

Southern New Hampshire University

Tippecanoe and Slavery Too

Jonathan Jennings, William Henry Harrison, and the Battle for Free Labor in Indiana

A Capstone Project Submitted to the College of Online and Continuing Education in Partial
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By

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Abstract

In the first few decades of the nineteenth century, the expansion of the young United States beyond those original thirteen began to take shape. In the development of the Old Northwest and the states that would eventually emerge from the region, some of the nation's first real debates on expanding slavery beyond the states where it already existed commenced. In what would become the Indiana Territory, and later the State of Indiana, political divisions regarding slavery were largely embodied by two men. William Henry Harrison was the first Governor of the Indiana Territory. A Virginian, Harrison grew up as a member of the planter class in his home state. The politics and economics of the plantation system would have seemed to work well in the new territory north of the Ohio River, and Harrison, in an effort to more quickly populate the region with proper men of means, especially those wanting to import slavery, would advocate for its legalization.

Leading the free-soilers in Indiana was Jonathan Jennings. An arch enemy of aristocratic themes in politics, and therefore a consistent opponent to William Henry Harrison, Jennings would spend two decades in public life in Indiana, working to eradicate slavery from within the territory's borders and ensuring that Indiana's first constitution would prohibit the practice. Though Indiana entered the Union as a free state, the story of Jennings and the battle for free labor is not widely known, even in the Hoosier state. This essay examines the story and its main characters, as well as how the story has been told over the years and has almost been forgotten.

Dedication

For my family

Table of Contents

Abstract.....	iv
List of Figures.....	vii
Preface.....	viii
Acknowledgments.....	x
Introduction.....	1
Chapter 1: The Northwest Territory	6
Chapter 2: Indiana: Government, Politics, and Slavery.....	16
Chapter 3: The Push for Statehood – The Push for Emancipation	32
Chapter 4: Beyond 1816: Of Presidents and Drunks	45
Chapter 5: Variety of Interpretation.....	55
Conclusion	68
Afterword.....	76
Bibliography	77

List of Figures

Figure 1: Northwest Territory.....	10
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Preface

This essay endeavors to tell the story of the political struggle to end slavery in Indiana at the founding of the state. While several historical characters will be examined herein, much of the essay will focus on two central figures important to the issue, and to Indiana history. William Henry Harrison, Governor of the Indiana Territory from 1800 to 1812, and later President of the United States, believed that “southern” men would be the best immigrants to the newly created territory, suggesting that the best way to quickly populate the region would be to have the financial boon of the plantation system put to work in Indiana. With this theory in mind, Harrison endeavored to seek political actions that would attract men from his home state of Virginia, the border state of Kentucky, and other southern areas of the young nation, including in this endeavor the effort to make slavery in Indiana legal. Additionally, as Territorial Governor, Harrison held immense power to appoint those he favored to political offices, and to generally sway much of public opinion to support his efforts to allow slavery to move with the planter class immigrants to the new territory.

Harrison’s main foe in the battle to allow slavery in Indiana was the young lawyer Jonathan Jennings, originally of New Jersey, and later the first Governor of the new State of Indiana. Though many factors can be calculated in the successful work to provide a free-labor Constitution for the new state, including a growing free-labor movement in the Indiana Territory prior to statehood, this essay posits that Jennings was an invaluable centerpiece to that effort. Continually opposing Harrison’s politics and candidates for office, Jonathan Jennings became the leading voice in the fight to draw power away from the Territorial Governor and his allies in

the Indiana Territory, leading the way for those that believed the aristocratic, slave owning, society had no place in Indiana.

In modern day Indiana, William Henry Harrison, “Old Tippecanoe,” is venerated as one of the state’s great historic figures while Jonathan Jennings is less well known, if not all but forgotten. In that this essay seeks to paint Jennings in a favorable light, and possibly renew interest in his life and political struggles, it is important to note that the author is a distant relative of the state’s first governor. In conducting the research and crafting the essay, all efforts have been made to ensure objectivity and limit bias in strict adherence to the American Historical Association’s Statement on Standards of Professional Conduct.

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Introduction

“It will be a matter of information to the general reader that slavery ever existed in Indiana,” states Jacob Piatt Dunn in the first line of the preface to his original 1888 work, *Indiana: A Redemption from Slavery*.¹ Nearly one hundred and thirty years later, the general reader may not be assumed to have been sufficiently informed. In fact, discussions regarding slavery in the Old Northwest Territory, and the states that were carved from it, seems to have garnered little attention by historians, not to mention the general public. While some amount of scholarly research has been conducted, and narratives do exist, the importance of the subject in understanding the general history of the region, especially that of the founding of Indiana, has not been given its due.

Remarkably, as Indiana celebrated her bicentennial in 2016, very few Hoosiers were familiar with the story of the state’s first governor, Jonathan Jennings, and what may be considered to have been a battle to ban slavery in the newly created state. Prior to 1816, much of the political power in the Indiana Territory was embodied in William Henry Harrison and those other Virginia Planter Class elites with which he surrounded himself. “Old Tippecanoe,” hero of the War of 1812, and with struggles against Native American Tribes in the Old Northwest, served for twelve years as the Territorial Governor, a political appointment with which nearly unprecedented powers were attached. The Harrison Faction, as this research will refer to his allies, sought to strengthen the Indiana Territory by attracting immigrants from neighboring Kentucky, and other slave states, believing that the well-known Plantation System would work

¹ J. P. Dunn, Jr., *Indiana: A Redemption from Slavery* (Boston: Houghton Mifflin Company, 1888), vii.

well in the growing region just north of the Ohio River. Clearly, the Harrison Faction would support efforts to allow slavery in the Territory, regardless of its apparent banishment by the Northwest Ordinance.

In the years leading up to 1816, a strong free labor community began to develop in the eastern part of the Indiana Territory, largely made up of Quakers, Presbyterians, and other groups that viewed the Plantation System, and the African slavery that made it so unbelievably profitable, as either an immoral subjugation of human beings, or more likely as a barrier to small farm ownership and a more yeomanry centered agricultural lifestyle. As this group gained strength, a political battle pitting its standard bearer, the young lawyer Jonathan Jennings, against the Harrison Faction, would decide the fate of slavery in the new state of Indiana.

This essay examines the development of Indiana and seeks to answer several questions about slavery's importance to her first residents, and how the free labor movement ultimately overcame those powerful forces that advocated for the South's peculiar institution. Initially, how and why did the free labor movement in the Indiana Territory begin, and how did it strengthen? Additionally, how did Jonathan Jennings become involved in the politics of Indiana and the struggle for banning slavery, and how important was his involvement? Finally, what specific actions were taken to defeat the Harrison Faction and to ultimately ratify a constitution in Indiana that banned slavery?

The existing historiography will show that the importance of Jonathan Jennings is heavily debated. The aforementioned Jacob P. Dunn, a noted lawyer, journalist, and Indiana historian, in his work *Indiana: A Redemption from Slavery*, sees Jennings as the central figure responsible for the defeat of the Harrison Faction, and seems to consider Jennings as a heroic character in the

state's history.² Others, like Logan Esarey, one time professor at Indiana University and celebrated historian, argue that Jennings, while a competent politician, became involved in the free labor movement after it was well along, and had little to do with banning slavery in Indiana. In fact, Esarey's landmark state history, *A History of Indiana from its Exploration to 1850*, originally published in two volumes between 1915 and 1918, barely mentions the slavery issue in its single chapter narrating the run-up to statehood.³ Most subsequent works in the historiography refer to either or both of these works, generally agreeing with Dunn or Esarey based on the particular historian's own research.

This essay will posit that Jonathan Jennings was an integral factor in the strength of the free labor movement in Indiana, and that his leadership and political savvy were important facets of the free labor group's success in ensuring that Indiana entered the Union as a free state. In the endeavor to forward this argument, a significant amount of the existing historiography will be examined, including those monographs by Dunn and Esarey that are mentioned above. Other prominent secondary sources that may touch upon the topic will be included, as well as relevant primary source documentation, like the Northwest Ordinance, the 1816 Indiana Constitution, as well as some personal correspondence and newspaper articles regarding slavery, the politics of Indiana, and the Northwest Territory.

African slavery in the United States, and the racial discrimination that followed its abolition, have long been considered the major character flaw of a nation and society that prefers to see itself as an example to the world, where freedom and liberty reign. That the founding

² Dunn.

³ Logan Esarey, *A History of Indiana from its Exploration to 1850* (Indianapolis: Hoosier Heritage Press, Inc., 1970).

principles of the United States include those famous “unalienable rights,” so poetically asserted by Thomas Jefferson, of, “life, liberty, and the pursuit of happiness,” makes understanding the nation’s struggle with slavery all the more challenging.⁴ Moreover, modern sensibilities can often make understanding historical context immensely difficult, especially when seeking to interpret the validity of political philosophies regarding such contemptuous issues as slavery. That the young republic was only able to compromise on the legality of slavery for eighty-five years before political upheaval sent her into a downward spiral culminating in Civil War makes any effort to grasp the importance of the issue to the nation’s past worthwhile.

While a great deal of research and written history has focused on slavery, both in the Founding Era and the Civil War, less extensive is the historiography of slavery’s political repercussions in the Early Republic. While expansion of slavery into the territories gained through war with Mexico may be considered the final disagreement before disunion and war, any discussion about slavery in the Old Northwest Territory is less than complete. While the Early Republic era certainly saw several political battles on the periphery of the slavery issue, like the South Carolina Nullification Crisis in the 1830s, the expansion of slavery into the Old Northwest Territory, and then to those states created from it, does not seem to have excited many historians.

Initial plans for westward expansion from the original thirteen states began as soon as the American Revolution ended. In fact, immigration west into the Ohio Valley was tied very closely to the conflict, with Continental Army veterans seeking to gain land grants promised to them for their service in the war. That group is actually paramount to the settling of Ohio, the first to claim statehood beyond the western boundary of Pennsylvania. Interestingly, a push for the

⁴ US Congress, *Declaration of Independence*, 1776.

acceptance of slavery in Ohio was made, but simply had insufficient support among the mostly eastern and middle state residents that had emigrated to the new territory.

Beyond that initial push made by army veterans, much of the expansion westward came about slowly. By the time Indiana was prepared for statehood, territorial politics had navigated through several different divisions and overarching legislation. For the most part, the story of Indiana, and the debate on slavery, begins with the legal formation of the Northwest Territory.

Chapter 1: The Northwest Territory

Created by virtue of the Treaty of Paris in 1783, the Northwest Territory would include those lands northwest of the Ohio River that ultimately would produce the states of Ohio, Indiana, Illinois, Michigan, and Wisconsin. At the culmination of the War for American Independence, this area thought of as the Old Northwest was certainly not inhabited by English, now American, settlers impatiently waiting to create new state governments and go about their lives. With the young nation already eyeing the vast lands west of the original thirteen states, however, the hope for the future lay in immigration to this newly organized area. What the Northwest Territory did include in 1783, was a large number of various Native American tribes and a few settlers, mostly of French extraction, not necessarily enthusiastic, or even well informed, about this latest change in the political see-saw battle that had seen middle and western North America being claimed by Spanish, French, English, and now American rulers for the past century or so.

In what is commonly thought of as the Ordinance of 1784, the Confederation Congress laid out much of the original American government for the new territory. The ordinance included Thomas Jefferson's initial design for how newly created states should be apportioned, and by what methods the inhabitants could petition to form their own government. The final version includes seven distinct articles ensuring that the new states would have republican governments and would remain forever bound to the United States and to the Articles of Confederation.¹ Early drafts of the ordinance additionally included a few interesting clauses. Under Jefferson's original

¹ US Congress, *Ordinance of 1784*.

plan, the young nation may have had several new states created, among them would have been Metropotamia, Saratoga, Polypotamia, and Washington. Jefferson apparently believed that separating new territories every two degrees of latitude made sense, ultimately providing the country with ten new states in the same territory that later included five and part of a sixth. George Washington, of course, would eventually have a state named for him, but not out of the Northwest Territory. Additionally, Jefferson's early reports included an article that would have made slavery and involuntary servitude illegal in the territory after the year 1800. That provision was struck from the ordinance before its adoption on April 23, 1784, by a single vote in the Confederation Congress. Interestingly, Jefferson would later be claimed as author of the final slavery clause that did pass in the Ordinance of 1787, although he was not present for the ratification of that document. Furthermore, Jefferson's clause made slavery illegal in 1800, not immediately as in the later ordinance, and would have included the lands south of the Ohio River.² Portions of the language from this anti-slavery clause, however, may have been directly utilized for the drafting of the later one. Jefferson's provision states,

That after the year 1800. of the Christian era, there shall be neither slavery nor involuntary servitude in any of the said states, otherwise than in punishment of crimes whereof the party shall have been duly convicted to have been personally guilty.³

In 1785, a new ordinance emerged that essentially spelled out precisely how the lands of the Northwest Territory were to be disposed of by the government, including specific templates for the land deeds that would be required. These two documents were all that existed of

² William G. Merkel, "Jefferson's Failed Anti-Slavery Proviso of 1784 and the Nascence of Free Soil Constitutionalism," *Seton Hall Law Review* 38, no. 2 (April 2008), 555, accessed August 19, 2017, <https://ssrn.com/abstract=1123973>.

³ As quoted in Merkel, 572.

government oversight before passage of the Ordinance for the Government of the Territory of the United States, North-West of the Ohio River, commonly referred to as the Ordinance of 1787 or even more commonly as the Northwest Ordinance. It passed, perhaps ominously, on Friday the thirteenth of July, 1787. With the Northwest Ordinance, the Confederation Congress provided to posterity what many believe to be its signal achievement, a document that ranks with the Declaration of Independence and the United States Constitution as one of the fundamental exertions of republican government in America.

Westward expansion had been in the minds of most Americans at that time, probably none more so than Thomas Jefferson, and with the ordinance, the Confederation Congress lay the initial foundation for an orderly way in which to seek those ends. Of course, no truly American endeavor would come about without a certain degree of controversy. Historians have studied the Northwest Ordinance, including its development, debate, and effects on the territory, quite in-depth since not long after its initial passage. Noted Indiana historian, James H. Madison, says, “In the Northwest Ordinance Americans confronted the challenges of representative government, of westward movement, of federalism, of sectionalism and slavery, of individual rights and freedoms, and of democracy.”⁴ In the Northwest Ordinance, the framers tackled the organization of the new lands, and included several new propositions. Within the ordinance are provisions for educational institutions in the territory, an ardent elimination of primogeniture, and the prohibition of slavery.

⁴ James H. Madison, “The Northwest Ordinance and Constitutional Development in Indiana” (paper presented at the Symposium on the Constitution and Northwest Ordinance in the Education of Citizens, Muncie, IN, March 13, 1986), 3, accessed July 5, 2017, <http://files.eric.ed.gov/fulltext/ED268057.pdf>.

Within the historiographical record of the Northwest Ordinance lie an immense amount of discussion and debate about its authorship, with particular interest paid to Article VI, that which prohibits slavery in the territory. While the committee from which the final document was reported consisted of five members, one of which being Nathan Dane, likely the man from whose pen the article made its way to paper, the debate regarding actual authorship of the slavery prohibition remains unsettled. Claims have been made suggesting that Thomas Jefferson or Rufus King authored the text, but Jefferson was in Paris in 1787, and King was a member of the Constitutional Convention meeting in Philadelphia when the Confederation Congress drafted the ordinance in New York. Nathan Dane later claimed authorship, and was awarded recognition for such in a famous speech by the noted statesman Daniel Webster in 1830.

In debating authorship of the slavery clause, scholars have consistently referred to a couple different texts. William Frederick Poole's "Dr. Cutler and the Ordinance of 1787" provides some interesting discussion. Poole relates that Webster names Dane in the 1830 speech, and that other senators argued immediately for Jefferson, perhaps meaning that the previously struck down 1784 clause was the direct ancestor to the new one.⁵ The same article additionally refers to letters of Nathan Dane, most notably the one to Rufus King, wherein he claims authorship of the ordinance.⁶ Ultimately, it is clear that the ideas embodied in the sixth clause of the Northwest Ordinance emanate from multiple sources.

Aside from authorship, perhaps a more important question to ask is what would have been the reason that the ordinance, including the sixth article, would secure passage through

⁵ William Frederick Poole, "Dr. Cutler and the Ordinance of 1787," *North American Review* CXXXIII, no.251 (April 1876), 234-235, from the Daniel Murray Pamphlet Collection (Library of Congress), accessed July 5, 2017, <http://hdl.loc.gov/loc.rbc/lcrbmrp.t2413>.

⁶ *Ibid*, 237.

unanimous consent, even securing yes votes from the southern states? Much has been discussed regarding why the South may have not only allowed this provision to advance, but seemingly favored what appears to be a negation of the expansion of slavery into the western territories, the exact dilemma that would bring the country to disunion and war some seventy years later. What most scholars agree upon is that the Congressional members from the southern states simply saw several advantages in allowing the ordinance to pass with the prohibition of slavery intact.



NORTHWEST TERRITORY

Figure 1: Northwest Territory

African slavery in the Americas has always surrounded agriculture. While Native American tribes commonly took slaves of other natives, that act was normally as part of a war settlement, or even sometimes to replace tribal members that may have been lost in battle. French settlers in the Old Northwest also maintained a certain number of slaves, and much of that practice may also have resembled slavery in

Indian culture. There were, of course, African slaves in the Old Northwest as well, both before and after passage of the Northwest Ordinance. However, the southern members of the Confederation Congress who voted for passage of the ordinance likely felt that keeping slavery alive south of the Ohio River made more sense than battling about its legality north of it. The prohibition of slavery in the Northwest Territory would not, as will be discussed later in the essay, remain unchallenged.

In the final vote in 1787, only a single “nay” is recorded. Abraham Yates, Jr., of New York, entered that, and much effort has been made to shed light on why he was the only dissenter. In the same letter from Nathan Dane to Rufus King that includes Dane’s profession to

authorship of Article VI, Dane suggests that he believed Yates, “as in most cases, not to understand the subject at all.”⁷ As Yates embodied the single negative vote of the three-man New York delegation, the final tally on the Northwest Ordinance is unanimous for passage. There exists nothing to suggest that the prohibition of slavery was opposed by Yates.

One version of the history regarding the seemingly ubiquitous support for the slavery prohibition in the Northwest Ordinance comes from the story of Dr. Mannaseh Cutler. A retelling of this episode comes from a pamphlet written by William Frederick Poole in 1876. Poole claimed to have in his possession Dr. Cutler’s journal, and weaves an interesting account of how the good doctor may have had an undue influence on the Confederation Congress, and why his lobbying efforts resulted in the anti-slavery provision in the ordinance.

Dr. Mannaseh Cutler enters the picture as the agent for the Ohio Company, engaging with the Confederation Congress to secure land purchases in the new territory. The group for which Cutler represented consisted of men from Massachusetts, a state that had, among other political considerations, completely outlawed slavery in its constitution of 1780. In Poole’s words, “No plan of emigration could have succeeded unless the New England man had felt that he was taking his laws and institutions with him to his Western home.”⁸ With the fledgling nation in fiscal turmoil, selling the large tract of land to the Ohio Company could be a boon to finances that would render consideration of that group’s position on territorial politics important. It is also necessary to recognize here, that in the times of the drafting of the ordinance, slavery was not the all-important national issue that it would come to be in the next century.

⁷ Letter from Nathan Dane to Rufus King as quoted in Poole, 245.

⁸ Poole, 252.

As Cutler was negotiating the land sales with Congress at the same time as the final reading of the Ordinance before passage, the clear insinuation in Poole's text is that Dr. Cutler, and those he represented, likely had a great deal to do with much of the wording in the document, including that of Article VI. Furthermore, Poole's pamphlet clearly supports the ideas that the southern delegation offered no opposition to the banning of slavery in the Northwest Territory because sale of the lands to the Ohio Company were of absolute necessity from an economic standpoint. Ultimately, if one follows what Frederick Poole relates, Dr. Mannaseh Cutler, with backing from the Ohio Company men, is as responsible as anyone else for the slavery prohibition.⁹

Jacob Dunn, in *Indiana: A Redemption from Slavery*, posits some additional considerations regarding the motives of the southern members of Congress. While acknowledging that Cutler was certainly lobbying for legislation that most clearly matched the Massachusetts constitution, Dunn advances the thought that the financial rewards of an easy sale to the Ohio Company were not necessarily the only reason the South seems to have had no objection to banning slavery in the Northwest Territory. As Dunn had pointed out earlier in his history, tobacco and indigo had been in production in the territory for quite some time, and there are references to opinions that the tobacco quality was superior to that grown in Virginia.¹⁰ For tobacco and indigo cultivation to be profitable for the grower, a great deal of attention needs to be applied to the crop throughout the year. Thus, it was common belief at the time that only slave labor could provide the necessary care. Were slave labor to be banned north of the Ohio, those desiring to move westward that wished to produce such crops would likely be inclined to

⁹ Poole, all.

¹⁰ Dunn, 212.

emigrate to the as yet still Virginia and North Carolina claimed territory south of the river. These areas would be ceded to the federal government in the future, but as the ordinance was nearing passage, the South may have believed that the most profitable agriculture lay south of the newly created territory, and therefore may have actually seen an advantage to the banning of slave labor to the north.

The sixth article of the Northwest Ordinance reads,

There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crimes whereof the party shall have been duly convicted: Provided always, that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original states, such fugitive may be lawfully reclaimed and c Be it ordained by the authority aforesaid, That the resolutions of the 23rd of April, 1784, relative to the subject of this ordinance, be, and the same are hereby repealed and declared null and void.¹¹

In the ordinance's paragraph on suffrage rights, relating to the formation of a general assembly, the ordinance reads, "So soon as there be five thousand *free* male inhabitants, of full age, in the district, upon giving proof to the governor, they shall receive authority, with time and place, to elect representatives..." (emphasis added)¹² This statement therefore begs the question, without slavery or involuntary servitude, how could anything other than free male inhabitants exist in the territory? One possible explanation can be found in certain interpretations of another part of the ordinance. The document appears to provide property rights to certain "French and Canadian inhabitants" and others who might be considered the prior residents of the territory, having claimed citizenship in Virginia.¹³ At any rate, that slavery has been completely prohibited

¹¹ US Congress, *An ordinance for the government of the territory of the United States, North-West of the river Ohio*, 1787 (commonly referred to as the Northwest Ordinance), accessed July 3, 2017,

<http://www.loc.gov/resource/bdsdcc.22501>.

¹² Ibid.

¹³ Ibid.

in the territory by passage of the ordinance certainly remained arguable by those in whom enforcement of the ordinance was charged.

First, those inhabitants that claimed the property rights endowed upon them by either the Peace of Paris or as citizens of Virginia, could legally assert that their “property” was assured to them, regardless of this new ordinance. Second, in that a certain number of free inhabitants was required before election of a general assembly, there is clear insinuation that un-free inhabitants must be expected to exist. Essentially, much of the debate, historically, has centered around the realization that Article VI was added at the last minute, probably to meet Dr. Cutler’s requirements for purchase of the lands wanted by the Ohio Company, and that much of the language already existing in the draft of the ordinance was not rewritten to be congruous with the last article.¹⁴ A less than thorough reading of the Northwest Ordinance is all that is needed to easily identify the ambiguity of its language. While the sixth article seems to be a straight forward abolishment of slavery in the territory, too many other questions come into to play for that to be the case, and the initial government representative in the territory would seem to only make the matter more ambiguous.

Taking his post at the territory capital in July of 1788, the Northwest Territory’s first governor, Arthur St. Clair, would be among those that saw the exclusion of slavery as detrimental to the area’s development. In a letter to President Washington in 1790, St. Clair reports that many slave-holding residents of the territory had moved west into the Spanish held areas for fear of losing the right to hold slaves. Furthermore, St. Clair seems to have indicated to

¹⁴ See Dunn, *Indiana: A Redemption from Slavery* and Paul Finkelman, “Slavery and the Northwest Ordinance: A Study in Ambiguity,” *Journal of the Early Republic* 6, no. 4 (Winter 1986), 342-370. accessed May 17, 2017, <http://www.jstor.org/stable/3122644>.

those settlers that he interpreted the ordinance to mean that no new slaves could be brought into the territory but that whatever slaves existed prior to the ordinance could be retained.

Essentially, St. Clair seems to have embarked upon the initial steps of the journey that would see slavery maintained within the territory, and the subsequent states of Indiana and Illinois, for the next several decades. Politically a Federalist, St. Clair would continually side with those who sought to interpret the law as a prohibition to the importation of new slaves to the territory, while asserting that those in bondage in the territory prior to 1787 were still legal property.

This argument remained strong well into the early nineteenth century and into the political struggles of the next divisions of the Northwest Territory. In 1800, the Indiana Territory was created. In 1803, Ohio, the eastern third of the new territory, gained statehood, though opposed by St. Clair, an act that initiated his removal as Territorial Governor by President Jefferson. The slaveholders in the territory were still a strong political voice, and a new hero for their property rights would emerge. Born in Virginia to a wealthy and well known, planter class, family, William Henry Harrison would take the mantle for the fight to import new slaves into the Indiana Territory with him as he ascended to the dais as the new territory's first governor. He would remain the chief executive of the Indiana Territory until the War of 1812.

Chapter 2: Indiana: Government, Politics, and Slavery

By the dawn of the nineteenth century, and the creation of the Indiana Territory, no slaves had been freed by the Northwest Ordinance. In his written history of the state, Jacob Piatt Dunn estimates the slave population, by referencing census data, to be around 175.¹ Essentially, the interpretation of Article VI that had been the initial thoughts of Arthur St. Clair, seems to have been the fundamental reality. While the Northwest Ordinance clearly prohibits slavery, no successful action had as yet taken place to free any of those slaves that existed within the territory. As it was generally understood that the Northwest Ordinance remained in effect after the new division in 1800, what came to be the initial government body of the Indiana Territory could not be presumed to seek any changes. In fact, quite the contrary would turn out to be more likely.

The territory's new governor, William Henry Harrison, had previously been the Northwest Territory's representative in Congress. Born in 1773 to the Virginia planter class family that included a signatory to the Declaration of Independence, Harrison was himself an owner of slaves. Aside from the governor, the territorial government at the first stage included a secretary, John Gibson, and three judges, William Clarke, Henry Vanderburgh, and John Griffin. The governor held an enormous amount of political power within the territory. Per the governing ordinance, he was responsible for the militia and appointed all of its officers lower than the rank of general. The governor not only executed all county and territorial laws, he additionally appointed all city and county officials, as well as being responsible for the establishment of

¹ Dunn, 296.

county and city divisions.² When the territory reached the requisite number of inhabitants to advance to the second stage, a general assembly would be established but the territorial governor retained an absolute veto over the assembly's bills and could dissolve the assembly at his will. In all, young William Henry Harrison held near dictatorial powers for his twelve years at the head of the Indiana Territory.

The year 1800 marked an important milestone in American politics. Truly for the first time, political association and party alignment became the central focus of the voting public. In many ways, seeking office in the United States changed significantly in 1800. Before, personal ability and reputation were the cornerstones of one's perceived qualifications for office. In the run-up to the presidential election in 1800, party politics seems to have replaced individual concerns about one's character as the ultimate litmus test for how the electorate decided for whom to vote. In what may be considered the first real contest between two political parties vying for control of the American helm, the presidential election in 1800 undoubtedly altered the landscape of the election process permanently.

Incumbent President John Adams, a Federalist, would be targeted by his opposition, Thomas Jefferson and the Democratic-Republicans, as an elitist, a monarchical figure, bent on securing and retaining all power within the central government. The Jeffersonians, countered the Federalists, were not only led by an unscrupulous man, but intended to subvert the constitutional structure of the young republic. The smear campaign was born, and presidential elections in the United States have been media battles for the hearts and minds of the electorate ever since.

² US Congress, *Northwest Ordinance*, 1787.

Appointed by Adams, William Henry Harrison is said to have ensured that Jefferson would retain him in office before accepting the Territorial Governorship for the new Indiana Territory. Additionally, Harrison had other concerns. He had become, as Territorial Delegate to Congress, a notable figure in the national assembly. This new territory was on the outskirts of the frontier, and William Henry Harrison would be the governor of a land occupied by a mere five thousand people. Furthermore, with the separation of the Indiana and Illinois countries from what remained of the Northwest Territory, later Ohio, Harrison may have wanted to hold out for the position governing the eastern section.

In the end, Harrison accepted the position, reasoning, “I thought it best not to decline the appointment but by accepting it to give myself time to look about me & take the advice of my friends.”³ Though now surrounded by an increasingly Jeffersonian Republican constituency, Federalist Harrison began his efforts at creating a political structure that he and his followers would be familiar with. In this effort, Harrison was astute enough to build his coalition by appointing like-minded individuals to prominent positions within the territory. Many of the settlers around Vincennes, and in the Illinois region, including those early French inhabitants, would easily fit into the elitist, Federalist, culture that Harrison envisioned, including the acceptance of slavery. In other parts of the territory, to the east and south, republican principles were more common among the newer settlers. Though slavery itself was not the pre-eminent national issue that it would become, its mere existence in a territory where it was apparently prohibited would complicate Harrison’s political arena almost immediately.

³ John D. Barnhart, ed., “Letters of William H. Harrison to Thomas Worthington, 1799-1813,” *Indiana Magazine of History* 47, no. 1 (March 1951), 58, accessed July 26, 2017, <https://scholarworks.iu.edu/journals/index.php/imh/article/view/8025/9764>.

In 1800, the territory's population was still largely French, though a few American settlers were in place, mostly around the area of land granted to George Rogers Clark after his work in treating with the tribes some twenty years hence. A large percentage of the inhabitants of the territory resided in Knox County. Most of these, again, were French hold-overs, or were more recent southern immigrants. Many of both of these groups owned slaves, and most of them would have preferred that slavery be permitted to continue in the territory, both for their own financial interests and to more quickly populate the area with what they saw as the most proper agriculturally minded men. The Territorial Governor would not disagree with their sentiments.

As Harrison began his tenure, seeking initially to secure his popularity by appointments, and then by taking steps to secure his power through hampering the advancement to the second stage, with its general assembly, it became clear that the slavery issue was going to be immensely important to his success. By 1802, he would call a convention of delegates in the territory, to meet at Vincennes, to formally petition Congress for a modification of the Northwest Ordinance that would essentially allow slavery in the territory, even if for a specified number of years. The document that was submitted, in fact, asked Congress to suspend the sixth article of the ordinance for ten years, therefore allowing slaves to be brought into the territory for that time period and to thus be in a situation of perpetual bondage, along with any of their children. The general assumption had always been that slaves that existed in the territory prior to 1797's Northwest Ordinance were to remain as such, so the suspension would essentially allow new slaves to enter the territory and be treated as were those residing there prior to the ordinance.

It didn't work. Nor did any of several future petitions with similar aim. One response from a Congressional Committee Chairman, later re-printed in the Vincennes *Western Sun* in December, 1808, is indicative of the general reaction from Congress to these attempts to overturn

or suspend Article VI. In the committee report, written by Gen. W. Johnston, the committee seeks to remind the petitioners, “That slavery though itself unjust might nevertheless be tolerated from reasons of expediency is a point which your committee do not feel themselves at liberty to concede, they are firmly fixed in the persuasion (*sic*) that what is morally wrong, can never by expediency be made right...”⁴

With the Vincennes memorial to Congress, in 1802, the Harrison Faction was initially attempting to suppress the Northwest Ordinance at the Congressional level, leaving Harrison himself fully in charge of the territory as the stage one governor. One interesting thing to consider is that it appears likely that very few in Congress, if any, even understood that there already existed several hundred slaves in the Indiana territory. In “Almost a Free State: The Indiana Constitution of 1816 and the Problem of Slavery,” an article appearing in the March 2015 edition of the *Indiana Magazine of History*, author Paul Finkelman reiterates the idea that, since the end of the French and Indiana War, Britain paid very little attention to this area, and its mostly French inhabitants. The Peace of Paris, the treaty ending that war, could be read as providing property protection for those French inhabitants, now under British rule. For them, that protection clearly included their slave property.⁵

With the ending of the American Revolution, and with the signing of the Treaty of Paris, those early French inhabitants retained those same property rights. Again, varied interpretations of the Northwest Ordinance come into play. Finkelman notes that if the ordinance’s sixth article

⁴ US Congress, “Committee Report Regarding Slavery Petitions,” reprinted in *Western Sun* 2, no. 4, December 17, 1808, accessed July 22, 2017, <https://newspapers.library.in.gov/cgi-bin/indiana?a=d&d=WS18081217>.

⁵ Paul Finkelman, “Almost a Free State: The Indiana Constitution of 1816 and the Problem of Slavery,” *Indiana Magazine of History* 111 (March 2015), 71, accessed April 20, 2017, <http://eds.b.ebscohost.com.ezproxy.snhu.edu/eds/pdfviewer/pdfviewer?vid=1&sid=a9a744f2-9286-453c-809b-5d959cf05ed7%40sessionmgr120>.

does intend for there to be no slaves in the territory, and thus “frees” those that exist there, the ordinance could be construed as to violate the Treaty of Paris.⁶ The other, and seemingly more popular, interpretation may be that the Ordinance accepts the existing slaves as valid property but does not allow any new slavery after 1787. Thus, the ten-year suspension of the article would be needed for that interpretation to hold.

The memorial from Vincennes to Congress was, in actuality, a more complicated subject. The petition to Congress had an expiration date. Congress did send the petition to committee on three separate occasions, actually receiving both positive and negative committee reports, but by the time of the third committee report, the petition had expired and Indiana had advanced to the second stage of territorial development. Additionally, in what may be thought of as a good example of the Harrison Faction in action, the petition urged the reappointment of the Territorial Governor.

From the outset, as mentioned earlier, Harrison had begun to gather around him those with whom he believed shared his vision of the territory’s future. Using his unrivaled power to appoint men to important positions within the territory, Harrison had built a strong following. As many of the appointees had additional appointment powers, what developed was a virtual network of support for the governor. Though the territory was essentially controlled by this single office, along the way opposition began to develop. One good example is the story of John Badollet, serving as the federal registrar for land sales in Vincennes, appointed by President Jefferson.

⁶ Finkelman, “Almost a Free State: The Indiana Constitution of 1816 and the Problem of Slavery,” 72.

Badollet initially seems to have generally supported Harrison's initiatives, but his apparent dislike of political intrigue made the situation increasingly difficult. A strong anti-slavery man, John Badollet eventually split with the governor over the issue, realizing that the aristocratic supporters of Harrison were never going to be satisfied until, one way or another, slavery was made legal in the territory. Badollet, and his close associates, including his one-time assistant in the land registrar's office, Nathaniel Ewing, may have embodied the first true opposition to the Harrison Faction that would eventually grow into a strong enough political foe to seriously challenge the Territorial Governor and his allies.

As the territory had advanced to the second stage of development, her new general assembly now took upon itself, with, of course, the governor's backing, the endeavor to stifle the Northwest Ordinance's article prohibiting slavery. Petition after petition had made its way to congress, and John Badollet began to voice his concerns about the introduction of slavery in the territory to his longtime friend Albert Gallatin, President Jefferson's Secretary of the Treasury, and likely advocate for Badollet's appointment as registrar. As partisan bickering over slavery intensified, Badollet's vocation became increasingly challenging when his assistant, Ewing, decided to temporarily return to their native Pennsylvania in an effort to escape the turmoil.

"By the summer of 1808, a clear break had occurred between the peevish land registrar and the aristocratic governor," says historian Randy Mills in *Jonathan Jennings: Indiana's First Governor* (2005).⁷ By this time, the territorial assembly had passed what is essentially a legalization of slavery, in an indenture law. This law allowed immigrant slave owners to bring "their property" into the territory and, within thirty days, contract with them for indenture and

⁷ Randy K. Mills. *Jonathan Jennings: Indiana's First Governor* (Indianapolis: Indiana Historical Society Press, 2005), 69.

servitude or bestow upon them their freedom. The real fight to weaken the governor had begun, and John Badollet, Nathaniel Ewing, and other anti-slavery men were at the forefront.

It is around this time that much of the political rhetoric of the issue made its way into print. The Vincennes *Western Sun*, a newspaper in the capital, provides several good examples of the vociferous debate regarding the admittance of slavery. In one letter to G. W. Johnston from an author identifying himself as Slim Simon, comes one of the early volleys. In countering Johnston's religious, anti-slavery position, the author asks, "What say you to Abraham, Isaac, and Jacob, holding large numbers of slaves? They were the 'Children of God' – or to God's giving the Jews a law regulating slavery? They were the 'people of his choice,' and, under his authority, held slaves for life."⁸ The argument, of course, went in both directions. From "A Farmer," remarking on the principles upon which the nation is built comes,

In a few years we may perhaps become a state. Our first objects in forming our constitution, will certainly be to recognize the sacredness and immutability of those same principles, and, if slavery were admitted, we would present to the world the scandalous spectacle of a people asserting in one page what they deny in the next, declaring in almost the same breath, that *all* men are born free, and yet that a number of men are born *slaves*.⁹

From "A Citizen of Vincennes" comes the argument that, emigration into the territory is necessary for its development, and allowing slavery will keep the people that remain "religiously or politically opposed to it, from coming here"¹⁰ That development of the territory is at the heart of the issue, no one disputes. Between Johnston and "Slim Simon" develops a discourse arguing

⁸ Slim Simon, "Letter to G. W. Johnston," *Western Sun*, February 11, 1809, accessed July 26, 2017, <https://newspapers.library.in.gov/cgi-bin/indiana?a=d&d=WS18090211>.

⁹ A Farmer, "Letter to the Editor," *Western Sun*, March 18, 1809, accessed July 26, 2017, <https://newspapers.library.in.gov/cgi-bin/indiana?a=d&d=WS18090318>.

¹⁰ A Citizen of Vincennes, "To Citizens of Indiana," *Western Sun*, April 22, 1809, accessed July 26, 2017, <https://newspapers.library.in.gov/cgi-bin/indiana?a=d&d=WS18090422>.

the productivity of slave versus day laborers, Johnston making the point that slavery would, in fact, be detrimental to the territory's economy, a position long believed by the Harrison Faction to be false. The essential argument put forth here by the anti-slavery forces was simply that slave labor lowered the value of free labor. Says Johnston,

...for in the stocking of our country with herds of negroes, the poor would become indigent, because in proportion as the negroes increase in our territory, the price of labor will assuredly decrease, and the hard working poor white man who now earns 50 cents per day to support himself and his family, would then be supplanted by the slave, whose service could be obtained from the master for 16, or at most 25 cents per day; where then could the poor citizen flee for employment, or how would he gain a support for himself and family?¹¹

Shortly hereafter, the Indiana Territory was divided into eastern and western sections, and political shuffling for legislative seats began, slavery being one of the main concerns driving voters to the polls. Also, Congress approved a measure to allow the voters, rather than the territorial assembly, to elect their representative in Congress. The ensuing battle for the seat would solidify the animosity between the governor and the growing free labor movement that now held a majority in the newly divided territory. Much of Harrison's support had always been in the western section of the Indiana Territory, around Vincennes and the Illinois region. Now that the lands west of the Wabash River had been separated from the territory, the pro-slavery Harrison Faction would see its political strength severely diminished. If the governor's chosen candidate for Congressional Representative, Thomas Randolph, could win the election, it would be a boon for the governor and it would undoubtedly be a signal of his continued strength.

¹¹ G. W. Johnston, "Letter to the Editor," *Western Sun*, February 4, 1809, accessed July 26, 2017, <https://newspapers.library.in.gov/cgi-bin/indiana?a=d&d=WS18090204>.

Both Randolph and one opponent, John Johnson, began the race by fence straddling. Needing the support of both pro- and anti-slavery voters, Randolph and Johnson took to the press, presenting their arguments in the Vincennes *Western Sun*. Says Randolph, “I never did advocate, but I have always deprecated slavery in principle,” and, “my writings go to prove that I am in favor of the gradual emancipation of slaves, and the amelioration of their condition.”¹²

Enter Jonathan Jennings. Jennings had arrived in Indiana from Pennsylvania, in 1806 or 1807. An acquaintance of Nathaniel Ewing, Jennings had first sought to make his fortune by land speculation in coming to the new territory. His first position in Indiana was a one-year clerkship with John Badollet in the land office, an arrangement probably made by Ewing during an earlier sojourn back to his home state of Pennsylvania. By all accounts, Badollet was more than impressed with the young lawyer. Within a year of Jennings’ arrival in the territory he became involved in politics. Early on, Jennings made an enemy of Henry Hurst, a Harrison supporter and court clerk, when Hurst sued the land office for fraud. In charging Nathaniel Ewing with inappropriate speculation resulting in a massive profit, Hurst also included Badollet and Jennings in his charges of wrong-doing.

Hurst and Ewing would actually come to blows over the issue, Ewing apparently suffering stab wounds in the incident. Randy Mills reports, in *Jonathan Jennings*, that land office clerk Jennings had apparently challenged Hurst to a duel over the apparent slander, a challenge to which Hurst demurred.¹³ By late 1807, Jonathan Jennings was in the thick of Indiana political

¹² Thomas Randolph, “To the People of Indiana,” *Western Sun*, June 24, 1809, accessed July 26, 2017, <https://newspapers.library.in.gov/cgi-bin/indiana?a=d&d=WS18090624>.

¹³ Mills, 81.

intrigue, and in several incidents, including the episode with Hurst, had made himself an enemy of the Territorial Governor.

Jonathan Jennings was the son of a Presbyterian minister. Born in 1784, either in New Jersey or in Virginia, where his father had moved the family temporarily as a missionary for the church, Jonathan Jennings would spend most of his youth in what was, at the time, frontier Pennsylvania. Upon his arrival in the Indiana Territory he seems to have quickly allied himself with fellow Pennsylvanians, Badollet and Ewing, men already well positioned in antipathy of William Henry Harrison. Much of the difficulty that Jennings would encounter in his early political career can likely be attributed to his alignment with Badollet, Ewing, and the other anti-Harrison men in their circle.

Another episode involving Henry Hurst came about when election to the clerkship for the Indiana House of Representatives pitted candidates Hurst and Jennings against each other, Jennings eventually dropping out of the race allowing a third candidate, Davis Floyd, to win. Floyd was a staunch anti-slavery man and an opponent of Harrison. His election to the clerkship further weakened the governor's influence, and the pro-Harrison Hurst apparently accused Jennings of an improper political deal that cost him the job, further inflaming the Harrison Faction's dislike of Jonathan Jennings. The two candidates likewise encountered one another when the board clerk for the Vincennes University Trustees, the same G. W. Johnston that opposed slavery in writings in the Vincennes *Western Sun*, resigned. The board, whose members included Harrison, Badollet, and Ewing, quickly chose an interim clerk, naming Jennings to the post again over the pro-Harrison Henry Hurst.

In a situation that had begun prior to Jennings' tenure as clerk, a political battle among the trustees erupted over control of a parcel of land that the University Board wished to have

removed from control of the French inhabitants of the city. “The Commons” had traditionally been used by the early residents of Vincennes, and the board had petitioned Congress for control of the area. Johnston, the previous board clerk, had opposed this measure, and it seems likely that the disagreement was somehow associated with his resignation. When, later, he provided a statement indicting the pro-Harrison group in an unseemly act to take the commons away from the original citizens, he had Jennings certify the report, Jennings apparently doing so with neither the knowledge of nor the approval of the Board of Trustees.

Again, much of the politics of the episode are brought forth through volleys traded in the *Western Sun*. In one such letter to the editor, Elihu Stout, a supporter of the Territorial Governor, who had belittled Jennings in a previous article, writers identifying themselves as “Sand & Rosin” point out that Jennings having certified the statement was abhorred by supporters of the bill to take the commons from the French because it shone light upon the truth.¹⁴ In November of 1808, Jonathan Jennings resigned his position under pressure from the Harrison Faction, leaving the defeated Jennings to seek new residence in the eastern part of the territory, away from the political turmoil of Vincennes.

As was not necessarily unusual in frontier territories, different sections or regions had developed in different ways. Vincennes, and the Cohokia and Kaskaskia Regions of the Illinois country, were early French settlements, and much of the area’s later inhabitants had come from Virginia, including, of course, Territorial Governor William Henry Harrison. With Harrison’s patronage system, many new immigrants to the region were there as a result of his appointing them to various important positions in the territory. What many middle-states people, like

¹⁴ Sand and Rosin, “Letter to the Editor,” *Western Sun*, April 20, 1808, accessed July 26, 2017, <https://newspapers.library.in.gov/cgi-bin/indiana?a=d&d=WS18080420>.

Pennsylvanians Badollet, Ewing, and Jennings, saw in Vincennes was the buildup of an aristocratically minded government centered around Harrison. The belief that the territory would benefit from the entrance of similarly aristocratic, slave owning, immigrants only strengthened the dislike of the political stronghold in Vincennes for men like the Pennsylvanians.

In the more eastern and southern parts of the territory, fewer of these elitist types had taken up residence. In Clark County and around Jeffersonville, a more Jeffersonian Republican minded society had developed. This included many Quakers, ideologically opposed to slavery, as well as many Kentuckians moving north of the Ohio River to escape the growing slaveocracy that was only beginning to develop into the sectional issue it would later become. Among these Kentuckians arriving in the new Indiana Territory to seek success as yeomen farmers, where the fruits of their own labor provided their livelihood, was Thomas Lincoln, along with his family, including his young son Abraham. The Lincolns arrived in Indiana in 1816, shortly before statehood, but their situation is indicative of the socioeconomic outlook of this portion of the Indiana Territory. It likely would not have been lost on eight-year-old Abraham that a more democratic society could develop free of slavery, and that the move to Indiana from Kentucky was his father's effort to increase the value of their labor.

Jennings new home, Clark County, seems to have been, in the words of *Frontier Indiana* (1996) author Andrew R. L. Cayton, "in many ways an extension of Kentucky. Settled originally by veterans of the [George Rogers] Clark campaigns, its economic and social ties were to Louisville rather than Vincennes."¹⁵ In Clark County, and later Charlestown, Jonathan Jennings

¹⁵ Andrew R. L. Cayton, *Frontier Indiana* (Bloomington, IN: Indiana University Press, 1996), 245.

found himself among likeminded men, opposed to the political situation in Vincennes, where the pro-Harrison, Virginia aristocrats, had practically monopolized the territorial government.

It had been from Dearborn County, in the east, that many of the petitions to Congress extolling the virtues of free labor had emanated. Indeed, Dearborn County even asked to be added to the new free state of Ohio at one point. Congress did not approve that request, but it is clear that these regions along the Ohio and nearer to the eastern border of the territory envisioned a much different future for Indiana than did the pro-Harrison forces in Vincennes. When, in 1809, the time came for electing a territorial representative to Congress, the anti-slavery, anti-Harrison, forces needed their own candidate.

Though there is no definitive account of how Jennings became involved in the race for Territorial Delegate to Congress in 1809, the possibly apocryphal story that is retold by several other historians comes from Jacob Piatt Dunn. According to Dunn's account, while Jennings was visiting Nathaniel Ewing in Vincennes, and preparing to return to Charlestown, Ewing, by way of a send-off, asked Jennings to "Look us up a good candidate for Congress." Jennings reply was, "Why wouldn't I do?"¹⁶ In seeking a "good candidate," Ewing undoubtedly would have meant a candidate that opposed slavery, and therefore Harrison. Ewing was apparently favorable to the suggestion, and Jonathan Jennings began his next adventure to battle the pro-slavery forces in Vincennes.

Jennings was no shoe-in. Thomas Randolph, Harrison's man, was considered by many to be a lock, and it would take very strong support in the eastern portions of the state, where there were a few slave owners in and around the Lawrenceburg area, for Jennings to prevail. Most

¹⁶ Dunn, 390.

accounts of the campaign suggest that Jonathan Jennings simply outclassed his opponents while making his rounds to visit voters. Active campaigning for elective office was still considered distasteful, even in 1809 Indiana. Jennings, however, is said to have simply made friends of the people in the east, joining in their work and play as he visited different areas seeking support. Virginian aristocrat Randolph, his strongest opponent, must have seemed less of a frontiersman than did the Pennsylvanian Jennings.

The Vincennes *Western Sun* again allows some insight into the battle in print. “From a sense of public duty,” writes “A Citizen of Vincennes,” “I feel myself under the painful necessity of offering another, and I think a very weighty objection to, the election of Mr. Randolph. It is well known this gentleman is under the particular patronage of the executive.”¹⁷ “Harrison himself, under the name ‘Detector,’ released a scathing political broadside,” says Randy Mills in *Jonathan Jennings*.¹⁸ Jennings and Randolph each provided their own narratives appearing in the paper as well.

In the end, Jonathan Jennings’ ability to befriend voters, and to decry the failings of an aristocratic regime, led by Harrison and supported by Randolph, were enough to win him the seat. It was a blow to the Harrison Faction that seems to have been the final indictment against the pro-slavery group. In electing Jonathan Jennings, the Indiana Territory had virtually denied the Territorial Governor any further real strength. After the election in 1809, things began to change quickly in Indiana, and the anti-Harrison forces were now leading the way.

¹⁷ A Citizen of Vincennes, “To Citizens of Indiana,” *Western Sun*, April 22, 1809, accessed July 26, 2017, <https://newspapers.library.in.gov/cgi-bin/indiana?a=d&d=WS18090422>.

¹⁸ Mills, 104.

The election, however, was not the end of the battle. Still, with the exception of some legally complex, hard fought court battles, no slaves in Indiana had been afforded their freedom. The new Territorial General Assembly also repealed the Harrison Faction's indenture law, but hundreds remained in bondage, and would for years. As a new decade emerged, there was still work to be done.

Chapter 3: The Push for Statehood – The Push for Emancipation

Ever the political hotbed, forces in Vincennes would not simply accept a Jennings victory and move on. Two objections to the conduct of the election were actually presented. One being that part of Dearborn County's voters were either not allowed to enter a ballot, or the ballot totals from that county were not properly certified. The other argument, interestingly enough made by Randolph, was that the election, as directed by Territorial Governor Harrison, was not proclaimed legally in the first place. In assuming that his petition to Congress would meet with success, Randolph took to the press again, writing to the voters,

It is probable, fellow citizens, another election for delegate to congress, will shortly take place, upon which occasion you will exercise your discretion, controlled only by your deliberate judgment of fitness of the character to represent you. Electioneering tricks, calculated to excite your fears, to awaken your prejudices, and to get your votes, whether right or wrong, will, no doubt, be disregarded.¹

Accepting Randolph's petition, Congress sent the issue to committee. Randy Mills points out the odd situation in which Jennings was placed. "Given the fact that Jennings did not want to go through another campaign, this contention now placed Jennings in the unusual situation of supporting Harrison's jurisdiction in this particular case."² Arguing aggressively before the House of Representative that what really mattered was the desire of the people, Jennings retained the seat, even though the congressional committee had viewed the election as illegal. The House's decision to certify the election was seen, both by Jennings and the Harrison Faction, as a

¹ Thomas Randolph, "To Fellow Citizens," *Western Sun*, February 2, 1810, accessed July 26, 2017, <https://newspapers.library.in.gov/cgi-bin/indiana?a=d&d=WS18100203>.

² Mills, 110-111.

solid victory for the more democratic, anti-Harrison group. In this win, Jonathan Jennings was now clearly seen as the leader of the forces against the aristocratic, patronage based, and pro-slavery forces around William Henry Harrison.

Independence Day had long been observed in America by imbibing in strong drink, offering toasts for celebrated men and events. The year of the election was no different, and the *Western Sun* reported on the particular celebration having taken place in Vincennes. One of the toasts given either by Harrison or one of his followers shows clear evidence of the animosity that existed between Jennings and the governor. “To Jonathan Jennings – the semblance of a delegate – his want of abilities the only safety of the people – three groans.”³

As Indiana entered the decade that would see her rise to statehood, it seemed, however, that the balance of power had shifted. Jennings would be reelected to his seat in 1811, again facing previous rival Thomas Randolph. Aside from Jennings’ ability to win favor personally with voters, he made the political move of keeping the slavery issue alive in the new election cycle. Randolph, as before, sought to distance himself from the issue, claiming in a letter to the *Western Sun* that it was, in fact, not an issue as the General Assembly had repealed the indenture law, and the issue had therefore “been put to rest.”⁴

Perhaps nothing is more indicative of the deep-seededness and perceived importance of the slavery issue in Indiana than the several campaigns for Territorial Delegate to Congress. If Jennings was savvy enough to keep the issue alive, the electorate clearly had continuing feelings about those that even may have supported its introduction into the territory at some point past.

³ *Wester Sun*, July 8, 1809, accessed July 26, 2017, <https://newspapers.library.in.gov/cgi-bin/indiana?a=d&d=WS18090708>.

⁴ Thomas Randolph, “To the Citizens of Indiana,” *Western Sun*, December 15, 1810, accessed July 29, 2017, <https://newspapers.library.in.gov/cgi-bin/indiana?a=d&d=WS18101215>.

Jennings defeated Waller Taylor for the seat in the next go around, in 1812, continuing to remind voters of the Harrison Faction's efforts in the previous decades. Taylor, much like Randolph, would endeavor to expel the issue from election to no avail.

Jennings, in fact, would not be sufficiently assuaged in simply securing his seat in Congress. For the anti-Harrison group, a continual effort to repudiate the aristocratic patronage system that Harrison had implemented would occupy the zenith of their agenda well into the final days of the Territorial Governor's reign. That William Henry Harrison simply had too much power as Territorial Governor seems to have been the underlying philosophy for nearly every initiative of consequence in the late territorial period in Indiana.

As that much of the momentum had turned in their favor, in 1809 the anti-Harrison forces actually sought to remove the Territorial Governor, offering petitions to Congress suggesting that Harrison had overstayed his welcome in the territory and that many of his policy efforts were against the majority wishes, including the introduction of slavery. Congress did reappoint the governor, but other measures continued to weaken not only his influence, but his real power to control the territory. Though Jennings, and those siding with him, had unsuccessfully endeavored to end Harrison's gubernatorial tenure in 1809, these other policy changes can be seen as a victory to a more democratic territorial government.

In *Frontier Indiana*, Andrew R. L. Cayton does point out the interpretation, however, that, "What amounted to a revolution in government had taken place in the space of three years... But the change was less an embracing of democracy than a rejecting of the status quo." In Cayton's view, "Jonathan Jennings and his friends had not rushed to the standard of liberty as

much as they had overthrown a government that seemed to exclude them.”⁵ While there can be little doubt that Jonathan Jennings had a personal stake in everything that would weaken his enemy, the Territorial Governor, the fact remains that a democratization is exactly what occurred in late territorial Indiana.

Suffrage rights changed enormously. In 1810, property qualification was eliminated, securing all white male territorial residents of at least one year the vote, so long as they paid taxes. Additionally, political appointees of Harrison were made ineligible for election to the general assembly. And, in what turned out to be a slightly more difficult challenge to the governor’s power, efforts were made to relocate the territorial capital away from Vincennes, the Harrison strong hold. The veto stamp came out of the desk for the bill to move the capital, but eventually, in 1813, the legislature was victorious and the move to Corydon was completed.

In an episode harkening back to Squanto’s apparent false alarms about his ability to singularly protect the Pilgrims and negotiate appropriately with the native population, some of the anti-Harrison forces actually accused the Territorial Governor of much the same conduct. What has not been mentioned much in the present essay is that Harrison has always been understood to have played a major role in treating with those native tribes in Indiana, gaining territory in the meantime. Late in his final term as governor, some of the political forces aligned against him, especially John Badollet, insinuated that, as Randy Mills puts it, “Harrison’s ‘alarms’ made the general population more dependent on his military leadership.”⁶ Harrison returned the insult by way of accusing Badollet of trying to incite the Indians. Clearly, though

⁵ Cayton, 251-252.

⁶ Mills, 144.

Harrison and his allies were on the way out, strong animosity remained in place between the two groups.

By 1811, and the famed Battle of Tippecanoe, for which Harrison will be forever celebrated as the hero, the governor's place in the politics of the Indiana Territory were essentially at an end. The anti-Harrison forces did continue efforts to weaken the governor, including challenging the popular belief about Harrison's heroics, but not much came of these insinuations. In the meantime, Jonathan Jennings worked to ensure veterans of Tippecanoe were provided with proper remuneration from Congress. Of course, the Harrison Faction would make noises in the Vincennes *Western Sun*, essentially positing that Jennings was unable to provide sufficient financial assistance from Congress for the militiamen.

The War of 1812 seems to have suspended much of the political activity regarding territorial development, but by then, Jennings had figured out the political formula for success in Indiana. In many ways, the lessons he had learned from Harrison about political networking helped to solidify his position as the top voice for the territory. As for William Henry Harrison, though he would be replaced as Territorial Governor by Thomas Posey when accepting his position in the army, his political days were not at an end following Jennings' victory as the Indiana Territorial Delegate.

In fact, for much of American memory, the legend of William Henry Harrison has only begun by the Battle of Tippecanoe and his subsequent success as commander of the Army of the Northwest in the War of 1812. Much of his acclaim as a field commander would be used as propaganda, or perhaps as campaign material, for Harrison's eventual run for President a couple decades in the future. Oddly, the Virginia born aristocrat would be seen as the hard cider

drinking, log cabin living, man of the people, by the time the White House was in view. It is a true reversal of the persona early Hoosiers would have recognized.

Harrison, of course, can be looked upon favorably for much of his accomplishment in Indiana. Though his dealings with native Americans have not been covered at length in this essay, and some of his enemies may be on record as questioning Harrison's honor with certain particulars, in the end he can be seen as providing a valuable service for Indiana settlers in ensuring the relative calm in the midst of what could have been a massacre ridden territory on the fringes of the American west. That he advocated for the introduction of slavery in Indiana is no longer denied by historians, but a good amount of what has been written about William Henry Harrison simply chalks that up to the times in which he lived, and the background from which he came.⁷

As Indiana moved past the Harrison years, the final push for statehood began in earnest. The Northwest Ordinance had implemented a strategic plan for the development of the Northwest Territory that included three stages. The second and third stages would be attained when the proper number of residents were in place. According to the ordinance, "whenever any of the said states shall have sixty thousand free inhabitants therein, such state shall be admitted by its delegates into the Congress of the United States, on an equal footing with the original states in all respects whatever..."⁸ By 1815, Indiana had the requisite number of free inhabitants.

Advancing to statehood would not, however, come without objection. First of all, there was new Indiana Territorial Governor Thomas Posey, who would have his own reasons for delaying an advancement to the next stage. A Virginian, like Harrison, Posey likely would have

⁷ See Cleaves and Green.

⁸ Article 5, *Northwest Ordinance*.

had similar political bent on how things should work and who the right men were to work them. As Randy Mills points out in *Jonathan Jennings*, “Doubtless, Posey strived to perpetuate the Harrison political machine, as would all the office holders and cronies from the former regime.”⁹ Posey, however, seems not to be able to have cornered the political market in Indiana as had Harrison. His only argument against statehood, that the territory simply did not have the sufficient number of proper, capable, men for filling the necessary offices, was the only thing he could offer to validate his efforts to remain in charge for another term. The three years he believed were needed to prepare for statehood was the exact length of another term as Territorial Governor.

There were economic concerns as well. From 1804 to 1816, territorial expenditures were roughly \$10,000.00 per year, according to historian Donald Carmony, in his 1946 article entitled “Fiscal Objection to Statehood in Indiana,” that appeared in that years December issue of the *Indiana Magazine of History*.¹⁰ Carmony goes on to assert that only about one third of the expenditures came from territorial revenue, and previous to the advancement to the second stage in 1804, only two hundred dollars of territorial money could be added annually to the federal appropriations needed to administer the territory.¹¹ With statehood came the severing of the federal umbilical and, therefore, an increased tax burden on the citizens of the new state. A petition for statehood had actually been attempted as early as 1811, but financial objections had stalled that effort. Some still believed in 1816 that Indiana was not ready.

⁹ Mills, 164.

¹⁰ Donald F. Carmony, “Fiscal Objection to Statehood in Indiana,” *Indiana Magazine of History* 42, no. 4 (December 1946), 313, accessed April 19, 2017, <http://www.jstor.org/stable/27787581>.

¹¹ *Ibid*, 313.

An interesting aspect of the financial question is that it seems to have played along the same party lines as did the slavery issue. Most of the objections to advancement to statehood come from Knox County, Harrison territory, while the largely Jeffersonian-Republican groups in the south and east were more eager to petition Congress for entrance into the Union. As much as anything else, however, the old pro-slavery stronghold in the western part of the territory seems to have objected to Jonathan Jennings himself, now seen as the leader for the push to statehood, as much as to anything else. Elihu Stout, Harrison man and editor of the Vincennes *Western Sun*, continued his long running anti-Jennings diatribe in an April 1816 editorial, defending the righteousness of the former governor, and suggesting that, “his puny and contemptible slanderers will be thought of only to be scorned.”¹² Another writer, identifying himself only as “A Farmer of Knox County,” in the same edition of the newspaper, considering Jennings probable run for governor should statehood pass, recommends, “shall we not, fellow citizens, very correctly eliminate him by suffering his retirement to the plow?”¹³

The old powers in Vincennes and Knox County simply were no match for the eager statehood forces led by Jennings. In December of 1815, Jennings had presented the petition to Congress asking for the enabling act, which passed both houses on April 16, 1816. Regardless of the negative attitudes coming out of Vincennes, Jennings had remained optimistic, writing to a friend in Lawrenceburg, Indiana, on February 19th that, “I have no doubt a law will pass at some

¹² Editorial, *Western Sun*, April 20, 1816, accessed July 26, 2017, <https://newspapers.library.in.gov/cgi-bin/indiana?a=d&d=WS18160420>.

¹³ A Farmer of Knox County, “To the People of Indiana,” *Western Sun*, April 20, 1816, accessed July 26, 2017, <https://newspapers.library.in.gov/cgi-bin/indiana?a=d&d=WS18160420>.

period of the present Session of Congress...” allowing for Indiana Statehood.¹⁴ All that remained would be to convene delegates to draft the first state constitution.

Though Jennings would have preferred to meet near his home in Charlestown, the Constitutional Convention would assemble in the state capital, at Corydon, with Jennings serving as President of the Convention.¹⁵ Forty-three delegates met at the capital in the summer of 1816. Most historians have agreed that there existed no real evidence of political faction in the make-up of the convention’s delegation.¹⁶ There is, however, disagreement on how important the issue of slavery may have been to those men hammering out the new document.

The Vincennes *Western Sun* again provides insight as to the importance of the issue, even for electing delegates to the convention. From “A Citizen of Gibson” comes, “But there is at least one subject of the highest importance which no similarity of situation whatever ought to be considered a criterion in the discussion and final determination of that subject – I mean that of slavery.”¹⁷ For the Citizen of Gibson, that slavery already exists in the nation is sufficient reason to allow its introduction into Indiana, thereby actually improving the lives of the slaves as they will be transferred from the cotton fields to the corn fields, apparently a much better way of life in the author’s estimation.¹⁸ Later in the same month, “Another Citizen of Gibson” counters with,

Every man that knows anything at all about the rights of men, knows, that for one man to eat the bread of another man’s labor, without making him a compensation, is injustice. Every man knows that to sell children from their parents, is great inhumanity. Every man knows that to confine the will of another, where he has

¹⁴ “Some Additional Jennings Letters,” *Indiana Magazine of History* 39, no. 3 (September 1943), 290, accessed April 19, 2017, <http://www.jstor.org/stable/27787285>.

¹⁵ *Ibid.*, 290.

¹⁶ See Dunn, Esarey, and Cayton.

¹⁷ A Citizen of Gibson, “To the Voters of Indiana,” *Western Sun*, March 2, 1816, accessed July 26, 2017, <https://newspapers.library.in.gov/cgi-bin/indiana?a=d&d=WS18160302>.

¹⁸ *Ibid.*

committed no crime to forfeit his liberty, is contrary to the principles of republican government, and the precepts that we ourselves teach to other nations.¹⁹

For “Another Citizen,” however, the real issue is the politics of expanding slavery into Indiana, one which he believes would, “neither make us (as a community) more wealthy nor more happy.”²⁰ Contrary to what some historians have suggested, slavery was still on the minds of Hoosiers as the Constitutional Convention convened.

The Indiana Constitution would end up resembling those of the nearby states of Ohio and Kentucky, some passages taken from them verbatim. That slavery and involuntary servitude should be banned by this new document was a given, but, as with so many other aspects of Indiana politics, it was not quite as simple as it may seem.

Article 1, Section 1 states,

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, and of acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety.²¹

While all men are born equally free, some men would still argue for their right of “acquiring, possessing, and protecting property,” including such property that happened to be other men. Indeed, nearly identical clauses appeared in the constitutions of New Hampshire and Massachusetts, and courts later accepted them to mean that any existing slaves were thereby

¹⁹ Another Citizen of Gibson, “Letter to the Editor,” *Western Sun*, March 30, 1816, accessed July 26, 2017, <https://newspapers.library.in.gov/cgi-bin/indiana?a=d&d=WS18160330>.

²⁰ Ibid.

²¹ Indiana Constitution of 1816, art. 1, sec. 1.

emancipated upon ratification of that document.²² Other of the original thirteen states had established what was thought of as gradual emancipation, whereby no new slaves were either brought into nor born into the state, therefore eventually eradicating the institution when the last existing slave expired. Indiana's 1816 constitution made significant effort to immediately emancipate all slaves within the state, but there was still enough of a voice left from the Harrison Faction to complicate things.

Article 11, Section 7 states.

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 indenture of any negro or mulatto hereafter made, and executed out of the bounds of this state be of any validity within the state.²³

The precise text in section seven may have been a compromise. There are two separate things to consider about how this is worded. First, as Paul Finkelman points out in "Almost a Free State," use of the word *shall* could be, and was, construed by some to indicate that some distant future was intended for the elimination of slavery and indenture.²⁴ Second, that "indenture... executed out of bounds of this state" clearly indicates that only those agreements made outside of Indiana would be invalid. Therefore, not only those old indenture contracts made in Indiana prior to 1816 were legal, but apparently even out of state indentures remained valid if made prior to 1816. So, no new slaves could be brought into Indiana, nor could indenture be executed after the constitution, but enough ambiguity existed in the clause to suggest that the existing slaves and indentured servants in Indiana may remain in that state of existence.

²² Finkelman, "Almost a Free State," 73.

²³ Indiana Constitution of 1816, art. 11, sec. 7.

²⁴ Finkelman, "Almost a Free State," 76.

The “nothing affects existing slaves” interpretation had long been the de facto rule in the Northwest Territory and the Indiana Territory, at least as far as the Harrison Faction and other pro-slavery supporters had seen it. Furthermore, there was never much infrastructure in place prior to statehood for anyone to legally argue otherwise. Unlike places like Massachusetts and other New England states, there were only a few hundred blacks in Indiana, free or otherwise, and not many attorneys, in the early nineteenth century. And, as has been shown, the majority of government officials and judges under the Harrison government would not have been anxious to sue a master for a slave’s freedom, even if anyone concerned had the ability to interpret any law as challenging the legality of their bondage.

True emancipation was not, therefore, the result of Indiana’s 1816 constitution, and slaves remained in the state for at least a couple more decades. In his biography on Jennings, Randy Mills refers to an Indiana census from 1830 that shows the existence of more than thirty slaves in Knox County in that year.²⁵ Furthermore, nothing associated with slavery and indenture was kept secret. Slaves, or indented persons, were advertised for sale in the *Western Sun* well after statehood. One example can be found in a notice from February 8, 1817, where the Vanderburgh estate was being liquidated and the contents included a, “Negro woman and child belonging to the said estate.”²⁶ Similar notices can be found in the Vincennes newspaper for several years thereafter, as well as advertisements for the capture and return of runaways.

In the formation of Indiana, was slavery the real underlying issue, or was the drama separating Jonathan Jennings and William Henry Harrison, and their followers, more important?

²⁵ Mills, 172. Dunn, in *Indiana: A Redemption from Slavery*, also mentions this.

²⁶ *Western Sun*, February 8, 1817, accessed July 28, 2017, <https://newspapers.library.in.gov/cgi-bin/indiana?a=d&d=WS18170208>.

Would the story of Indiana be about the successful prohibition of slavery, or would the issue be forgotten or deemed of little importance? Perhaps what happened in the ensuing decades is as much responsible for the variety of interpretation as is anything else.

Chapter 4: Beyond 1816: Of Presidents and Drunks

The life of William Henry Harrison, post Indiana, is the stuff of legend. Long a favorite of historians and biographers, the famed “Old Tippecanoe” went on to solidify his military reputation as one of only two ground commanders with successful operations in the field against his British rival. In spite of his Indiana opposition’s belief that his time as a public servant had ended, Harrison returned to politics, serving Ohio in the United States House and Senate, and eventually achieving the top political office in the land, President of the United States.

Looking forward from 1816, the still young Jonathan Jennings seemed poised to remain a favorite political son of Indiana for many years and many elections. He did, in fact, serve as the state’s first governor for three terms, leaving office near the end of the third term to run for, and win, a seat representing Indiana in the House of Representatives. However, financial difficulty, never far afoot from Jennings’ personal life, soon overwhelmed him, and the hard-drinking politician began a final battle with alcoholism that would eventually contribute even further to his decline and probably even his death.

On November 7, 1816, Jennings was sworn in as the new State of Indiana’s first Governor. As Drew Cayton says, in *Frontier Indiana*, “Jonathan Jennings had come a long way since his days in Vincennes. In essence he had replaced Harrison as chief executive of Indiana only a decade after arriving in the territory.”¹ In winning the office he defeated the now former Territorial Governor, Thomas Posey.

¹ Cayton, 258.

Once ensconced at the capital in Corydon, Jennings and his wife Ann seemed to suffer through the remoteness of the town, with Jennings continually writing to brother-in-law David Mitchell, endeavoring to entice him to move, along with Jennings' sister, nearer to the Jennings' new home. Jonathan and his sister, also named Ann, had been very close since childhood, and it would be a continuous saga in times of difficulty for Jennings, that seeking to have friends and family around him were something he strongly desired but never seems to have been able to completely secure, although, as Randy Mills points out, the Mitchells did eventually relocate to the state a couple years later.² At any rate, Jonathan Jennings was likely at the top of his game as Indiana's new governor.

Though true emancipation of all slaves in Indiana had not yet come, Jennings uses his inaugural message to the General Assembly to, "recommend to your consideration the propriety of providing by law to prevent more effectually any unlawful attempts to seize and carry into bondage persons of colour, legally entitled to their freedom," as well as to return lawful slaves to their masters in other states, suggesting that, "such a measure will tend to secure those who are free from any unlawful attempts," to seize them.³

There was, in fact, an ongoing issue between Kentucky and Indiana about slaves seeking refuge in the North, and Indiana perhaps not doing enough, in the Kentucky Governor's opinion, to subvert their attempts. In a message to the Indiana General Assembly in December of 1817, Jennings discusses the communication between himself and Kentucky Governor, Gabriel

² Mills, 177.

³ Logan Esarey ed., "Messages and Papers of Jonathan Jennings, Ratliff Boone, William Hendricks, 1816-1825," 35, *Indiana Historical Bureau Website*, accessed August 4, 2017, <http://cdm16066.contentdm.oclc.org/cdm/compoundobject/collection/p15078coll2/id/5398>.

Slaughter. One part of the message to the assembly indicates something else that is important to understand about the story of the free labor movement in Indiana's early years. Jennings states,

It is a well known fact, that whatever may be the opinion of our citizens on the abstract principles of slavery; and however repugnant it may appear, in their estimation, to the principles of moral justice, there is but one sentiment prevalent on the subject of people of color migrating, in any circumstance, to this state. It is believed, if not restricted, it would in time, become an evil, of not much less magnitude, than slavery itself. But, notwithstanding our future interest and happiness require that we should discourage, or perhaps prohibit, people of color, from coming into our state, even as freemen, (and certainly more so, as fugitives) ...⁴

The anti-slavery, anti-Harrison, efforts had always been as much about economics as anything else. While many that sought to advance the free labor notions in frontier Indiana were morally opposed to slavery itself, the sentiments forwarded in this message by Jennings make it clear that none of that meant that free blacks were necessarily welcome in the state. In fact, quite the opposite was true. Blacks in early Indiana did not have the vote, nor were they allowed access to the developing public education system. By the 1830s, black immigrants were required to register upon entrance to the state as well. Anti-slavery in Indiana was a sentiment that opposed the institution, but not necessarily one that embraced the existence of free blacks within the state's borders. The ongoing political battle between Indiana and Kentucky regarding fugitive slaves provides some good examples.

In chapter five of his book, *Slavery's Borderland: Freedom and Bondage Along the Ohio River* (2013), author Matthew Salafia takes a well examined look at the disagreement between "sister states" that very easily could have erupted into violence. Referring to the aforementioned dialogue between Governors Jennings and Slaughter, Salafia additionally points out how debate

⁴ Esarey, "Messages and Papers of Jonathan Jennings, Ratliff Boone, William Hendricks, 1816-1825," 51-52.

about Missouri's entrance into the Union may have had political ramifications on the way in which Indiana and Kentucky, and their political leaders, endeavored to maintain harmony in an environment where the Ohio River was more of a legislative boundary than it was a physical one.⁵ While an overall sense of one state's neglecting to consider the rights of the citizens of the other may have been the true motivation for the controversy, the rhetoric between the states was, on the surface, about fugitive slaves and to whom the responsibility lay in their recapture. In many ways, the sectional conflict that would grip the nation in the coming decades had started in Indiana and now was intensifying in the state versus state political battle along the Ohio River.

In 1818 and 1819, one particular incident properly indicates both the complexity of the situation between Indiana and Kentucky, while at the same time suggesting that Jennings' political awareness may still have exceeded that of everyone else involved. In *Slavery's Borderland*, Salafia describes what is known as the Stephens affair, where Richard Stephens of Kentucky made efforts to have his slave returned from Indiana. The issue involves John Tipton, then Sheriff of Harrison County Indiana, and Davis Floyd, the same man that had won the clerkship of the Territorial House when Jennings dropped out of the race in the previous decade. Floyd, now a local judge, and still a strong anti-slavery man, had issued the warrant for Richard Stephens' arrest in the affair. Tipton and Floyd crossed, and the situation came to the attention of Governor Jennings, who then had another heated exchange with Gabriel Slaughter over the incident. Salafia points out that, "Jennings waited until November 1819 before he demanded the

⁵ Michael Salafia, "Politics of Unity and Difference," in *Slavery's Borderland: Freedom and Bondage Along the Ohio River* (University of Pennsylvania Press, 2013), 137-164, accessed April 19, 2017, <http://www.jstor.org/stable/j.ctt3fhvrx.8>.

extradition of Stephens from Kentucky,” a move that seems to coincide with the national turmoil around Missouri.⁶ As the conflict over slavery in Missouri gripped the nation, the timing of Jennings’ action was likely an effort to, “make a name for himself as a defender of freedom.”⁷

Jonathan Jennings’ efforts to eliminate slavery in Indiana would never really be completely successful, at least not until the 1830s, when the General Assembly finally asserted that any and all indentures were unlawful, but Jennings had attached himself to the anti-slavery movement from the outset, using the issue to rise to a prominence that would allow him to serve as Governor for three terms. In 1822, Jennings ran for the now vacant seat in the House of Representatives that was previously occupied by William Hendricks, who, in a somewhat unusually complex political scheme, had resigned the seat to run for Governor. Jennings would again face Davis Floyd.

Winning the seat for Congress, Jennings once again headed for the nation’s capital. However, what had been a relatively successful political life for Indiana’s first Governor, and now Member of Congress, seems to have begun to erode for Jennings in the 1820s. It was at this time as well that his first wife, Ann, became increasingly feeble, eventually dying in 1826 after a long battle with illness that mostly kept her in Indiana while her husband served the state in Washington. The seriousness of Jennings’ financial difficulties also came to a head at about this time, causing his inability to assist an old friend by way of a loan. In a letter from February 1823, to John Graham, Jennings writes, “Such is my situation, that I am entirely unable to oblige you. Coopers disappointments have given me much difficulty and I am expecting a draft upon me

⁶ Salafia, 144.

⁷ Ibid, 144.

after a few days, that will be as much as I can meet & indeed before summer I shall be on the borrowing list...”⁸

One interesting turn of events came after the presidential election campaign in 1824, where Andrew Jackson, a big favorite in Indiana, had lost to John Quincy Adams when the election was thrown into the House of Representatives. In the well-known ordeal, Adams and Henry Clay seemed to have colluded to give Adams the Presidency after which he named Clay Secretary of State. The popularity of Jackson after this election was at an all-time high, and perhaps nowhere as much so as in the Hoosier State. Though Jennings had voted for Jackson in the House, he was more tied to the Adams ticket, and with his try for a Senate seat in 1826, he would end up sharing the podium with his old political rival, William Henry Harrison.

Adams and Clay had sent Harrison to Indiana in an effort to gain support for their party in the traditionally anti-elitist Indiana. That Jackson, though a slave owner, was thought of as the “common man” in his struggle to gain the presidency, made the alliance between Adams, Harrison, and Jennings, a bit unusual. While giving speeches in Vincennes, Harrison stopped short of endorsing Jennings for the Senate, but essentially avoided the subject of their previous rivalry. Jennings never gained a seat for Indiana in the Senate, but continued on in another term as Congressman.

As a member of the House, Jonathan Jennings continually endeavored to fund and perfect legislation for internal improvements, like the national road, that would benefit his constituents. He discusses concerns about the final destination of the road in a letter to constituents from 1823. Referring to its construction, Jennings writes,

⁸ “Some Additional Jennings Letters,” 293.

The great object in the first instance, was to facilitate, between the Atlantic and western waters, intercourse and transportation, by the construction of a great national road, and thereby, produce an additional ligament to bind, more closely, the distant parts of the Union. This road to the Ohio River at Wheeling is as much a road to the states of Kentucky, Illinois, Tennessee, Missouri, Mississippi, Louisiana and the Territory of Arkansas, as it is a road to the states of Ohio and Indiana, unless it shall be extended and completed, through the two last mentioned states, to the Mississippi River.⁹

He additionally worked on continuing to build his own political network. “In 1825 Jennings secured an especially lucrative position for [John] Tipton as Indian agent at Fort Wayne,” says biographer Randy Mills.¹⁰ This position presented Tipton with the ability to pass on to friends, other positions in which they could profit through trade. Those successful in obtaining these roles would, of course, continue to be loyal to Tipton, and therefore to Jennings. For Jennings himself, his alliance with Tipton would prove to be personally important at the end of his public career.

As Ann grew increasingly ill, Jennings’ health took a turn for the worse also. He battled rheumatism while in Washington, and the combination of his health problems coupled with the concern over his wife seems to have affected his abilities as a legislator. In a letter to constituents, he writes,

I had intended, previous to the close of the late session of Congress, to have addressed you in a *Circular*, detailing, particularly, the result of Congressional deliberation upon the subjects most interesting to our state, and of a character more local than otherwise. Before the session closed, however, I was rendered unable, by sickness, to carry that intention into execution.¹¹

⁹ Esarey, “Messages and Papers of Jonathan Jennings, Ratliff Boone, William Hendricks, 1816-1825,” 259.

¹⁰ Mills, 206.

¹¹ Esarey, “Messages and Papers of Jonathan Jennings, Ratliff Boone, William Hendricks, 1816-1825,” 262-263.

By the end of his final term in Congress, and after losing both his wife and his sister to illness in his absence, much of his desire to continue to serve seems to have dissipated. By 1830, Jennings was out of public life, having been defeated in every effort to win a Senate seat for Indiana, and now losing his final election for Congress. He had remarried during his final term in the House of Representatives, but the financial struggles had become worse and his use of alcohol increased to a point of uncontrollability. Dorothy Riker, in "Jonathan Jennings," suggests that Jennings' friends may have actually supported other candidates for the election in 1830, feeling that Jennings' growing alcoholism could only be treated by retirement away from the rough and tumble of political turmoil. Says Riker, "His habits had become too firmly fixed, however, for him to discontinue them and his last years were saddened by over indulgence in strong drink."¹² Use of alcohol, especially amid the political scene in frontier America, was ubiquitous in Jennings' time. It seems however, that toward the end of his political run, Jonathan Jennings was simply unable to control his addiction to it. And, as both Riker and Jennings biographer Randy Mills point out, retirement from public life was not the therapy many of Jennings' friends were hoping for.

Back on his failing farm near Charlestown, Jennings was a common sight at the local tavern and was very often noted to have been seen quite intoxicated traveling to and from the establishment. Finances were no better. His farm, in fact, may have been lost to foreclosure without the assistance of old friends, including John Tipton, who decided to take on the financial burden themselves and allow Jennings to remain on the property. The end came in July 1834 when, at fifty years of age, Jonathan Jennings died, probably due to poor health associated with

¹² Dorothy Riker, "Jonathan Jennings," *Indiana Magazine of History* 28, no. 4 (December 1932), 237, accessed April 19, 2017, <http://www.jstor.org/stable/27786567>.

his drinking. In more modern times, a bout with alcoholism like this may be seen as a disease, something that could be treated. In Jonathan Jennings' day, inability to control one's intake of alcohol was looked upon more as a flaw of character or weakness. At any rate, Jennings' over indulgence with strong drink, coupled with his complete financial failure, likely stained any lasting legacy he may otherwise have secured for his twenty-one years of public service, consistently battling those forces that would have preferred to see slavery last.

As noted earlier, William Henry Harrison's star was still on the rise when Jonathan Jennings all but faded into obscurity. After resigning his military commission, Harrison returned to politics. He served in both the House of Representatives and the Senate, representing his adopted state of Ohio. Losing the presidential election to Martin Van Buren in 1836, Harrison would re-group and make a successful run in the famous "log cabin and hard cider" campaign with his running mate, John Tyler, in 1840.

Seven years after Jonathan Jennings died a bankrupt alcoholic, Harrison would take the oath of office as President. By this time, he was almost universally recognized as the Hero of Tippecanoe, a great General in the War of 1812, and a well experienced statesman and diplomat. Biographers and historians have generally focused very little attention upon Harrison's agitation for slavery in his time as Territorial Governor, choosing to highlight heroics and diplomatic successes. That Harrison was; indeed, a great statesman of his time is unarguable, but his utter defeat to have pro-slavery men maintain control in early Indiana is also part of the William Henry Harrison story.

In the end, Harrison, of course, lasted only a month in office, contracting pneumonia shortly after his two-hour inaugural address in the cold and rainy weather that gripped Washington on that day. In some sense, both Jennings and Harrison died as a result of their

chosen vocation. How, or how much, each would be remembered, especially in Indiana, would be in the hands of those that came after them.

Chapter 5: Variety of Interpretation

Any written history will always be distilled by the author's interpretation, as well as by the reader's. This essay is no different. An effort has been made in this text to provide meaningful insight into the early history of Indiana, and how slavery may or may not have affected her political landscape. In doing so, a significant amount of the existing historiography has been examined and used for reference. While some new and altered interpretation will be posited in the essay's conclusion, and, as this essay advances the position that history has largely ignored, or perhaps skimmed over, the slavery battle in Indiana, it is important to review what has been written, seeking to find what various interpretations may have made their way into the historiography. Some have sought to emphasize the issue while others virtually omit any reference to it in what may be thought of as Indiana history. While the general appreciation of the subject of slavery will, on its own, change over time, what can be seen in the record is that the various interpretations practically continued the debate about the issue long after the last Indiana slave had ceased to exist.

The major historiographical debate on the subject surrounds the importance of Jonathan Jennings, and the strength of the pro-slavery Harrison Faction versus those groups in favor of free labor and a free labor constitution for Indiana. Some noted historians argue that Jennings was an integral factor in the free labor movement, and therefore has been too easily dismissed by much of the historiographical record. Others posit that the free labor movement was well underway by the time Jonathan Jennings rose to power in Indiana, and he therefore was not a significant factor in Indiana's ultimate founding as a free state. In fact, much remains to be discussed about the importance of the slavery issue itself. Some historians suggest that the

perceived alignment of pro-slavery versus free labor groups has been overstated. Moreover, certain interpretations of the historical record may indicate that the opposing groups, embodied in Jennings and William Henry Harrison, had as much to do with their personal relationship as with opposing views on slavery.

Though written histories of Indiana and the Northwest Territory likely predate Jacob P. Dunn's *Indiana: A Redemption from Slavery*, this work will serve as the starting point. Tracing the roots of slavery and indenture in the Indiana Territory from the earliest accounts to statehood, Dunn's work seeks to explain how the peculiar institution made its way north of the Ohio River into the territory that ultimately included four states, including Indiana. Exploring the political wrangling that surrounded the issue, and how the key players in Indiana politics battled for supremacy, Jacob Dunn presented one of the earliest book length narratives on the importance of the slavery issue and how it affected the establishment of the state.

Jacob P. Dunn was, at the time of publication, Secretary of the Indiana Historical Society, and remained in that position until his death in 1924. A noted lawyer, journalist, and historian, Dunn's work includes several books on Indiana and the west. His last work, published in 1919, is a five-volume history of Indiana entitled *Indiana and Indianans*.

Dunn's book has been highly referenced in this essay as it remains the most scathing indictment of Indiana's courtship with legalized slavery. The title and timing of the work are worthy of comment. Dunn was writing this history a mere decade after "redemption" in the south saw white supremacy return to its stronghold on the daily lives of the post-reconstruction, New South. That "Redemption from Slavery" was chosen as a subtitle for the book may be construed as a political statement relative to the times. Other historians have pointed out that Dunn was

writing in this period, and that his scornful attitude toward slavery in Indiana may have had something to do with the politics of 1888.

It is also interesting to recognize that the same year Dunn's work was published, William Henry Harrison's grandson was elected President of the United States. Benjamin Harrison was, of course, a Republican, and interestingly enough, the last Civil War General to ascend to the White House. Whether that connection is relevant or not is something that one must take upon themselves to consider.

The essential antithesis of Dunn's *Indiana* can be found in another early history of the state. Originally published in two volumes between 1915 and 1918, Logan Esarey's *A History of Indiana from its Exploration to 1850* is one of the earliest attempts to document a complete history of the state of Indiana. Examining the early French involvement in the geographical area that would become the Indiana Territory, up to the political battles nearly to the end of the antebellum period, Esarey's *A History of Indiana* is brief enough to have been republished in the present edition, from 1970, as a medium sized hardback book of just over one thousand pages. A brief analysis of Esarey's overview of the important events in the history of Indiana points toward a good explanation of how, and why, that is possible. With only a single chapter of a few pages dedicated to the run up to statehood, Esarey almost completely ignores the slavery issue, but does mention Dunn's work in a footnote.¹

Used as a source and reference for later works on Indiana history and discussions of the slavery issue, Esarey's *A History of Indiana* remains recognized as one of the important treatments of the story of the development of the state, his brief writing style and questionable

¹ Esarey, *A History of Indiana from its Exploration to 1850*, 175.

omissions notwithstanding. Well known among historians in Indiana due to his writings for the Indiana Historical Society and as a faculty member at Indiana University, Dr. Logan Esarey remains an authority considered well versed in the subject, and his historical epic of the state's past continues to be referenced by later scholars.

The first biographical sketch to be surveyed in the project is Dorothy Riker's "Jonathan Jennings." This article, appearing in the December 1932 edition of the *Indiana Magazine of History*, is a brief assessment of Jennings's life, but focuses on the politics of early Indiana and the struggle between Jennings and Territorial Governor William Henry Harrison, and the issues that would separate them in the political turmoil surrounding statehood. Dorothy Riker's article references many of the well-respected sources on Jennings, including the aforementioned histories written by Logan Esarey and Jacob P. Dunn. Referenced itself in many later accounts of the early history of Indiana, Riker's "Jonathan Jennings" summarizes and interprets the story of the anti-slavery movement in Indiana, recognizing that earlier historians have had opposing viewpoints on the importance of the issue, as well as on Jennings's necessary centrality.²

Dorothy Riker was a well-respected Indiana historian, coming to prominence in the 1920s and 1930s, an era not typically known for its promotion of women in the field. After earning her Master's degree from Indiana University, Riker continued to study and write about Indiana history and was a central figure in several historical agencies and organizations. Her treatment of the life of Jonathan Jennings, written for academic and scholarly audiences, takes a strong look at the slavery issue during the Territorial era, and shows how and why the peculiar institution was alive and well in Indiana, as well as how and why it ended.

² Riker, all.

Appearing in the September 1937 edition of the *Indiana Magazine of History*, is historian John Barnhart's effort to analyze how specific factions during Indiana's founding would have preferred characteristics of the new state/territory relative to their personal heritage. "The Southern Influence in the Formation of Indiana" shows that many of the early inhabitants of the Indiana Territory from the tidewater areas of Virginia, of which there were many, may have preferred Indiana's agricultural community to closely resemble the plantation style, with the appropriate social and political philosophies associated with it. Says Barnett, "The movement for statehood in Indiana was a natural outgrowth of the contests of the earlier period," suggesting that the opposing forces in 1816 were the same in the earlier slavery battle.³ Territorial Governor William Henry Harrison, considered a product of the Virginia Tidewater Aristocracy, held particularly strong sway in the early period, and thus developed a faction that believed laws prohibiting slavery were limiting development of the Territory.⁴ What transpired over the remaining years leading up to statehood, according to Barnett, was essentially an extension of that argument, pitting the Harrison followers against the free labor movement that developed later in the territorial years.

John Barnhart was a well-respected historian and author, considered by many to be an absolute authority on the history of the middle west. The one-time chair of the history department at Indiana University held a Ph.D. from Northwestern University, and lived and worked in the area for most all of his professional career. References to Barnhart's works will be found in a great many texts on the subject of Indiana History.

³ John D. Barnhart, "The Southern Influence in the Formation of Indiana," *Indiana Magazine of History* 33, no. 3 (September 1937), 261, accessed April 19, 2017, <http://www.jstor.org/stable/27786901>.

⁴ *Ibid*, 261.

Writer, journalist, and DePauw University graduate, John Bartlow Martin has been recognized as one of the leading authorities on Indiana history since the original publication of this next examined work. While some regional histories do not wear well with time, this one may be considered an exception. In the forward, written by History Professor James H. Madison, the modern expert states, “While ‘out of date’ in small ways, in many others it remains a modern and compelling piece of writing.”⁵ Martin himself describes the work in his preface by declaring that, “This book is not history; it is journalism. It is one man’s interpretation of Indiana – that is, the Hoosier character, the Hoosier thought, the Hoosier way of living.”⁶ With *Indiana: An Interpretation* (1947), the author provides his selected events and characterizations, providing for general audiences interested in Indiana history a unique look at many of the state’s most important stories.

Divided into seven parts and nineteen chapters, this work provides glimpses of Indiana’s past from the Territorial days through the 1940s. Martin’s selectivity in providing what he feels was necessary to be examined gives the book a unique perspective. Written in an early style that is void of footnotes or endnotes, *Indiana: An Interpretation* does provide significant bibliographical information, as well as an extensive index. Martin covers the Territorial saga around the slavery issue minimally, though he does not seem to suggest, like others, that the contest between Jennings and Harrison had nothing to do with the battle for free labor.

From the same era, “Fiscal Objections to Statehood in Indiana,” an article in the December 1946 issue of the *Indiana Magazine of History*, discusses political economy in the late

⁵ James H. Madison in the “Introduction” in John Bartlow Martin, *Indiana: An Interpretation* (Bloomington, IN: Indiana University Press, 1947), vii.

⁶ John Bartlow Martin, *Indiana: An Interpretation* (Bloomington, IN: Indiana University Press, 1947), xvi.

territorial period, emphasizing the disagreements between factions about preparation for statehood. Little about Jonathan Jennings, and nothing about slavery, appears in the article, but it does show how other issues were in play during the period.

In addition to the sources above, there are several other works documenting the state's history. These include James H. Madison's *The Indiana Way: A State History* (1986). Organized into four parts and fifteen chapters, *The Indiana Way* provides a chronology of major events in Indiana, from prehistory to the post-World War II era and beyond. Chapter three is devoted to the Indiana Territory and the push for statehood, covering the basic issues of the day, including diverging interests surrounding William Henry Harrison and Jonathan Jennings. Madison deems that conflict to be more about economics and the desire to fill state positions with supporters of the opposing factions, simply mentioning that the 1816 constitution eradicated slavery in Indiana, however noting that slaves continued to exist in the state until "as late as the 1830s."⁷ Though a relatively new state history in comparison to other works referenced in this essay, *The Indiana Way* seems to follow the general argument that there isn't much of a story to be told about slavery in Indiana. This work seems to show that, in some instances, serious scholars have largely overlooked the slavery issue.

1986's "Slavery and the Northwest Ordinance: A Study in Ambiguity" is Paul Finkelman's look at how the territorial governments got around the slavery prohibition, and a good analysis of differing interpretations of the Northwest Ordinance. "Almost a Free State: The Indiana Constitution of 1816 and the Problem of Slavery" appeared in the March 2015 edition of the *Indiana Magazine of History*. This paper, also by Paul Finkelman, is the closest thing to a

⁷ James H. Madison, *The Indiana Way: A State History* (Bloomington, IN: Indiana University Press, 1986), 54.

complete coverage of slavery in the Northwest Territory and how that affected the emerging states of Indiana and Illinois, but it expends little text on the Jennings and Harrison battle.

Finkelman was a member of the history department at the State University of New York, and in 2015 was listed as a scholar-in-residence at the National Constitution Center in Philadelphia.

Frontier Indiana, part of a series on the Trans-Appalachian frontier, is Andrew R. L. Cayton's treatment of the early history of Indiana through the first half of the nineteenth century. Cayton pays particular attention to a handful of specific historic figures in this interesting combination of political and social/cultural history, digging deeper into the personal lives of some of the main characters while being mindful to tie everything to the broader political issues of the times. Providing enriching narratives about both Harrison and Jennings, Cayton pronounces the political battle between them as a "revolution" of sorts that brought about a more democratic government in the new state.⁸ Recognizing that democratization was a general characteristic of the young nation in the Early Republic years, Cayton does well to temper the dramatics of the issues at hand, including the political struggle between the aristocratic Harrison and Jeffersonians like Jennings, while asserting that slavery was a real issue that should not be forgotten in Indian history. Andrew R. L. "Drew" Cayton is an authority on the early middle west, and is a Professor of History at Miami University of Ohio. He has written several narratives on the history of the region.

Although referenced minimally in the essay, Gordon S. Wood's *Empire of Liberty: A History of the Early Republic, 1789-1815* (2009) is used to examine the amount of coverage the slavery issue in the Old Northwest may get in a broad narrative of the early American period.

⁸ Cayton, *Frontier Indiana*, 244.

Part of the Oxford History of the United States, *Empire of Liberty* is the Pulitzer Prize winning historian's epic treatment of those halcyon days that began with the implementation of the United States Constitution and leading up to the first real expansion of the young nation beyond the original thirteen states. In the chapter on "The Jeffersonian West," Professor Wood does provide a succinct look at how migration from the South into the Northwest Territory did result in disagreements about the advantages of slavery.⁹

The Brown University Professor Emeritus has written extensively on the Early Republic and won the Pulitzer Prize for *The Radicalism of the American Revolution* and the Bancroft Prize for *The Creation of the American Republic, 1776-1787*. Wood, even in a narrative of this size, is able to recognize the importance of Jonathan Jennings, stating that, "by seeking at every turn to undermine Harrison's influence in Indiana Territory," Jennings was able to make an enemy of the governor, thus solidifying the anti-Harrison group's support.¹⁰

In what can be termed a flattering account of the life of William Henry Harrison, Freeman Cleaves' *Old Tippecanoe* (1939) appears to be a well-researched and documented biography of the General, Territorial Governor, and President. While providing no main argument to the abilities of Harrison, Cleaves simply seeks to document his life and times, including that as the senior official in the Indiana Territory. While only certain sections of this work examine the slavery issue in Indiana, the author does provide a significant treatment for this part of Harrison's life, including stating, "That Harrison ever advocated slavery for Indiana has been denied yet evidence favoring the opposite view appears to be complete," citing the Governor's arguments considering the slowness of development across the river from the slave

⁹ Gordon S. Wood, *Empire of Liberty* (Oxford: Oxford University Press, 2009), 357.

¹⁰ *Ibid*, 363.

state of Kentucky.¹¹ Little information about the author, Freeman Cleaves, appears to exist other than evidence of his other writings, mostly Civil War history, including books on General George H. Thomas and a treatment of Meade's victory at Gettysburg.

Another biography of the ninth president was written by Cincinnati journalist and one-time newspaper editor, James Albert Green because, in the author's words, he did not believe, "... the previous biographies of General Harrison did him justice."¹² An apparent aficionado of "Harrisonia," the author was purported to have an extensive collection of writings on William Henry Harrison, ultimately donated to the Cincinnati Library where Green served as a Board Member later in his life.

Remarking in the forward that he had the assistance of Harrison's grandchildren in preparing the biography, Green goes on to bring a seventeen-chapter treatment of the former president's life to the general reader. *William Henry Harrison: His Life and Times* (1941) covers all the necessary bases of a Harrison biography, tracing his early career, the War of 1812, battles with the Indians, and his political roles in Indiana Territory and Washington.

In covering the issue of slavery, Green sides with others in believing that it was much ado about nothing. Referring to Jacob P. Dunn's famous work, *Indiana: A Redemption from Slavery*, Green says, "Mr. Dunn, though splendidly qualified, did not write a history of Indiana – what he did write was a detailed account of this futile attempt to introduce slavery in to the Territory."¹³ Green goes on to essentially draw the conclusion that, as a man of the times, William Henry Harrison simply saw that men of the South, like himself, were "desirable settlers, and they would

¹¹ Freeman Cleaves, *Old Tippecanoe: William Henry Harrison and His Times* (New York: Charles Scribner's Sons, 1939), 45-46.

¹² James A. Green, *William Henry Harrison: His Life and Times* (Richmond, VA: Garrett and Massie Inc., 1941), xii.

¹³ *Ibid*, 105.

not go North of the Ohio if forbidden to bring their slaves with them.”¹⁴ Apologetically, Green suggests that Harrison’s views on slavery eventually changed, and that his work in Indiana Territory should not be overshadowed by the mistake of agitating for its legality.

In what may be the only book length biography of Jonathan Jennings in print, Professor Randy K. Mills’ asserts that, “Historians have played a primary role in Jennings’s forgotten status,” pointing to positive assessments by Dorothy Riker and Jacob P. Dunn, and the beginning of the decline of Jennings’s status with Logan Esarey’s works from the early twentieth century.¹⁵ This portrait of Jennings appears to be the only in-depth look at the early Hoosier politician, providing well researched historical information on his life and times. As a biography, *Jonathan Jennings: Indiana’s First Governor* utilizes an immense volume of correspondence, as well as newspaper articles and editorials on the politics of statehood and slavery, to examine Jennings’ possibly forgotten impact on the development of the Hoosier state.

A professor of history at Oakland City University in Indiana, Randy K. Mills wrote the Jennings biography in an effort to, “present a more thorough and balanced assessment of Indiana’s first governor, as well as to provide insight into what Jennings was like as a person.”¹⁶ Mills covers the slavery issue well, but tends to lean toward the belief that Dunn’s vision of Jennings as the great savior of free-labor is somewhat overstated.

Lastly, chapter five of *Slavery’s Borderland: Freedom and Bondage Along the Ohio River*, by North Dakota State University history professor Matthew Salafia, is referenced in the essay in an examination of the actions of Jonathan Jennings while serving as Indiana’s governor.

¹⁴ Green, 105.

¹⁵ Mills, xii-xv.

¹⁶ Mills, xxvi-xxvii.

Combining the analysis by Salafia with some correspondence between Jennings and Kentucky Governor Gabriel Slaughter, the chapter shows both that Jennings continued to advocate an anti-slavery position and that mainstream beliefs in early Indiana were anti-black even though the majority was anti-slavery. Salafia's work is also an important examination of the rhetoric between two sides of the issue, and points toward the belief, posited in the essay, that the political struggle over slavery in the new territories was a harbinger of things to come.

Essentially, the historiographical record shows no definite quorum on the importance of the slavery issue or of Jonathan Jennings. J.P. Dunn's 130-year-old history of Indiana clearly provides the loudest voice among those that believe the battle over slavery was an indelible part of Indiana's past, and that Jonathan Jennings may be considered the hero of the story.

Others, like Freeman Cleaves, argue that Dunn's version is an over-dramatized narrative endeavoring to highlight slavery as an issue in Indiana history when it really wasn't much of one. Most historians, however, occupy that middle ground, either accentuating the importance of the slavery issue, and in some cases the importance of Jennings; or more commonly, including the episode as part of the state's history without necessarily acknowledging the issue's significance.

The current essay has highlighted much of the rhetorical battle involving the two sides, as well as examined the written history of the period. That the slavery issue was of utmost importance to early Hoosiers, especially in the way that the political factions developed around Vincennes and the rival areas in the east and south, has clearly been indicated in the documents and narratives analyzed here. There can be little doubt that Jonathan Jennings was invaluable to the anti-Harrison group as it was he that most embodied the opposition to Harrison and his efforts to control Indiana politics. Without Jennings, there can be no certainty in the Harrison Faction's failure to develop Indiana as a slave state, even in consideration of the pre-existing

prohibition in the Northwest Ordinance. Present as the Territorial Delegate, and especially as the President of the Constitutional Convention in 1816, Jennings was consistently the major roadblock for slavery in Indiana.

Conclusion

Much of the animosity between Harrison and Jennings can, in fact, be thought of as an enmity between social classes. While slavery is part of that conflict between the southern elitists and other groups more intent on the success of free labor, it is not the only thing that sets the groups apart. That a social conflict existed can be examined by looking at how much power the Territorial Governor exercised, and how and why patronage was such an important issue in frontier Indiana.

“In the newly created world of the Indiana Territory,” says Andrew Cayton in *Frontier Indiana*, “government offices were glittering prizes sought desperately by young men in a hurry.”¹⁷ The Territorial Governor’s ability to dole out many of these positions makes him, regardless of his intentions, an enormously powerful individual, capable of making or breaking many of the ambitious young fellows seeking to fulfill their dreams. In William Henry Harrison, there can be little doubt that his intentions were indeed to create a system whereby personal loyalty provided a certain level of assuredness that his policies would succeed. Cayton also points out that Harrison, the young Virginian, would likely have intended to import the political system that he would have been familiar growing up in the Old Dominion, where the local Justices of the Peace, empowered by the colony/state, wielded a sizeable amount of power in their own little corner of the world.¹⁸ What William Henry Harrison created in the Indiana Territory was a virtual network of support, made up of many young Virginians whose loyalty

¹⁷ Cayton, 228.

¹⁸ *Ibid*, 230.

would have been essentially ensured by knowing that the governor could choose to either reward or alienate them at his pleasure.

There can be a tendency to see the anti-Harrisons as more democratic than their Federalist rivals, but it should be understood that even Jeffersonians tended to believe that good government would consist of a certain class of men, those with the proper attributes, that would serve the public for the good of the nation, or in this case the territory and state. Jennings likely believed this philosophy as well, but what he and his allies saw in William Henry Harrison and his government by patronage was an aristocratic gentry, seemingly monopolizing government positions for their own advancement.

Additionally, Jennings would have seen Harrison's patronage system as a personal affront to his philosophies on what a proper democratic society should consist of. That merit for one's accomplishments and ability should outweigh loyalty and friendship would have been among the complaints about the Harrison Faction coming from the opposition, perhaps especially from Jonathan Jennings. As Cayton points out, "he believed that society should function so as to allow naturally talented men to stand out among their brothers."¹⁹ That Jennings took things personally is evidenced in practically every aspect of his political life, and his alienation from Harrison's list of favorites would have made their relationship personal from the very beginning. It is likely that practically any political issue advanced by the governor would have been opposed by Jennings, even if simply based on spite. That something could be seen as dishonorable, like being a slave owner, seems to have made the issue an even better one in opposing the governor. Slavery, of course, is the most obvious political issue that separated the

¹⁹ Cayton, 227.

groups, and Jennings was savvy enough to recognize that the particulars of that issue would play well in any election where the gentry may be outnumbered.

Perhaps, as a few historians have suggested, Harrison was simply a man of his times. The same argument can be used to give merit to the idea that many of the founders, though slave owners themselves, should not suffer a degraded loss of greatness in American memory simply because they either owned slaves or were unable to eradicate the institution at the founding.

As was asserted in an earlier chapter, slavery itself was not the boiling national issue in the early nineteenth century that it would later become. What occurred in the Northwest and Indiana Territories in the first two decades can almost be seen as a microcosm of things to come. For the slave owners in the territory, and those that supported its legalization, it was a question of economics. In their estimation, the agricultural system that produced the greatest profits and financial success was that which used slave labor. For Harrison and his followers, if the Northwest Territory, and its later divisions, wanted to rise to a position of economic strength, it would be necessary to model its society on the plantation system. Crops that would grow well in Indiana, like tobacco and indigo, were most profitable using slave labor. Allowing planters wishing to grow these crops to migrate into the territory, with their slave property, must certainly have seemed like the obvious answer to quickly building population and for the territory's financial success. In fact, those advocating for slavery did not simply wish to allow the planter class gentry into the territory, they sought to entice them.

For those that wanted slavery in Indiana, the groups that began coming into the territory that opposed its legalization must have seemed like fools. Though the argument that slavery was a positive good would not truly come into being for many decades, pro-slavery advocates would point out such things as the fact that importing slaves into the territory did not mean that there

would be more slaves in the United States. And, according to this argument, allowing slavery to expand would alleviate some of the overcrowding of slaves in existing slave states. This, they would posit, pointed to a better way of life for all involved.

It must also be remembered that a large portion of the pro-slavery residents in the territory had been there long before either Great Britain or the United States exerted political control of the area. The “ancient inhabitants,” as many referred to them, already had slaves in their possession and could reasonably argue that the right to retain their “property” was protected by treaty, regardless of any subsequent act of whichever political entity happened to be in charge after 1783, and again after 1787.

Furthermore, one interpretation of the Northwest Ordinance was that the slaves in existence at its passage were still legal, regardless of the sixth article’s proclamation that “slavery shall be prohibited.”²⁰ Still another argument was that “shall be” indicated some future date when some other legislative body, yet to exist, may choose to enact a prohibition on slavery. At any rate, whatever the interpretation of the clause, the Northwest Ordinance could not enforce itself. The authorities in the territory would be necessary to assert any legal action regarding those held in bondage, and it was these same authorities that advocated for slavery to be allowed.

Whether or not history should regard William Henry Harrison as a pro-slavery agitator, worthy of contempt, is not the central argument of this essay. That Jonathan Jennings deserves a more prominent place in Indiana history is. Evidence from the past clearly indicates that Jonathan Jennings, in aligning himself with the free-soil movement in the Indiana Territory, was an unrelenting opponent to slavery, and to William Henry Harrison. Some scholars seem to

²⁰ *Northwest Ordinance*, art. 6.

suggest that Jennings was as much an outsider to the political monopoly held by Harrison, and therefore simply his natural political enemy, as he was a free-soil advocate. Furthermore, say many, Jennings did not begin the anti-slavery crusade in Indiana, he merely attached himself to it for political expediency. In either case, or both, the end result is that Jonathan Jennings, by continually opposing Harrison and his chosen candidates for public office, embodied the opposition to slavery in his adopted state.

There are many possible reasons why Jennings may be a somewhat obscure figure in American and Indiana history, not the least of which are the facts that by the end of his public life, Jennings had not only become ruined financially, but had also descended into a state of alcoholism that would have completely sullied the character of any man of his time. Combine those final degradations to the realization that Jennings was both childless and had essentially no familial connections in Indiana, aside from his second wife, upon his death, and it becomes clearer why the once great political personality seems to have been easily forgotten.

The generation after Jonathan Jennings would see the still relatively young nation slide into the final catastrophe surrounding the slavery issue some thirty years after the Indiana politician seems to have slid into obscurity. As has been noted here repeatedly, in the early decades of the nineteenth century, slavery had not yet gripped America in the crisis that would follow. In fact, the sectionalism that completely changed the political landscape in America before the coming of the Civil War, had only barely begun when arguments about slavery in the Northwest Territory surfaced. In many ways, Indiana was a harbinger of things to come.

For slavery to continue to exist in America, it was clear very early on that its existence needed to expand into newly created territories and states. In the mid nineteenth century, it was clear to both sides of the issue that isolating the legal existence of slavery to what was the “Old

South,” would surely end in the eventual dissolution of the institution due to political outnumbering in the halls of Congress. For proponents of slavery, the system needed to expand in order to solidify the political support for its existence.

While expanding the peculiar institution to the new territories northwest of the Ohio River may not have had the national political implications that expansion of slavery would take on later in the century, the division about its political and moral righteousness in early Indiana can be seen as a direct comparison to the sectional disagreement that would later develop throughout the nation. The disagreement in Indiana pitted those same southern gentlemen against a group, or groups, of others that either believed that holding another human in bondage was morally contemptable, or that saw slavery as an agricultural system with which the yeoman farmer could simply not compete.

Whether Jonathan Jennings had strong moral objections to slavery is unknown, but it seems clear that he had developed more Jeffersonian Democratic tendencies, probably during his early adulthood in Pennsylvania, and politically opposed the aristocratic patronage system so common among the Virginia elitists like William Henry Harrison. While it may also be true that a degree of animosity between the two politicians developed due to Jennings’ early alignment with those already opposed to Harrison, like John Badollet and Nathaniel Ewing, none of this discounts the fact that Jonathan Jennings committed his political life to opposing those seemingly entitled and aristocratic, anti-republican, politicians, that would have advocated the legality of slavery in Indiana.

Opposition to slavery in Indiana grew as the population grew. Emigrants into the territory increasingly came with either religious and moral objections, or a desire to be financially successful farmers without having to compete with the plantation system. New Indiana

inhabitants came from the middle states, the upland south, and to a lesser degree, the slave south. Those opposed to slavery did simply eventually outnumber the Harrison Faction, but it is important to remember that with the power of the Territorial Governor came influence that a simple majority could not easily defeat. Without a political face to supplant the candidates and policies that Harrison would have preferred, it is difficult to know how much slavery would have grown in Indiana.

Perhaps, as Logan Esarey has suggested, “As a politician Jennings possessed remarkable ability,” but also that, “As a statesman he was of modest worth.”²¹ It was, however, the politician in Jennings that the free-soil movement needed. With the new power to elect their own representative to Congress, those Indiana Territory voters in 1809 chose to support the man that was not associated with the aristocracy and with the establishment. That Jonathan Jennings, great statesman or not, manipulated his political savvy into a victory over Harrison’s candidate, signals the beginning of the end for the pro-slavery movement. That he spent the next twenty years consistently opposing any candidate or policy that may somehow align with the pro-slavery Harrison elitists, and won, is a testament to his political awareness if not to his ability as a public servant.

In the end, regardless of motivation, Jonathan Jennings successfully led the movement to eliminate slavery from Indiana and to insure she entered the Union as a free state. He was not, by any stretch of the imagination, alone in his quest. In aligning himself with the anti-Harrison movement, Jennings stood side-by-side with many who wished to prohibit slavery. The story of

²¹ Esarey, “Messages and Papers of Jonathan Jennings, Ratliff Boone, William Hendricks, 1816-1825,” 28.

the fight for free labor in Indiana, and of Jonathan Jennings himself, are importance pieces of the American story. Neither are well known. Perhaps the time has come to celebrate both.

Afterword

Jonathan Jennings was buried in an unmarked grave. The Indiana General Assembly failed to pass bills in 1861, 1869, and 1889, that would have erected a monument over the burial site, but finally, in 1892, the state agreed to provide a granite marker. Around the same time, Jennings' remains were moved to their final resting place in the Charlestown Cemetery, near his adopted home in southern Indiana. Were it not for a group of school children having witnessed Jennings' original burial, and later providing accounts of the funeral to help find the unmarked grave, it is possible that the final resting place of Indiana's first governor would have forever been unknown.

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