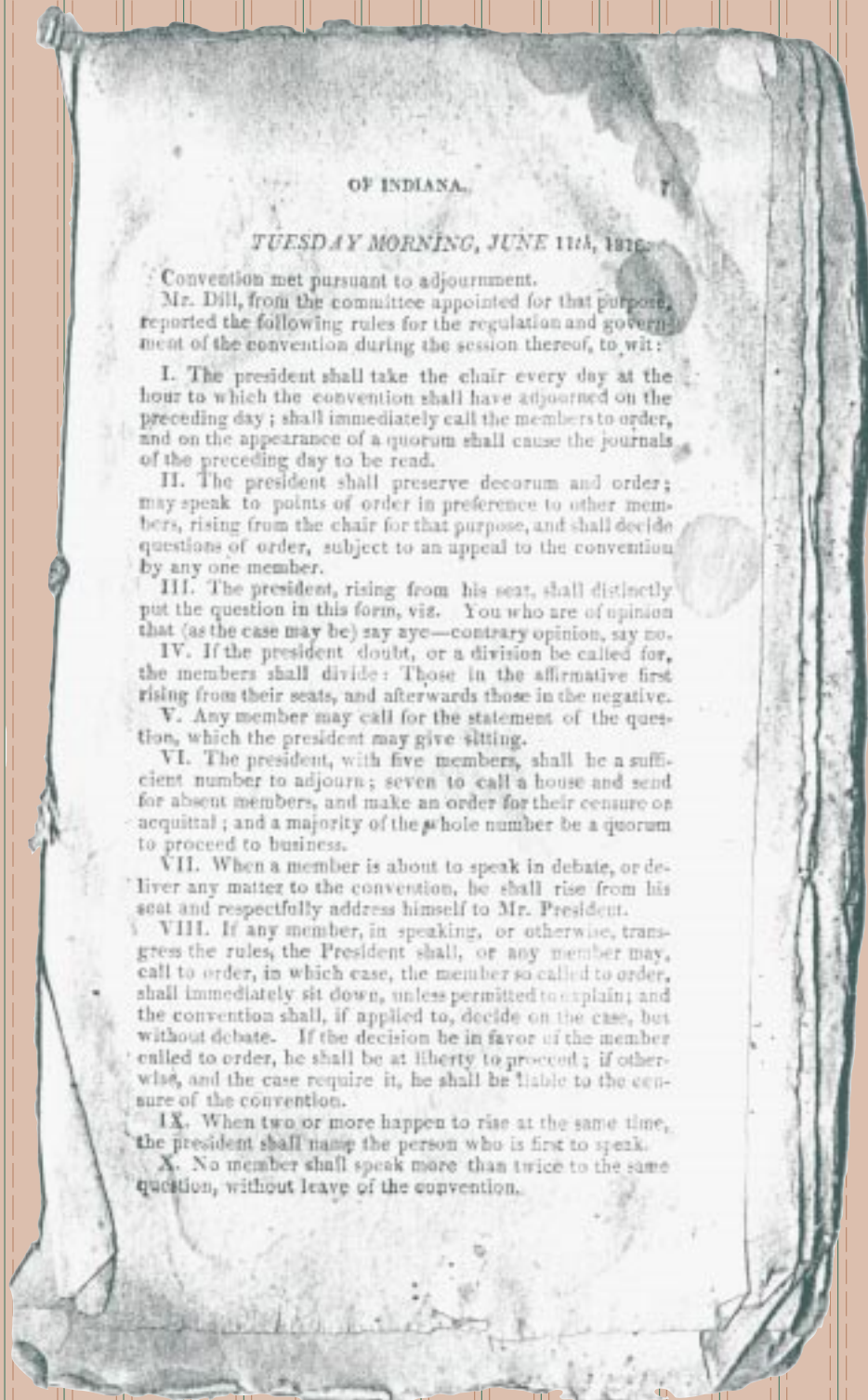


Indiana Statehood

The Indiana Historian

A Magazine Exploring Indiana History



Focus

Front cover illustration: The first ten (of twenty-seven) rules for the government of the convention, reproduced from *Journal of the Convention of the Indiana Territory, 1816* (Louisville, 1816). The journal is 6 inches by 9 inches in size. Courtesy Indiana State Archives.

Back cover illustration: Reportedly the first map of Indiana published after it became a state; note the mis-location of Lake Michigan. It was published in Philadelphia by John Melish and Samuel Harrison in 1817. Courtesy Indiana Division, Indiana State Library.

In 1925, the Indiana General Assembly provided for the designation of December 11 as Indiana Day. By law (Indiana Code 1-1-10) “The governor shall issue a proclamation annually designating the eleventh day of December as Indiana Day” and citizens are urged to celebrate “in appropriate and patriotic observance of the anniversary of the admission of the state of Indiana into the Union.”

This issue focuses on the events in 1816 by which Indiana became the nineteenth state.

On page 3, there is a brief overview which helps to answer the question, Why statehood?

On pages 4-5, the Indiana Memorial to Congress requesting statehood and the Enabling Act by Congress are compared and discussed.

The setting of the 1816 constitutional convention in Corydon and the men who wrote

the Constitution are explored on pages 6-7; a chart of delegates is on page 14.

The organization and work of the convention are covered on pages 8-9.

Activities after the convention to complete Indiana’s organization and acceptance as a state are covered on pages 10-11.

Content of the 1816 Constitution and how it fared as a governing instrument are covered on pages 12-13.

The timeline provides some background and context. The bibliography and resources on page 15 provide sources for further study. Most documents referred to are available in their entirety on the Historical Bureau Web site.

This is the second issue in a series exploring some benchmarks in Indiana history. The first was “Indiana Territory,” *The Indiana Historian*, March 1999.

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The Indiana Historian provides resources and models for the study of local history to encourage Indiana’s citizens of all ages to become engaged with the history of their communities and the state of Indiana.

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You be the historian

- Why was the new northern boundary established in the Enabling Act important? What effect has that new boundary had over time and up to the present?
- What important symbol of the past (like the Constitution Elm or the Corydon state capitol) exists in your county? What does it commemorate on the state or local level? How is it preserved and/or celebrated?
- Discuss the men who wrote Indiana’s 1816 Constitution. Based on information in the chart on page 14, describe the makeup and background of the convention delegates.
- Call a constitutional convention for your classroom and write a constitution to govern it. Look at the 1816 Indiana Constitution on the Historical Bureau Web site to identify articles that would be relevant. Keep a journal to document your activities.
- There is little contemporary information about convention activities. However, given what information is available in the *Journal of the Convention* and elsewhere, create an event to report the closing day of the convention as it might be covered in today’s media.
- December 11 is declared Indiana Day by the governor each year in celebration of Indiana’s birthday. Plan an Indiana Day ceremony and/or festival that demonstrates important aspects of Indiana’s road to statehood.
- Investigate the recent efforts of Puerto Rico to become a state. What issues have been important to the people as they voted? What are some positive and negative factors for and against statehood? How do these factors compare or contrast to Indiana’s situation in 1816?

Why statehood?

The Ordinance of 1787 established a training regimen or blueprint for the formation of new states from the Northwest Territory. Ohio, in 1803, was the first state formed from the territory. Indiana, in 1816, was the second state formed from the Northwest Territory. The formation and progress of Indiana Territory was a necessity for the ultimate goal of statehood.

Throughout the territorial period, there were debates and petitions about the consequences of moving toward statehood. Important issues were the increased costs, an expected increase in taxes, and the lack of services and communication for people distant from the capital.

Later in the Indiana territorial period there were two major factions. The western, Vincennes-focused pro-William Henry Harrison/Thomas Posey faction was connected with keeping the territory status, keeping slavery alive, and keeping more power with the appointed governor. The eastern, Corydon-focused pro-Jonathan Jennings faction wanted the democratic benefits of statehood—especially an elected governor with limited power—and the final eradication of slavery in the state.

On December 11, 1815, the Indiana Territorial Assembly was ready to pursue statehood, and the Memorial for statehood was sent to Congress. Congress

passed the Enabling Act. Delegates elected by the people met in convention, affirmed the Enabling Act of Congress, and wrote and adopted the Constitution. Acting under the Constitution, the people elected a General Assembly, state officers, and representatives to Congress. On December 11, 1816, Indiana was admitted to the union.

The vast majority of people in Indiana knew what was happening during this process, and they approved the move to a democratic government which forbade slavery. The preamble to the Constitution of 1816 reached far beyond the federal Bill of Rights. Some provisions of the Constitution—education, for example—were visionary. Statehood held the promise of a better future for Indiana and its citizens. The 1816 Constitution expressed the delegates' hope and optimism for that future.

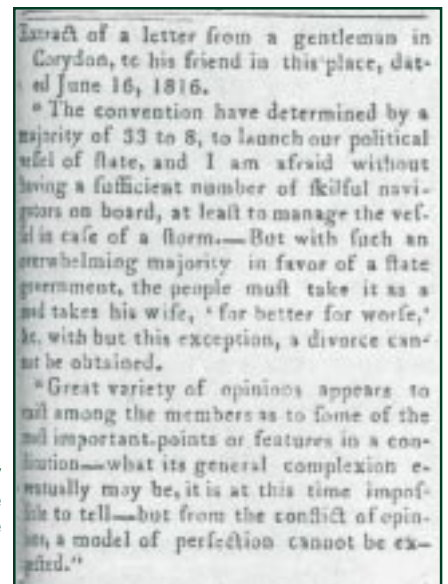
Sources: Barnhart and Riker, 412-63; Madison, 46-54; "Indiana Territory," *The Indiana Historian*, March 1999; see also, James H. Madison, *Indiana's Pioneer Heritage and the End of the Twentieth Century* (Indianapolis, 1996).

This anonymous commentary about the progress of the convention appeared in the Vincennes *Western Sun*, June 22, 1816.

Indiana Counties in Existence prior to 1815 Territorial General Assembly

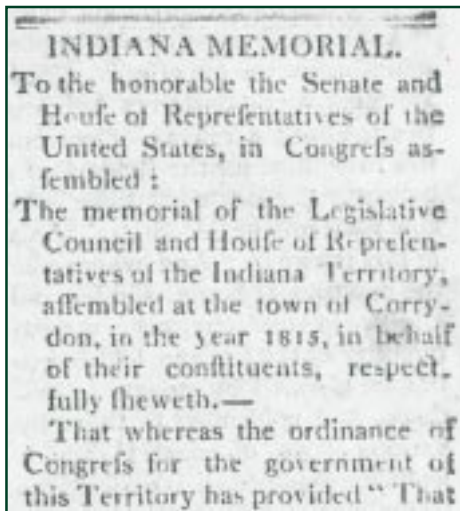


Sources: Barnhart and Riker, 431, 441-43; George Pence and Nellie C. Armstrong, *Indiana Boundaries* (Indianapolis, 1967), 530-31, 654-55, 680-81, 766-67, 802-03.



1780	1783	1785	1787	1800	1800
October 10 Continental Congress passes "Resolution on Public Lands," which resolves to settle lands west of Appalachian Mountains and create future states (Patrick, 49, 54).	September 3 Treaty of Paris signed, officially ends American Revolution, recognizes American independence from Great Britain (Carruth, 100).	May 20 Land Ordinance of 1785 allows surveying and selling of land in Western Reserve (now in Ohio) (Carruth, 102).	July 13 The Northwest Ordinance of 1787 establishes, and provides a system of government for, Northwest Territory (Carruth, 102).	May 7 Congress splits Northwest Territory into 2 territories: Indiana Territory and Northwest Territory (now Ohio, tip of southeast Ind., and part of Mich.) (Hawkins, 24-26).	May 13 William Henry Harrison appointed governor of Indiana Territory; John Gibson, secretary; Henry Van der Burgh, William Clark, and John Griffin appointed judges (Goebel, 56-59).

Beginning the road to statehood



Excerpt from the Memorial to Congress printed in its entirety on January 27, 1816 in the Vincennes *Western Sun*.

Memorial for statehood, December 11, 1815

The first step in attaining admission to the union was to ask the permission of the U.S. Congress.

That step was taken by the Indiana Territory General Assembly on December 11, 1815. The House passed a Memorial to Congress by a vote of seven to five, stating that Indiana was qualified to become a state.

The Memorial indicates that the census, authorized by the General Assembly on August 29, 1814, proves that Indiana has over sixty thousand “free white inhabitants” as required by the Northwest Ordinance. The Memorial provides the process that Indiana will follow to attain statehood. It also states some terms that Indiana would like Congress to grant.

The Memorial was published in the Vincennes *Western Sun*, January 27, 1816. The Memorial was presented in the U.S. House on December 28, 1815 and in the U.S. Senate on January 2, 1816. In both houses, it was reviewed by select committees.

On January 5, 1816, the House committee, chaired by Indiana’s representative Jonathan Jennings, reported out a bill for an enabling act. The bill passed the House on March 30 by a vote of 108-3. The bill passed the Senate on April 13.

The Enabling Act, April 19, 1816

On April 19, 1816, President James Madison signed into law the act passed by Congress which would enable Indiana to become a state “on an equal footing with the original States.”

Some of Indiana’s requests in the Memorial and what Congress granted in the Enabling Act are compared in the chart on page 5.

In addition, Congress specified several other important conditions.

- Congress named the boundaries of Indiana (Sec. 2), moving the northern boundary ten miles north to give ownership of part of the Lake Michigan shoreline.
- Congress determined that Indiana would continue to have one representative in the U.S. House until the next general census.
- Congress required that Indiana agree to exempt from any taxes for five years any land sold in Indiana by the United States starting December 1, 1816.

The Enabling Act set the election for representatives to the required constitutional convention for May 13, 1816. The convention was to meet in Corydon starting June 10, 1816.

Sources: Kettleborough, 1:65-77; Hawkins, 60-63, 64-67.

1801	1803	1804	1804	1805	1808	1808	1809
March 4 Thomas Jefferson 1st president inaugurated in Washington, D.C. (Carruth, 124).	February 19 Ohio becomes 17th state (Carruth, 126).	August 4 Harrison issues proclamation, calls for election to determine if voters want general assembly (Hawkins, 37-38).	December 5 Harrison proclaims Indiana Territory advancement to 2nd stage of government, allowing general as- sembly (Hawkins, 39).	January 11 Act by Congress divides Indiana Territory, creating Michigan Territory (Hawkins, 42-43).	February 26 Suffrage Act of 1808 extends vote to those holding town lots with minimum value of \$100; provision added to those of Northwest Ordi- nance of 1787 (Hawkins, 47).	December 7 James Madison elected president (Carruth, 136).	February 3 Congress passes act dividing Indiana Territory, creating Illinois Territory (Hawkins, 48-50).



“ . . . With regard to the grants and conditions contained in this act, the convention when met will be able to form a correct estimate. Allow me, however, to state that they are at least as advantageous if not more so, than those granted to any other Territory on similar occasions.”

Open letter from Jonathan Jennings to constituents, Washington City, April 16, 1816, published in Vincennes *Western Sun*, May 11, 1816. Quoted from Kettleborough, 1:77.

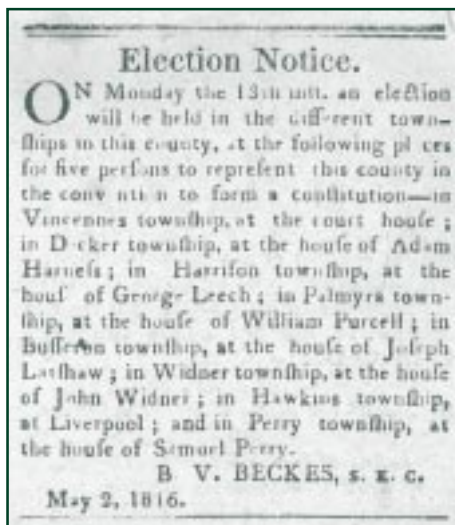
Jonathan Jennings was Indiana’s territorial delegate to Congress and chaired the committee that originated the bill for the Enabling Act. Jennings went on to become president of the constitutional convention and Indiana’s first governor as a state. The image is a reproduction of the official state governor’s portrait of Jennings, courtesy Indiana Historical Bureau. Additional information is on the Historical Bureau Web site for the Governors’ Portraits Collection.

Comparing some elements of the statehood documents	
Memorial for statehood requested	Enabling Act provided
Grant state 7% of money from sale of U.S. land in Indiana beginning April 1, 1816	Granted 5% of net proceeds from U.S. land sales in Indiana to use only for roads and canals, three-fifths in the state, two-fifths leading to Indiana but controlled by Congress
Confirm grant of one township for an academy and reserve another township for support of a college	Confirmed prior grant and granted one township under control of legislature for seminary of learning
Reserve Section 16 in townships for schools	Granted Section 16 or equivalent for schools
Grant coal mines and salt licks to state	Granted salt springs
Reserve one centrally-located township for the state capital	Granted four sections of land for seat of government as determined by legislature
Apportion forty-two delegates from thirteen counties	Apportioned forty-three delegates from thirteen counties
Continue principles of Northwest Ordinance especially regarding personal freedom and involuntary servitude	Constitution and state government must conform to the articles of the Northwest Ordinance, except for boundaries

Sources for chart: Kettleborough, 1:70-72, 73-77; Hawkins, 60-63, 64-67.

1811	1811	1812	1812
March 3 Suffrage Act of 1808 revised by Congress; any free white male, 21 years or older, who has paid a county or territorial tax and has resided 1 year in said territory may vote (Hawkins, 55).	December 11 By a 4 to 3 vote, Indiana General Assembly petitions Congress for statehood; representatives Peter Jones of Knox, James Dill of Dearborn, and Richard Rue of Wayne oppose the petition sending with it their written objections—territory too small, population too scattered, and cost of a state government too expensive; petition denied but congressional committee would allow statehood when population reached 35,000; due to lack of money, territory did not pursue statehood (Barnhart and Riker, 413-14).	June 18 War of 1812 begins; Americans fight British for control of American lands and shipping (Carruth, 144).	December 2 James Madison reelected president (Carruth, 146).

The setting for the convention



The sheriff of each county was obligated to call for the election on May 13 of delegates to the Corydon convention in June as required by the Enabling Act. This notice by the sheriff of Knox County giving the date and polling places was in the Vincennes *Western Sun*, May 4, 1816.

The Enabling Act specified that elected representatives should meet in Corydon, Harrison County—the territorial capital—on Monday, June 10, 1816 to determine whether or not to form a constitution and state government.

The convention delegates

The representation to the 1816 constitutional convention was specified in the Enabling Act. Based on population figures, a certain number of delegates was elected on May 13, 1816 by each of the thirteen counties in existence in 1815. Time was very short for completing preparations, which caused some negative commentary in the newspapers.

The forty-three men elected as delegates provide an interesting picture of the population of Indiana at the time. The chart on page 14 considers several areas of comparison, which demonstrate both the similarity and the diversity of those who determined Indiana's future.

Corydon, Harrison County

Corydon had been made the territorial capital in 1813, replacing Vincennes, Knox County. The territorial legislature met in the Harrison County Courthouse.

The construction of a stone courthouse had been ordered in 1811, but it was not built. Instead a partially finished wood house on

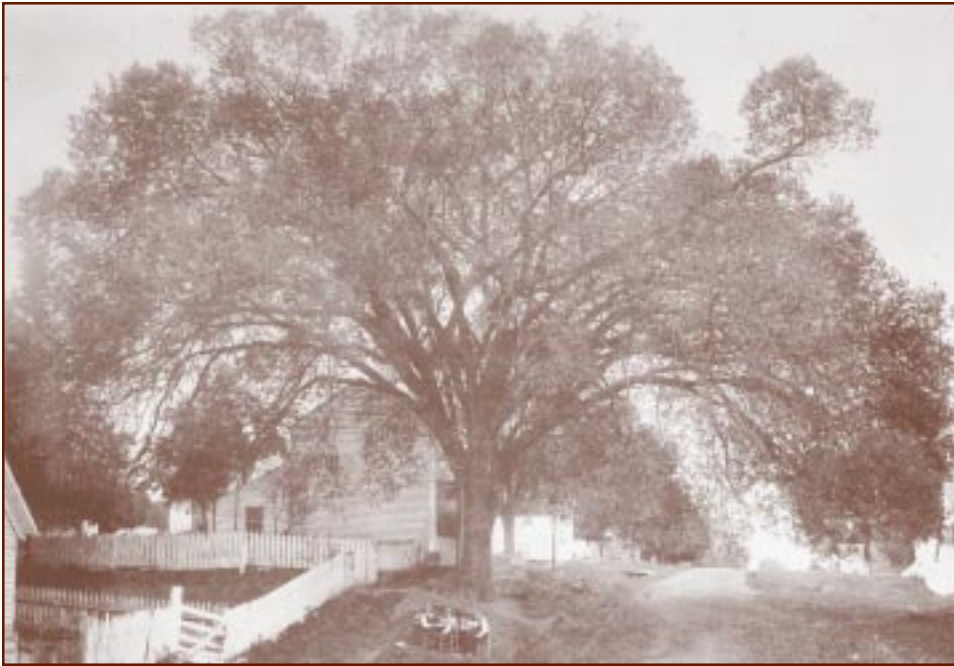
lot 12 was purchased and finished for use as a courthouse. It was located on the northwest corner of Capitol and High Streets. It was in this “courthouse on the hill” that the 1816 constitutional convention delegates gathered to carry out their task.

There has been some confusion over the years about the meeting place of the convention. Various authors have incorrectly stated that they met in the Old State Capitol building, now a State Historic Site.

It was very hot in Corydon during the convention and reportedly delegates held many sessions under the cooling branches of the “Constitutional Elm,” which was located approximately two hundred yards west of the courthouse. According to Cottman, “Several old residents of Harrison County, now dead, whose memories went back to 1816, were authority for this.”

The former Capitol Hotel, located a mile east of town, gained its name from a tradition that it lodged the delegates to the convention. Cottman, however, indicates that “in 1816 there were also other hostleries in Corydon, and this one a mile away probably took the overflow from the more convenient ones.” Cottman visited the abandoned building before its destruction in 1921, and has provided a detailed description of its appearance.

1813	1813	1813	1814	1814	1815	1815
March 11 Indiana General Assembly passes State Capital Act, moving territorial capital from Vincennes to Corydon (Hawkins, 57-59).	September 29 Harrison's troops take Detroit; British retreat to Canada (Goebel, 180).	October 5 Harrison defeats British General Henry Proctor at Battle of Thames, Ontario, Canada; Tecumseh killed, destroying Indian resistance and British power in Northwest (Goebel, 181-83).	August 24 Washington, D.C. captured by British (Carruth, 150).	December 24 Treaty of Ghent ends War of 1812 (Carruth, 150).	December 11 Indiana's General Assembly petitions Congress for statehood (Hawkins, 60-63).	December 28 Jonathan Jennings, territorial representative to Congress, lays memorial for statehood before Congress; referred to committee, Jennings named chairman (Thornton, 109).



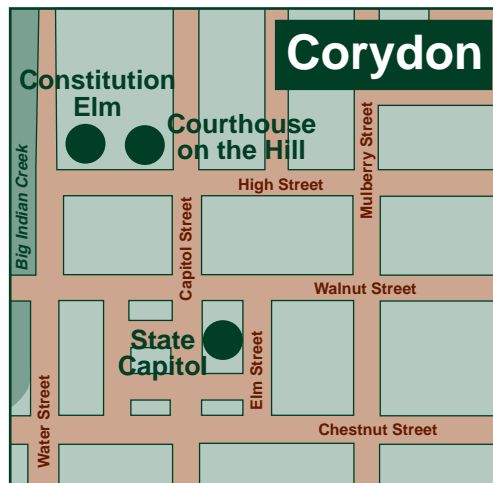
Indiana Division, Indiana State Library.

This photograph of the "Constitution Elm" was taken between 1921 and 1925. Delegates to the June 1816 constitutional convention apparently often worked in the shade of this tree. Although specific reports of dimensions vary, it was enormous with branches that spanned over 100 feet. It died of Dutch Elm Disease in 1925.

Cottman indicates that memories of residents who were living in 1816 substantiate the role of the "Constitution Elm" in the writing of the 1816 Constitution. "One of these, a Mr. Wynn, stated that as a lad ten years old he took early apples from his home to the out-of-door meeting-place and peddled them among the delegates; and among the earliest recollections of Henry Funk was a picture of the gathering of the men in their shirt sleeves sitting around under the great tree. For these rescued reminiscences we are indebted to Mr. J. Edward Murr, a locally well-known contributor to the *Corydon Democrat*. Mr. Thomas James de la Hunt, a newspaper man of Evansville, also tells of the stories which, as a child, he used to hear from his grandmother. This grandmother, in 1816, was a little girl, Becky Lang, who with other children was wont to play under the big elm, and her special reason for remembering the convention was that the meetings under the tree took their playground" (49).

Unfortunately, papers of delegates and the newspapers of the day have left so little evidence that historians can do little more than speculate about these matters.

Sources: Cottman, 17-19, 49, 52-53; *Harrison County Interim Report* (Indianapolis, 1987), 24. Dunn, 1:295, and Thornton, 114, for example, give the incorrect location for the convention sessions.



Adapted from *Harrison County Interim Report* (Indianapolis, 1987), 24. A clickable Historic Corydon Image Map is available at www.usi.edu/extserv/index5.htm.

1816	1816	1816	1816
<p>January 5 Congressional committee for Indiana statehood reports bill to House of Representatives for citizens of Indiana Territory to form a constitution (Thornton, 109).</p>	<p>April 19 President Madison signs Enabling Act allowing Indiana Territory to hold constitutional convention (Hawkins, 64-67).</p>	<p>May 13 Election of delegates to constitutional convention which was scheduled to start June 10 (Hawkins, 64-67).</p>	<p>June 10 Constitutional delegates (43) meet at Corydon to compose Indiana's state constitution; turn in certificates that they were duly elected; take oaths to U.S. and to discharge their duties faithfully; elect officers with Jonathan Jennings, president, William Hendricks, secretary, Henry Batman, doorkeeper; assign committees to set up rules to govern convention; vote to form immediately constitution and state government ("Journal of Convention," 77-156).</p>

The convention does its work

Although there were several newspapers in the Indiana Territory in 1816, available copies provide little coverage of convention business. The Vincennes *Western Sun*, available for the whole period, provides very little. The official record of the actions of the eighteen-day 1816 convention is in the “Journal of the Convention of the Indiana Territory, 1816.” Delegates met Monday through Saturday.

The first day, June 10

Forty-one delegates met in Corydon on the morning of June 10. Delegates produced certificates of election, took oaths to

perform their duties, and took their seats.

Delegates then elected Jonathan Jennings president and William Hendricks secretary of the convention; they also appointed a doorkeeper. The morning’s business concluded with appointment by Jennings of committees on elections, ways and means, and rules for convention business.

At three o’clock delegates reconvened, and one more delegate was sworn in. A resolution was submitted stating “that it is expedient, at this time, to proceed to form a constitution and state government.” Action was post-

poned, and delegates adjourned until 9 o’clock the next morning.

Day two, June 11

Twenty-seven rules for the conduct of convention business were adopted. The first ten rules proposed are reproduced on the cover of this issue. Printing of the rules was ordered—100 copies.

The elections committee confirmed election of delegates, resolving a few disputes.

In the afternoon, the resolution from the prior day regarding formation of a constitution and state government, was adopted by a vote of 34 to 8.

“the majority was composed of empty babblers, democratic to madness,”

Minimal commentary on the convention has been located. One delegate, John Badollet from Knox County, however, included these negative comments in an 1823 letter to a friend: “It is unfortunate that, when called upon to form a constitution a territory is in the most unpropitious circumstances to success for the want of men of intellect and political knowledge This was woefully verified in our case, for though our convention contained several thinking men, the majority was composed of empty babblers, democratic to madness, having incessantly the *people* in their mouths and their dear selves in their eyes.” Badollet did vote for statehood and indicates he made contributions particularly in the area of education. He is shown here in a sketch by Charles Alexandre Lesueur, circa 1833. Gayle Thornbrough, ed., *The Correspondence of John Badollet and Albert Gallatin, 1804-1836* (Indianapolis, 1963), 261, frontispiece.

Image courtesy Indiana Historical Society.



1816	1816	1816	1816	1816	1816	1816
June 11 James Dill, delegate and lawyer from Lawrenceburg, reports 27 rules for government of convention (“Journal of Convention,” 7-10).	June 12 Delegates resolve to appoint 12 committees to form articles of constitution; employ at least two assistant secretaries; assign delegates to committees (“Journal of Convention,” 11-14).	June 13-28 Delegates work on preamble and articles of constitution (“Journal of Convention,” 14-67).	June 28 Contracts made for printing journal and constitution; payment of secretaries, doorkeepers (“Journal of Convention,” 67-68).	June 29 Convention adjourns (“Journal of Convention,” 69).	August 5 First state and county elections held after state constitutional convention adjourned (Esarey, 101).	August 5 Jonathan Jennings elected 1st governor of Indiana; inaugurated November 7 (Barnhart and Riker, 460-61).

The convention came to the following resolution, to wit:
Resolved, That it is expedient to employ at least two assistant secretaries, and that it shall be the duty of the secretaries to make out a copy for each member, of each article of the constitution, so soon as the several committees shall have reported the same to this convention; and that the convention now proceed to the election of the said additional secretaries. *Resolved*, That the said additional secretaries be instructed to write the said copies in open lines, leaving between each line room for an additional line or amendments, and that each line be numbered.

This is an excerpt from the *Journal of the Convention of the Indiana Territory, 1816* printed by Mann Butler in Louisville. On June 12, in the morning session of the convention, the delegates elected two assistant secretaries, realizing that one person could not fulfill their needs. On June 15, they elected three more assistant secretaries.

Day three, June 12

Having voted to form a constitution, delegates proceeded to organize into twelve committees to write the articles of that document.

They appointed a committee to arrange a printing contract. Having quickly realized that one secretary could not fulfill their needs, delegates elected two assistant secretaries and specified what they should do.

In the afternoon, Jennings appointed members to all committees to write the constitution.

Continued progress

On June 13, the first committee reports on the constitution were presented. The forty-third delegate arrived on June 14, and delegates began debating and voting on articles of the constitution.

On June 18, Mann Butler of the Louisville *Correspondent* was accepted as the convention printer. Delegate Grass of Warrick County was excused on June 19 for the rest of the convention because of illness. On June 22,

the convention formally accepted the provisions of the Enabling Act by a vote of 36-5. Reporting, debating, and voting on the articles of the constitution continued.

Finishing the job

The third week opened with continued work on the constitution. On June 27, delegates ordered three copies of the acceptance of the Enabling Act to be sent to the president and congressional leaders in Washington.

On June 28, they ordered the distribution of the printed constitutions and journals—eleven copies to each delegate and two to each secretary—and ordered payment of their financial obligations.

On June 29, they ordered two handwritten copies of the Constitution—one for Jennings to give to the General Assembly.* Copies of the printed Constitution were ordered sent to the U.S. president and congressional leaders. Two secretaries were ordered to oversee the printing.

Finally, they ordered that the approved copy of the Constitution be read, and following that they adjourned.

The cost of the convention

The total cost of the convention was \$3,076.21. Each member was allowed \$2.00 per day for each day in attendance and \$2.00 for each twenty-five miles traveled to and from Corydon. The secretary and assistant secretaries received \$3.50 per day; the doorkeeper and assistant doorkeeper received \$2.00 per day.

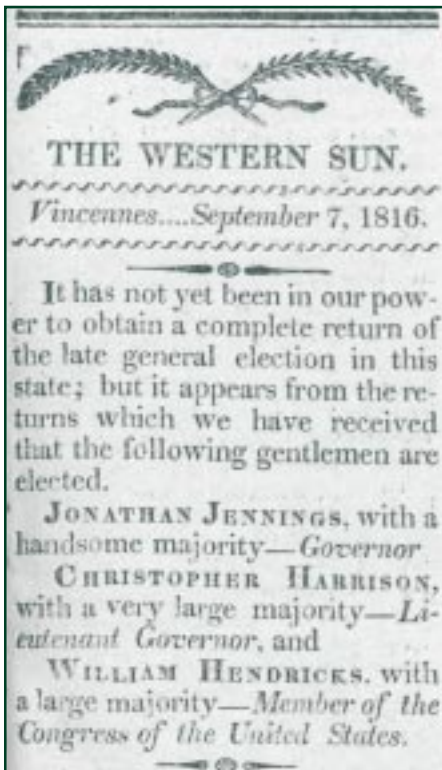
The printer, Mann Butler of Louisville, received \$200. Other costs included \$41.50 for books, stationery, etc.; \$27.50 for tables, benches, etc.; and \$40 for overseeing the printing, stitching, and distribution of the Constitution and journal.

Sources: “Journal of Convention”; Barnhart and Riker, 460; see also, Kettleborough, 1:xv-xxii, 125-27.

*The story of the second handwritten copy has been detailed in Coleman.

1816	1816	1816	1818	1837	1848	1850	1851	1858
November 4 Indiana holds first General Assembly under 1816 Constitution (Barnhart and Riker, 461).	December 2 Indiana congressmen and senators present when U.S. Congress opens (Esarey, 101).	December 11 President Madison approves Indiana's admission into union as 19th state (Hawkins, 95).	December 3 Illinois becomes 21st state (Carruth, 158).	January 26 Michigan becomes 26th state (Carruth, 200).	May 29 Wisconsin becomes 30th state (Carruth, 230).	October 7 Constitutional convention assembles in Indianapolis; 150 delegates serve 127 days; adjourns February 10, 1851 (Kettleborough, 1:221).	November 1 Constitution takes effect; Indiana citizens vote August 4, adopting constitution 82,564-26,755 (Kettleborough, 1:222).	May 11 Minnesota becomes 32nd state (Carruth, 258).

The final steps to statehood



The Vincennes *Western Sun* issue of September 7, 1816 provided this interesting announcement of the results of the August 5 election. The August 31 issue indicates that the paper has no returns yet from Dearborn, Franklin, Gibson, Perry, Posey, and Warrick counties.

Following adjournment of the convention, there was action on two fronts—in Indiana Territory and in Washington. Indiana’s Constitution was implemented upon passage, before Indiana was formally admitted to the union on December 11, 1816. The people did not vote on the Constitution.

Events in Indiana

The transition process was stated in Article 12 of the Constitution. Most sections provide for the legal transition from territory to state so that all “shall continue as if no change had taken place in this Government.”

Section 8 of Article 12 required that the convention president notify the sheriffs of all counties to call for an election on August 5. Jonathan Jennings’ writ of election to the Knox

County sheriff and the sheriff’s resulting order were printed in the Vincennes *Western Sun*, July 6, 1816. There were only five weeks between the end of the convention and the election. Jennings beat Thomas Posey in the gubernatorial race 5,211-3,934.

Section 9 of Article 12 established county representation in the General Assembly until the next census—twenty-nine representatives and ten senators. The first General Assembly under the Constitution met November 4, 1816.

Governor Jennings and Lieutenant Governor Christopher Harrison were inaugurated on November 7. On November 8, the General Assembly elected its two members for the U.S. Senate—James Noble and Waller Taylor.



Indiana Division, Indiana State Library.

The new Harrison County Courthouse was ordered built by the trustees in May 1814. A contractor was hired in August. The building was apparently not ready for the convention in June 1816. It was, however, ready for the opening of the first General Assembly on November 4, 1816. This building served as the State Capitol of Indiana until the capital was moved to Indianapolis in 1825. It is now a State Historic Site. This photograph was taken by C. Heimberger & Son Photographic Studio of New Albany, circa 1890s.

In Washington

Acceptance by the convention of the provisions of the Enabling Act on June 22 helped fulfill the requirements of the Enabling Act. On July 6, Jennings transmitted the acceptance to Washington, as ordered by the convention June 27, to begin the final steps.

The seating of the Indiana congressional delegation was also an important step. Indiana's elected representative, William Hendricks, was sworn into office and seated in the U.S. house on December 2, 1816. Indiana's two senators, elected by the General Assembly, were sworn in and seated on December 12.

The resolution admitting Indiana "into the Union on an equal footing with the original States, in all respects whatever" was signed by President James Madison on December 11, 1816, which has been celebrated as Indiana's birthday ever since.

The final step of admission, however, was not accomplished until March 3, 1817, when "AN ACT to provide for the due execution of the laws of the United States within the State of Indiana" was approved.

Sources: Kettleborough, 1:65, 120-33; Barnhart and Riker, 460-62.

Charleston S.C. July 6 1816.

His Excellency
James Madison.

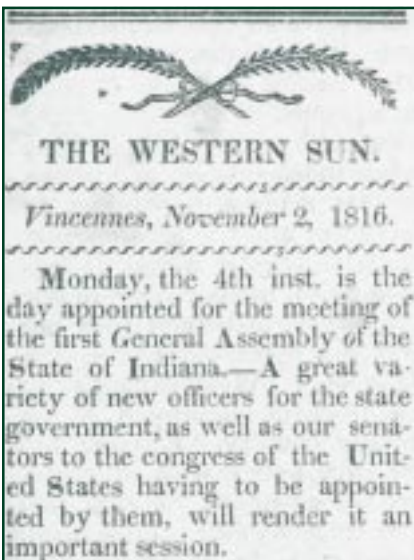
Sir

I am directed to forward to you, the ordinance for Indiana, lately ordained by the Convention of Indiana, which is conformable to the provisions of an act of Congress entitled "An act to enable the people of the Indiana Territory, to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original States."

With sentiments of very great respect,
I have the honor to be,
Yours obediently

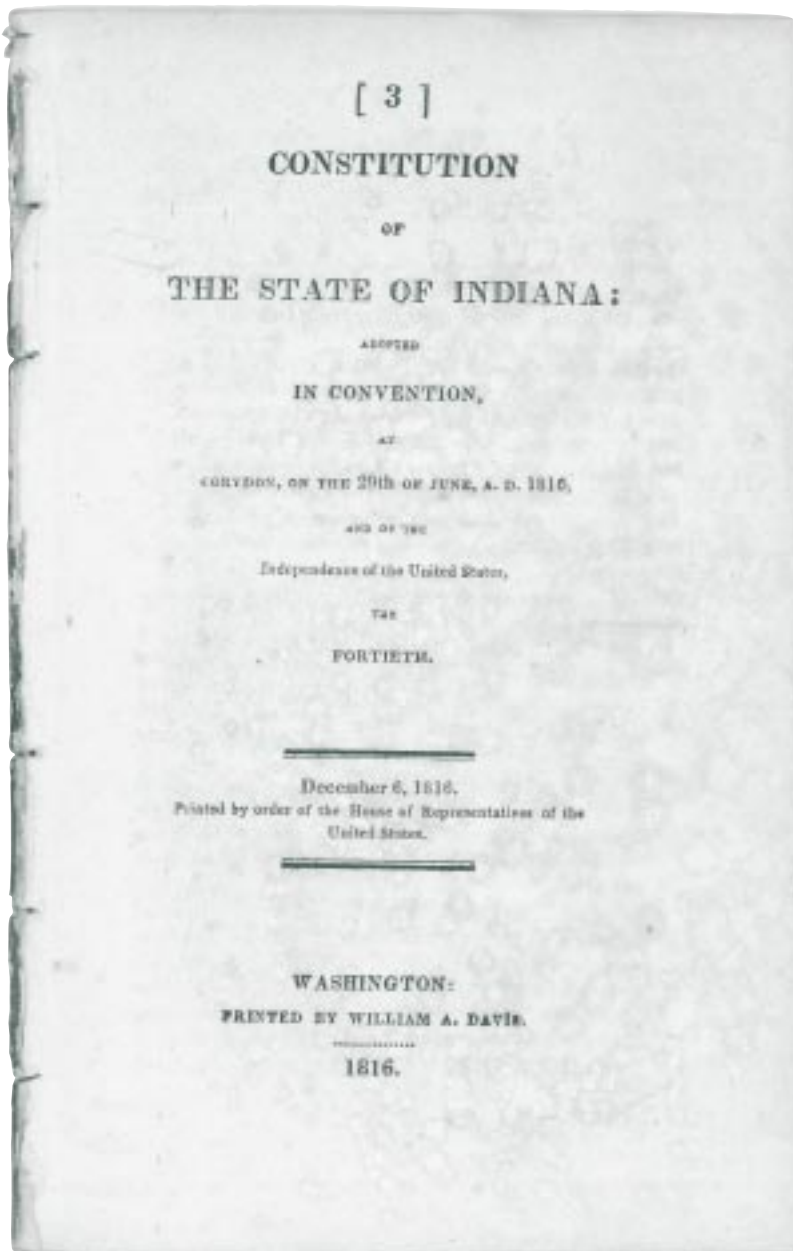
Daniel Jennings

On June 22, the convention passed a report, later called an ordinance, "that we do, for ourselves and our posterity, agree, determine, declare, and ordain, that we will, and do hereby, accept the propositions of the Congress of the United States, as made and contained in" the Enabling Act. Jennings conveyed the ordinance to President Madison with the letter reproduced here. The letter is reproduced from a photostat in the Indiana Division, Indiana State Library; a note on the back indicates that the original is in the State Department, Washington, D.C.



This announcement clearly acknowledges the importance of the first session of the General Assembly to Indiana.

The Constitution of 1816



This constitution was one of three printed versions in 1816 (see illustration page 13). It is 5 inches by 8 inches in size. The ordinance accepting the conditions of the Enabling Act is bound in with handwritten and printed versions. No copy of the Stout version was available for examination. The Indiana Historical Society owns a copy of the 1816 Louisville version ordered by the convention. Courtesy Indiana Division, Indiana State Library.

According to Barnhart and Riker, “Judging from the meager contemporary literature on the subject, the constitution was received with general satisfaction. Some few of its provisions . . . aroused adverse criticism for a number of years following its adoption,” including the provisions for amendment and fixing the capital at Corydon until 1825.

The Constitution of 1816 was never amended until it was replaced by the Constitution of 1851. The question of calling a new constitutional convention was first voted on in 1823. Not until the fifth time in 1849 was a constitutional convention provided for by the General Assembly.

Carmony’s 1998 study cites three reasons why it was not amended:

- it “was widely respected and supported by voters and politicians”;
- “it was a concise document, emphasizing basic principles with few restrictive details, thus leaving the legislature much discretion”; and
- it could not be amended without “calling a constitutional convention.”

As the chart on page 13 demonstrates, much of Indiana’s Constitution had models elsewhere. Indiana’s Constitution, however, was the assertion of Indiana’s citizens in favor of a democratic state continuing the tenants of the Northwest Ordinance. As stated in Barnhart and Riker, “they reiterated the prohibition of slavery and halted the further introduction of indentured servitude.” There were fewer qualifications for voting and a fairer division of representatives. The governor’s veto power was limited and “placed the power in the hands of popularly chosen representatives.”

Sources: Barnhart and Riker, 462-63; Carmony, 403; Kettleborough, 1:xxii-lxxxviii, 137-217.

An outline of the content and sources of the 1816 Constitution

1816 Indiana Constitution	Purpose of Article	Similar State Constitutions	Additional Information
Preamble	Established Indiana's right to join the United States on an equal footing with the original states	Northwest Ordinance; Ohio	Gave Indiana the right to self-government and the right to participate in national affairs
Article I	Stated the Bill of Rights of Indiana citizens	Ohio, Kentucky, Tennessee, Pennsylvania	Protected the civil liberties of Indiana citizens including freedom of speech, right to bear arms, freedom of religion, etc.
Article II	Separated the powers of government into three branches: Legislative, Executive, Judiciary	Kentucky; Jefferson's proposed Virginia constitution	Strengthened the separation of powers to prevent any person(s) from using power in more than one branch of government
Article III	Provided for a General Assembly composed of two houses: a Senate and a House of Representatives, elected by the people	Ohio; Tennessee	Indiana General Assembly became dominant branch; reduced age and residency requirements for legislators
Article IV	Stipulated the responsibilities of the governor	Kentucky; Pennsylvania	Gave Indiana governor power to appoint officials, to forgive fines and punishments, and to veto legislation
Article V	Established the court system: Supreme Court, Circuit Courts, justices of the peace	Ohio	Supreme Court met in capital; Supreme Court justices appointed by governor; lesser judges elected; judges served 7-year terms
Article VI	Permitted to vote all white males, 21 years of age or more, living in Indiana for one year	Ohio	Election by ballot; voters were free from arrest (except for serious crimes) during travel to, attendance at, and travel home from elections
Article VII	Required all free able-bodied male persons between the ages of 18 and 45 to serve in the Indiana militia	Ohio; Kentucky	Prohibited Negroes, mulattoes and Indians from serving; conscientious objectors fined
Article VIII	Provided voters the opportunity to call a new constitutional convention	Original to Indiana	Permitted a general election every 12 years for voters to call for constitutional convention; like Ohio, prohibited any amendment that would legalize slavery
Article IX	Specified a state-supported system of education from township schools to university	Original to Indiana	First state to recognize a duty to provide education to its citizens; also called for penal code based on reform ideas; asylums for old and unfortunate; money for libraries
Article X	Prohibited the establishment of private banks which issued bills of credit	Original to Indiana	Also provided regulation of banks already in existence
Article XI	Stipulated general provisions including state boundaries, location of state capital, and prohibition of slavery	Ohio; Kentucky	Required acts of General Assembly to be printed before being enforced; General Assembly could not reduce area of a county to less than 400 square miles to form a new county
Article XII	Provided guidelines for transferring territorial government to state government	No data located	Set first Monday in August 1816 as date for election of first state officials: governor, lieutenant governor, members of General Assembly, county sheriffs and coronors

Sources for chart: Barnhart, "Southern Influence," 261-76; Barnhart, *Valley of Democracy*, 191-93; Barnhart and Riker, 451, 453, 457-61; Buley, 1:72-73; Hawkins, 70-74, 82-89, 92.



There were three different 1816 printings of the Indiana Constitution according to Coleman: Butler's in Louisville ordered by the convention; one in Washington ordered by the U.S. House; and one by Elihu Stout, editor of the *Western Sun*, in Vincennes. This advertisement presumably is for the copies Stout himself printed.

Members of Indiana's 1816 Constitutional Convention

County	Delegate	Date and Place of Birth	Occupation	Additional Information
Clark	Thomas Carr, Sr.	June 23, 1755 Maryland	Farmer	Captain in Revolutionary War; served in Indian wars; moved to Clark Co. in 1806
	John K. Graham	January 30, 1783 Bedford Co., Pennsylvania	Merchant, teacher, surveyor, civil engineer, farmer, poet	Moved to Ind. in early 1800s; laid out town of New Albany
	Jonathan Jennings	1784 Virginia or New Jersey	Lawyer, politician	President of 1816 Constitutional Convention; first governor of the state of Indiana; U.S. Congress, 1823-1831
	James Lemon	??? Kentucky	Lawyer, justice of the peace, sheriff	Served under George Rogers Clark; militia officer
Dearborn	James Scott	1767 Washington Co., Pennsylvania	Lawyer, judge of General Court of Indiana Territory	Moved to Clark Co. by 1810; commissioned a judge of Indiana State Supreme Court, Dec. 28, 1816
	James Dill	1772 Dublin, Ireland	Lawyer, clerk of Dearborn County	Moved to Dearborn Co. in 1803; appointed brigadier general of territorial militia, Jan. 15, 1816
	Ezra Ferris	April 26, 1783 Stanwich, Connecticut	Minister, physician, justice of the peace	Moved to Lawrenceburg circa 1806
Franklin	Solomon Manwaring	1771 Delaware (?)	Lawyer, judge, surveyor	Laid out towns of Brookville and New Trenton in Franklin Co.
	James Brownlee	1780 Washington Co., Pennsylvania	Mill builder, Franklin County coronor	Moved to Ind. in 1815
	William H. Eads	??? Hagerstown, Maryland	Merchant, tanner, banker	Postmaster at Brookville, 1813
	Robert Hanna	April 6, 1786 Laurens District, South Carolina	Farmer	Moved to Franklin Co. in 1804; brigadier general in Indiana militia
Gibson	Enoch McCarty	January 5, 1783 Culpepper Co., Virginia	Farmer, lawyer	Moved to Ind. in 1803
	James Noble	December 16, 1785 Clarke Co., Virginia	Lawyer	Moved to Brookville circa 1808; U.S. Senator from Ind., 1816-1831; brother of Noah Noble, Ind. governor, 1831-1837
	Alexander Devin	??? Pittsylvania Co., Virginia	Baptist minister	Moved to Ind. from Warren Co., Ky. in 1810
	Frederick Rapp	1775 ???	???	Adopted son of George Rapp (New Harmony); business leader and spokesman for Harmonist society
	David Robb	July 12, 1771 Ireland	Surveyor, farmer, miller, justice of the peace, Gibson Co. surveyor	Served in Indian wars and War of 1812; moved to Gibson Co. in 1800, president of Legislative Council, 1815
Harrison	James Smith	August 14, 1774 Orange Co., Virginia	County surveyor, justice of the peace	Moved to Ind. in 1808; served in Battle of Tippecanoe
	John Boone	February 10, 1772 Frederick, Maryland	Farmer, justice of the peace	Moved to Ind. in 1808; brother of Daniel Boone
	Davis Floyd	1772 Virginia	River pilot, tavern keeper, lawyer, Ind. auditor, 1813-1814; Ind. treasurer, 1814-1816	Moved to Clarksville in 1801; involved in Aaron Burr conspiracy to invade Mexico
	Daniel C. Lane	1766 Loudoun Co., Virginia	Surveyor, associate judge of circuit court	Moved to Ind. circa 1814; served as state treasurer, 1816-1823
Jefferson	Dennis Pennington	1776 Mecklenburg Co., Virginia	Farmer, stone mason, justice of the peace	Moved to Ind. circa 1804; friend of Henry Clay; contractor for building Corydon Courthouse
	Patrick Shields	??? Virginia	Lawyer, associate judge of circuit court	Moved to Ind. in 1805; served as private in Battle of Tippecanoe
	Nathaniel Hunt	1773 Litchfield Co., Connecticut	Lawyer, merchant	Moved to Madison, Jefferson Co. in 1813
	David H. Maxwell	September 17, 1786 Lancaster, Garrard Co., Kentucky	Physician, banker	Moved to Jefferson Co. in 1810
Knox	Samuel Smock	??? Berkeley Co., Virginia	Lawyer, justice of the peace, associate judge of circuit court	
	John Badollet	1758 Geneva, Switzerland	Register of U.S. Land Office at Vincennes	Came to Vincennes circa 1804; friend of Albert Gallatin
	John Benefiel	1761 Virginia	Farmer	
	John Johnson	??? Virginia, Pennsylvania, or Kentucky	Lawyer, Indiana Supreme Court judge	Served in first Territorial General Assembly; appointed to Indiana State Supreme Court, Dec. 28, 1816
Perry	William Polke	September 19, 1775 or 1777 Brooke Co., Virginia	Farmer, surveyor	Conducted last band of Potawatomi to new lands across the Mississippi River in 1838
	Benjamin Parke	September 2, 1777 New Jersey	Lawyer, judge of General Court of Indiana Territory	Moved to Vincennes in 1801; good friend of Gov. Harrison; captain at Battle of Tippecanoe
	Charles Polke	circa 1744 Frederick Co., Maryland	Baptist minister	Father of William Polke, delegate from Knox; wife and children captured by Indians, later released at Detroit
Posey	Dann Lynn	June 24, 1782 Christian Co., Kentucky	Farmer, trader, ferry operator, associate judge of circuit court	Moved to Ind. in 1798; served in Indiana militia; acquired extensive land holdings
Switzerland	William Cotton	March 13, 1776 Loudoun Co., Virginia	Farmer, lawyer, judge, miller	Moved to Ind. in 1798; appointed by President Monroe to appraise Indian improvements in northern Indiana
Warrick	Daniel Grass	March 27, 1774 or 1780 or 1781 Pennsylvania or Kentucky	Farmer, lawyer	Served in Indian wars; moved to Ind. circa 1802; excused from convention, June 19, 1816, due to ill health
Washington	John DePauw	March 11, 1785 Lincoln Co., Kentucky	Lawyer, merchant	Father, Charles, came with Lafayette to fight in American Revolution; son, Washington, endowed DePauw University
	William Graham	September 4, 1782 Ireland	Farmer, surveyor	Moved to Ind. in 1811; committee for selecting new state capital; U.S. House of Representatives, 1837-1839
	William Lowe	1767 North Carolina	Lawyer, associate judge of circuit court	
	Samuel Milroy	August 14, 1780 Mifflin Co., Pennsylvania	Carpenter, farmer, joiner, trader	Moved to Washington Co. in 1814; brigadier general of the militia; founded town of Delphi, Carroll Co., Ind.
	Robert McIntyre	1766 Chester Co., Pennsylvania	Farmer, justice of the peace	Moved to Washington Co. circa 1812; served in War of 1812; Indiana militia
Wayne	Patrick Beard	1769 Londonderry, Ireland	Farmer, livestock dealer	Moved to Ind. circa 1813
	Jeremiah Cox	March 3, 1763 Adams Co., Pennsylvania	Miller, farmer, blacksmith	Moved to Wayne Co. in 1806
	Hugh Cull	October 1759 Havre de Grace, Maryland	Methodist circuit rider	Moved to Whitewater River Valley in 1805
	Joseph Holman	October 1, 1788 Woodford Co., Kentucky	Merchant, tanner	Moved to Wayne Co. circa 1805; served in War of 1812

Selected Resources

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Selected Student Resources

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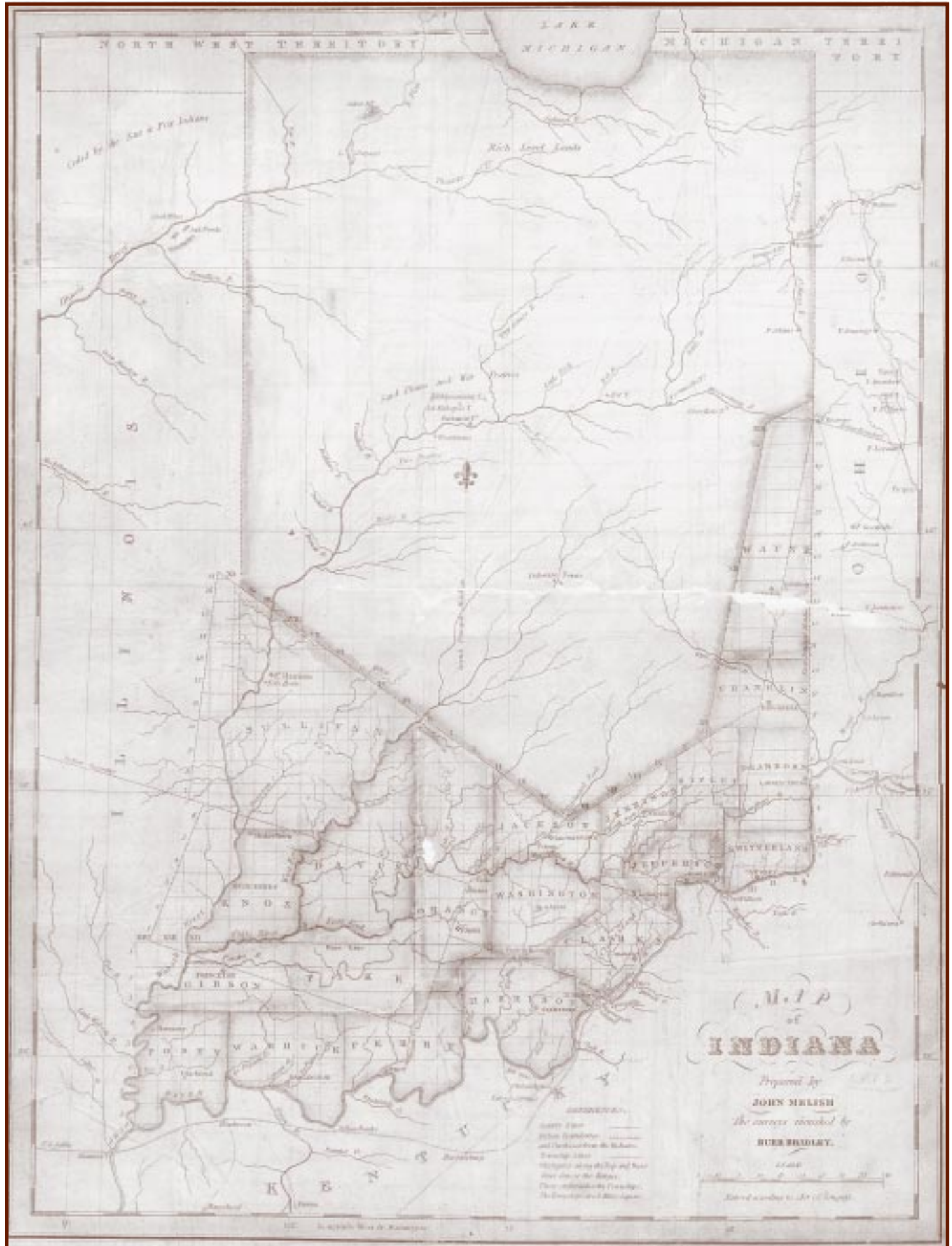
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Called by the Indians a Fox Indian

Rich Level Lands

(M.P.)
of
INDIANA

Prepared by
JOHN MELLISH
the survey conducted by
BUCK BRIDGEMAN

1834
Entered under Act of Congress

LEGEND
 Solid Line
 Indian Boundaries
 and Chartered from the States
 Dotted Line
 Unsurveyed
 Dashed Line
 Chartered from the States
 Thin solid line
 The boundaries of the Counties
 The boundaries of the Townships