

# INDIANA MAGAZINE OF HISTORY

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## Journal of the Convention of the Indiana Territory, 1816

### Introduction\*

Indiana's first constitution was drafted at Corydon during June of 1816. The framing of a constitution was a basic step in Indiana's transition from a territory of the United States to membership in the Union as the nineteenth state. The essential steps, in the order of their occurrence, were: adoption of a memorial by the Indiana territorial General Assembly seeking congressional approval for statehood, enactment by Congress of an enabling act authorizing the drafting of a state constitution and the organization of a state government, the actual writing of a constitution by delegates elected to a convention for this express purpose, the inauguration of a state government, and formal admission by Congress. Although communication and transportation facilities were quite limited, these important steps were completed in a remarkably short time. Governor Thomas Posey approved the memorial for statehood on December 11, 1815; President James Madison approved the formal resolution of Congress officially admitting Indiana into the Union on December 11, 1816.<sup>1</sup>

American territorial government had first been established for the Indiana area in the spring of 1788. All of the Old Northwest was then organized as a first or nonrepresenta-

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\* This introduction was written by Donald F. Carmony, professor of history at Indiana University and editor of the *Indiana Magazine of History*.

<sup>1</sup> For general discussions concerning Indiana's transition from territory to state, see: John D. Barnhart, *Valley of Democracy: The Frontier versus the Plantation in the Ohio Valley, 1775-1818* (Bloomington, 1953), 178-96; R. Carlyle Buley, *The Old Northwest: Pioneer Period, 1815-1840* (2 vols., Indianapolis, 1950), I, 58-78; John D. Barnhart and Donald F. Carmony, *Indiana: From Frontier to Industrial Commonwealth* (4 vols., New York, 1954), I, 143-60; Logan Esarey, *A History of Indiana* (2 vols., Fort Wayne, 1924), I, 242-59; Charles Kettleborough, *Constitution Making in Indiana* (3 vols., *Indiana Historical Collections*; Indianapolis, 1916, 1930), I, xv-xxv. Almost all of the important documents relating to Indiana's transition to a state are reprinted in Kettleborough, *Constitution Making in Indiana*, and Hubert H. Hawkins (comp.), *Indiana's Road to Statehood* (Indianapolis, 1964).

tive territory pursuant to the Northwest Ordinance of 1787. In 1799 the second or representative stage of government was established for the entire region, but in 1800 the western and larger portion of this area was detached from the parent territory and returned to the nonrepresentative stage. This new Indiana Territory entered the second stage of territorial government five years later. Talk of statehood for Indiana had occurred earlier, but no major effort developed until 1811. Late in that year the territorial legislature formally petitioned Congress seeking authorization for Indiana to frame a constitution and become a state.<sup>2</sup> A few months later a House committee recommended approval of the request whenever Indiana's population reached at least 35,000 as ascertained by a territorial census.<sup>3</sup> Such a census, taken in the spring of 1815, indicated an aggregate population of nearly 64,000, a total well in excess of the 60,000 minimum number required for statehood by the Northwest Ordinance.<sup>4</sup> Meanwhile, the creation of separate territories for Michigan (1805) and Illinois (1809) had reduced Indiana to approximately its present area, save for important modifications of its northern border which accompanied the transition to statehood.<sup>5</sup>

The second and successful petition for statehood was adopted by the Indiana territorial legislature during the period of rapid growth in western population following the War of 1812. This memorial—approved December 11, 1815—noted that Indiana's population already exceeded the minimum required for statehood. It asked congressional authorization for the election of delegates to a constitutional convention and suggested how the proposed forty-two delegates might be apportioned among the thirteen organized counties of the territory. It also asked that the convention have the option of deciding whether it would "be expedient or inexpedient, to go into a State Government. . . ." The memorial sought generous grants of federal land and revenue therefrom. The closing portion of the memorial affirmed the attachment of the people of the territory to the fundamental principles prescribed by Congress for governments established from the Old

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<sup>2</sup> Louis B. Ewbank and Dorothy L. Riker (eds.), *The Laws of Indiana Territory, 1809-1816* (*Indiana Historical Collections*, XX; Indianapolis, 1934), 787-88.

<sup>3</sup> *Annals of Congress*, 12 Cong., 1 Sess., 1247; Kettleborough, *Constitution Making in Indiana*, I, 66-67.

<sup>4</sup> *Annals of Congress*, 14 Cong., 1 Sess., 460.

<sup>5</sup> Buley, *Old Northwest*, I, 63-64, has maps showing the changes resulting from the establishment of these territories as well as the changes accompanying statehood.

Northwest, especially "as respects personal freedom and involuntary servitude. . . ."<sup>6</sup>

The Indiana appeal for statehood was soon laid before Congress. On December 28, only seventeen days after its passage by the territorial legislature, it was presented in the House and referred to a select committee chaired by Jonathan Jennings, who was in his fourth term as Indiana's territorial delegate to Congress. Several days later it was presented to the Senate, where it was also referred to a select committee. On January 5 Delegate Jennings submitted for his committee a favorable report concerning the statehood memorial. A bill for an enabling act authorizing statehood accompanied the report. This act passed the House on March 30 by a vote of 108 to 3. It cleared the Senate on April 13, and was approved by the President six days later.<sup>7</sup> Less than four months had elapsed since Congress had received the petition.

The Indiana Enabling Act<sup>8</sup> called for a constitutional convention at Corydon, commencing June 10, 1816. Delegates to the convention were to be elected on May 13. Their apportionment among the thirteen organized counties was as proposed in the territorial memorial, except that Harrison County was given one additional delegate. Upon convening, the delegates were to decide whether to draft a constitution and enter statehood or to authorize a subsequent convention for this purpose. The enabling act explicitly stated that the new state must have a republican form of government as well as one not repugnant to the articles of compact of the Northwest Ordinance. These articles, declared by the ordinance to be "unalterable, unless by common consent" of "the Original States and the people and States" in the Northwest Territory, guaranteed federal title to the land of the region; declared the navigable tributaries of and portages between the Mississippi and the St. Lawrence common highways available for the use of citizens of the United States; affirmed that state carved from the area "shall forever remain" a part of the United States; and made inhabitants of the region liable for their share of federal taxes and debts.<sup>9</sup>

The enabling act also defined the boundaries of the new state, subject to the approval of the convention. As proposed,

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<sup>6</sup> Ewbank and Riker, *Laws of Indiana Territory, 1809-1816*, pp. 81-14.

<sup>7</sup> *Annals of Congress*, 14 Cong., 1 Sess., 31, 315, 408, 459-60, 1300, 1842-43.

<sup>8</sup> The enabling act is in *United States Statutes at Large*, III, 289-91.

<sup>9</sup> *Journals of the Continental Congress*, XXXII, 339-43.

a slight adjustment was made in the border between Indiana and Illinois, a considerable section was lost in the upper peninsula (of Michigan), and a ten-mile strip was added along the northern border at Michigan's expense. Although substantial grants of land and revenue therefrom were offered to the people of the state, principally for the support of education and internal improvements, these contributions were considerably less generous than had been requested in the territorial petition. Moreover, they were offered on condition that federal land within Indiana be free of state and local taxes for five years following its sale.

Very little time remained between receipt of information that the enabling act had been approved and the election of delegates on May 13. The Vincennes *Western Sun*, for instance, first conveyed information of the act's passage in its issue of May 4, leaving time for only one additional number before the election. Only a few newspapers—all of them weeklies—existed in the territory, but news of the election probably also spread by letter and by word of mouth. Formal methods of nominating candidates had not developed and political parties were as yet unborn. Candidates either announced themselves or were informally proposed by other individuals—at times without the candidate's knowledge. Voters could cast their ballots for individuals who had not been nominated as well as for those who had.<sup>10</sup> Since the enabling act authorized persons entitled to vote for members of the territorial legislature to vote for delegates, virtually all adult white males were eligible to participate in the election.<sup>11</sup>

The movement for statehood did not have unqualified support. While Delegate Jennings and many of his friends favored the transition to statehood, territorial Governor Posey—at least in private correspondence—termed the step premature. Jennings and his friends constituted the most powerful political element within the territory, and statehood offered them a promising opportunity to become fathers of a new commonwealth. Posey, nearing the end of his three-year term as territorial governor, doubtless realized there was little

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<sup>10</sup> The Vincennes *Western Sun*, May 4 and 11, 1816, illustrates both methods of nomination. Territorial election laws contain much information on voting practices. See Ewbank and Riker, *Laws of Indiana Territory, 1809-1816*, pp. 225-36, 488-94.

<sup>11</sup> In 1811 Congress extended the franchise to Indiana residents who were free white adult males, provided they had paid a territorial tax. *United States Statutes at Large*, II, 659-60; Barnhart, *Valley of Democracy*, 176-77.

likelihood of his becoming the state's first elective governor. Jennings and his supporters were stronger in the eastern than in the western counties of the territory while Posey, like Governor William Henry Harrison before him, was strongest in the Wabash counties. The charge that statehood would substantially increase the cost of government to Indiana residents was the principal argument against it. The slavery issue was discussed, but the preponderance of opinion was unfavorable to slavery.<sup>12</sup>

The delegates to the Corydon convention were an able and representative selection of Indiana citizens. None of them was a native of the state whose constitution he helped write, but nearly all residents of Indiana had arrived in the previous two decades, most of them after 1810. Of the forty-three delegates, about twenty-five were natives of southern slave states. Among these were perhaps a dozen from Virginia, six from Kentucky, and five from Maryland. About fourteen came from northern states—seven of them from Pennsylvania. Six were natives of Europe. Mainly sons of pioneering stock, the delegates possessed good character, substantial common sense, and much practical knowledge. Since the Indians still held title to virtually the entire central and northern parts Indiana, almost all the delegates were residents of the southern portion of the future state. The delegates had had much political experience in legislative bodies as well as in a variety of local offices. Without exception they appear to have been disciples of Jeffersonian Republicanism. Factional lines were loosely drawn, but supporters of Jennings were more numerous than were the supporters of the Harrison-Posey element.<sup>13</sup>

Exactly four weeks after the delegates were elected they convened at Corydon on Monday, June 10. They met in the recently completed territorial capitol, but tradition has it that some committee meetings and possibly some of the convention sessions were held in the shade of a nearby elm. During the first day nearly all the delegates appeared, Jennings was elected president of the convention, and William Hendricks, who was not a delegate, was elected secretary. Committees on elections, ways and means, and rules and regulations were appointed. The day closed with submission of a resolution that "it is expedient, at this time, to proceed to form a constitution and state government," but its consideration was

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<sup>12</sup> Barnhart, *Valley of Democracy*, 180-84; Buley, *Old Northwest*, I, 68-69.

<sup>13</sup> Barnhart, *Valley of Democracy*, 184-85; Buley, *Old Northwest*, I, 69-70.

postponed one day.<sup>14</sup> On the next day rules and regulations were adopted for the government of the convention, the official roster of delegates was approved as recommended by the elections committee, and the resolution favorable to statehood was passed by a vote of 34 to 8.<sup>15</sup> During the third day a dozen standing committees were appointed to prepare various articles of the new constitution. Four of them reported proposed articles the very next morning!<sup>16</sup> Pending articles or sections of the constitution were reviewed and developed according to substantially the procedure followed in the enactment of bills into laws. A committee on revision was appointed to fit together the different parts of the constitution after they were approved.<sup>17</sup> The drafting of the new constitution proceeded rapidly and the convention was able to adjourn on June 29 after only eighteen working days.

The Constitution of 1816 was an excellent document. Clearly and concisely written, it closely followed established political concepts and practices. Staunchly committed to the principle of republican or representative government, it reflected a liberal and mildly democratic interpretation of Jeffersonian Republicanism. According to John D. Barnhart: "The process of writing . . . was not the simple method of copying the constitutional law of another state, but was a method of selection. Apparently the members of the convention had before them copies of the constitutions of the nation and the various states. As a general rule, they did not draw entire articles from a single constitution but seem to have searched through these documents to find the sections which embodied the provisions they considered preferable for the government of the new state. Occasionally they wrote a new section when a suitable one was not found in the older documents."<sup>18</sup> The bill of rights was carefully drawn and gave much emphasis to safeguarding individuals rights and freedoms. Governmental powers were distributed among the legislative, executive, and judicial departments, but the legislative branch was given much the dominant role. Local government—county, township, and town—was recognized as important, though details concerning it were left largely in the hands of the General Assembly. Prohibition of slavery and the granting of white manhood suffrage merely confirmed

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<sup>14</sup> *Journal of the Convention of the Indiana Territory* . . . (Louisville, 1816), 3-6.

<sup>15</sup> *Ibid.*, 7-11.

<sup>16</sup> *Ibid.*, 11-19.

<sup>17</sup> *Ibid.*, 8, 39, 40.

<sup>18</sup> Barnhart, *Valley of Democracy*, 191.

decisions which had been made during the territorial period. The constitution established educational goals which were advanced for that day, but they were beyond the ability of the pioneers to attain them. While the General Assembly was made very powerful and was to meet annually, remaining in session as long as it thought necessary, frequent elections and short terms for legislators and key state officials were designed to maintain popular control of government. Furthermore, the requirement that a constitutional referendum must be submitted every twelfth year guaranteed each generation two opportunities to make changes in the constitution. Widespread and sustained criticism of the Constitution of 1816 did not develop until the 1840's when it resulted from the impact of Jacksonian Democracy and from fiscal problems caused by the breakdown of the state-sponsored system of internal improvements. The Constitution of 1816 was never amended; a new one replaced it in 1851.

The transition to statehood was completed in the several months after the adjournment of the Corydon convention. As directed by the delegates, the convention president, Jonathan Jennings, issued writs to the sheriffs of the various counties calling for the first election under the constitution to be held on August 5.<sup>19</sup> The new constitution became effective without a popular referendum, but the election of Jennings as governor by a margin of more than five to four over Posey affords considerable—and perhaps the best available—evidence that it was approved by a majority of the voters. The first state legislature convened on November 4, and three days later Jennings was inaugurated as governor. At the August election Hendricks had been chosen as the state's first representative in Congress. Early in November the General Assembly selected James Noble, a member of the convention, and Waller Taylor to represent Indiana in the United States Senate. Shortly thereafter the legislature chose three electors for the pending presidential election. The General Assembly also elected various judges and certain state officials, revised territorial laws, and enacted new statutes before its adjournment on January 3, 1817.<sup>20</sup>

The congressional resolution formally admitting Indiana as a state was approved by President Madison on December 11,

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<sup>19</sup> By the time of the election on August 5 two more counties—Orange and Jackson—had been established, making a total of fifteen counties.

<sup>20</sup> The first state election and the establishment of state government are reviewed in Kettleborough, *Constitution Making in Indiana*, I, xx-xxi; Barnhart and Carmony, *Indiana: From Frontier to Industrial Commonwealth*, I, 159-60; Buley, *Old Northwest*, I, 74-75.

1816.<sup>21</sup> Although this date is usually considered Indiana's "birthday," state government, as indicated above, had already been in operation for more than a month. Congressman Hendricks had been seated on December 2, Senators Noble and Taylor were not seated until December 12. Even with these steps completed, the right of Indiana's three presidential electors to have their ballots count for the election of a president and vice president was questioned, but their participation was approved in February, 1817. Not until the following month, however, did Congress formally make its laws effective in the new state as in other states.<sup>22</sup> Nevertheless, December 11 remains as appropriate a birth date as any for the state of Indiana.

The convention journal and the constitution were printed as separate items by Butler and Wood, Louisville publishers. On its final day the convention resolved that "two complete copies" of the constitution be made. One was to be laid before the initial session of the General Assembly by the convention president. This mandate was fulfilled and the legislature gave the copy to the secretary of state for preservation. Two manuscript copies of the Constitution of 1816—presumably the two specified by the convention—have been preserved. One is in The Archives Division of the Indiana State Library; the other is in the Indiana Historical Society Library.<sup>23</sup>

Apparently no manuscript copies of the journal of the convention have been preserved. The edition printed by Butler and Wood thus is the only available text of the journal and has been used as the source for this reproduction. In reproducing this printed document, the editor has followed the Louisville edition precisely, keeping the original paging, running heads, and lines of type (with the same word divisions at the ends of lines, whether correct or not), and the signature marks. This reproduction has also retained the spelling, punctuation, capitalization, and typographical errors of the original printing.<sup>24</sup>

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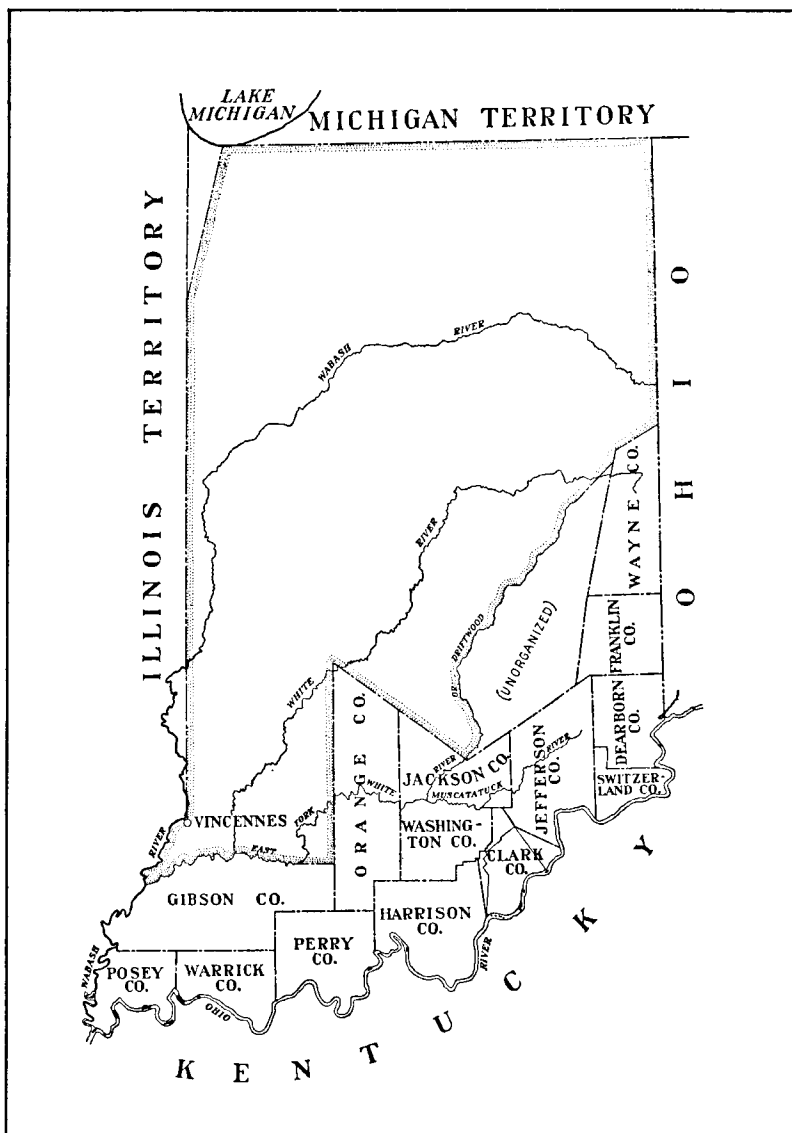
<sup>21</sup> *United States Statutes at Large*, III, 399-400.

<sup>22</sup> Sources cited in footnote 20 also provide information on congressional action relating to Indiana's statehood.

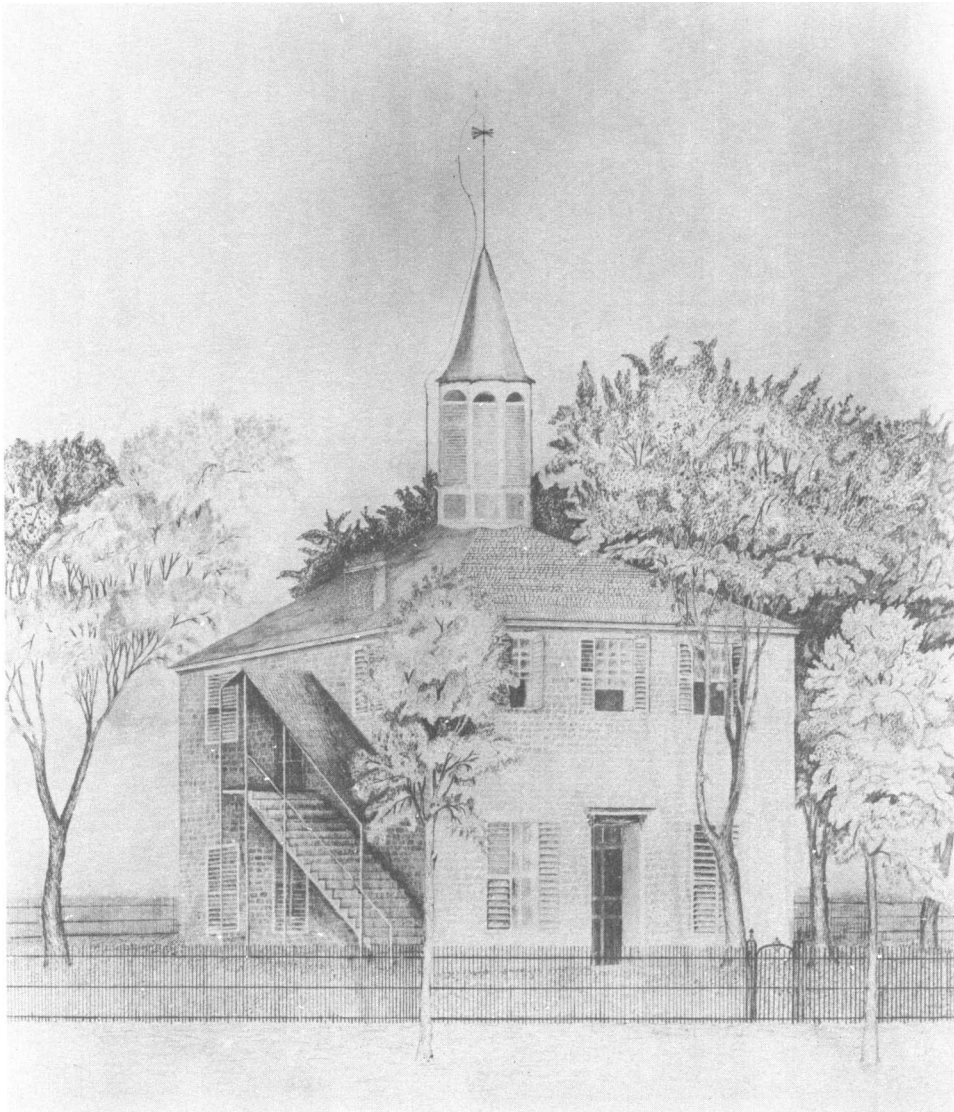
<sup>23</sup> Christopher B. Coleman, "The Discovery and Identification of an Original Copy of the Constitution of 1816," *Indiana Magazine of History*, XXX (December, 1934), 360-64, offers a detailed account of what happened to these two copies of the constitution. The constitution is reprinted in Kettleborough, *Constitution Making in Indiana*, I, 83-125.

<sup>24</sup> An earlier reprinting of the journal is in *Report of the Sixteenth Annual Meeting of the [Indiana] State Bar Association* (Indianapolis, 1912), 137-231. Portions of the journal are in Kettleborough, *Constitution Making in Indiana*, I, 78-128. The printing which follows was made from a copy of the journal in the Lilly Library, Indiana University.





COUNTIES IN INDIANA IN 1816. KNOX COUNTY IS THE LARGE AREA INDICATED BY THE SHADED OUTLINE. George Pence and Nellie C. Armstrong, *Indiana Boundaries: Territory, State, and County* (Indiana Historical Collections, XIX; Indianapolis, 1933), 533.



Indiana Division, Indiana State Library

FIRST INDIANA STATE CAPITOL, CORYDON.  
(PHOTOGRAPH OF A DRAWING IN THE INDIANA STATE LIBRARY.)

**JOURNAL**  
**OF THE**  
**CONVENTION**  
**OF THE**  
***INDIANA TERRITORY:***

BEGUN AND HELD AT THE TOWN OF CORYDON, IN THE  
COUNTY OF HARRISON, AND TERRITORY AFORESAID, ON  
THE SECOND MONDAY IN JUNE, BEING THE TENTH DAY  
THEREOF, IN THE YEAR OF OUR LORD, ONE THOUSAND  
EIGHT HUNDRED AND SIXTEEN, AND OF THE INDEPEN-  
DENCE OF THE UNITED STATES, THE FORTIETH.



LOUISVILLE:  
PRINTED BY BUTLER & WOOD.

69

1816.



JOURNAL  
OF THE  
CONVENTION  
OF THE  
INDIANA TERRITORY:

**B**EGUN and held at the town of Corydon, in the county of Harrison, and territory aforesaid, on the second Monday in June, being the tenth day thereof, in the year of our Lord one thousand eight hundred and sixteen, and of the Independence of the United States, the fortieth; being the time and place appointed for the meeting of the convention for the purpose of forming a constitution and state government, by the act of Congress, entitled, "an act to enable the people of the Indiana territory to form a constitution and state government, and for admission of such state into the Union, on an equal footing with the original states:" The following members appeared, who produced certificates of their having been duly chosen to serve in the convention aforesaid, and having severally taken the oath of fidelity to the United States, and also an oath faithfully to discharge the duties of their office, took their seats, to wit:

*From the county of Wayne,*

Joseph Holman,	Jeremiah Cox,
Patrick Baird,	Hugh Cull.

*From the county of Franklin,*

Robert Hanna,	James Noble,
James Brownlee,	William H. Eads,
Enoch McCartey.	

*From the county of Dearborn,*

Ezra Ferris,	James Dill,
Solomon Manwaring.	

*From the county of Switzerland,*  
William Cotton.

*From the county of Jefferson,*

David H. Maxwell,	Nathaniel Hunt,
Samuel Smock.	

*From the county of Clark,*

Jonathan Jennings,	James Scott,
Thomas Carr,	John K. Graham,
James Lemon.	

*From the county of Harrison,*

Dennis Pennington,	Davis Floyd,
Daniel C. Lane,	Patrick Shields.

*From the county of Washington,*

John De Pauw,	William Lowe,
Samuel Millroy,	Robert McIntire,
William Graham.	

*From the county of Knox,*

John Johnson,	John Badollet,
William Polke,	John Bennefield,

*From the county of Gibson.*

David Robb,	James Smith,
Alexander Devin,	Frederick Rapp.

*From the county of Posey,*

Dan Lynn.

*From the county of Warrick.*

Daniel Grass.

*From the county of Perry,*

Charles Polke.

The convention proceeded by ballot to elect a president; and upon examining the ballots, it was found that Jonathan Jennings was duly elected, who accordingly took his seat in the chair.

The convention proceeded by ballot to elect a secretary; and upon examining the ballots, it appeared that William Hendricks was duly elected, who was accordingly sworn into office.

On motion,

*Ordered,* That Henry Batman be appointed door-keeper, and that he give his attendance accordingly.

The president laid before the convention certain documents from the secretary of the Indiana territory, relative to the election of representatives to the convention from the several counties within the same, which do lie on the table.

On motion of Mr. Noble,

*Ordered*, That a committee of elections, to consist of five members, be appointed.

The president laid before the convention the depositions of John L. Baker, and others, relative to the legality or otherwise of votes given in the Harmony society, in the county of Gibson.

On motion of Mr. Floyd,

*Ordered*, That a committee of ways and means, to consist of three members, be appointed.

On motion of Mr. Dill,

*Ordered*, That a committee be appointed, to consist of five members, to prepare rules and regulations for the government of this convention during the session thereof.

On motion of Mr. Ferris,

*Ordered*, That the rules and regulations for doing and conducting business in the territorial legislature, as far as the same may be applicable, be observed by this convention until the committee appointed for that purpose shall have reported suitable rules and regulations for the government of this convention, in transacting business during the session thereof.

The president then proceeded to the appointment of a committee of elections—a committee of ways and means—and a committee to furnish and prepare rules and regulations for conducting business during the session of this convention.

And thereupon the following members were appointed, to wit:

*Committee of Elections*—Messrs. Noble, Johnson, Smith, Hanna, and Holman.

*Committee of Ways and Means*—Messrs. Floyd, De Pauw, and Carr.

*Committee to furnish rules and regulations for the government of the convention in transacting business during the session*—Messrs. Dill, Scott, Badollet, Polke, of Knox county, and Hunt.

On motion,

*Ordered*, That the convention adjourn till three o'clock this afternoon.

◆◆◆◆◆  
*Three o'clock P. M.*

Convention met pursuant to adjournment.

John Boone, a member from Harrison county, appeared, produced his credentials, was sworn, and took his seat.

On motion of Mr. Johnson,

*Ordered*, That the credentials and certificates of all the members present and sworn, be referred to the committee of elections.

On motion of Mr. Robb,

*Ordered*, That the depositions of John L. Baker, and others, relative to the legality or otherwise, of votes given in the Harmony society, be referred to the committee of elections.

The president laid before the convention the petition and other documents of Peter Wilkinson, from the county of Posey, relative to his right to a seat in this convention.

And on motion of Mr. Ferris,

*Ordered*, That the same be referred to the committee of elections.

On motion of Mr. Robb,

*Ordered*, That the depositions of certain persons relative to the election of Dan Lynn, from the county of Posey, be referred to the committee of elections.

On motion of Mr. Ferris,

The following resolution was submitted to the convention for their consideration:

“Whereas by an act of Congress, approved the 19th of April, 1816, to enable the people of the Indiana territory to form a constitution and state government, and for the admission of the same into the Union on the same footing with the original states, it is provided, that the convention, when met, shall first determine, by a majority of the votes of all the members elected, whether it be or be not expedient, at that time, to form a constitution and state government.”

*Resolved*, therefore, by the representatives of the people of Indiana, met in convention at Corydon, on the 10th day of June, A. D. 1816, that it is expedient, at this time, to proceed to form a constitution and state government.

On motion of Mr. Johnson,

*Ordered*, That the further consideration of the said resolution be postponed till to-morrow.

On motion,

*Ordered*, That the convention adjourn till to-morrow morning nine o'clock.



*TUESDAY MORNING, JUNE 11th, 1816.*

Convention met pursuant to adjournment.

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

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

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

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

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

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

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

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

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

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

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

XI. Whilst the president is putting a question, or addressing the convention, none shall walk across the room; nor when a member is speaking enter on private discourse, or pass between him and the chair.

XII. No member shall vote on any question who was not present when the question was put.

XIII. Upon calls of the convention for taking the yeas and nays on any question, the names of the members shall be called alphabetically, and each member shall answer from his seat.

XIV. Any member shall have a right to call for the yeas and nays, provided he shall request it before the question is put.

XV. When a motion is made and recorded, it shall be stated by the president, or being in writing, shall be read aloud by the secretary, and every motion shall be reduced to writing if the president or any member request it.

XVI. Any member may call for a division of the question where the sense will admit of it.

XVII. Each member shall particularly forbear personal reflections, nor shall any member name another in argument or debate.

XVIII. After a motion is stated by the president, or read by the secretary, it shall be deemed in possession of the convention, but may be withdrawn at any time before the decision or amendment.

XIX. When a question is under debate, no motion shall be received unless it be the previous question, or for amending or committing the original motion or subject in debate.

XX. The previous question shall be in this form—"shall the main question be now put?" It shall only be admitted when demanded by three members, and until it is decided, shall preclude all amendment and further debate.

XXI. In taking the sense of the convention, a majority of the votes of the members present shall govern.

XXII. No resolution, section or article, in the constitution, shall be finally concluded and agreed upon until the same shall have been read on three several days, unless a majority of two-thirds may think it necessary to dispense with this rule, which vote shall be decided without debate.

XXIII. The convention shall resolve itself into a committee of the whole when deemed necessary, and when in committee of the whole shall be governed by the foregoing rules, except that in committee of the whole any member may speak as often as he may think proper.

XXIV. The president shall appoint committees liable to

addition or amendment on the motion of any member, unless otherwise directed by the convention.

XXV. A motion to adjourn shall always be in order, and be decided without debate.

XXVI. On all questions when the yeas and nays are demanded, the president shall vote.

XXVII. The president may at any time leave the chair, and nominate some member to take the chair, who shall preside during the absence of the president.

On motion of Mr. Pennington, the convention resolved itself into a committee of the whole on the said report, Mr. Johnson in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Johnson reported, "that the committee had, according to order, had the said report under consideration, had made some amendments to the same, which he handed in at the secretary's table, where they were again read, and concurred in by the convention. On the question of concurrence to the first amendment, which was the striking out of the sixth article of said rules, the following words, to wit: "consisting of two-thirds of the whole number elected." The yeas and nays being demanded by Mr. Pennington, those who voted in the affirmative, are,

Messrs. Baird, Benefiel, Brownlee, Cox, Cull, Cotton, Carr, Devin, Eads, Ferris, Floyd, Grass, Holman, Hanna, Lowe, Lynn, Lemon, McCarty, Manwaring, Milroy, McIntire, Noble, Polke, (of Perry county,) Robb, and Jennings, president—25.

Those who voted in the negative, are,

Messrs. Badollet, Boone, De Pauw, Dill, Graham, (of Washington,) Graham, (of Clark,) Hunt, Johnson, Lane, Maxwell, Pennington, Polke, (of Knox,) Knapp, Smock, Shields, Scott, and Smith—17.

Mr. Noble, from the committee of elections, made the following report, to wit:

"The committee to whom was referred the certificates of elections of the following members of the convention, to wit: From the county of Wayne, Jeremiah Cox, Patrick Baird, Joseph Holman, and Hugh Cull—from the county of Franklin, William H. Eads, James Brownlee, Enoch McCarty, Robert Hanna, jun. and James Noble—from the county of Dearborn, James Dill, Solomon Manwaring, and Ezra Ferris—from the county of Switzerland, William Cotton—from the county of Jefferson, David H. Maxwell, Samuel Smock, and Nathaniel Hunt—from the county of

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Clark, Jonathan Jennings, James Scott, Thomas Carr, John K. Graham, and James Lemon—from the county of Harrison, Dennis Pennington, Davis Floyd, Daniel C. Lane, John Boone, and Patrick Shields—from the county of Washington, John De Pauw, Samuel Milroy, Robert McIntire, William Lowe, and William Graham—from the county of Knox, John Johnson, John Badollet, William Polke, and John Benefiel—from the county of Gibson, David Robb, James Smith, Alexander Devin, and Frederick Rapp—from the county of Warrick, Daniel Grass—from the county of Perry, Charles Polke; having carefully examined the aforesaid certificates, report—that the members aforesaid are duly elected, and entitled to a seat in this convention. And, on motion, the convention concurred in the said report.

On motion of Mr. Scott,

*Ordered*, That one hundred copies of the “standing rules and orders of the convention be printed, and that the secretary be directed to furnish the editor of the Louisville Correspondent with a copy of the same for that purpose.

Mr. Noble, from the committee of elections, made the following report, to wit:—

The committee to whom was referred the papers and documents relative to the contested election of the member returned to serve in this convention from the county of Posey, are of opinion, that Dann Lynn is legally elected, and entitled to his seat.

Your committee further report, that the papers and depositions relative to the contested election of a member from Gibson county, do not shew from the face of them whose election is contested, or whose seat is prayed to be vacated. And on motion, the said report was concurred in by the convention.

On motion,

*Ordered*, That the convention adjourn to three o'clock P. M.

*Three o'clock P. M.*

Convention met pursuant to adjournment.

On motion of Mr. Floyd.

The convention proceeded to consider the resolution relative to the expediency or in expediency of forming at this time a constitution and state government—And,

On motion of Mr. Noble,

The convention resolved itself into a committee of the

whole on said resolution. Mr. Dill in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Dill reported, that the committee had, according to order, had the said resolution under consideration, had made no amendments to the same, requested the concurrence of the convention in the proceedings of the committee, and that the said resolution may be adopted—And thereupon,

On motion, the said resolution was adopted by the convention.

The yeas and nays being demanded by Messrs. Floyd and Ferris—Those who voted in the affirmative, are,

Messrs. Baird, Badollet, Benefiel, Brownlee, Cox, Cull, Cotton, Carr, De Pauw, Dill, Devin, Eads, Ferris, Floyd, Graham, of Washington, Graham, of Clark, Grass, Holman, Hanna, Lane, Lowe, Lynn, Lemon, McCarty, Manwaring, Milroy, McIntire, Noble, Pennington, Polke, of Perry, Smith, Shields, Scott, Jennings, president—34.

Those who voted in the negative, are,

Messrs. Boone, Hunt, Johnson, Maxwell, Polke of Knox, Robb, Rapp, and Smock—8. And,

On motion,

The convention adjourned till to-morrow morning nine o'clock.

WEDNESDAY MORNING, }  
Nine o'clock, June 12, 1816. }

Convention met pursuant to adjournment.

Mr. Johnson submitted for the consideration of the convention the following resolutions, to wit:—

1. *Resolved*, That a committee be appointed to prepare and report to this convention a bill of rights and preamble to the constitution.

2. *Resolved*, That a committee be appointed to prepare and report an article for the constitution relative to the distribution of the powers of government.

3. *Resolved*, That a committee be appointed to prepare and report an article for the constitution concerning the legislative department of government.

4. *Resolved*, That a committee be appointed to prepare and report an article for the constitution concerning the executive department of government.

5. *Resolved*, That a committee be appointed to prepare and report an article for the constitution on the judicial department of government.

6. *Resolved*, That a committee be appointed to prepare

and report an article for the constitution concerning impeachments.

7. *Resolved*, That a committee be appointed to prepare and report an article containing general provisions for the constitution, and which will not come within the provisions of the foregoing resolutions.

8. *Resolved*, That a committee be appointed to prepare and report an article concerning the mode of revising the constitution.

9. *Resolved*, That a committee be appointed to prepare and report an article on the subject of the change of government, and preserving the existing laws until repealed by the state legislature, and providing for appeals from the territorial courts to the state courts.

10. *Resolved*, That a committee be appointed to draft an article concerning education, and the universal dissemination of useful knowledge, and other subjects which it may be proper to enjoin or recommend to the legislature to provide for.

11. *Resolved*, That a committee be appointed to prepare and report an article concerning the militia.

12. *Resolved*, That a committee be appointed to prepare and report an article concerning the elective franchise and elections.

Which resolutions were adopted by the convention.

On motion of Mr. Ferris,

*Ordered*, That a committee be appointed to contract for any printing this convention may deem necessary to be done, and that they report accordingly. And—

On motion of Mr. Johnson,

The convention came to the following resolution, to wit:

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

And thereupon,

Messrs. Pennington, Lemon, and Milroy, having been appointed tellers, the convention proceeded by ballot to elect the said additional secretaries, when upon examination, it appeared that Robert A. New, and James M. Tun-

stall, were duly elected; the former of whom appeared and was sworn into office.

On motion of Mr. Dill,

The convention came to the following resolution, to wit:

*Resolved*, That this convention do now adjourn till 3 o'clock this afternoon, in order that the president may have sufficient time to deliberate on a proper selection of the different committees.

Convention adjourned accordingly.

*Three o'clock P. M.*

Convention met pursuant to adjournment.

The president proceeded to the appointment of the following committees agreeably to the resolutions submitted this morning by Mr. Johnson, to wit:

1st. Committee to prepare a bill of rights and preamble to the constitution—Messrs. Badollet, Manwaring, Graham, of Clark, Lane Smith, and Pennington.

2d. Committee relative to the distribution of the powers of government—Messrs. Johnson, Polke, of Perry, Floyd, Maxwell, McCarty.

3d. Committee relative to the legislative department of government—Messrs. Noble, Ferris, Milroy, Benefiel, Grass.

4th. Committee relative to the executive department of government—Messrs. Graham, of Clark, Polke, of Knox, Rapp, Shields, Smock, Smith, Ferris, Brownlee.

5th. Committee relative to the judicial department of government—Messrs. Scott, Johnson, Dill, Milroy, Noble, Cotton, Lowe.

6th. Committee relative to impeachments—Messrs. Dill, Cox, Hunt, Eads, Carr.

7th. Committee relative to general provisions for the constitution, and which will not come within the provisions of the foregoing resolutions—Messrs. Maxwell, De Pauw, Robb, Scott, Baird.

8th. Committee relative to the mode of revising the constitution—Messrs. Hanna, Pennington, Devin, Johnson, Graham, of Washington.

9th. Committee relative to the change of government, and preserving the existing laws until repealed by the state legislature, and providing for appeals from the territorial courts to the state courts—Messrs. Floyd, Lemon, Holman, McIntire, Manwaring, Benefield.

10th. Committee relative to education, and the universal dissemination of useful knowledge, and other objects which

it may be proper to enjoin or recommend to the legislature to provide for—Messrs. Scott, Badollet, Polke, of Knox, Lynn, Boone.

11th. Committee relative to the militia—Messrs. Dill, Hanna, Carr, Cotton, Robb, Holman, Cox, De Pauw, Noble, Rapp, Benefiel.

12th. Committee relative to elective franchise and elections—Messrs. Ferris, Lemon, Grass, Polke, of Perry, Cull, Smith, De Pauw.

On motion,

The convention adjourned till to-morrow morning nine o'clock.

*THURSDAY MORNING, }  
Nine o'clock, June 13, 1816.*

Mr. Carr submitted for the consideration of the convention the following resolution, to wit:

*“Resolved,* That a committee be appointed to prepare and report an article or section for the constitution relative to prisons—which was adopted by the convention.

Mr. Johnson, from the committee relative to the distribution of the powers of government, reported as follows, to wit:

#### ARTICLE.

Sec. 1st. That the powers of the state shall be divided into and forever remain and consist of three distinct and separate departments in manner following: Those relative or appertaining to the legislative, in one separate and distinct branch or magistracy. Those of the executive, in one separate and distinct branch or magistracy; and those of the judiciary in one distinct branch or magistracy—and,

Sec. 2d. That no person or persons duly elected and qualified to serve in one branch of the government, shall, during his continuance in office, be eligible to or have any concern in the duties of either of the other two branches of the government, except in the instances herein after expressly permitted or enjoined.

And on motion,

The same was referred to a committee of the whole convention, and made the order of the day for to-morrow.

Mr. Johnson, from the committee relative to the mode of revising the constitution, made the following report, to wit:

Every year, at the general election held for governor, there shall be a poll opened in which the electors of the state shall express by vote whether they are in favor of calling a convention or not; and if there should be a ma-



majority of votes in favor of a convention, the governor shall inform the next legislature thereof, whose duty it shall be to provide by law for the election of the members to the convention, the number thereof, and the time and place of their meeting: Which law shall not be passed, unless agreed to by two-thirds of both branches of the legislature.

And on motion,

The same was ordered to lie on the table.

Mr. Ferris, from the committee relative to the elective franchise and elections, made the following report, to wit:

ARTICLE.

Sec. 1st. In all elections every white male person of the age of twenty-one years and upwards, who has resided in the state the last six months previous to such election, shall be entitled to vote in the county or district where he resides.

Sec. 2d. All votes shall be given viva voce.

Sec. 3d. Electors shall in all cases, except treason, felony, or breach of the peace, be free from arrest in going to, during their attendance at, and in returning home from the election.

Sec. 4th. The legislature shall have full power to exclude from electing or being elected any person convicted of any infamous crime.

Sec. 5th. Nothing in this article shall be so construed as to prevent persons who were actual settlers at the time of adopting this constitution, or persons who have been absent from home on a visit or necessary business, from the privilege of electors.

On motion,

The same was referred to a committee of the whole, and made the order of the day for to-morrow.

Mr. Noble, from the committee relative to the legislative department of government, made the following report, to wit:

ARTICLE.

Sec. 1. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives, both to be elected by the people.

Sec. 2. Within                    years after the first meeting of the general assembly, and within every subsequent term of                    years, an enumeration of all the white male inhabitants above twenty-one years of age, shall be made in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such

enumeration, be fixed by the legislature, and apportioned among the several counties according to the number of white male inhabitants above twenty-one years of age in each, and shall never be less than                   nor greater than                   until the number of white male inhabitants, above                   twenty-one years of age shall be                   thousand; after that event, at such ratio that the whole number of representatives shall never be less than                   nor exceed

Sec. 3. The representatives shall be chosen annually by the citizens of each county respectively, on the first Monday of August.

Sec. 4. No person shall be a representative who shall not have attained the age of thirty years, and be a citizen of the United States, and an inhabitant of this state; shall also have resided within the limits of the county in which he shall be chosen two years next preceding his election, unless he shall have been absent on the public business of the United States, or of this state, and shall have paid a state or county tax.

Sec. 5. The senators shall be chosen biennially on the first Monday in August, by qualified voters for representatives; and on their being convened in consequence of the first election, they shall be divided by lot from their respective counties or districts, as near as can be, into two classes; the seat of the senators of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one half thereof, as near as possible, may be annually chosen for ever thereafter.

Sec. 6. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature and apportioned among the several counties or districts to be established by law, according to the number of white male inhabitants of the age of twenty-one years in each, and shall never be less than                   nor more than                   of the number of representatives.

Sec. 7. No person shall be a senator who has not arrived at the age of thirty years, and is a citizen of the United States, shall have resided two years in the county or district immediately preceding the election, unless he shall have been absent on the public business of the United States, or of this state, and shall moreover have paid a state or county tax.

Sec. 8. The house of representatives, when assembled,

shall choose a speaker, and the senate, when assembled, shall choose a president, and shall each choose its other officers, be judges of the qualifications and elections of its members, and sit upon its own adjournments. of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

Sec. 9. Each house shall keep a journal of its proceedings, and publish them. The yeas and nays of the members on any question, shall, at the desire of any one of them, be entered on the journals.

Sec. 10. Any one member of either house shall have liberty to dissent from, and protest against, any act or resolution which he may think injurious to the public or any individual or individuals, and have the reason of his dissent entered on the journals.

Sec. 11. Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and with the concurrence of two-thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free and independent state.

Sec. 12. When vacancies happen in either house, the governor, or the person exercising the powers of governor, shall issue writs of election to fill such vacancies.

Sec. 13. Senators and representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to and returning from the same, and for any speech or debate in either house, they shall not be questioned in any other place.

Sec. 14. Each house may punish, by imprisonment, during their session, any person, not a member, who shall be guilty of disrespect to the house by any disorderly or contemptuous behaviour in their presence; provided such imprisonment shall not at any one time exceed

Sec. 15. The doors of each house, and of committees of the whole, shall be kept open, except in such cases as in the opinion of the house require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the two houses shall be sitting.

Sec. 16. Bills may originate in either house, but may be altered, amended or rejected by the other.

Sec. 17. Every bill shall be read on three different days in each house; unless in cases of urgency, two-thirds of the

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habitant thereof two years next before his appointment, if the county shall have been so long erected; but if the county shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken:

Sec. 27. No person who heretofore hath been, or hereafter may be, a collector or holder of public money, shall have a seat in either house of the general assembly, until such person shall have accounted for and paid into the treasury all sums for which he may be accountable or liable.

Sec. 28. The legislature of this state shall not allow the following officers of government a greater annual salary than as follows:

And on motion,

The said report was referred to a committee of the whole, and made the order of the day for Saturday next.

The president laid before the convention a memorial from sundry inhabitants of Wayne county, praying that constitutional provisions may be made effectually to prohibit the introduction of slavery and involuntary servitude into the state about to be formed; also, that the society of friends, commonly called quakers, may in times of peace be exempted from bearing arms.

And on motion of Mr. Robb,

*Ordered*, That so much of said memorial as relates to said society of friends, be referred to the committee on military affairs; and that so much of said memorial as relates to the subject of slavery, be referred to the committee relative to general provisions.

On motion of Mr. Scott,

*Ordered*, That the committee relative to the subject of impeachments be discharged from any further attention to their duty in that particular.

And then the convention adjourned till three o'clock this afternoon.

*Three o'clock P. M.*

Convention met pursuant to adjournment.

The president then proceeded to the appointment of the following committees, to wit:

Committee on the subject of printing—Messrs. Ferris, Lemon, Floyd.

Committee on the subject of prisons—Messrs. Carr, Pennington, Milroy, Grass, Hunt, Graham, of Washington, McCarty.

On motion of Mr. Robb,

*Ordered*, That the article relative to the revision of the constitution be referred to a committee of the whole, and made the order of the day for Monday next.

And on motion,

The convention adjourned till to-morrow morning nine o'clock.

*FRIDAY MORNING, JUNE 14, 1816.*

Convention met pursuant to adjournment.

Benjamin Parke, a member returned to serve in this convention from the county of Knox, now appeared, and having produced his credentials, was sworn as the form is, and took his seat.

On motion of Mr. Pennington,

*Ordered*, That the certificate of election of Benjamin Parke, from the county of Knox, be referred to the committee of elections.

Mr. Dill, from the committee relative to the militia, reported as follows, to wit:

Article                    relative to the militia.

Sec. 1. The militia of the state of                   , shall consist of all free able-bodied white male citizens, resident in the said state, between the ages of eighteen and forty-five years, except such persons as now are, or hereafter may be, exempted by the laws of the United States, and shall be armed, equipped, and trained, as the legislature may from time to time provide by law.

Sec. 2. No person or persons, conscientiously scrupulous of bearing arms, shall be compelled to do militia duty, provided such person or persons will pay an equivalent for such exemption, which equivalent shall be hereafter fixed by law, and shall be equal as near as may be to the lowest fines assessed on those privates in the militia who may neglect or refuse to perform militia duty, and shall hereafter be fixed by law.

Sec. 3. Captains and subalterns shall be elected by those citizens in their respective company districts who are subject to perform militia duty, and the captain of each company shall appoint the non-commissioned officers to said company.

Sec. 4. Majors shall be elected by those citizens within the bounds of their respective battalion districts subject to perform militia duty; and colonels shall be elected by those citizens within the bounds of their respective regimental districts subject to perform militia duty.

Sec. 5. Brigadier-generals shall be elected by the commissioned officers within the bounds of their respective brigades; and major-generals shall be elected by the commissioned officers within the bounds of their respective divisions.

Sec. 6. Troops and squadrons of cavalry, and companies of artillery, may be formed in the said state in such manner as shall hereafter be prescribed by law: *provided however*, that every troop or squadron of cavalry, or company of artillery, which may hereafter be formed within the said state, shall elect their own officers.

Sec. 7. The governor shall appoint the adjutant-general and quarter-master-generals, as also his aids-de-camp.

Sec. 8. Major-generals shall appoint their aids-de-camp, and all other division staff officers; brigadier-generals shall appoint their brigade-majors; and all other brigade staff officers, and colonels, shall appoint their regimental staff officers.

Sec. 9. All militia officers shall be commissioned by the governor, and shall hold their commissions during good behaviour, or until they shall arrive at the age of sixty years.

Sec. 10. The legislature shall, by law, fix the method of dividing the militia of the said state into divisions, brigades, regiments, battalions, and companies, and shall also fix the rank of all staff officers, adhering in these particulars, as near as may be, to the organization of the army of the United States.

And on motion,

The same was referred to a committee of the whole, and made the order of the day for Monday next.

On motion of Mr. Dill,

The convention resolved itself into a committee of the whole on the article relative to the distribution of the powers of government, Mr. Scott in the chair; and after some time spent therein, Mr. President resumed the chair, and Mr. Scott reported, that the committee had, according to order, had the said article under consideration, had made several amendments to the same, which he handed in at the secretary's table, where they were again read, and concurred in by the convention.

And on motion,

*Ordered*, That the same be read a second time to-morrow.

On motion,

*Ordered*, That Messrs. Parke and Hunt be added to the committee relative to the judiciary.

On motion of Mr. Dill,

The convention came to the following resolution, to wit:

*Resolved*, That the assistant secretaries do furnish, as early as practicable, to the door-keeper, the necessary copies of each article of the constitution, to be by him distributed to the different members of the convention.

On motion,

*Ordered*, That the convention adjourn till two o'clock this afternoon.

*Two o'clock P. M.*

Convention met pursuant to adjournment.

On motion of Mr. Hunt,

*Ordered*, That the committee on the subject of prisons be discharged from the further consideration of the same.

On motion of Mr. Noble,

The convention resolved itself into a committee of the whole on the article relative to the elective franchise and elections, Mr. Noble in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Noble reported, that the committee had, according to order, had the said article under consideration, had made various amendments to the same, which he handed in at the secretary's table, where they were again read and concurred in by the convention.

The amendments in committee of the whole were as follows, to wit: In the first line of the first section of said article, the following words were added, "not otherwise provided for by this constitution." Same line and section, the following words, "citizen of the United States." In the third line of the first section, after the word state, by erasing the words "the last six months previous," and inserting the following words, to wit: "one year immediately preceding," and at the close of said section, the following words, "except such as shall be enlisted in the army of the United States, or their allies." In the second section, and first line, the said article was amended by striking out after the word "be," the words "viva voce," and inserting in lieu thereof the words, "given by ballot." In the second line of the fifth section, the same was amended by inserting at the beginning of said line, the following words, "citizens of the United States." In the same line, after the word actual, the word "residents." In the third line of said section, by inserting after the word citizen, these words, "who by the existing laws of this territory are entitled to vote." On motion of Mr. Floyd, the said article was proposed fur-



ther to be amended by striking out the second section of the same: And on the question relative to this motion, the yeas and nays being demanded by Mr. Scott—those who voted in the affirmative, are,

Messrs. Boone, De Pauw, Dill, Devin, Floyd, Graham, of Washington, Lane, Lemon, Maxwell, Milroy, McIntire, Pennington, Polke, of Perry, Smock, Scott, Shields, Smith—17.

Those who voted in the negative, are,

Messrs. Baird, Benefiel, Brownlee, Badollet, Cox, Cull, Cotton, Carr, Eads, Ferris, Graham, of Clark, Grass, Hunt, Holman, Hanna, Johnson, Lowe, Lynn, McCarty, Manwaring, Noble, Polke, of Knox, Parke, Robb, Rapp, Jennings, president—26.

So it was determined in the negative.

On motion of Mr. Floyd,

The said section was further amended by adding thereto the following words, to wit: “for four years and afterwards be regulated by the legislature; and when thereafter established, it shall remain unalterable, unless altered by a future convention of the people.” And on this amendment, the yeas and nays being demanded by Mr. Floyd—those who voted in the affirmative, are,

Messrs. Boone, De Pauw, Devin, Dill, Graham, of Washington, Floyd, Grass, Holman, Lane, Lemon, Milroy, McIntire, Maxwell, Noble, Pennington, Polke, of Perry, Robb, Smock, Scott, Shields, Smith, Jennings, president—22.

Those who voted in the negative, are,

Messrs. Baird, Benefiel, Brownlee, Badollet, Cox, Cull, Cotton, Carr, Eads, Graham, of Clark, Ferris, Hanna, Hunt, Johnson, Lowe, Lynn, McCarty, Manwaring, Polke, of Knox, Parke, Rapp—21.

On motion of Mr. Johnson,

The following proviso was added to the said section, to wit: “*Provided*, if the legislature, at their first session after the expiration of the said four years, shall neglect or refuse to make any alteration in the mode of voting, they shall thereafter forever be precluded from legislating on the subject.”

And on motion,

*Ordered*, That the said article be engrossed for a second reading on to-morrow.

Mr. Noble, from the committee of elections, made the following report, to wit:

*Mr. President*—Your committee to whom was referred the certificate of election of Benjamin Parke, from the

county of Knox, having duly examined the same, are of opinion, that the said Benjamin Parke is duly elected, and entitled to a seat in this convention.

And on motion,

The convention concurred in said report.

Mr. Badollet, from the committee appointed to prepare and report a bill of rights and preamble to the constitution, made the following report, to wit:

Done in convention, begun and held at Corydon, on Monday the 10th day of June, A. D. 1816, and of the independence of the United States, the fortieth: We the people of the territory of Indiana, having the right of admission into the general government, as a member of the Union, consistent with the constitution of the United States, the ordinance of congress of one thousand seven hundred and eighty-seven, and the law of congress, entitled "an act to enable the people of the Indiana territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and for other purposes, in order to establish justice, promote the welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish the following constitution or form of government, and do mutually agree with each other to form ourselves into a free and independent state, by the name of the state of

Sec. 1. That the general, great and essential principles of liberty and free government may be recognized and unalterably established, WE DECLARE, That all men are born equally free and independent, and have certain natural, inherent and unalienable rights, among which are, the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety.

Sec. 2. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness. For the advancement of these ends, they have at all times an unalienable and indefeasible right to alter or reform their government in such manner as they may think proper.

Sec. 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences: That no man shall be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent: That no human authority ought in any case whatever to control or interfere

with the rights of conscience; and that no preference shall ever be given by law to any religious societies or modes of worship, and no religious test shall be required as a qualification to any office of trust or profit.

Sec. 4. That elections shall be free and equal.

Sec. 5. That the right of trial by jury shall remain inviolate.

Sec. 6. That no power of suspending the laws shall be exercised except by the legislature or its authority.

Sec. 7. That no man's particular services shall be demanded, or property taken or applied to public use, without the consent of his representatives, or without a just compensation being made therefor.

Sec. 8. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Sec. 9. That the printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or any branch of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may fully speak, write and print on any subject, being responsible for the abuse of that liberty.

Sec. 10. In prosecutions for the publication of papers investigating the official conduct of officers or men in a public capacity, or where the matter published is proper for the public information, the truth thereof may be given in evidence; and in all indictments for libels, the jury shall have a right to determine the law and the facts under the direction of the court, as in other cases.

Sec. 11. That all courts shall be open, and every person, for an injury done him in his lands, goods, person or reputation, shall have remedy by the due course of law, and right and justice administered without denial or delay.

Sec. 12. That no person arrested, or confined in jail, shall be treated with unnecessary rigor, or be put to answer any criminal charge but by presentment, indictment or impeachment.

Sec. 13. That in all criminal prosecutions the accused hath a right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, to

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have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment or presentment, a speedy public trial by an impartial jury of the county or district in which the offence shall have been committed, and shall not be compelled to give evidence against himself, nor shall be twice put in jeopardy for the same offence.

Sec. 14. That all persons shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended unless when in case of rebellion or invasion the public safety may require it.

Sec. 15. Excessive bail shall not be required; excessive fines shall not be imposed, nor cruel and unusual punishments inflicted.

Sec. 16. All penalties shall be proportioned to the nature of the offence.

Sec. 17. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditor or creditors, in such manner as shall be prescribed by law.

Sec. 18. No ex post facto law, nor any law impairing the validity of contracts, shall ever be made, and no conviction shall work corruption of blood nor forfeiture of estate.

Sec. 19. That the people have a right to assemble together in a peaceable manner to consult for their common good, to instruct their representatives and to apply to the legislature for redress of grievances.

Sec. 20. That the people have a right to bear arms for the defence of themselves and the state, and the militia shall be kept in strict subordination to the civil power.

Sec. 21. That no soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

Sec. 22. That the legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than good behaviour.

Sec. 23. That emigration from the state shall not be prohibited.

Sec. 24. To guard against any encroachments on the rights herein retained, we declare that every thing in this article is excepted out of the general powers of government, and shall forever remain inviolate.

And on motion of Mr. De Pauw,

The same was referred to a committee of the whole, and made the order of the day for Monday next.

On motion,

The convention adjourned till nine o'clock to-morrow morning.

*SATURDAY MORNING, }  
Nine o'clock, June 15, 1816. }*

Convention met pursuant to adjournment.

On motion of Mr. Noble,

The article relative to the distribution of the powers of government was read a second time.

And on motion of Mr. Parke,

The same was ordered to lie on the table.

Mr. Graham, of Clark, from the committee relative to the executive department, reported an article on that subject, as follows, to wit:

1st. The supreme executive power of this state shall be vested in a governor, who shall be styled the governor of the state of Indiana.

2d. The governor shall be chosen on the  
at the places where they shall respectively vote for representatives. The returns of every election for governor shall be sealed up and transmitted to the seat of government, directed to the speaker of the senate, who shall open and publish them in the presence of both houses of the legislature. The person having the highest number of votes shall be governor: But if two or more shall be equal and highest in votes, one of them shall be chosen governor by the joint vote of the members of both houses. Contested elections shall be determined by a committee to be selected from both houses of the legislature, and formed and regulated in such manner as shall be directed by law.

3d. The governor shall hold his office during three years from the next ensuing his election, and shall not be capable of holding it longer than six years in any term of nine years.

4th. He shall be at least thirty years of age, and have been a citizen of the United States ten years, and have resided in this state five years next preceding his election, unless he shall have been absent on the business of this state, or of the United States: *Provided*, That this shall not disqualify any person from the office of governor who shall have resided in this state two years preceding the adoption of the constitution.

5th. No member of congress, or person holding any of-

fice under the United States, shall be eligible to the office of governor.

6th. The governor shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the term for which he shall have been elected.

7th. He shall be commander in chief of the army and navy of this state, and of the militia thereof, except when they shall be called into the service of the United States; but he shall not command personally in the field unless he shall be advised so to do by a resolution of the general assembly.

8th. He shall nominate, and by and with the advice and consent of the senate, appoint all officers whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein, or shall by law be otherwise provided for: *Provided*, That no person shall be appointed to any office, within any county, who shall not have been a citizen and inhabitant therein one year next before his appointment, if the county shall have been so long erected, but if it shall not have been so long erected, then within the limits of the county or counties from which it shall have been taken.

9th. The governor shall have power to fill all vacancies that may happen during the recess of the legislature, by granting commissions, which shall expire at the end of the next session.

10th. He shall have power to remit fines and forfeitures, grant reprieves and pardons, except in cases of impeachments.

11th. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

12th. He shall from time to time give to the general assembly, information of the affairs of the state, and recommend to their consideration such measures as he shall deem expedient.

13th. He may on extraordinary occasions convene the general assembly at the seat of government, or at a different place, if that should have become, since their last adjournment, dangerous from an enemy, or from contagious disorders; and in case of disagreement between the two houses with respect to the time of adjournment, adjourn them to such times as he shall think proper—not beyond the time of their next annual session.

14th. He shall take care that the laws be faithfully executed.

15th. A lieutenant-governor shall be chosen at every election for a governor, in the same manner, continue in office for the same time, and possess the same qualifications. In voting for governor and lieutenant-governor, the electors shall distinguish whom they vote for as governor, and whom as lieutenant governor.

16th. He shall, by virtue of his office, be speaker of the senate, have a right, when in committee of the whole, to debate and vote on all subjects, and when the senate are equally divided, to give the casting vote.

17th. In case of the impeachment of the governor, his removal from office, death, refusal to qualify, resignation, or absence from the state, the lieutenant-governor shall exercise all the power and authority appertaining to the office of governor, until another be duly qualified, or the governor absent or impeached, shall return or be acquitted.

18th. Whenever the government shall be administered by the lieutenant-governor, or he shall be unable to attend as speaker of the senate, the senate shall elect one of their own members as speaker for that occasion; and if during the vacancy of the office of governor, the lieutenant-governor shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the state, the speaker of the senate shall, in like manner, administer the government.

19th. The lieutenant-governor, while he acts as speaker to the senate, shall receive for his services the same compensation which shall for the same period be allowed to the speaker of the house of representatives, and no more; and during the time he administers the government as governor, shall receive the same compensation which the governor would have received, and been entitled to, had he been employed in the duties of his office.

20th. The speaker pro-tempore of the senate, during the time he administers the government, shall receive, in like manner, the same compensation which the governor would have received, had he been employed in the duties of his office.

21st. If the lieutenant-governor shall be called upon to administer the government, and shall, while in such administration, resign, die, or be absent from the state, during the recess of the general assembly, it shall be the duty of the secretary, for the time being to convene the senate for the purpose of choosing a speaker.

22d. A secretary shall be chosen by joint ballot of both houses of the legislature, and commissioned by the gover-

nor for four years, or until a new secretary be chosen and qualified, if he shall so long behave himself well. He shall keep a fair register, and attest all the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes, and vouchers, relative thereto, before either house of the legislature, and shall perform such other duties as may be enjoined him by law.

23d. Every bill which shall have passed both houses of the general assembly, shall be presented to the governor; if he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large upon their journal, and proceed to reconsider it. If after such reconsideration, a majority of all the members elected to that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by a majority of all the members elected to that house, it shall be a law: But in such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law, in like manner, as if he had signed unless the general adjournment prevent its return; in which case it shall be a law, unless sent back within three days after their next meeting.

24th. Every order, resolution, or vote, to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor, and before it shall take effect, be approved by him; or being disapproved, shall be repassed by a majority of all the members elected to both houses, according to the rules and limitations prescribed in case of a bill.

And on motion,

The same was referred to a committee of the whole convention, and made the order of the day for Tuesday next.

On motion of Mr. Milroy,

The convention came to the following resolution, to wit:

*Resolved*, That in order to expedite the business of this convention, three additional assistant secretaries be appointed, and that this convention do now proceed to the election of said secretaries; and that the said three additional secretaries be required to give their attendance, until, in the opinion of this convention, their services be no longer necessary.



And—Thereupon,

Messrs. Graham, (of Clark,) Floyd, and Smith, having been appointed tellers, the convention proceeded, by ballot, to the election of said three additional secretaries—Where, upon examination, it appeared, that John F. Ross, George Spencer, and Richard M. Heth, were elected, who appeared, and were sworn into office.

On motion of Mr. Pennington,

*Ordered*, That Henry Bougher be appointed assistant door-keeper, and that he may be notified to give his attendance accordingly.

On motion,

*Ordered*, That the convention adjourn till nine o'clock, on Monday morning next.

*MONDAY MORNING, Nine}*  
*o'clock, June 17, 1816. }*

Convention met pursuant to adjournment.

Mr. Scott, from the committee relative to the article on the subject of the judiciary, reported as follows, to wit:

Sec. 1st. The judiciary power of this state, both as to matters of law and equity, shall be vested in one supreme court, in circuit courts, and in such other inferior courts as the legislature may from time to time direct.

Sec. 2d. The supreme court shall consist of three judges, and shall have appellate jurisdiction only; which shall be co-extensive with the state, under such restrictions and regulations, not repugnant to this constitution, as may from time to time be prescribed by law.

Sec. 3d. The circuit courts shall each consist of a president and associate judges. The state shall be divided, by law, into three circuits, for each of which a president shall be appointed, who, during his continuance in office, shall reside therein. The president and associate judges, in their respective counties, any two of whom shall form a quorum, shall constitute the circuit court; and shall have a common law and chancery jurisdiction, and also complete criminal jurisdiction, in all such cases, and in such manner as shall be directed by law: *Provided*, That nothing herein contained shall prevent the legislature from increasing the number of circuits and presidents, as the exigencies of the state may require.

Sec. 4th. The judges of the supreme, the circuit, and other inferior courts, shall hold their offices during good behaviour, and shall at all times receive for their services

a compensation which shall not be diminished during their continuance in office.

Sec. 5th. The judges of the supreme court shall, by virtue of their offices, be conservators of the peace throughout the state; as also the presidents of the circuit courts, in their respective circuits, and the associate judges, in their respective counties.

Sec. 6th. The supreme court shall hold its sessions at the seat of government, at such times as shall be prescribed by law.

Sec. 7th. The judges of the supreme court, and the presidents of the several circuit courts, shall be appointed by the governor, by and with the advice and consent of the senate; and the associate judges, by the qualified electors in the respective counties.

Sec. 8th. The supreme court shall appoint its own clerk; and the clerks of the circuit courts, in the several counties, shall be elected by the qualified electors in each county respectively. But no person shall be eligible to the office of clerk of the circuit court, in any county, unless he shall first have obtained from one or more of the judges of the supreme court, or from one or more of the presidents of the circuit courts, a certificate that he is well qualified to execute the duties of the office of clerk of the circuit court: *Provided*, That nothing herein contained shall prevent the circuit court, in any county, from appointing a clerk *pro tem*. until a qualified clerk may be duly elected. All clerks shall be removeable by their respective courts for breach of good behaviour, or for incapacity to discharge the duties of the office, subject to an appeal from the circuit to the supreme court, as in other cases; and in all cases of complaint for the purpose of removing a clerk, the court shall judge of the facts as well as the law.

Sec. 9th. The style of all process shall be, "The state of Indiana." All prosecutions shall be carried on in the name and by the authority of the state of Indiana; and all indictments shall conclude "against the peace and dignity of the same."

And the same was referred to a committee of the whole, for to-morrow.

On motion of Mr. Noble,

The convention resolved itself into a committee of the whole on the article relative to the legislative department of government. Mr. Parke in the chair; and after some time spent therein, Mr. President resumed the chair, and Mr. Parke reported—that the committee had, according to

order, had the said article under consideration, had made some progress in the same, and instructed him to ask leave to sit again.

Leave granted, &c.

On motion,

The convention adjourned till two o'clock P. M.

*Two o'clock P. M.*

Convention met pursuant to adjournment.

On motion of Mr. Noble,

Convention, agreeably to leave given, resolved itself into a committee of the whole on the article relative to the legislative department of government, Mr. Parke in the chair—and after some time spent therein, Mr. President resumed the chair, and Mr. Parke reported, that the committee had, according to order, had the said article under consideration, had made some progress therein, and had instructed him to ask leave to sit again. Leave granted.

It was then moved by Mr. Scott, that the nineteenth section of said article, together with the amendment proposed, be referred to a select committee.

On motion,

The convention then adjourned till to-morrow morning eight o'clock.

*TUESDAY MORNING, JUNE 18, 1816.*

Convention met pursuant to adjournment.

The President laid before the convention, a memorial from sundry inhabitants of Louisville, purporting to be an address to the President and Directors of the Bank of the United States, relative to the location of a branch of the same in the state of Kentucky.

And on motion,

The same was referred to a select committee of three members, and Messrs. Ferris, Johnson, and Polke, (of Perry,) were appointed that committee.

Mr. Ferris, from the committee on the subject of printing, reported, that the committee had attended to the duties assigned them, and had received propositions from Mann Butler, Editor of the Louisville Correspondent, as follows, to wit:—

“The journals and rules of proceeding, shall be published at seventy-five cents a thousand m's, and seventy-five cents a token, that is any quantity of printing distinct from setting the types, above five quires, and not exceeding ten,

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(the paper being a separate charge, at \$6 a ream, what I have given for \$250 worth.) The m is the regular measure of all book work, and the only guard against imposition of large margins and wide lines; but what amounts to the same, is \$21 a sheet for every five hundred copies; the sheet to make 16 pages of good workmanlike octavo printing—the paper separate as before. These are the common fair terms of such work all over this state. I will stipulate for the delivery of 16 pages every two weeks, if furnished in time with copy; and could make them every week, but will not say positively in so short a time. I must expect, that the convention, should they sanction the contract, will recommend the fact to the early and effectual attention of the legislature, as the disbursements upon my part for the work and fitting up new type, will be of no little amount. Permit me to reciprocate the honorable expressions of the committee, and to request as early a reply as their convenience will admit.

“With sentiments of high respect,

“MANN BUTLER.”

On motion,

The convention accepted the propositions aforesaid.

On motion,

The convention then resolved itself into a committee of the whole on the article relative to the legislative department, Mr. Parke in the chair—and after some time spent therein, Mr. President resumed the chair, and Mr. Parke reported, that the committee had, according to order, had the said article under consideration, had gone through the same, and had made various amendments thereto, which he handed in at the secretary's table.

And thereupon,

On motion,

The said article, with the amendments aforesaid, was ordered to be engrossed.

On motion of Mr. De Pauw,

The convention resolved itself into a committee of the whole on the article relative to the militia, Mr. Floyd in the chair—and after some time spent therein, Mr. President resumed the chair, and Mr. Floyd reported, that the committee had, according to order, had the said article under consideration, had made some progress therein, and instructed him to ask leave to sit again. Leave granted, &c.

On motion,

Convention adjourned till 3 o'clock P. M.

*Three o'clock P. M.*

Convention met pursuant to adjournment.

On motion of Mr. De Pauw,

The convention resolved itself into a committee of the whole on the article relative to the militia, Mr. Floyd in the chair—and after some time spent therein, Mr. President resumed the chair, and Mr. Floyd reported, that the committee had, according to order, had the said article under consideration, had made some amendments to the same, which he handed in at the secretary's table, where they were generally concurred in by the convention.

The amendments made to said article by the committee of the whole, are as follows, to wit:—the second line of the first section was amended by inserting after the word "citizens," the following words, "negroes, mulattos, and indians, excepted." In the sixth line of said section, by inserting after the word "states," these words, "and of the state." In the third line of the second section, by erasing after the word "persons," the word "will," and inserting in lieu thereof the word "shall." In the fifth line of said section, by inserting after the word "shall," these words, "be collected by a civil officer and." In the ninth line of said section, by erasing these words, "shall hereafter be fixed by law." In the fourth line of the fifth section, after the word "officers," these words, "within the bounds."—In the second line of the eighth section, by inserting after the word "all," the word "other." In the second line of the sixth section, after the word "artillery," the following words, "and riflemen," and in the fifth line of said section, these words, "or riflemen." In the fifth line of the tenth section, by erasing the word "adhering," and inserting in lieu thereof the word "conforming," and in the sixth line of said section, by inserting after the word "the," the following words "army of the."

On motion,

*Ordered*, That the said article, with the amendments, be engrossed for a second reading on Friday next.

On motion of Mr. De Pauw,

The convention resolved itself into a committee of the whole on the article relative to the mode of revising the constitution, Mr. Robb in the chair—and after some time spent therein, Mr. President resumed the chair, and Mr. Robb reported, that the committee had, according to order, had the said article under consideration, had made some progress therein, and instructed him to ask leave to sit again. Leave granted.

On motion,  
Convention adjourned till to-morrow morning eight o'clock.

*WEDNESDAY MORNING, June 19, 1816.*

Convention met pursuant to adjournment.

On motion of Mr. Floyd,

*Ordered*, That Mr. Grass, the member from the county of Warrick, being indisposed, and unable to attend, have leave of absence during the remainder of the session.

On motion of Mr. Noble,

The convention came to the following resolutions, to wit:

*Resolved*, That a committee of five members be appointed to prepare and report an article relative to banks and banking companies.

*Resolved*, That a committee of five members be appointed to prepare and report an article relative to the appointment of sheriffs, coroners, and other county officers.

On motion of Mr. Johnson,

The convention came to the following resolution, to wit:

*Resolved*, That Jonathan Lindley, Benjamin Parke, and James Noble, be appointed to designate to the Register of the Land Office at Vincennes, or to the Register of the Land Office at Jeffersonville, a township the most proper to be reserved for the state, for the use of a seminary of learning, and such lands as may be necessary to be reserved for the use of salt springs; and that they request the Register of the Land Office, and receiver of public money, in the district in which such township or land shall respectively lay, to request the President to reserve the same for the purpose aforesaid.

Convention, then, agreeably to leave given on yesterday evening, again resolved itself into a committee of the whole on the article relative to the mode of revising the constitution, Mr. Robb in the chair—and after some time spent therein, Mr. President resumed the chair, and Mr. Robb reported, that the committee had, according to order, had the said article under consideration, had made some amendments to the same, which he handed in at the secretary's table.

And on motion,

*Ordered*, That the said article, with the amendments aforesaid, be engrossed for the consideration of the convention on to-morrow.

On motion,

The convention resolved itself into a committee of the

whole on the report of the committee appointed to prepare and report a bill of right and preamble to the constitution. Mr. Johnson in the chair—and after some time spent therein, Mr. President resumed the chair, and Mr. Johnson reported, that the committee had, according to order, had the said report under consideration, had made various amendments to the same, which he handed in at the secretary's table, where they were concurred in by the convention.

And on motion,

The same was ordered to be engrossed for a second reading to-morrow.

On motion,

Convention adjourned till two o'clock P. M.

*Two o'clock P. M.*

Convention met pursuant to adjournment.

On motion,

The convention resolved itself into a committee of the whole, on the article relative to the executive department, Mr. Parke in the chair—and after some time spent therein, Mr. President resumed the chair, and Mr. Parke reported, that the committee had, according to order, had the said article under consideration, had made various amendments to the same, which he handed in at the secretary's table, where they were concurred in by the convention.

On motion,

*Ordered,* That the said article be engrossed for a second reading on Saturday next.

On motion,

Convention adjourned till to-morrow morning eight o'clock.

*THURSDAY MORNING, }  
Eight o'clock, June 20, 1816.*

Convention met pursuant to adjournment.

The President proceeded to the appointment of a committee on the subject of banks and banking companies, and Messrs. Noble, Manwaring, Floyd, Johnson, and Smith, were appointed that committee.

On motion of Mr. Floyd,

The convention resolved itself into a committee of the whole on the article relative to the judiciary department, Mr. Noble in the chair—and after some time spent therein, Mr. President resumed the chair, and Mr. Noble reported, that the committee had, according to order, had the said

article under consideration, had made some progress therein, and instructed him to ask leave to sit again. Leave given.

On motion,

*Ordered*, That the convention do now adjourn till three o'clock this afternoon.

*Three o'clock P. M.*

Convention met pursuant to adjournment.

On motion of Mr. Johnson,

*Ordered*, That the engrossed article relative to the mode of revising the constitution, be taken up and read the second time.

Mr. Johnson then moved to amend the said article, by striking out of the same, from the word "legislature," to the end thereof, and inserting in lieu thereof the following words, to wit: "But as the holding any part of the human family in slavery or involuntary servitude, can only originate in usurpation and tyranny, it is the opinion of this convention, that no alteration of this constitution ought ever to take place, so as to introduce slavery or involuntary servitude in this state, otherwise than for the punishment of crimes, whereof the party has been duly convicted."

And on this proposed amendment, the yeas and nays being demanded by Mr. Dill, those who voted in the affirmative, are

Messrs. Badollet, Dill, Devin, Johnson, Lane, Lemon, Lynn, Polke, (of Knox,) Parke, Rapp, Robb, Smith, Scott—13.

Those who voted in the negative, are

Messrs. Boone, Beard, Benefield, Brownlee, Cox, Cull, Cotton, Carr, Eads, De Pauw, Ferris, Floyd, Graham, (of Washington,) Graham, (of Clark,) Holman, Nathaniel Hunt, Hanna, Lowe, McCarty, Manwaring, Milroy, McIntire, Maxwell, Noble, Polke, (of Perry,) Pennington, Smock, Shields, Jennings, president—29.

And so it was determined in the negative.

Mr. Johnson then moved to amend the said article, by striking out of the same the following words, "and which convention, when met, shall have it in their power to revise, amend, or change, the constitution."

The yeas and nays being demanded by Mr. Johnson, those who voted in the affirmative, are

Messrs. Badollet, Dill, Devin, Floyd, Graham, (of Clark,) Johnson, Lane, Lemon, Lynn, Polke, (of Knox,) Parke, Rapp, Robb, Scott, Smith, Jennings, president—16.

Those who voted in the negative, are



Messrs. Boone, Beard, Benefield, Brownlee, Cox, Cull, Cotton, Carr, De Pauw, Eads, Ferris, Graham, (of Washington,) Holman, Nathaniel Hunt, Hanna, Lowe, McCarty, Manwaring, Milroy, McIntire, Maxwell, Noble, Polke, (of Perry,) Pennington, Smock, Shields—26.

And so it was determined in the negative.

Mr. Johnson further moved to strike out of said article the following words, "or involuntary servitude"—and on the question, shall said words be stricken out, it was determined in the negative.

On motion of Mr. Polke, (of Knox,)

*Ordered*, That a committee of revision be appointed, to consist of five members, and that the several articles, after their second reading, be referred to said committee for revision and amendment.

On motion of Mr. Johnson,

*Ordered*, That the article relative to the legislative department of government be taken up and read the second time.

On motion of Mr. Floyd,

The same was proposed to be amended by striking out at the close of the fourth section, these words, "and shall have paid a state or county tax."

The yeas and nays being demanded by Mr. Floyd, those who voted in the affirmative, are—

Messrs. Boone, Beard, Benefield, Brownlee, Badollet, Cox, Cull, Carr, De Pauw, Floyd, Graham, (of Washington,) Holman, Johnson, Lemon, Lowe, Parke, Pennington, Rapp, Jennings, president—19.

Those who voted in the negative, are—

Messrs. Cotton, Dill, Devin, Eads, Ferris, Graham, (of Clark,) Nathaniel Hunt, Hanna, Lane, Lynn, McCarty, Manwaring, Milroy, McIntire, Maxwell, Noble, Polke, (of Perry,) Polke, (of Knox,) Robb, Smock, Smith, Scott, Shields—23.

And so it was determined in the negative.

On motion of Mr. Noble,

*Ordered*, That the eighth section of the said article be amended by inserting after the word "president," the following words, "unless in cases otherwise directed by this constitution, when it becomes necessary."

On motion of Mr. Scott,

*Ordered*, That the said article be amended, by inserting after the word "election," in the fourth section, these words, "if the county shall have been so long erected; but

if not, within the limits of the county or counties out of which it shall have been taken."

On motion of Mr. Graham, (of Clark,)

*Ordered*, That the said article be further amended, by striking out of the first line, in the fifth section, the word "triennially," and inserting in lieu thereof, these words, "for three years."

Mr. Milroy moved further to amend the said article, by striking out of the said fifth section, and first line, the word "three," just now inserted, and inserting in lieu thereof, the word "two."

And on this question, the yeas and nays being demanded by Mr. De Pauw, those who voted in the affirmative, are—

Messrs. Beard, Benefield, Brownlee, Cox, Cull, Carr, De Pauw, Ferris, Holman, Hanna, Lowe, McCarty, Manwaring, Milroy, McIntire, Pennington, Smith—17.

Those who voted in the negative, are—

Messrs. Boone, Badollet, Cotton, Dill, Devin, Eads, Floyd, Graham, (of Washington,) Graham, (of Clark,) Nathaniel Hunt, Johnson, Lane, Lemon, Lynn, Maxwell, Noble, Polke, (of Perry,) Polke, (of Knox,) Parke, Rapp, Robb, Smock, Scott, Shield, Jennings, president—25.

And so it was determined in the negative.

On motion of Mr. Robb,

The said article was further amended, by inserting in the sixth line of the seventh section, after the word "elected," the following words, "if the county or district shall have been so long erected; but if not, then within the limits of the county or counties, district or districts, out of which the same shall have been so taken."

On motion,

*Ordered*, That the said article be referred to the committee of revisions.

On motion,

*Ordered*, That the convention be adjourned till to-morrow morning eight o'clock.

#### FRIDAY MORNING, June 21, 1816.

Convention met pursuant to adjournment.

The president proceeded to the appointment of the following committee, to wit:

*Committee of General Revisions*—Messrs. Parke, Badollet, Scott, Johnson, and Ferris.

On motion of Mr. Parke,

*Ordered*, That the committee of the whole be discharged from the further consideration of the article relative to the

judiciary department, and that the same be referred to a select committee of six members—and Messrs. Parke, Holman, Cotton, Benefield, Dill, and Lowe, were appointed that committee.

Mr. Maxwell, from the committee on the subject of general provisions, made the following report, to wit:

Sec. 1. Every person who shall be chosen or appointed to any office of trust or profit, under the authority of this state, shall, before entering on the duties of said office, take an oath or affirmation to support the constitution of the United States, and the constitution of this state, and also an oath of office.

Sec. 2. Treason against this state shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort.

Sec. 3. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

Sec. 4. The manner of administering an oath or affirmation shall be such as is most consistent with the conscience of the deponent, and shall be esteemed by the general assembly the most solemn appeal to God.

Sec. 5. Every person shall be disqualified from serving as governor or lieutenant-governor, senator or representative, for the term for which he shall have been elected, who shall have been convicted of having given or offered any bribe, treat or reward, to procure his election.

Sec. 6. All officers shall reside within the state; and all district, county, or town officers, within their respective districts, counties or towns, (trustees of towns excepted,) and shall keep their respective offices at such places therein as may be directed by law; and all militia officers shall reside within the bounds of the division, brigade, regiment, battalion, or company, to which they may severally belong.

Sec. 7. There shall be neither slavery, nor involuntary servitude, in this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted; nor shall any male person, arrived at the age of twenty-one years, nor female person, arrived at the age of eighteen years, be held to serve any person as a servant under pretence of indenture or otherwise, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a bona fide consideration received, or to be received for his or her service, except as before excepted: Nor shall any indenture of any negro, or mulatto, hereafter made and executed out of the bounds of

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this state, be of any validity within the state; neither shall any indenture of any negro or mulatto, hereafter made within the state, be of the least validity except in the case of apprenticeships.

Sec. 8. No act of the legislature shall be in force until it shall have been published in print unless in cases of emergency.

On motion,

*Ordered*, That the engrossed article relative to the executive department be taken up and read the second time.

On motion,

*Ordered*, That the said article be amended by erasing from the first line the words "order or vote," and further, by erasing from the third line of said section, these words, "except on a question of adjournment."

On motion of Mr. Ferris,

The said article was further amended, by adding to the first line of the twenty-first section, after the word secretary, the words, "of state"—also, by striking out of said line, and the following, these words, "appointed by the governor, by and with the advice and consent of the senate," and inserting in lieu thereof, these words, "chosen by the joint ballot of both houses of legislature."

On this amendment, the yeas and nays being demanded by Mr. Eads, those who voted in the affirmative, are—

Messrs. Beard, Benefield, Brownlee, Cox, Cull, Carr, De Pauw, Eads, Floyd, Ferris, Holman, Nathaniel Hunt, Hanna, Lowe, McCarty, Manwaring, Milroy, McIntire, Noble, Pennington, Robb, Smock, Smith, Shields—24.

Those who voted in the negative, are—

Messrs. Boone, Badollet, Cotton, Dill, Graham, (of Clark,) Johnson, Lemon, Lynn, Lane, Maxwell, Parke, Polke, (of Perry,) Polke, (of Knox,) Rapp, Scott, Jennings, president—16.

On motion,

*Ordered*, That the said article be referred to the committee of revisions, &c.

On motion of Mr. Ferris,

*Ordered*, That the engrossed article relative to the militia be taken up and read the second time.

Mr. Hanna then moved to amend the said article by striking out of the tenth section, from the words "staff officers," to the end thereof.

On this question, the yeas and nays being demanded by Mr. De Pauw, those who voted in the affirmative, are—

Messrs. Beard, Benefield, Brownlee, Cox, Cull, Cotton,

Carr, De Pauw, Dill, Devin, Eads, Ferris, Floyd, Graham, (of Washington,) Graham, (of Clark,) Holman, Hanna, Smock, Shields, Smith, Jennings, president, Lane, Lowe, McCarty, Manwaring, Milroy, McIntire, Maxwell, Noble, Pennington—30.

Those who voted in the negative, are—

Messrs. Boone, Badollet, Johnson, Lynn, Polke, (of Perry,) Polke, (of Knox,) Parke, Rapp, Robb, Scott—10.

So it was determined in the affirmative.

Mr. Holman then moved to amend said article by striking out of the same the second section thereof.

And thereupon, the yeas and nays being demanded by Mr. Holman, those who voted in the affirmative, are—

Messrs. Beard, Benefield, Badollet, Cox, Cull, Eads, Graham, (of Washington,) Holman, Nathaniel Hunt, Hanna, Lowe, McCarty, Manwaring, McIntire, Noble, Jennings, president—16.

Those who voted in the negative, are

Messrs. Boone, Cotton, Carr, De Pauw, Dill, Devin, Floyd, Ferris, Graham, (of Clark,) Johnson, Lane, Lemon, Lynn, Milroy, Maxwell, Parke, Polke, (of Perry,) Polke, (of Knox,) Pennington, Rapp, Robb, Smock, Smith, Scott, Shields—25.

So it was determined in the negative.

On motion of Mr. Robb,

*Ordered*, That the word "citizens," throughout the article be stricken out, and the word "persons," inserted in lieu thereof.

Mr. Polke, (of Knox,) moved to strike out of said article the fifth section, and insert in lieu thereof, these words, "major-generals and brigadier-generals shall be appointed by the governor, by and with the advice and consent of the senate."

On this proposed amendment, the yeas and nays being demanded by Mr. Polke, (of Knox,) those who voted in the affirmative, are—

Messrs. Badollet, Floyd, Graham, (of Clark,) Johnson, Lane, Polke, (of Perry,) Polke, (of Knox,) Parke, Rapp—9.

Those who voted in the negative, are—

Messrs. Boone, Benefield, Brownlee, Beard, Cox, Cull, Cotton, Carr, De Pauw, Dill, Devin, Eads, Ferris, Graham, (of Washington,) Holman, Nathaniel Hunt, Hanna, Lemon, Lowe, Lynn, McCarty, Manwaring, Milroy, McIntire, Maxwell, Noble, Pennington, Robb, Smock, Smith, Shields, Scott, Jennings, president—33.

So it was determined in the negative.

On motion of Mr. Noble,

The second section of said article was again amended, by inserting after the word "collected," the word "annually."

On motion of Mr. Parke,

The said sixth section of said article was amended, by striking out of the first line of said section, the word "and," and inserting in the second line, after the word "riflemen," the words, "grenadiers or light infantry"—also, in the sixth line of said section, the said last mentioned words.

On motion,

*Ordered*, That the said article be referred to the committee of general revisions.

On motion,

*Ordered*, That the article on the subject of a bill of rights and preamble to the constitution, be read the second time.

Mr. Johnson then moved to amend the said article, by inserting in the fifth section of said bill, and second line, after the word "dollars," the following words, to wit: "except in petty misdemeanors, which shall be punished by fine only, not exceeding five dollars, in such manner as the legislature may prescribe by law, reserving to the party charged, the right of appeal to the circuit court."

On this subject, the yeas and nays being demanded by Mr. Pennington, those who voted in the affirmative, are—

Messrs. Boone, Beard, Badollet, Cotton, Carr, De Pauw, Dill, Floyd, Graham, (of Washington,) Nathaniel Hunt, Hanna, Johnson, Lane, Lemon, Lowe, Lynn, McCarty, Maxwell, Noble, Polke, (of Perry,) Parke, Pennington, Rapp, Robb, Smock, Shields, Jennings, president—27.

Those who voted in the negative, are—

Messrs. Benefield, Brownlee, Cull, Devin, Eads, Ferris, Graham, (of Clark,) Holman, Manwaring, Milroy, Polke, (of Knox,) Smith, Scott—13.

On motion of Mr. Scott,

The said article was further amended, by erasing after the word "the," the word "sum," and inserting in lieu thereof, the word "value."

On motion,

The convention adjourned till four o'clock this afternoon.

*Four o'clock P. M.*

Convention met pursuant to adjournment.

Mr. Dill submitted for the consideration of the convention the following resolution, to wit:

*Resolved*, That a committee be appointed to prepare and report a resolution, accepting the propositions of Congress, as expressed in their act of the 19th April, 1816, both as regards the boundaries of the state and the donations.

And on motion,

The convention resolved itself into a committee of the whole on the said resolution, Mr. Johnson in the chair—and after some time spent therein, Mr. President resumed the chair, and Mr. Johnson reported, that the committee had, according to order, had the said resolution under consideration, had made no amendments to the same, which resolution he handed in at the secretary's table, and asked the adoption of the same by the convention.

And the same was adopted accordingly.

On this question, the yeas and nays being demanded by Mr. Pennington, those who voted in the affirmative, are—

Messrs. Boone, Beard, Benefield, Brownlee, Badollet, Cox, Cull, Cotton, Carr, De Pauw, Dill, Devin, Eads, Ferris, Floyd, Graham, (of Washington,) Graham, (of Clark,) Holman, Hanna, Johnson, Lemon, Lynn, McCarty, Manwaring, Milroy, McIntire, Noble, Polke, (of Perry,) Polke, (of Knox,) Parke, Rapp, Robb, Smock, Smith, Shields, Scott, Jennings, president—37.

Those who voted in the negative, are—

Messrs. Nathaniel Hunt, Lane, Maxwell, Pennington—4.

On motion,

*Ordered*, That the convention adjourn till to-morrow morning eight o'clock.

#### *SATURDAY MORNING, June 22, 1816.*

Convention met pursuant to adjournment.

The President, on the subject of Mr. Dill's resolution of yesterday, relative to the acceptance of the propositions of the general government, appointed the following committee to wit:—Messrs. Dill, Eads, Manwaring, Lane, Smith.

Mr. Parke, from the select committee appointed on the article relative to the judiciary department of government, reported as follows, to wit:—

Sec. 1. The judiciary power of this state, both as to matters of law and equity, shall be vested in one supreme court, in circuit courts, and in such other inferior courts as the legislature may from time to time direct and establish.

Sec. 2. The supreme court shall consist of three judges, any two of whom shall form a quorum, and shall have appellate jurisdiction only, which shall be co-extensive with the limits of the state, under such restrictions and regulations, not repugnant to this constitution, as may from time to time be prescribed by law.

Sec. 3. The circuit courts shall each consist of a president, and two associate judges. The state shall be divided by law into three circuits, for each of which a president shall be appointed, who, during his continuance in office, shall reside therein, the president and associate judges in their respective circuits, shall have common law and chan-

cery jurisdiction, as also complete criminal jurisdiction, in all such cases, and in such manner, as may be prescribed by law. The president alone, in the absence of the associate judges, shall be competent to hold a court, as also the two associate judges, in the absence of the president, shall be competent to hold a court, except in capital cases, and cases in chancery: *Provided*, That nothing herein contained shall prevent the legislature from increasing the number of circuits and presidents, as the exigencies of the state may from time to time require.

Sec. 4. The judges of the supreme court, the circuit, and other inferior courts, shall hold their offices during the term of seven years, if they shall so long behave well, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

Sec. 5. The judges of the supreme court shall, by virtue of their offices, be conservators of the peace throughout the state; as also the presidents of the circuit courts, in their respective circuits, and the associate judges, in their respective counties.

Sec. 6. The supreme court shall hold its sessions at the seat of government, at such times as shall be prescribed by law; and the circuit courts shall be held in the respective counties, as may be directed by law.

Sec. 7. The judges of the supreme court shall be appointed by the governor, by and with the advice and consent of the senate. The presidents of the circuit courts shall be appointed by joint ballot of both branches of the legislature; and the associate judges of the circuit courts shall be elected by the qualified electors in their respective counties.

Sec. 8. The supreme court shall appoint its own clerk; and the clerks of the circuit courts, in the several counties, shall be elected by the qualified electors in the several counties; but no person shall be eligible to the office of clerk of the circuit court, in any county, unless he shall first have obtained from one or more of the judges of the supreme court, or from one or more of the presidents of the circuit courts, a certificate, that he is qualified to execute the duties of the office of clerk of the circuit court: *Provided*, That nothing herein contained shall prevent the circuit court, in each county, from appointing a clerk *pro tem*. until a qualified clerk may be duly elected: *And provided also*, That the said clerks respectively, when qualified and elected, shall hold their offices seven years, and no longer, unless re-appointed.



Sec. 9. All clerks shall be removeable by impeachment, as in other cases.

Sec. 10. When any vacancies happen in any of the courts, occasioned by the death, resignation, or removal from office, of any judge of the supreme or circuit courts, or any of the clerks of the said courts, a successor shall be appointed in the same manner as herein before prescribed, who shall hold his office for the period which his predecessor had to serve, and no longer, unless re-appointed.

Sec. 11. The style of all process shall be, "The state of Indiana." All prosecutions shall be carried on in the name and by the authority of the state of Indiana; and all indictments shall conclude, against the peace and dignity of the same.

Mr. Robb then moved to amend the said article, by inserting in the third section, and twelfth line of said section, after the word "judges," the following words, to wit: "or the president, and one of the associate judges, in the absence of the other"—which amendment was adopted by the convention.

On motion of Mr. Noble,

*Ordered*, That an additional section, numbered twelve, be added to said article, as follows, to wit:—

Sec. 12th. A competent number of justices of the peace shall be elected by the qualified electors in each township, in the several counties, and shall continue in office five years, if they shall so long behave well—whose powers and duties shall from time to time be regulated and defined by law.

Mr. Noble then moved to reconsider the vote on the section just now added, for the purpose of striking out of said section the word "five," and inserting in lieu thereof, the word "three."

The yeas and nays being demanded by Mr. Noble, those who voted in the affirmative, are—

Messrs. Beard, Benefield, Brownlee, Cox, Cull, De Pauw, Eads, Graham, (of Washington,) Holman, Nathaniel Hunt, Hanna, Lowe, McCarty, McIntire, Noble, Parke, Robb, Smith—13.

Those who voted in the negative, are—

Messrs. Boone, Badollet, Cotton, Carr, Dill, Devin, Ferris, Floyd, Graham, (of Clark,) Johnson, Lane, Lemon, Lynn, Manwaring, Milroy, Maxwell, Polke, (of Perry,) Polke, (of Knox,) Pennington, Rapp, Smock, Scott, Shields, Jennings, president—24.

So it was determined in the negative.

Mr. Floyd then moved to amend the twelfth section, and third line of said article, by inserting the following words, "in each town corporate or county seat."

On this question, the yeas and nays being demanded by Mr. Floyd, those who voted in the affirmative, are—

Messrs. Boone, Badollet, Cotton, Carr, De Pauw, Dill, Ferris, Floyd, Lane, Lemon, Manwaring, Maxwell, Polke, (of Knox,) Pennington, Smock, Scott, Jennings, president—17.

Those who voted in the negative, are—

Messrs. Beard, Benefield, Brownlee, Cox, Cull, Devin, Eads, Graham, (of Washington,) Graham, (of Clark,) Holman, Hanna, Lynn, Lowe, McCarty, Milroy, McIntire, Noble, Polke, (of Perry,) Parke, Rapp, Robb, Smith—22.

So it was determined in the negative.

On motion of Mr. Dill,

*Ordered*, That the said article be engrossed for a second reading on Monday next.

On motion of Mr. De Pauw,

The convention then resumed the second reading of the article relative to the bill of rights and preamble to the constitution.

Mr. Ferris then moved to re-consider the vote taken on Mr. Johnson's amendment of yesterday to the fifth section of said article, which was carried in the affirmative.

On motion of Mr. Devin,

*Ordered*, That the said section be amended, by striking out of the same the following words, "reserving to the party charged the right of appeal to the circuit court."

On this motion, the yeas and nays being demanded by Mr. Johnson, those who voted in the affirmative are,

Messrs. Boone, Benefield, Brownlee, Badollet, Cox, Cull, De Pauw, Dill, Devin, Eads, Ferris, Floyd, Graham, (of Clark,) Hanna, Lane, Lynn, McCarty, Manwaring, Milroy, McIntire, Polke, (of Perry,) Polke, (of Knox,) Smith, Shields, Jennings, president—25.

Those who voted in the negative, are—

Messrs. Beard, Cotton, Graham, (of Washington,) Holman, Nathaniel Hunt, Johnson, Lowe, Noble, Parke, Pennington, Rapp, Robb, Smock, Scott—14.

On motion,

*Ordered*, That the original amendment of Mr. Johnson, as just now amended, be adopted by this convention.

On this question, the yeas and nays being demanded by Mr. Johnson, those who voted in the affirmative are,

Messrs. Boone, Benefield, Cull, De Pauw, Dill, Devin, Floyd, Graham, (of Washington,) Lane, McIntire, Polke, (of Perry,) Polke, (of Knox,) Parke, Robb, Jennings, president—15.

Those who voted in the negative, are—

Messrs. Beard, Eads, Ferris, Holman, Hanna, Johnson, Lemon, McCarty, Manwaring, Noble, Pennington, Scott, Smith, Shields—14.

Mr. Scott then moved to strike out the fifth section of said article, and insert in lieu thereof these words: "The right of trial by jury shall remain inviolate."

On this question, the yeas and nays being demanded by Mr. Floyd, those who voted in the affirmative, are—

Messrs. Beard, Brownlee, Carr, Eads, Ferris, Graham, (of Clark,) Lemon, Manwaring, Noble, Pennington, Scott, Smith—12.

Those who voted in the negative, are—

Messrs. Boone, Benefield, Badollet, Cox, Cull, Cotton, De Pauw, Dill, Devin, Floyd, Graham, (of Washington,) Nathaniel Hunt, Hanna, Johnson, Lane, Lowe, Lynn, McCarty, Milroy, McIntire, Maxwell, Polke, (of Perry,) Polke, (of Knox,) Parke, Rapp, Robb, Smock, Shields, Jennings, president—29.

And so it was determined in the negative.

On motion,

*Ordered*, That the convention do now adjourn till two o'clock P. M.

*Two o'clock P. M.*

Convention met pursuant to adjournment.

Mr. Floyd having asked leave for that purpose, obtained leave of absence during the remainder of this day.

Mr. Johnson moved further to amend the said fifth section of said article, by striking out of the same, after the word "exceeding," the word "five," and inserting in lieu thereof the word "three"—which amendment was adopted by the convention.

The yeas and nays being demanded by Mr. Ferris, those who voted in the affirmative, are—

Messrs. Beard, Boone, Badollet, Cox, Cull, Cotton, Carr, Dill, Devin, Eads, Graham, (of Washington,) Nathaniel Hunt, Johnson, Lowe, Lynn, McIntire, Maxwell, Noble, Polke, (of Knox,) Parke, Pennington, Rapp, Robb, Smock, Smith, Scott, Shields, Jennings, president—28.

Those who voted in the negative, are—

Messrs. Benefield, Brownlee, De Pauw, Ferris, Graham, (of Clark,) Holman, Hanna, Lane, Lemon, McCarty, Manwaring, Milroy, Polke, (of Perry,)—13.

Mr. Dill, from the committee relative to the propositions of Congress, and the boundaries of the state, made the following report, to wit:—

*"Resolved, by the people of the state of Indiana,"* by their representatives in convention met at Corydon, on Monday the tenth day of June, in the year of our Lord eighteen hundred and sixteen, that we do, for ourselves and our posterity, agree, determine, declare, and ordain, that we will, and do hereby, accept the propositions of the Congress of the United States, as made and contained in their act of the nineteenth day of April, eighteen hundred and sixteen,

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entitled, "an act to enable the people of the Indiana territory to form a state government and constitution, and for the admission of such state into the Union on an equal footing with the original states:" And we do further, for ourselves and our posterity, hereby ratify, confirm and establish, the boundaries of the said state of Indiana, as fixed, prescribed, laid down, and established, in the act of Congress aforesaid: And we do also, further for ourselves and our posterity, hereby agree, determine, declare, and ordain, that each and every tract of land, sold by the United States, within the boundaries of the said state, as aforesaid established, from and after the first day of December next, shall be and remain exempt from any tax laid by order or under any authority of the said state of Indiana, or by or under the authority of the legislature thereof, whether for state, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale of any such tract of land: And we do moreover, for ourselves and our posterity, hereby declare, and ordain, that the foregoing resolution, and every part thereof, shall forever be and remain irrevocable and inviolate, without the consent of the United States, in Congress assembled, first had and obtained for the alteration thereof, or any part thereof.

And on motion of Mr. Ferris,

*Ordered*, That the convention concur in said report.

The yeas and nays being demanded by Mr. Pennington, those who voted in the affirmative, are—

Messrs. Boone, Beard, Benefield, Brownlee, Badollet, Cox, Cull, Cotton, Carr, De Pauw, Dill, Devin, Eads, Ferris, Graham, (of Washington,) Graham, (of Clark,) Holman, Hanna, Johnson, Lowe, Lynn, McCarty, Manwaring, Milroy, McIntire, Noble, Polke, (of Perry,) Polke, (of Knox,) Parke, Rapp, Robb, Smock, Smith, Shields, Scott, Jennings, president—36.

Those who voted in the negative, are—

Messrs. Nathaniel Hunt, Lane, Lemon, Maxwell, Pennington—5.

On motion,

Convention adjourned till Monday morning, 9 o'clock.

*MONDAY MORNING,* }  
*Nine o'clock, June 24, 1816.* }

Convention met pursuant to adjournment.

Mr. Floyd, from the committee on the subject of a change of government, and preserving the existing laws, until repealed by the state legislature, and providing for appeals

from the territorial courts to the state courts, made the following report, to wit:—

Sec. 1. That no evils or inconvenience may arise from the change of a territorial government to a permanent state government, it is declared by this convention, that all rights, suits, actions, prosecutions, recognizances, and contracts, both as it respects individuals, and bodies corporate, shall continue as if no change had taken place in this government.

Sec. 2. All fines, penalties, and forfeitures, due and owing to the territory of Indiana, shall inure to the use of the state; all bonds executed to the governor, or any other officer, in his official capacity in the territory, shall pass over to the governor, or other officers of the state, and their successors in office, for the use of the state, or by him or them to be respectively assigned over to the use of those concerned, as the case may be.

Sec. 3. The governor, secretary, and judges, and all other officers, both civil and military, under the territorial government, shall continue in the exercise of the duties of their respective departments until the said officers are superseded under the authority of this constitution.

Sec. 4. All laws, and parts of laws, now in force in this territory, not inconsistent with this constitution, shall continue and remain in full force and effect until repealed by the legislature.

Sec. 5. The governor shall use his private seal until a state seal be procured.

Sec. 6. The governor, secretary of state, auditor of public accounts, and treasurer, shall severally reside and keep all the public records, books, and papers, in any manner relating to their respective offices, at the seat of government: *Provided notwithstanding*, That nothing herein contained shall be so construed as to effect the residence of the governor, for the space of six months, and until buildings suitable for his accommodation shall be procured at the expense of the state.

Sec. 7. All suits, pleas, complaints, and other proceedings, now depending in any court of record or justices court, shall be prosecuted to final judgment and execution; and all appeals, writs of error, certiorari, injunction, or other proceedings whatever, shall progress and be carried on in the respective court or courts, in the same manner as is now provided by law, and all proceedings had therein in as full and complete a manner as if this constitution had not have been adopted.

Sec. 8. The president of this convention shall issue writs of election, directed to the several sheriffs of the several counties, requiring them to proceed to the election of a governor, lieutenant-governor, members of the general assembly, sheriffs, and coroners, at the respective election districts, in each county, on the       day of       ; which election shall be conducted in the manner prescribed by the existing election laws of the Indiana territory; and the said governor, lieutenant-governor, members of the general assembly, sheriffs, and coroners, then duly elected, shall continue to exercise the duties of their respective offices for the time prescribed by this constitution, or until the next annual, biennial, triennial, elections, as particularly directed by this constitution, and no longer.

Sec. 9. Until the first enumeration shall be made as directed by this constitution, the county of Wayne shall be entitled to one senator and two representatives; the county of Franklin, to one senator and three representatives; the county of Dearborn, one senator and two representatives; the county of Switzerland, one representative; and the county of Jefferson and Switzerland, one senator; and the county of Jefferson, two representatives; the county of Clark, one senator and two representatives; the county of Harrison, one senator and two representatives; the counties of Washington, Orange, and Jackson, one senator, and each of the said counties of Washington, Orange, and Jackson, one representative; the county of Knox, one senator and three representatives; the county of Gibson, one senator and two representatives; the counties of Posey, Warrick, and Perry, one senator; and each of the aforesaid counties of Posey, Warrick, and Perry, one representative.

On motion,

The same was referred to a committee of the whole, and made the order of the day for to-morrow.

Mr. Noble, from the committee on the subject of banks, and banking companies, made the following report, to wit:

Sec. 1. There shall not be established or incorporated in the state, any bank or banking companies, or monied institutions, for the purpose of issuing bills of credit, or bills payable to order or bearer; *Provided*, That nothing herein contained shall be so constructed as to prevent the general assembly from establishing a state bank, and branches of said bank: *Provided also*, That the bank at Vincennes, and the Farmers' and Mechanics' bank of Indiana, at Madison, shall be considered as incorporated banks, according to the

true tenor of the charters granted to said banks by the legislature of the Indiana territory.

And on motion,

The said report was referred to a committee of the whole convention, and made the order of the day for to-morrow.

On motion of Mr. Ferris,

The convention resolved itself into a committee of the whole on the article relative to general provisions, Mr. Scott in the chair—and after some time spent therein, Mr. President resumed the chair, and Mr. Scott reported, that the committee had, according to order, had the said article under consideration, had made some amendments to the same, which he handed in at the secretary's table, where they were read and concurred in by the convention.

The amendments made in committee of the whole are as follows, to wit:—

The fourth section of said article was amended, by striking out of the fourth line of the same, the following words, to wit: "by the general assembly."

The said article was again amended, by striking out of the third and fourth lines of the sixth section, the words "trustees of towns," and inserting in lieu thereof, these words, "the trustees of the town of Clarksville excepted."

The seventh section of said article was also amended, by striking out after the word "convicted," in the fourth line, these words, "nor shall any male person, arrived at the age of twenty-one years, nor female person, arrived at the age of eighteen years, be held to serve any person as a servant, under pretence of indenture or otherwise, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a bona fide consideration received, or to be received, for his or her service, except as before excepted."

The said seventh section was further amended, by striking out after the word "state," in the sixteenth line, these words, "neither shall any indenture of any negro or mulatto, hereafter made within the state, be of the least validity, except in the case of apprenticeships."

The said article was further amended, by adding thereto, a ninth section, as follows:—

"No new county shall be established by the general assembly, which shall reduce the county or counties, or either of them from which it shall be taken, to less contents than four hundred square miles; nor shall any county be laid off of less contents."

On motion,

*Ordered*, That the said article be engrossed for a second reading on to-morrow.

On motion,

Convention adjourned till two o'clock P. M.

*Two o'clock P. M.*

Convention met pursuant to adjournment.

On motion,

The engrossed bill relative to the judiciary was taken up and read the second time.

Mr. Robb then moved to strike from the third line of the third section of said article, these words, "the state shall be divided by law into three circuits," and to insert in lieu thereof, these words, "the general assembly shall, from time to time, divide the state into circuits, as exigencies may require."

On this question, the yeas and nays being demanded by Mr. Robb those who voted in the affirmative, are—

Messrs. Boone, De Pauw, Devin, Graham, (of Washington,) Lane, Lemon, Polke, (of Perry,) Robb, Shields, Smith—10.

Those who voted in the negative, are—

Messrs. Beard, Benefield, Brownlee, Badollet, Cox, Cull, Cotton, Carr, Dill, Eads, Ferris, Floyd, Graham, (of Clark,) Holman, Hanna, Nathaniel Hunt, Johnson, McCarty, Manwaring, Milroy, McIntire, Maxwell, Lowe, Lynn, Noble, Polke, (of Knox,) Parke, Pennington, Rapp, Scott, Smock, Jennings, president—32.

So it was determined in the negative.

Mr. Robb then moved to strike out of the sixth section of said article, after the word "sessions," in the first line, these words "at the seat of government," and insert these words after the word "times" in the second line, "and places."

The yeas and nays being, on this question, demanded by Mr. Robb, those who voted in the affirmative, are—

Messrs. Graham, (of Washington,) Ferris, Nathaniel Hunt, Hanna, Manwaring, Milroy, Robb, Smith—8.

Those who voted in the negative, are

Messrs. Boone, Beard, Benefield, Brownlee, Badollet, Cox, Cull, Cotton, Carr, De Pauw, Dill, Devin, Eads, Floyd, Graham, (of Clark,) Holman, Johnson, Lane, Lemon, Lowe, Lynn, McCarty, McIntire, Maxwell, Noble, Polke, (of Perry,) Polke, (of Knox,) Parke, Pennington, Rapp, Smock, Scott, Shields, Jennings, president—34.

So it was determined in the negative.

Mr. Hanna moved to add a thirteenth section to said article, as follows, to wit:

*Provided, however*, That the operation of the supreme court, provided for in this article, shall be suspended until the year eighteen hundred and twenty; and until that time



it shall be the duty of the presiding judges of the circuit courts, to hold a court of errors and appeals at the seat of government, and at such other places as the legislature may from time to time prescribe, under such rules and regulations as the said article provides for the holding the supreme court aforesaid.

On this motion, the yeas and nays being demanded by Mr. Hanna, those who voted in the affirmative, are—

Messrs. McCarty, Milroy, De Pauw, Ferris, Hanna, Noble, Robb, Smith—8.

Those who voted in the negative, are—

Messrs. Boone, Beard, Benefield, Brownlee, Badollet, Cox, Cull, Cotton, Carr, Dill, Devin, Eads, Floyd, Graham, (of Clark,) Holman, Nathaniel Hunt, Johnson, Lane, Lemon, Lowe, Lynn, Manwaring, McIntire, Maxwell, Parke, Polke, (of Perry,) Polke, (of Knox,) Pennington, Rapp, Smock, Scott, Shields, Jennings, president—33.

And so it was determined in the negative.

On motion,

*Ordered*, That the convention do now adjourn till to-morrow morning eight o'clock.

*TUESDAY MORNING, JUNE 25, 1816.*

Convention met pursuant to adjournment.

Mr. Parke from the committee of revisions, reported that the committee had, according to order, had articles numbered one, two, three, four, five, under their consideration; had made some amendments to the same, some of which he stated, and which, as stated, were concurred in by the convention.

Convention then proceeded further to consider the amendments of the committee aforesaid, as made to the said articles.

Mr. Johnson moved to fill up the first blank in the twenty-fifth section of the article, relative to the legislative department, with the words "November, 1817." It was further moved to insert "November next."

On this question, the yeas and nays being demanded by Mr. Johnson, and previous to the calling of the same the further consideration of said article was postponed till to-morrow.

On motion of Mr. Eads,

*Ordered*, That an additional section, numbered twenty-seven, be added to the article relative to the executive department, as follows, to-wit:

"There shall be a seal of this state, which shall be kept by the governor, and used by him officially, and shall be called *the seal of the state of Indiana*."

Mr. Robb then moved to strike out of the first line of

the second section of the article relative to the judiciary, these words, "three judges," and insert in lieu thereof, these words, "one or more judges, as the general assembly shall from time to time prescribe by law."

On this proposed amendment, the yeas and nays being demanded by Mr. Robb, those who voted in the affirmative are,

Messrs. Boone, Brownlee, De Pauw, Floyd, Graham, (of Washington,) Hanna, Lane, McCarty, Manwaring, Milroy, McIntire, Maxwell, Noble, Robb, Smith, Shields—16.

Those who voted in the negative, are—

Messrs. Beard, Benefield, Badollet, Cox, Cull, Cotton, Carr, Dill, Devin, Eads, Ferris, Graham, (of Clark,) Holman, Nathaniel Hunt, Johnson, Lowe, Lynn, Polke, (of Perry,) Polke, (of Knox,) Parke, Pennington, Rapp, Smock, Scott, Jennings, president—25.

So it was determined in the negative.

On motion,

*Ordered*, That the articles one, two, four, five, with the amendments thereto, be engrossed for a third reading on Thursday next.

Convention then resolved itself into a committee of the whole on the article relative to banks and banking companies, Mr. Parke in the chair—and after some time spent therein, Mr. President resumed the chair, and Mr. Parke reported, that the committee had, according to order, had the said article under consideration, had made some amendments to the same—which he handed in at the secretary's table, where they were again read, and concurred in by the convention.

Mr. Scott from the committee relative to education, &c, made the following report, to wit:

#### ARTICLE.

Sec. 1. Knowledge and learning generally diffused through a community, being essential to the preservation of a free government, and spreading the opportunities and advantages of education through the various parts of the country being highly conducive to this end, it shall be the duty of the general assembly to provide by law, for the improvement of such lands as are or hereafter may be granted by the United States to this state, for the use of schools, and to apply any funds which may be raised from such lands, or from any other quarter, to the accomplishment of the grand object for which they are or may be intended. But no lands granted for the use of schools, shall be sold by the authority of this state, prior to the year  
and the monies which may be raised out of the sale of any such lands, or otherwise obtained, for the purposes aforesaid, shall be and remain a fund, for the exclusive purpose

of promoting the interest of literature and the sciences, and for the support of seminaries and public schools. The general assembly shall, from time to time, pass such laws as shall be calculated to encourage intellectual, scientific, and agricultural, improvement, by allowing rewards and immunities for the promotion and improvement of arts, sciences, commerce, manufactures, and natural history; and to countenance and encourage the principles of humanity, honesty, industry, and morality.

Sec. 2. It shall be the duty of the general assembly, as soon as circumstances will permit, to provide by law for a general system of education, ascending in a regular gradation, from township schools to a state university, wherein tuition shall be gratis, and equally open to all.

Sec. 3. And for the promotion of such salutary end, the money which shall be paid as an equivalent by persons exempt from militia duty, shall be exclusively, and in equal proportion, applied to the support of county seminaries; also, all fines assessed for any breach of the penal laws, shall be applied to the said seminaries, in the counties wherein they shall be assessed.

Sec. 4. It shall be the duty of the general assembly, as soon as circumstances will permit, to form a penal code, founded on the principle of reformation, and not of vindictive justice; and also to provide one or more farms, to be an assylum for those persons, who by reason of age, infirmity, or other misfortunes, may have a claim on the aid and beneficence of society, on such principles, that such persons may therein find employment, and every reasonable comfort, and lose by their usefulness, the degrading sense of dependence.

Sec. 5. The general assembly shall cause at least ten per cent to be reserved out of the proceeds of the sales of town lots, in the seat of justice of each county, for the use of a public library, for such county; and at the same session, they shall incorporate a library company, under such rules and regulations as will best secure its permanence, and extend its benefits.

And on motion,

*Ordered*, That the said article be read a second time tomorrow.

On motion,

Convention adjourned till two o'clock P. M.

*Two o'clock P. M.*

Convention met pursuant to adjournment.

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Mr. Parke, from the committee of general revisions, reported, that the committee had, according to order, had under their consideration, articles numbered six, seven, eight, and nine, had made some amendments to the same, which he handed in at the secretary's table, where they were again read, and concurred in by the house.

On motion,

*Ordered*, That the said articles be engrossed for a third reading on Thursday next.

The convention resolved itself into a committee of the whole on the article relative to a change of government, &c. Mr. Floyd in the chair—and after some time spent therein, Mr. President resumed the chair, and Mr. Floyd reported, that the committee had, according to order, had the said article under consideration, had made some progress in the same.

And on motion,

*Ordered*, That leave be given to sit again.

On motion,

*Ordered*, That the convention do now adjourn till to-morrow morning eight o'clock.

#### WEDNESDAY MORNING, JUNE 26, 1816.

Convention met pursuant to adjournment.

Mr. Ferris, from the committee appointed on the memorial of the citizens of Louisville, reported as follows, to wit:—

Mr. PRESIDENT—Your committee to whom was referred the letter and memorial of the citizens of Louisville, (Ky.) upon the subject of petitioning the President and Directors of the bank of the United States, to establish a branch in said town, feel a full conviction of the justness of their claim, from the superior advantage they possess, in a commercial point of view, over any other town in Kentucky. But they are of opinion, it would be improper for this convention to interfere in a local question, in which the interest and feeling of the citizens of two large towns, in a neighbouring state, are so deeply involved.

And on motion,

The convention concurred in the said report.

On motion of Mr. Cotton,

The convention now proceeded to consider the article relative to the legislative department, postponed on yesterday.

Mr. Cotton moved to amend the twentieth section of said article, by adding thereto these words, "*Provided*, That

nothing in this constitution shall be so construed as to prevent any member of the first session of the first general assembly accepting any office that is created by this constitution, or the constitution of the United States, and the salaries of which are established."

The yeas and nays being demanded by Mr. Ferris, those who voted in the affirmative, are—

Messrs. Benefield, Badollet, Cull, Cotton, Carr, De Pauw, Devin, Floyd, Graham, (of Washington,) Johnson, Lowe, McIntire, Maxwell, Noble, Polke, (of Perry,) Polke, (of Knox,) Parke, Pennington, Rapp, Smock, Smith, Jennings, president—22.

Those who voted in the negative, are—

Messrs. Boone, Beard, Brownlee, Cox, Dill, Eads, Ferris, Graham, (of Clark,) Holman, Nathaniel Hunt, Hanna, Lane, Lemon, Lynn, McCarty, Manwaring, Robb, Scott, Shields—19.

Carried in the affirmative.

Mr. Ferris further moved to amend said twentieth section, by adding, after the word "officers," these words, "and justices of the peace."

On this, the yeas and nays being demanded, those who voted in the affirmative, are—

Messrs. Boone, Cotton, Ferris, Floyd, Graham, (of Washington,) Nathaniel Hunt, Hanna, McCarty, Manwaring, Robb, Noble, Pennington, Smock, Smith—14.

Those who voted in the negative, are—

Messrs. Boone,\* Benefield, Badollet, Cox, Cull, De Pauw, Dill, Devin, Eads, Graham, (of Clark,) Holman, Johnson, Lane, Lemon, Lowe, Lynn, McIntire, Maxwell, Polke, (of Perry,) Polke, (of Knox,) Parke, Rapp, Scott, Shields, Jennings, president—25.

So it was determined in the negative.

The said twentieth section was further amended, by striking out the words, "or territory."

On motion of Mr. Smith,

It was further proposed to amend the said article, by striking out the twentieth section.

When the yeas and nays being demanded by Mr. Manwaring, those who voted in the affirmative, are—

Messrs. Brownlee, Cull, Eads, Ferris, Hanna, McCarty, Manwaring, Pennington, Smith—9.

Those who voted in the negative, are—

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\* The entry of this name among the negatives as well as the affirmatives, is not an error of mine.

J. M. TUNSTALL, Assistant Secretary.

Messrs. Boone, Beard, Badollet, Cox, Cotton, Carr, De Pauw, Dill, Devin, Floyd, Graham, (of Washington,) Graham, (of Clark,) Holman, Nathaniel Hunt, Johnson, Lane, Lynn, McIntire, Maxwell, Noble, Polke, (of Perry,) Polke, (of Knox,) Rapp, Robb, Smock, Scott, Shields, Jennings, president—28.

So it was determined in the negative.

*Ordered*, That the twenty-sixth and twenty-eighth sections be transferred to the article relative to general provisions.

On motion,

*Ordered*, That the twenty-seventh section of said article be amended, by striking out after the word "who," in the first line, these words, "heretofore hath been."

Said article was further amended, by filling up the first blank, in the twenty-fifth section of said article, with the words, "first Monday of November next."

On motion,

*Ordered*, That the article relative to education be read the second time.

And on motion of Mr. De Pauw,

*Ordered*, That the same be amended, by inserting in the third section, after the word "duty," these words, "except in time of war."

The said article was further amended, by filling up the blank in the first section, with the words "eighteen hundred and twenty." And the said section was further amended, by adding, after the word "schools," these words, "or seminaries of learning"—and the said article was then referred to the committee of general revisions.

On motion,

*Ordered*, That the engrossed article relative to the general provisions, be taken up and read the second time.

On motion of Mr. Maxwell,

*Ordered*, That the ninth section of said article be amended, by adding the following words, "except counties bordering on the Ohio and Wabash rivers, and in such other parts of the state as may be naturally circumscribed, so as to render such small county or counties necessary."

On motion of Mr. Smock,

*Ordered*, That the said ninth section be stricken out from the beginning.

The yeas and nays being demanded by Mr. Smock, those who voted in the affirmative, are—

Messrs. Benefield, Cull, Cotton, De Pauw, Devin, Ferris, Floyd, Graham, (of Clark,) Nathaniel Hunt, Hanna, Lemon,

Lowe, Lynn, McCarty, McIntire, Maxwell, Noble, Polke, (of Perry,) Polke, (of Knox,) Rapp, Robb, Smock, Smith, Scott, Shields, Jennings, president—26.

Those who voted in the negative, are

Messrs. Boone, Beard, Badollet, Cox, Carr, Dill, Eads, Graham, (of Washington,) Holman, Johnson, Lane, Manwaring, Milroy, Pennington—14.

On motion of Mr. Noble,

The said article was further amended, by adding a ninth section, as follows:—

“All commissions shall be in the name and by the authority of the state of Indiana, and sealed with the state seal, and signed by the governor, and attested by the secretary of state.”

On motion of Mr. Dill,

*Ordered*, That the said article be further amended, by adding a tenth section, as follows, to wit:—

“There shall be elected, in each county, a recorder, who shall hold his office during the term of seven years: *Provided* he shall so long behave himself well: *And provided also*, nothing herein contained shall prevent the clerks of the circuit courts from being elected to the office of recorder.”

On motion of Mr. De Pauw,

The said article was further amended, by adding thereto a section numbered eleven, to wit:—

“ in county, shall be the seat of government of the state of Indiana, until the year eighteen hundred and twenty-five, and until removed by law.”

On motion,

Convention then adjourned till two o'clock P. M.

*Two o'clock P. M.*

Convention met pursuant to adjournment.

The convention now resumed the consideration of the article relative to general provisions.

And on motion,

*Ordered*, That the first blank, in the eleventh section be filled up with the word “Corydon,” and the second blank, with the word “Harrison.”

On motion of Mr. Johnson,

The following section was added to said article:—

“Sec. 12. The general assembly, when they lay off any new county, shall not reduce the old county or counties, from which the same shall be taken, to a less content than four hundred square miles.”

The yeas and nays being demanded by Mr. Ferris, those who voted in the affirmative, are—

Messrs. Boone, Beard, Benefield, Badollet, Brownlee, Cox, Carr, Dill, Devin, Eads, Ferris, Graham, (of Washington,) Holman, Johnson, Lane, Manwaring, Milroy, Pennington, Polke, (of Perry,) Polke, (of Knox,) Robb, Rapp, Scott—23.

Those who voted in the negative, are—

Messrs. Cotton, De Pauw, Floyd, Graham, (of Clark,) Nathaniel Hunt, Hanna, Lemon, Lynn, McCarty, McIntire, Maxwell, Noble, Smock, Smith, Shields, Jennings, president—16.

On motion of Mr. Ferris,

The said article was further amended, by adding a thirteenth section, as follows, to wit:

“No person shall hold more than one lucrative office at the same time, except as in this constitution is expressly permitted.”

On motion,

The said article was further amended by adding the following section, numbered \_\_\_\_\_ to wit:

“The general assembly of this state shall not allow the following officers of government, as their annual salaries, until the year one thousand eight hundred and twenty, after which time their salaries shall be fixed as the general assembly may direct, to wit: The governor not more than one thousand dollars; the judges of the supreme courts eight hundred dollars each; the presidents of the circuit courts eight hundred dollars each; the secretary of state four hundred dollars; the auditor of public accounts three hundred dollars; the treasurer three hundred dollars; no member of the general assembly more than two dollars per day during his attendance on the general assembly, nor more for every twenty-five miles he shall travel in going to, and returning from the general assembly.”

It was then proposed to amend the said section, by striking out the word “two,” immediately preceding dollars, and inserting in lieu thereof the word “one”

The yeas and nays being demanded by Mr. Dill, those who voted in the affirmative, are—

Messrs. Boone, Badollet, Dill, Eads, Graham, (of Clark,) Johnson, Lemon, Lynn, McIntire, Maxwell, Polke, (of Perry,) Rapp, Scott—14.

Those who voted in the negative, are—

Messrs. Beard, Benefield, Brownlee, Cox, Cull, Cotton, Carr, De Pauw, Devin, Ferris, Floyd, Graham, (of Washington,) Holman, Nathaniel Hunt, Hanna, Lowe, Lane, McCarty, Manwaring, Milroy, Noble, Polke, (of Knox,) Pennington, Robb, Smock, Smith, Shields, Jennings, president—28.

Convention adjourned till to-morrow morning eight o'clock.



*THURSDAY MORNING, JUNE 27, 1816.*

Convention met pursuant to adjournment.

Convention, agreeably to order, proceeded to the third reading of the several engrossed articles, to wit:

Article 1, relative to the bill of rights, &c.

Article 2, relative to the distribution of the powers of government.

Article 3, relative to the legislative department of government.

Article 4, relative to the executive department of government.

Article 5, relative to the judiciary.

Article 6, relative to the elective franchise.

Article 7, relative to the militia.

Article 8, relative to the revision of the constitution.

Article 9, relative to education.

And, an ordinance relative to the acceptance of the propositions of the general government.

And on the questions severally "shall the said articles pass?" they were determined in the affirmative.

Convention resumed the consideration of the article relative to the general provisions:

Mr. Robb then moved to amend the sixteenth section of said article, by striking out of the same after the word "treasurer," in the fourth line, the words "four hundred," and inserting in lieu thereof, the words "three hundred."

On this question, the yeas and nays being demanded by Mr. Robb, those who voted in the affirmative, are—

Messrs. De Pauw, Dill, Devin, Eads, Nathaniel Hunt, Johnson, McIntire, Maxwell, Robb, Smock, Smith, Shields—12.

Those who voted in the negative, are—

Messrs. Beard, Boone, Benefield, Brownlee, Badollet, Cox, Cull, Cotton, Carr, Ferris, Floyd, Grabam, (of Clark,) Holman Hanna, Lane, Lemon, Lynn, McCarty, Manwaring, Noble, Polke, (of Perry,) Polke, (of Knox,) Pennington, Rapp, Scott, Jennings, president—26.

So it was determined in the negative.

On motion of Mr Johnson,

*Ordered,* That the said section be further amended by striking out after the words "two dollars," and inserting in lieu thereof, the words "one dollar and twenty-five cents."

On this question, the yeas and nays being demanded by Mr. Johnson, those who voted in the affirmative, are—

Messrs. Dill, Graham, (of Clark,) Johnson, Lemon, Lynn, Scott—6.

Those who voted in the negative, are—

Messrs. Boone, Beard, Benefield, Brownlee, Cox, Cull, Cotton, Carr, De Pauw, Devin, Eads, Ferris, Floyd, Graham, (of Washington,) Holman, Nathaniel Hunt, Hanna, Lane, Lowe, McCarty, Milroy, Maxwell, Noble, Polke, (of Perry,) Polke, (of Knox,) Pennington, Robb, Smock, Shields Smith, Jennings, president—32.

On motion,

*Ordered*, That the said section as amended, be adopted by the convention.

On this question, the yeas and nays being demanded by Mr. Robb, those who voted in the affirmative are,

Messrs. Boone, Beard, Brownlee, Cox, Cull, Cotton, Carr, De Pauw, Ferris, Floyd, Graham, (of Washington,) Graham, (of Clark,) Holman, Hanna, Lane, Lowe, Manwaring, Milroy, McIntire, Noble, Polke, (of Perry,) Pennington, Smock, Shields, Jennings, president—25.

Those who voted in the negative, are—

Messrs. Benefield, Dill, Johnson, Lemon, Lynn, Maxwell, Polke, (of Knox,) Rapp, Robb, Smith, Scott—11.

Mr. Maxwell then moved to amend the twelfth section of said article, by adding these words to wit: "except counties bordering on the Ohio river." Which amendment was not carried.

Mr. Smock then moved to amend the said twelfth article, by striking out the said twelfth section thereof; which motion was also determined in the negative,

On motion,

*Ordered*, That the said article be engrossed, and referred to the committee of revisions.

On motion,

*Ordered*, That the convention do now adjourn till two o'clock this afternoon.

*Two o'clock P. M.*

Convention met pursuant to ajournment.

The convention resolved itself into a committee of the whole, on the article relative to banks and banking companies, Mr. Noble in the chair—and after having spent some time therein, Mr. President resumed the chair, and Mr. Noble reported, that the committee had, according to order, had the said article under consideration, had made some amendments to the same, which he handed in at the secretary's table, where they were again read and concurred in by the convention.

The convention resolved itself into a committee of the whole on the article relative to a change of government, Mr. Scott in the chair—and after some time spent therein, Mr. President resumed the chair, and Mr. Scott reported, that the committee had, according to order, had the said article under consideration, had made some amendments to the same—which he handed in at the secretary's table, where they were again read, and concurred in by the convention.

The first amendment made in the committee of the whole on said article was made by erasing in the third

line of the ninth section immediately preceding representatives the word "two" and inserting in lieu thereof the word "three."

On this question the yeas and nays being demanded by Mr. Johnson, those who voted in the affirmative are, Messrs. Beard, Cox, Cull, Cotton, Carr, De Pauw, Dill, Eads, Graham, (of Washington,) Graham, (of Clark,) Holman, Nathaniel Hunt, Hanna, Lemon, Lowe, McCarty, Milroy, McIntire, Maxwell, Noble, Smock, Scott, Shields, Jennings, president—24.

Those who voted in the negative, are—

Messrs. Boone, Benefield, Brownlee, Badollet, Devin, Ferris, Floyd, Johnson, Lane, Lynn, Manwaring, Polke, (of Perry,) Polke, (of Knox,) Pennington, Rapp, Robb, Smith—17.

The second amendment made in committee of the whole, was the erasing in the tenth line of said ninth section, preceding the word "representatives," the word "two," and inserting in lieu thereof, the word "three," and further, by erasing in the twelfth line of said section, the word "two," and inserting in lieu thereof the word "three."

The said section was further amended, by erasing from the thirteenth line, after the word "Washington," the word "one," and inserting in lieu thereof the word "two."

On this question, the yeas and nays being demanded by Mr. Johnson, those who voted in the affirmative, are—

Messrs. Beard, Cox, Cull, Cotton, Carr, De Pauw,, Dill, Eads, Graham, (of Washington,) Graham, (of Clark,) Holman, Nathaniel Hunt, Hanna, Lemon, Lowe, McCarty, Milroy, McIntire, Maxwell, Noble, Pennington, Smock, Scott, Shields, Jennings, president—25.

Those who voted in the negative, are—

Messrs. Boone, Benefield, Brownlee, Badollet, Devin, Ferris, Floyd, Johnson, Lane, Lynn, Manwaring, Polke, (of Perry,) Polke, (of Knox,) Rapp, Robb, Smith—16.

On motion of Mr. Floyd,

The said section was proposed further to be amended, by erasing after the word "Orange," the word "one," and inserting in lieu thereof the word "two."

On this proposed amendment, the yeas and nays being demanded by Mr. Floyd, those who voted in the affirmative are,

Messrs. Boone, Benefield, Brownlee, Badollet, Cox, Cull, De Pauw, Devin, Floyd, Graham, (of Washington,) Johnson, Lane, Lemon, Lowe, McIntire, Pennington, Rapp, Robb, Shields, Jennings, president—20.

Those who voted in the negative, are—

Messrs. Beard, Cotton, Carr, Dill, Eads, Ferris, Graham, (of Clark,) Holman, Nathaniel Hunt, Hanna, Lynn, M'Carty, Manwaring, Milroy, Maxwell, Noble, Polke, (of Perry,) Polke, (of Knox,) Smock, Smith, Scott—21.

So it was determined in the negative.

On motion of Mr. Polke,

The said section was proposed further to be amended, by striking out after the word "Jefferson," and before the word "representatives," the word "two," and inserting in lieu thereof the word "one."

On this proposed amendment, the yeas and nays being demanded by Mr. Polke, (of Knox,) those who voted in the affirmative, are—

Messrs. Benefield, Badollet, Devin, Johnson, Polke, (of Knox,) Robb—6.

Those who voted in the negative, are—

Messrs. Boone, Beard, Brownlee, Cox, Cull, Cotton, Carr, De Pauw, Dill, Eads, Ferris, Floyd, Graham, (of Washington,) Graham, (of Clark,) Holman, Nathaniel Hunt, Hanna, Lane, Lemon, Lowe, Lynn, McCarty, Manwaring, McIntire, Milroy, Maxwell, Noble, Polke, (of Perry,) Pennington, Rapp, Smock, Smith, Scott, Shields, Jennings, president—35. So it was determined in the negative.

On motion of Mr. Noble,

*Ordered*, That the said article be further amended, by adding a tenth section, as follows to wit:—

"All books, records, documents, warrants and papers, appertaining and belonging to the office of the territorial treasurer of the Indiana territory, and all monies therein, and all papers and documents in the office of the secretary of the said territory, shall be disposed of as the general assembly of this state may direct."

On motion,

*Ordered*, That the said article be engrossed, and referred to the committee of general revisions.

On motion of Mr. Noble,

*Ordered*, That Messrs. Scott, Parke and Dill, be appointed a committee of enrolments.

On motion,

*Ordered*, That three copies of the ordinance relative to the acceptance of the propositions of Congress, and the stipulations on the part of this convention, be made out by the secretary; that the same be signed by the president and attested by the secretary; and by the president forwarded, one copy to the president of the United States, one copy

to the president of the senate, and another copy to the speaker of the house of representatives.

On motion,

*Ordered*, That the convention adjourn till to-morrow morning eight o'clock.

*FRIDAY MORNING, June 28, 1816.*

Convention met pursuant to adjournment.

Mr. Scott from the committee of general revisions, reported that the committee had, according to order, had under their consideration articles numbered ten, eleven and twelve; had made some alterations in the same, which were stated, and concurred in by the convention.

The president laid before the convention the writing obligatory of Davis Floyd, Esq. relative to his propositions on the subject of the accommodations, &c. of the governor of the state of Indiana, during the continuance of the seat of government at Corydon.

Convention then proceeded to the third reading of the article 10, relative to banks and banking companies.

Article 11, relative to the general provisions,

Article 12, relative to a change of government—

Which articles were severally read and passed.

On motion of Mr. Ferris, the convention came to the following resolution, to wit:

*Resolved*, That this convention recommend to the early attention of the first general assembly of the state of Indiana, the necessity of making appropriations to pay for the printing of the journals of the convention, and constitution of the state.

On motion of Mr. Floyd, the convention came to the following resolution, to wit:

*Resolved*, That the committee appointed to contract for printing the constitution and journals of this convention, be authorised to have them, when printed, stitched and forwarded to the several counties, to wit: To each member of this convention, eleven copies; to each of the secretaries, two copies; and the residue to be lodged in the secretary's office, for the use of the state.

On motion of Mr. Dill, the convention came to the following resolution, to wit:

*Resolved*, That there be allowed to the secretary of this convention, the sum of three dollars and fifty cents per day; to the assistant secretaries each, three dollars and fifty cents per day; to the door keeper, the sum of one dollar and fifty cents per day, and to the assistant door keeper, one dollar

and fifty cents per day, for their services respectively, during their attendance on this convention, and that the general assembly shall provide by law for the payment of the said officers, respectively; which services shall be certified by the president of this convention.

On motion,

Convention adjourned till five o'clock this afternoon.

*Five o'clock, P. M.*

Convention met pursuant to adjournment.

On motion,

*Ordered*, That Mr. Parke, on account of indisposition, be excused from any further services in the committee of enrolments—

And on motion,

*Ordered*, That Mr. Badollet be added to that committee.

On motion of Mr. Dill, the convention came to the following resolution, to wit:

*Resolved*, That it be recommended to the general assembly of the state of Indiana, to appropriate the money voluntarily given by the citizens of Harrison county to the state, to the purchase of books for a library for the use of the legislature and other officers of government; and that the said general assembly will, from time to time, make such other appropriations for the increase of said library, as the may deem necessary.

On motion,

*Ordered*, That the convention do now adjourn till tomorrow morning eight o'clock.

*SATURDAY MORNING, 8 o'clock, June 29, 1816.*

Convention met pursuant to adjournment.

On motion of Mr. Dill,

*Resolved*, That there shall be two complete copies of the constitution of Indiana, one of which shall be lodged with the president of the convention, to be kept by him until the meeting of the first general assembly, at which time the constitution shall be laid before them, and to be disposed of in such manner as they may direct.

On motion of Mr. Johnson, the convention came to the following resolution, to wit:

*Resolved*, That the president of this convention do forward one printed copy of the constitution to the president of the United States, one to the president of the senate, and

one to the speaker of the house of representatives of congress.

On motion of Mr. Johnson, the convention came to the following resolution, to wit:

*Resolved*, That Messrs. James Lemon and Robert A. New, be appointed as a committee to superintend the printing of the constitution of the state of Indiana; and that they report to the first general assembly.

On motion,

Convention adjourned till eleven o'clock A. M.

*Eleven o'clock A. M.*

Convention met pursuant to adjournment.

On motion,

*Ordered*, That the convention do now adjourn till three o'clock this afternoon.

*Three o'clock P. M.*

Convention met pursuant to adjournment.

Mr. Scott from the committee of enrollment, reported that the committee had, according to order, compared the engrossed articles of the constitution with the enrolled, as submitted to them by the enrolling clerks, and had found the same correctly enrolled—and thereupon,

On motion,

*Ordered*, That one copy of the same be read—and thereupon,

On motion,

The convention adjourned without day.

WILLIAM HENDRICKS, *Sec'y*.

### A Note on the Type

The original printing of the *Journal of the Convention of the Indiana Territory* was set in leaded nine point (Bourgeois) and unleaded eight point (Brevier) type sizes. This line-for-line reproduction is printed in a combination of ten point Century and eight point Intertype Baskerville, both unleaded.

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