

# CITY CHARTER

CITY OF FORT WAYNE

From Feb. 22, 1840 to Oct. 15, 1849

PROPERTY OF  
CITY OF FORT WAYNE  
CITY CLERK'S OFFICE  
CITY HALL

# 1. 3 Charter of the City of Fort Wayne

An act to incorporate the City of Fort Wayne  
(Approved February 22<sup>d</sup> 1840)

Sec 1 Be it enacted by the General Assembly of the State of Indiana That the district of Country included in the following described limits shall be forever known as the City of Fort Wayne subject however to be enlarged as the City shall increase in population viz Beginning at a point where the west line of section two, township thirty north, Range twelve east, second Meridian strikes the South side of the St Marys River at low water marks thence along the meanders of said river and the Maumee to a point where the half section line of section one in the township aforesaid touches the Maumee river at low water marks thence south to a point eight perches beyond the South line of section one aforesaid thence west to the St Marys River and thence down along the meanders of said river to the place of beginning.

Sec 2 The inhabitants of said City shall be shall be a corporation by the name and description of the City of Fort Wayne & by their corporate name shall be able capable in law & equity to sue & be sued to plead & be impleaded to answer & be answered unto, defend & be defended in any & all courts of competent Jurisdiction & shall have power to make & use a Common Seal and the same to break alter & amend at pleasure to take hold purchase & convey such real & personal estate as the purposes of the Corporation may require

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Sec 3. That Samuel Edall, Rufus S. Ganson, Madison Tooten, John C. Hill, & Thomas Hamilton or a majority of them shall be the inspectors of the first election held under this act which election shall be held at the Court House in the City of Fort Wayne on the first Monday in March A.D. 1840 at which election any person competent to vote at the general state elections & having resided six months last past within the limits of said city shall be entitled to vote thereat.

Sec 4. On the first Monday in March A.D. 1840 & triennially thereafter there shall be chosen by ballot, one Mayor who shall hold his office for the term of three years (except in cases to fill vacancies) & until a successor is elected & qualified.

Sec 5. On the first Monday in March 1840 & annually thereafter there shall be chosen by ballot six aldermen who after the first election shall reside in the ward for which they are elected & shall hold their offices for one year (excepting as aforesaid in section four) & until their successors are elected and qualified.

Sec 6. The ballots shall be a paper ticket on which shall be written or printed the names of the persons for whom the elector intends to vote & shall designate the office to the person so named is intended by him to be chosen but no ballot shall contain a greater number of names as designated to any office as there are persons to be chosen to fill such office.

Sec 7. The poll of all elections held in pursuance of this act shall (as near as may be) opened at ten o'clock in the forenoon & continue open until four o'clock in the afternoon of the same day & no longer, poll lists shall be kept in the same manner as nearly as may be, as is provided by law for keeping poll lists at the general elections.

Sec 8. Every person offering to vote at such elections shall if required by any person entitled to vote thereat before he is permitted to vote take the following oath to be administered

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by one of the inspectors of said election: "You do swear (or affirm) that you are a citizen of the United States of the age of twenty one years that you have for the last six months been and now are a resident of the City of Fort Wayne, have been assessed therein & paid a tax & have not voted at this election." Provided that nothing herein contained shall prevent the common council from directing & having the election held in each of the wards in said City in such manner under such restrictions as they may think proper when they shall deem it necessary or expedient.

Sec 9. After the poll of any election is closed the inspectors holding the same in the said City or in each of the wards therein as the case may be shall on the same or next day canvass & estimate the votes given at such election; the canvass shall be public & shall commence by a comparison of the poll list & a correction of any mistakes that may be found therein until they shall be found or made to agree, the ballots shall be counted unopened, except so far as to ascertain that each ballot is single, & if two or more ballots shall be found so folded as to prevent the appearance of a single ballot they shall be destroyed.

Sec 10. If the ballots shall be found to exceed in number the whole number of votes on the poll list, they shall be replaced in the box & one of the inspectors shall publicly draw out & destroy as many ballots unopened as shall be equal to such excess; the ballots & poll list being found or made to agree, the inspectors holding such election, shall proceed to canvass & estimate the votes.

Sec 11. The canvassing completed, a statement of the result shall be drawn up in writing by the inspectors, which they shall certify to be correct & certify, with their names, & file the same with the Recorder of said City on the same or next day after the same shall have been completed; The certificate of the inspectors shall designate <sup>by name</sup> the persons who are by the greatest number of votes elected mayor or aldermen: Provided however that if the Common Council shall direct elections to be held in case the

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# Fort Wayne Indiana

Sec 12

of the wards of said city, they may prescribe the mode of making returns of said elections, and also by whom & in what manner the certificates of election for mayor & aldermen shall be given

After the first election held under this act the Common Council shall appoint three persons as inspectors of election (and in case of ward elections three inspectors in each ward) who shall give public notice in a newspaper printed in said city at least fifteen days previous to the day of election, of the place or places for holding the same

Sec 13

All officers elected under this act at any annual election shall enter on the duties of their respective offices on the Monday next following their election to said offices. It shall be the duty of all officers elected or appointed in pursuance of this act before entering on the duties of such office, to appear before some proper officer authorized to administer oaths & take & subscribe the oaths prescribed by the 11 article of the Constitution of this State & file the same in the office of the Recorder of said City

Sec 14

Should the regular inspectors of any election fail to attend at the place designated by 10 o'clock A.M. of any day on which an election is to be held then & after that time it shall be lawful for the qualified electors present to appoint viva voce & by a plurality of voices inspectors for the occasion who shall be governed in all things by the same rules as the regular inspectors. If any inspector, judge, or clerk of any election, having taken upon himself the performance of the duties herein required, shall neglect or refuse to discharge the same or shall be guilty of any fraud or corruption in doing such duties, he shall forfeit & pay any sum not exceeding one hundred dollars for every such wrongful act of commission or omission to be

Sec 15

recovered in the name & for the use of said City before any Court of competent jurisdiction

Vacancies in the offices of Mayor & aldermen caused by the death, removal, or otherwise may be filled at a special election called & appointed by the Common Council and conducted in the same manner as an annual election. Vacancies in all other offices shall be filled by appointment of the Common Council.

Sec 16

Any person having been an officer in said City who shall not within ten days after notification request deliver to his successor in office all the property, papers, & effects of every description in his possession belonging to said City or appertaining to the office he held, he shall forfeit and pay for the use of the City one hundred dollars, besides all damages caused by his neglect or refusal so to deliver.

Sec 17

The Mayor & Aldermen elected & qualified as aforesaid shall constitute the Common Council of the City, but a majority of the aldermen shall at all times be necessary to constitute a quorum for the transaction of business. They shall be the Judges of the elections returns & qualifications of their own members, shall determine the rules of their own proceedings & keep a record thereof which shall be open to the inspection & examination of every citizen who is a qualified voter. The Mayor shall be the president of said Council and preside at all their meetings when present, but shall vote only in case of a tie in the Council. In the absence of the Mayor any member of the Council may be elected president for the time being who shall possess the same power with the Mayor while acting in that capacity.

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Sec 18

The Common Council shall meet at such place as they may appoint on the second Monday in March annually and at that or any subsequent meeting by ballot appoint one recorder, one attorney one or more assessors, one treasurer, one collector, one street commissioner, one high constable, one or more police constables, one clerk of the market, one or more measurers of grain, lumber, wood, coal, & lime a flour inspector, a gauger, a sealer of weights & measures, a measurer of hay, a scavenger, and a common crier or bell man. Provided however that the said Common Council shall appoint such of the above officers only at the time above mentioned as in their opinion the interest & necessities of said City may require.

Sec 19

The <sup>Collector &</sup> treasurer, <sup>Street</sup> commissioner, of said City shall severally before they enter on the duties of their respective offices execute a bond to the City of Fort Wayne in such sum and with such securities as the Common Council may approve, conditioned that they shall faithfully execute the duties of their respective offices & account and pay over all moneys received by them respectively to the persons authorized to receive the same; which bond with the approval of the Common Council & upon certification by the recorder shall be filed in the office of said recorder.

Sec 20

Every person appointed to the office of high constable or police constable in said City shall before he enters upon the duties of his office with two securities to be approved by the Common Council execute in the presence of the recorder of the City an instrument in writing, by which such constable & his securities shall jointly & severally agree to pay to such or any person who may be entitled thereto all such

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sums of money as the said constables may be liable to pay by reason of or on account of any precept, execution or distress warrant which shall be delivered to him for collection; The Recorder of this city shall certify the approval of the Common Council on such instrument & file the same in his office and a copy of such instrument certified by the recorder under the corporate seal shall be prima facie evidence in all courts of the execution thereof by such constable & his securities; All actions brought on any such instrument shall be prosecuted within two years after the expiration of the year for which the constable named therein shall have been appointed, and may be brought in the name of the person or persons entitled to the money to be collected by virtue of such instrument.

Sec 21

It shall be the duty of the Mayor to be vigilant and active at all times in causing the laws and ordinances of said City to be enforced & duly executed to inspect the conduct of all subordinate officers and as far as in his power to cause all negligence, carelessness & positive violation of duty to be prosecuted and promptly punished; He shall keep the public seal of said City & sign all commissions, licenses & permits which may be granted by & under the authority of the Common Council; He shall keep an office in some convenient place in said City & shall have power to take & certify under the seal of said City the proof & acknowledgment of all deeds for the conveyance in anywise of real estate or other instrument of writing according to law & the usages in such cases; and all acknowledgments taken & certified by the Mayor under the corporate seal shall be good in every

Court & County in the State without further authentication. He shall perform such duties & exercise such powers as from time to time may devolve upon him by the ordinances of said City, and generally do and perform all such other duties & exercise such other powers as appertain to the office of Mayor. He shall also be a judicial officer and in his judicial capacity shall have exclusive original jurisdiction in all cases for the violation of the ordinances of said City and from any judgment rendered for the violation of any by-laws or ordinances the defendant may appeal at any time within thirty days thereafter to the Circuit Court of Allen County by giving bond to said City with at least one sufficient security acceptable to said Mayor in a reasonable penalty conditioned for the payment of the debt, damages or penalty & costs that shall be recovered against him in said Circuit Court which appeal when perfected by giving bond as aforesaid shall entitle the party appealing to the same rights & privileges, subject to the same conditions, restrictions & limitations as by law pertain to parties appealing from the judgment of justices of the peace to the Circuit Court. The Mayor of said City is hereby created a conservator of the public peace and a justice of the peace and shall exercise civil & criminal jurisdiction in all cases in the same manner & to the same extent as justices of the peace in their respective townships and from his judgments and appeal may be taken to the Circuit Court in like manner & under like circumstances & conditions as from justices of the peace. He shall, within the jurisdiction of said corporation have power in cases of assault & battery, affray, or other breach of the peace to punish by fine not exceeding twenty dollars & imprison in the City or County jail not exceeding thirty days, the defendant having a right to demand a jury & to appeal within thirty days as aforesaid. He shall give bond payable to the State, Indiana in like manner as justices of the peace are

or at any time may be required to do in the penal sum of five thousand dollars which bond shall be deposited in the office of the Clerk of Allen County. He shall keep a docket in the same manner as justices of the peace & shall be entitled in all cases to the same fees for his services. In case of absence he shall deposit his docket with some justice of the peace in said City who during the absence of such Mayor shall be invested with all his judicial powers herein created, and shall act upon his docket & upon any new case that may arise under the ordinances of said City as if he were mayor, and in case of vacancy in the office of Mayor by death, resignation or otherwise it shall be lawful for the Common Council to order the docket of said Mayor to be placed in the hands of some justice of the peace in said City and from the time said docket shall be placed in the hands of such justice of the peace he shall be invested with all the judicial powers of the Mayor & may continue to serve until such vacancy is supplied. All Constables shall be ministerial officers of the Mayor's Court in like manner as they are of justices courts & shall be bound in the same manner to execute his process. Sec 22 It shall be the duty of the ~~High Constable~~ <sup>Common Council</sup> to appoint a High Constable who shall be the chief ministerial officer of the Mayor's Court & as such invested with all the powers of a Sheriff & constable entitled to the same fees & subject to the same penalties & amercements. He shall ex officio possess all the powers, privileges & immunities of Constables & shall execute & return all process directed to him by the Mayor or any justice of the peace, shall be governed in all respects by the laws now in force or that may hereafter be enacted regulating the duties & jurisdiction of justices & the duties of Constables in said Allen County. It shall be his duty to suppress all riots, disturbances & breaches of the peace, to apprehend all rioters, disorderly persons & disturbers of the public peace in said City

and all persons in the act of committing any indictable offence against the laws of the State or fleeing from justice after having committed such offence, & him or them forthwith take into custody & bring before the Mayor for examination & in case of resistance may call to his aid & command the assistance of all bystanders & others in the vicinity. He shall perform such other duties as may from time to time be required of him by the Common Council, & may appoint one or more deputies & at pleasure dismiss or discharge them from office being always responsible for the correct discharge of their duties.

Sec 23 It shall be the duty of the Recorder to attend all meetings of the Common Council & keep a full & fair record of all their acts, doings, & proceedings, & the minutes of the proceedings of each meeting being recorded shall be read over by the Recorder and if incorrect in any particular shall be rectified & when correct or corrected shall be signed by the Mayor or other presiding officer of the meeting, & attested by the Recorder; and at no future day after being so signed & attested, shall said records, in any way be altered or amended.

He shall preserve all the records and other papers belonging to said City, and hand them over with all matters pertaining to his office to his successor, whenever one shall be appointed, and do & perform such other duties as may be enjoined upon him, And transcripts from the records of the Common Council certified by the Recorder under the Corporate Seal, shall be evidence in all courts in like manner as if the original were produced. In the absence of the regular Recorder, it shall be lawful for any alderman to act as Recorder pro tempore.

Sec 24 The Treasurer shall receive all monies belonging to the City & keep an accurate account of all

receipts & expenditures in such manner as the Common Council may direct. All monies drawn from the treasury shall be in pursuance of an order of the Common Council by warrants signed by the Mayor, presiding officer for the time being of the Common Council & countersigned by the Recorder. Such warrants shall specify for what purpose the amount specified therein is to be paid, and the Recorder shall keep an accurate account of all orders drawn on the treasury in a book to be provided for that purpose. The Treasurer shall exhibit to the Common Council at least fifteen days before the annual election in each year a full account of receipts & expenditures, also the state of the treasury, which account shall be filed in the office of the Recorder.

Sec 25 It shall be the duty of the Street Commissioner to superintend the making of all public improvements ordered by the Common Council, and make contracts for the work & materials which may be necessary for the same, & shall be the executive officer to carry into effect the ordinances of the Common Council as regards the opening, paving & repairing any street, alley, lane, highway, road, or wharf in said City, and shall keep an accurate account of all monies expended by him in the performance of any work together with the cause of expenditure & to render such account to the Common Council monthly.

Sec 26 It shall be the duty of the Common Council at least ten days before the annual election held under this act in each year to cause to be published in the newspapers of said City a full & correct statement in detail of the receipts & expenditures by said Common Council for contingent expenses, and a distinct statement of the whole amount of money assessed, received, & expended for making & repairing streets, lanes, alleys, roads or highway in said City for the year preceding the date of such publication together with all information in their power to furnish as may be necessary to a full knowledge & understanding of the financial concerns of said City.

Sec 7 The Common Council shall have power to fix the salaries of all officers appointed in pursuance of this act. The fees of the Mayor shall also be fixed by the Common Council when not specified in the act regulating the fees of justices of the Peace, Aldermen shall be entitled to receive for their services, one dollar per day for each & every day they may serve at the meetings of the said Common Council, Provided that the sum to be paid to any one Alderman shall not exceed the sum of twenty six dollars in any one year; Provided further that no Alderman elected in pursuance of this act within one year from the passage thereof, receive any compensation for his services as Alderman as aforesaid.

Sec 8 The Common Council shall hold stated meetings at such time & place as they by resolution may determine upon and the Mayor & any two Aldermen may call special meetings by notice to each of the members of said Council served personally or left at his usual place of abode of which meeting public notice shall be given by posting up notices in three of the most public places in said City at least one day before such meeting; If any Alderman shall refuse or neglect to attend any meeting of the Common Council the Mayor may compel his attendance by a warrant signed by himself as Mayor & having the seal of the City, which warrant shall be served by any one of the officers of his Court, and for contempt of his warrant the Mayor shall have power to inflict a fine not exceeding five dollars on any person so offending to be collected as other fines imposed under this Act.

Petitions & remonstrances may be presented to the Common Council. The Common Council shall have the management & control of the finances & of all property real & personal belonging to the Corporation & shall have power within said City to make, establish, publish, alter, modify, amend, & repeal ordinances, regulations & bye-laws

- 1<sup>st</sup> for the following purposes: To restrain & prohibit all descriptions of gaming & every kind of fraudulent device & practice in said City.
- 2<sup>d</sup> To restrain & prohibit the selling or bartering of any spiritous liquors or ardent spirits to be drunk in the shops, stores, grocery, out-house, yard or garden of the person selling the same unless licensed so to do by the City authority.
- 3<sup>rd</sup> To restrain & prohibit the selling giving away or bartering of any ardent spirits or intoxicating liquors to any person already drunk & known to be in the habit of intoxication, or to any child, apprentice, or servant, without the consent of his or her parent, guardian, master, or mistress, or to any Indian.
- 4<sup>th</sup> To regulate & prohibit all exhibitions of natural & artificial curiosities and all shows, exhibitions & amusements whatsoever which in the opinion of said Council are demoralizing to society or calculated to detract from the peace & good order of said City.
- 5<sup>th</sup> To prevent riot, noise, disturbance, & disorderly assemblies.
- 6<sup>th</sup> To suppress & restrain disorderly houses & groceries, houses of ill fame, billiard tables, nine or ten pin alleys or tables & ball alleys.
- 7<sup>th</sup> To compel the owner or occupant of any piece of ground, grocery, cellar, tallow chandler's shop, soap factory, tannery, barn, privy, sewer or other place, to cleanse the same from time to time, as often as it may be deemed necessary for the health, comfort & convenience of said City and to remove or abate or otherwise destroy the cause which renders such houses unhealthy or uncomfortable.
- 8<sup>th</sup> To direct the location of all powder houses, slaughter houses, tallow chandler's shops, soap factories and other houses that may be an annoyance to the health & comfort or safety of said City, and if thought necessary to prohibit the erection or continuance altogether of such establishments within the limits of said City.
- 9<sup>th</sup> To regulate the keeping & conveying of gun powder & other combustibles & dangerous materials & the use of candles & lights in houses & stables,

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- 10 To prevent horse racing & immoderate riding or driving in the streets
- 11 To prevent the encumbering of the streets, sidewalks, lanes, alleys or wharves with carriages, carts, boxes, lumber, timber, firewood, or any other substance or material whatsoever,
- 12 To regulate & determine the times & places of bathing & swimming in the rivers & canals in or adjoining said City,
- 13 To restrain & punish vagrants, mendicants, street beggars, habitual drunkards, and common prostitutes,
- 14 To regulate & restrain the running at large of cattle, horses, swine, sheep, goats, geese, or other animals, and to authorize the distraining, impounding, & sale of the same for the penalty incurred & costs of proceeding
- 15 To prevent the running at large of dogs & to authorize the destruction of the same when at large contrary to the ordinances,
- 16 To prohibit any person from bringing or depositing or having within the limits of said City any dead carcass or other unwholesome substance, and to require the removal or destruction by any person who shall have the same upon or near his premises by his own act or consent, of any such substance or any putrid or unsound beef, pork, fish, lard or skins of any kind, or other uncleaned or unwholesome substance whatsoever and on the default of such person to authorize the removal or destruction by the proper officer of said City.
- 17 To prohibit the rolling of hoops, playing at ball or long bullets, using of fire crackers, or flying kites or other instruments or practice having a tendency to annoy or endanger persons passing the streets, or to frighten teams or horses within said City,
- 18 To compel all persons to keep the snow, ice, & dirt from the side walks, and to cleanse streets, <sup>clot</sup> gutters, & streets in front of the premises by them owned or occupied
- 19 To prevent the disorderly ringing of bells, blowing of horns & bugles, & crying of goods & other things within the limits of said City to the disturbance of the citizens

- 20 To abate & remove nuisances, to declare what shall be deemed nuisances within said City, and abate the same or punish by suitable penalties the person or persons causing or continuing the same or both abate & punish at discretion
- 21 To regulate & restrain runners & carriers for boats & stages
- 22 To license & regulate carts, waggons, drays, & carriages which may be kept within said City for hire
- 23 To survey mark & establish the boundaries of said City,
- 24 To regulate the burial of the dead, purchase & provide common burying grounds, houses, & other things necessary to burial, and to appoint one or more sextons and prescribe his duties,
- 25 To direct & keeping of bills of mortality & to impose penalties on physicians, sextons & others for any default in the premises,
- 26 To regulate gauging; the place & manner of selling & weighing hay and of selling & measuring lumber, wood, lime, gravel and coal, the inspection of flour, salted pork, beef, butter & lard,
- 27 To regulate the quality of bread, and to provide for the seizure & forfeiture of bread baked contrary thereto,
- 28 To establish make & regulate the public pumps, wells, cisterns & reservoirs & to prevent the unnecessary waste of water
- 29 To provide for the watering of said City
- 30 To establish & regulate public pounds,
- 31 To prevent the firing of guns & pistols and all other fire arms or fireworks within said City,
- 32 To prevent the erection of wooden buildings in such parts of said City as they may think proper
- 33 To erect market houses, a hospital, a council house and a city jail & to regulate & govern the same & to erect houses for common schools,
- 34 To prevent & restrain fustalling & regrating
- 35 To guard & prevent damage by fire, to organize fire

# Charter of the City of

# Port Wayne Continued

Companies & regulate & govern the same & regulate the duty & conduct of the Citizens in relation thereto

To regulate the police of said City

To diminish or increase, or at any time otherwise alter the number & the limits of the wards of said City; but no such change in the wards of said City shall in the least affect the present Council or vacate the seat of any alderman for his present term or authorize the election of an alderman for any new made ward until the next annual election

To borrow money for the use of said Corporation

To regulate auctions of horses & other domestic animals in the streets & appoint & license auctioneers

To levy & collect the revenue for the use of said City in the manner hereinafter described

To prevent injuries to the inhabitants of said City from thieves, robbers, burglars, & all other persons violating the public peace

To establish a board of health for said City to invest it with such powers & to impose upon it such duties as shall be necessary to secure said City and the inhabitants thereof from the evils, distress, & calamities of contagious, malignant, or infectious diseases; provide for the proper organization and the election or appointment of the necessary officers thereof, & make such by laws, rules & regulations for its government & support as shall be required for the prompt performance of its duties & the lawful exercise of its powers.

To establish a city watch define its duties & prescribe its expenses

To license and regulate all taverns, all public houses & houses, & all other places where spirituous liquors are sold by a less quantity than a quart, and all other houses of public entertainment within said City: all theatrical exhibitions of whatever name or nature, to which admission is obtained on the payment of money or other rewards

To regulate the construction of chimneys, fire places, hearths & stove pipes, so as to prevent damage from fire

The Common Council shall have power to prescribe from time to time the duties of all officers & persons appointed by them to any office or place whatever subject to the provisions of this act & may remove all such officers & persons at pleasure.

The Common Council may make, publish, ordain, amend & repeal all such ordinances, by laws & police regulations not contrary to the laws of this State, for the good government & order of the City & the trade & commerce thereof as may be necessary to carry into effect the powers given to said Council by this act & enforce observance of all rules or ordinances, by laws & police regulations made in pursuance of this act by imposing penalties on any person violating the same, to be recovered with costs in an action of debt or on the case in any court having cognizance thereof. Every such ordinance or by law, imposing any penalty for a violation of its provisions shall after the passage thereof be published for three weeks in succession in a newspaper printed & published in said City to be designated by the Common Council for that purpose & proof of such publication by the affidavit of the printer or publisher of said newspaper taken before any officer authorized to administer oaths & filed in the office of the recorder of said City, shall be conclusive evidence of the legal publication of such ordinance or by law in all courts & places.

All actions brought to recover any penalty or forfeiture incurred under this act or the ordinances, by laws, or police regulations made in pursuance of it shall be brought in the name of the Corporation and in such actions it shall be lawful to declare generally in debt for such penalty or forfeiture stating the section of this act or by law or ordinance under which the penalty is claimed & to give the special matter in evidence and the defendant may plead the general issue and give under such plea all matters in evidence. The first process in any such action shall be a capias or

or warrant unless the defendant be a resident of the County of Allen in which case the process shall be a summons; and on the rendition of judgment the same proceedings shall be had against the defendant as are now required in similar cases by the laws regulating the jurisdiction & duties of justices of the peace. All expenses incurred in prosecuting for the penalty of any penalty or forfeiture shall be defrayed by the Corporation; and all forfeitures & penalties when collected shall be paid to the treasurer for the use of said City.

No person shall be an incompetent judge, juror, witness or juror by reason of being an inhabitant, citizen, or freeholder of said City, in any action or proceeding in which said City is a party, or interested.

Whenever the owners of lots on any street or section of street, lane or alley shall be desirous of making any improvement on the same by grading, graveling, paving, curbing, or guttering, or any other improvement and the owners of lots on said street, lane or alley or section thereof by themselves or agent representing five eighths of the whole number of feet on each side of said street, lane or alley or section thereof shall petition the Common Council representing plainly and distinctly the improvements wanted or contemplated to be made, it shall be the duty of the Common Council to cause the same to be done in the best & most economical manner, agreeably to the wishes of the inhabitants, petitioners, and the expenses thereof shall be assessed & levied on all the lots fronting on said street or section of street, equally per front foot for the distance such improvement may be made.

It shall be the duty of the Recorder to enter such petition on record with the petitioners names & the number of feet owned or represented by each so that it may appear at any time whether the requisite number of feet were subscribed. And the Common Council may

by general ordinance provide for the expenses collection of the expenses of all such improvements & in case of non payment for the sale of the lot or fraction of lot on which such taxes remain unpaid, such sale to be conducted in the same manner as hereinafter provided for the sale of lots & lands for nonpayment of taxes, provided however that the Common Council shall have power if they deem it more just & equitable to assess the expenses of such improvements on the lots fronting on said street or alley agreeably to the valuation thereof, and provided also that the Common Council may when in their opinion the public good requires it, cause any such improvement to be made without petition & assess the expenses pro rata per square foot or agreeably to the valuation as aforesaid, but the concurrence of three fourths of the members of the Common Council shall be necessary to authorize an improvement without petition or to authorize the laying of expenses ad valorem.

No street, lane or alley shall be discontinued without the consent of the owner or owners of the adjoining property to be given in writing & spread upon the records of the Corporation, nor shall any new street, lane or alley be made through private property without first paying to the person or persons whose property shall be thus appropriated if demanded the full amount of real injury sustained thereby; which damages shall be assessed by a jury of five disinterested persons under oath to be summoned by the Common Council for that purpose.

In the purpose of enabling such person to make demand for damages it shall be the duty of the Common Council to give six months public notice by advertising in some public newspaper printed in said City of their intention to make & establish such new street, lane

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or ally, & any person feeling aggrieved thereby may at any time within said six weeks apply to the Common Council for redress by remonstrance in writing left with the Recorder of said City.

Sec 35 For the purpose of defraying the expenses of lighting the streets, supporting a night watch, repairing streets, alleys & highways & to defray the contingent & other expenses of said City the Common Council shall have power to impose levy & collect a tax upon all the real & personal estate within the limits of said City as hereinafter mentioned; Provided however that the sum to be raised shall not in any one year exceed the one half of one per cent upon all such real & personal estate as is hereby & herein made subject to taxation, & provided further that lands included within the limits of said City & not laid out in town lots shall not be taxed by said Corporation until laid out as aforesaid.

Sec 36 The assessor or assessors shall on or by the second Tuesday in June in each & every year deliver to the Recorder his or their assessment roll in which the names of all citizens of said City subject to taxation shall be written, at the end of each name shall be set down in figures the value of each lot or piece of land (with or without the improvements thereon as the Common Council shall direct) that each person owns in said City in one column & in another column in figures the value of his or her personal estate designating now resident lots & parts of lots by proper boundaries & the value thereof. In valuing all real estate the worth & ready money or the amount for which it would be received in payment of a bona fide debt shall be considered the value thereof; in valuing personal property the said assessors shall take

# Port Wayne Continued

an account of all such household furniture as they may be directed by the Common Council, which shall be uniform through out the City & of uniform value from which amount they shall deduct one hundred dollars if it shall amount to that the residue only to be taxed; all horses, cattle, clocks & watches in use pleasure carriages & such other articles & things as the Common Council may by ordinance direct, the said assessor shall on or before the 20<sup>th</sup> day of June in each year visit each house in their respective districts in person & ascertain from actual inspection & the best information they can get, the value of all real estate in their respective districts & obtain from the inhabitants subject to taxation the amount of their personal estate; if the said assessor shall mistrust or suspect that any person subject to taxation secrets or conceals any of his effects subject to taxation, said assessor shall have power to administer an oath or affirmation that the statement made by him of his property or effects is true; false swearing in the premises shall be adjudged wilful & corrupt perjury & punished accordingly, The said assessor shall meet annually at such place within said City as may be agreed upon by them sometime between the 20<sup>th</sup> of June & the first of July in each year & compare their respective assessments rolls & equalize the valuation thereof as near as may be and enter them on one roll or book alphabetically with the value of real or personal estates of all the inhabitants of said City subject to taxation, No property belonging to the Corporation or property appropriated for religious purposes or school purposes shall be taxed under this section. In the assessment roll made under this act all persons who

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# 10 Charter of the City of

would be liable to work on the highway of any <sup>residence</sup> <sup>1037</sup>  
in any other town of this state shall be unenumerated or  
said roll although not taxed and the Common Council  
may tax each one so enumerated not exceeding one dollar  
to be laid out as the common Council shall direct,  
It shall be the duty of said assessors to take an account  
of all dogs in said city & by whom owned, said  
assessment roll when completed shall on or before  
the first Tuesday in July in each year be filed in the  
office of the Recorder <sup>of said City</sup>; The Common  
Council shall cause an equalization of the tax to  
be made as aforesaid to be made on the assessment <sup>1038</sup>  
roll according to the valuation of the real & personal  
property there set down; make a fair copy thereof &  
deliver the same to the collector on or before the 1<sup>st</sup>  
day of October in each year with a warrant attached  
therein under the corporate seal directing said collector  
to collect from each of the persons named on such  
tax list the several sums set opposite their respective  
names and if not paid by the first day of November  
then next ensuing make the same of the goods &  
chattels by distress & sale giving the same notice  
as is required by law of constables to do on sale  
by execution from Justice Courts & to sell the same  
accordingly; It shall be the duty of the collector  
to return the same tax list & money collected by  
him to the treasurer of said City on or before  
the first Sunday in <sup>November</sup> in each year, It shall be  
the duty of said collector to call at the residence  
of each person named in his tax list at least  
once before attaching his or his goods & chattels  
if no goods can be found whereon to levy, the  
Mayor may renew said warrant within thirty  
days after receiving the same with the money  
any is collected

# Fort Wayne Continued

To redress grievances arising under the foregoing section  
the Mayor & any two aldermen of said City shall constitute  
a board of appeals to hear & determine of all such  
grievances as may be brought before them & take such  
measures for the redress of the same as may seem  
proper & necessary to effect the object; said board  
shall hold their meetings at such place as they  
may determine upon on or before the first Monday  
in August in each year of which meeting they  
shall give at least ten days notice in the Corporation  
Newspaper of said City

All non resident lands & all other lands in said  
City, on which a tax authorized by this act shall remain  
due six months after the time it ought to have  
been paid, it shall be the duty of the treasurer to  
give public notice thereof to the owners by publishing  
in the Corporation newspaper for at least six  
weeks, describing the lands as near as practicable  
& the amount of tax & stating that unless the owner  
thereof shall within three months from the time of  
giving such notice pay to the treasurer such tax  
with the interest & costs of advertising, the same  
will be leased to the person who will take it  
for the least number of years & pay the tax interest  
& costs, & for that purpose it shall be offered at  
vendue, of which vendue the treasurer shall give  
three weeks notice in the Corporation newspaper;  
on receiving the tax interest & costs the said treasurer  
shall give to the ~~treasurer~~ purchaser or lessee a  
certificate stating the amount of money paid &  
describing the land as near as practicable subject  
to redemption for two years by the owner paying the  
purchaser or treasurer together with the interest  
of twenty per centum per annum, which certificate  
shall be countersigned by the Recorder,

Charter of the City of

Fort Wayne Continued

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Sec 39 If the owner or owners of land sold or leased for tax as aforesaid shall refuse or neglect to redeem said lands for the space of two years, it shall then be lawful for the Mayor & his heirs to make out a lease, in due form to the person entitled thereto for the time specified in said certificate & to his heirs & assigns, which lease shall be signed by the Mayor and countersigned by the Recorder with the corporate seal attached which shall vest the title to the lessee & his heirs & assigns for the time therein specified and all buildings that may be put on said premises may be removed off before the termination of said lease.

Sec 40 All official bonds (the Mayor excepted) taken under this act shall be made payable to the City of Fort Wayne.

Sec 41 Until a City Jail shall be erected said Corporation shall be allowed the use of the County Jail of Allen County & the Sheriff of said County shall receive & discharge such persons as may be committed in & from said jail in such manner as may be prescribed by the ordinances of said City or otherwise by due course of law.

Sec 42 For the better regulating the peace & good government of said City the Common Council is hereby authorized to extend their jurisdiction not exceeding one mile in any direction beyond the limits of said City & to pass & adopt by laws or ordinances for the suppression of immorality, intemperance, prostitution or what ever may detract from the peace & good order of society as well in said extended jurisdiction as within the limits of said City.

Sec 43 The Common Council when organized as provided by this act shall have full authority to demand, recover & receive all books, papers, monies & effects together with all species of property belonging to the present Corporation aforesaid at the time of such organization of the existing Corporation of the

Town of Fort Wayne, which books, papers, monies & effects, together with all species of property belonging to the present Corporation aforesaid at the time of such organization of the Common Council shall vest in the City of Fort Wayne as a corporate body by virtue of this act. If the President or any other officer of the existing Corporation of the Town of Fort Wayne shall not within thirty days after notification or request deliver to the Common Council of said City all the property, papers, monies & effects of any description in his possession or belonging to said town or appertaining to the office he held he shall forfeit & pay for the use of said City One hundred dollars besides all damages caused by his neglect or refusal so to deliver. The Common Council shall also have power to adjust & settle all claims & all demands in favor or against the town Corporation.

All laws & parts of laws now in force conflicting in any manner with the provisions of this act as far as the said City of Fort Wayne is concerned & within the jurisdiction of the Corporation herein & hereby created, he & the same are hereby repealed.

The legislature hereby reserves to itself the power of altering, amending or repealing this Charter in whole or in part at any time hereafter.

The proceedings of the board of trustees of the town of Fort Wayne are hereby legalized. This shall be a public act & shall take effect from & after its publication in the Fort Wayne Sentinel & its approval by a majority of the votes given at an election called for that purpose by the present board of trustees of

# Charter of the City of Fort Wayne

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the town of Fort Wayne; any person  
 legally qualified to vote at any state election &  
 residing within the limits of said corporation  
 or within the proper chartered limits of said City  
 of Fort Wayne shall be entitled to vote at said  
 election & shall vote "charter" or "no charter" said  
 Charter if adapted to be published as aforesaid  
 at the expense of said City & if not adapted  
 then at the expense of the Corporation of said  
 town of Fort Wayne