

1839-21-1

SEC. 1. That the inhabitants of the town of Terre-Haute, be, and they are hereby declared to be duly incorporated by virtue of, and according to the provisions of the act to which this is an amendment; and the election of members of the common council and mayor, under and by virtue of said act of incorporation, on the first Monday in May, 1838, is hereby declared to be legal, and no proof thereof shall be required in any court of justice in any legal proceeding.

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SEC. 2. That part of the act to which this is an amendment, which provides that the mayor of said town shall be ex-officio president of the board of common council, is hereby repealed; and it shall be the duty of said board to elect one of their members as president of said board, whose appointment shall be recorded among the proceedings and records of said board, and who shall discharge all the duties assigned to the mayor under the act to which this is an amendment, as president of said board; and five members of said board, exclusive of the president so elected, shall form a quorum to do business. In case of the absence of the president, the board may appoint a president pro tempore of said board, and whenever a vacancy shall occur in the office of the president of the board, said board shall immediately fill the same by another election.

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SEC. 3. That the corporation of the town of Terre-Haute shall hereafter embrace all the territory within the following limits, to-wit: Commencing on the west bank of the Wabash river on the line dividing sections sixteen and twenty-one in town twelve north, range nine west, and running thence east to the south-west corner of lot number sixty in said section number sixteen; from thence north to the north-west corner of lot number thirty-seven in said section sixteen; from thence to the north-east corner of lot number thirty eight in said section sixteen; from thence south to the line dividing said section sixteen and section twenty-one; from thence east on said line to the east side of the county road running north and south on the east line of said section twenty-one; from thence south to the canal as now located; thence along said canal east and south to a point due east from the south-east corner of Aaron B. Fontaine's addition to said town; from thence west to the south-west corner of said addition; from thence south to the south-east corner of out-lot in the town of Terre-Haute company's survey of out-lots numbered sixty-one, (61); from thence west to the west bank of the Wabash river, and from thence up said river bank to the place of beginning: Provided, that the lands included in the present addition to the corporation other than building lots shall be exempt from taxation until the same may be laid out; excepting such tax as might have been levied for road purposes, had it not been included in said limits.

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SEC. 5. That it shall be the duty of the mayor in addition to the duties already assigned him to cause the ordinances, rules, and

regulations of the common council to be observed and enforced; to inspect the conduct of all subordinate officers of the corporation; keep the seal of the town, and also have a supervisory care of the interests of the town, making reports and recommendations concerning the same from time to time to the common council. It shall be his further duty to keep an office provided by the common council, and he is hereby authorized to take and certify acknowledgments and proofs of all instruments of writing; to take and certify depositions, and his certificate with the seal of the town affixed thereto, shall be a sufficient authentication of his official acts in any county or court in this state, and for every such certificate and seal he shall be entitled to receive the sum of fifty cents, and for other services the same fees as justices of the peace are entitled to receive for similar services; and in addition to the foregoing compensation, he shall be allowed such annual compensation as the common council shall deem reasonable.

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SEC. 6. That copies of any ordinance, rule, or regulation made by the common council, certified and signed by the president thereof under the seal of the town, shall be sufficient evidence of the existence of such rule, regulation, or ordinance, in any judicial proceedings; providing such ordinance, rule or regulation requiring publication shall have been duly published.

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SEC. 7. Free authority is hereby given to the board of common council to provide a supply of water for the use of the town, under such rules and regulations as they may deem best calculated to advance the interests of the town.

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SEC. 8. Said board shall have power to widen the existing streets in said corporation not exceeding sixty-five feet, and to lay off, establish and open new streets of the same or a less width: Provided, however, that in all cases where new streets are established and opened, or old streets widened, any person who shall sustain any damage thereby shall be compensated in the manner following: The common council shall appoint three disinterested persons to assess the damages so sustained, and when so assessed and determined, said board shall proceed to assess a tax on the property fronting on such new street or such change made, according to its value exclusive of its improvements thereon, when such damages do not exceed the benefit derived from the establishment of such new street or such change, and the owners of such property shall stand charged with such tax as in other cases, and the same shall be collected as in other cases, but where the damages exceed the benefits, the excess shall be paid out of the general fund of the town: Provided, however, that any person feeling himself aggrieved by the decision of the persons appointed by the common council to assess the damages in the opening or widening of a street shall have the right to appeal to the circuit court by filing a notice with the mayor or council within sixty days after a return of the assessment to said mayor

or council, and it shall be their duty to hand over all their proceedings to the clerk of said circuit court.

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SEC. 9 Said board is authorized to grade, drain, gutter, and pave or M'Adamize any of the streets or alleys in said corporation, at the expense of the owners of property fronting thereon by a tax to be levied as in other cases on the unimproved value thereof; the corner lots to be valued diagonally from the corner so as to leave each front to be taxed for the improvement of its proper street; said board shall also have power to grade and pave the side walks in front of any improved lots in said town at the expense of the owners thereof; the expense of such improvement to be taxed against the lot forming such improvement charged against the owner thereof and collected as other taxes are: Provided, however, that the owner of such property shall always have the privilege of making such improvement under the direction of said board, and provided also that in all cases, in opening, widening, grading, paving and improving streets, alleys, or side walks in said town, the same shall be done under the supervision and direction of said board, or of the mayor of said town.

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SEC. 10. It shall be the duty of said board on the petition of the owners of two-thirds of the number of feet front on both sides of any street or alley, to cause the same to be graded, drained, paved, M'Adamized or otherwise improved, according to the provisions of the foregoing section of this act.

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SEC. 11. Said board shall have the power to cause to be filled upon drained any two [low] places or pools within said corporation, taxing the expense thereof against the owners of the property on which the same is situated as in other cases, and to prohibit the construction or erection of any porch or other permanent obstruction upon the side walk of any street or alley in said town.

1839-42-1

SEC. 1. That John Cooper, Edward Cox, James Sampson, Samuel Bolton, and Thomas Munford, and their associates and successors in office, are hereby constituted a body corporate and politic, and shall be known by the name of the "New Harmony Working-mans' Institute for mutual instruction," and by that name shall have power to sue and be sued, to adopt the constitution now existing in said society and the same to alter or amend, to make and use a common seal, to hold real estate and personal property, provided the same consist in such buildings, lots of land, books, apparatus and other personal property as may be required for the purposes of the association, and not otherwise, and provided the same shall not exceed in value fifty thousand dollars, and to sell or otherwise dispose of the same; and the said association shall have power to make by-laws, and to do and perform all other acts necessary to carry into effect the objects of the institution not

contravening the laws of the state of Indiana, or the laws of the United States.

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SEC. 2. The objects to be promoted by this society shall be the mutual instruction of its members and the promotion of useful knowledge, by the aid of books, lectures, and apparatus. And its property shall never be applied to any other purpose, under penalty of the forfeiture of this chapter.