NO. 77.

AN ACT PROVIDING FOR TAKING RIGHTS IN AND WATER FOR PUBLIC USE.

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

Section 1. Whenever the public good and necessity requires that a new or additional supply of water be procured in any town for use in any school house, any town hall or for any watering trough on any highway, the selectmen of said town may procure the right to lay and maintain aqueducts and pipes across the land of any person. And if the selectmen are not able to agree with the owner of the land which it is necessary to cross with such aqueduct or pipe, as to the compensation to be paid therefor or the necessity for taking the same, the selectmen shall proceed to secure the same, and have the question of the necessity for so taking and entering and the damages to be paid therefor determined all after the manner and according to the proceedings as provided in chapter 42 of the Vermont Statutes, and the amendments thereof for the taking of land for school purposes, and the title to all such rights so secured shall be valid and vest in the town for the purposes aforesaid.

Approved December 9, 1904.

NO. 78.

AN ACT PROVIDING FOR THE PROTECTION OF SHADE TREES.

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

Section 1. Every town may at its annual election of town officers elect a tree warden, who shall serve for one year or until his successor is elected and qualified. He may appoint such number of deputy tree wardens as he may deem expedient, and may at any time remove them from office. He and his deputies shall receive such compensation for their services as the town may determine, and, in default of such determination, as the selectmen may prescribe. He shall have the care and control of all public shade trees in the town, except those in public parks or open places under the jurisdiction of park commissioners. He shall expend all funds appropriated for the setting out and maintenance of such trees. He may prescribe such regulations for the care and preservation of such trees, enforced by suitable fines and forfeitures, not exceeding twenty dollars in any one case, as he may deem just and expedient; and such regulations, when approved by the selectmen and posted in two or more public places in the town, shall have the force and effect of town by-laws. It shall be his duty to enforce all provisions of law for the preservation of such trees.

Sec. 2. Towns may appropriate annually a sum of money, not exceeding in the aggregate fifty cents for each of its ratable polls in the preceding year, to be expended by the tree warden in planting shade trees in the public ways, or, if he deems it expedient, upon adjoining land, at a distance not exceeding twenty feet from said public ways, for the purpose of shading or ornamenting the same; providing, however, that the written consent of the owner of such land shall first be obtained. All shade trees within the limits of any public way shall be deemed public shade trees.

Sec. 3. Whoever other than a tree warden or his deputy, desires the cutting or removal, in whole or in part, of any public shade tree, may apply to the tree warden, who shall give a public hearing upon the application at some suitable time and place, after duly posting notices of the hearing in two or more public places in the town, and also upon the said tree; provided, however, that the warden may, if he deems it expedient, grant permission for such cutting or removal, without calling a hearing, if the tree in question is on a public way outside of the residential part of the town, the limits of such residential part of the town to be determined by the selectmen. No tree within such residential part shall be cut by the tree warden, except to trim it, or removed by him without a hearing as aforesaid; but in all cases the decision of the tree warden shall be final.

Sec. 4. Towns may annually raise and appropriate such sum of money as they deem necessary, to be expended under the direction of the tree warden in exterminating insect pests within the limits of their public ways and places, and in the removal from said public ways and places of all trees and other plants upon which such pests naturally breed; provided, however, that where an owner or lessee of real estate shall, to the satisfaction of the tree warden, annually exterminate all insect pests upon the trees and other plants within the limits of any public way or place abutting on said real estate, such trees and plants shall be exempt from the provisions of this section.

Sec. 5. Whoever affixes to any tree in a public way or place a play bill, picture, announcement, notice, advertisement, or other thing of like nature, whether in writing or otherwise, or cuts, paints, or marks such tree, except for the purpose of protecting it and under a written permit from the tree warden, shall be punished by a fine not exceeding fifty dollars for each offense.

Sec. 6. Whoever wantonly injures, defaces, breaks or destroys an ornamental or shade tree within the limits of any public way or place shall forfeit not less than five nor more than one hundred dollars, to be recovered by complaint, one half to the complainant and the other half to the use of the town.

Sec. 7. Whoever negligently or carelessly suffers a horse or other beast driven for or by him, or a beast belonging to him and lawfully in a public way or place, to break down, injure or destroy a shade or ornamental tree within the limits of said public way or place, or whoever negligently or wilfully by any other means breaks down, injures, or destroys any such tree, shall be liable to the penalties prescribed in the foregoing section, and shall in addition be liable for all damages caused thereby.

Sec. 8. It shall be the duty of the tree warden to enforce the provisions of the preceding sections.

Sec. 9. This act shall take effect from its passage.

Approved December 3, 1904.

NO. 79.

AN ACT RELATING TO CONSTRUCTION OF BUILDINGS.

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

Section 1. Every city may for the prevention of fire and the preservation of life, by ordinance or by-laws not inconsistent with law and applicable throughout the whole or any defined part of its territory, regulate the inspection, materials, construction, alteration, removal and repair and use of buildings and other structures within its limits, except such as are owned by the United States, or by the state, and except bridges, quays and wharves, and may prescribe penalties not exceeding one hundred dollars for each violation of such ordinances or by-laws.

Sec. 2. Towns and incorporated villages which accept the provisions of this act may have the same powers as cities and selectmen in towns and trustees in incorporated villages may exercise like powers as the mayors and board of aldermen in cities.

Sec. 3. The mayor and board of aldermen shall appoint a building inspector and a deputy, who shall act in the place and exercise all the powers of said building inspector during his absence or disability, and who shall, in case of the death of said building inspectors while in office, perform all the duties of said office until an appointment is made to fill such vacancy. Said building inspector shall be a competent person with practical experience in the construction of brick and wooden buildings, and shall not be interested directly or indirectly in any building contract, or in furnishing material for the same, and shall hold office for the term of two years from the first day of April next following his appointment, unless said appointment is made to fill a vacancy, in which event the appointee shall hold office for the balance of the unexpired term only, and until his successor is chosen and qualified.

Sec. 4. Before the erection, construction, alteration or extension of any building or part thereof in the city is begun, the owner, builder, or architect shall submit to the building inspector a clear statement of the material to be used and the mode of construction of the proposed building or alteration, with the plans and specifications (if any there are), said statement to be in writing on suitable blanks furnished by the inspector for that purpose, and no building or part thereof, alteration or extension, shall be commenced until the owner shall receive from the inspector a certificate of permit specifying the material of which the outer walls and outer covering of the roof of said building is to be composed, the street upon which and the distance therefrom at which said building is to be placed, a copy of which shall be filed in the office of the inspector under the date of its issue, and such certificate or permit shall not be granted until the inspector is satisfied from an examination of the plans and specifications, or the detailed memoranda of the proposed building or alteration, that said structure when completed shall be safe and secure and built in the best manner to escape the dangers of fire, explosion and disease. If a building or alteration or extension of a building shall be begun without said certificate of permit, the builder and owner shall both be deemed to have violated this ordinance.

Sec. 5. It shall be the duty of said inspector to examine the condition of all buildings undergoing alterations or being erected within the city limits, and to serve notice in writing upon the builders, owners, or architects of said structures as he deems to be unsafe or insecure by reason of the mode or manner of construction or the materials used in the construction thereof; and shall order such changes in the mode or manner of construction and the materials used as he shall deem necessary for public safety.

Sec. 6. The said inspector is hereby empowered to, and whenever in his judgment occasion may require shall, enter into and upon any building, premises, staging, or other structure for the purpose of examining the same in reference to its safety and attending to the performance of his duties as required by law, and shall order the same altered to his reasonable acceptance at the expense of the owner thereof, or of the owner of the land and buildings upon which the same is located.

Sec. 7. In case any person shall feel aggrieved by any order of the building inspector, he, his architect, or a builder, shall have the right of an immediate appeal to a board of arbitrators appointed in the manner herein set forth, or to the city court at his election. The said board of arbitrators and said city court shall have the power to annul, amend, modify, or affirm such order of the building inspector. Such appeal must be taken within five days after the date of the receipt of the inspector's notice and order by the aggrieved party, or his architect or builder. Said notice of appeal must specify the appellant's election of the tribunal to which appeal is taken, and in case of an election of an appeal to the board of arbitrators, it shall be deemed perfected by a written notice of appeal left with the building inspector personally or at his office. In case of the election by the aggrieved party of an appeal to the city court, a copy of said notice, with an affidavit of service endorsed thereon, shall be filed with the clerk of said court, and said appeal to that tribunal shall be thereupon perfected.

Sec. 8. The board of arbitrators in each appeal shall be composed in the first instance of two disinterested persons residing in the city, one of whom shall be appointed by the appellant and one by the building inspector and if they cannot agree a third member shall be chosen by the two persons thus appointed, and the decision of a majority of the board of arbitrators thus chosen, when reduced to writing, sworn to and filed in the inspector's office, shall be final and conclusive upon the parties. Upon the filing of such decision, work may immediately be resumed in accordance therewith. The expense of such arbitration shall in every case be paid by the appellant.

Sec. 9. When an appeal is taken to the city court as above set forth, the judge thereof shall forthwith inquire into the facts himself or by a committee appointed by him, and may make such order as he may deem proper in the premises, and may, at his discretion, tax costs in favor of the prevailing party, and may issue execution therefor. Upon the entry of judgment in said court, work may immediately be resumed in accordance therewith.

Sec. 10. In case of an election by the appellant to appeal to a board of arbitrators and a failure by the two persons to agree upon a third member, the appellant may thereupon appeal to the city court in the manner herein before provided, within two days after the receipt by him of notice of such disagreement signed by either of the arbitrators already chosen.

Sec. 11. The said inspector shall make a detailed report of his doings to the board of aldermen at least as often as once in six months, showing the number of certificates of permit granted and the number refused, and such other facts as may be of importance relating to the discharge of his duties. He shall diligently inquire into and report to the city attorney for prosecution all violations of the orders of said inspector and of the building laws of the city and may also apply in his own name as building inspector to the city court for an injunction or other legal or equitable remedy in aid of his powers as he may be advised by the city attorney to be necessary in the premises.

Sec. 12. If any person shall violate this act or wilfully disobey any written order of the building inspector as aforesaid unless the same shall have been set aside or modified by said city court on a peal or by a board of arbitrators on appeal, or any order or decree of either said court or said board of arbitrators made by either on appeal as aforesaid, he shall be guilty of a misdemeanor, and may be punished therefor and on conviction thereof shall be fined not more than two hundred dollars.

Sec. 13. The mayor, by and with the advice and consent of any four members of the board of aldermen, may suspend said building inspector for cause, and if, within three days thereafter, the mayor shall not prefer charges in writing against him and cause a copy thereof to be served on him, then he shall be restored to his said office; but if charges are preferred they shall be speedily heard before the mayor and board of aldermen, and if it appears to the board of aldermen or to a majority of those present, that the best interests of the city require the removal of the said building inspector, he may be so removed by a majority vote of those present and voting.

Sec. 14. The building inspector appointed as aforesaid shall receive as compensation for his services, payable as the salaries of other city officials are payable, such sum as the board of aldermen may from time to time determine.

Sec. 15. The inspector upon being informed by report or otherwise that a building or other structure or anything attached to or connected therewith in said city or town is unsafe or dangerous to life or limb, shall inspect the same; and if it appears to him to be dangerous, he shall forthwith in writing notify the owner, agent or any person having an interest therein to remove it or make it safe and secure. If it appears that such structure would be specially unsafe in case of fire, it shall be deemed dangerous within the meaning hereof, and the inspector may affix in a conspicuous place upon its exterior walls a notice of its dangerous condition, which shall not be removed or defaced without authority from him.

Sec. 16.—Whoever is so notified shall be allowed until twelve o'clock noon of the day following the service of the notice in which to commence the securing or removal of such structure, and he shall employ sufficient labor speedily to secure or remove it; but if the public safety so requires, and if the mayor and aldermen or selectmen so order, the inspector may immediately enter upon the premises with the necessary workmen and assistants, and cause such unsafe structure to be shored up, taken down or otherwise secured without delay, and a proper fence or boarding put up for the protection of passers-by.

Sec. 17. If such owner, agent, or person interested in such unsafe structure refuses or neglects to comply with the requirements of such notice within the time limited, and such structure is not secured or taken down as therein ordered, a careful survey of the premises shall be made by a board consisting, in a city, of the engineer, the chief engineer of the fire department and one disinterested person to be appointed by said inspector, and in a town, of a surveyor, the chief engineer of the fire department and one disinterested person to be appointed by said inspector. If there is no city engineer in such city or no chief engineer of the fire department in such city or town the mayor and aldermen or selectmen, as the case may be, shall designate one or more officers or other suitable persons in place of the officers so named as members of said board. A report of such survey shall be made in writing and a copy thereof served on such owner, agent or other interested person.

Sec. 18. If such report declares such structure to be unsafe and dangerous, and if the owner, agent or person interested continues such refusal or neglect, the inspector shall cause it to be taken down or otherwise made safe; and the costs and charges incurred shall constitute a lien upon the land upon which the building is situated and shall be enforced within the time and in the manner provided for the collection of taxes on land; and such owner or interested person shall for every day's continuance of such refusal or neglect after being so notified, forfeit to the city or town in which the structure is situated not less than ten or more than fifty dollars.

Sec. 19. An owner or interested person who is aggrieved by such order may have the remedy prescribed by sections seven, eight, nine and ten; but the provisions of this section shall not prevent the city or town from recovering the forfeiture provided in the preceding section from the date of the service of the original notice, unless the order is annulled by the jury.

Sec. 20. If an owner or interested person lives out of the state, said notice may be served upon him by a notary public, whose certificate of service under his notarial seal shall be sufficient evidence thereof.

Sec. 21. The county court or the city court shall have jurisdiction in equity to restrain the construction, alteration, maintenance or use of a building or structure in violation of the provision of any ordinance or by-law of a city or town and to order its removal or abatement as a nuisance, and to restrain the further construction, alteration or repair of a building or structure reported to be unsafe or dangerous under a survey authorized by section seventeen, until the determination of the matter, as provided in section nineteen.

Sec. 22. All acts and parts of acts inconsistent herewith are hereby repealed.

Sec. 23. This act shall take effect from its passage.

Approved December 6, 1904.

NO. 80.

AN ACT IN AMENDMENT TO SEC. 3071 OF THE VERMONT STATUTES, RELATING TO ABATEMENT OF TAXES.

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

Section 1. Section 3071 of the Vermont Statutes is amended by adding thereto the following: "such record of abatements shall be kept in the town clerk's office."

Approved December 9, 1904.

NO. 81.

AN ACT LIMITING MUNICIPAL INDEBTEDNESS.

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

Section 1. No city, town, incorporated village or other municipal corporation shall create an indebtedness in any manner, or for any purpose, except to refund any outstanding bonds or orders to an amount in the aggregate exceeding five times the grand list thereof taken next preceding the incurring such indebtedness, provided that any city, town, incorporated village or other municipal corporation may by a two-thirds vote by ballot of the voters present and voting at a meeting called for that purpose increase such indebtedness an additional amount not exceeding five times such grand list beyond said original limit.

Sec. 2. All bonds or obligations in excess of the amount of indebtedness permitted by this act hereafter given or created by any municipal corporation except as hereinafter provided shall be void.

Sec. 3. In determining the amount of municipal indebtedness permitted by section one of this act any obligations created by any municipal corporation for a water supply, sewers and electric lights shall not be taken into account.

Sec. 4. All acts inconsistent with this act are hereby repealed but this act shall not apply to any municipality where provision is made in the charter thereof to limit the indebtedness of such corporation.

Approved December 9, 1904.

NO. 82.

AN ACT RELATING TO CHIEFS OF POLICE.

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

Section 1. The aldermen of any incorporated city and the trustees or bailiffs of any incorporated village, the charter or by-laws of which does not provide for office of chief of police, may designate a police officer to be chief of police.

Sec. 2. The clerk of each incorporated city and village shall, immediately after the appointment and designation of the chief of police, file with the county clerk for the county in which said city or village is located, a certificate showing such appointment.

Sec. 3. Upon filing with the clerk of the county in which the municipality for which he is appointed is located, a bond in the penal sum of ten thousand dollars with sufficient sureties, to the treasurer of the county, approved by said county clerk, and conditioned for the faithful discharge of the duties of his office, and the proper and legal service of all process by him served, a chief of police shall, while holding such office, have power and authority to serve any process, civil or criminal which a constable of any town may serve, with jurisdiction throughout the state, and process directed to a constable may be so served by said chief of police without such direction therefor.

Sec. 4. The county clerk shall record the certificate of appointment of chief of police and the bonds filed by them, as provided in this act, and a copy certified by the clerk shall be evidence of the same in court.

Sec. 5. A chief of police qualified to serve process as provided in this act, shall be subject to the same liability thereunder on his bond as that to which a sheriff is liable under his recognizance, and actions on the bond of the chief of police shall be prosecuted in the same manner and form as actions on the recognizance of the sheriff.

Approved November 14, 1904.

NO. 83.

AN ACT AMENDING SECTION 3172 OF THE VERMONT STATUTES RELATING TO NOTICE TO OVERSEER OF THE POOR.

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

Section 1. Section 3172 of the Vermont Statutes is hereby amended by inserting after the word "notice" in the eighth line thereof, the following: "if said notice shall be given within thirty days from the time application for such assistance is made, all necessary expenses incurred within said thirty days may be recovered in said action."

Sec. 2. This act shall take effect from its passage.

Approved December 8, 1904.

NO. 84.

AN ACT TO AMEND SECTIONS 3400 AND 3402 OF THE VERMONT STATUTES RELATING TO WOOD ROADS.

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

Section 1. Section 3400 of the Vermont Statutes is amended so as to read as follows:

Section 3400. If it becomes necessary for the convenient removal of lumber, wood or other material, to pass through the lands of any person other than the owner of the land from which such lumber wood or other material is to be removed, the selectmen may, in their discretion, lay out a road through the lands of any person for the purposes aforesaid, and upon hearing had and notice to the owner of the lands, shall determine the necessity for and assess the damages occasioned by the laying out of such road, which shall be paid by the person applying for such road before the same shall be open for use.

Sec. 2. Section 3402 of Vermont Statutes is hereby amended so as to read as follows:

Sec. 3402. The selectmen may fix the length of time such road may be used and may order the same closed or discontinued whenever in their judgment it becomes necessary.

Approved November 29, 1904.

NO. 85.

AN ACT FOR THE BETTER PROTECTION OF HIGHWAYS.

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

Section 1. Whoever shall injure a public highway that is maintained at public expense by obstructing or diverting any stream, water course or sluice, by dragging logs or timber on the road surface; by using wagons with less width of tires than is required by law or by using wagons with wheels held fast by chain or otherwise, shall be subject to a fine of ten dollars for each such offense.

Sec. 2. Whoever shall obstruct or encroach upon any highway by fence, building, piles of wood, lumber or logs, waste stone from quarries or material of any kind, to the detriment of the highway, or whoever shall fill up or place any obstruction in any ditch or gutter that is for drawing water from any highway; or any person who shall deposit in or upon any highway within its boundary limits, rubbish, such as stones, brush, garbage, or any noxious thing shall be subject to a fine of five dollars for each such offense.

Sec. 3. Actions may be brought in the name of the town where such offense is committed against any person or corporation for violations of this act.

Sec. 4. Town road commissioners are hereby authorized and empowered to act as informing officers in carrying out the provisions of this act, and shall be entitled to compensation for such police work the same as for other official duties and paid in the same manner.

Sec. 5. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved December 7, 1904.

NO. 86.

AN ACT RELATING TO BRIDGES AND FENCES ON PUBLIC HIGHWAYS.

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

Section 1. Any person who shall post any private advertising matter upon any fence, post, bridge, tree or rock, on any public highway or street in this state, without the consent of the selectmen of the town, trustees of the incorporated village, or mayor of the city in which said fence, post, bridge, tree or rock is located, and the abutting land owner, first had and obtained, shall be fined not more than ten dollars.

Sec. 2. This act shall take effect from its passage.

Approved December 6, 1904.

NO. 87.

AN ACT RELATING TO THE ELECTION OF ROAD COMMISSIONERS AND IN AMENDMENT OF NO. 63 OF THE ACTS OF 1902.

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

Section 1. No. 63 of the acts of 1902, is hereby amended so as to read as follows: Section 1. In towns having an incorporated village, the voters in said incorporated village shall not be entitled to vote in town meetings for the road commissioners of the town unless at least fifteen per cent of the last highway tax of said incorporated village shall have been paid over to the town treasurer to be expended upon the highways of the town outside of the village corporation.

Sec. 2. In all cases where the voters of an incorporated village are not entitled, under the provisions of the preceding section, to vote in town meeting for the road commissioners, the names of persons candidate for road commissioner shall be printed on a separate ballot and shall not appear on the ticket with the other town officers, and the ballots for such road commissioners shall be deposited in a separate box, to be prepared and furnished by the proper town officers.

Sec. 3. This act shall take effect from its passage.

Approved December 10, 1904.

NO. 88.

AN ACT TO PROVIDE FOR REGISTERING, NUMBERING AND REGULATING THE SPEED OF AUTOMOBILES AND MOTOR VEHICLES AND FOR LICENSING THE OPERATOR THEREOF.

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

Section 1. All automobiles and motor vehicles shall be registered by the owner or person in control thereof in accordance with the provisions of this act. Application for such registration may be made, by mail or otherwise, to the secretary of state or any agent thereof designated for this purpose, upon blanks prepared under his authority. The application shall contain in addition to such other particulars as may be required by said secretary, a statement of the name, place of residence and address of the applicant, with a brief description of the automobile or motor vehicle, including the name of the maker, the number, if any, affixed by the maker, the character of the motor power, and the amount of such motor power stated in figures of horse power; and with such application shall be deposited a registration fee of two dollars. The said secretary of state or his duly authorized agent shall then register, in a book to be kept for the purpose, the automobile or motor vehicle described in the application, giving to such automobile or motor vehicle a distinguishing number or other mark, and shall thereupon issue to the applicant a certificate of registration. Said certificate shall contain the name, place of residence and address of the applicant and the registered number or mark, shall prescribe the manner in which said registered number or mark shall be inscribed or displayed upon the automobile or motor vehicle, and shall be in such form and contain such further provisions as the secretary of state may determine. A proper record of all applications and of all certificates issued shall be kept by the secretary of state in his office, and shall be open to the inspection of any person during reasonable business hours. The certificate of registration shall always be carried in some easily accessible place in the automobile or motor vehicle described therein. Upon the sale of any automobile or motor vehicle its registration shall expire, and the vendor shall immediately return the certificate of registration to the secretary of state, with notice of sale, and of the name, place of residence and address of the vendee.

Sec. 2. Every manufacturer of, or dealer in, automobiles or motor vehicles may, instead of registering each automobile or motor vehicle owned or controlled by him, make application upon a blank provided by said secretary of state for a general distinguishing number or mark, and said secretary may, if satisfied of the facts stated in said application, grant said application, and issue to the applicant a certificate of registration containing the name, place of residence and address of the applicant, and the general distinguishing number or mark assigned to him, and made in such form and containing such further provisions as said secretary of state may determine; and all automobiles and motor vehicles owned or controlled by such manufacturer or dealer shall, until sold, or let for hire, or loaned for a period of more than five successive days be regarded as registered under such general distinguishing number or mark. The fee for every such license shall be ten dollars.

Sec. 3. Except as otherwise provided herein, no automobile or motor vehicle shall, after the first day of May in the year nineteen hundred and five, be operated upon any public highway or private way laid out under authority of statute unless registered as heretofore provided, and the registered number or mark of every automobile and motor vehicle operated as aforesaid shall at all times plainly be displayed thereon in arabic numerals not less than four inches long, and conforming in this and other details to the requirements prescribed by the secretary of state in his certificate of registration.

Sec. 4. License for operating automobiles and motor vehicles shall be issued by the secretary of state or duly authorized agents thereof. Application shall be made upon blanks prepared by the secretary of state for this purpose, and the licenses issued shall be in such form and shall contain such provisions as said secretary of state may determine. To such licensee shall be assigned some distinguishing number or mark, and a proper record of all applications for license and of all licenses issued shall be kept by the secretary of state at his office, and shall be open to the inspection of any person during reasonable business hours. Each license shall state the name, place of residence and address of the licensee and the distinguishing number or mark assigned to him. Special licenses for operating automobiles or motor vehicles for hire shall be issued by the secretary of state, but no such license shall be issued until the secretary of state or his authorized agent shall have satisfied himself that the applicant is a proper person to receive it. Such licenses shall be granted for one year only. The fee for each license to operate shall be two dollars. All fees shall be deposited at the time of making the application. The secretary of state may at any time suspend or revoke any license for any violation of this act or regulation made thereunder. Before a license to operate is granted, the applicant shall present such evidence as to his qualifications as may be required by the secretary of state or agent thereof.

Sec. 5. Except as hereinafter provided, no person shall, on or after the first day of May in the year nineteen hundred and five, operate an automobile or motor vehicle upon any public highway or private way laid out under authority of statute unless licensed so to do under the provisions of this act. No person shall operate an automobile or motor vehicle for hire, unless specially licensed by the secretary of state so to do. No person shall employ for hire as chauffeur or operator of an automobile or motor vehicle any person not specially licensed as aforesaid, and every chauffeur or operator for hire shall, while so acting, display the distinguishing number or mark assigned to him, in such manner as may be prescribed by the secretary of state.

Sec. 6. Automobiles or motor vehicles owned by non-residents of this state and driven by a person residing and licensed in some other state, may be operated on the roads and highways of this state, subject, however, to the speed limitations contained in section eight, and to such further regulations as the secretary of state may make. The provisions of this and the preceding section shall not prevent the operating of automobiles by unlicensed persons if riding with or accompanied by a licensed chauffeur or operator.

Sec. 7. Every person having control or charge of an automobile or motor vehicle shall, whenever upon any public street or way and approaching any vehicle drawn by a horse or horses, or approaching any horse upon which any person is riding, operate, manage and control such automobile or motor vehicle in such manner as to exercise every reasonable precaution to prevent the frightening of such horse or horses and to insure the safety and protection of any person riding or driving the same. And if such horse or horses appear to be frightened and the driver of said horse or horses shall stop them because of such fright, the person in control of such automobile or motor vehicle shall stop the same, and shall not proceed further towards said horse or horses until he shall have passed said automobile or motor vehicle or shall have reached a place of safety, unless the rider or driver of such horse or horses shall signal the person having in charge such automobile or motor vehicle, to advance.

Sec. 8. No automobile or motor vehicle shall be run on any public way or private way laid out under the authority of statute outside the limits of a city or incorporated village, or the thickly settled or business part of a town or fire district at a speed exceeding fifteen miles an hour, or within a city, incorporated village or the thickly settled or business part of a town or fire district, at a speed exceeding ten miles an hour. Upon approaching a crossing of intersecting ways, also in traversing a crossing or intersection, and in going round a corner, or a curve in a highway, every person operating an automobile or motor vehicle shall run it at a rate of speed less than that thereinbefore specified and at no time greater than is reasonable and proper, having regard to traffic and the use of way and the safety of the public and in no event exceeding six miles an hour.

Sec. 9. The secretary of state or agent thereof may, after due hearing, suspend or revoke a certificate issued under section one of this act, or the license issued to any person under section four of this act, for any cause which he may deem sufficient; and any person convicted of violating any provision of this act shall be punished by a fine of not more than fifty dollars for a first offense, nor not more than one hundred dollars, or imprisonment for a term of ten days for each subsequent offense. Any person convicted of operating, or causing or permitting any other person to operate, an automobile or motor vehicle after a revocation or suspension of this certificate or license granted under this act for such vehicle shall be punished by a fine of not less than fifty dollars or more than two hundred dollars, or by imprisonment for a term of ten days, or both. A court convicting any person of violating any of the provisions of this act, shall at once notify the secretary of state of such conviction, with the number or mark of the machine, owned or driven by him, and all other information obtained. This shall be recorded by the secretary of state, and if at any time it shall appear that any person, owner or driver of an automobile or motor vehicle, used in different cities, villages or towns of the state, has been convicted of a first offense in more than one court in the state, the fact of this conviction shall be deemed a second or subsequent offense, and the person, owner or driver shall be subject to further prosecution by the secretary of state.

Sec. 11. Every automobile or motor vehicle shall be provided with a lock, key or other device to prevent said vehicle from being set in motion by its own motive power, and no person shall allow any such vehicle operated by him to stand or remain unattended in any street, avenue, road, alley, highway, park, parkway or other public place without first locking or making fast the vehicle as herein provided.

Sec. 12. The fees received under the provisions of this act shall be paid quarterly by the secretary of state into the treasury of the state; and such expenses as may be necessary in carrying out the provisions of this act shall be paid out of the treasury of the state, and any unexpended balance thereof the treasurer shall add to the highway fund and shall apportion it as the state highway fund is now apportioned for the construction of permanent highways.

Sec. 13. The terms "automobile" and "motor vehicle" as used in this act shall include all vehicles propelled by power other than muscular power, excepting railroad and railway cars and motor vehicles running only upon rails or tracks, and steam road rollers.

Sec. 14. Number sixty-four of the acts of nineteen hundred and two is hereby repealed.

Sec. 15. Except as otherwise herein provided this act shall take effect from its passage.

Approved December 10, 1904.