

Excerpt from
Laws of Vermont 1864

No. 98.—AN ACT TO INCORPORATE THE CITY OF BURLINGTON.

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

SEC. 1. The inhabitants of that portion of the existing town of Burlington which is embraced in the following limits, viz:— Beginning at the east shore of Lake Champlain, at the mouth of Lewis creek in the centre thereof; thence up the centre of said creek to the east line of the stage road from Burlington to Shelburne; thence northerly in the east line of said stage road to the northwest corner of one hundred acre, lot No. 165; thence easterly in the north line of one hundred acre lots, Nos. 165 and 183, to the east line of Spear street; thence northerly in a straight line to the north line of Winooski turnpike, in the angle formed by the north line of said turnpike and the east line of the road leading northerly from said turnpike to Colchester Avenue, east of the residence of Henry W. Catlin; thence from said angle in a straight line to the centre of Winooski river at the northern termination of the east line of one hundred acre lot No. 18; thence in the centre of Winooski river down said river to Lake Champlain; thence southerly on the lake shore at low water mark to the westernmost part of Apple-tree Point; thence in a straight line southerly to the westernmost point of Red- Rooks Point; thence along the lake shore, at low water mark, to the point of beginning;—are hereby incorporated and made a body corporate and politic under the name of the City of Burlington; 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 as the purposes of, the corporation may require; may borrow money on the 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 incident to, towns in this State, and shall be subject to like duties liabilities, and obligations, except as is otherwise provided in this act.

SEC. 2. The city of Burlington is hereby divided into three ward; containing, as nearly as practicable, an equal number of inhabitants. The lines and boundaries of said wards shall be defined and established by the selectmen of the town of Burlington, within twenty days after the acceptance of this charter, according to its provisions. The said selectmen shall make a certificate of the limits of said wards so established by them, and cause the same to be recorded in the office of the city clerk, and the city council are hereby authorized and empowered, at the end of every five years after the organization of said city, to change the number and boundaries of said wards, or either of them, having reference to equality in population, as aforesaid. The legal voters in each ward shall annually elect two aldermen, and three common councilmen, and the ward officers hereinafter named, from among the legal voters therein, and shall also vote for mayor and recorder.

SEC. 3. The administration of all the fiscal, prudential and municipal affairs of said city, and the government thereof, shall be vested in one principal officer, to be styled the mayor, one council of six members, to be denominated the board of aldermen, and one council of nine members, to be denominated the common council; which boards, in their joint capacity, shall be called the city council. The members thereof and the mayor shall be chosen annually, and be respectively sworn to the faithful performance of their duties. A majority of each board shall constitute a quorum. No member of either board shall receive any compensation for his official services therein.

SEC. 4. The mayor shall be the chief executive officer of the city. 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 expended, and shall bring before the proper boards whatever he may deem worthy of their attention for prudently and efficiently carrying on the affairs of the city. He shall receive such annual compensation as shall be voted him by the city council. He shall be the presiding officer, when present of the board of aldermen, and of the boards of aldermen and common council, when acting in convention, and shall have only a casting vote. In his absence the president *pro tempore* of the board of aldermen shall preside and act as mayor in his stead. The mayor, with the consent of the board of aldermen, shall have power to remit fines, in whole or in part, in cases where the same are payable into the city treasury, and shall cause the reasons for such remission to be entered on the city records.

SEC. 5. The city council in convention shall appoint a city treasurer, a collector of taxes, a city attorney, a city clerk, who shall be *ex officio* clerk of the board of aldermen and also of the city council, when acting in convention, three assessors, one of whom shall be a resident of each ward so long as the city consists

of three wards, one or more constables, who shall have the powers of police officers, a chief engineer, and such number of assistant engineers as they shall deem necessary, three street commissioners, an overseer of the poor, three cemetery commissioners, and three auditors; and they may also appoint such other subordinate officers as may be elected or appointed by towns; and the compensation of all such officers shall be assigned by the city council. All such officers shall be annually appointed between the 1st and 10th of June, and shall hold their offices for one year from the 15th day of June, and until their successors shall be appointed and qualified. In case of a vacancy in any of said offices occasioned by death, removal from the city, resignation or inability to serve, such vacancy shall be filled by the city council. The mayor may appoint special police officers for particular emergencies. The treasurer, constable, collector of taxes and city treasurer shall annually give bonds to the city, to the satisfaction of the board of aldermen, for the faithful discharge of their respective duties; and any other city officer may, by the board of aldermen, be required to give similar bonds, and in case of the neglect of any officer to give bonds as above specified, after ten days' notice from the board of aldermen that he is required so to do, his office shall thereupon become vacant, and the vacancy shall be filled as hereinbefore provided.

SEC. 6. The city clerk shall perform for the city the same duties devolving by law upon town clerks, except so far as the same are rendered unnecessary by this charter, and shall receive the same fees therefor. He shall be sworn to the faithful performance of his duties, and his records, copies and certificates shall be legal evidence in all courts, and for all purposes, as those of town clerks are.

SEC. 7. The city treasurer shall have the same powers and be subject to the same liabilities, as are prescribed by law for town treasurers. The collector of taxes shall have the same powers and be subject to the same liabilities, and shall proceed in the same manner, as are prescribed by law for collectors of town taxes. The city attorney shall prosecute and defend all suits in which the city is interested, and is authorized to file informations and complaints in the police court, and to prosecute the same to final judgment and execution. The assessors shall have the same powers, discharge the same duties, proceed in the discharge thereof in the same manner, and be subject to the same liabilities as are prescribed by law for listers. Appeals may be taken from their decision to the board of aldermen, in all cases where appeals are allowed by law from the decision of listers, and the board of aldermen, in respect to such appeals, are endowed with all the powers of selectmen in such cases.

SEC. 8. The city constables shall have the same powers, and be under the same duties and liabilities as are prescribed by law for constables of towns; and the said constables and all special police officers shall have the same powers as sheriff of suppressing riots and all unlawful assemblages, and of arresting without warrant all persons disturbing the peace, and may bring them before the police court of the city forthwith, or detain them in the county jail until said court can be held, and such court may proceed summarily to hear and determine all such cases in the same manner as they may with persons apprehended on warrant.

SEC. 9. The street commissioners shall have the same powers and liabilities in respect to the repairs of streets and highway as street commissioners have by law in towns where they elect such commissioners, subject to the ordinances and by-laws of the city council. They shall have the same power to lay out, alter and discontinue streets and highways as are vested by law in selectmen, and all proceedings in respect to laying out, altering or discontinuing highways in said city, shall be had in the same manner as is prescribed by law in respect to such matters in towns, except that the street commissioners shall in said city act in the place of selectmen; and from all their acts or omissions, or refusals to act in such respect, appeals may be taken to the county court, in the same manner as is provided by law from the decision of selectmen in such matters. Said street commissioners, in laying out, repairing or altering highways, shall have power subject to the ordinances and by-laws of the city council, on giving twelve days notice to the parties of the time and place of hearing, to assess the owners of lands adjoining such highway so much of the expenses of opening, making, altering or repairing such highway, as the said commissioners shall judge such lands to be benefited thereby, and when they shall have made any such assessment they shall make a report thereof to the mayor, specifically setting forth their doings in that respect, which report the mayor shall cause to be recorded in the records of deeds in the city clerk's office, and when so recorded, the amount so assessed shall be and remain a lien in the nature of a tax upon the lands assessed, until the same shall be paid. From such assessment there shall be the same right

of appeal to the county court, and the same proceedings in respect to such appeal, as is before provided in this section, and the final decision of the county court in the matter of such appeal, shall, when the record thereof is duly recorded in the city clerk's office as aforesaid, be a lien upon the lands so assessed as above mentioned. But such appeal shall not delay the opening, making, altering or repairing of such highway. And if the owner of such lands so assessed shall neglect for the space of six months after the final decision of said commissioners, or, in cases of appeal, of the county court, to pay to the city treasurer the amount of said assessment, the street commissioners shall issue their warrant for the collection of the same, directed to the city collector of taxes, who shall have authority to sell at public auction so much of such 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.

SEC. 10. The overseer of the poor shall have the same powers and duties as devolve by law upon such officers in towns, except that he shall not have power to draw orders on 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. The cemetery commissioners shall have the management and control of the public cemeteries of said city, as provided by the general laws of the State in respect to such commissioners. The auditors shall annually audit the accounts of the treasurer and the overseer of the poor, and shall make report thereon to the city council.

SEC. 11. A recorder shall be annually elected from among the legal voters of the city. A police court shall be held at such place and times, as shall be designated by the board of aldermen, at least once in each week. The police court shall be open at all times for the examination and trial of criminals, and shall be held by the recorder, or in case of his absence, or inability to attend, by such justice of the peace within the city as may be designated by the mayor for that purpose. The recorder shall have all the powers and jurisdiction of a justice of the peace within the county of Chittenden. The police court shall have jurisdiction with justices of the peace of all criminal offences committed within the city, and in respect to all such criminal offences within the jurisdiction of a justice of the peace to try and determine, the judgment of said court shall be final, except as hereinafter provided. The police court shall have exclusive jurisdiction of all complaints and prosecutions for violations of city ordinances and by-laws, and from its judgments therein there shall be no appeal. In all criminal cases within the final jurisdiction of said court, in which, by law, a sentence of imprisonment in the county jail may be rendered, said court may, in its discretion, render a sentence of imprisonment at hard labor in the city house of correction for a term not exceeding sixty days. From the judgments of the recorder in civil actions, an appeal may be taken to the county court, in the same cases and under the same regulations as is provided by law for appeals from the judgment of a justice of the peace in such cases. In all criminal causes within the final jurisdiction of the police court, exceptions to the decisions of said court upon questions of law may be taken to the supreme court, in the same manner and under the same regulations as are provided by law for exceptions from the county court to the supreme court in criminal cases. The remuneration of the recorder, or of the justice of the peace holding said court in the recorder's absence, shall be derived from fees and costs, taxed in said court according to law, to be limited in amount by the board of aldermen if they shall deem fit. In prosecutions for violations of city ordinances or by-laws, the same costs shall be allowed as are provided by law for ordinary criminal prosecutions before justices of the peace. All fines, penalties and forfeitures recovered in said court shall be paid into the city treasury and belong to the city, except in such cases where by law express provision to the contrary is made. In case of the death, resignation, removal from the city, or permanent inability to serve on the part of the recorder, his office shall be filled by the city council for the remainder of the year, from among the justices of the peace of the city.

SEC. 12. The ward officers shall be a warden, or presiding officer, a clerk, and three inspectors of election, who shall be chosen by the legal voters of each ward at the annual city election, shall be sworn to the faithful performance of their respective duties, and shall hold their offices till their successors are chosen and qualified. In case of a vacancy in any ward office, occasioned by death, removal from the city, resignation or inability to serve, the same shall be filled by the city council.

SEC. 13. In case of a vacancy in the office of mayor, occasioned by death, resignation, removal from the city, or permanent inability to serve, the president *pro tempore* of the board of aldermen shall act as mayor

until a new election shall be had; and in case of any vacancy in the boards of aldermen or common councilmen from any of the above, mentioned causes, the same shall be filled by a new election in the proper ward.

SEC. 14. Every male citizen of this State of the age of twenty-one years and upwards, whose list shall have been taken in said city at the annual assessment next preceding any election of city officers therein, shall, during their residence in such city, be legal voters at such city elections; and each voter shall vote in such city elections only in the ward of which he is at the time an inhabitant. It shall be the duty of the assessors in preparing the annual lists of the inhabitants of said city, to designate thereon the number of the ward of which each person so assessed is an inhabitant; and the city clerk shall, between the 15th and 20th of May in each year, make out from the lists deposited by the assessors in his office a list of the legal voters in each ward, and deliver it to one of the inspectors of elections of said ward, for use at all city elections during the ensuing year. And no person, whose name is not on such list, shall be allowed to vote at any city election in any ward, unless he shall prove to the satisfaction of the inspectors of election of such ward that his list was taken at the next preceding annual assessment and that he is, in fact, at the time of such election an inhabitant in such ward. The same penalties for illegal voting at any city election are hereby prescribed, as are provided by law for illegal voting at freemen's meeting.

SEC. 15. The mayor, recorder, aldermen, common councilmen and ward officers shall be elected annually on the fourth Tuesday in May, and they shall hold their offices for one year from the succeeding first Tuesday in June. The annual city election shall be held in the several wards at such place and hour as shall be named in the warning therefor, and at the same hour of the day in each ward. Every election of city officers shall be by ballot, and a plurality of votes shall be sufficient for an election. It shall be the duty of the clerks of the several wards to keep a record of all elections held therein, and to furnish to each alderman and common councilman who may be elected a certificate of his election. He shall also immediately after any election for mayor or recorder, return to the city clerk a statement of the votes for such officers in his ward, which statement shall be recorded in the city records, and a certificate by the city clerk of the result of such election in the whole city, shall be forthwith published in the various newspapers of the city. It shall be the duty of the inspectors of election to be present at all elections in their respective wards, to decide all questions relative to the right of any person to vote at such elections, and to sort and count the ballots, and to publicly announce the result to the voters present.

SEC. 16. If any person duly elected to any city or ward office shall refuse or decline to serve, he shall be liable to pay to the city a fine of twenty dollars, to be recovered in the name of the city in the police court.

SEC. 17. After the organization of said city, all warnings for annual or special ward meetings for the election of city or ward officers, and for general meetings of all the legal voters of the city for raising special city taxes, or for any other purpose, shall be issued by the mayor and published in the manner designated in the by-laws of the city. The mayor shall issue a warning for a general meeting of the legal voters of the city, for any constitutional or legal purpose, beyond the jurisdiction of the city council, to be set forth in such warning, whenever so requested in writing by thirty legal voters

SEC. 18. Freemen's meeting in said city for the election of representatives to the Legislature and justices of the peace, and of county and State officers, representatives to the Congress of the United States, and of electors of President and Vice President of the United States, shall be warned and held at the times and in the same manner provided by law for such meetings in towns. In the absence of the first constable of the city and the city clerk such meetings shall be warned by the mayor.

SEC. 19. For the enacting of all ordinances and by-laws, and the transaction of any other business not otherwise provided for, the mayor and aldermen shall constitute one board and the common council another board. The boards of aldermen and common council shall meet regularly on the first Monday of each month, and as much oftener as they shall be convened by warrant from the mayor or in his absence by such other officer as shall be designated by the by-laws. Such warrant shall be published in each of the newspapers of the city. All meetings of both boards shall be public, except when assembled for executive business. For the enacting of any ordinance or by-law a concurrent vote of the two boards shall be necessary. The common

council shall choose from time to time their presiding officer and clerk, to serve during the pleasure of the board.

SEC. 20. The city council 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:

1. To establish and regulate a market, and house of correction.
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 exhibition of common showmen, and of shows or every kind not interdicted by law.
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 city.
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 combustible and dangerous materials.
9. To regulate the making of alterations and repairs of stove pipes, furnaces, fire-places and other things from which damage by 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; 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 firewood, lumber, carriages, boxes or other things, and provide for the care, preservation and improvement of public grounds.
12. To restrain and punish vagrants, mendicants and common prostitutes, and to make regulations respecting paupers.
13. To restrain or regulate the running at large of cattle, horses, swine, sheep and dogs.
14. To provide a supply of water for the protection of the city against fire and for other purposes, and to regulate the use of the same, subject to the provisions and under the restrictions, as to a taxes and receiving money therefor, provided in section twenty-four (24) of this act.
15. To regulate and determine the time or place of bathing in any of the public waters within said city, or adjacent thereto, and to prevent the same.
16. To compel all persons to remove from the sidewalks and gutters in front of the premises owned or occupied by them, all snow, ice, dirt and garbage, and to keep such sidewalks and gutters clean.
17. To license inn-keepers, keepers of saloons or victualing houses, and auctioneers, under such regulations as shall be prescribed therefor” and all moneys paid for such licenses shall belong to the city, and be paid into the city treasury.

18. To regulate or restrain the use of rockets, squibs, firecrackers, or other fire-works, in the streets or commons, and to prevent the practicing therein of any amusements having a tendency to injure or annoy persons passing therein, or to endanger the security of property.
19. To regulate gauging, the place and manner of selling and weighing hay, packing, inspecting and branding beef, pork and produce, and of selling and measuring wood, lime and coal, and to appoint suitable persons to superintend, and conduct the same.
20. To regulate porters, cartmen and cartage, also hackney coaches, cabs and carriages, and their drivers.
21. To prescribe the powers and duties of watchmen and policemen of said city.
22. To regulate the grade of streets, and the grade and width of sidewalks and the construction thereof.
23. To provide for lighting the city.
24. To prohibit and punish willful injuries to trees planted for shade ornament, convenience or use, public or private, and to prevent and furnish trespasses or willful injuries to or upon public buildings, spheres, commons, cemeteries, or other property.

And said city council may make and establish and the same alter, amend or repeal, any other by-laws, rules and ordinances which they may deem necessary for the well being of said city, and not repugnant to the constitution or laws of this State, all 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 twenty days before they take effect.

SEC. 21. No fine shall be imposed for violation of any city ordinance or by-law, exceeding fifty dollars, *provided*, that when it may be necessary to abate a nuisance, the expense of the abatement may be imposed on 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 common jail of Chittenden county, or at hard labor in the house of correction of said city, for a term not exceeding sixty days, in addition to, or in lieu of, said fine, in the discretion of the court, and be subject to an action for damages. If the delinquent shall neglect to pay any fine and costs legally imposed on him, he shall be committed to such jail, or house of correction, until the sentence is complied with, or he shall be otherwise legally discharged from such imprisonment. *Provided*, however, that the city council shall have the power to regulate and establish the penalties for the violations of such city ordinances as they may enact.

SEC. 22. 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.

SEC. 23. No money shall be paid out of the city treasury, except upon warrant, signed by the mayor and approved by the board of aldermen. A full record of all expenditures shall be kept, and a clear statement of all receipts and disbursements of city moneys, and of the affairs of the city generally, shall be annually published under the direction of the mayor, at least two weeks before the annual city election.

SEC. 24. The board of aldermen shall assess on the grand list of the city all State, State school, county and highway taxes required by law to be assessed on the several towns by their selectmen. The highway tax for the city shall be collected in money. All warrants for the collection of taxes shall be signed by the mayor, recorder, or a justice of the peace. The city council may, in addition to the taxes required by law to be assessed upon the grand list of the city, annually assess upon such grand list a tax for city purposes, which shall not exceed fifty cents upon the dollar, except when authorized by the legal voters of the city in general meeting assembled. The money so raised, with such other sums as are raised by taxes on the city under the laws of the State, and whatever may be raised from fines and from other lawful sources, shall constitute the entire sum from which appropriations and payments are to be made, according to law, by or under the authority of the city

council and the credit of the city beyond the amount so raised shall not be pledged, except by vote of the, legal voters therein.

SEC. 25. The rights and powers of school districts within the limits of the city shall not be affected by this act, except that, after the organization of the city government, the board of aldermen shall have the same powers in respect to them which selectmen have in towns; and the same charge of the distribution of public moneys to them, the preservation and care of funds appropriated to the use of schools, and the assessing and distribution of taxes for the support of schools, shall then devolve upon the board of aldermen.

SEC. 26. Upon the organization of said city under this act, Fire District No 1, in the town of Burlington, shall cease to exist, and all the funds and other property of said fire district shall thereupon pass to, and become the property of said city.

SEC. 27. Within sixty and after thirty days from the passage of this act, the selectmen of the town of Burlington shall cause the same to be published in the several newspapers of said town, and shall warn the legal voters of said town to assemble at an appointed place and time, to vote by ballot upon the acceptance or rejection of this act, such warning shall be posted as is prescribed for town meetings, not less than fifteen nor more than twenty days before said meeting, and shall also be published during said period in each of the newspapers of said town. At such meeting, those in favor of the acceptance of this act shall cast ballots upon which shall be inscribed or printed the word "yes;" and those opposed to such acceptance shall cast ballots upon which shall be inscribed or printed the word "no." If a majority of said ballots shall be in favor of the acceptance of this act, the same shall then take effect, but otherwise the same shall be null and void.

SEC. 28. Immediately upon the acceptance of this act, as provided in the preceding section, the selectmen of the town of Burlington shall divide the said city into wards, as hereinbefore directed, and shall warn an election in the several wards for the choice of mayor, recorder, aldermen, common councilmen and ward officers. Such warning shall fix the time and place for the election in the several wards, and, together with the description of the boundaries of the several wards, and the names of ward officers appointed by them, shall be published two weeks successively in each of the newspapers of said city. The selectmen shall also appoint ward officers for each ward, to officiate until an election shall be made, and at least three days before said election they shall furnish to the inspectors of elections in each ward a certified list of the legal voters therein, as hereinbefore provided. Returns of this election shall be made by the several ward clerks to the selectmen of Burlington. The persons elected to be mayor, recorder, aldermen and common councilmen, shall be forthwith notified by the selectmen to assemble at an appointed time and place. At such time the oath of office shall be administered to said officers by any person authorized to administer an oath in this State. The oath of office having been administered to not less than a majority of such board aforesaid, either collectively or singly the boards shall separate and immediately organize themselves according to this act; they shall send notices to each other that they are respectively ready to proceed to business, and the city shall then be organized.

SEC. 29. From and after the organization of the city of Burlington under this act, the territory described in the first section shall cease to form any part of the town of Burlington, and the remaining part of said town shall be and remain a separate town, by the name of South Burlington; and the inhabitants thereof shall be a body politic and corporate under the name last afore said, and shall have, exercise and enjoy all such rights, immunities, powers and privileges as are conferred upon, or incident to, towns in this State, and be subject to like duties and obligations.

SEC. 30. The present town officers of the town of Burlington shall continue to be officers of said town of South Burlington until others are elected. After the organization under this act of the city of Burlington, the selectmen of said town of Burlington, on application in writing for that purpose of six or more freeholders of South Burlington, shall, in the same manner as town meetings are required by law to be warned, warn a meeting of the inhabitants of said town of South Burlington who would be legal voters in town meetings in the town of Burlington if this act had not been passed, to be holden at some convenient place in said town of South Burlington, for the purpose of electing all necessary officers for said town; and when such election shall have been made, the official duties and authority of the present officers of said town of Burlington shall terminate.

SEC. 31. From and after the organization of the city of Burlington under this act, the selectmen of the town of Burlington shall cease to exercise any authority within the limits of said city, except so far as may be necessary to carry out such administration of their duties as may have been legally entered upon, and necessarily extends through the year of their office. The several officers of the town of Burlington shall be paid, from the treasury of said town, such compensation for their services up to the date of the organization of said city, as shall be allowed them by the auditors of said town, without any vote in town meeting to that effect. All actions in favor of or against the town of Burlington, commenced previous to the organization of the city, shall be unaffected by said organization. All pecuniary damages accruing against, and all debts due and owing from said town of Burlington, and all sums of money coming to it, as the result of any such actions, shall be fairly and equitably divided and assigned between the city of Burlington and the town of South Burlington, and all funds and properties, rents, public lands, and real or personal estate, including the United States deposit fund, which are divisible or assignable, and all paupers chargeable on the town of Burlington, shall be fairly and equitably divided and assigned between the said city of Burlington and the town of South Burlington, taking into consideration the nature of the property to be divided and assigned. Such division and assignment shall be made by the aldermen of the said city on the one hand, and the selectmen of South Burlington on the other; and if the said aldermen and selectmen shall not be able to agree thereon, within one month after the organization of both said city and town, the county court for the county of Chittenden, shall on the application of either said aldermen or said selectmen, and upon notice to that other party, appoint three disinterested commissioners to make such division and assignment, whose decision, rendered upon bearing of the parties after twelve days' notice, shall be final. All the books of records, papers and documents belonging to the town of Burlington at the time the said city shall be organized, shall be deposited and, kept in the city clerk's office, copies of which, duly certified by the clerk of the city, 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 the town of Burlington.

SEC. 32. This act shall be a public act, and may be altered, amended or repealed by the General Assembly whenever the public good shall require.

Approved, November 22, 1864.