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Admission of Indiana Into the Union of States

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It was 109 years ago today that the final step was taken admitting Indiana into the Sisterhood of States. She was the nineteenth state, the sixth to be admitted after the adoption of the Constitution.

As we all know, there were thirteen states to start with, counting the belated North Carolina and Rhode Island. The Constitution had been in operation almost two years before Rhode Island came in under it. Rhode Island had no representative in the constitutional convention of 1787 and she was seldom represented in the old Congress of the Confederation. She was a "land of the otherwise minded."

Indiana came in eagerly enough, and after the usual fashion. There was a regular way for making states out of territories. Congress by an Organizing Act had previously organized the Territory, laying out its metes and bounds and providing a civil government for its people with a certain amount of local self government, more or less. This Organizing Act was the constitution of the Territory and was subject to change, or revision, by Congress at any time. Such a constitution was not the people's own, but was imposed upon the Territory by the power of Congress. Such a form of government is, however, a grade higher than military government or some absolute system which is first exercised over conquered or ceded territory.

When conditions seem to justify it, the people of the Territory, through their Territorial Assembly, petition for statehood. If Congress is well disposed, that body passes an Enabling Act, authorizing, or enabling, the people of the Territory to elect representatives to a constitutional convention which is charged with the duty of drawing up a constitution for the prospective state. This constitution is submitted for the approval of Congress and if it is found acceptable, being republican in form, the two houses of Congress pass an act, or joint resolution, admitting the state. When this act is signed by the President the deed is done.

This is the regular process made and provided for admitting a state. There have been exceptions. Kentucky and Maine were exceptions. These territories did not belong to the United States. They belonged to Virginia and Massachusetts, respectively, and these mother states set them off and enabled them to become independent states. Congress had nothing to do with the process but to pass the final resolution of admission.

Texas was an exception. For nine years she was the "Lone Star Republic" and a joint resolution of the two Congresses brought about the union of the two Republics, which we have always called "annexation."

California was an exception. There the people rushed their state-making as they did their gold hunting. Under the protection and encouragement of the military governor, General Riley, they elected delegates to a convention and drew up a constitution, and their new state came knocking full fledged for admission at the doors of Congress. There was no Organizing Act or Enabling Act on the part of Congress, which displeased Calhoun very much, since California came offering a free state constitution and by her admission the equilibrium between slave states and free was no more to be preserved forever.

There were some irregularities on the part of one or two other states, as in the case of Michigan. But thirty states have come in since the beginning by the orderly process by which Indiana came.

Let us briefly review the steps in the process. Jonathan

Jennings then (1815) represented the Territory in Congress. He presented a petition on February 1 from the inhabitants of Indiana Territory asking admission. This petition was laid on the table without discussion. It was thought the Territory had not the 60,000 population required by the ordinance of 1787. The *Western Eagle* of Lexington, down in Scott County, had placed the population at 68,000; but the *Eagle* was soaring too high.

In December, 1815, after the spring and summer migrations, the General Assembly of the Territory presented a petition to Congress. This was signed by Dennis Pennington, of Corydon, the Speaker of the House, and David Robb, of Princeton. The petition asked for authority to elect delegates to a constitutional convention. It also asked for a congressional township as an endowment for a state university, and six miles square for a state capital, and for the coal mines and salt licks and for 7 per cent of land sales for the state.

Indiana was not too modest in her asking. Why should she be? Uncle Sam was looked upon as a veritable Santa Claus in his treatment of the on-coming states in the west. Later it was said that the largesses of the federal government were one of the factors that held the Northwest loyal to the Union in the days of '61.

In January, 1816, an enabling act for Indiana was reported in the House. Recent evidence had shown that there were over 12,000 voters in the Territory and over 63,000 people. The bill easily passed the House, with only three dissenting votes. In the Senate it was referred to the committee that had charge of an enabling act for Mississippi. That state was admitted in 1817. It was coming to be the custom, whether by design or not, to admit new states in pairs, one slave, one free—so the equilibrium would be preserved. The Enabling Act had passed both houses by April 15, and was signed by President Madison on April 19, 1816.

This act laid down the boundaries of the state as they now are, ten miles being added on the north from the territorial boundary and some small areas east of the Wabash.

The new constitution was to be republican in form and to exclude slavery. Congress donated Section 16 of every town-

ship for public schools, and one whole township for a seminary of learning. Salt springs also were granted.

The act set May 13 for the election of delegates to the constitutional convention. The usual qualifications for voting were named—legal age, usual residence, payment of taxes. No other property qualifications were required. The convention was to meet at Corydon on June 16.

There were only twenty-one days between the signing of the act (April 19) and the election of the delegates (May 13)—a very short time for candidacies and campaigning, especially since, as we must remember, there were no telegraphs, no telephones, no railroads, no radios, and no Fords in those days; and every road in the state was worse than a bad detour. There was not much chance to get around. The *Vincennes Weekly Sun* complained of this haste, since hardly more than one issue of the *Sun* could reach the voters in time for their enlightenment and consideration.

The election was held on May 13 and the delegates-elect assembled at Corydon on June 10. It is not within the scope of this paper to give an account of the Corydon Convention. A few of its distinguished names may be mentioned.

Jennings was its president, William Hendricks, its secretary. William Graham, who afterwards became a representative in Congress; Benjamin Parke, James Scott, and John Johnson, known in our state history as distinguished judges; Dr. David H. Maxwell, the Father of the University; John Badolet, Swiss companion of Albert Gallatin; Frederick Rappe, adopted son of the founder of New Harmony—these were some of the worthy state-makers of Indiana.

The convention was in session for eighteen working days—short work compared with the memorable *talk-fest* from October to February in the winter of 1850 and 1851.

The members of the convention of 1816 had good reasons for the quick dispatch with which they transacted the business before them. Their fifty members crowded the hotel accommodations of the little town. The weather was hot, which caused them to meet under the cooling shade of the historic elm, alas, now no more. The wheat was ripening and the members wanted to get back to their farms and their har-

vests. So the sensible members of that convention at Corydon, knowing that a successful state can be erected only by building on the experiments of the past, did a piece of quick constructive work by copying largely the constitutions of Kentucky and Ohio. The constitutions of those states had been copied chiefly from those of Virginia and Massachusetts. So the men at Corydon after piecing the articles together properly, adjourned and went home.

The constitution was not submitted to the voters of the state for their acceptance or rejection, as the custom is in these days. The convention itself was held to embody the sovereignty of the new state. Jonathan Jennings as president was directed to issue to the county sheriffs writs of election to be held on August 5, under the old territorial election laws. The officers to be elected were a governor, a lieutenant-governor, members of the Assembly, a member of Congress, a county sheriff and a county coroner. That was a short ballot, but it was long enough, and about long enough for these days, too.

On August 5, the state election was duly held. Seventy-five per cent of the voters came to the polls, over 9,000 out of a possible 12,000. Indiana has always had a good record in bringing out the vote, whether from civic virtue or from political conflict I do not presume to say. Our last election was a little better than the first in that regard, and in neither case was there much of a party conflict. It is certain that in the first state election the fullness of the vote could not be accounted for because of a close party contest. The people of Indiana were all of one party; they were all Jeffersonian Republicans, all for Monroe in 1816. I believe it is Oliver H. Smith who tells us in his recollections that a Hoosier about this time brought a suit for libel against a neighbor because that neighbor had called him a *Federalist*. He did not know what a Federalist was, but it was as if some one were called in these days a bandit or a bootlegger.

On November 4, the first General Assembly of Indiana met at Corydon. W. H. Lilly was elected auditor of state, Daniel C. Lane was made treasurer of state, and Robert A. New, secretary of state. James Noble and Waller Taylor were elected

as our first United States senators. On November 14, Jesse L. Holman, Thomas H. Blake, and Joseph Bartholomew were chosen as electors to cast the vote of the state for James Monroe for President.

In December the two Indiana senators and a member of the house appeared in Washington. On December 6, the Senate and on December 9, the House by a joint resolution, appropriately introduced by William Henry Harrison, declared the state a member of the Union. On December 11, the day we celebrate, President Madison set hand and seal to the act. So Indiana was built and her relation to the Union established, and the two have lived happily together ever since.

There is one more aspect of our beginning which it may be well to recite. The year 1816, as we have incidentally noted, was a presidential year, the year in which James Monroe was elected President. The Indiana Electors were chosen in November, before Indiana had been admitted to the Union. But she had been fully admitted before the two houses met to count the electoral vote. Was she entitled to vote in that presidential year?

Wednesday, February 12, 1817, was the day set for counting the electoral votes. On that day the House sent a message to the Senate informing that body that the House was ready to proceed to open and count the votes for President and Vice-President of the United States.

The Senate soon after entered the House of Representatives, preceded by their president, who was received by the speaker at the chair of the House, in which the president of the Senate took his seat, and the speaker of the House sat beside him. The tellers of the two houses, Mr. Macon, of North Carolina, on the part of the Senate, and Mr. Jackson, of Virginia, and Mr. Pitkin, of Connecticut (the painstaking statistician of his time), on the part of the House of Representatives, occupied seats in front of the chair. The seals of the votes were broken by the president of the Senate, and by him handed to the tellers, by whom they were read aloud and recorded on the Journals of the Senate and of the House of Representatives by the secretary and clerk of each house, respectively.

The votes of all the states having been read, with the exception of those of the State of Indiana, Mr. Taylor, of New York, arose and addressing himself to the speaker of the House, expressed his unfeigned regret at being compelled to interrupt the proceedings of the two houses. Mr. Taylor was going on to state his objection to the votes of Indiana being read and recorded when the Speaker (who was Henry Clay) interrupted him, saying that the houses met there for one specific purpose, that of performing their constitutional duty which they were then discharging, and while they were doing that, they could consider no proposition nor perform any other business.

Mr. Varnum, senator from Massachusetts, addressed the president of the Senate (who was Senator Gaillard, of South Carolina; Elbridge Gerry, the Vice-President, having died in office November 23, 1814). He said he concurred fully with what the Speaker had said, and on Varnum's motion the Senate decided to withdraw so the House could deliberate on the question.

The House members remained in the hall. Mr. Taylor arose and said: "The Electors of President and Vice-President having been elected in Indiana before she was declared to be admitted to the Union by Congress, the votes of that state were no more entitled to be counted than if they had been received from Missouri or any Territory of the United States. The votes of Indiana having been given previous to her admission to the Union were illegal and ought not to be received."

Cady, of New York, thought the question was settled. Having admitted the representatives of the state to act on all concerns of the nation, it was too late to question her right to participate in this. When the constitution of the state was assented to she was entitled to all the privileges of an independent member of the Union.

Mr. Sharp, of Kentucky, moved a joint resolution that the votes of Indiana were properly and legally given and ought to be counted. The votes had been given after the people of Indiana had performed the conditions required of them to become an independent state.

William Hendricks was Indiana's Representative on the floor of the House, a full-fledged member from a state now fully admitted. He took the floor and said in substance:

"Indiana was or was not a state. Deciding that we decide the question before the house. Had the state complied with the conditions of the Enabling Act? She had. Had she adopted a republican constitution? She had. The authority which gives Indiana a vote in this House gives her a right to vote for President and Vice-President."

The House after deliberation passed no resolution on the subject, but sent word to the Senate that they were ready to proceed in counting the votes. The Senate soon after entered the Representatives' Hall, whereupon the Speaker informed them that the House had not deemed it necessary to take any order on the subject which had produced the separation of the two houses. The votes were then counted and Indiana's three votes were counted with the rest. This was a little tempest in a teapot, but four years later in connection with the admission of Missouri a conflict like this, but of tenfold volume, was to be repeated because of the issue of slavery connected therewith.

The President of the Senate declared that James Monroe, of Virginia, was duly elected President of the United States, to commence on the fourth of March next; and that Daniel D. Tompkins, of New York, was duly elected Vice-President for a like term of four years.

Monroe and Tompkins each received 183 votes. Rufus King, of New York, received 34 votes for President, but on the Vice-Presidency the Federalist Electors were divided: John E. Howard, of Maryland, received 22 votes; James Ross, of Virginia, received 5 votes; John Marshall, of Virginia, received 4 votes, and Robert G. Harper, of Maryland, received 3 votes. John Marshall was and had been for sixteen years the Chief Justice of the United States Supreme Court, but it was always known where he stood in politics. He was as stiff a Federalist as if he had been President.

This account has traced in outline the story of Indiana in the year of her birth. Since then the state has had a goodly history. It is the purpose of this Society to preserve this

history and to set it forth to whom it may concern. There may be aspects of this history of which we cannot speak with pride; the state, like the individual, may learn helpful lessons from its shortcomings, its errors, and its wrongs. But it is the office of the Muse of History to reveal the truth—the significant truth—and if we do that, we need not fear.

George Bernard Shaw in the preface to his *Joan of Arc* says that we now teach our children history about Washington and lie about Lenin while in Washington's day men lied about Washington and taught history about Cromwell. There is much truth in the saying. When we come to tell the history of Indiana we need not unduly magnify and glorify her achievements or her virtues. If we can find the truth and set forth a plain unvarnished tale, we shall on the whole be able to find a great deal of gratification in the record.