THE NEGRO IN INDIANA BEFORE 1900

A STUDY OF A MINORITY

EMMA LOU THORNBROUGH

3

EXCLUSION AND COLONIZATION MOVEMENTS

IN THE DECADES before the Civil War the assertion that the United States, especially the state of Indiana, was a "white man's country" became a well-worn cliché in the mouths of a certain brand of politicians. The Declaration of Independence and the Constitution of the United States, these men insisted, had been framed "by white men, for white men." To support their racial theories they also invoked divine authority. The fact that God had made one group of men of darker hue than others was evidence that He intended the darker group to be inferior to and separate from those of fairer skins. Divine Providence had ordained that Africa should be the continent of the black man and North America of the white. Arguments of this sort were repeated endlessly in support of state laws which limited or prohibited the immigration of Negroes and to justify the colonization movement which sought to remove Negroes from the United States to Africa.

In Indiana proposals both for preventing Negroes from settling in the state and for persuading or compelling those already resident there to go to Liberia found a receptive audience. They resulted first in a law adopted in 1831 which limited the right of settlement and later in an article in the second state Constitution which completely prohibited Negroes from seeking residence in the state. The white population showed considerable interest in the colonization movement, which received a blessing in the Constitution of 1851 and which was given some financial support by the state.

In enacting measures to discourage Negroes from settling within her borders Indiana was following the example of her neighbor states. Ohio laws adopted in 1804 and 1807 and the Black Law of Illinois adopted in 1819 attempted to restrict immigration. Indiana was also influenced by the acts of the slave states on the subject of free Negroes and emancipated slaves. Nearly all of the slave states had laws prohibiting free Negroes from settling within their borders or limiting their right of settlement, while laws requiring that emancipated slaves leave the state or be re-enslaved became more and more common.[1]

As shown in an earlier chapter there had been several unsuccessful attempts to pass laws on the subject of Negro immigration during the territorial period. After Indiana's admission as a state the General Assembly considered some such proposal at almost every session, although no legislation was actually adopted until 1831. Most of the measures merely sought to prevent fugitive slaves from coming into the state by requiring that Negroes show proof of their freedom, but others were more sweeping.[2] In the 1829

[1] Salmon P. Chase (ed.), *Statutes of Ohio and of the Northwest Territory, 1788-1833* (3 vols. Cincinnati, 1833), 1:55-56, 393; *Laws of Illinois,* 1819, pp. 354-55. A Kentucky law adopted in 1808 had as its preamble: "Whereas it is represented to the present assembly, that a very serious evil is likely to be produced by the emigration of emancipated slaves from different parts of the Union to this state, and that many states have passed laws compelling slaves when emancipated by citizens of their respective states to remove out of such within a given time;" therefore it was provided that any free Negro coming into the state was to be arrested and confined in jail until he gave bond to leave the state within twenty days. If unable to give the security, he was to be sold for one year. *Kentucky Digest of 1834,* 2:1220-21. A Virginia law of 1806 provided that if an emancipated slave remained in the state for more than a year, he was to lose his freedom. *Virginia Revised Code, 1819,* 1:436. A Tennessee law of 1831 provided that slaves might be emancipated only on the express condition that they would be removed from the state immediately. *Tennessee Compilation of Laws 1836,* 279.

[2] At the first session in 1816 a bill for "establishing the mode of admitting free persons of color into this state" was taken under consideration. An amendment provided that any Negro who could not prove

session Governor James B. Ray devoted a portion of his message to the General Assembly to the subject. He asserted that the laws of some of the slave states made it mandatory that Indiana take steps to protect itself from an influx of superannuated and indigent Negroes, saying: "Whilst our laws and institutions proclaim the State an asylum for the good, virtuous, and useful of all nations and colors, it is due to ourselves and to the rights of posterity, that we should not tamely submit to any imposition, which is the direct effect of foreign legislation. Though it may savour somewhat of injustice to interfere with any [Negroes] that are already here, it will still become your province as it is your right, to regulate for the future, by prompt correctives, the emigration into the State, and the continuance of *known paupers,* thrown upon us from any quarter. Such, if they cannot afford, by sureties, indemnity to our citizens in a reasonable time, should be thrown back into the State or country from whence they came." A letter from a resident of Posey County which was published about the same time in an Indianapolis newspaper reflected the popular attitude. It warned that the people of Indiana would be "recreant to their best interests and greatest duties to posterity, if they supinely continue to permit the migration of free negroes to the state. The dregs of offscourings of the slave states are most likely to change residence, and they are too incurably affected with that horrible gangrene

his right to freedom should be expelled from the state. Both amendment and bill failed to pass, but at the next session a bill regulating Negro immigration passed the House but was lost in the Senate. In 1820 a House bill requiring Negroes coming into the state to produce a freedom certificate was tabled. Another bill regulating immigration was introduced in 1821, and in 1822 the judiciary committee of the House was instructed to inquire into the expediency of such a law, but none of the proposed measures were adopted. Indiana *House Journal,* 1816-17, pp. 54-55; *ibid.,* 1817-18, p. 38; Indiana *Senate Journal,* 1817-18, pp. 75, 111; Indiana *House Journal,* 1820-21, pp. 125, 207; *ibid.,* 1821-22, p. 81; *ibid.,* 1822-23, p. 127.

of morals which slavery engenders, to be welcomed among a virtuous and intelligent people."[3]

In 1831 the General Assembly enacted legislation which embodied Governor Ray's suggestions. As originally passed by the House the bill declared that any Negro who came into the state without a certificate of freedom should be considered a fugitive slave and turned over to the sheriff to be advertised as a runaway, but this section was later dropped. As finally adopted the law did not prohibit Negroes from settling in the state, as some of the more zealous Negrophobes urged, nor did it require proof of freedom It required colored persons who came into the state to post bond of five hundred dollars as a guarantee against becoming a public charge and as a pledge of good behavior. Conviction of a crime or misdemeanor meant forfeiture of the bond. If the bond was not paid, the overseers of the poor could either remove the Negro from the state or hire him out at the best price that they could get for a period of six months. Any person who knowingly hired or harbored a Negro who came into the state without complying with the law was subject to a fine.[4]

The law satisfied for the time the demands of the portion of the population most strongly opposed to Negroes, but it was attacked by Quakers and others as being inhumane and unconstitutional. In the General Assembly there were repeated proposals for repeal or modification, usually by representatives from counties where Quakers were influential. A report of the House Judiciary Committee at the 1834-35 session expressed the opinion that portions of the law were unconstitutional and branded it as "oppressive" and "unjust." But the House voted to table the bill which the committee recommended. Efforts at repeal in later

[3] Indiana *House Journal,* 1829-30, pp. 35-36; Indianapolis *Indiana Journal,* March 3, 1830.

[4] Indiana *House Journal,* 1830-31, pp. 247-48; *Revised Laws of Indiana,* 1831, pp. 375-76.

sessions were also defeated, as was also an attempt made in the 1850-51 session to strengthen it.[5]

Although questions as to the wisdom and justice of the law continued to be raised, doubts as to its constitutionality were set aside by the Indiana Supreme Court, which upheld the law on three different occasions. The first of these cases involved a free Negro, Edward Cooper, who had settled in Vigo County following the adoption of the law and had failed to post the required bond. A justice of the peace ordered him to be hired out for six months, but Cooper appealed to the circuit court on the grounds that the law was unconstitutional. The judge of the circuit court who heard the case was Amory Kinney, the same man who years before had acted as attorney for Polly against Hyacinthe Lasselle in the case which resulted in the final extinction of slavery from Indiana. Kinney was of the opinion that the law of 1831 violated rights that were guaranteed by both the Constitutions of the United States and Indiana and ordered Cooper released. An appeal was then taken to the state Supreme Court on the issue of constitutionality. In the higher court Kinney's ruling was reversed and the law upheld in an opinion which declared: "In questions of this kind, it is our duty to decide in favour of the validity of the statute, unless its unconstitutionality is so obvious as to admit of no doubt. . . . We have examined the statute in question, and are of the opinion that the objection made to it cannot be sustained."[6]

[5] *Minutes of Indiana Yearly Meeting of Friends,* 1831, p. 14; Indiana *House Journal,* 1834-35, pp. 584-85; *ibid.,* 1848-49, pp. 84, 100; *ibid.,* 1849-50, pp. 34, 55, 97, 117-18; *ibid.,* 1850-51, pp. 516, 623. At the 1834-35 session the Senate also rejected a bill to amend the 1831 law. Indiana *Senate Journal,* 1834-35, pp. 448-49.

[6] Transcript of proceedings in case of State *v.* Cooper in Vigo County Circuit Court in Supreme Court Papers, in Archives Division, Indiana State Library, November term, 1839; State *v.* Cooper, 5 Blackford (Ind.) 258-59. The question of the constitutionality of such laws hinged principally upon the interpretation of the clause of the U. S. Constitution (Art. IV, Sec. 2) which declares: "The citizens of each state shall

In another case decided by the Supreme Court a few weeks later the principal figure was the Madison Negro, George Baptiste, mentioned in an earlier chapter as an agent of the Underground Railroad. Baptiste, who had lived in the state for several years without paying the bond which the 1831 law required, was taken before a justice of the peace who ordered him to comply with the requirement. The circuit court at Madison affirmed the ruling and ordered that a warrant be issued for the removal of Baptiste from the soil of Indiana "to the state where he last legally resided." Baptiste, who was probably being prosecuted because of his suspected activities in behalf of runaway slaves, was saved from expulsion and possible enslavement by the assistance of Stephen C. Stevens. Stevens, a former member of the Indiana Supreme Court and one of the most successful lawyers in the state, was almost unique among his colleagues at this time in being an ardent antislavery man. The brief which he filed in the Supreme Court in behalf of Baptiste was a fiery denunciation of the 1831 law and the proslavery group whom he accused of instigating it. He pointed out that the laws of several slave states provided that free Negroes who came into their borders should be sold into slavery. Hence the effect of the Indiana law might be to condemn a man who was sent to one of those states to slavery. Stevens also assailed the law as "contrary to the Universal principles of Jurisprudence acknowledged by all Christiandom and contrary to morality and religion" because it would have the effect of separating Baptiste from his wife and children since he had married after coming into the state. He attacked the order expelling Baptiste because it did not show the state from which the Negro had come nor specify where he was to be sent. He charged: "I can tell you where they will carry him. They will carry him to a distant slave state and sell him for money,—pocket

be entitled to all privileges and immunities of citizens in the several states." Opponents of the laws argued that free Negroes were citizens and that the laws violated their constitutional rights.

the money and return and say they have left him where he last came from, and none will ever know the contrary." Therefore he urged: "I then say beware how you enforce such a Statute as this. It deserves no countenance. Its principles originate in the deep and bitter enmities of persons, who are friends of absolute slavery. Persons who cannot bear with any degree of patience, to see a coloured person free. Persons whose hearts would leap for joy, if they could extend slavery into our State. Persons who warmly enter into the interests, desires & sympathies of the slave holder,—but who have no bowels of mercy for the coloured person, be them free or be them slaves."

The Supreme Court was unmoved by the argument that the law was unconstitutional but agreed that the order for Baptiste's expulsion was defective. It held that if a Negro were to be removed from the state, the overseers of the poor must determine his last place of residence and send him there, not merely expel him from Indiana.[7]

Stevens took another case, testing another part of the 1831 law, to the Supreme Court a few years later. In this case a white man, Thomas Hickland, a member of a Jennings County family that was known for its antislavery views, was charged with knowingly hiring a Negro who had come into the state since 1831 and had not posted bond. A jury in Vernon found Hickland guilty of violating the law and fined him. The case was appealed, and Stevens filed a brief with the Supreme Court attacking the constitutionality of the portion of the law involved in this case. Once more the court upheld the validity of the statute and sustained the action of the lower court.[8]

[7] Stevens' brief, signed "Pro the coloured man and the wrongfully oppressed African," in the Supreme Court Papers, November term, 1839, Box 74, No. 322; Baptiste *v.* the State, 5 Blackford (Ind.) 283-88. In spite of this reprieve Baptiste found the atmosphere of Madison so hostile that he moved to Detroit.

[8] Hickland *v.* the State, 8 Blackford (Ind.) 365-66. In the forties Stevens emerged as an antislavery leader, running for governor on the Liberty party ticket.

These cases indicate that in some counties there were at least sporadic efforts to enforce the 1831 law, but it appears that generally it was a dead letter. As opponents of the act observed, it was more of a symbol of racial prejudice than anything else. An editorial in a Richmond newspaper in 1842 inveighed against the fact that numbers of Negroes continued to settle in Wayne County in spite of the law and made a plea for its enforcement: "We presume there is not a nigger in this town that has given his bond, and any white man that employs them is daily exposing himself to an indictment and heavy fine. By enforcing this law, we should rid ourselves of a worse than useless population, drive away a gang of pilferers, make an opening for white laborers to fill the places of the blacks, and relieve our town of the odium now resting on it."[9]

An antislavery paper published in the same county denounced the editorial as an appeal to race prejudice and asserted that it had been written merely to "excite the jealousies of the vulgar, to stimulate the unprincipled to insult and abuse the colored people." As for the law of 1831—"We hardly suppose our neighbor is so ignorant as to know that this law cannot be executed, and that all the use that can be made of it is to encourage and foster that wicked policy that shall prepare the rabble to wreak its vengeance upon an inoffensive people, in acts of unrestrained licentiousness."[10]

Further evidence of the futility of the law is the fact that Cambridge City, another Wayne County community,

[9] Richmond *Jeffersonian* reprinted in *Free Labor Advocate* (Newport, Ind.), January 8, 1842.

[10] *Ibid.* Levi Coffin of Newport, Wayne County, whose activities in behalf of colored people were well known, was once summoned before a grand jury which was investigating reports that he had harbored fugitive slaves and had hired Negroes who had not given bond. Coffin admitted that he had probably violated the law, but added that he knew of no one in the county who had attempted to obey the law of 1831, which was a dead letter in that part of the state. Coffin, *Reminiscences,* 193.

passed an ordinance in 1845 requiring colored residents to appear within thirty days to give bond for good behavior and as a guarantee that they would not become public charges.[11] In 1850 in the same community a mass meeting of citizens was called for the purpose of devising the "best means, to rid our city of the very great portion of Negro citizens that now inhabit it." About the same time there appears to have been a concerted effort to compel the Negroes living in Clark County to give bond as security for their good behavior. Some of the Negroes, unable to raise the money, fled from the county. There was alarm in neighboring Floyd County lest they settle there, and the New Albany *Ledger* urged that the example of the Clark County officers be followed: "Would it not be well for our own officers to enforce the same provisions against this class? If not, we shall soon be overrun with all the worthless, idle, and dissolute Negroes in the surrounding counties."[12]

These developments occurred on the eve of the meeting of the convention to revise Indiana's Constitution. They reflected the increase in racial prejudice which led that convention to adopt an article completely excluding Negroes from settling in the state. The growing antipathy to Negroes was due in part to the tension over the slavery question which gripped the country in the years after the Mexican War. Although there were some militant opponents of slavery in Indiana, the opposition was generally milder there

11 A committee of the Cambridge City Anti-Slavery Society protested against the ordinance, asserting that the colored population of the town consisted of only three or four families, "most of whom for moral worth, and habits of temperance and industry, will compare very advantageously with citizens of the more favored complexion," and adding that the framers of the ordinance were motivated simply by prejudice. "Had they erected some standard of morality, or decency to which, all of every complexion should be answerable, it would . . . be less objectionable. But not so. The color of the skin is the offense." *Free Labor Advocate,* April 26, 1845.

12 Centreville *Indiana True Democrat,* September 17, October 4, 1850; New Albany *Daily Ledger,* August 10, 1850.

than in most Northern states. There was a widespread desire to prevent agitation on an issue which threatened to disrupt friendly relations with the states of the South.[13] At the same time there was a fear that any weakening of the slave system might result in an influx of Negroes into Indiana. Although the people of Indiana wished to maintain harmonious relations with the slave states, they also wanted to prevent immigration of Negroes from those states. The fact that Southern states were passing more and more stringent legislation on the subject of free Negroes and emancipated slaves gave an impetus to the demand for stronger measures against Negroes in the Northern states. In 1847 a constitutional convention in Illinois made it mandatory that the state legislature pass a law prohibiting Negroes from coming into the state. It was generally believed that an Ohio convention would adopt a similar article.[14]

Under these circumstances it is not surprising that the question of Negro immigration played a large part in the constitutional convention which assembled in Indianapolis in October, 1850. The following editorial from the *Indiana State Sentinel* is representative of much of the editorial comment on the subject in linking the demand for colonization with the movement for exclusion of Negroes:

[13] An editorial in the Terre Haute *Journal* reflected the popular attitude: "The negro fanaticism which prevails to such an alarming extent in many of the Northern States, has but few devotees in Indiana; and those who are tinctured with the abolition malady are in a great measure prevented from carrying their opinions into practice by the immense preponderance of the public sentiment in favor of sustaining the compromises of the constitution, the laws of the land, and the rights of our southern brethren." Reprinted in Indianapolis *Indiana State Sentinel* (semiweekly), November 21, 1850.

[14] Thorpe (ed.), *Constitutions,* 2:1009. The Ohio convention failed to adopt the Negro exclusion article although the question was debated at length. The action of Kentucky was especially influential in Indiana. The Kentucky Constitution of 1850 and legislation implementing it provided that any free Negro coming into the state or any emancipated slave who did not leave the state would be deemed guilty of a felony and subject to five years in the penitentiary. *Ibid.,* 3:1310; *Revised Statutes of Kentucky 1852,* 647.

"The slave states by common consent will adopt such stringent measures as will rid themselves of this most worthless and degraded population. In this event what is the duty of the free States? Their course is plain. Illinois and California have led the way. The emigration of colored persons is prohibited by organic law. Indiana and Ohio being border States will have to adopt similar measures for their own protection. It may be urged that such provisions are cruel and inhuman, but this is no argument when the absolute necessity of such a law arises. . . . We honestly believe that it will be to the interest of the descendants of those unfortunate beings [Negroes] now among us, to hold out every inducement and grant every facility for their removal to the land of their forefathers. This can never be done so long as a quiet home is given them in the free States. . . .

"A proposition is before the Convention, now in session, to prevent their further emigration into this State, and to prohibit their acquiring or holding real estate in future. This is the sentiment of our people, and we trust that some such measure will be inserted in our Constitution, and we shall be pleased to see a separate vote of the people for this provision. Let those tender-footed negro-loving philanthropists vote against it, and we shall see in what a hopeless minority they will stand."[15]

The strongest expressions of sentiment in favor of exclusion of Negroes came from some of the counties in the southern part of the state. In the convention, delegates from Floyd and Clark counties said that they had canvassed their districts on the issue and found their constituents

[15] Indianapolis *Indiana State Sentinel* (semiweekly), November 28, 1850. An editorial in the same paper a few weeks earlier in commenting on a meeting of Negroes in Ohio in protest over the Fugitive Slave Act of 1850 declared of the resolutions adopted by the Negroes: "They speak in trumpet tones to the orderly, law abiding people of the country. They tell the danger of encouraging a distinct and inferior race to abide in the same community with us. They are aliens and enemies, and some mode should be adopted to rid the country of their presence, or at least of preventing their further emigration." *Ibid.*, November 2, 1850.

almost unanimous in demanding that immigration be stopped. A delegate from Monroe County asserted that nineteen twentieths of the people of his county were opposed to Negro immigration and added: "We cannot be charged with inhumanity in preventing our State from being overrun with these vermin—for I say they are vermin, and I know it." On the other hand petitions were received from Randolph, Grant, and Union counties urging that colored settlers not be barred.[16]

The speeches of the advocates of exclusion ran the gamut of the arguments in defense of white supremacy. One man asserted that the white race must act in the interest of self-preservation: "However much we may pity these men [Negroes], we know that we and they cannot live together in peace. We know that when we are overrun with them—as we most assuredly will be unless we adopt some stringent measures to prevent it—there will be commenced a war which will end only in extermination of one race or the other." Another delegate declared that the races could not live together peaceably because the Negro race was "under the ban of Heaven—a curse that was pronounced upon them by Almighty God. . . . The race was cursed, and it was declared that they should be the servants. That curse has never been removed."

Another speaker, after warning that the continued influx of Negroes would create bitterness and tension, blandly suggested: "I would say—and I say it in all sincerity, and without any hard feelings toward them—that it would be better to kill them off at once, if there is no other way to get rid of them. We have not come to that point yet with the blacks, but we know how the Puritans did with the

[16] *Debates and Proceedings,* 1:445, 446, 451, 557, 989; 2:1608; *Journal of the Convention of the People of the State of Indiana to Amend the Constitution, Assembled at Indianapolis, October, 1850* (Indianapolis, 1851. Reprinted by offset by the Indiana Historical Bureau, 1936), 257, 264, 281, 285, 359, 664.

Indians, who were infinitely more magnanimous and less impudent than this colored race. . . ."[17]

A few delegates bitterly denounced the proposal for exclusion. One declared that the "proposition . . . to prohibit the immigration of any portion of God's rational human beings, born on American soil, and under the protection of the stars and stripes" was "an outrage upon all the principles of our boasted institutions. . . ." Others pointed out that any measure which endangered the basic rights of any group was a potential threat to the liberties of all. A delegate from Henry County declared that if the state had the right to exclude colored citizens of other states it might also exclude Dutchmen, Quakers, Methodists, or any other group.[18]

One of the most powerful speeches against racial discrimination was made by Daniel Crumpacker, delegate from Lake and Porter counties. He pointed to the progress that Negroes had made even while in slavery as evidence of their capacity for improvement and declared, "If we legislate for them as brutes, we shall make brutes of them. If we legislate for them as men, we shall make men of them." He also assailed the inconsistency of boasting that the United States was an asylum for the oppressed of all nations and then, "when these individuals, who have been born in the United States, but who have been so fortunate as to rise above the injustice and oppression which, at first, bound them down to slavery, present themselves at the door of our State, we reject them with scorn; we will have nothing to do with them. Because they are clothed with a dark skin, we will tread them down to earth."[19]

Arguments of this sort were unavailing, and the convention adopted an article barring Negroes from the state by a vote of 93 to 40. The vote did not follow party lines, the op-

[17] *Debates and Proceedings,* 1:446, 451, 574.
[18] *Ibid.,* 1:237, 585.
[19] *Ibid.,* 1:563.

ponents of the article being equally divided between the two parties represented in the convention. Twenty Democrats and twenty Whigs (including one Free Soil Whig) voted against the proposal. The only delegate from the extreme south to vote against the article was William McKee Dunn of Jefferson County. Most of the opponents were delegates from the Quaker counties in the east plus a small group from the counties in the extreme north.[20]

Article XIII, as incorporated into the finished Constitution, provided: "No negro or mulatto shall come into, or settle in the State, after the adoption of this Constitution." Furthermore it provided that all contracts made with a person coming into the state in violation of the article were void, while persons who employed such Negroes or encouraged them to stay in the state were subject to fines ranging up to five hundred dollars. A third section provided that money from such fines should be used to colonize Negroes already in the state. The article was submitted to the voters separately from the rest of the Constitution and was ratified by a larger vote than that given the main body of the document. In only four counties did a majority of the voters cast their ballots against Article XIII. One of these was Randolph, which had a higher ratio of Negro residents than any other county. The others were Elkhart, LaGrange, and Steuben, all of them sparsely populated counties in the far north, where there were almost no Negroes. On the other hand in Clark County the vote in favor of the article was 2,197 to 95; in Floyd County 1,711 to 143; in Knox County 1,461 to 89; in Marion County 2,505 to 308; and in Vigo County 1,974 to 107.[21]

At the first session of the General Assembly after the adoption of the new Constitution legislation was passed to

[20] *Debates and Proceedings,* 2:1817; Kettleborough, *Constitution Making,* 1:221-22: Appendix XV, 639-42. The convention was predominantly Democratic, with a total of 95 members of that party and 55 Whigs.

[21] Kettleborough, *Constitution Making,* 2:Appendix VII, 617-18; Thorpe (ed.), *Constitutions,* 2:1089-90.

enforce Article XIII. Under it Negroes were prohibited from coming into the state in the future, while those who were residents before November, 1851, were required to register with the county clerk. Those who produced witnesses to prove their right to reside in the state and who convinced the clerk that their residence was legal were to receive certificates attesting to the fact. Contracts made with Negroes who came into the state thereafter were declared void. Persons who employed Negroes in violation of the act were subject to fines of as much as five hundred dollars, while Negroes who violated the act were subject to the same penalties.[22]

Although the provisions of Article XIII and the above law appear to have met with the approbation of most of the white residents, a minority continued to denounce them and to urge their repeal. An antislavery meeting in Jefferson County adopted resolutions which declared that the article was "contrary to the Constitution of the United States, in palpable violation of the laws of God," and added: "We will suffer the penalties of an unrighteous law sooner than violate the law of a righteous God, and we will not cease our opposition until its repeal." In 1855 there was a move in the House of Representatives to introduce a constitutional amendment striking out Article XIII, but it was decisively defeated. In 1857 and 1859 there were efforts to strike out parts of the law of 1852 which imposed penalties on Negroes coming into the state, but they failed to pass.[23]

In spite of the overwhelming endorsement given to Article XIII by the voters the legislation implementing it was not systematically enforced. Like the law of 1831 it was significant primarily as an expression of racial prejudice, and

[22] *Revised Laws of Indiana,* 1852, vol. 1:376; Indiana *House Journal,* 1851-52, pp. 240, 267, 636, 1246, 1252, 1499, 1504, 1576, 1980, 2287.

[23] Indianapolis *Indiana Daily State Sentinel,* May 17, 1852; Kettleborough *Constitution Making,* 1:cxxxiii; Indiana *House Journal,* 1855, p. 785; *ibid.,* 1859, p. 198; Indiana *Senate Journal,* 1857, pp. 290, 352.

as such it probably deterred Negroes from coming into the state. The provisions of the law requiring Negro residents to register appear to have been largely ignored. Although registers were begun in most counties, the names of only a very small fraction of the Negro residents were recorded in them. Even in Clark County, where demand for an exclusion law had been loudest before the constitutional convention, only 74 Negroes were registered in the period from July, 1853, to October, 1864, although the census of 1850 showed a total of 582 in the county. In Marion County, which had one of the largest Negro populations in the state, only 25 names were recorded in the same period. In Randolph County, where Article XIII was unpopular with a majority of the people, only 12 Negroes were ever registered.[24]

Thousands of Negroes continued to live in the state without complying with the registration requirements, and only occasionally was an effort made to prosecute a person who had come into the state in violation of the law. From the records which have been found it appears that prosecutions were likely to be attempts to settle personal grudges. An example was a case which arose in Fort Wayne in 1860. A complaint was lodged against a Negro named Logan who had been an occasional resident of the city for a year or more. He was brought before the mayor and fined ten dollars for coming into the state in violation of the law. The newspaper account admitted that the affidavit against

[24] The original register for Clark County, now in the Archives Division of the Indiana State Library, contains columns for the name of the registrant, age, physical description, place of birth, residence, and names of witnesses. In the column headed "physical description" are such details as "no white blood," "teeth defective," and "slightly marked by smallpox." The register for Marion County was found in the courthouse in 1887 and its contents described in an article in the Indianapolis *Journal,* May 22, 1887. See also Tucker, *Randolph County,* 198. When a survey of county archives was undertaken in the 1930's under the Works Progress Administration, Negro registers were found in many of the courthouses of the state.

him was "undoubtedly made from personal malice." Occasionally a white resident was prosecuted for giving employment to a Negro who had come into the state contrary to the law. In Jefferson County a man named Curzy was charged with employing a Negro and furnishing him a home, although he had entered the state after the adoption of Article XIII. The lower court dismissed the case, but on an appeal to the Supreme Court the ruling was reversed.[25]

A defect of the law, from the standpoint of those who hoped that it would help rid the state of Negroes, was the fact that it made no provision for removing a person who settled in the state illegally. This was illustrated in the case of Mason Hatwood, a mulatto who had come to Daviess County about 1856 and who was tried and convicted for violating the exclusion law but continued to live in the county. In 1861 he was prosecuted again for the same offense. At his trial it was argued that he could not legally be tried twice for the same offense. His case was appealed to the Indiana Supreme Court on the grounds that the second trial was in violation of the constitutional guarantee against being put twice in jeopardy for the same offense. The Supreme Court found it unnecessary to go into the question of double jeopardy in rendering its decision but found that the action against Hatwood was barred by the statute of limitations since he had come into the state six years before the second prosecution. The court held that the exclusion law was constitutional but remarked: "It seems to be defective in failing to provide for the removal of them [Negroes violating the act] upon conviction; and, also, in making the offense a continuing one, so that they may be punished for continuing their settlement in the State after having been convicted of making it."[26]

The law, although seldom invoked, violated basic prin-

[25] Fort Wayne *Times* quoted in Indianapolis *Daily Sentinel,* August 22, 1860; State *v.* Curzy, 19 Ind. 430 (1862).

[26] Hatwood *v.* the State, 18 Ind. 492-93 (1862).

ciples of humanity. In 1851 a committee of Anti-Slavery Friends pointed out that under it the colored people of the state would be "liable to heavy fines if they but afford the duties of common hospitality to their fathers, mothers, brothers and sisters, or sons and daughters who might come to visit them from other states."[27] The provisions of the law regarding contracts, if literally applied, even had the effect of penalizing a resident of Indiana who married the resident of another state. The law was actually so applied in the case of Arthur Barkshire, a Negro who had lived in the town of Rising Sun near the Ohio border for several years prior to the adoption of the exclusion law. In 1854 he went to Ohio and brought back Elizabeth Keith. They were then married in a ceremony performed on Indiana soil. After the wedding Barkshire was charged with bringing a Negro into the state and harboring her in violation of the law and was fined $10. When the case was appealed to the Supreme Court the conviction was upheld. The court declared that Barkshire could claim no exemption from the operation of the law from "the supposed relation of husband and wife" and could be regarded "only as any other person who had encouraged the Negro woman Elizabeth to remain in the state." It was added that Elizabeth was also liable to prosecution under the law. The court declared: "The policy of the state . . . is clearly involved. It is to exclude any further ingress of negroes, and to remove those among us as speedily as possible. The 13th article of the Constitution . . . was . . . submitted to a vote of the people. . . . It is a matter of history how emphatically it was approved by the popular voice. . . .

"Marriage . . . is but a civil contract. . . . it is clearly embraced in the constitutional provision, . . . which declares all contracts made with negroes and mulattoes coming . . . contrary to the provisions of the 13th article, void. . . .

[27] Minutes of Anti-Slavery Friends (MS, Earlham College Library), 289.

A constitutional policy . . . so clearly conducive to the separation and ultimate good of both races should be rigidly enforced."[28]

The measures to prevent the migration of Negroes to Indiana constituted only one part of the efforts to preserve the soil of Indiana for white men. As the Indiana Supreme Court had observed in the Barkshire case it was also the policy of the state to remove those Negroes already resident in the state. The latter part of the policy involved the "colonization" movement, which took the form of persuading and assisting free Negroes to leave the United States and settle in the Negro republic of Liberia on the west coast of Africa.

The colonization idea had strong and lasting appeal not only in Indiana but throughout many parts of the United States. The American Colonization Society was formed in 1817 with the active support of many distinguished men of the day, including Bushrod Washington, Henry Clay, John Randolph, and Francis Scott Key. The constitution of the society declared that its sole object was "to promote and execute a plan for colonizing (with their consent) the Free People of Colour residing in our country, in Africa, or such other place as Congress shall deem most expedient. And the society shall act to effect this object, in cooperation with the General Government, and such of the States as may adopt regulations upon the subject."[29]

A memorial presented to Congress throws more light on the objects of the society. It called attention to the fact that some of the slaveholding states had enacted laws restricting emancipation out of fear of the growth of a free Negro population. The memorial pictured free Negroes as constituting a separate class, dangerous to the peace and

[28] Barkshire *v.* the State, 7 Ind. 389-91 (1856).

[29] Quoted in Early Lee Fox, *The American Colonization Society 1817-1840* (Johns Hopkins University *Studies in Historical and Political Science,* Series 37, No. 3), 47.

safety of the country. Colonization was urged as a means of removing this class of people from the United States and also as a means of elevating their condition, since it was argued that Negroes could never attain the full development of their capacities in the United States. Furthermore, colonization was presented as an instrument for missionary activity and for spreading civilization to Africa.[30]

Although the hoped-for financial aid from Congress was not forthcoming, funds were raised from various other sources, including receipts from auxiliary societies, bequests, appropriations from state legislatures, and gifts from church groups. Title to a strip of land on the west coast of Africa was acquired by the society. This was the origin of the republic of Liberia, to which a few thousand free Negroes and emancipated slaves were sent from the United States.[31]

At first the colonization movement received support in nearly all parts of the country, North and South, among men who hoped for the ultimate extinction of slavery. Its aims and efforts were endorsed by most Protestant churches, and resolutions of numerous state legislatures put their stamp of approval on the movement.[32] In the 1830's there was a split between the "immediate" abolitionists and the colonizationists. Such men as James G. Birney and Gerrit Smith, who had been colonizationists, broke away and denounced colonization as a scheme to strengthen the hold of slavery by removing all free Negroes. Colonization was also condemned as being founded on racial prejudice and as a means of strengthening prejudice. The immediatists among the antislavery men took the position that free Negroes and emancipated slaves must remain and be permitted to develop their capacities in the United States, the land of their birth.

Colonization appealed strongly to the people of Indiana,

30 Fox, *American Colonization Society,* 51-52.

31 Fox says that by 1867 the number of emancipated slaves actually sent to Liberia was six thousand. *Ibid.,* 211.

32 *Ibid.,* 78-79.

not only as a possible means for bringing about the extinction of slavery, but even more as a means of ridding Indiana of its Negro population. A report drawn up by a committee of the first session of the state legislature expressed the hope that Congress would undertake a scheme to promote the colonization of the free black population of the United States as a measure conducive to the happiness of both the white and black races. In 1825 the General Assembly concurred in a joint resolution proposed by the Ohio legislature which asked Congress for aid in promoting emancipation and foreign colonization. In 1829 another resolution was passed in favor of Federal aid to the American Colonization Society.[33]

In November, 1829, the Indiana Colonization Society was organized in Indianapolis as an auxiliary to the American Colonization Society. That interest in colonization was related to the desire to prevent Negroes from migrating to Indiana was shown in the statement of purpose of the society, which mentioned the laws of the slave states requiring the removal of emancipated slaves and declared: "The existence of these laws, and the increasing desire to be rid of the evil of slavery, is continually pouring upon the free states a flood of suspected and unwelcome population." Colonization was declared to be the solution of this problem, and it was added optimistically that there would be far greater inducement to colored people to go from the United States to Africa than there had been for Europeans to come to America. All that would be necessary to effect the exodus of the black population would be to supply the means of transportation.[34]

At the second annual meeting of the society it was reported that auxiliary societies had been formed at Richmond, Connersville, Brookville, Aurora, and Madison. Resolutions were adopted at this meeting condemning slavery as a

[33] Indiana *House Journal,* 1816-17, p. 43; *Laws of Indiana,* 1825, pp. 105-6; *ibid.,* 1828-29, pp. 153-54.

[34] Indianapolis *Indiana Journal,* November 12, 1829.

"national evil," which was "incompatible with the genius of our republican institutions." The yearly report of the society stated: "Our black population adds nothing to the strength, and little to the wealth of the nation. Let them be removed and their places supplied with intelligent freemen, and we venture to say that a saving equal to the cost of their removal would be gained in the expense of courts of justice and poor houses." The same general theme was repeated in an address at the third meeting. The object of the society was declared to be "the removal of a class of people, who though they may arise to honour and usefulness in their native country, as long as they exist *here,* must be dangerous to some, suspected by others, injurious to all, and pernicious to themselves." Another note was added, which was to be played upon constantly in later years, that the free colored population caused poor white men to suffer by competing with them for employment.[35]

The colonization societies received the support of various church groups, but as militant antislavery doctrines gained strength in the 1830's members of some denominations stopped their contributions because they felt that the evils of slavery could be remedied only by immediate emancipation and elevating the condition of Negroes within the United States. For example, an antislavery society organized at Hanover College, a Presbyterian school, in 1836, while not denouncing colonization by name, included in its constitution an article upholding the right of slaves to be free and to enjoy their freedom in America.[36]

[35] Terre Haute *Western Register,* February 5, 1831; *Indiana Journal,* January 5, 1833.

[36] *Preamble and Constitution of the Anti-Slavery Society of Hanover College and Indiana Theological Seminary* (Hanover, Ind., 1836). The treasurer's report of the Indiana Colonization Society showed contributions from Methodist and Presbyterian churches. It was customary in some churches to take up a collection for colonization on the Sunday nearest to the Fourth of July. Indianapolis *Indiana Journal,* January 12, June 22, 1833; Methodist Episcopal Church, *Minutes . . . of the South-Eastern Conference,* 1852 (Cincinnati, 1852), 37; Methodist Episcopal

The colonization question contributed to creating a schism in the Indiana Yearly Meeting of Friends which grew out of differences of opinion as to how best to deal with the slavery problem. At first the more militant opponents of slavery appeared to be in the ascendancy, and in 1836 an epistle from the committee on the concerns of the people of color urged Friends to take no part in associations on the subject of slavery which had "a tendency to promote the unrighteous work of expatriation." In 1838 the committee cautioned members against "too much countenancing the policy of the day, which denies to that class of our fellow-beings [colored people] the capacity of enjoying the natural rights of man, only on terms of expatriation, or some tedious plan of preparation." The report of the committee in 1839 expressed succinctly the conviction shared by militant antislavery men everywhere that colonization doctrines strengthened race prejudice. It expressed disapproval of a policy "by which it is proposed to remove the colored population from our country; thereby contributing to the support of that unchristian prejudice which denies to the colored man privileges that we claim for ourselves; professing much opposition to slavery, and at the same time attaching burdensome conditions to their plan of emancipation."[37]

In spite of the adoption of these resolutions Indiana Friends became increasingly divided over the question of whether members should be active in antislavery societies outside the Society of Friends. In 1841 in an effort to quiet the turmoil, the Yearly Meeting closed meetinghouses to antislavery lectures. In spite of this action the more extreme antislavery Quakers, who were most numerous in the vicinity of Newport in Wayne County, continued their activity in antislavery societies. In 1842 an open break occurred when

Church, *Minutes of the Indiana Annual Conference,* 1862-63 (Cincinnati, 1863), 15.

[37] *Minutes of the Indiana Yearly Meeting of Friends,* 1836, p. 16; 1838, p. 19; 1839, p. 24.

the conservatives, who controlled the Indiana Yearly Meeting, "disqualified for usefulness" on important committees eight of the leading antislavery Quakers. The radicals responded by organizing the Indiana Yearly Meeting of Anti-Slavery Friends, a group to which perhaps two thousand members out of the twenty-five thousand Friends in Indiana adhered. The members of the schismatic group continued to oppose colonization vigorously.[38]

An even more formidable obstacle to the success of the colonization movement than the opposition of the abolitionists was the lack of enthusiasm displayed by the colored population. From the beginning Negroes were suspicious of the motives of the colonizationists and ready to resist efforts to expatriate them. Only a few weeks after the organization of the American Colonization Society resolutions against African colonization were adopted by a meeting of free colored residents of Richmond, Virginia. They declared: "We prefer being colonized in the most remote corner of the land of our nativity, to being exiled to a foreign country."[39]

Efforts to persuade them to leave the land of their birth stimulated a feeling of national consciousness and played an important part in uniting Negroes in all parts of the North. Opposition to colonization was a powerful reason for the development of the Negro convention movement. At the first National Negro Convention, which met in Philadelphia in September, 1830, an "Address to the Free People of Color of these United States," was issued which said in part: "We who have been born and nurtured on this soil, we,

[38] A brief account of the schism is given in Thomas E. Drake, *Quakers and Slavery in America* (New Haven, 1950), 162-65. Walter Edgerton, *A History of the Separation in Indiana Yearly Meeting of Friends . . .* (Cincinnati, 1856), is a detailed account written by one of the leading members of the Anti-Slavery Friends.

[39] Quoted in Bella Gross, *Clarion Call: History and Development of the Negro People's Convention Movement in the United States from 1817 to 1840* (New York, 1947), 5.

whose habits, manners and customs are the same in common with other Americans, can never consent to take our lives in our hands, and be the bearers of the redress offered by that Colonization Society to that much afflicted country. . . .

"Tell it not to the barbarians, lest they refuse to be civilized and eject our christian missionaries from among them, that in the nineteenth century of the christian era, laws have been enacted in some of the states of this great republic, to compel an unprotected and harmless portion of our brethren, to leave their homes and seek an asylum in foreign climes."[40]

Efforts to persuade Indiana Negroes to go to Africa generally encountered the same spirit of resistance, although a small group were favorably impressed by the arguments of the colonizationists. E. S. Abdy, an English traveler who visited the Negro settlers near Madison in the early thirties, spoke of their reactions to efforts of their white neighbors to persuade them to go to Liberia. The Negroes resented the attempts especially since they were made in the guise of appeals to religion. "These importunate solicitations, too, were doubly galling, as they came chiefly from the teachers of a Sunday school, which had been established by some whites, who thus took advantage of the opportunities they had, while instructing the children, to urge upon the parents the necessity of emigrating to the promised land." The parents, according to Abdy, were unmoved by the appeals and regarded colonization merely as a scheme with "nothing to recommend it but the hope that it held out [to the whites] of lessening their [the Negroes'] numbers, and perpetuating their degradation."[41]

Opposition to colonization was the principal factor in the movement for the calling of the first state convention of Indiana Negroes of which any record has been found. During the winter of 1841-42 a meeting in Madison adopted res-

[40] Quoted in *ibid.*, 11.

[41] Abdy, *Journal of a Residence*, 2:365-66.

olutions to the effect that: "No well informed colonizationist is a devoted friend to the moral elevation of the people of color." At the same time the group called upon Negroes in other parts of the state to hold meetings. In January at a meeting in the African M. E. church in Indianapolis the question of a state convention was discussed and resolutions were adopted endorsing the Madison resolution. A committee was appointed to correspond with colored people throughout the state in preparation for a convention in Terre Haute. After these preliminaries a convention of some sort appears to have been held in Terre Haute although no record of it appeared in the newspapers. The delegates expressed opposition to African colonization but showed an interest in the possibility of migrating to the Oregon country.[42]

Meanwhile, the Indiana Colonization Society had languished and become inactive in 1838, but it was revived in 1845. At that time the Reverend B. T. Kavanaugh was appointed as an agent of the American Colonization Society for Indiana and Wisconsin.[43] In an effort to overcome the prejudice of the Negroes against Africa the society voted to send a colored man in whom the colored people of the state would have confidence to Liberia as an agent to investigate and report upon conditions there. William B. Revels, an itinerant preacher of the African M. E. church, who was recommended by a white Methodist minister of Terre Haute, was selected for the assignment. Meetings of colored people

[42] Indianapolis *Indiana State Sentinel,* March 1, 1842; *Free Labor Advocate* (Newport, Ind.), December 21, 1842. The movement for a convention appears to have been inspired in part by an appeal of Philadelphia Friends for a national convention of colored people in Philadelphia, but the author has found no evidence that any Indiana Negroes attended such a national convention.

[43] *The African Repository and Colonial Journal* (Washington, D. C.), 22 (1846) :176. Concerning the revival of the society, an antislavery newspaper remarked: "Seventeen citizens of the city of Indianapolis have agreed to exhume the society for manufacturing *prejudice against color.*" *Indiana Freeman* quoted in *Indiana State Sentinel* (semiweekly), April 2, 1846. By 1846 there were auxiliary societies in fifteen counties as well as in several towns.

at Terre Haute and Lafayette were reported to have endorsed the plan, and other meetings throughout the state were planned to arouse interest. However, Revels suddenly resigned after he was bombarded with letters protesting his proposed trip and his association with the colonization movement. The letters were said to hold out the threat that he could never again hope to be received as a regular minister of the African M. E. church if he accepted the post. He refused to go ahead with the proposed visit, and the colonizationists were left in an embarrassing position.[44]

In spite of the unco-operative spirit manifested by the Negroes, or perhaps because of it, Indiana politicians gave increasing support to the colonization movement. A joint resolution adopted by the General Assembly in February, 1848, praised the efforts of the American Colonization Society and declared that, "while we should rejoice in the universal emancipation of the slave, we can never consent that Indiana shall be made the receptacle of manumitted negroes of other states, as their color and character would forbid political and social equality, and their migration here could but be injurious to us and detrimental to them." The following session passed a similar resolution and called for the recognition of the independence and sovereignty of Liberia "to make it as attractive as possible."[45] A House committee report of the 1849 session predicted that internecine warfare would result if the white and colored races were not separated through colonization.[46]

[44] Indianapolis *Indiana State Sentinel* (weekly), April 30, 1846. It is possible that "William" Revels mentioned in the newspaper account was the Willis Revels who later served as pastor of the Bethel Church in Indianapolis during the Civil War.

[45] *Laws of Indiana,* 1847-48, pp. 111-12; *ibid.,* 1848-49, p. 156.

[46] Indiana *House Journal,* 1849-50, pp. 598-602. At this session a memorial was presented from the Covington Colonization Society asking financial assistance for certain colored persons who wished to go to Liberia but were prevented from going because of lack of funds. The select committee to which the memorial was referred expressed sympathy for the plight of the Negroes but it did not recommend an appropriation in view of the "embarrassed condition" of the treasury. *Ibid.,* 599.

In his message to the General Assembly in 1850 Governor Joseph A. Wright asked that state funds be appropriated for putting a colonization agent in the field and for establishing Indiana's own settlement in Liberia. He called attention to the fact that "our southern brethren are making rapid movements toward abridging the privileges of this class [free Negroes] even to banishment," while the Northern states "are adopting extraordinary means for removing them, by prohibiting them from holding property, excluding them from the protection of the laws, and denying them any rights whatever." The answer to this deplorable situation he insisted was colonization in Liberia, and he called upon Indiana to take her stand in "this great struggle for the separation of the black man from the white."[47]

In the constitutional convention of 1850-51 the two ideas of exclusion and colonization were inseparably linked. Speakers who urged measures to prevent the migration of Negroes nearly always coupled them with proposals for removing the colored residents of the state to Liberia. The more extreme members of the convention sought to make conditions so unattractive for those Negroes already residing in Indiana that they would have no alternative but to leave the country. At the same time these gentlemen invariably expressed an abhorrence of slavery and professed an interest in the welfare of the colored race. The following remarks of one delegate are typical and revealing: "The negro race and the white race cannot live together; and it behooves us, under these circumstances, not only to furnish no encouragement to the colored race to enter our borders, but effectually to protect ourselves against their entrance. Nay, more; we must not afford encouragement to those who are already here to remain here. We have a colony on the coast of Africa of his own race, but there the negro will not go if he can help it. No, no; he wishes to be fed and fostered here, with the hope of being put upon an equality with the white

[47] Indiana *House Journal*, 1850-51, p. 39.

man. So long as he has friends among the whites, so long as he may hold property and transmit it, so long as he can find friends in the State, you can never induce him to leave the country and go to Africa, although I believe the scheme of African colonization is one of the most benevolent that ever was attempted."[48]

Another delegate declared that the best thing that could be done for the Negroes of Indiana was to send them to Liberia. He added: "And to have the proper effect upon the colored population, they should be told from this chamber, by the voices of people assembled, in the persons of their delegates, that they must emigrate to Liberia, and that they need hope for no extension of political privileges, and no amelioration of their present condition in Indiana. But, sir, so long as delusive hopes are cherished of their being favored, so long as efforts are made by a certain class in their behalf, so long will the negroes look upon this as their home, and clamor for protection and political privileges."[49]

One of the means used to persuade the Negroes that the only prospect of bettering their condition lay in going to Africa was a proposal to prevent them from acquiring property in Indiana. A delegate from Washington County, speaking in favor of this inducement to colonization, declared that Africa was the land of the Negro and that he should return there. "I shall favor that proposition which tends to increase their disabilities, with the confident hope that the results will be most advantageous to themselves. When they discover that they can never be elevated to the rank of citizens amongst us, then, and not until then, will they feel that their own welfare, as well as the redemption of their race, are involved in accepting the proffered bounty of their friends."[50]

Expressions of this sort of "humanitarian" interest in the black race finally moved a delegate to exclaim: "Sir,

48 *Debates and Proceedings*, 1:448-49.
49 *Ibid.*, 1:248-49.
50 *Ibid.*, 1:604.

with your permission and the permission of the Christian world generally, I unhesitatingly say, d—n such humanity. If such sentiments and conduct constitute him a man of humanity, I would ask what would constitute him a barbarian? . . . I do object to the use of the word humanity, in connection with sentiments and conduct that would make a decent devil blush."[51]

A more moderate point of view was represented by Robert Dale Owen, who expressed the opinion that in view of the popular prejudice against Negroes the only solution of the problem lay in separation of the races through colonization. "To those whom we are not willing to treat here as men ought to be treated, let us afford the chance of seeking a free home elsewhere." He proposed using the revenue from the swamp lands of Indiana for a colonization fund.[52]

This latter proposal met with no support, and in the end the convention also rejected the proposal to deny the right of acquiring property. However, a section was incorporated into Article XIII which provided that all fines collected for any violation of the article or the violation of any exclusion law which might be passed should be set aside for the colonization of Negroes already resident in Indiana.[53]

In his first message to the legislature after the adoption of the new Constitution Governor Wright called attention to the fact that Article XIII had been adopted with near unanimity and urged legislation to carry it into effect.

[51] *Debates and Proceedings,* 2:1932-33.

[52] *Ibid.,* 2:1792-93, 1817.

[53] *Ibid.,* 2:1819. The idea of denying Negroes the right to acquire and hold property was not killed in the convention. In 1853 a representative from Vigo County introduced in the General Assembly "A bill to encourage a spirit of colonization by preventing negroes and mulattoes from acquiring real estate." The committee to which the bill was referred reported an additional section which would have made it a misdemeanor for a white person to give, sell, or convey real estate to a Negro. At this point one representative proposed another amendment offering a bounty for the taking of Negro scalps. None of the proposals were adopted. Indiana *House Journal,* 1853, pp. 272, 386-87.

Again he called for state aid for colonization "to restore the black man to the land of his fathers, benefit his condition, and remove from us this great source of evil."[54] At this session legislation was passed creating a state fund for colonizing Negroes who had been resident of the state before the adoption of the new Constitution. The fund was to consist of five thousand dollars appropriated by the state for the year 1852 plus any fines collected for violation of Article XIII and voluntary contributions. Three thousand dollars were to be used to buy land in Africa for an Indiana colony. This was to be allotted in grants of one hundred acres to Negroes who would emigrate. In addition the State Board of Colonization was authorized to grant fifty dollars to each Negro emigrant.[55]

In spite of prolonged correspondence and negotiations land for a separate Indiana colony was not acquired, but in 1853 the General Assembly authorized a paid agent to promote colonization under the State Board of Colonization. James Mitchell, a Negro Methodist minister, who had been acting as agent for the Indiana Colonization Society, urged that the position should be filled "by a man of color devoted to the separation of the races." He asserted that this step would do more than anything else to help the cause of colonization among Indiana Negroes. By carrying forward a state-supported program of colonization he assured the legislators Indiana would become a bright example to her sister states. "Humanity, as well as the reputation of your State, demand benevolent measures in regard to your colored inhabitants; and undoubtedly Indiana will be infinitely the gainer by such, for with her well digested *separation policy* firmly based on the rights of races, . . . she will present alike a brazen and unbroken front on her northeast border, to that crude and thoughtless benevolence which would Africanise a continent, given by Providence to the white

[54] *Ibid.*, 1851-52, p. 23.

[55] *Revised Laws of Indiana,* 1852, vol. 1:222-23.

races, and the equally unjust aggressions of the South whereby she would throw off, and force upon a homogeneous, peaceful and democratic people, an incompatible and servile race, to disturb the republican institutions of your commonwealth."[56]

John McKay, another colored minister, was appointed as agent of the State Board of Colonization, while Mitchell was employed as secretary. It was planned that McKay should travel to Liberia to negotiate for the purchase of land and that on his return he should travel over the state promoting interest in colonization among the colored population. McKay made the trip to Africa, Mitchell continued to file optimistic reports, the legislature continued to appropriate money to aid colonization, but few Negroes were transported to Africa.

At the 1855 session of the legislature, a select committee headed by Thomas Stanton of Wayne County presented an indictment of the colonization scheme, declaring that it "originated in the basest motives and from the most mercenary considerations. It is one of the offspring of slavery . . . intended to remove the free blacks from the country in order to increase the value and security . . . of slaves." The committee recommended that "instead of making large appropriations for their expatriation, such sum be appropriated for the education and elevation of this class in our midst; and thus make virtuous and intelligent citizens out of those whom our policy has hitherto kept in ignorance and degradation." But the views expressed were those of a hopeless minority. The report was tabled without a roll call, and instead of following its recommendations the legislature authorized an increase in the amount of money which the state was giving to assist emigration.[57]

[56] Indiana *House Journal,* 1853, pp. 566-67; *Laws of Indiana,* 1853, p. 23. For a resumé of the negotiations with Liberia, see *House Journal,* 1857, pp. 485-96.

[57] Indiana *House Journal,* 1855, pp. 885-89; *Laws of Indiana,* 1855, p. 88.

But although James Mitchell reported that, "Africa, as the home of the free colored man, where he may move in the true dignity of his nature, is becoming increasingly inviting," none of the inducements which were held out persuaded Negroes to leave. Except for the salary of the secretary most of the money appropriated by the legislature went unspent because Negroes showed a stubborn attachment to the land of their birth. Even increasing evidences of racial intolerance in Indiana during the fifties did not make Africa any more attractive.

Various efforts were made to counteract the antipathy to expatriation. One method was to publish letters from colored men urging members of their race to emigrate. For example, the report of the Indiana Colonization Society contained a letter from William Findlay of Covington explaining the reasons for his desire to go to Liberia. Since he could not find freedom in the United States, he intended to seek it in Liberia and urged others to go with him "to that land of liberty, where we may likewise aid in the elevation of our whole race." He expressed the opinion that Providence would ultimately bring about the extinction of slavery in the United States but doubted whether it was the will of Providence that the colored race should enjoy social equality with the white race.[58] After his emigration Findlay wrote to James Mitchell that he had become "a true Liberian in feeling." He urged other Negroes to come to Africa, asserting that more emigrants were needed in order that the Negroes from America might be able to protect themselves against the native tribes, who apparently did not welcome the newcomers.[59]

Another emigrant, S. B. Webster, who had been a barber in Lafayette, wrote an enthusiastic account of Liberia, which was published in Indiana newspapers. In describing the

[58] *Report of Rev. John McKay, Colored Agent of the State Board of Colonization. On Liberia* (Indianapolis, 1854), 36-38.

[59] Indianapolis *Indiana Daily State Sentinel,* August 9, 1852.

beauties of the valley of the St. Paul River he declared, "There are no parts of the Wabash, from its mouth to its head that can in any way compare with it in beauty and fertility. I positively saw with my own eyes, large fields of sugar cane and drank the syrup made of it; and as fine specimens of coffee as the world produces. I also saw rice, cotton, cassada, yams, chickens in abundance, cats, dogs, &c. as fine, if not finer hogs, than you see running around the streets of Lafayette, and plenty of them." In describing Monrovia, the capital, he said that the houses were much better than those occupied by colored people in the United States. Of the other Negroes who had gone from Indiana to Liberia, he asserted: "They all say that they have no desire to return to America."[60]

Despite accounts such as this, few Indiana Negroes chose to leave. Three from the northern part of the state apparently went to Liberia in 1849, sailing from New York. The aforementioned Findlay and his party probably went the same year by way of New Orleans. In 1852 James Mitchell reported that he had letters of application which showed that at least seventy-five people in Indiana wished to go to Liberia, but there is no evidence that any such number actually went. The largest group appears to have gone in 1853 with John McKay. He sailed from Baltimore in November, 1853, with a party of twenty-five. A total of thirty-three persons went from Indiana that year. Mitchell reported that a much larger number had sent in applications but that "owing to the labored efforts of those unfriendly to Liberian emigration, many were hindered" from going.[61]

[60] Lafayette *Journal* reprinted in Indianapolis *Daily State Sentinel,* April 2, 1853.

[61] Indianapolis *Indiana State Journal,* December 24, 1849; *Answer of the Agent of the Indiana Colonization Society to the Resolution of Inquiry on the Subject of African Colonization. . .* (Indianapolis, 1852), 15; *Report of the Secretary of the State Board of Colonization of the State of Indiana to the Governor for 1853* (Indianapolis, 1853), 9. The state of Indiana appears to have paid $3,000 to the American Colonization Society for the purpose of transporting Negroes to Liberia. Most of the Negroes

In 1854 fourteen persons embarked for Africa—a family from Putnam County and one from the town of Montezuma.[62]

Although state aid to emigrants was increased in 1855, not a single Negro from Indiana went to Liberia that year. Over fifty had been prevailed upon to agree to emigrate, but in the words of the secretary of the Colonization Board: "Owing to unexpected adverse influences which the board could not foresee, counteract, nor control, when the time for departure for the port of embarkation came, the acting Agent suddenly resigned, and the emigrants refused to go, except one family, and they were in such a condition of destitution and sickness that it was deemed inadvisable to send them at that time."[63] After this fiasco not a single application for transportation was received, and colonization efforts were at a standstill.[64]

As a means of reducing the Negro population of Indiana, colonization was a total failure, but politicians continued to profess devotion to the movement. Even after the outbreak of the Civil War some leaders continued to insist that the solution of the race problem lay in removing Negroes from the soil of the United States. Former Governor Wright, now a member of the United States Senate, was a typical

who went contributed nothing to the cost of their own transportation. State grants were sometimes supplemented by private donations. *Ibid.*, 14-15.

62 *African Repository,* 3(1854) :381.

63 Indiana *House Journal,* 1857, p. 125; *Report of the Secretary of the State Board of Colonization to the General Assembly* (Indianapolis, 1857), [333].

64 The report of the secretary of the State Colonization Board to the legislature in 1859 showed that to the end of 1858, out of a total appropriation of $15,000, only $6,499 had been spent, of which $3,025 had been for the salary of the secretary. Although not a single application from Negroes desiring to emigrate was received after 1856, the legislation on colonization remained on the statute books until 1865. Apparently the secretary continued to draw a salary throughout the entire period. In 1865 the legislature repealed that part of the law which provided state funds for salaries of the secretary and agent. Indiana *House Journal,* 1859, pp. 278-82, 420, 760; *Laws of Indiana,* 1865, p. 63.

example. He continued to praise Indiana's exclusion policy and to insist that any program of emancipation which might result from the war must be coupled with colonization. In a speech in the Senate in April, 1862, he warned: "We intend to have in our State, as far as possible, a white population, and we do not intend to have our jails and penitentiaries filled with free blacks."[65]

President Lincoln favored colonization in principle, and several measures adopted by Congress during the early part of the war contained support for colonization. The Reverend James Mitchell, who had served as secretary of the Indiana Colonization Board, was appointed by Lincoln as Agent of Emigration under the Secretary of the Interior, Caleb B. Smith of Indiana, a conservative Republican opposed to abolition. Presumably it was hoped that the appointment of Mitchell would win the confidence and support of northern Negroes for colonization schemes. In his new position Mitchell published at government expense a plea entitled, *Letter on the Relation of the White and African Races in the United States Showing the Necessity of Colonizing the Latter.* The letter, which was addressed to the President of the United States, contained all of the stereotyped arguments in favor of separation of the races, including a warning of race warfare and amalgamation of the races if colonization was not carried out.[66]

Even after the Emancipation Proclamation, which made colonization schemes more unrealistic than ever, some groups continued to urge Negro emigration. The secretary of the Indiana Board of Colonization continued to make reports, although no Negroes had left Indiana for Africa since 1855.

[65] *Congressional Globe,* 37 Congress, 2 session, 1468; Indianapolis *Daily Journal,* April 9, 1862. The occasion for Wright's speech was the debate over emancipation in the District of Columbia.

[66] *Report on Colonization and Emigration Made to the Secretary of the Interior* (Washington, D. C., 1862), *passim; Letter on the Relation of the White and African Races in the United States, Showing the Necessity of the Colonization of the Latter* (Washington, D. C., 1862); Benjamin Quarles, *The Negro in the Civil War* (Boston, 1953), 146.

In the last report, which covered the year 1863, there was an admission that colonization had been a failure so far as Indiana Negroes were concerned. The writer predicted however that after the war returning white soldiers might take jobs away from Negroes and that this might lead to a clamor among Negroes to go to Africa. But he warned that the outcome of the war might also mean greater equality for the Negro, and if this should be the case, he prophesied with more accuracy than elegance that all colonization efforts would be "a stink in the African nostril."[67]

[67] *Report on Colonization for 1863 to the State Board* (Indianapolis, 1864), 493-95.