OF INDIANA.

TUESDAY MORNING, JUNE 11TH, 1816.

Convention met pursuant to adjournment.

Mr. Dill, from the committee appointed for that purpose, reported the following rules for the regulation and government of the convention during the session thereof, to wit:

I. The president shall take the chair every day at the hour to which the convention shall have adjourned on the preceding day; shall immediately call the members to order, and on the appearance of a quorum shall cause the journals of the preceding day to be read.

II. The president shall preserve decorum and order; may speak to points of order in preference to other members, rising from the chair for that purpose, and shall decide questions of order, subject to an appeal to the convention by any one member.

III. The president, rising from his seat, shall distinctly put the question in this form, viz. You who are of opinion that (as the case may be) say aye—contrary opinion, say no.

IV. If the president doubt, or a division be called for, the members shall divide; those in the affirmative first rising from their seats, and afterwards those in the negative.

V. Any member may call for the statement of the question, which the president may give sitting.

VI. The president, with five members, shall be a sufficient number to adjourn; seven to call a house and send for absent members, and make an order for their censure or acquittal; and a majority of the whole number be a quorum to proceed to business.

VII. When a member is about to speak in debate, or deliver any matter to the convention, be shall rise from his seat and respectfully address himself to Mr. President.

VIII. If any member, in speaking, or otherwise, transgress the rules, the President shall, or any member may, call to order, in which case, the member so called to order, shall immediately sit down, unless permitted to explain; and the convention shall, if applied to, decide on the case, but without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the convention.

IX. When two or more happen to rise at the same time, the president shall name the person who is first to speak.

X. No member shall speak more than twice to the same question, without leave of the convention.
Focus

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.

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.
Beginning the road to statehood

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.

<table>
<thead>
<tr>
<th>1801</th>
<th>1803</th>
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<tr>
<td>March 4</td>
<td>February 19</td>
<td>August 4</td>
<td>December 5</td>
<td>January 11</td>
<td>February 26</td>
<td>December 7</td>
<td>February 3</td>
</tr>
</tbody>
</table>

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

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 2
James Madison reelected president (Carruth, 146).

June 18
War of 1812 begins; Americans fight British for control of American lands and shipping (Carruth, 144).

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.

“... 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.

Comparing some elements of the statehood documents

<table>
<thead>
<tr>
<th>Memorial for statehood requested</th>
<th>Enabling Act provided</th>
</tr>
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<tbody>
<tr>
<td>Grant state 7% of money from sale of U.S. land in Indiana beginning April 1, 1816</td>
<td>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</td>
</tr>
<tr>
<td>Confirm grant of one township for an academy and reserve another township for support of a college</td>
<td>Confirmed prior grant and granted one township under control of legislature for seminary of learning</td>
</tr>
<tr>
<td>Reserve Section 16 in townships for schools</td>
<td>Granted Section 16 or equivalent for schools</td>
</tr>
<tr>
<td>Grant coal mines and salt licks to state</td>
<td>Granted salt springs</td>
</tr>
<tr>
<td>Reserve one centrally-located township for the state capital</td>
<td>Granted four sections of land for seat of government as determined by legislature</td>
</tr>
<tr>
<td>Apportion forty-two delegates from thirteen counties</td>
<td>Apportioned forty-three delegates from thirteen counties</td>
</tr>
<tr>
<td>Continue principles of Northwest Ordinance especially regarding personal freedom and involuntary servitude</td>
<td>Constitution and state government must conform to the articles of the Northwest Ordinance, except for boundaries</td>
</tr>
</tbody>
</table>

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

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.
1816

January 5
Congressional committee for Indiana statehood reports bill to House of Representatives for citizens of Indiana Territory to form a constitution (Thornton, 109).

1816

April 19
President Madison signs Enabling Act allowing Indiana Territory to hold constitutional convention (Hawkins, 64-67).

1816

May 13
Election of delegates to constitutional convention which was scheduled to start June 10 (Hawkins, 64-67).

1816

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).

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.
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 postponed, 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.

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 unpromising 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.

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<td>June 11</td>
<td>June 12</td>
<td>June 13-28</td>
<td>June 28</td>
<td>June 29</td>
<td>August 5</td>
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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.
The final steps to statehood

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.

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.

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

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:xxi-lxxxvii, 137-217.
### An outline of the content and sources of the 1816 Constitution

<table>
<thead>
<tr>
<th>1816 Indiana Constitution</th>
<th>Purpose of Article</th>
<th>Similar State Constitutions</th>
<th>Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Preamble</strong></td>
<td>Established Indiana’s right to join the United States on an equal footing with the original states</td>
<td>Northwest Ordinance; Ohio</td>
<td>Gave Indiana the right to self-government and the right to participate in national affairs</td>
</tr>
<tr>
<td><strong>Article I</strong></td>
<td>Stated the Bill of Rights of Indiana citizens</td>
<td>Ohio, Kentucky, Tennessee, Pennsylvania</td>
<td>Protected the civil liberties of Indiana citizens including freedom of speech, right to bear arms, freedom of religion, etc.</td>
</tr>
<tr>
<td><strong>Article II</strong></td>
<td>Separated the powers of government into three branches: Legislative, Executive, Judiciary</td>
<td>Kentucky; Jefferson’s proposed Virginia constitution</td>
<td>Strengthened the separation of powers to prevent any person(s) from using power in more than one branch of government</td>
</tr>
<tr>
<td><strong>Article III</strong></td>
<td>Provided for a General Assembly composed of two houses: a Senate and a House of Representatives, elected by the people</td>
<td>Ohio; Tennessee</td>
<td>Indiana General Assembly became dominant branch; reduced age and residency requirements for legislators</td>
</tr>
<tr>
<td><strong>Article IV</strong></td>
<td>Stipulated the responsibilities of the governor</td>
<td>Kentucky; Pennsylvania</td>
<td>Gave Indiana governor power to appoint officials, to forgive fines and punishments, and to veto legislation</td>
</tr>
<tr>
<td><strong>Article V</strong></td>
<td>Established the court system: Supreme Court, Circuit Courts, justices of the peace</td>
<td>Ohio</td>
<td>Supreme Court met in capital; Supreme Court justices appointed by governor; lesser judges elected; judges served 7-year terms</td>
</tr>
<tr>
<td><strong>Article VI</strong></td>
<td>Permitted to vote all white males, 21 years of age or more, living in Indiana for one year</td>
<td>Ohio</td>
<td>Election by ballot; voters were free from arrest (except for serious crimes) during travel to, attendance at, and travel home from elections</td>
</tr>
<tr>
<td><strong>Article VII</strong></td>
<td>Required all free able-bodied male persons between the ages of 18 and 45 to serve in the Indiana militia</td>
<td>Ohio; Kentucky</td>
<td>Prohibited Negroes, mulattoes and Indians from serving; conscientious objectors fined</td>
</tr>
<tr>
<td><strong>Article VIII</strong></td>
<td>Provided voters the opportunity to call a new constitutional convention</td>
<td>Original to Indiana</td>
<td>Permitted a general election every 12 years for voters to call for constitutional convention; like Ohio, prohibited any amendment that would legalize slavery</td>
</tr>
<tr>
<td><strong>Article IX</strong></td>
<td>Specified a state-supported system of education from township schools to university</td>
<td>Original to Indiana</td>
<td>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</td>
</tr>
<tr>
<td><strong>Article X</strong></td>
<td>Prohibited the establishment of private banks which issued bills of credit</td>
<td>Original to Indiana</td>
<td>Also provided regulation of banks already in existence</td>
</tr>
<tr>
<td><strong>Article XI</strong></td>
<td>Stipulated general provisions including state boundaries, location of state capital, and prohibition of slavery</td>
<td>Ohio; Kentucky</td>
<td>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</td>
</tr>
<tr>
<td><strong>Article XII</strong></td>
<td>Provided guidelines for transferring territorial government to state government</td>
<td>No data located</td>
<td>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</td>
</tr>
</tbody>
</table>

**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.
<table>
<thead>
<tr>
<th>County</th>
<th>Delegate</th>
<th>Date and Place of Birth</th>
<th>Occupation</th>
<th>Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clark</td>
<td>Thomas Carr, Sr.</td>
<td>June 23, 1755 Maryland</td>
<td>Farmer</td>
<td>Captain in Revolutionary War; served in Indian wars; moved to Clark Co. in 1806</td>
</tr>
<tr>
<td></td>
<td>John K. Graham</td>
<td>January 30, 1783 Bedford Co., Pennsylvania</td>
<td>Merchandiser, teacher, surveyor, civil engineer, farmer, poet</td>
<td>Moved to Ind. in early 1800s; laid out town of New Albany</td>
</tr>
<tr>
<td></td>
<td>Jonathan Jennings</td>
<td>1784 Virginia or New Jersey</td>
<td>Lawyer, politician</td>
<td>President of 1816 Constitutional Convention; first governor of the state of Indiana; U.S. Congress, 1823-1831</td>
</tr>
<tr>
<td></td>
<td>James Lemon</td>
<td>Kentucky</td>
<td>Lawyer, justice of the peace, sheriff</td>
<td>Served under George Rogers Clark; militia officer</td>
</tr>
<tr>
<td></td>
<td>James Scott</td>
<td>1767 Washington Co., Pennsylvania</td>
<td>Lawyer, judge of General Court of Indiana Territory</td>
<td>Moved to Clark Co. by 1810; commissioned a judge of Indiana State Supreme Court, Dec. 28, 1816</td>
</tr>
<tr>
<td>Dearborn</td>
<td>James Dill</td>
<td>1772 Dublin, Ireland</td>
<td>Lawyer, clerk of Dearborn County</td>
<td>Moved to Dearborn Co. in 1803; appointed brigadier general of territorial militia, Jan. 15, 1816</td>
</tr>
<tr>
<td></td>
<td>Ezra Ferris</td>
<td>April 26, 1783 Stanwich, Connecticut</td>
<td>Minister, physician, justice of the peace</td>
<td>Moved to Lawrenceburg circa 1806</td>
</tr>
<tr>
<td></td>
<td>Solomon Manwaring</td>
<td>1771 Delaware [?]</td>
<td>Lawyer, judge, surveyor</td>
<td>Laid out towns of Brookville and New Trenton in Indiana Co.</td>
</tr>
<tr>
<td></td>
<td>James Brownlee</td>
<td>1780 Washington Co., Pennsylvania</td>
<td>Mill builder, Franklin County coronor</td>
<td>Moved to Ind. in 1815</td>
</tr>
<tr>
<td></td>
<td>William H. Eads</td>
<td>Kentucky</td>
<td>Merchant, tanner, banker</td>
<td>Postmaster at Brookville</td>
</tr>
<tr>
<td></td>
<td>Robert Hanna</td>
<td>April 6, 1786 Laurens District, South Carolina</td>
<td>Farmer</td>
<td>Moved to Franklin Co. in 1804; brigadier general in Indiana militia</td>
</tr>
<tr>
<td></td>
<td>Enoch McCarty</td>
<td>January 9, 1783 Culpepper Co., Virginia</td>
<td>Farmer, lawyer</td>
<td>Moved to Ind. in 1803</td>
</tr>
<tr>
<td></td>
<td>James Noble</td>
<td>December 16, 1785 Clarke Co., Virginia</td>
<td>Lawyer</td>
<td>Moved to Brookville circa 1808; U.S. Senator from Ind., 1816-1831; brother of Noah Noble, Ind. governor, 1831-1837</td>
</tr>
<tr>
<td></td>
<td>Gibson Alexander Devin</td>
<td>Pennsylvania</td>
<td>Baptist minister</td>
<td>Moved to Ind. from Warren Co., Ky., in 1810</td>
</tr>
<tr>
<td></td>
<td>Frederick Rapp</td>
<td>1775 Pittsylvania Co., Virginia</td>
<td></td>
<td>Adopted son of George Rapp (New Harmony); business leader and spokesman for Harmonist society</td>
</tr>
<tr>
<td></td>
<td>David Robb</td>
<td>July 12, 1771 Ireland</td>
<td>Surveyor, farmer, miller, justice of the peace, Gibson Co. surveyor</td>
<td>Served in Indian wars and War of 1812; moved to Gibson Co. in 1800, president of Legislative Council, 1815</td>
</tr>
<tr>
<td></td>
<td>James Smith</td>
<td>August 14, 1774 Orange Co., Virginia</td>
<td>County surveyor, justice of the peace</td>
<td>Moved to Ind. in 1808; served in Battle of Tippecanoe</td>
</tr>
<tr>
<td>Harrison</td>
<td>John Boone</td>
<td>February 10, 1772 Frederick, Maryland</td>
<td>Farmer, justice of the peace</td>
<td>Moved to Ind. in 1808; brother of Daniel Boone</td>
</tr>
<tr>
<td></td>
<td>Davis Floyd</td>
<td>1772 Virginia</td>
<td>River pilot, tavern keeper, lawyer, Ind. auditor, 1813:1814:1816</td>
<td>Moved to Clarksville in 1801; involved in Aaron Burr conspiracy to invade Mexico</td>
</tr>
<tr>
<td></td>
<td>Daniel C. Lane</td>
<td>1764 Loudoun Co., Virginia</td>
<td>Surveyor, associate judge of circuit court</td>
<td>Moved to Ind. circa 1814; served as state treasurer, 1816-1823</td>
</tr>
<tr>
<td></td>
<td>Dennis Pennington</td>
<td>1776 Mecklenburg Co., Virginia</td>
<td>Lawyer, farmer, stone mason, justice of the peace</td>
<td>Moved to Ind. circa 1804; friend of Henry Clay; contractor of building Coryndon Courthouse</td>
</tr>
<tr>
<td></td>
<td>Patrick Shields</td>
<td>Virginia</td>
<td>Lawyer, associate judge of circuit court</td>
<td>Moved to Ind. in 1805; served as private in Battle of Tippecanoe</td>
</tr>
<tr>
<td></td>
<td>David H. Maxwell</td>
<td>September 17, 1786 Lancaster, Garrard Co., Kentucky</td>
<td>Physician, banker</td>
<td>Moved to Jefferson Co. in 1810</td>
</tr>
<tr>
<td>Knox</td>
<td>John Bodollet</td>
<td>1758 Geneva, Switzerland</td>
<td>Register of U.S. Land Office at Vincennes</td>
<td>Came to Vincennes circa 1804; friend of Albert Gallatin</td>
</tr>
<tr>
<td></td>
<td>John Benefiel</td>
<td>1761 Virginia</td>
<td>Farmer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>John Johnson</td>
<td>Kentucky</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>William Polke</td>
<td>September 19, 1775 or 1777 Brooke Co., Virginia</td>
<td>Lawyer, Indiana Supreme Court judge</td>
<td>Served in first Territorial General Assembly; appointed to Indiana State Supreme Court, Dec. 28, 1816</td>
</tr>
<tr>
<td></td>
<td>Benjamin Parke</td>
<td>September 2, 1777 New Jersey</td>
<td>Lawyer, judge of General Court of Indiana Territory</td>
<td>Moved to Vincennes in 1801; good friend of Gov. Harrison, captain of Tippecanoe</td>
</tr>
<tr>
<td>Perry</td>
<td>Charles Polke</td>
<td>circa 1744 Frederick Co., Maryland</td>
<td>Baptist minister</td>
<td>Father of William Polke, delegate from Knox; wife and children captured by Indians, later released at Detroit</td>
</tr>
<tr>
<td>Posey</td>
<td>Dann Lynn</td>
<td>June 24, 1782 Christian Co., Kentucky</td>
<td>Farmer, trader, ferry operator, associate judge of circuit court</td>
<td>Moved to Ind. in 1798; served in Indiana militia; acquired extensive land holdings</td>
</tr>
<tr>
<td>Switzerland</td>
<td>William Cotton</td>
<td>March 12, 1776 Loudoun Co., Virginia</td>
<td>Farmer, lawyer, judge, miller</td>
<td>Moved to Ind. in 1798; appointed by President Monroe to appraise Indian improvements in northern Indiana</td>
</tr>
<tr>
<td>Warrick</td>
<td>Daniel Grass</td>
<td>March 27, 1774 or 1780 or 1781 Pennsylvania or Kentucky</td>
<td>Lawyer, merchant</td>
<td>Served in Indiana wars; moved to Ind. circa 1802; excused from convention, June 19, 1816, due to ill health</td>
</tr>
<tr>
<td>Washington</td>
<td>John DePauw</td>
<td>March 11, 1785 Lincoln Co., Kentucky</td>
<td>Lawyer, merchant</td>
<td>Father, Charles, came with Lafayette to fight in American Revolution; son, Washington, endowed DePauw University</td>
</tr>
<tr>
<td></td>
<td>William Graham</td>
<td>September 4, 1782 Ireland</td>
<td>Surveyor, farmer, trader, lawyer</td>
<td>Moved to Ind. in 1811; committee for selecting new state capital; U.S. House of Representatives, 1837-1839</td>
</tr>
<tr>
<td></td>
<td>William Lowe</td>
<td>1767 North Carolina</td>
<td>Lawyer, associate judge of circuit court</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Samuel Milroy</td>
<td>August 14, 1780 Millin Co., Pennsylvania</td>
<td>Carpenter, farmer, joiner, trader</td>
<td>Moved to Washington Co. in 1814; brigadier general of the militia; founded town of Dalphi, Carroll Co., Ind.</td>
</tr>
<tr>
<td></td>
<td>Robert McIntyre</td>
<td>1766 Chester Co., Pennsylvania</td>
<td>Farmer, justice of the peace</td>
<td>Moved to Washington Co. circa 1812; served in War of 1812; Indiana militia</td>
</tr>
<tr>
<td></td>
<td>Patrick Bead</td>
<td>1769 Londonderry, Ireland</td>
<td>Farmer, livestock dealer</td>
<td>Moved to Ind. circa 1813</td>
</tr>
<tr>
<td></td>
<td>Jeremiah Cox</td>
<td>March 3, 1793 Adams Co., Pennsylvania</td>
<td>Millar, farmer, blacksmith</td>
<td>Moved to Wayne Co. in 1806</td>
</tr>
<tr>
<td></td>
<td>Hugh Cull</td>
<td>October 1759 Havre de Grace, Maryland</td>
<td>Methodist circuit rider</td>
<td>Moved to Whitewater River Valley in 1805</td>
</tr>
<tr>
<td></td>
<td>Joseph Holman</td>
<td>October 1, 1788 Woodford Co., Kentucky</td>
<td>Merchant, tanner</td>
<td>Moved to Wayne Co. circa 1805; served in War of 1812</td>
</tr>
</tbody>
</table>
Selected Resources

A Note Regarding Resources: Items are listed on this page that enhance work with the topic discussed. Some older items, especially, may include dated practices and ideas that are no longer generally accepted. Resources reflecting current practices are noted wherever possible.

Bibliography


  Excellent standard source for Indiana history during this period.


  Lists the parts of Indiana’s Constitution which were derived from other state constitutions.


  Discusses the delegates to the 1816 convention and the sources for the Constitution.


  General overview of how Kentucky, Tennessee, Indiana, Ohio, and Illinois obtained statehood.


  Excellent standard source for Indiana history during this period.


  Excellent standard source for Indiana history during this period.


  Extensive, easy-to-read timeline of American history.


  Interesting description of verification of the handwritten copy now owned by the Indiana Historical Society.


  Informative booklet on Corydon and Indiana’s first state capitol for the Department of Conservation.


  Standard, but dated, source for Indiana history during this period.


  Outline of Indiana’s move toward statehood and problems while organizing the new state.


  Good biography of Harrison with emphasis on his political career.


  Contains important federal and state documents issued during Indiana’s statehood process; also on the Historical Bureau Web site.


  The most important resource for the 1816 constitutional convention; also on the Historical Bureau Web site.


  Provides historical background, text, and changes to the 1816 and 1851 Indiana constitutions.


  An excellent one-volume history of Indiana.


  Comprehensive examination of 1816 convention.


  Printed version of primary sources.


  Provides background and effect of 1816 Constitution.


  Printed version of primary sources.

Selected Student Resources


  Events and personalities involved; for intermediate readers.


  For intermediate students; includes references and index.


  Examines what governors, legislators, judges, and other state officials do and how their power differs from state to state.


  Writing and ratification of the U.S. Constitution; for intermediate readers.


  History of U.S. Constitution; bibliographic references, index, excellent images.


  Reasons for writing a constitution; for intermediate readers.