

1841 Local Acts-37-1

SEC. 1. That John Ritchey, Soloman Meredith, E. Finney, H. B. Denwiddie, George W. Whitman, S. T. Sharp, and James H. Hill, be and they are hereby appointed trustees of the corporation of said town of Cambridge City, to serve as such until the first Monday in March 1842, and until their successors are elected and qualified as hereinafter directed.

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SEC. 2. That the said trustees, at their first meeting, after the passage of this act, shall elect a president from their own body, whose duty it shall be to preside at all meetings of the board, and preserve order, put all questions, and upon an equal division of the board, give the casting vote, and at the close of each meeting, shall sign the minutes of the same; and the said trustees shall also at said meeting, appoint all officers necessary to carry into effect the provisions of this act, and make such compensation as to them shall appear reasonable and right.

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SEC. 3. The said president and trustees of said town, and their successors in office shall be, and the same are hereby declared to be a body politic and corporate, with perpetual succession, by the name and style of "the President and Trustees of the town of Cambridge City;" and by their corporate name 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, and shall have power to make, use, and have a common seal, and the same to break, alter, and amend at pleasure; to ordain, order, establish, and put into execution and effect such by-laws, rules and ordinances necessary and proper for the benefit and convenience of the citizens of said incorporated town; and shall also have power to adopt and put in force such laws, ordinances and regulations as they shall deem necessary for the police, good government, and order of said town hereby incorporated, subject however to the restrictions limitations and provisions hereinafter provided, and not inconsistent with the Constitution and laws of this State, or the Constitution and laws of the United States.

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SEC. 7. 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 their by-laws, and journals or minutes of their proceedings and at the first meeting of the president and trustees after the taking effect of this act, and after each annual election, or as soon thereafter as may be convenient, they shall proceed to elect or appoint a Clerk, a Treasurer, and Marshal, each of whom shall serve one year, or until their successors shall be chosen and qualified; and they shall possess the same qualifications as trustees, take a similar oath, and give bond and security payable to the president and trustees, conditioned for the faithful discharge of their duties respectively; and on failure to perform

all or any of the conditions of said bond, they and their securities shall be liable to the suit of the president and trustees as aforesaid, who may assign breaches upon the conditions of said bond or other cause, and recover a judgment for any default in the discharge of the duties of such officer, together with full costs, and ten per cent. damages thereon, in any court having jurisdiction of the same, and on which judgment there shall be no stay of execution.

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SEC. 8. The president and trustees shall have power to levy annually, and collect a tax on real property not to exceed one percent. on its valuation, exclusive of improvements; and on all shows, exhibitions, or amusements, which may be exhibited for gain, not less than three, nor more than ten dollars for each exhibition; and may levy and collect a poll tax on all the male inhabitants, in said town over the age of twenty one years, not to exceed one dollar, each; also they may levy a tax on any specific article or articles of personal property; and in addition to the above, the said president and trustees may levy and collect a tax on real property not exceeding one half per cent. on its valuation, either including or excluding improvements, at the discretion of the said president and trustees, for the purpose of paying for, or making any improvements on the Cambridge City Seminary, or for the purpose of purchasing a fire engine, as the said president and trustees may direct.

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SEC.9. The president and trustees shall have power to pass such laws, ordinances, or decrees as may be necessary to guard against damage 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 the markets; to prevent the erection of public nuisances, and remove the same; to declare what shall be considered a public nuisance, and generally to enforce by proper penalties, the observance of all laws and ordinances relative to the police and government of said incorporated town.

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SEC. 10. The limits of the corporation shall extend to and embrace the plat of the town of Cambridge, also the plat of the town of Cambridge City, including the out-lots, with any addition or additions which have been or hereafter may be made thereto, as the same is, or may hereafter be entered on record, in the recorder's office of said Wayne county; and for the purposes of good government, the removal of nuisances, the suppression of gambling, horse racing, tippling, or any other immoral conduct, the limits of said corporation shall extend one mile from the bridge across West river, on the National road in said corporation, in every direction. Provided, That no tax for corporation purposes shall be levied or collected from persons residing without the limits of the town plat."

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SEC. 11. The president and trustees shall, in the month of April of each year, appoint a lister, who shall take an oath of office, and give bond and security, to be approved of by the said president and trustees, conditioned for the faithful discharge of his duties as lister: after which he shall proceed forthwith to make a fair list, in alphabetical order, of all persons subject to tax, together with such property as the president and trustees may direct him to list; also of all lots, or fractional lots, particularly noting the number and description thereof, the owners name, if known, and whether resident or non-resident. After having completed such assessment, he shall call to his assistance two freeholders who, after having been sworn faithfully and impartially to value the real property, exclusive of improvements so listed, shall, with the lister, proceed to value the same; and such lister shall, on or before the fifteenth day of May next succeeding, make return to the clerk of the corporation of such list and assessment.

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SEC. 12. The president and trustees shall, in the month of May in each year, levy a tax on the property so listed and returned by said lister, and appoint a collector, who shall take an oath and give bond and security, to be approved of by the president and trustees, conditioned that he will faithfully pay over all monies that may come into his hands as collector to the treasurer of the corporation, or to such person as may be authorized to receive the same; said collector shall hold his office one year, unless sooner removed.

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SEC. 13. The president and trustees shall cause the clerk to make out a fair list of all persons taxable with personal property and with real property, 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 deliver the same to the collector on or before the first day of June annually, and certify the amount of tax contained on such list to the treasurer; such list so put into the hands of the collector, certified by the president and attested by the clerk, shall be sufficient authority for the collector to proceed to collect the same.

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SEC. 14. It shall be the duty of the collector to receive the amount of taxes due from each individual, on or before the first day of July in each and every year, and to account and pay the same over to the treasurer immediately, and in all cases when the taxes assessed are not paid by that time by any individual, it shall be the duty of the collector to proceed and collect the same, by distress and sale of any of the personal property of such delinquent, subject to execution, by the laws of this State, by giving ten days notice of the time and place of such sale, by advertisements set up in three of the most public places in said incorporated town.

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SEC. 15. In all cases where the tax due and owing cannot be made of the goods and chattels of such delinquent, it shall be the duty of the collector to make sale of the lots or fractions of lots belonging to such person, or so much thereof as will pay the tax and costs due thereon, by giving twenty days notice of the time and place of such sale, in some weekly newspaper published in said town, or by posting up five written notices, in the most public places in said town, in which notices he shall 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 person's name to whom it is supposed to belong, and file one of said advertisements with the clerk of said corporation, to be filed by him among the records of said corporation. The collector shall, on the day of sale, by proclamation, proceed to sell the lot or lots to the highest bidder, or to the person who will pay the tax and costs due, for the smallest portion of the lot or lots, so offered for sale, and shall give to such purchaser a certificate of such purchase, setting forth the quantity sold, the amount paid, including tax and cost, and that said purchaser will be entitled to receive a deed for the same, at the end of two years, unless the owner, or some person for him, her, or them shall redeem the same, on or before that time, by paying to said purchaser, his, her or their heirs or assigns, the amount of the purchase money, with one hundred per cent. thereon, or deposit the amount with the clerk of the corporation, whose duty it shall be to make an exhibit of the same to the president and trustees, at their next meeting, which, if correct, shall be entered on record: Provided, however, That nothing in this act shall be so construed as to contravene any of the provisions of an act to provide a fund for common schools, approved Feb. 2, 1832.

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SEC. 16. In case the owner of any lot, or fraction of lot, 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 collector then in office to make a deed to the purchaser, his, her, or their heirs or assigns, for such lot or fraction of lot, which deed acknowledged and recorded agreeably to law, shall vest the right and title to said real estate in the purchaser, his heirs or assigns, and divest the owner or owners 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 who may purchase the same at private sale; and no conveyance made by the owner of such lot, after the time of such assessment, shall so divest the owner thereof of the title to said lot as to interfere with the claim of a purchaser under the provisions of this act: Provided, That in all cases where lots are listed and the owner's name not known, such sale shall be valid and good to the purchaser.

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SEC. 17. The collector may adjourn his sale from day to day, for three days, and if, at the adjournment of his sale at any time, any lot or lots should remain unsold for the want of buyers, he shall make return thereof, and the amount of the tax and cost shall remain as a lien upon

such lot or lots, and shall be added to the next year's assessment, together with one hundred per cent. thereon. The collector shall be allowed a fee of fifty cents for each sale and certificate and the expense of advertising the same.

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SEC. 18. It shall be the duty of the collector to make return of his proceedings, and the sales made, to the clerk of the corporation, on or before the first day of September, annually, and 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 and true.

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SEC. 19. All bonds, given by the officers of the corporation, and all contracts entered into with the corporation, shall be in the name of the "Presidents and Trustees of the town of Cambridge City," and all suits commenced for the benefit of the corporation, or where the corporation shall be defendant, shall be in the name of "the town of Cambridge City," without setting forth the name of any member thereof.

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SEC. 20. It shall not be lawful for any person or persons, within the bounds of the corporation, to sell any less quantity than one quart, except for the use of the sick, of any spiritous liquors, foreign or domestic, or keep what is commonly called a tippling house, unless such person or persons shall, in addition to a license obtained from the board of county commissioners, or the board doing county business, obtain a license from the corporation, who is hereby authorized to grant the same to such applicant for one year or less, at one time, on his, her, or their paying into the treasury of the corporation, a sum not less than three nor more than fifty dollars, at the discretion of the president and trustees of said town. And if any person or persons shall sell any spirituous liquors, or keep what is commonly called a tippling house, contrary to the provisions of this act, he, she, or they, so offending, shall, upon conviction thereof, in an action of debt, or on the case brought by the president and trustees against the offender or offenders, before a justice of the peace, or any court having jurisdiction thereof, recover any sum of money, not more than twenty nor less than three dollars, for any violation of this section; and shall, upon conviction thereof by presentment or indictment, (in which indictment it shall not be necessary to recite this act,) in any court of competent jurisdiction, be fined in any sum not more than fifty nor less than three dollars for the use of the county seminary. And for the better regulation of the peace and good government of the town, the said president and trustees are hereby authorized to pass and adopt laws or ordinances for the suppression of immorality, intoxication, rioting, or whatever may detract from the peace and good order of society; and for the purpose of carrying into effect the provisions of this act, the said president and trustees are hereby authorized to appoint a marshal for that purpose

who shall give bond, take an oath of office, and be a peace officer.

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SEC. 21. Whenever the owners of any lots on any street or section of a street, shall be desirous of making any improvement on the same by grading, gravelling, or paving said street or sidewalks thereof, or any other improvement on said street or sidewalks, two-thirds of the owners of lots on said street or sidewalks by themselves, their tenants, or occupants thereof, representing two-thirds of the whole number of feet on each side of said street or section thereof, or two-thirds of the whole number of feet on one side of any sidewalk, and shall by petition represent to the president and trustees of said incorporation, plainly and distinctly, the improvement wanted or contemplated to be made, it shall be the duty of the president and trustees to cause the same to be done in the best and most economical manner agreeably to the wish of said petitioners. And the expense of such improvement shall be assessed and levied on all the lots fronting on said street or sidewalk, equal [equally] per foot, for the distance such improvement may be intended to extend, which assessment and levy from the time of making the same, shall be and remain a lien upon said lot or lots, until the amount so assessed and levied shall be fully paid and discharged. It shall be the duty of the clerk of the corporation, to enter such petition on record, with the petitioners' names, the number of feet front owned or represented by each, and shall make out and deliver to the collector of the corporation, a list of the owners' names, the number of feet front owned by each individual, the rate of expense on each lot for such improvement, and the whole amount assessed and levied on each lot or fraction of lot; which list, signed by the president and certified by the clerk, shall be sufficient authority for said collector to proceed and collect the same; and if the owner or occupant of any lot or part of a lot, shall neglect or refuse to pay the amount so assessed and levied, for the space of three months after such levy, the collector shall proceed to collect the same by sale of such lot or part of lot, or so much thereof, as will pay the amount so levied; and in such sale and conveyance to the purchaser thereof, he shall in all respects be governed by the fifteenth and sixteenth sections of this act; and the first of redemption shall be the same as is provided by the fifteenth section of this law. And if any such lot or fraction of lot shall not sell for want of buyers, or any other legal cause, the same may be re-offered by such collector, from time to time, until the same shall be sold, adding the costs that may accrue at each time, for advertising, &c.; and the collector shall be entitled in addition to the cost of advertising, to the same fee for such sale as he is allowed in the seventeenth section of this act for making sale and certificate; and for making a deed to any real estate, sold under the provisions of this act, the collector making the same, shall be allowed fifty cents, and twenty-five cents for having the same acknowledged, to be paid by the person receiving said deed.

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SEC. 22. All laws and ordinances passed by the president and trustees, of a public nature, shall be published either in a newspaper

printed in the town, or by setting up in five of the most public places in the corporation, written copies thereof, ten days before the same shall be in force. And it shall be the duty of the president and trustees in the month of March, in each and every year, to cause a full statement of all receipts and expenditures for the past year to be published, by posting up two copies thereof, in two public places in the corporation, or by publishing the same in some newspaper printed in town.