

1851-1-1

SEC. 1. That the inhabitants of so much of the county of Jennings as is contained within the peninsula or circular bend of the Muscatatuck river, including the Town of Vernon, and to high water mark on the opposite banks of said stream, and so much of the Isthmus or narrows as is embraced in the south-east quarter of section three, town six, range eight east, and east of Sandford's Branch, are hereby declared to be a body corporate and politic, by the name and style of the town of Vernon, and by that name shall be and are invested with all the powers and privileges appertaining to bodies corporate and politic with perpetual succession.

1851-1-2

SEC. 2. That for the purposes of organization and taxation the bounds of said corporation shall extend only one hundred and thirty-two feet south of South street, and to a line parallel to the same, and to a line, parallel with and three hundred feet west of Water street. The territory within said bounds shall be divided into five wards, by lines running through said corporation, east and west, parallel with the centres of Washington, Jackson, Brown and Gaines streets: the territory south of Washington street shall constitute the first ward: from thence to Jackson street the second ward: from thence to Brown street the third ward: from thence to Gaines street the fourth ward: and from thence to the north line of the corporation the fifth ward: Provided, That whenever the mayor and council may deem it necessary, they may alter or increase the number thereof.

1851-1-3

SEC. 3. There shall be an election holden in the court house in Vernon on the second Monday of March, 1851, and annually thereafter, for the purpose of electing a mayor, one councilman for each ward, who shall be a resident therein, a recorder, a marshal, an assessor, a treasurer, and a street commissioner for said corporation, who shall respectively hold their offices for one year, and until their successors are elected and qualified, at which election each person having the qualifications to vote for state and county officers and shall have resided within the bounds of said corporation, for three months next preceding any election shall be entitled to vote at the same.

1851-1-4

SEC. 4. The mayor and council shall cause ten days previous notice of any election by publishing the same in some newspaper printed in said town, or by putting up written notices at some public place in each ward, designating the time and place of such election: the mayor, councilmen and assessor shall be qualified voters and resident free-holders within the wards of said corporation.

1851-1-5

SEC. 5. The councilman of the first ward shall, if present, be the inspector of elections, and in his absence either of the other councilmen may be inspector, who shall call to his assistance two qualified voters,

who shall be judges of said election, and they shall appoint two clerks, and after having been sworn or affirmed faithfully to discharge their duties, (which oath or affirmation may be administered by the inspector to the judges and clerks and by one of the judges to the inspector,) they shall proceed to receive votes, between the hours of 11 o'clock A.M. and 4 o'clock P.M. And it shall be the duty of the inspector and judges of said election to certify under their hands and seals to the persons who receive the highest number of votes together with the offices to which they were severally elected, which certificates shall be delivered to the recorder to be by him filed and recorded and whose duty it shall be to give to each person so elected a certificate of his election: in case there be a tie between any persons at said election the result shall be determined by lot to be drawn by the judges.

1851-1-6

SEC. 6. For the purpose of conducting the first election it is hereby made the duty of the auditor of Jennings county to give the notice required by this act, and the inspector shall be elected by the qualified voters who may be present at the time of opening the polls, who may call to his assistance such officers as may be necessary to constitute the board. Said board shall in all respects, in regard to said election, be governed by the preceding articles, and shall forthwith give to each person elected a certificate of the same under their hands and seals.

1851-1-7

SEC. 7. Should there be a vacancy in the office of mayor, the council shall immediately order an election to fill such vacancy and give notice of the same. The mayor and council are authorized to fill by appointment any vacancy which may happen in any of the other offices until the next annual election.

1851-1-8

SEC. 8. The officers elected as above shall meet within ten days after such election, and take an oath, faithfully, diligently, and impartially to discharge their respective duties as such officers: and the mayor, marshal, treasurer, and street commissioner, shall each enter into bond with surety to be approved by the council, in such sums as they shall direct, for the faithful performance of their duties and for the proper application of all moneys which may come into their hands as such officers, upon which bonds suits may be brought for the use of the corporation or any person or persons aggrieved.

1851-1-9

(Amended by Acts 1873, c. 103, s.1.)

1851-1-10

SEC. 10. It shall be the duty of the mayor to preside at the meetings of the council and in case of a tie to give the casting vote, and in his absence the council shall elect a president pro tem. of their own number, to sign all laws, ordinances and decrees of a public nature, also to sign all the by-laws and minutes of their proceedings. The

mayor shall exercise all the powers and duties of a justice of the peace of Jennings county, both in civil and criminal cases, and he shall be governed in the exercise of these duties in all respects by the laws of the state regulating the duties and jurisdiction of justices of the peace. He shall also have cognizance and jurisdiction of all violations of the ordinances of the corporation and upon his own knowledge or upon complaint made upon oath by any competent witness that any person has violated any ordinance it shall be his duty to institute an action of debt in the name of the corporation against the person accused of such violation by issuing his warrant directed to the marshal commanding him to bring such person before him to answer such accusation or complaint, and if the charge shall be sustained by competent testimony he shall render judgment against the defendant for the sum prescribed in the ordinances of the corporation for such violation with costs, and from such judgment an appeal may be had to the circuit court of said county, or execution may be stayed for sixty days; and all executions when issued shall be returnable in thirty days, and in these proceedings, and in all other proceedings necessary to enforce such judgment the mayor shall be governed by the laws of the state regulating the jurisdiction and duties of justices of the peace in criminal cases, and the marshal shall be governed by the laws regulating the duties of constables in similar cases, with the exceptions herein expressed.

1851-1-11

SEC. 11. During the absence or disability of the mayor, or in case of a vacancy in the office of mayor, any justice of the peace of said town may perform his judicial duties.

1851-1-12

SEC. 12. It shall be the duty of the marshal to suppress all riots, disturbances, and breaches of the peace, and to apprehend all riotous and disorderly persons or disturbers of the peace, and forthwith convey them before the mayor ; and, in case of resistance, it shall be lawful for him to command the aid of any bystanders in apprehending and conveying such offender to the mayor's office, and it shall be the duty of the mayor forthwith to hear and determine such complaint; or the marshal shall be authorized to arrest and commit to the jail of the county any person or persons who may be disturbing the peace of the town, and who shall refuse to desist from such disturbance at his request or command; but such imprisonment shall not exceed in duration, at any one time, more than twelve hours. It shall be the duty of the marshal to receive and execute all process issued by the mayor, and he shall have all the authority of a constable, and shall be governed in his official acts by the laws of the state regulating the duties of constables, and shall have a right to charge and collect the same fees as are allowed to constables for similar services.

1851-1-13

SEC. 13. The recorder shall attend all meetings of the council, and keep a record of their proceedings in a book kept for that purpose; enter in said book all laws and ordinances passed by said council, and attest

the same; draw warrants on the treasurer for allowances made by the council, and enter them immediately in a book to be kept for that purpose; and perform such other duties as may be required of him by the mayor and council.

1851-1-14

SEC. 14. The mayor and council shall make such allowances to the assessor, recorder, treasurer, and any other officers they may appoint, as to them shall appear just and reasonable.

1851-1-15

SEC. 15. The mayor and council shall be allowed the use of the jail of Jennings county for the confinement of all such persons as shall be liable to imprisonment, and all persons so imprisoned shall be in charge of the keeper of said jail until discharged by due course of law.

1851-1-16

SEC. 16. All bonds given to the corporation, all contracts entered into with the corporation, and all suits for or against the corporation, shall be in the name of the town of Vernon.

1851-1-17

SEC. 17. The mayor and council may adopt such by-laws and regulations for their own government, and impose such fine upon members for a breach of the same as they may deem advisable, and a majority of all the council elect may expel a member for disorderly or improper conduct.

1851-1-18

SEC. 18. The mayor and council shall have power to levy and collect, annually, from each male inhabitant of the corporation between the ages of twenty-one and fifty years, a poll tax not exceeding one dollar, and on real estate a tax not exceeding one per centum on its valuation, and also on personal property, not exceeding one-third of one per centum, for the use of the corporation: Provided, that no poll tax shall be levied so long as the state law authorizes a levy for road purposes upon polls.

1851-1-19

SEC. 19. It shall be the duty of the assessor, annually, in the month of April, to call upon each and every person residing within the taxable part of said corporation, for a list of his, her, or their real and personal property within the same, the value of which he shall enter in his assessment roll, opposite the name of the owner or person liable to be taxed, designating in separate columns the value of the real estate, with its appropriate description, and the aggregate value of each person's personal property, the whole to be valued at a fair cash valuation. And for the purpose of ascertaining the value of lands, lots or parts of lots, with their improvements, the assessor shall, in the year 1851, and biennially thereafter, call to his assistance two discreet resident freeholders, who, after being sworn faithfully and impartially to

discharge their duties as such, shall, with said assessor, proceed to value the same. And should any person neglect or refuse to give in the value of his personal property, or the property in his possession liable to be taxed, when so called on, the assessor shall estimate the value thereof from the best information he can obtain, which shall be conclusive against all residents; and when he cannot obtain the name of the owner of any property, he shall enter the same on his book as unknown. And said assessor shall, on or before the first Monday in May, make return of his assessment roll to the recorder of said corporation, which shall be a lien upon the property so assessed for the tax of the current year, from and after the first Monday of April, until paid.

1851-1-27

SEC. 27. The recorder shall be entitled to one dollar for making a deed on a sale for taxes, and shall acknowledge said deed before some person authorized to take such acknowledgment.

1851-1-28

SEC. 28. Whenever the owners of lots on any street or part of a street not less than one block or square, shall be desirous of improving the same by graveling or paving said street, or the side-walks thereof, or any other improvement on said street or side-walk, the resident owners of lots on said street or section of a street representing more than one-half the number of feet of lots on both sides of the same, or more than one-half of the whole number of feet on one side of any side-walk, shall, by petition sent to the mayor and council, represent the improvement desired, the mayor and council shall order such improvement made under the direction of the street commissioner, upon the best and most economical plan, and the owners of property adjoining said improvement shall have a right to work out their share of said improvement on said street or side-walk, if done within a reasonable time, to be fixed by said council: Provided, That the council may when, in their opinion, the public good may require it, cause any such improvement to be made without petition, and assess the expenses in the manner above stated, or may pay the whole or part thereof out of the treasury of the corporation, as the case may require.

1851-1-29

SEC. 29. After the time limited in the foregoing section, the street commissioners shall proceed forthwith to complete such improvement, and make report to the recorder of all those who have made their share of the improvement, and the amount expended to complete the remainder. And it shall be the duty of the recorder to make out a list of the delinquents, with the number of feet owned by each, to which shall be added their respective proportions of said deficiency, according to the number of feet owned, and which list, signed by the mayor and attested by the recorder, shall be sufficient authority for the marshal to collect the same. And if the owner of any such property shall fail to pay such assessment within sixty days, the marshal shall collect the same by sale of said property, or so much thereof as will pay the amount due

thereon, with costs, which the marshal is hereby authorized to tax at five per cent. on each sum so collected.

1851-1-30

SEC. 30. In making such sale, the marshal and recorder shall be governed in all respects by the sections in the preceding part of this act providing for the sale of lots or lands for the collection of taxes, and all the rights and privileges there granted to owners or purchasers are hereby extended to all sales under this act.

1851-1-31

SEC. 31. All lands or lots which shall remain unsold for the want of bidders, or any other cause, shall be re-offered by the marshal at any time when so directed by the council, and to the amount due shall be added twenty-five cents on each piece for advertising.

1851-1-32

SEC. 32. All moneys arising from taxes, fines, licenses, and other sources, accruing under the regulations of said corporation, shall be paid over to the treasurer, who shall give duplicate receipts for the same, one of which shall be filed with the recorder, who will enter the same in his register of receipts; and no moneys will be paid out by said treasurer but by order of the mayor and council, certified by the recorder.

1851-1-33

SEC. 33. The territory included within the bounds of said corporation shall constitute one of the road districts of Vernon township, which shall be under the control of the mayor and council, to be worked by the street commissioner, who is hereby invested with all the authority and immunities of a supervisor of roads, and shall be subject to the same liabilities for neglect of duty; and it shall be the duty of the auditor of Jennings county, annually, to deliver to said street commissioner a list of hands and taxes assessed for road purposes in said district, in like manner as he does to supervisors of roads, and the said street commissioner shall work out the same and make like report to the auditor as is required of supervisors.

1851-1-34

SEC. 34. It shall not be lawful to exhibit for gain, within the corporation, or within one half mile of the limits thereof, any animal, wax figure, or other natural or artificial curiosity, or any feats of horsemanship, circus riding, rope or wire dancing, legerdemain, ventriloquism, or other amusement, without first obtaining a license from the treasurer, for which they shall pay not less than two, nor more than twenty dollars, for each exhibition of such show, as shall be directed by the mayor and council; and if any person shall violate the provisions of this section, such person or persons shall forfeit and pay a penalty of not less than five, nor more than forty dollars for such violation, for the benefit of the corporation, to be recovered in an action of debt.

1851-1-36

SEC. 36. This act shall be a public act, and shall be liberally construed, and shall be in force from and after its passage.

1851-39-1

SEC. 1. That so much of the 5th section of the act above recited, which requires the treasurer's bond to be acknowledged in the Putnam circuit court be and the same is hereby repealed, and that in future such acknowledgment shall be before the Marion county circuit court.

1851-92-1

SEC. 1. That the president and trustees under the provisions of this act, shall be, and the same are hereby declared to be a body politic and corporate, by the name and style of "the President and Trustees of the Town of Valparaiso;" and by that name and style shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court of competent jurisdiction; to make, use, and have, a common seal, and the same to break, alter and renew, at pleasure; to ordain, order, establish, and put in execution, such by-laws and rules as they shall deem proper and necessary for the good government of said town, subject to the restrictions and limitations hereafter provided, and not inconsistent with the laws and constitution of this State.

1851-92-2

SEC. 2. The qualified voters of said town shall on the first Monday in March, A. D. 1851, proceed to elect one president, five trustees, one marshal, and one lister, for said town, for the year next ensuing thereafter; and this act shall be deemed and taken a sufficient notice of the time of holding said election, which said election shall be held at the court house in said town; O. Dunham and Samuel S. Skinner, of said town, are hereby appointed inspectors of said election. They shall call to their assistance one other qualified elector of said town, who, with themselves, shall be judges of said election. They shall appoint a clerk, and after having taken an oath faithfully to discharge their duties as judges and clerk, shall proceed to receive votes for president, trustees, marshal and lister, between the hours of ten o'clock A. M., and four o'clock P. M., on said day; in case of the death, resignation, or refusal to serve, of one or both of the above named inspectors, and judges of said election, his or their vacancies may be supplied by a viva voce vote of the qualified voters of said town, provided ten voters are present.

1851-92-3

SEC. 3. On the first Monday in March, annually, there shall be an election held at the court house, to elect by ballot, one president, five trustees, one marshal, and one lister, at which election all free white male citizens of the age of twenty-one years and upwards, who shall have lived in the State one year, and in said town three months next preceding said election, shall be allowed to vote.

1851-92-4

SEC. 4. It shall be the duty of the president and trustees to cause a notice of at least ten days, to be given of such election, either by publication in some newspaper published in town, or by written notices set up [in] three of the most public places in said town. The president of the corporation shall act as inspector of said election; he [shall] call to his aid two other qualified electors of [said] town, who with himself shall be judges of the election; they shall appoint a clerk, and having taken an oath or affirmation, faithfully to discharge their duties as judges and clerk, shall proceed to receive votes for officers as aforesaid; Provided, however, That if the president shall not be present, or shall be disqualified from acting by any [cause] the trustees, or a majority of them may appoint one other to act in his place at such election; Provided, also, That should the electors fail to meet and elect officers at any annual election, the corporation thereby shall not be dissolved, but the officers then in office, shall continue until others are elected and qualified at an annual election.

1851-92-5

SEC. 5. It shall be the duty of the judges of such election, to certify under their hands and seals the names of the persons who received the highest number of votes for the several offices, which certificate shall be filed, and put upon record by the clerk of the corporation, whose duty it shall be to deliver a copy thereof to each of the officers so elected; which certificate shall be sufficient authority for such person to act as such officer.

1851-92-6

SEC. 6. The president and trustees elected under this act, shall meet on the second Monday in March, and after having taken an oath faithfully and impartially to discharge their respective duties, shall organize, and shall have power to appoint a clerk, who shall be called the clerk of the town of Valparaiso, a treasurer, attorney, street commissioner, and such other officers as they may deem necessary, to carry out the powers vested in them by this act.

1851-92-7

SEC. 7. The president and trustees shall constitute the common council of the town of Valparaiso; the president shall preside at all meetings of the common council, and shall perform all other duties enjoined on him by law. He shall have no vote unless the common council be equally divided, when he shall give the casting vote; four trustees, or the president and three trustees shall constitute a quorum to transact all business, and in the absence of the president, the said common council shall appoint one of their own body to act as president, pro tempore; and any vacancy in the office of president, trustee, marshal or lister, shall be filled by appointment by the common council, until the next annual election.

1851-92-8

SEC. 8. All officers elected under this act, shall hold their office for

the term of one year from and after the second Monday in March next after their election, and until their successors are duly elected and qualified, and all officers appointed by the common council, except to fill vacancies in the office of president, trustee, marshal or lister, shall be removable at their pleasure, and no person shall be elected or appointed to any office unless he be a qualified voter of said town.

1851-92-9

SEC. 9. The lister, marshal and treasurer, shall each execute a bond payable to the president and trustees of the town of Valparaiso, with security to be approved by the common council, in such penalty as shall be by said common council determined; the conditions of the bonds for the lister, marshal, and treasurer, shall be for the faithful discharge of their duties as such, and for rendering a faithful account of all monies coming to their hands, by virtue of their offices, and for the faithful payment of the same over to the common council or when required by them, to their order; and every officer elected or appointed under this act, except attorney, shall be required to take an oath before some competent authority.

1851-92-10

SEC. 10. It shall be the duty of the president to sign all laws, ordinances and decrees of a public nature, and also to sign the records of all the by-laws, and journals or minutes of the proceedings of the common council.

1851-92-11

SEC. 11. The common council shall hold stated meetings at such times and places as they shall appoint, and may hold special meetings whenever called together by the president. They shall determine the amount of compensation to be paid to all officers; they shall have power to assess and collect a tax annually on real property, not to exceed one-half per cent. on its valuation, including improvements on such property, or any specified article or articles of personal property, a poll tax on each qualified voter not exceeding fifty cents each, and on all shows and exhibitions; the corporation may in addition to the above tax, levy and collect on real property a tax not exceeding one-half per cent. on its valuation, including improvements, for the purpose of purchasing a fire engine.

1851-92-12

SEC. 12. The common council shall have power to pass such laws, ordinances or decrees, as may be necessary to guard against damages by fire, to organize fire companies, and govern the same, to regulate the duty and conduct of the citizens of the town in relation thereto; to regulate and govern markets; to prevent the erection of nuisances, and to remove the same, and generally to enforce, by proper penalties, or ordinances relative to the police, and government of said incorporated town.

1851-92-13

SEC. 13. The powers of the corporation, for the purpose of raising a revenue by taxation, shall extend to the corporate limits of said town, as hereinafter prescribed; its jurisdiction for the purpose of removing nuisances, and to carry into full and complete effect its laws and ordinances one full half mile beyond the limits aforesaid; the term nuisances shall be taken and construed to mean any thing and every thing which may have a tendency to injure the health of the inhabitants of said corporation.

1851-92-14

SEC. 14. The common council shall also have power to adopt, and enforce, by proper penalties, public ordinances, for the following purposes:

First, To prevent and punish forestaling and regrating, and to prevent and restrain every kind of fraudulent device and practice.

Second, To restrain and prohibit all descriptions of gaming and fraudulent devices in said town.

Third, To prohibit the sale of any spirituous liquors by less quantity than a quart at a time, to be drunk in the store, shop, grocery, house, out-house, garden or yard, owned or occupied by the person selling the same, unless licensed so to do, according to the laws in force at the time; and to prohibit the selling or giving away of any intoxicating liquors to any child, apprentice or servant, without the consent of his or her parent or guardian, master or mistress, or to any Indian.

Fourth, To regulate or prohibit the exhibitions of common showmen, and of shows of every kind, or the exhibition of natural or artificial curiosities, caravans, circuses, theatres, concerts, or feats of legerdemain, horsemanship, tumbling, and vaulting, rope or wire dancing, or ventriloquism.

Fifth, To prevent and punish any riot, noise, disturbance or disorderly assemblages, to suppress and restrain disorderly houses, and groceries, houses of ill fame, billiard tables, and ball alleys, and to authorize the demolition and destruction of all instruments and fixtures used or kept for the purpose of gaming.

Sixth, To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of said town.

Seventh, To direct the location and direction [erection] of slaughter houses, market houses, and houses for stowing gunpowder, to regulate the keeping and conveying gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns and stables.

Eight, To prevent and punish any horse-racing, foot-racing, fighting, brawling, and immoderate riding or driving in the streets or side-walks.

Ninth, To prevent the encumbering or obstructing the streets, side-walks, cross-walks, lanes or alleys, with any article, substance, or material whatever.

Tenth, To restrain and punish vagrants, disorderly persons, mendicants, street beggars and common prostitutes.

Eleventh, To restrain, regulate, or prohibit the running at large of horses, cattle, mules, hogs, sheep, goats, and geese, and to authorize the distraining, impounding and sale of the same for the penalty incurred, and costs of proceedings.

Twelfth, To prevent the running at large of dogs, and to authorize the seizure and destruction of the same when running at large contrary to any ordinance.

Thirteenth, To prohibit any person from bringing, depositing, keeping, permitting, or having within the limits of said town, any dead animal, carcass, or other unwholesome or nauseous substance, and to require the removal or destruction by any person who shall have or suffer upon or near his premises, any such substance, or any putrid or unsound beef, pork, fish, hides, or skins, and to authorize the destruction or removal thereof, on his default.

Fourteenth, To prohibit the rolling of hoops, playing at ball, flying of kites, burning, lighting, or firing squibs, crackers, rockets, or torpedos, and other fire-works, or any other amusement or practice having a tendency to annoy persons passing the streets of said town, or to frighten teams and horses within the same.

Fifteenth, To compel the owners or occupants of lots or buildings to keep the snow, ice and dirt from the sidewalks in front of their premises.

Sixteenth, To prevent the ringing of bells, blowing of horns and bugles, and crying off goods or other things within the limits of said town.

Seventeenth, To abate and remove nuisances.

Eighteenth, To survey the boundaries of said town.

Nineteenth, To regulate the burial of the dead, to direct the keeping and returning bills of mortality, and to impose penalties on physicians, sextons and others, for any default in the premises.

Twentieth, To regulate and determine the manner and place of selling and weighing or measuring hay, wood, lime and coal, and to appoint suitable persons to conduct and superintend the same.

Twenty-first, To regulate cart-men and cartage.

Twenty-second, To regulate the police of said town.

Twenty-third, To regulate the quality of, and to provide for the seizure or forfeitue of bread baked contrary thereto.

Twenty-fourth, To establish, keep up, and regulate public pumps, wells, cisterns and reservoirs, and to prevent the unnecessary waste of water.

Twenty-fifth, To establish and regulate public pounds.

Twenty-sixth, To prevent and punish the firing of guns, pistols or other fire-arms within said town.

Twenty-seventh, To regulate, restrain and prohibit the keeping, exhibiting, or parading of stallions and jacks, within said town.

1851-92-15

SEC. 15. The common council may make, ordain, publish, amend and repeal all such ordinances, by-laws and police regulations not contrary to the laws of this State, for the good government and order of said town, and the trade and commerce thereof, as may be necessary to

carry out the powers given to said council by this act, and to enforce observance of all rules, ordinances, by-laws and police regulations made in pursuance of this act, by imposing penalties on any person violating the same, not exceeding twenty-five dollars, for any one offence, to be recovered with costs, in an action of debt, or any other form of action, in any court of competent jurisdiction; every such ordinance or by-law, imposing any penalty or forfeiture for the violation of any of its provisions, shall, after the passage thereof, be published for two successive weeks, in some newspaper, published in said town, and proof of such publication, by the affidavit of the printer, publisher, or proprietor of such newspaper, taken before any officer authorized to administer oaths, and filed with the clerk of the corporation, or other competent proof of such publication shall be conclusive evidence of the legal publication and promulgation of such ordinance, in all courts and places.

1851-92-16

SEC. 16. The common council, at their first meeting, after the annual election in each year, or within ten days thereafter, shall designate one newspaper, printed in said town, in which shall be published all ordinances, by-laws, and other matters and proceedings required by this act, or by the by-laws and ordinances of the common council, to be published in a newspaper.

1851-92-17

SEC. 17. All actions brought to recover any penalty or forfeiture incurred under this act, or any ordinance, by-law or police regulation made in pursuance thereof, shall be brought in the corporate name, and in any such action it shall be lawful to declare generally in debt for the penalty or forfeiture, stating the section of this act, or the ordinance or by-law, or the section or sections thereof, under which the penalty is claimed, and to give the special matter in evidence, and the defendant may give in evidence, under the general issue, any special matter in bar of said action; but it shall not be necessary in any action founded on any ordinance or by-law, to prove the passage or publication of such ordinance or by-law, unless the same shall be denied by plea verified by affidavit.

1851-92-18

SEC. 18. No person shall be an incompetent judge, justice, witness, or juror, by reason of his being an inhabitant, or freeholder, or house holder in said town, in any action or proceeding in which said town is a party.

1851-92-19

SEC. 19. It shall be the duty of the lister, during the months of April and May of each year, to make a fair list, in alphabetical order, of all persons subject to a poll tax, and such personal property as the corporation may direct him to list; also all lots and fractions of lots, particularly noting the number, owner's name, if known, and whether resident or non-resident; having completed such assessment, he shall

call to his assistance two freeholders, who, having been sworn faithfully and impartially to value the real property, including improvements, so listed, shall with the lister, proceed to value the same, and such lister shall on or before the first day of June next succeeding, make returns to the clerk of the corporation such list and assessment.

1851-92-20

SEC. 20. The common council, in the month of June in each year, shall levy a tax on the property so listed, and returned by the lister, and shall make out a fair list of all the persons chargeable with a poll tax, with personal property, and with real property, with its valuation, setting forth the owner's name, (if known,) the amount of tax chargeable to each person, and the amount charged on each article, and shall deliver the same to the marshal, [and shall certify the amount of tax charged on such list to the treasurer; such list, so put into the hands of the marshal,] certified by the president, and attested by the clerk, shall be sufficient authority for the marshal to proceed to collect the same.

1851-92-21

SEC. 21. It shall be the duty of the marshal to collect and receive the amount of taxes due from each individual, on or before the first day of November in each year, and in all cases where the taxes assessed are not paid by that time by any individual, it shall be the duty of the marshal to proceed and collect the same by distress and sale, giving ten days' previous notice of the time and place, by setting up three advertisements, in three of the most public places in said town.

1851-92-22

SEC. 22. That in all cases where the taxes due and owing cannot be made out of the goods and chattels of such delinquent, it shall be the duty of the marshal to make sale of the lots or fractions of lots, belonging to such person, or so much thereof as will pay the taxes and costs due, giving twenty days' notice of the time and place of such sale, in some newspaper published in the county, if any; if not, by three advertisements posted in three public places in said town; in which notices he shall particularly describe the lot or lots to be sold, by their proper number, or some other certain description, with the owner's name, if known, or the name of the person to whom it is supposed to belong. The marshal, on the day of sale, by proclamation shall proceed to sell the lot or lots to the highest bidder, or to the person who shall pay the tax and costs due for the smallest portion of said lot or lots, and shall give to such person a certificate of such purchase, setting forth the quantity sold, the amount paid, including tax and costs, and that such purchaser will be entitled to receive a deed at the end of two years thereafter, unless the owner or owners, shall redeem the same on or before that time, by paying to said purchaser, his heirs or assigns, the amount of the purchase money, with one hundred per cent. per annum thereon, or deposit the sum with the clerk of the corporation.

1851-92-23

SEC. 23. That in case the owner or owners of such lot or lots, so sold as aforesaid, his, her, or their agent or attorney, shall not pay the amount of the purchase money, with the per centum thereon, as aforesaid, within two years from the day of sale thereof, it shall be the duty of the marshal, who shall then be in office, to make a deed to the purchaser, his, her, or their heirs or assigns, for such lot or lots, which deed, acknowledged according to law, shall vest all right and title to said lot or lots, in the purchaser, and divest the original owner of any title thereto; and the assessment made on such lot or lots, shall be a lien on the same, in the hands of any person, or after purchaser, who may purchase at private sale; and no conveyance made by the owner of such lot or lots, after the time of such assessment, shall so divest the owner or owners thereof, as to interfere with the title of a purchaser under the provisions of this act: Provided, That in all cases when lots are listed and sold, and the owner's name is not known, the sale shall be valid and good to the purchaser: Provided further, That no lot or part of lot shall be sold for taxes or improvements, under this act, unless personal property cannot be found on the premises, or within the corporation, on which to levy the same.

1851-92-24

SEC. 24. The marshal may adjourn his sale of lots from day to day, for three days, and if, at the end of that time, any lot or lots should remain unsold for want of buyers, he shall make return thereof, and the amount of taxes and costs, and such lot or lots shall remain as a lien on such lot or lots, and shall be added to the next year's assessment, with one hundred per cent. thereon. The marshal shall be allowed a fee of fifty cents for each sale and certificate, including the costs of advertising, unless the same be made in a newspaper, in which case a reasonable allowance shall be made to the printer by the common council.

1851-92-25

SEC. 25. It shall be the duty of the marshal to make return of his proceedings, and the sales made, to the clerk of the common council, on or before the first Monday in March, annually, and annually, at that time pay over to the treasurer all moneys by him collected, at which time he shall furnish a list of delinquents, for which he shall receive a credit, if deemed correct.

1851-92-26

SEC. 26. In all bonds given to the corporation by officers, and all contracts entered into with the corporation, said corporation shall be named, "the President and Trustees of the town of Valparaiso," and in all suits commenced for the benefit of the corporation, and against the corporation, said corporation shall be styled "the President and Trustees of the town of Valparaiso;" without setting out the name of any member thereof.

1851-92-27

SEC. 27. The common council shall have power to assess a tax, not exceeding five dollars per annum, on all licenses to retail spirituous liquors within the limits of said town; [and no person shall be authorized to sell by retail, any spirituous liquors within the corporate limits of said town,] without having first applied to said common council for such license, and paid the tax assessed thereon; and if any person shall violate the provisions of this section, every such person so offending, on conviction thereof, on presentment or indictment before any court of competent jurisdiction, shall be fined in any sum not exceeding twenty-five dollars, for the use of the said corporation: and they shall have power to levy and collect a tax, not exceeding three dollars, for each twenty-four hours, upon all goods and merchandize sold at auction, within the limits of said town, by any traveling and transient person or persons; and no such person shall be authorized to sell goods at auction within the limits of said corporation, without having first applied to said common council for such license, and paid the tax assessed thereon; and if any person shall violate any ordinance of the common council, passed by virtue of this section, every such person so offending, on conviction thereof, on presentment or indictment, before any court of competent jurisdiction, shall be fined in any sum not exceeding fifteen dollars, to be recovered in an action of debt for the use of said corporation.

1851-92-28

SEC. 28. The common council shall have jurisdiction over the streets, lanes, alleys, and highways within said town, and shall have power to order the same to be opened, repaired, leveled, graded or paved, and to cause cross and side walks, drains, sewers aqueducts, and culverts to be made in said streets, and shall cause the expenses of any such improvements, except for side-walks, to be paid out of the corporation treasury.

1851-92-29

SEC. 29. The common council shall have power to define the width of all side-walks, and to cause the owners of property in said town to level, grade, pave, repair, and keep in repair all such side-walks in front of their property, at their own cost and charges; and on default of any such owner, shall have power to cause any such improvement or repair to be made in the most economical manner, and to assess the same as a tax against the property in front of which such improvement is made, and to collect the same in the same manner as is herein provided for the collection of other taxes; and all taxes assessed against any property in said town, whether under the provisions of this section or otherwise, shall operate as a lien upon such property from the time of the assessment thereof until the same is fully paid.

1851-92-30

SEC. 30. Whenever the real estate of any infant, insane person, or married woman, shall be sold for taxes, by virtue of this act, every such person shall have the right to redeem the same at any time within two years after the removal of such disability.

1851-92-31

SEC. 31. The boundaries of the said town as hereby incorporated, shall include all of the town plat of the said town of Valparaiso, as recorded in the recorder's office of said county, and all additions and enlargements made thereto; and whenever any addition or enlargement shall hereafter be made thereto, and recorded, the same shall, as soon as recorded, become a part of, and be included within the said corporation.

1851-92-32

SEC. 32. It shall be the duty of the common council to lay off the said town into five wards, which shall be entered of record on the corporation books; and they shall have power, from time to time, to remove, change, and alter said wards, always having regard to the population thereof, and making the same as nearly equal as may be; and at all elections, after the first, one trustee, who is a resident of each [of] said wards, shall be elected; and all vacancies in the office of trustee, shall be filled by the appointment of a trustee who is a resident of the ward where the vacancy occurs.

1851-92-33

SEC. 33. The marshal shall be a peace officer of said town; and in addition to the duties herein enjoined upon him as collector of the revenue, he shall execute and obey all the orders of the common council, and perform all other duties that may, from time to time, by ordinance or otherwise, be enjoined upon him by the common council.

1851-92-34

SEC. 34. It shall be the duty of the common council, once in each year, to cause a full statement of their receipts and expenditures to be made out, and published in the same manner as herein provided for the publication of ordinances.

1851-226-1

SEC. 1. That the corporate limits of said town of Dublin, for the purposes of police and taxation, be extended so as to commence twenty-eight and a half rods north of the north-east corner of the present limits of said town, thence west to the point of intersection with Johnson street, thence south along said street to the alley adjoining on the north James Vanuxon's, jr. lot, thence west to the county [road] adjoining Paul Custer's lot on the west, thence south along said road until it intersects Maple street, where the same shall be extended to said road, thence east to and along said Maple street to Davis street, thence south along said Davis street to the south line of academy lot, thence east along said south line to Milton street, thence north to Maple street, thence east along Maple street to Bridge street, thence north to spring street, thence east to lot No. 15, Witt's addition, thence north to a line running parallel with the town plat, which would intersect Harrison street, thence west along said line to the present town plat, thence north to the place of beginning.

1851-226-2

SEC. 2. The trustees of the said town are hereby authorized to cause to be opened a street to be called Franklin street, sixty-six feet wide, running parallel with the present town plat, and having for its southern boundary the east and west line first described and mentioned in this act; and the said trustees are also authorized to extend Maple street to the county road in this act mentioned, bounding the west end of said plat, and may also extend the same east to Bridge street.

1851-226-3

SEC. 3. It shall be lawful for the president and trustees of said town to assess all the property in said town subject by law to taxation, and levy a tax thereon upon the ad valorem principle, and may levy and collect the same in the manner now prescribed by law, and may expend the tax when so collected, in the improving of the streets and sidewalks in said town, and may otherwise appropriate the same for the use of said town as said trustees may think most for the interest of the town.

1851-281-1

SEC. 1. That the taxes heretofore assessed by the common council of the town of Terre Haute, and remaining unpaid, whether for general purposes, or for street grade, be and the same are hereby legalized, and may be collected as hereinafter provided: Provided, That the common council of said town may make such alterations in said assessment as to the said council shall seem just.

1851-281-2

SEC. 2. That it shall and may be lawful, and the duty of the common council of said town from time to time, to cause the proper precept to be issued for the collection of all such delinquent taxes returned uncollected, or which may have been heretofore returned uncollected, which precept shall be made returnable in ninety days after the issuing thereof, and unless the same are paid, it shall be the duty of the collector in the life time of said precept, to levy and collect by virtue thereof, the said taxes due and to be collected thereon, by distress and sale of the property of the persons against whom the same are charged, and if no goods or chattels of the said person or persons can be found, out of which to make the taxes, the collector shall proceed to make the same by sale of the real estate of such person, in the same manner as is provided in the 42d section of the act to which this is an amendment, and said sale so made shall be as valid and effectual as though the same was made on the second Monday of November of that year.

1851-281-3

SEC. 3. If any collector shall fail or refuse to return any precept for the collection of taxes in the return thereof, himself and securities shall be amerced in the amount required to be collected by said precept, and ten per cent. damages thereon to be recovered, by said town in an action of debt on the bond of said collector, in any court having jurisdiction thereof; and if said collector shall return any tax as delinquent when the same might have been collected, he shall be liable

as for a false return, and himself and securities shall in like manner be amerced in the amount of said delinquent tax, and ten per cent. damages thereon.

1851-281-4

SEC. 4. That hereafter the common council of said town shall have no power to order the grading of any street, or alley in said town, unless two-thirds of the property holders, in amount of property held by them on said street or alley proposed to be graded, shall petition the common council, requesting the same to be done: Provided, That the cost of grading and repairing of all side walks, shall be borne by the owners of the property fronting thereon, and the taxes to defray the expense of the same, shall be levied and collected, as other taxes are levied and collected in said town, and shall be a lien on the property taxed until the same is paid: Provided, That it shall and may be lawful for all persons owning property fronting on any street in said town, to grade the street and side walk fronting his or her said lot, under the direction of said common council, and the amount thus expended for grading such street, shall be credited to such person in any general assessment thereafter to be made for grading said street.

1851-281-5

SEC. 5. If any person shall feel aggrieved by the grading of any street in said town hereafter ordered to be graded, he may file his petition before said board of common council, setting forth his grievances and claim of damages, thereupon it shall be the duty of said common council to appoint three discreet freeholders, not interested in any manner, to appraise said damages, and said appraisers shall take into consideration the benefits (if any) that said party has received by said grade, and the amount of taxes by him paid for the same and shall report in writing, to said board, the damages if any, sustained by said petitioner, which amount shall be paid out of such street fund, as a part of the expense of the grade of said street: Provided, That the petition of no person for damages shall be entertained by the common council, who has joined in the petition for the grade of said street: And provided further, That the petitioner, or the said town may appeal to the circuit court of Vigo county, from the award of said appraisers, at any time within thirty days after the making and filing of said award, which appeal shall be taken and tried in the same manner as appeals are taken from justices of the peace, and if judgment be given against said town upon said appeal, the amount and costs thereof, shall be levied and collected from the property holders on said street, as a part of the expense of the grade thereof.

1851-281-6

SEC. 6. In addition to the powers now possessed by the common council of the said town of Terre Haute, it shall be lawful for said council to prevent any riot or noise, disturbance or disorderly assemblage in said town, and they shall have power to authorize the Marshal of said town, with or without process, forthwith to seize and confine in the jail of the county of Vigo, or the town prison, any person

or persons engaged therein, until an examination can be had before the proper officer.

1851-281-7

SEC. 7. The said common council shall have power to prohibit the erection or continuance of all ball alleys, bowling saloons, nine or ten pin alleys, and to cause the demolition and destruction of the same.

1851-281-8

SEC. 8. The said common council shall also have power to license public sales by auction in said town, and public auctioneers in said town, and to prohibit the same in said town without the party shall first have obtained license therefor: Provided, That nothing herein contained shall authorize said common council to interfere in any manner with the sales of executors and administrators.

1851-281-9

SEC. 9. Said common council shall further have power, to license hawkers or peddlers to vend their wares within the town or to prohibit the same.

1851-281-10

SEC. 10. The said common council shall further have power, to prohibit the vending of lottery tickets, and the drawing of lotteries in said town.

1851-336-1

SEC. 1. That John Wefel, Francis Ochlschlager, Frederick Bram, and their successors in office, be and are hereby incorporated, by the name and description of "The Congregation of the German Evangelical Lutheran St. Paul's Church," in the city of Fort Wayne, in the county of Allen and State of Indiana.

1851-336-2

SEC. 2. The said body politic and corporate is hereby invested with all the powers, rights and privileges which are conferred by or under the second article of the twenty-fifth chapter of the revised statutes, passed at the twenty-seventh session of said General Assembly, upon churches or religious societies which have or may become bodies corporate and politic according to the provisions of said article.

1851-336-3

SEC. 3. The said corporation shall have the right and power to use a common seal, and to alter and renew the same at pleasure, to make and adopt such rules and by-laws as they may deem proper so that the same are not inconsistent with the organic principles of the said church or with the constitution of said congregation now in force and dated February 6th, A. D. 1847, nor with the constitution or laws of the United States or of the State of Indiana, to exercise and perform all the functions and privileges necessary for the establishment, government, and advancement of said congregation.

1851-336-4

SEC. 4. It shall be lawful for the members of the congregation of said German Evangelical Lutheran St. Paul's Church to perpetuate the board of trustees hereby appointed by annual appointment or any other mode they may deem proper; they may also increase the number of said board when the same may be deemed necessary, and fill all vacancies that may at any time occur therein.

1851-336-5

SEC. 5. The fee simple of any land which has heretofore been purchased by said congregation or conveyed to them or to any person for their use and benefit, is hereby vested in said trustees and their successors in office forever, for the use and benefit of said congregation or church.

1851-336-6

SEC. 6. The said corporation, for the furtherance of the objects of said church or congregation and the interest thereof, shall have full power, by their trustees, to acquire, by purchase, gift or devise, real estate, not exceeding one hundred and sixty acres in the aggregate, and so much personal property as may be necessary and proper for the uses and purposes of said church, and also to dispose of, sell, and convey all corporate property, whether real or personal, by deed of bargain and sale, which conveyance shall be signed and sealed by the trustees of said corporation, and the same shall vest the said property, and all the right, title, and interest of such church and congregation, in the purchaser.