

1865-11-1

SEC. 1. That section nine of the above entitled act, be amended so as to read as follows:

SEC. 9. A majority of the Council shall form a quorum, and meet upon their own adjournment. The mayor, or, in his absence, the recorder, may call special meetings, and whenever met, shall have full power to enact and publish all such laws and ordinances, as to them shall seem necessary, relative to the opening, repairing, graveling, turnpiking of streets, as shall be necessary to keep said streets and all alleys in said town open for the free use of the public; to declare what shall constitute a nuisance, and to prevent and abate the same; and for the erection of market houses, regulating markets, and for restraining and preventing swine from running at large within the bounds of the corporation; and for the preservation and safety of all buildings, whether public or private, for cleaning chimneys; to regulate the speed of railroad trains within said corporation, and to prevent the assemblage of boys at the depot thereof; for preventing and extinguishing fires within the limits of said corporation; for setting out shade trees and protecting the same; to build bridges at said town; to encourage enlistments; to encourage education; to make such donations as may to them seem proper and just for the encouragement of any literary, agricultural or scientific institution located within said corporation, and for that purpose shall possess full powers, by ordinance, to levy all taxes necessary to enable them to pay such donations or appropriations, and may issue the bonds of the corporation therefor, signed by the mayor and recorder thereof; to impose fines upon all persons transgressing against the laws and ordinances of the corporation; and to enact and publish all such other laws and ordinances as the said council may deem necessary and proper for the health, safety, cleanliness, convenience and good government of said corporation, and the inhabitants thereof, not contrary to the Constitution of the United States, nor of the State of Indiana: Provided, that all laws and ordinances which shall be passed by said council, shall be published at length, on the door of the Court House, or at some other public place, in the town of Vernon, or in some newspaper published in said town, at least five days, after which said laws and ordinances shall be in force until repealed or modified by the proper authority.

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SEC. 2. That section ten of said act, be, and the same is hereby, amended to read as follows:

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 also have and exercise the same jurisdiction, duties, and powers as a justice of the peace, for the punishment of misdemeanors, and the preliminary examination of all felonies, provided and declared by the State of Indiana, and shall, in all such cases, be governed in the

exercise of this jurisdiction, duties and powers, in all respects, by the laws of the State regulating the duties of a justice of the peace. And he shall also have and exercise the same jurisdiction, duties, and powers of a justice of the peace, in civil cases, and shall be governed in the exercise of those powers, jurisdiction, and duties, by the laws in force regulating the duties of justices of the peace. He shall also have cognizance and jurisdiction of all violations of the ordinances of the corporation, and upon the filing of an affidavit, by any competent witness, that any person has violated any ordinance, it shall be his duty to issue a warrant for the arrest of the person so offending, directed to the marshal, commanding him to bring such person before him to answer such accusation, and if the allegations in said affidavit shall be sustained by competent evidence, he shall assess such fine against the defendant as to him shall seem just and proper, within the limits prescribed by the ordinances of said incorporation. Said action shall be in the name of "The Town of Vernon," and the fine and cost, including a fee of five dollars to the attorney prosecuting said cause, so assessed, shall in all respects be collected as in cases of fines assessed for the violation of the laws of the State of Indiana; and when collected by said mayor or marshal, shall be paid to the treasurer of said incorporation, for the benefit of common schools within said corporation, and shall be paid out by said treasurer to such schools as may be designated by the Common Council, provided, that an appeal shall, in all cases, lie, within ten days, to the Court of Common Pleas.

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SEC. 3. That section 18 of said act, be amended to read as follows:

SEC. 18. The mayor and council shall have power to levy and collect such tax on all personal property, of whatever kind or description, owned, used, enjoyed, or held in trust, by any person within said corporation; and, also, upon any real estate within such corporation; and, also, such a poll tax upon the male inhabitants, within such incorporation, over the age of twenty-one, as may be necessary to pay and liquidate any indebtedness, appropriations, or donations made and authorized by the ordinances of said incorporation.

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SEC. 4. That section nineteen of said act, be amended to read as follows:

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 personal property within the same, including notes, accounts, money on hand or on deposit, and all property which, by the laws of the State of Indiana, is taxable, the value of which he shall enter in his assessment roll, opposite the name of the owner or persons 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 value. 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, or any part thereof, or should give a false or fraudulent value thereof, the assessor shall estimate the value thereof from the best information he can obtain, to which he shall add one hundred per cent., 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 in his books as unknown. And said assessor shall, on or before the first Monday in May, make a return of his assessment roll to the recorder of said incorporation, which shall be a lien upon the property so assessed for the tax of the current year, from and after the first Monday in April until paid; Provided, that any person who shall have furnished a list of his, her or their property, or whose real estate may have been appraised, may, at any time before the 1st of July of each year, appear before the council and apply for a reduction of their assessment, which the council may allow and grant if the same shall be reasonable and just.

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SEC. 5. That sections twenty-three and twenty-four of the said act, be amended to read as follows:

SEC. 23. Delinquent taxes may, at any time before land is sold therefor, with the penalty, interest and cost thereon, be paid as follows: Into the town treasury, at any time. In case of such payment into the town treasury, the person paying shall file the treasurer's receipt with the marshal, and take his receipt in place thereof.

SEC. 24. Any levy or sale of property for delinquent taxes, made after such payment into the town treasury, shall be valid, if made before the filing of such receipts with the marshal; but after the filing of such receipt, proceedings on such levy shall be stayed, on payment of costs and charges; or, if property shall have been sold, the owner shall be entitled to a return of the proceeds after deducting costs and charges.

SEC. 25. After the first Monday in October, annually, the recorder shall make out and record in a book to be provided for that purpose, a list of all lots returned and remaining delinquent for taxes, describing such lots as the same are described in the tax duplicate, and charging them with the amount of the delinquent tax, with interest, and a penalty of ten per centum on such taxes, also with the taxes of the current year, and shall certify to the correctness thereof, with the date when the same was recorded, and sign the same officially.

SEC. 26. He shall cause a copy of such list to be immediately published for four weeks successively, once in each week, in some newspaper having general circulation in his town, if any there be, or he may have the same printed in handbill form, if the same can be done cheaper than to publish the same in a newspaper, otherwise, by three copies posted up in public places in said town, to which shall be attached, and in like manner published, a notice that so much of said ground as may be necessary to discharge the taxes, interest, and charges which may be due thereon, or due from the owner thereof, at the time of sale, will be sold at public auction, in the Court House in such town, on the first Monday in December next thereafter.

SEC. 27. The recorder shall, on or before the day of sale, insert, at the foot of such list on his record, a copy of such notice, and certify on such record, immediately following such notice, the manner in which

the same was published, giving the name of the paper in which the same was published, and the length of time during which it appeared.

SEC. 28. On the day mentioned in the notice, the marshal shall commence the sale of such lots, and shall continue the same from day to day until so much of each lot assessed, or belonging to each person assessed, shall be sold as will pay the taxes, interest, and charges thereon, or chargeable to such person in said corporation.

SEC. 29. The person offering, at said sale, to pay the required sum for the least quantity of any lot, shall be considered purchaser of such quantity.

SEC. 30. When more than one lot belonging to the same person shall be for sale at the same time in said corporation, each such lot, as offered, shall be for the payment of the whole sum due from such owner on all delinquent lots or otherwise; and if no person shall bid off a part or the whole of such lot for the sum required, the said lot shall then be offered to the highest bidder, and if any amount shall yet remain due, the other lots shall be proceeded with in like manner, until the required sum shall be realized.

SEC. 31. When less than the whole of any in-lot or out-lot of said corporation shall be sold, the part sold shall be taken off and laid out, so that it shall extend from the main or principal street, road or alley, forming the most convenient front to such lot, to the rear of such lot, and to bound the same with lines as nearly parallel with the out-lines of such lot as practicable.

SEC. 32. The purchasers at such sale shall immediately pay the amount of their respective bids to the marshal; or on their failure so to do, the lot shall be again forthwith offered for sale, the same as if no sale had been made; and the purchasers so failing, shall forfeit and pay, for the use of the treasury of the town, for the benefit of common schools therein, a penalty of twenty-five per centum on the amount of their bids, to be recovered by action of debt, in the name of the marshal, before the mayor of said town.

SEC. 33. The recorder shall attend as the clerk of the sale of such delinquent lots, and shall enter the same on a sufficient record book, giving a description of the proper tract or lot, showing how much of each was sold, to whom, and the price, or whatever the same remained unsold.

SEC. 34. After payment shall have been made, the recorder shall give to the purchaser a certificate in writing, describing the lot so purchased, the sum paid, and the time when the purchaser will be entitled to a deed; which certificate shall entitle the holder to the possession of the premises therein described.

SEC. 35. The said certificate shall be assignable; but no assignment thereof shall be valid unless acknowledged before some justice of the peace, or the mayor, and recorded in such recorder's office of said town.

SEC. 36. The owner or occupant of any lot sold for taxes, or any other person, may redeem the same at any time within two years after the last day of such sale, by paying to the marshal, for the use of the purchaser, his heirs or assigns, the sum mentioned in his certificate, and the amount of all subsequent taxes paid, with fifty per centum on

the whole sum, and interest from the date of purchase, or from the time of payment.

SEC. 37. Infants, idiots, femmes covert and insane persons, may redeem any lots belonging to them, sold for taxes within two years after the expiration of such disability.

SEC. 38. In case any lasting and valuable improvements shall have been made by the purchaser at any sale for taxes, or by any person claiming under him, and the lot on which the same shall have been made shall be redeemed as aforesaid, the premises shall not be restored to the person redeeming until he shall have paid or tendered to the adverse party the value of such improvements; and if the parties cannot agree on the value thereof, the same proceedings shall be had in relation thereto as shall be prescribed in the law existing at the time of such proceedings, for the relief of occupying claimants of land.

SEC. 39. No compensation shall be allowed for improvements made before the expiration of two years from the date of the sale for taxes. Any person claiming an undivided part of any lots sold for taxes, may redeem the same on paying such proportion of the purchase-money, interest, penalty and subsequent taxes, as he shall claim of the land sold.

SEC. 40. Any person claiming an undivided share in any lot, out of which an undivided part shall have been sold for taxes, may redeem his undivided share by paying such proportion of the purchase money, interest, penalty and subsequent taxes, as he claims of the land sold.

SEC. 41. Any person claiming a specific part of any lots sold for taxes, may redeem his specific part by paying such proportion of the purchase money, interest, penalty and subsequent taxes, as his quantity of ground shall bear to the whole quantity sold.

SEC. 42. Any person claiming a specific part of any lots, out of which an undivided part shall have been sold for taxes charged on the whole tract or lot, may redeem his specific part by paying such proportion of purchase money, interest, penalty, and subsequent taxes, as his quantity of ground shall bear to the whole quantity taxed.

SEC. 43. Any person claiming a specific part of any lots, out of which a specific part belonging to some other person shall have been sold for taxes charged on the whole tract or lot, may exonerate himself from all liability to contribute to the owner of the part sold, by paying to the marshal, at any time before the expiration of the time allowed for redemption, such proportion of purchase money, penalty and interest, as his quantity of ground will bear to the whole quantity taxed; and such payment shall operate as a redemption of a proportionate part, according to the amount paid, of the lot sold.

SEC. 44. In every case of a partial redemption, pursuant to either of the last five sections, the quantity sold shall be reduced in proportion to the amount paid on such partial redemption, and the recorder shall convey accordingly.

SEC. 45. Whenever the lots of any one person shall be sold for taxes assessed conjointly on the lots of such persons and the lots of another person, [and] such other person shall not pay his due proportion, the person whose lot shall be sold may redeem the same, on paying the amount due the purchaser; and he shall be entitled to recover from such

other person whose lots were assessed with his, a just proportion of the redemption money so paid, with lawful interest from the time of such redemption; but no suit shall be brought for the recovery of such proportion until after the expiration of the time allowed for redemption.

SEC. 46. If such owner shall not redeem the lot sold, and the same shall be conveyed by the recorder, such owner may recover from such other person the same proportion of the value of the lot sold and conveyed, that he ought to have paid of the tax, interest and charges, for which the lot shall have been sold.

SEC. 47. Every judgment obtained under either of the two last sections, shall have priority as against the lot of the defendant therein, on which the tax was assessed, and for which such proportionate part ought to have been paid, to all mortgages executed, and all judgments recovered since the time when such taxes were assessed.

SEC. 48. If no person shall redeem such ground within two years, at the expiration thereof, and on production of certificate of purchase, and in case the certificate covers only a part of the tract or lot of land, then accompanied with a survey of such part, made by the county surveyor, the recorder shall execute to the purchaser, his heirs or assigns, in the name of the town, a conveyance of the real estate so sold, which shall vest in the grantee an absolute estate in fee simple, subject, however, to all the claims which the town may have thereon for taxes, or other liens or incumbrances.

SEC. 49. When two or more parcels, tracts or lots of land are sold for the non-payment of taxes to the same purchaser or purchasers, or the same person or persons shall in any wise become the owners of the certificate thereof, all of such lots shall be included in one deed.

SEC. 50. Such conveyance shall be executed by the recorder, under his hand and seal, and the execution thereof shall be witnessed by the marshal, and such deed shall be conclusive evidence of the truth of all the facts therein recited, with the exception of the fact that the payment of the taxes, for which the lots named therein were sold, had not been made by or in behalf of the proper owner of such lots in due time, and to the proper officer, of which last named fact, such deed shall be held as prima facie evidence, and no more, and such deed shall be in the following form, as nearly as the nature of the case will admit, namely: Whereas, A. B. did, on the ____ day of _____, 18__, produce to the undersigned, C. D., recorder of the town of Vernon, in the State of Indiana, a certificate of purchase in writing, bearing date the ____ day of _____, 18__, signed by E. F., who, at the last mentioned date, was recorder of said town, from which it appears that the said A. B. did, on the ____ day of _____, 18__, purchase, at public auction, at the door of the Court House in said county, the tract, lot or parcel of land lastly in this indenture described, and which lot was sold to _____, for the sum of ____ dollars and ____ cents, being the amount due on the following tracts or lots of land returned delinquent in the name of G. H., for the non-payment of taxes, costs and charges for the year ____, namely: [here set out the lots offered for sale,] which said lots had been recorded, among other lots, in the office of said recorder as delinquent for the non-payment of taxes, costs and charges, due for the year last aforesaid, and legal publication made of the sale of said lots, on the

said day of _____, 18__; and it appearing that the said A. B. is the legal owner of said certificate of purchase, and the time fixed by law for redeeming the lot therein described having now expired, and none of the saving clauses of the ___ sections of ___ applying to this lot or parcel of land, and neither the said G. H., nor any person in his behalf, having paid or tendered the amount due the said A. B., on account of aforesaid purchase, and for taxes by him since paid, and the said A. B. having demanded a deed for the lot mentioned in said certificate, and which was the least quantity of the lot above described that would sell for the amount due thereon for taxes, costs and charges as above specified, and it appearing from the records of said recorder's office, that the aforesaid lots were legally liable for taxation, and had been duly assessed and properly charged on the duplicate, with the taxes for the years _____; therefore, this indenture, made this ___ day of _____, 18__, between the town of Vernon, by C. D., recorder of said town, of the first part, and the said A. B. of the second part, witnesseth: That the said party of the first part, for and in consideration of the premises, has granted, bargained, and sold unto the said party of the second part, his heirs and assigns forever, the lot or parcel of land mentioned in said certificate, and described as follows, namely: [here set out the particular lot sold;] to have and to hold the said last mentioned lot, with the appurtenances thereunto belonging, to the said party of the second part, his heirs and assigns forever, in as full and ample a manner as the said recorder of said town is empowered by law to sell the same. In testimony whereof, the said C. D., recorder of said town, has hereunto set his hand and affixed the seal of said corporation, the day and year last above written.

_____ [Seal.]

State of Indiana, _____ County, ss:

Before me, the undersigned, _____, in and for said county, this day personally came above named C. D., recorder of said town, and acknowledged that he signed and sealed the foregoing deed, for the uses and purposes therein mentioned. In witness whereof, I have hereunto set my hand and seal, this ___ day of _____, 18__.

SEC. 51. In case circumstances should exist requiring any variation from the foregoing form in the recital part thereof, the necessary change may be made by the recorder executing such deed; and the same shall not be vitiated by any such change, provided the substance be retained.

SEC. 52. In making deeds to purchasers of lots sold for taxes, the recorder shall not be compelled to include more than five distinct lots in one deed; and in case two or more deeds be made to the same person, the recorder shall be entitled to demand and receive from such persons seventy-five cents for the first deed, and fifty cents for each additional one.

SEC. 53. Whenever the recorder shall discover, prior to the conveyance of any lot sold for taxes, that the sale was for any cause whatever invalid, he shall not convey such lot; but the purchase money, and interest thereon, shall be refunded out of the town treasury to the purchaser, his representatives or assigns, on the order of the recorder;

and such lot, if originally liable to taxation, and being still delinquent, shall be again placed on the delinquent list, and the amount so refunded, with interest, be collected as in other cases.

SEC. 54. No sale or conveyance of lot for taxes shall be valid, if at the time of being listed such lot shall not have been liable to taxation; or, if liable, the taxes thereon shall have been paid before sale, and in all such cases the money paid by the purchaser at such void sale shall be refunded out of the town treasury, on the order of the town recorder.

SEC. 55. If any conveyance for taxes shall prove to be invalid, and ineffectual to convey title for any other cause than those enumerated in the preceding section, the lien which the town has on such lot shall be transferred to and vested in the grantee, his heirs and assigns, who shall be entitled to recover from the owner of such lot, the amount of taxes, interest and penalty legally due thereon at the time of sale, with interest, together with the amount of all subsequent taxes paid, with interest, and such lot shall be bound for the payment thereof.

SEC. 56. The sale of lots for taxes shall not be invalid on account of such lots having been listed or charged on the duplicate in any other name than that of the rightful owner.

SEC. 57. The Recorder is hereby authorized to make deeds for lots sold for taxes under any former law, when the same remains yet to be done; and the deeds so made shall be good and valid as if made by the person authorized under any such former law to make them.

SEC. 58. When conveyances are delivered for lots sold for taxes, the certificate thereof shall be cancelled and filed away by the Recorder, and in case of the loss of any certificate, on being fully satisfied thereof by due proof, the Recorder may execute and deliver the proper conveyance, and file such proof in his office.

SEC. 59. A register shall be kept by the Recorder in his office, containing a brief description of the lots by him conveyed on sale for taxes, the name of the person charged therewith, the date of sale, the name of the purchaser, the amount for which sold, the name of the grantee in the deed, and the date of its execution.

SEC. 60. When lots sold for taxes, or any portions thereof, shall be redeemed, the Recorder shall insert a memorandum of such redemption, the quantity or description of the portion redeemed, if not the whole, the date thereof, and by whom made, on his record of sales of lots for delinquent taxes, and sign the same officially, and shall likewise give a certificate thereof to the person redeeming.

SEC. 61. In case sales of any lots for taxes shall not be perfected for want of bidders, the same shall be considered as forfeited to the town, to be disposed of as the Common Council shall hereafter by law direct, and until so disposed of, or redeemed, shall be continued, on the duplicate, charged with all arrearages for which it was so forfeited, and interest; and shall be annually assessed and charged with all accruing taxes, penalties and interest, as other lots.

SEC. 62. Such lots shall be annually offered for sale with, and on the same terms as, other delinquent lots; and until sold for the amount of all arrearages, may be redeemed on payment of the same into the town treasury, by the owner or owners thereof; and such payments shall be proceeded with and certified as provided in this act.

SEC. 63. The records made by the Recorder respecting delinquent lots, the manner of advertisement of sales thereof, the sales made of the same, and the conveyances thereof executed, and all copies of such records, duly certified to be such by the proper Recorder, under his seal of office, shall be received as prima facie evidence of the facts contained therein.

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SEC. 6. That section 33 of the above entitled act, be amended to read as follows:

SEC. 33. The territory included within the bounds of said corporation, and such other territory as the county commissioners of Jennings County may add thereto, not exceeding one mile from the Court House, 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 said 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.