The organization of counties and the incorporation of towns was an important function of the Indiana General Assembly in pioneer days. Moreover, such organization and incorporation was as much a part of pioneering as was the building of log cabins, clearing of forests, establishment of grist mills, opening of roads, founding of newspapers, and establishment of churches and schools. Under the Constitution of 1816 the Indiana General Assembly enacted a local or special law for the organization of each county and for the incorporation of each town, with the result that the annual volumes containing the laws were generally cluttered by numerous special laws.

What is the present area of the city of Anderson was obtained from the Indians by the New Purchase Treaty of 1818. Madison County was organized in 1823, and commissioners named by the state legislature in the act organizing the county considered Andersontown as a possible location for the county seat. Since the commissioners did not decide in favor of Andersontown, however, sessions of the courts were to be held at Pendleton according to the terms of the act establishing the county. Pendleton served as the county seat until 1827, when Andersontown became the county seat. Various changes have been made in the boundaries of the county, before and after 1827, but Anderson (then Andersontown) has remained county seat since that time.

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* Donald F. Carmony is associate professor of history at Indiana University and editor of the *Indiana Magazine of History*.

** Edward J. Ronsheim, Sr., is a resident of Anderson who has been interested in the early history of that city for many years. He was instrumental in the preservation of this document by the Smith Memorial Library of the Indiana Historical Society, Indianapolis.


2 The information regarding the organization of Madison County, selection of a county seat, and changes in boundaries is based on George Pence and Nellie C. Armstrong, *Indiana Boundaries: Territory, State, and County* (*Indiana Historical Collections*, Vol. XIX; Indianapolis, 1933), 570-579.
Andersontown grew slowly, and its population was only 383 by 1850. In 1848 its name was shortened to Anderson, and the next year the town was incorporated by special act of the general assembly. This act named "John Davis, Esq., P. H. Lemon, Adam Reed, W. G. Atherton, and Brazelton Nowland" as trustees of the town, declared Anderson a body politic, and gave the trustees substantial legislative and police powers.

As indicated in the document which follows, the trustees met in 1849, were sworn into office, and began enacting laws, appointing officials, and otherwise establishing town government under the new charter. The record which follows includes minutes of and ordinances passed at early meetings in 1849 and 1850. A careful reading of these minutes and ordinances shows that the town organizers gave attention to: the immediate need for revenue from taxes and fees, the problem of restraining livestock from running at large and damaging property, the necessity for removing obstructions from public ways and improving streets and sidewalks, and the question of obtaining persons willing to serve in essential local offices. This document, though brief, affords an interesting glimpse of the beginnings of town government in Anderson following its incorporation by the Indiana General Assembly.

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* Indiana, *Local Laws* (1847-1848), 300.
* Most, if not all, of the persons included in the minutes and ordinances are either mentioned or made the subjects of biographical sketches in various histories of Madison County. Because of this fact and also because the emphasis here is on the process by which a pioneer town became incorporated and established as a "body politic," no effort is made here to include biographical material about these "founding fathers" of Anderson. Persons interested in such information should consult: Samuel Harden, *History of Madison County, Indiana, from 1820 to 1874 ...* (Markleville, Ind., 1874); Biographical Publishing Co. (publs.), *Portrait and Biographical Record of Madison and Hamilton Counties, Indiana ...* (Chicago, 1893); John L. Forkner and Byron H. Dyson, *Historical Sketches and Reminiscences of Madison County, Indiana* (Anderson, Ind., 1897); John L. Forkner (ed.), *History of Madison County, Indiana ...* (2 vols., Chicago and New York, 1914); J. J. Netterville (ed.), *Centennial History of Madison County, Indiana* (2 vols., Anderson, Ind., 1925). These volumes also offer considerable information about the early history of both Anderson and Andersontown.

State of Indiana  

Madison County  

Be it remembered that this day before me the undersigned a Notary public of the State of Indiana in and for said County this day personally appeared Willis G Atherton Adam Reed Peter H Lemen and John Davis who being by me duly sworn took an Oath to faithfully diligently and impartially discharge the duties of Trustees of the town of Anderson under the name of the President and trustees of the town of Anderson  

W. G. Atherton  
Adam Reid  
Peter H. Lemen.  
John Davis  
James A. Kindle  

In witness whereof I have hereunto set my hand and affix my official seal at Anderson this 28th day of May AD 1849  
Townsend T Sharp  
Notary Public  

James A Kindle was by me duly sworn on the 14th day of July 1849  

Witness my hand and Notarial Seal this 14th day of July 1849  
T. T. Sharp  
Notary Public  

State of Indiana Madison County SS.  

Be it remembered that on the 28th day of May, A.D., 1849 (in pursuance of an act of the Legislature of the State of Indiana, approved January 17th 1849 for the purpose of incorporating the Town of Anderson) Willis G. Atherton, Adam Reid, Peter H. Lemen and John Davis convened at the  

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1 The minutes and ordinances which follow are a faithful and complete copy of the handwritten document, and original spelling and punctuation are retained. In instances where the writer's intention in use of punctuation is uncertain, modern usage is followed. Spacing has been slightly modified in a few places where reproducing the original spacing was not feasible. The original minutes and ordinances are preserved in the William Henry Smith Memorial Library of the Indiana Historical Society, Indiana State Library, Indianapolis, and are published with the permission of Caroline Dunn, Librarian.  

2 The letters "SS" stand for "scilicet," which means "namely" or "to wit."
office of John Davis Esq, in said Town of Anderson for the purpose of organizing under said Act. Said Board of Trustees when so convened appointed Willis G. Atherton President of said Board of Trustees and also appointed Peter H. Lemen Clerk of said Board.
Ordered by the Board that John Goodykoontz be appointed Assessor for said Corporation for the term of one year from this date, and that he proceed forthwith to make an assessment list and appraisement of all the Real and Personal property & a list of Polls subject to taxation within said Corporation limits
Ordered by the Board that said Corporation use a scrawl until it can procure a seal, for purposes of attestation, Ordered by the Board that this meeting of the Trustees stand adjourned to 2 o'clock of Saturday next the 2nd day of June.

Saturday June 2nd 1849, 2 o'clock P.M. Board of Trustees (to wit Willis G. Atherton, Adam Reid, John Davis & Peter H. Lemen) met pursuant to adjournment.

Ordinances passed June 2nd A.D 1849.

—No 1.—

Sec. 1. Be it ordained by the President and Trustees of the Town of Anderson: That each and every person who shall shoot off any gun, Pistol or any other shooting apparatus within the limits of the Corporation of the Town of Anderson, shall be fined for every such offence, in any sum not exceeding three dollars; nor less than one Dollar.
Sec 2 And be it further ordained—that every person who shall gallop or canter any horse, mare, or gelding over along or through any Street or Alley of said town of Anderson, shall be subject to a fine for each such offence, in any sum not less than one dollar, and not more than five dollars.

—No 2.—

Sec. 1. And be it further ordained—that any person who shall lead, ride, or drive, any horse, mare, gelding, mule, ass, cow
beast, wagon, carriage, dray, cart, or other vehicle, upon or over any of the side walks, within said Corporation, shall pay a fine not exceeding five dollars, nor less than twenty five cents.

Sec. 2 And be it further ordained—that each and every person who shall hitch, halter, or fasten, any horse or other animal, to any tree or trees set along any side walk within said Corporation, shall be fined for each offence in any sum not exceeding one dollar, nor less than twenty five cents.

—No 3.—

Sec. 1 And be it further ordained—that each & every person over the age of ten years, who shall be found engaged in playing what is commonly called "Alley Ball," against the County Jail, or any other wall or building within the Corporate limits of said Town of Anderson, shall be liable to a fine for each offence, in any sum not less than twenty five cents, nor more than one dollar.

—No 4.—

Sec. 1 And be it further ordained—that each person within the limits of said Corporation, shall remove all obstructions, such as stones, brick, brickbats, timber, sticks, brush, lumber, shavings, chips, boxes, barrels, wood, and all other things or materials of what description soever, for the space or width of ten feet on the side of the street fronting his or her real property, or the property upon which he or she may occupy, reside, or own—Provided however, that any person or persons who may be putting up any building or buildings within said Corporation, shall have the privilege of depositing the necessary materials for the same in front of his, hers or their premises, if room cannot be conveniently found on the premises of the builder for said materials. And provided further, that no person shall come under the exemption above granted for a longer period than six months from the commencement of any building or buildings. Every person violating or not complying with the provisions of this ordinance for every such violation or non Compliance shall forfeit and pay a sum not less than one dollar nor more than five dollars, for each day he may violate or not comply with this ordinance upon complaint of any officer of said Corporation in an action
of Debt in the name of the President and [Trustees for the

town of Anderson?] before any Justice of the Peace within
said Corporation.

—No 5.—

Sec. 1. And be it further ordained—that every person who
shall in proper person, or by an Agent, show or exhibit any
Menagerie, Caravan, Animal, or Collection of Animals, Circus,
theatre, or any natural Curiosity or wax works, or figures,
or any feats in tumbling, sleight of hand, or rope or wire
dancing, for gain, within the limits of said Corporation shall
pay a tax for each day or night so performing, as follows—
to wit—each Menagerie, Caravan, or Collection of Animals,
the sum of five dollars—all others, one dollar, to be paid over
to the Treasurer & Collector of said Town. Every person who
shall fail or refuse to pay said tax as above provided, for
each such offence, shall be fined in double the amount of the
tax required

Sec. 2. And be it further ordained—that every peddler of
goods wares, merchandise, jewelry, medicines, or other com-
modity whatever, shall, for each day he may trade or sell in
the business above specified, within the limits of said
Corporation, pay the sum of twenty five cents, and upon
failure or refusal so to do, shall be fined in fourfold the amt
of tax so required.

It is ordered by the Board that Garry T. Hoover be, and
he is hereby appointed Marshall of said Corporation for the
term of one year, and until his successor is chosen and
qualified: and that said Hoover enter into Bond & Security
in the sum of Five hundred dollars for the faithful per-
formance of the duties of his said office,

It is further ordered that Enos B. Wright be and he is
hereby appointed Treasurer & Collector of said Corporation
for the term of one year, and until his successor is chosen &
qualified: and that said Wright enter into bond with security,
in the sum of Five hundred dollars—for the faithful per-
formance of his duties and trusts as such Treasurer & Col-
lector,

It is further ordered—that William R. O'Neal be,
and he is hereby appointed Engineer for said Corporation,
to ascertain and fix the proper grade of the streets & side walks within said Corporation,

It is further ordered that this Board now adjourn to meet on Saturday next, the 9th day of June instant.


Saturday June 9th 1849, met pursuant to adjournment. Present John Davis Adam Reid and Peter H. Lemen. Absent Willis G. Atherton. The Board hereby appoint John Goodykoontz Treasurer & Collector for one year, in place of Enos B. Wright, who refuses to accept.

—No 6.—

Sec. 1. Be it ordained by the President and Trustees of the Town of Anderson: That there shall be levied & collected a tax of thirty cents on each one hundred dollars worth of taxable property assessed & returned by the Assessor of said town, and a tax of fifty cents on each Poll, said tax to be collected and returned by the Treasurer of said town, for Corporation purposes.

June 9th Ordered by the Board: that the ordinances passed by this Board, be published for two weeks in succession in the “Weekly Democrat” printed & published in said town,

Board adjourned to meet on Saturday next, the 16th instant.

Attest P. H. Lemen Clk W. G. Atherton President.

Saturday June 23rd AD 1849. Board failed to meet pursuant to adjournment.

Saturday June 30th A.D. 1849. Board of Trustees met by previous arrangement—Present Adam Reid John Davis and Peter H Lemen. The Board now appoints James A. Kindle as Trustee of the Corporation of the Town of Anderson in the place of Brasselton Noland, who failed to qualify.
The Board now appoints Ralph N. Clark Treasurer & Collector of said Corporation in the place of Enos B. Wright, and afterwards John Goodykoontz, who refuse to qualify. The Board now appoints George Millsapugh Town Supervisor of said Corporation and require him to qualify immediately.

No 7.

Sec 1 Be it ordained by the President & Trustees of the Town of Anderson, that each person owning Real property on the South & East side of the Streets immediately South & East of the Public Square in said Town of Anderson be and they are hereby required to curb and pave or gravel the side walks for the width of twelve feet in front of his, her or their property aforesaid on or before the first day of October next under the direction & supervision of the Town Supervisor, and that the curbing be made of durable wood or stone not exceeding three inches in thickness, and that the curbing be made so as to be on a level with the centre of the streets, all to be done under the direction of the Supervisor aforesaid. Sec 2. And be it further ordained: that all persons owning real property within said Corporation shall, immediately, when called upon by said Supervisor grade the side walks in front of their property, the width aforesaid, when directed so to do by the Town Supervisor; and each person so required (after having first had three days verbal or written notice from said Supervisor) to work upon said side walks, and failing to work, shall be liable for the amount and ten per centum damages with costs of Amt required to do said work, under the setting and supervision of the Board of Trustees in an action of debt in the name of the President & Trustees of [said] Corporation before any Justice of the Peace of [sic] within said Corporation having jurisdiction, together [with?] costs of suit.

No 8.

Sec. 1 Be it ordained by the President & Trustees of the Town of Anderson that all persons required to pay a corporation tax be and they are hereby allowed the privilege to work out (if done when called for) said tax upon the side walks of said Town of Anderson at the rate of one dollar a day for each able bodied person for which labor when performed
the Town Supervisor shall receipt, which said receipt shall be taken for the amount expressed upon its face by the Treasurer and Collector of said Town for taxes charged against the person presenting the same.

No 9.

Sec. 1. Be it ordained by the President and Trustees of the Town of Anderson that Ordinance No 5, passed June 2nd 1849, be and the same is hereby amended so that in all cases where Pedlers and showmen are required to pay a tax as therein named, each such Pedler and showman shall pay the amt so required to the Treasurer & Collector of said Corporation who shall give the person paying a receipt for the amt: and if the Board of Trustees be not in session the Clerk thereof is authorised upon a presentation of the Treasurers & Collectors receipt, by the person applying therefor, to issue a permit to any person or persons to carry on within the Corporation the business of trading merchant, hawker, &c, or to exhibit any show &c, as named in said ordinance No 5. Each person violating the provisions of this ordinance shall pay the amount of that fine recited in the 2nd section of said ordinance—in an action of debt or assumpsit before any Justice of the peace having jurisdiction, within the limits of said Corporation. Passed June 30th 1849. Board adjourned.

Peter H. Lemen Clk W. G. Atherton Prest.

Board of Trustees met at the office of John Davis Esq—July 14th AD 1849.

General Ordinances

No 10.

Sec 1. Be it ordained by the President and Trustees of the Town of Anderson: That all fines, forfeitures & penalties, ordained by the President and Trustees of the Town of Anderson, shall be collectible before any Court having legal & competent jurisdiction to take cognisance thereof in an action of debt in the name of the President & Trustees of
said Corporation, & that all costs in any such action shall follow the judgment of the Court trying the [cause?], provided and it is hereby [declared?] that in no suit or action where the President & Trustees are Plaintiffs, shall costs be charged against them in such suit or action.

No 11

Sec. 1 Be it ordained by the President & Trustees of the Town of Anderson: That each and all persons who shall hitch, halter or fasten any horse, mare or other animal to the fencing around the Public Square in said Town of Anderson, shall pay for each such offence, not less than one dollar nor more than five dollars.

Ordinance No 5 Amendment of,

No 12.

Sec 1. Be it ordained by the President & Trustees of the Town of Anderson: that so much of Ordinance No 5, passed June 9th 1849, be & the same is hereby declared to be so amended that all Circuses which may show or exhibit within the limits of said Corporation, for gain, for each time such Circus shall exhibit or perform as aforesaid, the manager or agent thereof shall pay to the Treasurer of said Corporation the sum of five dollars: and upon refusal or neglect, shall pay for the use of said Corporation the sum of twenty dollars. And [each?] other show & amusement exhibited for gain the sum of two dollars—and on [failure] or refusal shall pay the sum of [illegible] dollars.

Ordinance No 8, a misprint.

No 13.

Sec. 1. Be it ordained by the President & Trustees of the Town of Anderson: that the word “side walks”, which occurs in Ordinance No 8., passed June 30th 1849, is hereby struck out & declared to be a misprint.

Ordinance relating to duties of Treasurer &c.

No 14.

Sec. 1 Be it ordained by the President & Trustees of the Town of Anderson: that plenary power is hereby given to the Treasurer & Collector of said Town to correct, equalize, and
make assessments of all property or polls within said Corporation, which may have been omitted by the Assessor of said Town; and place the same upon his duplicate. Passed July 14th 1849.


The tax duplicate for the year 1849, containing charges making a grand total of One hundred & ninety four dollars and ninety six cents—and said duplicate was placed in the hands of the Treasurer & Collector, Ralph N Clark, on the 15th day of July 1849—properly certified by the President & Clerk of said Board. The No. of Polls charged upon said duplicate was sixty and the whole amount of taxables charged on said Duplicate was the sum of Sixty four thousand nine hundred & eighty six dollars & 66 cts.

The Bond of R. N. Clark, Tr. & C. with T. Ryan as security is approved and accepted by the Board.

Attest P. H. Lemen Clk. W. G. Atherton President

At a called meeting of the Board of Trustees on Tuesday the 24th day of July 1849, at the office of P. H. Lemen, said board appointed Robert Worster Marshal of said Town of Anderson for one year from this date, in the place of Garry T. Hoover heretofore appointed and who failed to qualify and that said Worster be required to enter in Bond immediately and enter upon the duties of his said office. Ordained July 24th 1849.

P. H Lemen Clk C. A. W. G. Atherton Prent

At a meeting of the President & Trustees on Saturday the 4th day of August 1849, the following ordinances were passed, viz—
Ord. No 15. Be it ordained by the President & Trustees of the Town of Anderson: that each Pedlar of Drugs, medicines, Wares, merchandise, Varieties & notions or any other Commodities, shall pay the sum of five dollars to the Treasurer
& Collector of said town for the privilege of vending any of said articles, for the term of one year, within the Corporate limits of said town; and for the term of three months the sum of one dollar and twenty five cents, and that the receipt from the Treasurer & Collector shall be filed by every such Pedlar with the Clerk of said Corporation who shall thereupon issue a permit for the time such receipt may specify, & that said Clerk be allowed for issuing said permit the sum of twelve & one half cts, to be paid by the person receiving such permit. Ordinance No on this subject is hereby repealed. Passed August 4th 1849.


Ord. No 16. Be it ordained by the President & Trustees of the town of Anderson: that the Marshal of said town is hereby authorized & empowered to see all wood or other materials of value (building materials heretofore named excepted) which may obstruct or incumber the streets or side walks within the said Corporation, the said Marshal in all cases giving at least twenty four hours notice to the owner or other person required to remove such obstruction. Passed August 4th 1849.


January 8th 1850. Board met to wit John Davis, James A. Kindle & P. H. Lemen, proceeded to appoint a Marshall in the place of Robert Worster resigned, and hereby appoint Philip S. Hay[mire?] Marshall of said Corporation for the term of one year, also said Board hereby appoint William Craycraft Trustee in the place of Adam Reid removed to serve until the next regular election of Trustees. Board adjourned.

Attest P. H. Lemen Clk.

Ordered by the board that P. H. Lemen be allowed six dollars & 25 cts ($1.25 being paid) for printing ordinances & making out assessor Book.

W. G. Atherton