

## NEW FACTS ABOUT THE CORYDON STATE HOUSE.

BY ETHEL CLELAND.

[In response to certain inquiries by Senator E. B. Stotsenburg, of New Albany, regarding the early history of the old State House at Corydon, Miss Ethel Cleland, of the State Library, after a careful examination of such source material as exists in the library, made the following report. Senator Stotsenburg's immediate interest was in the purchase and preservation of the historic building by the State.—EDITOR.]

UPON a request for information received by the Legislative Reference Department of the Indiana State Library in regard to "the erection of the first State House at Corydon . . . the bill or bills providing for the purchase of the ground and the erection of the building and the surrender of the ground to Harrison county," the ensuing investigation was undertaken.

After a cursory survey of the subject the question became, to show first whether the State ever owned such ground or buildings, and if not, who did, and by what right the State occupied them. The sources of information consulted are (1) the territorial acts, (2) the early State laws, (3) the early legislative journals, (4) the limited historical material in the State Library on the subject.

### (1) TERRITORIAL LAWS.

In 1810 the territorial Legislature passed a law, "providing for fixing the permanent seat of government" (Territorial Laws, 1810, p. 72). In the preamble to this law we find the following:

"Whereas, it appears from an inspection of the map of the territory, a knowledge of the position of the several Indian tribes, and the probable direction of future extinguishments of Indian title, and of future settlements, that a position which will for a great number of years be central both as to extinguished title and population, is to be found within the bounds of the tract ceded to the United States by the late treaty of Fort Wayne; And whereas, the circumstance of the said tract being unbroken upon by purchasers and still the property of the United States, affords an op-

portunity of selecting a proper site for a seat of government, which, if procured on account of the territory, either by purchase or donation from the United States, and the proceeds of the sale of the lots appropriated to the erection of public building, would be the means of procuring the speedy completion of said building and relieve the people from a very considerable burden."

The law, briefly, appoints commissioners to select a site, provides for a petition to Congress to grant to the territory the right of locating within the bounds of the tract mentioned in the preamble, gives the location of the tract, suggests the location of the site, and provides for filling vacancies among the commissioners. It outlines their duties in a general way, the reports to be made and the action of the Governor in case of a disagreement among the commissioners (giving him power to locate the site in such case). If the United States should refuse to give the territory a tract of land, the Governor is authorized to buy a tract of land, borrowing the money, if necessary.

How far the provisions of this act were carried out finally, what reports were made to the Governor, etc., it has been impossible to find out. In the *Western Sun* of June 8, 1811, in a summary of the legislation enacted in 1810, brief mention is made of this act and in the same paper of December 28, 1811, in the resume of legislation of 1811, it is stated that the question was up constantly for a debate during that session—Madison having been particularly advocated as the new capital—but no action was taken.

In 1813 Corydon was fixed as the seat of government by "An act to remove the seat of government from the town of Vincennes to the town of Corydon, in the county of Harrison" (*Territorial Laws*, 1813, p. 51). This act is entirely silent on the subject of property or quarters to be occupied by the Legislature or the judges of the general court. In the laws of the same year, (1813, p. 80), an appropriation is made to one Mark Barnett "for rent of two rooms for the use of both houses of Legislature during the present session," which, of course, was held in Vincennes, showing that the Legislature rented quarters previous to removing to Corydon.

The territorial laws of 1814 contain nothing bearing on this question. In the territorial laws of 1815 we find (p. 72) an appropriation to Elizabeth Spencer for house rent, but it does not state that it was for the use of the Legislature. However, a joint resolution of the same year (p. 117) grants the same person "a further allowance for candles and house rent for the present session." From this it would seem that the Legislature rented quarters when the capital was first removed to Corydon. Another resolution of 1815 (p. 115) bears so directly on the courthouse (later called State House) of Corydon that it is quoted in full:

"A resolution for the relief of Dennis Pennington.

"Whereas, it has been represented to this Legislature, that Dennis Pennington, who was the undertaker for erecting the Court House in Corydon, in consequence of not receiving the money as contracted to be paid, has been compelled to pay a considerable sum, in interest, etc. And whereas, the circuit court for Harrison county, do not conceive, that they have any power, by any existing law, to give the said Pennington relief,

"Therefore, Be it resolved by the Legislative Council and House of Representatives, That the associate judges for the county of Harrison be, and they are hereby authorized to make to said Pennington, any other and further allowance, as from a view of the whole circumstance, shall be considered by them equitable and just, to be paid out of the county funds as in other cases.

"This resolution to take effect from its passage."

## (2) EARLY STATE LAWS.

In 1816 the Constitutional Convention fixed the seat of government at Corydon "until the year 1825, and until removed by law" (Journal of the Constitutional Convention of 1816, p. 61). In the Federal Enabling Act of 1816 four sections of land are granted to the State for the purpose of fixing the seat of government thereon. The Legislature in 1820 (Laws of 1819-20, p. 18) appointed "Commissioners to select and locate a site for the perma-

nent seat of government." But neither in this act nor in the subsequent acts of 1821, 1822, 1823, 1824 and 1825 is there any mention of State property and buildings in Corydon or the disposal thereof, except, in a joint resolution of 1824 (Laws of 1823-24, p. 113) the State Treasurer is authorized to sell such furniture belonging to the State as could not be removed to Indianapolis. There are three other resolutions that seem to have a bearing on the question—one in 1816 (Laws of 1816, p. 249) in which the Legislature adjourned the circuit court from the courthouse in Harrison county to meet in the seminary in Corydon while the Legislature was in session; a similar resolution in 1820 (Laws of 1820-21, p. 132) adjourning the circuit court to meet in a private house, at the date the Legislature convened; while another resolution of the same session (Laws of 1820-21, p. 142) authorizes repairs to the "State House" for the next session of the Legislature (evidently the building was known indiscriminately as "Court House" and "State House"), these repairs to be paid for from the State treasury.

### (3) EARLY LEGISLATIVE JOURNALS.

In the Senate Journal of 1816-17 (p. 22) we find the following: "Resolved, By the Senate that the select committee to whom was referred an investigation of private engagements to provide a house for the Governor, etc., etc., be instructed to enquire what is the situation of the right of occupancy of the General Assembly to the Court House of the county of Harrison, and what privileges have been granted by the county court or citizens of said county, and what measures may be necessary to be adopted for the future accommodation of the Legislature during the continuance of the seat of government at Corydon, and that the House of Representatives be requested to give similar instructions to their committee with leave to report thereon."

A similar resolution was adopted in the House (House Journal, 1816-17, p. 27), and a joint committee was appointed to investigate the matter (Senate Journal, 1816-17, p. 23, and House Journal, 1816-17, p. 27). The report of this committee is found on page 57 of the House Journal of 1816-17, as follows:

"Your committee have made the enquiry into the right of occupancy of the Court House in Corydon for the use of the State, and find that the associate judges of Harrison county, June term, special court 1816, made the following order, to-wit:

"Ordered, That the Court House of Harrison county in the town of Corydon, be tendered to the Territorial and State Legislature, for their use as a State House so long as Corydon shall remain the seat of government."

"If the courthouse be sufficiently guaranteed to the General Assembly of the State of Indiana by the above order, your committee would recommend to the General Assembly to devote the room occupied by the clerk's office in the Court House, to the Auditor for an office, and that another room in said house be devoted to the Secretary of State for an office, and further we would recommend that the books and papers belonging to the legislative department be deposited in the secretary's office.

"The committee are decidedly of opinion that more substantial assurances ought to be given to the General Assembly by the citizens or court of Harrison county, for the use of the Court House for the benefit of the State while the seat of government remains at Corydon."

#### (4) HISTORICAL MATERIAL.

From a pamphlet by William H. Roose, "Indiana's Birthplace, a History of Harrison County, Indiana," in which, however, no citations are made as to authorities, we find (p. 21), that on the 9th day of March, 1809, a contract was let to Dennis Pennington by certain judges for the building of a courthouse, which was built in 1811 and 1812. From this it would appear that the courthouse, which was the same building later known as the State House, was contracted for a year before the plan of changing the capital from Vincennes was put forward and completed a year before it was decided that Corydon should be the capital.

Another interesting agreement, similar to the one which we have shown was made as regards the quarters of the Legislature in the courthouse, was a contract entered into by citizens of Harrison county to furnish a convenient dwelling for the Governor,

and, it would appear, to pay certain sums of money for the use of the State, which was also the subject of investigation at this time (Session of 1816-17). In the Treasurer's and Auditor's Reports of 1816 (Senate Journal, 1817-18, p. 19); 1817 (Senate Journal, 1818-19, p. 39); 1820 (Senate Journal, 1820-21, p. 29); 1821-22 (Laws of 1822-23, p. 155); and no doubt in others not completely investigated, we find, in the receipts of money by the State, sums recovered from sundry citizens of Harrison county on suit instituted on bond executed by them.

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#### DENNIS PENNINGTON AND THE OLD STATE HOUSE.

[D. T. Stephenson, in *The Indianapolis News*.]

When a mere boy I frequently saw the Hon. Dennis Pennington at my father's home in Corydon, and I have some little recollection of some of their talks of the building of the stone structure at Corydon.

As I now recall, General Harrison used to put up at Corydon overnight in his visits from his Ohio home to his mill west of Corydon, and also in going to and from the territorial capital at Vincennes, and was so favorably impressed with its location that the people of Corydon and Harrison county had the general's assurance that Corydon should have the territorial seat of government, and that the material and size of the building was measurably determined by General Harrison's suggestions. My father came to Corydon from Ohio in 1819, and Mr. Pennington was among one of his first acquaintances formed on his arrival in Indiana, and continued during the remainder of Mr. Pennington's life.

While I do not know anything of the records relative to the construction, I was impressed by Mr. Pennington's line of narration that the building was built with the view of being used for occupancy as territorial and State capitol building.