.

SEC. 106. The judge of the city court shall be *ex-officio* a justice of the peace within and for the county of Caledonia, and is hereby authorized and empowered to do any act that a justice of the peace may do, and all obligations imposed by law upon the justices of the peace are hereby imposed upon him as a justice of the peace, and he shall file his oath of office as a justice of the peace in the county clerk's office as required by law of a justice of the peace. The judge of the city court may sign original writs returnable to any county court in this state. Any justice of the peace or master in chancery within the county of Caledonia may sign writs returnable before the city court.

SEC. 107. Criminal prosecutions before said city court for offenses committed in the city or town of St. Johnsbury, may be brought by the state's attorney or by a grand juror of the city or town in which such offense was committed, and criminal prosecutions before said city court for offenses committed within said city of St. Johnsbury may be brought by the state's attorney or city grand juror, but all prosecutions for a breach of any city ordinance or by-law shall be brought solely by the city attorney; but, in the absence of the city attorney from the city or for any reason of his inability to serve, prosecutions for a breach of the city ordinances or by-laws may be brought by a city grand juror, if authorized in writing by the mayor, in said city court.

In all criminal prosecutions in said court the prosecuting officer shall be entitled to tax and receive the same fees as provided by law for town grand jurors in similar causes, except that the state's attorney shall be entitled to ten cents per mile of travel one way from the place of his abode to the city of St. Johnsbury.

SEC. 108. The judge of the city court may, whenever he deems it proper, require the pleadings in a cause, or any part thereof, to be in writing, under such rules of court as he shall prescribe.

SEC. 109. In all prosecutions for nuisances the city court shall have power, subject to such restriction as may be prescribed by the city council, in a summary manner to order such nuisance abated and removed, and to issue such warrants as shall be necessary to carry such order into effect.

SEC. 110. The judge shall file a copy of his oath of office as such city judge, signed by him, in the office of the clerk of Caledonia county court.

SEC. 111. In criminal cases where the costs are by law to be paid by the city of St. Johnsbury, or by the town of St. Johnsbury, the judge may draw orders upon the city treasurer, or upon the town treasurer, for such costs, payable to himself, and shall disburse the same to the persons entitled thereto, but he shall file with the treasurer of the town or city upon which he draws such order a sworn detailed statement of all such costs, and pay over to the treasurer of the said city or of said town all fines and costs by him received, which shall be paid to the treasurer of said city or of said town before such order shall be paid.

SEC. 112. The judge of the city court shall be allowed nothing from the state for services or for expenses or stationery, except his fees as herein provided, in state cases, to be allowed by the state auditor in the same manner as the fees of a justice of the peace are allowed.

SEC. 113. All the assets, franchises and property of the village of ST. Johnsbury shall belong to and be transferred to the city of ST. Johnsbury, and all debts, contracts and liabilities of the village of St. Johnsbury shall be assumed, fulfilled and paid by the city of St. Johnsbury.

SEC. 114. The assets and liabilities of the town of St. Johnsbury and the existing indebtedness of said town shall be ascertained; the real and personal property belonging to said town which shall be turned over and transferred to the city of St. Johnsbury shall be valued under the rule prescribed for the appraisal of property for taxation; the share of such indebtedness to be assumed by either the town or the city of St. Johnsbury, and all other matters to be adjusted between said town and city of St. Johnsbury, including the interest of said town in the town house building and in the town poor farm and property, shall be determined by a committee composed of the selectmen of the town of St. Johnsbury and the city council of the city of St. Johnsbury and the same apportioned to said town and city respectively on the basis of the grand list of said town and village of St. Johnsbury in the year 1902, and if said selectmen and city council shall not be able to agree thereon within two months after the organization of the city of St. Johnsbury, the presiding judge of the county court within and for the county of Caledonia, on application of either of said boards, and on twelve days' notice to the other party, shall appoint three disinterested commissioners to make such apportionment, whose decision, rendered on hearing of the parties after twelve days' notice, shall be final. All unliquidated and disputed claims, all pending suits, and all suits that shall hereafter be brought upon causes of action originating prior to the time when this act shall take effect, in favor of or against said village of St. Johnsbury, or in favor of or against said town of St. Johnsbury, shall be enforced and prosecuted by or against said city of St. Johnsbury in the same manner as it would have been by or against said village or town of St. Johnsbury if this act had not been passed; and any and all moneys collected or damages recovered by or against said city, together with the expenses of litigation, shall be apportioned and settled upon the basis and in the manner above provided; the town of St. Johnsbury receiving or paying its proportion thereof from or to the city of St. Johnsbury, as the case may be.

SEC. 115. All books of record, books of reference and all papers and documents belonging to and heretofore kept by law in the town clerk's office in the town of St. Johnsbury, shall be deposited and kept in the office of the clerk of the city of St. Johnsbury, copies of which, duly certified by the city clerk, shall be legal evidence for all purposes for which they would have been evidence if said city had not been created and they had been duly certified by the clerk of said town of St. Johnsbury.

SEC. 116. So much of the provisions of section one hundred and ninety of the Vermont Statutes as relate to this act are hereby repealed.

SEC. 117. This act shall be a public act, and may be altered, amended or repealed by the general assembly whenever the public good may require.

SEC. 118. This act shall take effect, if accepted by the inhabitants who are legal voters within the territory of said city of St. Johnsbury and the legal voters of the town of St. Johnsbury as provided by section two of this act, on the first Tuesday of March, 1903, but all by-laws of the village of St. Johnsbury which shall be in force on the day this act shall take effect shall be and remain in force and have the same effect as ordinances and by-laws made in conformity with the provisions of this act by the city council for said city of St. Johnsbury, until the first day of May, 1903, unless sooner repealed by said city council.

Approved December 12, 1902.