

POLLY V. LASSELLE: SLAVERY IN EARLY INDIANA

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Preface

The history of slavery in Indiana is one of legal loopholes and political power, but it is about more than just the institution of slavery. Its legacy is intertwined with the histories of French colonialism, the Old Northwest, and early Indiana politics. It involved clashes of culture between French and Americans, as well as with the Indians, all of which marked the transition from unexplored frontier to statehood. This thesis explores the evolution of slavery in Indiana and examines the extent of its importance in early Indiana development.

The growth of slavery in Indiana began with the French, who were the first to settle the Northwest Territory and created its first slave system, which used both Indians and Africans as slaves. The French normally used slaves in domestic spheres and often worked alongside them. This system is noted for its lack of physical exploitation. Slavery in early Indiana evolved from this domestic-based French system to one influenced by Virginia's slave society. Even though slavery was illegal in the Northwest Territory, this system of slavery is marked by multiple attempts to circumvent the prohibition of slavery. By adopting the Virginian legal code, pro-slavery residents created a system of indentured servitude, which allowed slaves to be brought into and used in the territory, but under a different name. Ultimately, the pro-slavery faction was unsuccessful in creating a stable system of slavery.

However, slavery was still important as it continued to exist in Indiana for decades. Questions about slavery's legality continued to circulate until 1820, when the Indiana Supreme Court officially outlawed any form of slavery in *Polly v. Lasselle*. Polly Strong, a slave in Vincennes, Indiana, sued her owner, Hyacinth Lasselle, for her freedom arguing that since she was born after the passage of the Northwest Ordinance of 1787 that outlawed slavery, she should be considered free. While the Knox County Court ruled in favor of Lasselle, Polly appealed her case to the Indiana Supreme Court, where they ruled in favor of Polly. This court case was the official end of slavery in Indiana.

This thesis identifies the nature of slavery as it was practiced under both the French and Virginian influences, and then places it within a larger national context through comparisons with other slave systems. Since slavery only remained in the area for a relatively short amount of time, I also deal with the features that stalled the development of slavery. By exploring the reasons that slavery did not prosper and its eventual demise in 1820, I argue that Indiana was never at risk to develop a plantation-style slave society. By means of previously unused primary sources, I also create a new narrative for the Indiana Supreme court case and place it within the context of Indiana's slave history.

Chapter One

Historiography

Historians have been studying Indiana history for over a century, which has allowed the historiography to branch out into many themes, including slavery. Even with this lengthy existence, the historiography of early Indiana is still severely limited in depth. The syntheses of the Old Northwest and Indiana are older works, dating from the 1930s, although some works were published in the late 1800s. Some of the older or more synthetic works do not really address slavery, but are important for creating the context for understanding slavery in the larger history of Indiana. It was not until the 1980s that most monographs on early Indiana began to appear. While the available monographs cover a wide array of topics, including relationships with the Indians, frontier politics, and culture, historians have reexamined very few of them. The discussion of slavery is limited to a small role in many books on Indiana or is used to discuss the institution's existence on a larger scale, such as in the entire western frontier. With the inadequate attention devoted to slavery in Indiana, there is a gap in the historiography that needs to be filled. To do so, it is important to first fully examine the studies of Indiana that already exist.

The first important works that addressed Indiana history were actually larger works on the history of the Old Northwest. *The Civilization of the Old Northwest: A Study of Political, Social and Economic Development, 1788-1812*, written by Beverly

Bond, Jr. in 1934 was one of the first study of the Old Northwest.¹ Bond attempts to explain the development of the Northwest Territory from the execution of the Northwest Ordinance to the War of 1812. Prompted by the lack of historical analysis available on the region, Bond created a synthesis of the Old Northwest in which he examines the democratic progression of the territory in both politics and society. In addition to this theme, civil order and law, conflicts with the Indians, settler migration patterns, and conflicts over slavery are all prominent issues in the development of the Northwest Territory. While political issues, such as the relationship between the Indians and Governor St. Clair's government, fill most of the book, Bond does chronicle both social and economic experiences. He discusses the development of farms, the improvements of infrastructure, and the importance of waterways in relationship to the emerging economy. Societal values mirrored many of those in politics, with religion emphasizing order and education focusing on democratic opportunity. Bond does an excellent job of expanding beyond the traditional political focus and including social and economic challenges and developments. Another positive aspect of Bond's work is his use of primary resources. Using collections of personal papers, newspapers, and other first-hand accounts, Bond does not simply synthesize the works of other historians, but paves the way with his own research.

Building on Bond's history, which stops in 1812, Buley's classic tome, *The Old Northwest: Pioneer Period, 1818-1840*, continues the study of the Old Northwest until

¹ Beverly Bond, Jr., *The Civilization of the Old Northwest: A Study of Political, Social and Economic Development, 1788-1812*, (New York: MacMillian Company, 1934).

1840.² Published in 1950 in celebration of the 150th anniversary of the creation of the Indiana Territory, Buley's large, two-volume history is a standard for those studying the Old Northwest. The study uses multiple primary sources, which are clearly cited for the reader's use. In addition, Buley organizes the volumes by topic, allowing him to easily address everyday life in an immense amount of detail, as well as explain the more generally known political and economic happenings. For example, the first three chapters of volume one explain the political developments of the Old Northwest from the early French settlements to the creation of Illinois and Indiana, with a section devoted to the federal land acts, the process of surveying, and problems with squatters. Then the next four chapters address the everyday life of settlers in the territory, from the basic home furnishings to the medical issues and remedies used by most families. While Buley writes about the emergence of individual states and the chronological developments in politics and economics, the social aspect of the study does not recognize significant geographic differences or chronological developments. In addition to the amount of detail in the prose of the book, the existence of footnotes and a bibliographical essay are especially important to the researcher. The footnotes within the narration are plentiful and the essay at the end provides a wealth of resources. Buley's real contribution to the field is his focus on the life of the common person, an achievement no one else has duplicated since.

The next study takes a completely different approach to the history of the Northwest Territory. John Caruso's 1961 work, *The Great Lakes Frontier: An Epic of the*

² R. Carlyle Buley, *The Old Northwest: Pioneer Period, 1818-1840*, 2 vols (Indianapolis: Indiana Historical Society, 1950).

Old Northwest, relies mostly on secondary sources and is a synthesis of political issues.³

Unlike the previous two works, Caruso begins his research before the American acquisition of the Northwest Territory and studies the early French exploration of the area and the eventual British takeover. Caruso focuses on the journey towards statehood, and the obstacles each state faced. He chronologically covers early settlement, multiple Indian wars, the War of 1812, and each state's political activities. While most of the book conveys political history, Caruso does include a section on social history and culture. Even though much of Caruso's political information is not new to the field, he does present it in a slightly different way. Unlike Buley, who focuses on the common person, Caruso takes the stories of multiple, important individuals to present the past. Almost every chapter takes someone such as William Henry Harrison, George Rogers Clark, or Tecumseh and uses that person's story as a framework for the chapter. This use of personal stories adds a dimension not seen in Buley's or Bond's work, but it is one of the only original aspects of Caruso's work.

Bond, Buley and Caruso all attempted to create a synthesis of the development of the Northwest Territory. While they each focus on a slightly different period, they tend to complement each other. While Caruso looks at the political development in each state, Buley discusses the society and culture with detailed examples. While all three mention Indiana and its journey from territory to statehood, they only marginally look at the development in detail. The discussion of slavery is little to none. The political competition between Harrison and Jennings is documented, as well as the prohibition of

³ John Anthony Caruso, *The Great Lakes Frontier: An Epic of the Old Northwest* (Indianapolis: Bobbs-Merrill, 1961).

slavery placed in the Indiana constitution. Even though these early works on the Northwest Territory do not make a large investigation into the slavery debate, they create a framework for understanding the evolution of slavery from the French settlement until 1820. Nevertheless, the lack of detail makes it necessary to rely on studies that focus more on Indiana. The first and still only synthetic look at the territorial and early statehood history of Indiana is in the *History of Indiana* series, published by the Indiana Historical Society and the Indiana Historical Bureau. The first two volumes of the series are relevant to this time period.

The first volume is *Indiana to 1816: The Colonial Period*, by John D. Barnhart and Dorothy L. Riker.⁴ Unlike any other history of Indiana, Barnhart and Riker include chapters on the prehistory of Indiana, including the impact of the Wisconsin and Illinois glaciers and archeological-based Indian traditions. The majority of the book studies the European struggle to control the area, beginning with the French explorers and continuing until Indiana achieved statehood in 1816. With the focus on the struggle for power, this volume offers detailed information regarding important political and military events that occurred in the area that eventually became Indiana. Not only does it cover the struggle between the French, British, Americans, and Indians for the land, but it also examines the political development within the territory. The transition between each stage of territorial government and the eventual achievement of statehood were all steps towards more democratic reforms, but each step was still severely contested. Barnhart and Riker's in-depth study of the development of Indiana makes it a foundation in the

⁴ John D. Barnhart and Dorothy L. Riker, *Indiana to 1816: The Colonial Period*, vol. 1 of *History of Indiana* (Indianapolis, Indiana Historical Society, 1971).

historiography of Indiana. While it does not address society or culture, there is an extensive bibliography, allowing the reader to find his or her own sources.

As Barnhart and Riker's volume is foundational to the study of the Indiana territory, so is Donald Carmony's volume to early Indiana statehood. As the second volume in the *History of Indiana* series, *Indiana, 1816-1850: The Pioneer Era* continues with the political events of Indiana after it achieves statehood.⁵ Rather than organizing the book chronologically, Carmony devotes each chapter to a different topic or event, such as education, banking or the adoption of the 1851 Constitution. He maintains the relationships between events, such as the large amount of internal improvements implemented in the 1830s followed by the debt experienced in the following decade. Like volume one, Carmony's contribution is mostly based in political and economic experiences and looks at the state as a whole, rather than individual experiences. Unlike Barnhart and Riker, who explain the slow separation of Indiana from the large Northwest Territory, Carmony places Indiana within the larger national scene. While the first eight chapters examine Indiana's development leading to the adoption of the 1851 constitution, the last three chapters are devoted to larger national experiences of the Jeffersonian and Jacksonian democracies and the growing sectional strife. Carmony explains how these political developments on the national scale influenced party politics and voices in Indiana. As an important work in the historiography, Carmony also provides a detailed bibliography, filled with primary sources and annotation for the reader's benefit.

⁵ Donald F. Carmony, *Indiana, 1816-1850: The Pioneer Era*, vol. 2 of *History of Indiana* (Indianapolis, Indiana Historical Society, 1998).

In general, large synthetic works were the first studies produced about Indiana. Historians started by writing about the Northwest Territory and its transition to individual states. The history of Indiana came later with the *History of Indiana* series, of which volumes one and two are the basis for the historiography of early Indiana. However, as historians wrote broad studies, it allowed other historians to write monographs regarding Indiana and the Northwest's development. While there are many more works than those mentioned here that examine specific aspects of Indiana's development, these are the most important when considering the existence and evolution of slavery. These more complex examinations of Indiana and the Northwest Territory began with John Barnhart's *Valley of Democracy*, published in 1953.⁶ The purpose of this book is to test Frederick Jackson Turner's thesis regarding the link between American democracy and the development of the frontier. Barnhart argues, by using the development of the Ohio Valley, that Turner's thesis is largely accurate, although Barnhart does say some elements he found contradicted Turner's argument. He begins by describing the general migration trails that took people across the Appalachian Mountains and into the Ohio Valley. Barnhart characterizes the population growth as a battle between the aristocratic planters and free laborers, the latter who eventually pushed the planters out of control. He contends that it was the opportunity to build society from the ground up in the new frontier that enabled the common person to dismantle the privileged society of aristocratic planters. Barnhart discusses the development of a democratic system in each state individually. With Indiana, he identifies five distinct stages of the development into

⁶ John Barnhart, *Valley of Democracy: The Frontier versus the Plantation in the Ohio Valley, 1775-1818* (Bloomington, IN: Indiana University Press, 1953).

statehood. The first was the non-representative stage of territorial government, where the desire for slavery and dissatisfaction with the government were the main issues. The second step Barnhart identifies is the transition to the slightly more representative territorial government before the division with the Illinois territory, which marked the beginning of the third stage. The fourth stage is the three years of conflict with the Indians, which included the Battle of Tippecanoe. Barnhart identifies the fifth stage as the struggle for statehood, which culminated in a state constitution that “contained the ideals of the frontier.”⁷ Indiana epitomized the desire for economic freedom from planter privilege and for the opportunity to succeed and according to Barnhart, this development was due to the nature of the frontier in the Ohio Valley before 1818.

In her book, *The Emerging Midwest*, published in 1996, Nicole Etcheson also explores how the large migration of Southerners influenced the development of the political culture of the Midwest.⁸ She argues that the Midwest experienced sectional conflict, but the unifying forces of party identification and “the shared sense of Westernness” kept the region together and allowed it to forge a new identity, separate from the identities brought by new settlers from the South and New England.⁹ She examines how the new identity emerged by looking at specific ideas, such as political rights and the idea of opportunity. However, old sectional identities did not completely disappear. After the Compromise of 1850, the unity of the Midwest fell apart in the face of a sectional crisis, but Southerners did not support the South unconditionally. They were torn between loyalty to their southern heritage, which included the Democratic Party, and

⁷ Barnhart, 196.

⁸ Nicole Etcheson, *The Emerging Midwest: Upland Southerners and the Political Culture of the Old Northwest* (Bloomington, IN: Indiana University, 1996).

⁹ Etcheson, 14.

their support for the republican union. After the war, the Western identity once again became the prominent identity for the region. Etcheson supports her argument well and her quantitative evidence regarding migration patterns and migrant origins is helpful in understanding the strong influence of southern culture in the Midwestern identity. This cultural division between small planters and aristocratic elite that both Etcheson and Barnhart reference played a pivotal role in the debate over slavery. The small planters came to label slavery as an economic advantage and a symbol of anti-equalitarian society, both of which did not fit in with democratic, equalitarian mind-set of the frontier society.

Andrew Cayton, in his book *Frontier Indiana*, also published in 1996, examines the settlement of Indiana from the time of the French until the closing of the frontier, which he places at 1850. Cayton attempts to explain how certain groups gained power while others lost it, such as white Americans gaining control of the land over the French, British, and Indians. He argues that America was able to control the area due to the large amount of minority competition that existed. In addition, he tracks the changes in politics and the growth of capitalism after the attainment of statehood. Cayton's presentation is unique because he uses individuals and families to demonstrate aspects of his argument. Unlike Caruso, who only used the stories of politicians and military heroes, Cayton discusses the lesser-known people, such as the French families who inhabited Vincennes and officers who served under George Rogers Clark. While some of the information Cayton provides is not new, his simple and short presentation is important to the historiography. While Barnhart, Riker, and Carmony include more details, Cayton provides a similar history in a fraction of the pages. However, Cayton is the first to offer a more complete understanding of slavery. He addresses, albeit briefly, the French system

of slavery and how the Northwest Ordinance prompted political debate about the institution for more than a decade.

For a full understanding of the Northwest Ordinance and its impact on Indiana politics one should turn to Peter Onuf's, *Statehood and Union: A History of the Northwest Ordinance*, in which he attempts to convey the original meaning of the ordinance and chart its implementation across the territory.¹⁰ Published in 1987, Onuf begins by explaining some complications facing the federal government that led up to the passage of the Northwest Ordinance. One issue was the ideological conflict between promoting private interests in settling the land and upholding republican ideals. Another issue was the degree of government intervention that was necessary in the newly formed territory. Onuf contends that the lack of stable government under the 1785 Land Ordinance kept individuals from moving to the Northwest Territory, prompting Congress to pass the Northwest Ordinance in 1787, which established a more colonial style government instead of a more independent, state-like government.¹¹ There were also issues within the implementation of the Northwest Ordinance, specifically Articles 5 and 6, which addressed state boundaries and slavery. Onuf points out that the Northwest Ordinance did not function as a constitution during boundary disagreements, which exposed some of the document's limitations. Article 6, which prohibited slavery, became the center of controversy in Indiana and Illinois, as the residents of these territories petitioned Congress to repeal it, at least temporarily. Onuf claims that the emerging political debate centered on slavery overemphasized the inclusion of Article 6 in the

¹⁰ Peter S. Onuf, *Statehood and Union: A History of the Northwest Ordinance* (Bloomington, IN: Indiana University Press, 1987).

¹¹ Onuf, 45.

Northwest Ordinance. As the nineteenth century continued, the Northwest Ordinance became a symbol of frontier morality and opportunity, a document that represented the frontier, rather than one which simply provided a legal framework for the territory. While the Northwest Ordinance directly influenced the creation of Indiana and its neighboring states, the political action regarding the Ordinance on the national level is equally important to understanding what happened in the territories. Unlike other histories of the Northwest Territory, which include the implementation of the Ordinance in the Northwest, Onuf examines the Ordinance within the context of federal history.

Historians have also turned to writing biographies of more prominent players in Indiana history, with two of the most popular being William Henry Harrison and Jonathan Jennings. The most recent biography of Jonathan Jennings was published in 2005 and written by Randy Mills.¹² Mills recognizes in the introduction that many biographies about Jennings exist and historians have taken strong views on his legacy. However, Mills argues, many of these historians take such an extreme, and normally negative, view of Jennings that it has distorted his important contributions to Indiana history. Mills wrote this biography in an attempt to provide a more balanced and complete view of Jennings's political contribution and life. In addition, Mills uses Jennings to examine the changes in Indiana politics during its transition from territory to statehood. Indiana saw a shift towards a democratic, popular government, with candidates campaigning before every election in the rise of "electioneering madness."¹³ By examining Jennings's larger role in the formation of Indiana politics and through his use

¹² Randy K. Mills, *Jonathan Jennings: Indiana's First Governor* (Indianapolis: Indiana Historical Society, 2005).

¹³ Mills, *Jonathan Jennings*, xxvii.

of extensive primary sources, Mills is able to provide a more balanced account of Jennings's contributions, recognizing both his faults and his positive attributes.

A contemporary of Jennings, William Henry Harrison is also a popular subject of historians. While they often portray Harrison as Jennings's adversary who eventually lost control of Indiana, Robert Owens unveils another side of Harrison's political career. In his book, *Mr. Jefferson's Hammer: William Henry Harrison and the Origins of American Indian Policy*, Owens examines Harrison's role in early federal policy regarding the Indians.¹⁴ Prompted by the newly accessible sources from the territorial days, Owens argues that Harrison's actions as governor of the Indiana Territory and in his negotiations with the Indians all were reflective of a popular, political worldview. Like many other leaders of the time, Harrison came from a southern aristocratic family and saw America in a struggle against the Indians, whose land they coveted, and the British, whom they did not trust and saw as a constant threat to American success. Owens argues that through understanding these motivations, "his actions become understood, almost predictable."¹⁵ Owens contends that Harrison's Indian policy kept him popular in both the frontier and back East. Harrison's policy meant gaining land through any means possible, which translated into cheap lands for settlers, and trying to grow the American population on the frontier. Both of these actions stemmed from disregard for Indian culture and hope that increased American holdings on the frontier would halt the British threat. Owens also argues that Harrison's controversial stance on slavery can be understood through the

¹⁴ Roberts Owens, *Mr. Jefferson's Hammer: William Henry Harrison and the Origins of American Indian Policy* (Norman, OK: University of Oklahoma, 2007).

¹⁵ Owens, *Mr. Jefferson's Hammer*, xx.

southern influence on his economic and societal views. By using Harrison's actions and life, Owens is able to uncover deeper ideas about early American culture and worldviews.

These sources all explain the development of Indiana, which is crucial for understanding the existence and persistence of slavery. With the inclusion of Article 6 in the Northwest Ordinance, conflict emerged between a faction who sought a reprieve from the law to help develop the territory and those who wanted to follow the law at face value. Historians, such as Barnhart, Carmony, Cayton, and Onuf, recognize the importance of the slavery debate and convey the happenings within the larger context of the territorial history. However, the writings on slavery itself are few. While it is a limited topic of research, the historical study of slavery actually started over a century ago with Jacob Piatt Dunn's *Indiana: A Redemption from Slavery*.¹⁶ In this book, published in 1891, Dunn places the issue of slavery at the center of Indiana's development from the initial French settlement through statehood and considers its defeat a moral victory for the state. He describes other developments outside of slavery, and in this way, is a more common political history of the territory. Dunn is most important as the sole academic source on the Indiana Supreme Court case, *Polly v. Lasselle*, that marked the legal end of slavery in Indiana. Other important works, such as Barnhart and Riker's volume of the *History of Indiana* series, cite Dunn as their source. Dunn's research is helpful because he attempts to cite sources for many of his claims and provides a large amount of detail on political changes and participation. However, his conclusions and citations reflect a limited access to sources, most likely because of the early date of publication.

¹⁶ Jacob Piatt Dunn, *Indiana: A Redemption from Slavery* (Boston: Houghton, Mifflin and Company, 1891).

The next investigation into slavery did not occur until Merrily Pierce's 1989 article, "Luke Decker and Slavery: His Cases with Bob and Anthony, 1817-1822."¹⁷ This article chronicles the court case between Luke Decker, Bob, an indentured servant, and Anthony, a slave. Bob and Anthony escaped from Decker's possession in Knox County in 1816 and ran to Orange County, Indiana, a county with a strong antislavery presence. The court case was Decker's attempt to regain possession of Bob and Anthony. The case remained at the county level, with the court recognizing the Indiana Constitution and its prohibition of slavery by granting Bob and Anthony their freedom. Stalled by multiple attempts by both sides to move the trial and the conditions of the judicial system at the time (limited time in session and slow mail delivery of court notifications) the case took five years to complete. Because of the *Polly v. Lasselle* decision in 1820, this case did not set a new precedent, but the arguments used by both sides in the court transcription demonstrate the ideas used in the slavery debate. By using county histories and court documents, Pierce is able to piece together a unique experience that demonstrates the heart of the slavery debate.

Slavery was not just an issue within early Indiana, as explained by Matthew Mason in his book, *Slavery and Politics in the Early American Republic*.¹⁸ Mason argues that slavery was one of the most prominent issues in early national politics, beginning right after the Revolution. Initially, slavery was a political tool used by the North and the South, often used as a way to attack the Virginia dynasty by Northern Republicans. However, the use of slavery was not limited to intranational debates. During the War of

¹⁷ Merrily Pierce, "Luke Decker and Slavery: His Cases with Bob and Anthony, 1817-1822," *Indiana Magazine of History* 85, no. 1 (1989): 31-49.

¹⁸ Matthew Mason, *Slavery and Politics in the Early American Republic* (Chapel Hill, NC: University of North Carolina Press, 2006).

1812, the British used slavery as a way to attack the national character of the American republic and exacerbate already existing national tensions. Mason also explores the role of the slaves themselves in keeping slavery an important national issue. He explains how the issue of runaways forced the North and South to interact, prompting conversation and debate. Mason ends by exploring the Missouri Compromise and its legacies for the antebellum era, arguing that the compromise set the stage for increased extremism that led to the Civil War. While Mason does not significantly explore the impact of the slavery debate within Indiana, he does provide information to place the debates in Indiana within a national context.

To explore the role of slavery on the frontier, one needs to turn to John Craig Hammond's 2007 book, *Slavery, Freedom, and Expansion in the Early American West*.¹⁹ Hammond argues that debate over slavery in the West was purely a local one. He faults other interpretations of the slavery debate for looking too narrowly at the founders and their morality. Instead, he emphasizes how little government control actually existed on the frontier and that local populations were the ones responsible for cementing any laws regarding slavery. Hammond examines both the Northwest and the Southwest frontier. In the South, it was much more difficult to attempt any kind of prohibition of slavery since it already heavily existed in the territory from southerners moving west. In the Louisiana Purchase, Congress tried to limit the expansion of slavery and the slave trade, but failed miserably due to its prior existence, Congress's inability to enforce the law, and threats of disunion from the inhabitants of the territory. In studying the Northwest Territory,

¹⁹ John Craig Hammond, *Slavery, Freedom, and Expansion in the Early American West* (Charlottesville, VA: University of Virginia Press, 2007).

Hammond explains the nature of the slavery debate up until the Missouri Compromise in each state individually, contending that while the situation in each state varied, it did so due to the unique populations in each area. While slavery played a role in early Ohio politics, the debate ended much earlier than in either Indiana or Illinois. Unlike Mason, who views slavery as a national issue, Hammond argues that the outcome of the slavery debate was more reliant on local politics and populations.

While these cases all look at the politics and cultural influences behind the slavery debate in Indiana, few have studied the nature of slavery in Indiana. Emma Lou Thornbrough's book, *The Negro in Indiana before 1900*, paints a much needed general picture.²⁰ Thornbrough does an excellent job of tracing the history of blacks in Indiana until 1900. She examines migration patterns, social developments, and discrimination. Unfortunately, only one chapter is devoted to slavery, but in that chapter Thornbrough chronicles the entire legal history of slavery in Indiana. She mentions multiple court cases, some of which upheld slavery and others that freed slaves, and she briefly describes the legacy of French slavery and the Code Noir. In spite of this, most of the book is devoted to a legal definition of slavery in Indiana and the racism that pervaded Indiana after 1820 and not the nature of slavery in Indiana.

This neglect is not merely a part of frontier history. It is only within the last thirty years that historians have devoted more attention to the experiences of Africans and slaves in colonial and revolutionary America. Ira Berlin's book, *Many Thousands Gone*, traces the evolution of slavery in four different geographic areas. Using the designations

²⁰ Emma Lou Thornbrough, *The Negro in Indiana before 1900: A study of a Minority*, 2nd ed. (Bloomington, IN: Indiana University, 1993).

of ‘society with slaves’ and ‘slave societies,’ Berlin makes comparisons across time and place to chart the unique evolution of slavery.²¹ Societies with slaves are places where slavery is not integral to the economy and slaves serve as extra laborers and status symbols. Slave societies are where the economy is based around slave labor. He explores the northern colonies, the Chesapeake area, the lower South, and the lower Mississippi Valley from the initial settlements through the American Revolution. He argues that the purpose of slavery was economic and that the economic relationship between the master and slave continually shifted and changed. Each geographic area evolved at different rates depending on the economy. Berlin offers an explanation as to why this shift happens, citing the discovery of a commodity that could be exploited on the international market as the first step. Once this commodity, such as sugar or rice, was discovered, slaveholders increased their number of slaves dramatically to boost production, which cemented their economic and political power, all while pushing other classes to the side. The key in all of this, Berlin argues, is that slavery evolved and changed differently in each geographic area. While certain elements remained the same, some areas shifted from societies with slaves to slave societies within one generation and other areas took multiple generations. And the change was never permanent. The lower Mississippi Valley shifted towards a slave society under early French control, but the system quickly collapsed and the economy again became based on a society with slaves.

Even though Berlin does not address slavery in the Northwest Territory, his framework for analysis and his emphasis on the power relationship between slaves and

²¹ Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in America* (Cambridge, MA: Belknap Press, 1998), 8.

their masters is helpful in understanding how slavery in Indiana evolved. Berlin's arguments makes it clear that the slavery in the antebellum South as described in Genovese's *Roll Jordan Roll*, is not the same slavery that existed in Virginia during the American Revolution, which was one of the main influences on Indiana's slavery.²² Many historians agree that the Revolutionary War played a pivotal role in the evolution of slavery. As mentioned above, Mason argues that the Revolution actually caused slavery to become a central political issue, with the Missouri Compromise eventually forcing debate to either extreme. Peter Kolchin, in his book *American Slavery 1619-1877*, contends that the Revolution pushed both proslavery and antislavery supporters to the extreme side of the issue.²³ The Revolution was the first big challenge to the institution of slavery. The war disrupted the power relationship between slave and master and the ideas of the Revolution caused many to question whether the nation could reconcile the ideas of slavery and liberty. Kolchin argues that there were two responses to these issues. One was to abandon the idea of slavery, which occurred in the North and even in the Upper South, where it became easier to emancipate one's slaves. The other response, which occurred in the Lower South, meant a stronger hold on slavery and more restrictions on slaves. This response came from the need to control the increased slave population and as an effort to defend the institution from the pressures of the Revolution and the growing abolition idea.

Berlin, Mason, and Kolchin have devoted substantial amount of time to studying slavery in the original thirteen states and the antebellum South, but slavery's existence in

²² Eugene Genovese, *Roll Jordan Roll: The World the Slaves Made* (New York: Pantheon Books, 1974).

²³ Mason, *Slavery and Politics*; Peter Kolchin, *American Slavery, 1619-1877* (New York: Hill and Wang, 1993).

places like the Northwest Territory has been substantially ignored by historians. Historians mention that the first French settlers had slaves and emphasize Article 6 of the Northwest Ordinance that prohibited slavery. Others focus on the political debate that happened while Indiana was still a territory, putting Harrison and Jennings as the leader of either side. The 1820 Indiana Supreme Court case that legally ended slavery in Indiana, *Polly v. Lasselle*, is recognized as an important moment in state history and the narrative of the case is acknowledged, but the extent of slavery's existence and how it evolved has not been fully addressed as it deserves.

Fortunately, there are multiple primary sources that are available to aid the understanding of slavery in Indiana. One of the most beneficial sources from early Indiana is Vincennes's newspaper. Titled the *Indiana Gazette* from 1804 to 1806 and then *The Western Sun* from 1807 to 1827, a nearly complete run of these newspapers preserved on microfilm and are readily available for research. Published by Elihu Stout, *The Western Sun* is fundamental to understanding business, society, and politics of the time. Printed on a weekly basis, the newspaper contained articles on national and international news, in addition to several editorials on the current local issues. The paper also contained advertisements for selling slaves and runaways. Another excellent source for understanding early Vincennes history is the collection of the Lasselle family papers, archived at the Indiana State Library. These documents are mostly tied to the economic business of the Lasselle family, who were merchants across the Northwest Territory. These papers also include copies of Francis Bosseron's accounts. Bosseron was one of the main merchants in Vincennes who supplied both the English and American troops during the American Revolution. The copy of these accounts is included in the Lasselle

papers because Hyacinth Lasselle married Bosseron's daughter. This collection spans 1713 to 1904, but most of the sources begin in the mid-1770s. While primarily economic in nature, these letters, accounts, and official papers demonstrate the kind of trade that existed in early Vincennes, the relationships of the French with the Indians, the British, and the Americans, as well as the military operations of the area. The Lasselle Papers are such a rich source of information that many parts have been published in the *Indiana Magazine of History*. The Knox County Library, more specifically the McGrady-Brockham House, preserves primary sources concerning early Indiana history. Ranging from probate records to court documents, it houses many of the earliest official county records and other personal records. Conveniently, some of these documents have been made available online through the *Wabash Valley Visions and Voices*, a website based at Indiana State University that serves as a digital repository for images, written documents, and audio files about the Wabash Valley. While the sources available are limited, online access to the source images is helpful.

Jacob Piatt Dunn's collections, included in the Indiana Historical Society publications, are another essential array of primary sources. Dunn was responsible for assembling multiple sets of sources regarding Indiana history. Dunn developed two collections that are critical to this topic. One, entitled "French Settlements on the Wabash," discusses early Vincennes and includes early census information, descriptions of the town, and a British journal recounting travels in the Northwest Territory.²⁴ His second collection, entitled "Slavery Petitions and Papers," consists of political documents

²⁴ Jacob Piatt Dunn, "French Settlements on the Wabash," in *Indiana Historical Society Publications*, vol. 2 (Indianapolis: Bowen-Merrill Company, 1895), 405-42.

pertaining to slavery in Indiana.²⁵ As *Redemption from Slavery* demonstrates, Dunn took an immense interest in slavery in Indiana and drew upon several pertinent political documents, including petitions and legal opinions. While he lacked access to other relevant documents for his research, his attempt to get as many sources as possible and make them available for publication is unmatched. Other official state documents are indispensable when researching this topic. The Indiana State Archives is home to the records of the Indiana Supreme Court. The papers of William Henry Harrison, the first governor of the Indiana Territory and leader of the proslavery faction, have been indexed and made available on microfilm. These official documents, while demonstrating a perspective different from personal journals and letters, are essential to gaining a fuller understanding of decisions and motives.

The available historiography still leaves large gaps in understanding slavery in Indiana, gaps which this thesis seeks to fill using the primary sources mentioned. Unlike most references to slavery in Indiana, this work details the full narrative of slavery's existence, from the first French settlers to its legal end in 1820. Not only does this study address the political debate, but also the nature of the slavery practiced on the frontier. In addition, I create a comparison of slavery in Indiana with other colonial and early American slave systems. Using Berlin's framework, I analyze the nature of slavery, its evolution, and potential influences. Ultimately, this comparison demonstrates that Indiana slavery was not a central factor in the development of the territory and state, and that

²⁵ Jacob Piatt Dunn, "Slavery Petitions and Papers," in *Indiana Historical Society Publications*, vol. 2 (Indianapolis: Bowen-Merrill Company, 1895), 443-529.

while it was a controversial political topic, Indiana was never at risk of developing an antebellum plantation style of slavery.

Chapter Two

From French Illinois Country to Northwest Territory

The French were first to introduce slavery into the current Ohio Valley. While the official dates of establishment for many French settlements are unknown, La Salle's first exploration into the Ohio Valley occurred from 1682 to 1683.²⁶ With this initial exploration, the French claimed the area that would become Indiana, Illinois and Wisconsin and called it the Illinois Country, which originally became a part of Canada. Most early French inhabitants were *coureurs de bois*, and employed hunting as their main source of income. *Coureurs* were the heart of the Canadian economy and the practice created a strong relationship with the Indians. The hunters often relied on the Indians for help with trade and for survival. This way of life slowly moved further south and influenced the new settlements near the Mississippi River. Many of the new settlers came from Canada, in spite of the legal obstacles placed to keep the population in Canada from leaving. When it became known how fertile the land was and how easy it was to be independent, many desired to leave the cold, difficult life of Canada for the more temperate Illinois Country and did so despite the illegality of moving from Canada to Illinois.²⁷

²⁶ Dunn, *Redemption*, 31.

²⁷ Winstanley Briggs, "Slavery in French Colonial Illinois," *Chicago History* 18, no. 4 (1990): 66-81, 74.

The economy of the early French settlements was initially centered on the fur trade and interaction with the Indians. Since many of the early settlers were *coureurs*, not farmers, they did not have large agricultural aspirations. This does not mean the settlers did not use the land. Most settlements farmed small plots of land, but it was subsistence farming and not for cash profit. In an attempt to control the Canadian economy and promote more permanent settlement, the French crown placed strict limits on the fur trade, making it virtually illegal.²⁸ While this fact did not stop many *coureurs* from participating in the fur trade, it did encourage many already in Illinois to create permanent residences, especially once they discovered the fertile nature of the Illinois land. The rivers, specifically the Mississippi, were instrumental in the area's growth and were the main method of transportation and commerce. The original French settlements became important sources of food for New Orleans and the lower Mississippi Valley, especially during periods of economic and agricultural difficulty. In order to facilitate easier trade, the Illinois Country became a part of the Louisiana Colony in 1717.²⁹ Even with the large potential profit from shipments of food, most French farmers did not desire large farms. Instead, they hunted and raised what livestock and crops were necessary for survival and productive trade, without the desire to gain increasingly more.

The Indians were an unavoidable part of life in Illinois and the French relationship with them was relatively positive. Because the French were largely outnumbered, it was important to maintain peace and cultivate relationships with the

²⁸ W. J. Eccles, *France in America* (East Lansing, MI: Michigan State University Press, 1990), 88, 189; Briggs, 74.

²⁹ Briggs, 74

Indians.³⁰ These two groups were connected economically, with the Indians as both a source of goods for the French and consumers of French goods. The French also cultivated familial ties with the Indians, most often through marriage. The first marriage blessing given by Father Gibault, a Jesuit priest who served in the Ohio Valley, was between a French trader and his Indian wife.³¹ *Coureurs* would often take an Indian wife to assist with translating and gaining access to more business. These marriages served as diplomatic relationships and avenues for cultural interaction.³² The French were content with the exchange economy and did not attempt to take the land of the Indians. As French control of the area was threatened, a strong relationship with the Indians was a strategy for maintaining an advantage over other European threats.

The presence of slaves was normal for the first French settlement in Illinois country, from the establishment of St. Louis to Vincennes.³³ The first slaves in the area were actually Indian slaves, most likely captured or obtained through trade with the other Indians. Dunn writes of accounts of the initial French experiences with the Indians and the horrors over the widespread cannibalism of prisoners of war.³⁴ From these writings, Dunn explains that the French introduced slavery as a way to curb the cannibalistic tendencies of the natives by giving a purpose and value to the prisoners of war. The need for labor is a more likely reason for the initial introduction of slavery. While the land was fertile, it needed to be cleared and as the demand for more food crops grew, more labor

³⁰ Barnhart & Riker, 78.

³¹ Joseph P. Donnelly, *Pierre Gibault, Missionary: 1737-1802* (Chicago: Loyola University Press, 1971), 41.

³² Cayton, 8.

³³ Jay Gitlin, *The Bourgeois Frontier: French Towns, French Traders, and American Expansion* (New Haven, CT: Yale University Press, 2010), 22.

³⁴ Dunn, *Redemption*, 25.

was needed to plant and harvest the crops.³⁵ Further south in Louisiana, the need for agricultural laborers prompted the importation of Africans, who then could be transported upriver.³⁶

African slaves were never allowed in Canada by the French government, so the initial slave system in Canada used Indians and this was the first system introduced into the Illinois Country. As trade and movement in the region increased, merchants brought African slaves up river from New Orleans. While slaves were often desired, it was said that having only three or four was enough to make the owner a plantation owner.³⁷ In addition, it was time consuming and expensive to transport slaves up the Mississippi River. However, by 1752, there were 1,536 French settlers, 890 blacks, and 147 Indian slaves in all of the Illinois country.³⁸ In spite of the difficulties in obtaining slaves, many residents of Illinois owned slaves, from Father Gibault, to the leading merchant family in St. Louis.³⁹ This sudden increase in African slaves could be due to the increased slave trade in New Orleans. Even though the French in the Lower Mississippi Valley failed at creating a slave society in the mid-1700s, they did increase importation of slaves to create tobacco and indigo plantations.⁴⁰ This growth in demand also increased the supply of slaves available to those in the Illinois Country, which could account for the large number of slaves.

The nature of the French economy in the Illinois Country greatly influenced the way slavery evolved and both Indian and African slavery developed differently. The

³⁵ Briggs, 75.

³⁶ Barnhart & Riker, 65.

³⁷ Dunn, Redemption, 10.

³⁸ Eccles, 176.

³⁹ Donnelly, 102; Gitlin, 22.

⁴⁰ Berlin, 84-90.

French adopted Indians as slaves because they needed more labor, but the nature of the relationship with the Indians placed very specific limitations on how Indian slaves could be used. The French took advantage of the Indians' preexisting cultural differences and the fact that Indians enslaved each other to exploit the labor of Indians from distant tribes. However, the important economic relationship with the Indians and the frequent familial relationships placed many restrictions on the kind of slavery that developed. Indian slaves had to be from distant tribes and overly abusive treatment of slaves was discouraged, so as not to offend local tribes who were vital to economic trade, or to avoid an attack. Most Indian slaves were prisoners of war, making virtually all of them women and children. French settlers often acquired slaves through trade with the Indians, so most Indian slaves under French control were women and children. As such, Indian slaves were most often used as domestic servants, not farmhands.⁴¹ While this system of slavery did not have legal limits, the economic relationship with the Indians was too important to jeopardize offending them by poorly treating slaves. Using slaves from distant tribes was one effort to neutralize that possibility, but the threat still existed. These characteristics meant that the French settlers did not physically exploit Indian slaves in the manner that they did African slaves on plantations further south.

African slaves came into the Illinois Country in the mid-1700s. As economic ties with New Orleans strengthened, the possibility of obtaining an African slave also increased, since Canada did not have African slaves. While the French settlers imported the slaves from New Orleans, they did not adopt the same style of slavery. The rarity of the slaves was one large contributing factor. Slaves were already expensive, but the trip

⁴¹ Briggs, 79-80; Cayton, 51.

up the Mississippi River added to the cost significantly. Briggs mentions that in Illinois, a healthy male slave could easily cost twice the usual price from that in New Orleans. This meant a slave could cost more than a house, or even a whole farm.⁴² Few people actually owned slaves and many resorted to renting them for labor on a limited basis. Renting slaves meant proper treatment and gentle handling were required. The nature of the Illinois economy also contributed to the limited use of slaves further north. Since many settlers were former *coureurs* and had small farms, slaves often worked in the fields along side their masters, drastically altering the dynamic of the relationship. While the economy relied on food exports to the Lower Mississippi Valley, these crops were not grown on large, expansive plantations. The subsistence nature of French agriculture meant there was less work. In addition, limiting the extent of agricultural work meant that some slaves also served domestically, leading to an experience similar to that of the Indian slaves.

A unique aspect of French slavery was the existence of the Code Noir. Established by King Louis XIV in 1685, the Code Noir was the legal system defining the existence of slavery and the legal rights of both masters and slaves. The Code was originally established for the Caribbean islands, in the face of potential slave insurrections. These French island colonies were important sugar producers, whose only real purpose was to produce large amounts of sugar for the world market. This Code was unique among other slave legal systems. It both protected and hurt the slaves. In one way, it recognized slaves as humans and provided them with certain rights and protections. Owners could not separate families and marriages were encouraged. Religion was very

⁴² Briggs, 75.

important and owners were to encourage their slaves to become Catholic and be baptized. The Code required that religious holidays be observed, including Sundays. While it did provide some protection, many aspects of the Code also legalized physical punishments, even death in some instances, and categorized slaves as private property that could be bought, sold, and traded. The original purpose was not to prevent slavery, but to make sure slaves were not exploited to the point of insurrection. In reality, the goal of the Code Noir was to protect the overall French investment.⁴³

While in theory, the Code was meant to protect slaves from overly abusive masters, it did little against the hot weather and oppressive economic system of the Caribbean Islands. However, the Code Noir's application in Illinois was quite different. The Code was officially applicable in the Illinois Country when it became law in the colony of Louisiana in 1724, thanks to the transfer of Illinois from Canada to Louisiana in 1717. In documents left from Illinois, Briggs found that slaveholders were eager to impose aspects of the Code that helped them make slaves more productive, but either adapted or ignored the rest. Their refusal to use harsh treatment is the most notable aspect of Illinois slavery.⁴⁴ The French goal was to be as economically productive as possible. Since slaves were valuable and rare, any physical punishment that kept them from working was seen as unacceptable. In some instances, the French completely ignored the punishment required by the Code and adopted alternative solutions. In one case, a slave had hurt a white, French man, a deed that earned probably death as a punishment by the Code Noir. Instead, the court decided that a whipping and a public apology would be

⁴³ Eccles, 160-2.

⁴⁴ Briggs, 75; Eccles, 175.

sufficient. In another case, a group of runaways was discovered. The Code Noir stipulated that slaves should be branded or have their ears cropped, but the court decided that the owner watching them more closely would suffice as punishment.⁴⁵ In his search through the Kaskaskia Manuscripts and the Illinois State Archives, Briggs found multiple such examples of the French avoiding corporal punishment. Of the legal documents associated with the Code Noir, all of them applied the positive aspect of the Code: recognizing marriage and families, and granting manumission. The abusive aspect of the Code was not used.

Religion also played a large role in the treatment of slaves and the application of the Code Noir. The Code Noir encouraged slave owners to spread Christianity among their slaves and support baptisms and observance of Sunday as a holy day. Father Gibault experienced this first hand, baptizing and marrying multiple slaves across the Illinois Country.⁴⁶ The widespread acceptance of Christianity among slaves gained them more than just a day of the week off. Because slaves were baptized Christians, most were married in the Catholic Church. Having a church-recognized marriage meant that the French recognized the family and by the Code's standing and the Catholic Church's, the family could not be split up. While there are accounts of children or husbands being sold, Briggs argues that because of the village style settlements across the Illinois District, sales within the same village, which is normally what happened, were not seen as splitting up the family because they could still live together.⁴⁷ The acceptance of religion also meant a greater overall social acceptance for both Africans and Indians. Converted

⁴⁵ Briggs, 78.

⁴⁶ Donnelly, 48.

⁴⁷ Briggs, 77.

slaves were members of the Catholic Church, which gained them a guaranteed recognition in French society. Social prejudices certainly existed, but the religious well being of the slaves was extremely important and allowed them an additional aspect of humanity.

These developments in the larger Illinois District had significant impact on the development of Vincennes, even though its start came significantly later. The beginning of the Vincennes settlement is not completely known. Established as a camp for *coureurs* in the early eighteenth century, it officially became Vincennes in 1732. Under French control, Vincennes did not grow as large as other settlements in the Illinois Country, such as Kaskaskia or Fort Chartres. The 1769 census of Vincennes, performed by the British, lists only sixty-six heads of households, with women and children adding about two hundred more residents.⁴⁸ In comparison, Kaskaskia had over 600 residents and 303 black slaves.⁴⁹ Regardless of the small population, the French settlers developed a unique way of life there. Mostly supported by subsistence gardening and communal farmland, like the other settlements in the Illinois Country, the French benefited from the rich soil, producing ample amounts of food with little work. The French adopted a seemingly leisurely lifestyle, with billiard tables and taverns.⁵⁰ Yearly trips to New Orleans or Quebec were important economically, but were also opportunities for socializing and were made in the spring when the rivers were suitable for travel.⁵¹ The residents did establish a church, but were without an adequate priest for over a decade. The citizens of

⁴⁸ Dunn, "French Settlements," 439

⁴⁹ Cayton, 50-51.

⁵⁰ Dunn, *Redemption*, 109.

⁵¹ Lee Burns, "Life in Old Vincennes," *Indiana Historical Society Publications*, vol. 8 (Indianapolis: Bobbs-Merrill Company, 1930), 439.

Vincennes sent multiple pleas to Father Pierre Gibault, who was stationed in Kaskaskia, begging that he come visit so he might “speedily bring us back to God.”⁵² When Father Pierre Gibault arrived in 1770, the residents overwhelmed him with requests for rites.

The relationship of Vincennes’s residents with the surrounding Indians was vitally important, mostly because of the proximity of multiple tribes. For all the reasons the French found the area surrounding Vincennes desirable, so did other groups. The Piankashaws established a village near Vincennes and became key players in economic and social interactions.⁵³ The economic interactions between the *coureurs* and Indians experienced in Canada and the rest of the Illinois Country continued in Vincennes, as did the intermarriage. Vincennes was the center of trade and multiple different tribes often stationed themselves outside the settlement for visits, in addition to the Pinkashaws that already lived in the area.⁵⁴ Trade with the Indians also included that of slaves. The Indians were often a source of slaves for French settlers but they also maintained relationships with the slaves, sometimes by owning some themselves and other times by taking in runaways.⁵⁵ This trade played a crucial role in the later court case, since Hyacinth Lasselle purchased Jenny, Polly’s mother, from Indians near Fort Wayne.⁵⁶

Vincennes’s economy was not large, but it did have an active trade relationship going both north and south. By the late 1760s, Vincennes was sending large quantities of goods down river to New Orleans for trade, but trade with Detroit and Miamitown

⁵² Petition from Vincennes to Bishop Briand, quoted in Donnelly, 52.

⁵³ Cayton, 52-3.

⁵⁴ Burns, 441.

⁵⁵ Thornbrough, 2-3.

⁵⁶ Knox County Court Files, Box 40, File 2325, Knox County Public Library, Vincennes, IN

(present day Fort Wayne) was also relatively common.⁵⁷ Letters from the Lasselle family collection demonstrate the breadth of trade in which people in Vincennes participated. Correspondence ranged from New Orleans to Detroit and west to Kaskaskia on a regular basis in the 1760s and the 1770s.⁵⁸ The rivers were instrumental in trade between cities. The fur trade continued to be an important aspect of life in Vincennes. Francis Bosseron's account, one of the main merchants in Vincennes, and other accounts from the Lasselle family papers demonstrate that pelts had a direct exchange rate with currency and were often used in the place of currency.⁵⁹ Fur traders were the first to use the settlement at Vincennes and continued doing so, even after it grew in size. In 1767, Vincennes had over 150 people who were classified as strangers in the town, who were not included as citizens, but were most likely merchants from other cities, and fur traders. Considering the number of Vincennes's citizens at the time was just over 200 people total, regional trade, especially of fur, was important to the town's survival.⁶⁰ When winter hunting was difficult in 1785, John MacPherson expressed concern over how the lack of pelts would affect trade the following year.⁶¹ While the French of Vincennes did have communal farmland and abundant food crops, agricultural production was not the heart of the city's economy, trade was.

The adoption of slavery in Vincennes is not surprising, given the experiences of the rest of the Illinois country. Africans were present at the earliest settlements on the

⁵⁷ Dunn, *Redemption*, 104.

⁵⁸ Christopher B. Coleman, "Letters from Eighteenth Century Merchants," *Indiana Magazine of History* 5, no. 4 (1909): 137-159.

⁵⁹ Janet P. Shaw, "Account Book of Francis Bosseron," *Indiana Magazine of History* 25, no. 3 (1929): 212-241.

⁶⁰ Cayton, 50-1.

⁶¹ Coleman, 142.

Wabash.⁶² However, like the population itself, Vincennes experienced slavery on a much smaller scale. In 1767, there were only ten African slaves and seventeen Indian slaves in the settlement, which is a small but not insignificant number compared to the population of about 250 residents.⁶³ Slaves continued to be an expensive commodity. The Lasselle papers show records of a female slave being sold in New Orleans for 1700 livres, or the equivalent of over \$300, in 1765.⁶⁴ While outsiders remarked the French were lazy because they had slaves to support them, the remark does not accurately capture the way of life in Vincennes.⁶⁵ While slaves were a small part of the population and little is really known about them, nothing about Vincennes contradicts the portrayal of slavery in the Illinois Country given by Briggs. In fact, the economic focus on the fur trade and regional merchant trade and the severely limited number of slaves in the French settlement make slaves even less important to the development of Vincennes than other areas, such as Kaskaskia or St. Louis. While the French needed slaves to help with agricultural production and often used slaves as a part of trade, more important items of trade, like pelts, fueled the economy. With the information that is available, Brigg's description of slavery centered on productivity and an adjusted Code Noir seems to fit Vincennes.

As Brigg demonstrates, the slavery that developed in the Illinois Country was a unique form of French slavery. Fully understanding how slavery in Vincennes compared with other colonial slave systems is essential to understanding its continued development in Indiana. It is important to note how different Vincennes's experience was in comparison to these other regions. To make this comparison, I will borrow the

⁶² Thornbrough, 1.

⁶³ Cayton, 51.

⁶⁴ Coleman, 138.

⁶⁵ Dunn, "French Settlements," 411.

framework presented by Ira Berlin in his work, *Many Thousands Gone*, with his idea of societies versus slaves and slave societies. He identifies four regions in North America that developed differing kinds of slavery. French Indiana exhibits aspects of three of these regions.

The slave society of the south Atlantic was the one that differed the most from the French experience in Indiana. In South Carolina and Georgia, slave societies, that is societies that are economically dependent on slavery, emerged very early in comparison to the rest of the colonies, and once this style of slavery was introduced, the number of slaves put to work on plantations continued to grow. Everything about this model is the opposite of the experience in Vincennes. While the simple fact that Vincennes was settled so much later makes the comparison difficult, it demonstrates how far away from a slave society French Vincennes was. While slaves only number twenty-seven in a town of 200 citizens, even more with the 150 transient fur traders merchants, it was impossible for the economy to evolve around slavery. The fur trade still dominated the French mindset and they did not see plantations and other large-scale agricultural production as the future of the area, which severely limited the future possibilities of plantation-style slavery from emerging.

Vincennes's slave system shared some similarities with other regions. In both the North and the Lower Mississippi Valley, a society with slaves was the norm for most of the colonial era. While the North's economy slowly grew more dependent on trade with the South, the geographical North did not experience an influx of slaves. Rather, they arrived in small numbers and remained a small portion of the population, much like in

Vincennes.⁶⁶ It was not until after the American Revolution that most northern states outlawed slavery, so at the time, the existence of slaves in Vincennes was typical. Even though it seems odd that the Lower Mississippi Valley, the source of slaves for the Illinois Country, did not have a slave society, the French were relatively unsuccessful in establishing one early in the colony. While they attempted to, slave rebellions and constant runaways kept them from establishing a economy completely dependent on slavery. Instead, Louisiana had an exchange-based economy with the local Indians up until the Spanish acquired the territory in 1762.⁶⁷ This economy mirrors much of what made Vincennes prosperous: trade with the Indians and across the region, some agricultural production, and hunting for furs.

However, not all aspects of Louisiana's society with slaves are the same as in Vincennes. The biggest difference is the emergence of a slave culture and community. Most of the slaves brought to Louisiana came directly from Africa and continued to keep their organized community and culture once in North America. They did make adjustments, adopting relationships with the Indians and establishing maroon, or runaway, communities in the Louisiana swamps.⁶⁸ The Creole culture that emerged was a unique mixture of African culture and adaption to the French way of life. A new slave culture also emerged in the southern Atlantic British colonies, where most slaves lived isolated from whites and many experienced the phenomena of the long distant planter,

⁶⁶ Berlin, 49.

⁶⁷ Daniel H. Usner, Jr., *Indians, Settlers, and a Slaves in a Frontier Exchange Economy: The Lower Mississippi Valley before 1783* (Chapel Hill, NC: University of North Carolina Press, 1992), 6.

⁶⁸ Gwendolyn Midlo Hall, *Africans in Colonial Louisiana: The Development of Afro-Creole Culture in the Eighteenth Century* (Baton Rouge: Louisiana State University Press, 1992), 204-5.

who did not live on the plantation. These slaves lived a life separated from whites and developed their own culture.⁶⁹

No slave culture emerged in Vincennes, and many slaves in Vincennes experienced the opposite; they joined French society, with the Catholic Church as the main vehicle for doing so. As slaves converted to Catholicism and went through baptism, their experience in Vincennes changed. Slave families could not be separated and religious holidays had to be observed. While these ideas were a part of the Code Noir, when the Catholic Church recognized the slave as a Christian or in a marriage, ignoring these provisions went beyond the law and became sinful. The domestic nature of Vincennes slavery also exposed slaves to their masters on a regular basis. The long distance plantation owner did not exist. It was impossible for slaves to separate themselves completely from French culture. The small numbers also made it impossible for Vincennes to adopt a slave culture. As in the North, slaves arrived in small numbers, and remained a small portion of the population and the small slave population was split between Africans and Indians. There was no opportunity for slave culture to develop with such a small number and the small numbers helped facilitate the slaves' acceptance into French society.

The remaining region in American colonial society is the Chesapeake area, or Upper South. This region has an interesting comparison with Vincennes and is important to note because of the substantial number of settlers that migrated from the Upper South into the Illinois Country. The colonial Chesapeake region did not begin as a slave society, but eventually evolved into one where white indentured labor became limited. When it

⁶⁹ Berlin, 162-3.

was still a society with slaves, there was a blurring of racial lines, with whites and Africans working along side each other, much like in Vincennes.⁷⁰ The Upper South eventually adopted a slave society and created a legalized system of slavery in the early eighteenth century, although its structure was not as rigid as the southern Atlantic colonies.⁷¹ In this sense, Vincennes and the Chesapeake are very different. As the Upper South shifted its economy away from tobacco in the mid-1700s, the slave society continued to evolve as well. Slaves learned artisanal trades and the method of hiring out slaves became popular as the new cereal crops demanded less work throughout the season.⁷² Although inspired by different motives, these aspects of slavery mirror some aspects of slavery in the Illinois Country. Slaveholders did rent out their slaves and used them for a wide variety of jobs, not just for farming. In these ways, the slavery used in Vincennes was familiar for early American settlers.

Even though Vincennes started as a French settlement, the territory came under British control after the Treaty of Paris in 1763. The transfer of control did not go very smoothly. The British had a difficult time establishing a colonial government and continued its tight control over trade.⁷³ The British viewed the French as a bunch of lazy settlers who simply desired to drink and waste their time, which made them almost as bad as the Indians.⁷⁴ One of the biggest concerns of the French settlers was in regards to land grants that had been distributed under the French government, but the administrative paperwork was missing or incomplete for a variety of reasons ranging from a notary who

⁷⁰ Berlin, 29.

⁷¹ Berlin, 112-6.

⁷² Berlin, 134-5.

⁷³ Barnhart & Riker, 147.

⁷⁴ Dunn, "French Settlements," 411.

carried them off to rats eating the papers.⁷⁵ The new British commanders did little to ease the minds of the French. Some of the difficulty lay in misunderstanding across cultural lines. The British settlers had different goals for the territory, such as a more agricultural based economy, about which the French held opposite views. The British relationship with the Indians was not much better. While the British recognized the importance of a positive relationship with the surrounding Indians to safety and trade, the relationship still struggled. Most notably, while the French had cultivated positive relationships through gifts and interaction, the British used their sense of self-superiority and greed to obtain what they wanted from the Indians.⁷⁶ This method led to numerous conflicts with the Indians that complicated British control of the area.

The British had a difficult enough time governing those within the territory, but also could not keep colonial settlers from crossing the 1763 Proclamation Line. This influx of settlers not only contributed to Indian conflicts, but also demonstrated how incomplete British control over the area was. The British did contribute to the economy. In Vincennes, their demand for supplies led to an extensive account with Bosseron, one of the main merchants.⁷⁷ Yet, other attempts to exercise power over the frontier were not well implemented, nor did the British have the labor to really control the frontier. Requiring a license to trade with the Indians did not push the French merchants out of the economy, they simply traded illegally. Even the maintenance of forts across the frontier was difficult, with the British not even attempting to reoccupy some forts that were taken

⁷⁵ Dunn, "French Settlements," 422-4.

⁷⁶ Barnhart & Riker, 138; Cayton, 32-3.

⁷⁷ Shaw, 232-4.

by the Indians and Americans.⁷⁸ Overall, the period of British government was relatively short and did not substantially influence the territory, or the development of slavery.

Vincennes officially came under American control when George Rogers Clark captured the settlement during the American Revolution. Since the French relationship with the British commanders was relatively uneasy, it did not take much for the French to openly side with Clark as he attempted to claim the western frontier for the United States. The open French alliance with the United States during the Revolution also influenced the French population. The French helped the American troops significantly in obtaining supplies and dealing with the Indians. Bosseron's accounts demonstrate the large amount of goods that were sold to American troops.⁷⁹ Father Gibault also provided significant aid to Clark, enough to jeopardize his ecclesiastical career, in the eyes of the French bishop in Quebec.⁸⁰ Even though the French in Vincennes mostly sided with the Americans during the Revolution, new government brought multiple changes and potential problems.

The transfer made Vincennes a part of the state of Virginia and encouraged a wave of American settlers. Like the British, Americans had a different goal in their settlement on the frontier than the French had. They sought to acquire land, potentially slaves, and make a profit from farming. The area developed, with its population increasing rapidly. In 1790, there were 144 heads of French households that had lived in Vincennes since 1783. Adding women and children and new settlers from the last seven

⁷⁸ Cayton, 39-41.

⁷⁹ Shaw, 282-3.

⁸⁰ Donnelly, 76-7.

years, made the population in the several hundreds.⁸¹ But in 1787, the French still accounted for two thirds of the population.⁸²

The treatment of Indians was one drastic change the American settlers implemented. While the French maintained mostly positive relationships with the Indians through trade and marriage, the Americans mostly saw the Indians as a hindrance to western expansion. This mindset prompted two large shifts in dealings with the Indians. The exploitative sale of alcohol to the Indians infuriated the French. The alcohol was used as a way to take advantage of the Indians and manipulate them. This practice did concern some leaders in the American government and they outlawed the sale of alcohol to Indians relatively quickly. But this practice was motivated by the more important American desire for land. The French had lived with Indians as important economic partners since they moved south from Canada, but Americans did not want to trade with the Indians as much as they desired rights to their land. The American economic system centered on agricultural production, a drastic shift from the trade-based French economy. In order to fulfill the demand for safe farmland, removing the Indians was necessary.

The French residents of Vincennes experienced some hesitation about the new American government. The Americans also challenged the French way of life, which the French resented. The town grew, and agriculture became more of a focus. A wide range of other issues erupted as well, such as disruption of trade, currency instability, and cultural differences in law and politics.⁸³ As under the British, loss of private property was one of the biggest fears. The French were concerned that American settlers would

⁸¹ Cayton, 50.

⁸² Barnhart & Riker, 318.

⁸³ Barnhart & Riker, 255-7; Cayton, 90-3.

not recognize the French ownership of land, slaves, and other belongings.⁸⁴ French fear led to one of the more important resolutions in the Virginia Deed of Cession in 1784. This treaty formally transferred ownership of Vincennes and Indiana from the state of Virginia to the United States. A part of the Cession Act specified that the American government did not have the power to tamper with French private property and that the government guaranteed their continued ownership of everything within their current possession. Even though land was one of the main concerns, this provision in the treaty became an important factor over the right to hold slaves.

While concerns over slavery and private property rights were voiced during the shift to American control, the larger debate about slavery only started after the passage of the Northwest Ordinance in 1787. The goal of the Ordinance was to lay out a plan for developing the Northwest Territory, the geographic area north of the Ohio River between the Appalachian Mountains and the Mississippi River. The Northwest Ordinance was actually a revised version of an earlier attempt to settle the territory. The Land Ordinance of 1785 provided the territory with much more freedom and did not set up a territorial government, treating the area more like a state than a colony. When the land did not sell quickly, the government reconsidered the legislation and learned that the freedom granted to the territory meant not enough federal protection and oversight of land distribution or protection from Indians.⁸⁵ The Northwest Ordinance corrected this by adjusting the type of government put in place in the territory. The Northwest Ordinance specified that each region would go through multiple stages of territorial government before it would qualify

⁸⁴ Gitlin, 58-9.

⁸⁵ Onuf, 45.

for statehood. Each step made the government a little more democratic. The transition to each stage of government would become an important political tool in the Indiana Territory.

The Ordinance itself is not overly complicated or terribly long but it was vitally important because of the way it defined how a territory could become a state. It is the Ordinance's last article, Article 6, that became one of the most important components in the evolution of slavery in Indiana. Article 6 states:

There shall be neither Slavery nor involuntary Servitude in the said territory otherwise than in the 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 conveyed to the person claiming his or her labor or service as aforesaid.⁸⁶

On the surface, this article simply addressed the issue of slavery; it was prohibited in the territory unless used as legal punishment after a proper conviction and runaway slaves from other states are allowed to be reclaimed. However, the article left many questions unanswered. What about the French who had owned slaves for multiple generations? Were they supposed to free their slaves? Did the same provisions apply to squatters as to the legal residents of the territory? There were many questions surrounding this article and very little aid given to the territory in implementing this feature of the Ordinance. The language of the Northwest Ordinance continued to puzzle people since it used the phrase 'free men,' which in a way recognized that some men were not free and that slavery existed in the Northwest Territory.

⁸⁶ Northwest Ordinance, as quoted in Onuf, 64.

The manner in which the article was added to the ordinance only confused people who looked to Congress for details on the implementation of Article 6. The article was a last minute amendment to the Ordinance, and Congress passed it without any controversy or discussion.⁸⁷ When territorial administrators attempted to answer questions about Article 6, no congressional debate existed to help make things clear. While the ease of passage of this article might seem odd in the context of the later debate over slavery and the Civil War, it is important to remember that at this point, “slavery had not yet become the controlling factor in national politics.”⁸⁸ The Revolutionary War had done much to force slavery into the political realm and the feelings against slavery were growing, but almost all other states in the new nation still permitted slavery. While it was growing in importance and forced compromise at the national level, slavery was not a decisive issue and the Northwest Ordinance, in its language and history in Congress reflects that.

Historians have advanced multiple explanation for the easy adoption of Article 6. Dunn suggests that the southern members of Congress saw the limitation of slavery in the Northwest Territory as a way to ensure the South’s economic advantage in crops like tobacco. Labor-intensive crops, such as tobacco and indigo were grown north of the Ohio River, and many French settlers argued that the rich soil in the Ohio Valley grew better tobacco than Virginia. By outlawing slavery, the Northwest Territory would be unable to grow labor-intensive crops in large enough quantities to be competitive on the market. Clearing the settlement to the west was another reason the South completely supported the Northwest Territory. By taking control of the Northwest Territory from the Indians, a

⁸⁷ Onuf, 110.

⁸⁸ Dunn, *Redemption*, 190.

precedent was set that would enable Southerners to expand directly west themselves and take the land from the Indians.⁸⁹ In essence, while the vote was about prohibiting slavery on the surface, the motives behind the vote were actually about making the slave society of the South stronger. Dunn also suggests that the fiscal situation of the United States had become dependent on the sale of land out west and that there was not time to debate legislation that would enable the sale of land that had previously stalled under the 1785 legislation.

Onuf argues that historians have focused too much on the inclusion of Article 6 in the Northwest Ordinance and that the Article receives unwarranted attention. The real focus of the Ordinance is the development of the territory and its ties with the existing union. If Southerners, especially those from Virginia who had pre-existing ties with the territory, desired to quickly settle and develop the land in order to link the area with Virginia's economy, the labor system was of secondary importance.⁹⁰ However, Onuf mentions that as the development of the territory stalled due to issues like war with the Indians, the question of slavery became more important. Territorial administrators wondered if allowing settlers with slaves into the territory would grow the territory's population more quickly. Previously, settlers who wanted to keep their slaves and not question the legality of doing so, had to settle further west, across the Mississippi River. Finkelman addresses many of the same concerns as Dunn, stating that Article 6 does not demonstrate support for the antislavery movement, but rather a political move. He argues that Article 6 actually supported slavery by including a fugitive slave clause into the

⁸⁹ Dunn, *Redemption*, 200, 213.

⁹⁰ Onuf, 111-3.

article and that by specifically outlawing slavery in the Northwest Territory, it might be assumed that it is permitted on the rest of the frontier.⁹¹ Another crucial point is that the Northwest Ordinance did not include an emancipation order or a way to enforce the prohibition of slavery. If eradicating slavery in the territory was the main objective, it would have been necessary to address the French slave system that had already existed for over a century, which the Ordinance does not do.

The questions surrounding the purpose and goal of Article 6 that historians attempt to answer today were posed by territorial administrators and settlers after the passage of the Ordinance. Arthur St. Clair was appointed first governor of the Northwest Territory and almost immediately, his constituents sought clarification on the point of slavery. St. Clair decided that Congress had no intention of freeing slaves already present in the territory and that the law was only to prevent any more slaves from entering the territory. As time passed, St. Clair continued to advocate for this interpretation of the law, and others agreed with him. St. Clair did not state this opinion as governor of the Northwest Territory, but also as a member of the Congress that passed the Ordinance. Of all the people in the territory, he would be the one most likely to know the intent of Congress when it passed the Ordinance.⁹² The provisions protecting the French in the Land Cession Treaty were one of the main reasons Article 6 was interpreted this way. The French considered slaves to be personal property and to force emancipation without compensation would be in direct violation of the guarantee of French personal property. Since the Americans were having a difficult time gaining the full cooperation of the

⁹¹ Paul Finkelman, "Slavery and the Northwest Ordinance: A Study in Ambiguity," *Journal of the Early Republic* 6 no. 4 (1986): 343-70, 345.

⁹² Dunn, *Redemption*, 245, 247.

French, it is plausible that no one seriously challenged this interpretation so as not to alienate the French settlers. St. Clair's interpretation of Article 6 proved to be the accepted method and no court or Congress provided any say, one way or the other. One court trial was attempted, but it was fueled more by a personal rivalry between two judges, rather than by a particular sentiment on the implementation of Article 6. The trial over the emancipation of slaves never happened, and instead the rivalry landed one of the judges in court.⁹³

This interpretation created two categories of slaves for the Northwest Territory: those owned prior to 1787 and those obtained after that date. The creation of these two groups caused multiple issues as slavery became a more important political debate in Indiana. Policies no longer had to deal with just the issue of slavery, but the time of purchase. This argument between the protection of private property and the *ex post facto* application of law continued to steer the debate over slavery until 1820. The Polly case exemplified these questions surrounding the private property rights of the early French settlers and Indians, since Polly's mother was originally captured by Indians.

As early as 1796, the residents of the Northwest Territory were becoming frustrated with the restrictions placed on them by Article 6. On January 12, 1796, four residents of St. Clair and Randolph County, which consisted mostly of what was later to become the state of Illinois, sent a petition to Congress asking for a repeal or alteration of Article 6. They cited two issues with the article, the first concerning offspring of slaves born after 1787. They wanted it made clear that the children should continue in the status of the slave parent, as was assumed while the territory was under French and Virginian

⁹³ Dunn, *Redemption*, 224; Thornbrough, 7.

control. As it stood, the legal condition of offspring was not clear. Were they free according to the Northwest Ordinance, or did the traditional laws of slavery continue to apply? These petitioners believed that the traditional laws should remain in place, as had been assumed before Congress, a body in which residents of the area had no representation, passed the law. The other issue regarding slavery was the ability to bring slaves into the territory. These four residents presented an argument that would be used repeatedly over the next twenty years, attempting to justify the desire for slaves. They stated that “they do not pray for the introduction of any foreign slaves into the territory,” but only the ability for slaveholders to migrate with their slaves, if they so choose.⁹⁴ They cited the need for extra laborers as the primary concern for the introduction of slavery. There were not enough hands in the territory for all the labor required and those that were there were too expensive. Slavery would allow the price of labor to drop and speed up the development of the territory.⁹⁵

It is important to note that this petition to Congress did not only address slavery, but also issues surrounding land rights and surveying. The petition expressed concern over the land the government distributed to families living in the territory, mainly the type of land distributed and the lack of inclusion of fertile soil for some. The other issue of surveying Vincennes was a matter of cost. These petitioners were concerned over who would pay for the process and wanted to be sure that if the survey of Vincennes was paid for with public funds, so would the survey of their counties.⁹⁶ Together, these three issues presented by these petitioners demonstrate the fundamental concerns of leaders in the

⁹⁴ Dunn, “Slavery Petitions,” 449.

⁹⁵ Dunn, “Slavery Petitions,” 447-452.

⁹⁶ Dunn, “Slavery Petitions,” 447-452.

Northwest Territory. Overall development and population growth were the focus. Demographic growth, especially, was crucial for the progression through the stages of government and the goal of statehood. Arguments surrounding the introduction of slavery or the conflict over Indian land centered on the need for labor or the lack of land available for settlers, but this focus does not mean slavery was considered a last resort. The culture of slavery that many settlers brought with them made it an obvious solution.

Congress did receive the petition and referred it to a committee. The committee brought it back to the House of Representatives on May 12, 1796 and resolved not to act on the part of the petition regarding slavery. The committee argued that these petitioners were not elected representatives of the territory and did not necessarily represent a large portion of the population. In fact, the committee stated that it had received information to the contrary of the petition, that “an alteration of the ordinance, in the manner prayed for by the petitioners, would be disagreeable to many of the inhabitants of the said Territory.”⁹⁷ While the committee refused to grant the part of the petition regarding slavery, they did address the concerns for the land grant and remanded a decision back to Governor St. Clair to implement.⁹⁸ This early attempt to adjust the status of slavery in the Northwest Territory was just the beginning. While Congress did not consider the appeal because of the small number of petitioners, that factor would soon change and the debate would quickly rise to the surface again.

⁹⁷ Dunn, “Slavery Petitions,” 452-3.

⁹⁸ Dunn, “Slaver Petitions,” 453.

Chapter Three

Indiana Territory and Governor Harrison

The Northwest Territory went through another great change in 1800, with the separation of Ohio from the rest of the territory. The population of Ohio grew very quickly, and was almost ready to begin application for statehood. This division created the Indiana Territory, which consisted of present-day Indiana, Illinois, Wisconsin, and parts of Michigan and Minnesota. Vincennes became the territorial capital, leading to substantial growth and changes in the city. William Henry Harrison was appointed the governor of the Indiana Territory, and he arrived in Vincennes in January of 1801 and promptly started business. Harrison was the son of a prominent Virginia planter, Benjamin Harrison, who served as governor of Virginia during the end of the American Revolution and oversaw the cession of the Northwest Territory to the United States. The younger Harrison took a career in the military and was first stationed at Fort Washington, in modern day Cincinnati. He was a part of General Anthony Wayne's army that forced negotiations with Indians to cede more lands, often through armed conflict. Harrison continued to serve politically on the frontier, first as Secretary of the Northwest Territory and then as Congressional delegate of the Territory before he was appointed governor. Although appointed by Federalist President John Adams, Harrison mostly served under Democratic Republican President Thomas Jefferson. Throughout his administration, Harrison worked closely with Jefferson on issues of national importance, especially

negotiations with the Indians. In everything he did, people described Harrison as a gentleman and his political and financial ventures reflected his Virginian values of independence and gentility.⁹⁹

The records of Harrison's papers as governor began before he even arrived in Vincennes. The most pressing information included some logistical items, such as the establishment of roads for mail delivery and negotiating how often mail could be delivered to Vincennes and the outlying settlements. The agreement was once a week delivery to Vincennes.¹⁰⁰ Since one of the main goals of the Northwest Ordinance was to sell and distribute land for development, that large goal occupied most of Harrison's time, but often appeared through other issues. Dealing with the Indians was arguably Harrison's biggest concern. From protecting the settlers, to arranging the purchase of land, Harrison was involved in all of it. In part, this was because the federal government designated him the main negotiator with the Indians. Harrison took this role seriously and in the first year attempted to make multiple changes that would benefit American expansion into the frontier. Prohibiting the sale of alcohol to the Indians was one of his first decisions. By doing so, Harrison desired to control the negative influences of alcohol on Indian behavior and attempted to increase favor with those Indian leaders who despised the effects of alcohol.¹⁰¹ Harrison also licensed certain merchants to trade with specific tribes, an effort to monitor trade and encourage honesty.¹⁰² These adjustments led

⁹⁹ Owens, 5-50.

¹⁰⁰ Douglas E. Clanin, and Ruth Dorrel, eds., *The Papers of William Henry Harrison, 1800-1815* (Indianapolis: Indiana Historical Society, 1994), microfilm, reel 1, p. 167.

¹⁰¹ Owens, 59-60.

¹⁰² Clanin & Dorrel, reel 1, p. 209.

to a large land treaty with the Indians, which ceded important salt springs to American control.¹⁰³

However, the topic of slavery did not wait for Harrison's arrival. In a petition signed in 1800, residents of Randolph and St. Clair counties again asked Congress to reconsider Article 6 of the Northwest Ordinance. Although, this time they presented a more complete suggestion, petitioning that slaves already in the state of servitude within the United States could be admitted to the territory and that all children born to slaves serve until the age of thirty-one for males and twenty-eight for females.¹⁰⁴ The petitioners argued that they were surprised to find that the federal government sought to deprive "them of their most valuable property," and that in response, the most wealthy had moved across the Mississippi River into Spanish Louisiana, leaving the territory in a state of poverty.¹⁰⁵ And in addition, they argued that allowing these suggestions to stand, the number of emancipated slaves would actually grow, because the children born in the Indiana Territory would be set free, while those born anywhere else in the United States or in Spanish Louisiana would stay in slavery.¹⁰⁶ Like the previous petition, slavery was not the only concern addressed. This petition suggested the purchase of Indian land titles, and the establishment of a garrison along the route from Vincennes into Illinois to facilitate an easier travel. Unlike the petition from 1796, this one had a considerably larger number of signers, a total of 249. Even though this time the petitioners addressed

¹⁰³ Clanin & Dorel, reel 1; Barnhardt & Riker, p. 338.

¹⁰⁴ Dunn, "Slavery Petitions," 456.

¹⁰⁵ Dunn, "Slavery Petitions," 455.

¹⁰⁶ Dunn, "Slavery Petitions," 457.

Congress's previous concern about not being representative of the territory, Congress took no action.¹⁰⁷

After Harrison succeeded in creating the territorial government and establishing his authority, he became involved in slavery as a topic of political discussion. On November 15, 1802, Harrison received a petition to call a convention to discuss the place of slavery in Indiana. Harrison ordered the counties to hold an election on December 11 of that year to elect delegates to the convention. The convention had a total of twelve delegates: four from Knox County, three from Randolph County, three from St. Clair county, and two from Clark County. Clark County was the recent addition in Indiana, created from the eastern portion of Knox County.¹⁰⁸ The convention convened just days later, with Harrison as president of the convention, and signed a petition to Congress on December 28, 1802. The petition began with the claim that nine-tenths of the population of the Indiana Territory found the prohibition of slavery to be fully against the territory's interests of growth and development. The petitioners requested the repeal of Article 6 for ten years, after which no new slaves could be brought into the territory, but the slaves and their offspring in the territory would remain in a state of servitude. Unlike the other petitions, slavery was only a small portion of the petition, less than one quarter of it. The rest is devoted to other ways to develop Indiana, including purchasing Indian land titles so settlers would have access to more land and the development of roads and land for schools, so the territory could function well. The convention also wanted to remove property requirements for suffrage rights. As it was, electors had to own fifty acres of

¹⁰⁷ Dunn, "Slavery Petitions," 459-61.

¹⁰⁸ Dunn, *Redemption*, 305.

land, but the convention asked that all free men over the age of twenty-one be allowed to vote for the General Assembly.¹⁰⁹ Harrison sent the petition to the House of Representatives, along with a letter from himself as governor. While the plea regarding slavery only made up one quarter of the petition, Harrison's letter stated that the suspension of Article 6 was the reason for the convention.¹¹⁰

Congress considered the petition in two different committees. The first time was in March of 1803. The committee reported to the House of Representatives that suspending Article 6 was not a good idea, stating that while the territory was currently facing labor shortages, that problem would soon go away. The committee cited the quick growth of Ohio, which had just become a state after reaching a population of 60,000, to demonstrate that slavery was not needed for the growth of the territory. The rest of the petition met with mixed success. The committee recognized the desire for education and increased access to land, but also turned down the requests for certain roads and the changing of suffrage requirements.¹¹¹

The second report on the petition was presented to the House of Representatives in February of 1804 and the committee recommended drastically different ideas, stating that the territory would benefit from a suspension of Article 6. This statement had a few qualifications, such as that the presence of slavery in Indiana should not increase the importation of foreign slaves and that all children of slaves were free at the age of twenty-five for males and twenty-one for females. The committee also changed its view on suffrage rights, expanding the vote to any male over twenty-one who had lived in the

¹⁰⁹ Dunn, "Slavery Petitions" 461-8.

¹¹⁰ Dunn, "Slavery Petitions," 470.

¹¹¹ Dunn, "Slavery Petitions," 470-3.

territory for two years or more and had paid a territorial tax.¹¹² While the committee expressed these new sentiments, the House of Representatives never considered the petition or either report from the committee, so no official change occurred in regards to Article 6.

But Harrison and the rest of the proslavery movement did not wait to hear back from Congress to continue the push for legalized slavery in the Indiana Territory. In September 1803, Harrison and the judges of the Indiana Territory, who were responsible for creating laws for the territory, passed an indentured servitude law. This law required that any slaves brought into the territory be registered with the county clerk and sign an indentured servitude contract with their masters. The length of these contracts was not regulated, and could range anywhere from fifteen to ninety-nine years. This system of servitude was not created by the territorial government, but was adopted from Virginia's legal code. These contracts allowed whipping as a form of punishment and allowed the service of the individual to be bought, sold, or inherited.¹¹³ Holders of the contract had to provide food, shelter and clothing, but the contract included no other requirements. The slave could hold money and own property, as long as business transactions and gifts were cleared through the owner. Free Africans, mulattoes and Indians could own slaves, but only if the slave was the same complexion as the owner. The law created a system of slavery by a different name and went into effect on November 1, 1803.¹¹⁴ While the Northwest Ordinance had created two classes of slaves, those already in the territory and those outside who could not come in, this law added a third group, indentured servants.

¹¹² Dunn, "Slavery Petitions," 473-476.

¹¹³ Cayton, 190.

¹¹⁴ Francis S Philbrick, ed., *The Laws of Indiana Territory 1801-:1809* (Springfield, IL: Illinois State Historical Library, 1930), 42-6.

The distinction between slaves that were in Indiana before 1787 and those that entered under the indentured servitude act is important. Both were considered legal, but for different reasons.

This system of indentured servitude remained in place for seven years in the Indiana Territory, although the institution continued illegally for many more years. But this legalized form of bringing slaves into the territory did not hinder the push for a complete acceptance of slavery. On August 4, 1804, Harrison called for a territory wide-vote on the movement to the second stage of government, which took place on September 11, 1804.¹¹⁵ The advancement to the second stage of territorial government would give the territory a representative in Congress, although he could not vote, and would create a general assembly to create the laws of the territory, as opposed to the governor and the judges. Dunn argues that the motivation behind this move was simply to have a representative in Congress and territorial legislature who could help push through a repeal of Article 6.¹¹⁶ Later that year, the governor announced that the majority had voted for the move to the second stage and that another election would occur to elect representatives to select the Legislative Council. After the move was made official, opponents of the change fumed about the transition, citing poor advertisement for the initial election and frustration at the increased expenses and taxes associated with the forced move.¹¹⁷ In spite of the questions surrounding the transition, a legislative assembly was appointed and started work that same year.

¹¹⁵ Clanin & Dorrel, microfilm, reel 1, p. 842

¹¹⁶ Dunn, *Redemption*, 321-4.

¹¹⁷ Barnhart & Riker, 345-6.

One of the early laws they passed was an adjustment to the earlier indentured servitude law. This 1805 law, “An Act concerning the Introduction of Negroes and Mulattoes into This Territory,” created a more detailed framework for bringing slaves into the territory and made more changes in favor of slave owners. While slaves had to be recorded within thirty days of arrival for the contracts, as long as those slaves who refused to sign a contract were removed from the territory within sixty days, the owner maintained his ownership.¹¹⁸ This allowed owners to sell uncooperative slaves without any consequences. But if the owners did not possess a signed contract or remove the slave from the territory, the slave was considered free. A new aspect of the law involved an age limit. Only slaves over the age of fifteen could be indentured for an unlimited number of years. The law required those under the age of fifteen to serve until the age of thirty-five for males and thirty-two for females. Children born during service would serve until the age of thirty for males and the age of twenty-eight for females. Another change was the requirement of a bond placed at the time of indenture to guarantee that the servant would not become a public charge after the time of service was over. The penalty for not doing so was five hundred dollars.¹¹⁹ A more complete and detailed version of the 1803 law, this law was a complete framework for circumventing Article 6 of the Northwest Ordinance. It not only allowed settlers to bring their slaves into the territory, but it created a legal path for maintaining their service and that of their children. The law does not give any hint of gradual emancipation, thus the system could be perpetuated by indentured servants having children while still under contract. More restrictions were

¹¹⁸ Thornbrough, 9.

¹¹⁹ Philbrick, 136-139.

placed on blacks and slaves in a law passed in 1807. This law detailed punishments for runaways and placed travel restrictions on both slaves and servants. It also legalized the buying and selling of indentured contracts made outside of the state, so long as the servant “freely consents.”¹²⁰ Even with the additions, the framework of the 1805 law defined how slavery would continue in Indiana.

While the oldest form of slavery in Indiana was influenced by the Illinois French adaptation of the Code Noir, this type of slavery was different. Migrants from the South, who mostly came from the Upper South, states including Kentucky and Virginia, not the Deep South, were the source of new ideas about slavery.¹²¹ The new indentured servitude laws were adaptations of Virginian law and Harrison, as well as other prominent politicians hailed from Virginia. Even then, the slave culture these migrants brought with them did not produce a slave system exactly like the Upper South.

In order to compare the form of slavery used in Indiana with other geographic areas of the United States, it is important to understand that slavery continued to evolve through the Revolutionary era and, by the beginning of the 1800s, each of Berlin’s areas had changed substantially. The Revolution itself was one of the biggest influences in changing slavery during this era. In general, the Revolution forced attitudes towards slavery into two extremes as America grappled with how slavery fit with the ideas of liberty and freedom. For some, the two could not coexist. Individuals that felt this way pursued emancipation of personal property and in the North, slavery was phased out state by state after the Revolution. For others, challenging slavery was a threat to their way of

¹²⁰ Philbrick, 463, 464-7.

¹²¹ Etcheson, 4.

life. In slave societies, the regional economy and societal structure centered the existence of slavery. Slaves enabled the production of market crops, and ownership of slaves was an important mark of independence and power. For these societies, the challenge to slavery resulted in clinging to the institution more tightly and putting more restrictions on slaves. While the Revolution did challenge slavery, the move towards extreme attitudes was gradual.¹²²

The Lower South and the Lower Mississippi Valley were the two regions of the United States that had the strongest slave societies after the Revolution, and in this way, were the most different from Indiana. In both regions, the years after the Revolution included large growth in slave plantations and in the importance of plantation life. While slave owners did not have a monolithic response to the Revolution, these regions tended to be where slave owners clung more tightly to slavery and prepared to defend it. In order to do so, the slave societies became more rigid and paternalistic.¹²³ Even though Indiana maintained the ownership of slaves after the passage of the Northwest Ordinance and created ways to circumvent the law through the Indentured Servitude Acts, Indiana was still a society with slaves and did not experience the same growth in slave numbers or the same move towards extreme attitudes of slavery. The only possible comparison could be the increased restrictions placed on slaves. In the Lower South and the Lower Mississippi Valley, these restrictions aimed to undermine any sense of independence slaves gained during the Revolution and attempted to reserve all authority and power for the master. This included the creation of plantation stores to control the economic opportunities of

¹²² Mason, 9; Kolchin, 63.

¹²³ Kolchin, 94.

skilled slaves and activating militias to find and punish runaways.¹²⁴ In Indiana, these restrictions included limiting the travel rights of slaves and servants and making corporal punishment legal, laws that had been in place in the slave societies for decades. Therefore, while both regions experienced the tightening of privileges for slaves, Indiana was trying to create a legal foundation for slavery while these two slave societies were trying to maintain their power after the challenge of the Revolution.

The Upper South's dealings with slavery after the Revolution could be placed somewhere between the North's movement to get rid of the institution and the Lower South's move to regain authority over it. The Upper South continued to be a slave society after the war, but it responded to the paradox between the ideas of slavery and liberty by making it easier to emancipate one's slaves, but did not make a move to get rid of slavery completely.¹²⁵ This region, which was the source for many of the Indiana settlers, experienced a simultaneous growth in the emancipation of slaves and a growth in slavery.¹²⁶ The growth in support on both sides of the issue also occurred in Indiana. While the proslavery faction exercised power over the Territory first, many new settlers brought with them an antislavery sentiment. These antislavery feelings were not necessarily generated from an abolition movement, but grew out of opposition to Governor Harrison and the aristocratic society in Vincennes.

Until the antislavery faction became strong enough to challenge Harrison, the territorial government continued to petition for a broader acceptance of slavery. In 1805, the Legislative Council and the Indiana House of Representatives sent another petition to

¹²⁴ Berlin, 306, 313.

¹²⁵ Kolchin, 77.

¹²⁶ Berlin, 256.

Congress, a separate one to each branch, to explain the benefits of slavery in the territory and to ask for help with other developmental issues. These problems included extending suffrage to all free males over the age of twenty-one, the ownership and control of valuable salt springs, and the speculation over the division of the Indiana Territory. This petition reiterated many of the older arguments for slavery in the territory. The signers lamented the introduction of slavery to the colonies and blamed the British for allowing it to happen. But, they continued, since it was already firmly rooted in the states, the best way of managing slavery was to allow it everywhere so the number of slaves did not get to be too big for one area. They contended that the southern states had so many slaves that it might “render the future peace and tranquility of those states highly problematical.”¹²⁷ The best way to avoid this danger was by allowing slaveholders to migrate with their slaves, which meant opening up the Indiana Territory to migrating slave owners from the South.

Adding confusion regarding slavery in the territory, settlers in Randolph and St. Clair Counties began petitioning Congress to divide the Indiana Territory in two. While multiple reasons fueled the request, the desire for slavery was one of them. These two counties were the source of a large contingent of the proslavery sentiment in the Indiana territory and they thought they might be able to achieve a better result separate from the eastern counties, where a majority of the antislavery supporters lived. Residents of these two counties sent multiple petitions to Congress over the next three years, asking for a division of the territory. The first petition, signed by over 350 residents asked that the two counties be divided from the Indiana Territory, as mentioned in Article 5 of the

¹²⁷ Dunn, “Slavery Petitions,” 477.

Northwest Ordinance, but also that Article 6 might be adjusted, either permanently or just temporarily. The petition cited multiple concerns over staying a part of Indiana, including the long and dangerous journey to the capital, Vincennes, and Harrison's strong dealings with the move to the second stage of government. The petition alluded to election fraud and argued that the counties were not prepared to deal with the increased expenses of the move.¹²⁸

Harrison was not pleased with the move to split Randolph and St. Clair Counties from Indiana and included a preemptive plea in the petition the legislative body sent in 1805, explaining why the territory should stay united. The petition contended that Vincennes was centrally located for all in the territory and that with the recent move to the second grade of government, it would be imprudent to take away all of the potential land sales by dividing the territory.¹²⁹ But Randolph and St. Clair were not the only counties asking to be separated from Indiana. Dearborn County, on the far eastern side of the territory, even sent a petition to Congress in December of 1805 to become a part of Ohio, rather than stay a part of Indiana. This petition did not mention slavery, but instead explained that the land between Dearborn County and Vincennes was relatively uninhabited and would most likely remain that way. On the other hand, the land between the county and Cincinnati was rich, flat soil and sure to be filled with inhabitants, which would facilitate Dearborn County becoming a part of Ohio.¹³⁰

Congress did not respond favorably to any of the requests to divide the territory. A committee reported to the House of Representatives on February 14, 1806 on all three

¹²⁸ Dunn, "Slavery Petitions," 483-92.

¹²⁹ Dunn, "Slavery Petitions," 480-1.

¹³⁰ Dunn, "Slavery Petitions," 492-3.

petitions it had received in the last two years. On the idea of slavery, the committee was actually supportive of the suspension or repeal of Article 6 and believed that it would be beneficial for the development and growth of the territory. The committee reiterated many of the other arguments placed in the petitions, citing that a suspension would facilitate faster population growth since settlers with slaves would not have to go further west. The committee also considered the question of increasing the slave trade, but decided that as long as slaves brought into the territory were simply relocated from elsewhere in the United States, it was not a significant policy shift. In fact, “the condition of the slaves themselves would be much ameliorated by it, it is evident, from experience, that the more they are separated and diffused, the more care and attention are bestowed upon them by their masters.”¹³¹ On the issues of suffrage, the committee recognized the concern over land requirements, and stated that the point of the requirement was to make sure the person is a permanent inhabitant. It suggested that even a length of residency would work, but left the details to the territory. On both questions of dividing the territory, the answer was an emphatic no, or at least not at this time, for Randolph and St. Clair Counties.¹³² While the committee presented the report to the House of Representatives, no action was taken on the slavery issue.

The lack of action by the House of Representatives provoked a continuous stream of petitions on both the slavery issue and the division of the territory. The residents of Randolph and St. Clair counties sent a petition in 1806 and one in 1807, with similar arguments as indicated above to Congress, in hopes of promoting division. In the 1806

¹³¹ Dunn, “Slavery Petitions,” 495.

¹³² Dunn, “Slavery Petitions,” 494-7.

petition, the convention even included a copy of the 1801 census, in hopes of demonstrating that the counties were populous enough to establish their own territorial government.¹³³ For the first time other residents of these counties sent a counter petition to Congress in 1807, explaining that any petition that Congress received from a convention was actually a sham. No elections occurred and these men had thrust themselves on the residents as their representatives. The petition continued that any argument those in favor of division presented was exaggerated. While the government had moved to the second stage, the counter petition mentioned that no taxes had been paid yet and there was really no reason to complain.¹³⁴ While they seem unrelated, the repeal of Article 6 and the division of the territory are connected. Harrison was aware of a growing antislavery movement and needed the population of these counties behind the proslavery movement. These two counties believed that it would be easier to suspend Article 6 if they were their own territory or state and Harrison believed it would be impossible to adopt slavery without the two counties. Harrison was correct on this point. After Illinois finally did separate from Indiana in 1809, the Indiana Legislature repealed the indentured servitude acts, thanks to the division of proslavery forces.¹³⁵

Petitions from the Indiana legislature continued to arrive at Congress, but for the first time, these petitions only addressed the repeal of Article 6. Two petitions arrived at Congress in 1807, both emphasizing that a repeal would mean better treatment for slaves and that it would not increase the overall number of slaves in the country. The first was sent in January and the committee in the House reported on it in February. Like other

¹³³ Dunn, "Slavery Petitions," 498-506, 510-2.

¹³⁴ Dunn, "Slavery Petitions," 512-5.

¹³⁵ Thornbrough, 13

recent reports, the committee stated that a repeal of Article 6 would be beneficial to growing the population of the territory.¹³⁶ The second petition came to Congress in September and addressed the same concerns, but for the first time, a counter petition from Clark County was included. This counter petition not only argued against the repeal of Article 6, but exposed the way the proslavery faction had manipulated the approval of the prior petitions to hide the opposition from Congress's knowledge. At the 1802 convention, representation from the eastern portion of the Territory was present and decidedly against allowing slavery, and yet the petition sent from the convention claimed that nine-tenths of the population supported it. The 1805 memorial was actually rejected by the Indiana House of Representatives, but certain members decided to sign the petition and send it anyway. The 1807 petition was almost not passed after the president of the Legislative Council refused to sign it because only three members of the council were present. But then the president was pressed to leave his seat and the president pro temp signed it instead. Through these ways, the petition contended, the existence of the opposition had been masked, when in reality, a large portion of the population opposed allowing slavery or did not believe that it was necessary for the development of the territory. The current growth of the territory demonstrated that it was not needed and many settlers actually came to the Indiana Territory from the South simply to escape slavery.¹³⁷ The report from the Congressional committee was short and stated succinctly that Congress would not suspend Article 6.¹³⁸

¹³⁶ Dunn, "Slavery Petitions," 507-10.

¹³⁷ Dunn, "Slavery Petitions," 518-20.

¹³⁸ Dunn, "Slavery Petitions," 521.

The political activity of the Indiana Territory during its first seven years presented a united front against the prohibition of slavery, but in fact, an antislavery faction was growing. As early as 1805, reaction against the indentured servitude acts appeared. The Cincinnati newspaper, *The Liberty Hall*, printed an editorial decrying the passage of the 1805 indentured servitude act and suggesting that Congress punish Indiana by not allowing it to become a state until it reversed its position on slavery.¹³⁹ While the opinion of those in Ohio might not seem important, the antislavery faction was centered in the eastern portion of the territory, parts of which had previously requested to be come a part of Ohio because they shared more similarities with that state and it was closer. While this opinion was printed in Ohio, it was shared by many others on the Indiana side of the border.

The antislavery group did not do much to combat the political control of the proslavery group until the above petition was sent. As the group continued to grow, they became more organized. Clark County, the source of the counter petition was largely populated with recent migrants from Kentucky, and had a stronger economic and cultural tie with Louisville than Vincennes, for both familial and geographic reasons.¹⁴⁰ The movement against slavery emphasized concern over economic competition and equality in society. These settlers from the Upper South, most likely small, independent farmers, already felt alienated from Vincennes geographically and the power exercised by Harrison and other politicians alarmed these residents. They did not feel adequately represented by the government, and in regards to slavery, felt that the issue had been

¹³⁹ Dunn, *Redemption*, 331.

¹⁴⁰ Cayton, 246.

forced through without regard for those who opposed it. Centered in the south and eastern section of the Territory, the antislavery faction identified slavery as a symbol of Harrison's abuse of power and of the separation between Vincennes and the rest of the Territory. In 1808, antislavery candidates gained control of the lower legislative house and passed legislation repealing indentured servitude laws, but the upper house and Governor Harrison refused to make the legislation law.¹⁴¹ The turning point in the conflict came during the 1809 election for the territorial delegate to Congress. Jonathan Jennings was the strong, antislavery candidate. He had originally moved to Vincennes in 1807 to open an office as an attorney, but did not like the city and did not get along with Harrison. He moved in 1808 to Clark County, where he found a more agreeable culture and a shared dislike for Harrison and his political group. These feelings led up to a pivotal election.

The election in 1809 was the result of multiple other political decisions. Many of the official petitions listed above included concerns over the requirements for voting and Congress finally responded in 1808, by extending the right to vote to men who owned town lots worth at least one hundred dollars and to farmers who had made at least the first payment on fifty acres of land. Also, while Indiana had had a delegate in Congress since the move to the second stage of government in 1805, the two previous delegates had been selected by the legislative assembly, of which one house was elected by the people and the other house nominated, but then selected by the governor. In 1809, the delegate was to be elected directly by the people.¹⁴² In addition, the election was not just

¹⁴¹ Cayton, 246.

¹⁴² Barnhart & Riker, 355.

for the delegate to Congress. With Illinois's separations from Indiana, the representatives in the legislative assembly were reapportioned and additional representatives were being selected. With the population growth in the eastern counties of Clark and Dearborn and the removal of Illinois slave supporters, Harrison's power in the territory was in jeopardy. In his almost decade of service, Harrison had alienated many settlers in the territory over the issues of slavery and democratic participation. This election would determine if Harrison and proslavery forces would continue to control the territory, or if other groups would gain power.

The selection of the delegate to Congress was the most exciting contest on the ballot and it was a close election. There were three candidates: Thomas Randolph, John Johnson, and Jonathan Jennings. Each represented a different position in the power struggle. Randolph was a friend of Harrison's and personally a proslavery advocate, but he stated that he would do what the majority of the population wanted. Johnson was anti-Harrison and a proslavery candidate and Jennings was antislavery and anti-Harrison. Randolph and Jennings quickly became the frontrunners of the campaign, with the center of Randolph's support coming from Vincennes and Knox County and support for Jennings coming from Clark and Dearborn Counties.

One unique aspect of this election was the introduction of popular campaigns. Jennings courted the voters in eastern Indiana, meeting with them individually and forming friendships. There are multiple myths surrounding Jennings's willingness to work and play with potential voters in a way that treated them as equals.¹⁴³ While it is uncertain if any of the events actually happened, these portrayals of Jennings all match

¹⁴³ Dunn, *Redemption*, 395-6.

his personality: fun loving, friendly, and outgoing.¹⁴⁴ In the eastern counties, where Harrison was seen as aloof and unrepresentative of the masses, Jennings demonstrated all of the qualities the constituents wanted in a candidate and he gained a large following. In comparison, the other two candidates mostly stayed in Vincennes. While Randolph did some campaigning, it was mostly through speeches and letters in the paper. This mode of campaigning was not nearly as effective as Jennings's, which demonstrated that he shared the same culture as the residents, not just the ability to perform in a public office. His campaign was also a reflection of the more democratic style of politics that was taking hold on the frontier.

The campaigns for the 1809 election were the first public debates regarding slavery in Indiana. The *Western Sun*, which had previously not mentioned slavery save for a few advertisements for runaways, filled with editorials denouncing the evils of slavery, questioning the character of candidates who both supported it and were against it, and eventually fell into name-calling and personal attacks. The first mention of slavery came on January 28, 1809 where a letter signed by "Citizen of Vincennes" asked the candidates for the legislative assembly to identify if they were for or against slavery in the territory. Citizen went further, identifying the abolition of slavery as a sign of Republicanism and the support of slavery as a sign of Federalism and warned voters against political tricks.¹⁴⁵ This letter evoked multiple responses. One was by an antislavery supporter, citing the reasons that the introduction of slavery would actually hurt the common farmer and laborer. The other response was the beginning of a vitriolic

¹⁴⁴ Mills, 102; Cayton, 248-9.

¹⁴⁵ *Western Sun*, January 28, 1809, microfilm.

exchange that would continue for three months. In response to Citizen's letter, "Slim Simon" attacked his correlation between Federalism and the support of slavery, challenging whether such logic would apply to federal representatives as well. Simon closed by stating, "I am aware that I have treated you with no small degree of harshness; but it has been done, not in a moment of irritation, but upon reflection."¹⁴⁶ The debate continued, with Simon arguing that the presence of slavery in Indiana would not endanger free labor at all and that it was completely compatible with the idea of republicanism. He even engaged Johnson, the one candidate who responded in the paper against slavery, questioning his expression of political principles as distraction from other matters.¹⁴⁷ Simon also brought up many arguments used in the petitions sent to Congress, such as the danger of a large number of slaves in the Southern states and the potential for Indiana to act like a pressure valve for these growing numbers. Citizen continued writing, pointing out Simon's attempts to engage him on a personal level and his refusal to return the blows. His main arguments centered around the connection between the support of slavery and a wealthy aristocracy, neither of which he wanted to see take over in Indiana.¹⁴⁸

As Citizen and Simon exchanged letters and opinions on a weekly basis, others joined in the conversations. One candidate, Thomas Randolph, responded to Citizen's request by explaining his personal feelings towards slavery, but that he would act according to the will of the people. However, he also admonished Citizen for attempting

¹⁴⁶ *Western Sun*, February 2, 1809, microfilm.

¹⁴⁷ *Western Sun*, February 11, 1809, microfilm.

¹⁴⁸ *Western Sun*, February 11, 1809, microfilm.

to divide the population when everyone should be uniting in the face of larger trials.¹⁴⁹

“A Farmer” submitted his views, applauding Citizen’s argument and willingness to take a stand, while also questioning economic and demographic aspects of Simon’s argument.¹⁵⁰

As questions surrounding slavery continued to go back and forth, letters of support for and in opposition to certain candidates began to appear, with Randolph as the most popular topic. Letters dealing with slavery and party identification continued to fill the pages of the *Western Sun* right up until the election on May 22. While some of the exchanges did end up in personal attacks, the explosive debate demonstrates the importance of this particular election and how decisive the controversy over slavery had become in Indiana.

The excitement surrounding the election did not die down afterwards, as might have been expected. When the results were counted, Jennings won the election with 428 votes, Randolph came in a close second with 402, and Johnson was third with only 81. Randolph contested the election, claiming that there were voting irregularities in certain counties that had given Jennings the win. Even though a signed, official copy of the election results dated July 1, 1809 certifying Jennings as the winner was on file in Harrison’s office, Randolph followed Jennings to Congress that November to present his protest.¹⁵¹ While the committee that considered Randolph’s report found the whole election to be illegal, the House did not accept the committee’s report and Jennings was seated in January of 1810.¹⁵²

¹⁴⁹ *Western Sun*, February 25, 1809, microfilm.

¹⁵⁰ *Western Sun*, March 2, 1809, microfilm.

¹⁵¹ Clanin & Dorrel, Roll 3, page 440, microfilm.

¹⁵² Dunn, *Redemption*, 398-403; Barnhart & Riker, 358-61.

However, the House of Representatives did find the election of the new legislative assembly illegal because Harrison had called the election before the reapportionment rules from the division with Illinois were known, so the assembly was short some representatives. Even with all of the excitement surrounding the 1809 election, a new election had to be held. This was done on April 2, 1810 and resulted in the power shift for which the anti-Harrison and antislavery forces had hoped. This assembly convened in November and had more political authority because it had been made the initiator of legislation, rather than Harrison. The assembly repealed the 1803, 1805, and 1807 acts regarding indentured servants and slaves. Even though there would still be questions about slaves in Indiana for another decade, the attempts to circumvent, suspend, or repeal Article 6 were over.

Petitions to Congress regarding the repeal or suspension of Article 6 began less than a decade after the passage of the Northwest Ordinance. The original fear surrounding the article was about slaves already in the territory, but Governor St. Clair eased those fears by interpreting the law to mean that no new slaves could be brought into the territory. It had no bearing on slaves that were already there. Because those fears were eased, something else was the motivating factor behind the multiple petitions and the legal circumvention of Article 6 with the indentured servitude acts. The main argument given was the high demand for labor and the lack of supply. This reasoning was cited by the French in Vincennes long before the Americans took control and in the very first petition sent to Congress in 1796. This problem had been around for a while, and was a valid concern. Whereas the French were content with a village and subsistence farming to offset their trade, Americans had different goals. They wanted to acquire land and have a

successful farm.¹⁵³ To do so was hard labor, including felling trees, plowing fresh ground, and building shelter. For many farmers, the large demand for labor translated into large families.¹⁵⁴ Since most settlers shared this goal of being an independent farmer, labor for hire on larger farms, such as Governor Harrison's, or for public projects, such as road improvements, was difficult. In 1807, the territorial government passed a law requiring every male between the ages of twenty-one and fifty-five to serve twelve days a year, if they had lived in the township for thirty days, building and repairing roads if it was needed.¹⁵⁵ Slavery or indentured servitude was one solution to the labor shortage.

This approach seemed logical to many leaders in power. Their cultural heritage was one reason many supported the move. The population of the Indiana Territory grew substantially after the passage of the Northwest Ordinance. In 1800, the census recorded over 1,500 inhabitants in Vincennes and the surrounding area. Only twenty-four were recorded as slaves. In 1800, the total white population of the Indiana Territory was 5,641.¹⁵⁶ Once Vincennes became the capital city in 1800, the population continued to increase at an even faster rate. In the 1810 census, the population of Indiana had reached to 24,520.¹⁵⁷ This growth is even more astonishing when one considers that the 1800 census included the areas of Indiana, Illinois, Michigan and Wisconsin. By 1810, the boundaries of the Indiana Territory were very similar to the present-day borders. These statistics easily counter the argument concerning the territory's population expansion. Many of the early petitions complained that the increase in population was too slow and

¹⁵³ Burns, 441; Cayton, 182.

¹⁵⁴ Cayton, 185.

¹⁵⁵ Barnhart & Riker, 363.

¹⁵⁶ Barnhart & Riker, 318-20.

¹⁵⁷ Barnhart & Riker, 361.

that plenty of wealthy migrants were moving further west because they could not bring their slaves. While some may have passed Indiana to settle elsewhere, the territory did not have any serious difficulty increasing its population.

Although the increase in population was partly from large families (children made up the largest portion of the population), the patterns of migration are important to notice. The Ohio River played a crucial role in the development of Indiana. Waterways had always served as an important mode of transportation and trade, and migration into the territory was no different. The Ohio River served as the main entry point for Upland Southerners, who were some of the region's earliest and most numerous settlers. Migrants from the North did not move into the Midwest in large numbers until the mid-nineteenth century, but by then Southern heritage had left its mark. In 1850, only eight percent of Indiana's population was born in a northern state, sixty-seven percent were born in the Old Northwest, and eighteen percent were born in the South.¹⁵⁸ According to Etcheson, "this obscures somewhat the actual Southern presence, for those Midwesterners counted as born in their respective states were often the children and grandchildren of Southern immigrants."¹⁵⁹

Settlers from the South, especially gentry like Governor Harrison, were accustomed to having slaves as part of life. Harrison lived life and practiced politics as he would have in Virginia, even bringing a slave along with him when he first arrived in Indiana in 1801.¹⁶⁰ Having grown up in Virginia, slavery constituted a demonstration of power and social standing, an idea that Harrison brought with him to Indiana, where he

¹⁵⁸ Etcheson, 1-4.

¹⁵⁹ Etcheson, 3.

¹⁶⁰ Hammond, 99.

was to demonstrate his own power.¹⁶¹ This culture of acceptance and expectation could explain why the issue of repealing or suspending Article 6 remained an issue even though items like the indentured servitude acts enabled ways to circumvent the law. This is not to say that Harrison and his friends intended to replicate Virginia's slave system, only that the cultural acceptance of it was prevalent. However, migration from the South was a double-edged sword. Even though it brought men and families into the territory that approved of slavery, it also brought many who did not approve of slaves. The establishment of slavery was a point of contention for many Southerners. Ownership of slaves created an economic advantage that many poorer farmers resented and many openly admitted to leaving the South so that they could once again compete economically.¹⁶²

Even though the South was the leading source for the influences on slavery, the slave society of the Upper South did not simply transplant into Indiana. Slaves and indentured servants were treated virtually the same and were both bought and sold regularly. Often mentioned in wills, slaves had their terms of service regularly transferred between family members.¹⁶³ Slaves became integral parts of some families, but any attempt to create a slave society failed miserably. While census data from this time is not complete, the numbers do say something about the development of slavery in Indiana. Before Vincennes came under British control, it was a small settlement with only a few hundred French settlers and less than thirty slaves. By 1800, even though the population had grown to over five thousand in the Indiana Territory, the number of slaves was less

¹⁶¹ Owens, 68.

¹⁶² Etcheson, 67-9.

¹⁶³ Thornbrough, 14-5.

than two hundred. The counts are not consistent, but Dunn estimates that the number of black slaves in the Indiana Territory was around 175, while free blacks counted 123, although it is likely that some were held as slaves or indentured servants. These numbers are actually less for the Indiana Territory (which still included Illinois) because previously, Kaskaskia claimed to have over 300 slaves while under French control.¹⁶⁴ By 1810, the number of declared slaves in Indiana grew to 237, half of which were in Knox County. This is not much growth considering the entire population grew to almost 25,000.¹⁶⁵ The number of free blacks was 393, but, again, many were undoubtedly enslaved or indentured servants.¹⁶⁶ During this decade, the total number of blacks in Indiana increased by 211 percent, which is significant, but not as much as the over 400 percent increase in the overall population. Some of these were undoubtedly children, others were slaves brought into the territory and indentured, and others were most likely not recorded as slaves at all. But even if all 630 blacks had been slaves in 1810, Indiana would only be developing a society with slaves.

The limited use of indenturing also demonstrates the limited appeal that slavery had to settlers of Indiana. Governor Harrison and the Indiana legislature had protested repeatedly that people were skipping over the territory and settling further west because it was illegal to hold slaves, so they passed the indentured servitude act to circumvent the law. But the law was not used by hundreds of people. For Knox County, from November 1805 to April 1807, there were forty-six entries into the slave registry. The length of the contracts vary from fourteen years to ninety years, but the average length was between

¹⁶⁴ Dunn, *Redemption*, 296; Cayton 51.

¹⁶⁵ Barnhart & Riker, 361.

¹⁶⁶ Cayton, 192.

twenty and forty years. While there were forty-six entries, there were only twenty-nine different white males initiating these contracts, meaning several of them brought in two or three servants at a time. The registry has the state of origin listed as a part of the contract, which is helpful in identifying where migrants were coming from, but some of the men listed were not new settlers to Vincennes. For example, Elihu Stout moved to Vincennes and started his newspaper, *Indiana Gazette*, in 1804. Yet, on December 11, 1805, he indentured a sixteen-year-old girl named Pheby, with Kentucky listed as the state of origin. There are a few other odd instances where rather than simply the state of origin listed with the entry, the registry states that the resident of Knox County bought the servant from someone in that state and was only transporting them into the territory. Phillip Trawell brought in three different servants on December 28, 1806 from two different states.¹⁶⁷

These are only the numbers from one county and are only for a two-year period, when the indentured servitude laws spanned close to seven years. However, if the prohibition of slavery was really a key issue in turning away new settlers, then these indentured contracts would be filled by new settlers, anxious to settle in Indiana. The reality is that only twenty-nine people used the indentured servitude contracts as a way to bring slaves into the territory during these two years. For comparison, a census taken in 1807 counted 1,080 heads of families (males over the age of twenty-one) in all of Knox County.¹⁶⁸ Less than three percent of the settlers took advantage of the law to indenture slaves. These numbers also do not show how many of these settlers were already

¹⁶⁷ Slave Registry 1805-1807, Knox County, Indiana Territory, *Wabash Valley Visions and Voices: A Digital Memory Project*. <http://visions.indstate.edu/u/?ving,8780>.

¹⁶⁸ *Census of Indiana Territory for 1807* (Indianapolis: Indiana Historical Society, 1980).

residents of the territory. How many more, besides Elihu Stout, were already living in the territory and using the law to acquire new slaves? This registry demonstrates that Indiana, even with circumventing Article 6, was still just a society with slaves. The indentured servitude laws were not overly used, so either settlers illegally held their slaves, or the issue of slavery was not central to those coming into Indiana.

The root of Vincennes's economy was agriculture and farmers who were rich enough to own slaves used them as agricultural labor. But other kinds of economic activity existed in the territory for slaves to help with. Multiple kinds of mills prospered in the territory and spinning cloth was an important part of the economy. Goods were sent down the Mississippi River for sale in New Orleans. It is plausible that slaves participated in some of these ventures. An advertisement in the *Western Sun* for a runaway slave from Kentucky mentioned that he was a good miller and might be trying to make a living by using his skills.¹⁶⁹ Unless it was normal for blacks to participate in skilled labor, this runaway would risk a lot by making his skills known. Another runaway advertisement for two slaves from Tennessee cautioned that these slaves most likely had an unauthorized, but signed pass to the salt works. The salt work was in Saline Creek, in the southwestern part of Illinois.¹⁷⁰ Slaves traveling with a pass would have had to be common enough not to arouse suspicion. In addition, there was a flourishing merchant class in Vincennes, many of which were old French families. These merchants would have used slaves as domestic servants or as personal servants who accompanied them on trips, both up and down the Mississippi. Slaves in Indiana were used for so much more

¹⁶⁹ *Western Sun*, January 13, 1816, microfilm.

¹⁷⁰ *Western Sun*, December 10, 1814, microfilm.

than just agricultural work and they were given certain freedoms, like the ability to travel with a pass, that would have been unimaginable in tightly restricted slave society

Eventually, slavery became an issue larger than itself. Early petitions cited developmental needs and labor shortages, but as evidenced by the 1809 election, slavery became about the kind of society that would develop in Indiana. There were two ideas for which slavery became a litmus test. The first was the kind of government that would take hold. In 1809, Citizen of Vincennes made a blanket statement that all proslavery supporters were Federalists. While Slim Simon attempted to point out that many of the early Republicans, such as Jefferson, supported slavery, the Citizen's connection resonated with many early Indiana settlers. As mentioned, Harrison governed the Indiana Territory as a Virginia politician would, through connections with other elites.¹⁷¹ The Northwest Ordinance, as described by Onuf, created the territory to be more like a colony than state, which meant giving power to the government and executive instead of the people. This managed well for the first few years, but a rift occurred between Harrison and his Vincennes group and others in the territory as he made decisions or initiated laws that were unpopular, such as the move to the second grade of government and the 1803 and 1805 indentured servitude laws. Many grew to see Harrison as an anti-republican executive, unwilling to listen to the people. Since slavery was easily associated with Harrison, it also became associated with a lack of democratic participation and anti-republican sentiment. While slavery was not actually associated with the Federalist party politics, it was the perceived connection that was important. The debate about slavery

¹⁷¹ Owens, 68.

ceased to be about the introduction of a slave system into Indiana and grew to be about the future of Indiana.

The idea of an aristocratic society became associated with the support of slavery as well. This fear of an anti-democratic society became associated with slavery in much the same way proslavery advocates were labeled as Federalists. Many of the migrants from the South were yeomen farmers who brought with them a fear of an established gentility.¹⁷² Many tried to escape the lack of economic competition and immobile social classes of the South by migrating to Indiana; they saw the same kind of system taking shape in Harrison and his elite Vincennes friends. Jennings used this fear successfully in the 1809 campaign, constantly calling Harrison's group the "Virginia Aristocrats."¹⁷³ For those who came to Indiana to establish themselves as farmers and sought the equality centered society of the frontier, Harrison and the establishment of slavery were a threat. In the middle of the debate between Simon and Citizen in the *Western Sun*, A Farmer chimes in and offers corrections and insights to both sides of the argument. For Citizen, A Farmer stated that it is incorrect to generalize a person's political affiliation based on his support for slavery. However, one can make judgments about the social system he prefers, stating that "a friend to slavery must not only be an aristocrat in his heart, but one of the worst kind."¹⁷⁴ Poorer farmers feared the concentration of power and the political and economic oppression that an aristocracy would impose on the region.¹⁷⁵ Slavery represented the exact opposite of the social system that many Indiana residents desired.

¹⁷² Etcheson, 36

¹⁷³ Mills, 102.

¹⁷⁴ *Western Sun*, March 2, 1809, microfilm.

¹⁷⁵ Etcheson, 67-70.

In the debate that exploded onto the public scene in 1809, geographic differences exacerbated the problem. Vincennes, and more broadly Knox County, became the center of the pro-slavery faction. The most eastern counties were the center of the antislavery faction, where Jennings found political support. Not only were these counties populated by a different demographic, but distance contributed significantly to the conflict. The distance between the two centers would have been difficult to transverse, which is why settlers sent requests for better roads to Congress. The request by Dearborn County in 1805 to become a part of Ohio was indicative of a deeper set of differences between the two sides of the territory. Even though slavery did not create the spatial distance between east and west Indiana, it emphasized it and made the distance such an important issue that the capital was moved in 1813.

Indiana created a unique society with slaves that did not occur anywhere else in the United States. Not nearly as forgiving as the French style of slavery that developed earlier in the same area, it adopted some of the cultural ideas of Virginia slave society. The legal introduction of indentured servitude was through the adoption of Virginia law. Slaves and indentured servants were bought and sold regularly and whipping was written into the law as a suitable punishment. However, the slavery that developed in Indiana never came close to replicating the Virginia slave society. The physical number of slaves in the territory was too low to create an economy that was dependent on slaves. In reality, slavery in Indiana most resembled the colonial Upper South before it evolved into a slave society. Slaves were not a large portion of the population, but their labor was vital to the economy because of a labor shortage. Slaves worked along side whites and had enough freedom to create their own economy. While Indiana was defining slavery a century after

this Virginian society with slaves had evolved into a slave society, these same ideas persisted. Even though the system of slavery that Indiana developed was more like the old colonial society with slaves, the use of slavery in politics was a part of a growing national phenomenon. As the Revolution challenged slavery for the first time, it forced slavery into the political sphere, where it became about other political ideas and not just about the institution of slavery. Just as in the 1809 debate where slavery was equated with aristocratic, antidemocratic ideals, the Federalists used the idea to attack the Republican Virginian dynasty and the British even used it during the War of 1812 to limit support for the United States.¹⁷⁶ In legal definitions and in practice, Indiana was a society with slaves more comparable to colonial Virginia than the contemporary slave societies, but in ideological usage of the institution, Indiana adopted common usage of slavery as a politically charged debate topic.

There are multiple reasons why a slave society never developed in Indiana, and the economy is one of the main ones. While the ownership of slaves could be helpful in the goal of obtaining land and being an independent farmer, there were multiple barriers that kept slavery from spreading. The biggest one was cost. Barnhart characterizes Indiana as a “poor man’s home,” where one could get enough credit to buy some land and try to make a living to pay the debt back.¹⁷⁷ Like the French before, slaves continued to be an expensive commodity. Poor farmers who could barely afford to buy land could not afford slaves in the first place. The development of multiple small farms also kept development of slavery to a minimum. Indiana had traditionally been a source for

¹⁷⁶ Mason, 75, 87.

¹⁷⁷ Barnhart, 167.

tobacco, but the amount of crops grown on smaller farms did not warrant the need for slaves. Even though the labor need was present, the economy that dominated Indiana did not suit the development of a slave society.

The desires of the population was another reason slavery did not succeed. Hammond argues that the important decisions about slavery were not made by the federal government, but by the local government and its citizens.¹⁷⁸ This argument holds true for Indiana. If Southern migration had only come from wealthy, planter families, then the adoption of slavery might have occurred. While Article 6 was not enforced and did not keep slavery out of the territory, it did help filter who settled there. Even though slavery still existed, the legality of it was questionable and kept some settlers out who might have settled there otherwise. The reverse is also true for many yeomen Southerners, who came to the territory to get away from slavery and the plantation society. While Congress never acted on any of the petitions, the continued practice of sending them meant the proslavery faction had hope that one day Congress would relent. It took a local action of electing Jonathan Jennings for the proslavery contingent to realize that the future of slavery was limited.

Another large factor was that the creation of a slavery system was not the only challenge facing the young territory and it certainly was not the most important. The main motivation behind allowing slavery in Indiana was to develop the territory both economically and demographically. Allowing slaves would entice rich slaveholders to settle in Indiana and would help with all of the manual labor required to develop an infrastructure. However, this desire to develop and expand the territory also motivated

¹⁷⁸ Hammond, 121.

many other political deals. Harrison's numerous treaties with the Indians is one of his biggest legacies in Indiana. The copies of the slave petitions are included in Harrison's papers, but they are only there as official copies that he signed and sent to Washington. The majority of his papers are about making land deals with the Indians, and they are not just the official treaties. Harrison wrote numerous letters to President Jefferson and people in the War Department as he attempted to buy from or trade with the Indians for land rights. Dealing with the Indians was a longer and more important issue than the debate over slavery. From managing trade, dealing with murders, and attempting to acquire land, Harrison was handling a variety of issues, and ultimately managed a war.¹⁷⁹ The Indians were one of his foci during his entire time as governor.

In addition, Harrison was in charge of a plethora of other problems. He was responsible for making sure the salt works in the territory functioned and ran well.¹⁸⁰ When the United States acquired the colony of Louisiana, Harrison had the task of overseeing the northern section of the territory and the new Louisiana government, after it was formed.¹⁸¹ All of the additional items included in the petitions to Congress were also of great importance. While the residents later claimed the Harrison had too much power, the concentration of power in the hands of the governor meant that Harrison had to oversee and approve almost every decision. In a new territory, taxes had to be created and collected, a process for selling land had to be formalized, an infrastructure needed to be built and maintained, laws had to be written and enforcement personnel appointed, just

¹⁷⁹ Clanin & Dorrel, 1801-1812, microfilm.

¹⁸⁰ Clanin & Dorrel, 1800, microfilm; Burns, 448.

¹⁸¹ Clanin & Dorrel, 1804, microfilm, Burns, 453.

to name a few of his obligations.¹⁸² While slavery became a controversial political issue in 1809, the proslavery efforts did not pursue the introduction of slavery as the main objective in the territory. Although the issue of slavery persisted, proslavery forces essentially gave up in the face of opposition because other issues were more important.

Even though there were other larger issues that demanded attention, it is important to note that the proslavery faction did not make slavery one of the most important issues. The group continually pushed for slavery during the 1800s, but they eventually gave up, with relatively little fight. Harrison, as leader of the proslavery faction, has been heavily scrutinized for his involvement and some historians have taken Harrison's family history as a Virginian aristocrat to mean that he demanded Indiana become like Virginia, but that was not the case. Other elements of Harrison's life prove otherwise. While away in Richmond studying medicine in 1790, Harrison "allegedly joined a Quaker abolitionist society that promoted gradual emancipation."¹⁸³ Even if that was not true, Harrison only spent his childhood in Virginia, living the rest of his life on the frontier, exposed to other ideas and forms of society. After he fought in the War of 1812, he left Indiana and settled in free Ohio, eventually becoming an antislavery candidate for Congress. He could have settled in Kentucky, where he had family ties and even owned some land. Instead, he chose to settle in Ohio, where he would have to emancipate his slaves.¹⁸⁴ While the proslavery faction believed that slavery would be beneficial to the Indiana Territory, it was not about replicating Virginian society or

¹⁸² Clanin & Dorrel, 1799-1801, microfilm; Hammond, 101.

¹⁸³ Owens, 14.

¹⁸⁴ Hammond, 100.

plantation economics in Indiana. This loose attachment to the institution of slavery made the debate a much easier win for antislavery forces.

Chapter Four

The End of Slavery in Indiana: The 1816 Constitution and *Polly v. Lasselle*

After the repeal of the indentured servitude act in 1810, slavery as a political debate disappeared. Other issues, mainly conflicts with the Indians, occupied the minds of Indiana residents. Certain politicians continued to address their personal views on slavery, such as when Governor Posey, who President Madison appointed governor in 1813, confronted concerns that he was from a slave state, explaining that he was against slavery and would not try to impose it on the territory.¹⁸⁵ Thornbrough establishes that migrants who sought to bring in slaves found other ways to circumvent the law, such as “emancipating” the slave before having him or her sign a service contract. Little distinction was made between slaves held before 1787, and those held under indentured servitude contracts, although each group was held under different legal reasoning. Both groups continued to be bought, sold, and traded, as well as referenced in wills.¹⁸⁶ While slavery was still a part of life for many Indiana settlers, it was not a source of political contention.

The issue of slavery only appeared politically again as Indiana was preparing for statehood. Even before Congress had given its permission to vote on the matter, letters appeared in the *Western Sun*, requesting that slavery be prohibited in the state

¹⁸⁵ Barnhart & Riker, 417.

¹⁸⁶ Thornbrough, 13-16.

constitution.¹⁸⁷ Those outside of Indiana also felt compelled to make their ideas known. Alexander Mitchell wrote and distributed a small book or pamphlet, written anonymously as Citizen of Ohio, that explained the arguments, political, economic, and religious, against the adoption of slavery.¹⁸⁸ The results of the convention were a victory for antislavery efforts. Largely borrowed from the Ohio Constitution, section 7 of Article 11 of Indiana's 1816 Constitution outlawed slavery or involuntary servitude in Indiana, except in the case of punishment, in which case there should be a trial and conviction. The section also addressed indentured servants, stating that any contract made after this date or in another state would not be recognized in Indiana. In addition, the convention guaranteed that this section could not be changed. As a built-in revision measure, Article 7 required that a vote every twelve years would determine if a new constitution or revisions were needed. But the article included the exception that no vote should ever be taken to alter the status of slavery in the Constitution.¹⁸⁹

With the passage of the Constitution and Indiana's journey into statehood in 1816, the introduction of any more slaves in the state was permanently fixed and rejected. Slavery was never again a source of political debate. However, the adoption of Article 11 in the Constitution did not change the prior existence of slavery and indentured servitude in the state and nothing specific was said on that point. In addition, fugitive slave laws were still in effect. A look at the *Western Sun* from 1816 to 1820 demonstrates the continuing presence of slavery. There are advertisements for runaways, many of which were from out of state, such as Kentucky and Tennessee, but there were some from in

¹⁸⁷ *Western Sun*, February 3 1816, March 2, 1816, microfilm.

¹⁸⁸ Citizen of Ohio, *An Address to the Inhabitants of Indiana Territory on the Subject of Slavery* (Hamilton, OH: printed at the Philanthropist office, 1816) at Indiana Historical Society, Indianapolis, IN.

¹⁸⁹ Barnhart & Riker, 455, 457-8.

state. There are also advertisements from in state for the sale of servants indentured under the 1805 law, or advertisements that do not make a distinction between slave and indentured servant.¹⁹⁰ Slavery was still a part of everyday life, especially for those in Vincennes. Slaveholders continued to cling to their private property rights and the idea that any law regarding the abolition of slavery could not be applied *ex post facto* prevailed.

This interpretation all changed in 1820, when the Indiana Supreme Court finally made a decision regarding the status of slaves in Indiana. The courts had previously heard multiple cases regarding freedom of slaves or indentured servants, and while many unsuccessfully sued for their freedom, others did win. If the contract was not recorded properly, or as for some others, if the contract was carried out before or after the indentured servitude law was on the books, the judge ruled in favor of the blacks' freedom.¹⁹¹ But these cases were decided on an individual basis and did not affect the status of other slaves or indentured servants. However, in 1820, the Indiana Supreme Court finally decided on a case that changed the legal perception regarding slavery.

The case started in Vincennes, with Polly, a slave, suing for her freedom from Hyacinth Lasselle. The Lasselle family was a prominent French family in the area, and served as an example of life in the Indiana Territory. Hyacinth's father and uncle were both successful traders with the Indians in the Northwest Territory, traveling from Canada to Detroit and present day Fort Wayne. One of Hyacinth's relatives, possibly his brother, Jacques, remained in Detroit and also experienced legal issues regarding his

¹⁹⁰ *Western Sun*, February 8, 1817, November 20, 1819, microfilm.

¹⁹¹ Thornbrough, 17-9.

slave, but since this case was in 1807, Jacques experienced a more favorable outcome.¹⁹² Hyacinth and his brothers also became traders, with Hyacinth eventually settling in Vincennes. His name appears as a resident in the 1807 census.¹⁹³ Hyacinth married the daughter of Francois Bosseron, the merchant who supplied American troops in Vincennes during the American Revolution. Hyacinth owned and operated one of the more prominent taverns in Vincennes, while continuing his trade business with the Indians.¹⁹⁴

The traditional academic narrative surrounding *Polly v. Lasselle* was created by Jacob Piatt Dunn. In Dunn's explanation, Lasselle agreed to the test case because he had already emancipated his slaves and Polly had decided to stay with the family. The case was simply to gain a legal decision, not to actually challenge Lasselle's ownership of Polly. When the Knox County Court decided in favor of Lasselle, Polly appealed the case to the Indiana Supreme Court, which decided in her favor, reversing the lower court's decision. Even though Lasselle prepared the papers for an appeal to the Supreme Court, he decided against pursuing it and released Polly with some clothes and money and arranged for her to move to St. Louis, where she had relatives. Dunn even states that Polly returned home to visit the Lasselle family on occasion and harbored no ill feelings.¹⁹⁵ Dunn acknowledges the limitations of the story as he presents it. While he normally relies on citations, he does not cite anything specific in recounting the details of

¹⁹² Gregory Wigmore, "Before the Railroad: From Slavery to Freedom in the Canadian-American Borderland," *The Journal of American History* 98, no. 2 (Sept. 2011): 437-454, 447.

¹⁹³ *Census of Indiana Territory for 1807*, Indianapolis: Indiana Historical Society. 1980.

¹⁹⁴ Burns, 454; Clanin & Dorrel, November 30, 1801, microfilm.

¹⁹⁵ Dunn, *Redemption*, 437-441.

the case. Instead, he uses phrases such, “it is said,” which demonstrate the questionable nature of the story.¹⁹⁶

Even though Dunn accurately cites the importance of the case and the court decisions themselves, the context of the case is not accurate. Dunn had access to at least some of the Lasselle family papers, but it does not appear that he had access to records from the Knox County Court. These county court records provide a much different description of the case. While both the county court and supreme court decisions were not made until 1820, Polly attempted to gain her freedom beginning in 1818. On July 15, 1818, Hyacinth Lasselle received a summons to appear before Judge Thomas Blake in Vincennes on the first Tuesday of August. He was to bring Polly and her brother James and inform the court of the reason for their detention. On August 4, 1818, Lasselle sent to the court two indentured servant contracts, one for Polly and one for James, explaining that these contracts were the reason for the siblings’ detention and requesting that the case be dismissed. The contracts stated that James, who was then seventeen, would serve for four years, and that Polly, who was twenty-two, would serve for twelve years. There are multiple issues surrounding these contracts. The contracts were signed and sealed on July 16, 1818, the day after Lasselle received the summons from the court. As indentured servant laws were repealed in 1810, these contracts were sure to state that both signed them willingly. Written in first person, the contract for James explained that he had been initially purchased by Francois Lasselle, possibly Hyacinth’s brother, and believing that he could be held as a slave, had served Hyacinth. It was not until “the present time, when I am taught and induced to believe I am free,” that he questioned his status as a slave.

¹⁹⁶ Dunn, *Redemption*, 441.

However, James continued to explain that while he believed that he was free, “it would be the height of ingratitude not to make a just retribution and compensation by my service for the care and attention he has bestowed upon me in my infancy.”¹⁹⁷ The same reasoning appeared in Polly’s contract.

To combat the idea presented by these contracts, James and Polly sent their own pleas to the court with the help of Moses Tabbs, their attorney. James’s plea mentioned three reasons as to why the contract dated July 16 was unlawful. The first was that James was considered a minor because he was under twenty-one, and unable to enter into legally binding contracts. The second reason is that Hyacinth and others imprisoned James and held him by force until he signed the contract. Even more egregious was that Hyacinth threatened to sell James to New Orleans if he refused to sign the contract. Polly’s plea included these last two reasons as to why her contract should be considered unlawful.¹⁹⁸ Threats of being sold downriver were not uncommon. Governor Harrison intervened in a case in 1804, when a family attempted to remove indentured servants from the territory without their consent in order to sell them downriver.¹⁹⁹ Even later, men would attempt to capture free blacks and take them downriver to sell. The *Western Sun* reported such a case on March 21, 1818. Two men were taking a group of blacks, many of which the newspaper noted were free, down South to be sold. The short article explains that the blacks justly murdered the two men in order to escape.²⁰⁰ The documentation of these threats substantially challenges Dunn’s narrative of the case.

¹⁹⁷ Knox County Court Files, Box 35, #2104.

¹⁹⁸ Knox County Court Files, Box 35, #2104.

¹⁹⁹ Dunn, *Redemption* 312-4.

²⁰⁰ *Western Sun*, March 21, 1818, microfilm.

Lasselle could not have threatened James and Polly, while at the same time freeing the rest of his slaves and willingly letting Polly go.

Judge Blake did not dismiss the case as Lasselle requested, and the case continued into 1819. During this time, multiple requests for witnesses were sent out. If these witnesses provided any testimony, the documents are not preserved with the other court documents. The only other testimony recorded came from Jenny, James and Polly's mother. She testified in a letter to the court, with the help of Moses Tabbs, that Indians captured her a long time ago and that after the Treaty of Greenville in 1795, they sold her to Antoine Lasselle (Hyacinth's uncle). During her service to Antoine, she had James and Polly, who Antoine then sold, each to a different owner. Each of these owners then sold the children to Hyacinth. Jenny argued that according to the provision in the Treaty of Greenville that stated that all prisoners were to be set free, she should have been set free and therefore all of these other events, such as her children being claimed as slaves and then sold, were unlawful.²⁰¹

At another point John Johnson, a lawyer, also expressed his opinion on the status of Jenny's children. He argued that due to the laws of warfare, Jenny's capture by the Indians was enough to make her a slave, if that is what the Indians intended. After the Northwest Territory became a part of Virginia, he contended that the law of Virginia would continue her status as a slave and that as private property, her emancipation was prevented by the Cession Act's provision protecting the property of the territory's inhabitants. Her status was not affected by Article 6 of the Northwest Ordinance, making her, without question, a slave. Johnson continued, explaining that children have always

²⁰¹ Knox County Court Files, Box 35, #2104.

followed the condition of the mother. With this context, he had no problem in stating that Jenny's children were also slaves.²⁰² While this opinion undoubtedly portrays the argument put forth by Lasselle, there are some issues with it as a source. Johnson's opinion is not dated and does not mention the Indiana Constitution, so it could have been written before 1816. But he does mention two children, which means that the opinion was not written in 1820, at which point the court case had stopped mentioning James. The other issue is the lack of context. Dunn, in assembling the document, ascribed the opinion to *Polly v. Lasselle*, but nothing in the opinion explicitly states who the slaves in reference are. Johnson only refers to them as the "negro woman" and her children. In addition, Johnson is not writing this as a court decision, but simply his opinion as a lawyer. Perhaps Lasselle asked for Johnson's advice at some point during the case or maybe even inquired earlier if he was required to free his slaves. While the context is not completely known, Johnson's opinion nicely summarizes the argument Lasselle used to defend his possession of Polly.

These early summons in 1818 ended with the call for the witnesses in 1819. No official decision or ruling of the court is available, if there even was one. The next occurrence of a court case is on January 27, 1820, when Lasselle received a summons from Judge Jonathan Doty to bring Polly to court the next day for him to hear the reason for her detention. James, Polly's brother, was not included in this case for unknown reasons, possibly because he was a minor. Lasselle acknowledged the summons and brought a letter to court, explaining that Polly's mother was purchased from the Indians and not affected by the Treaty of Greenville and protected under the Cession Acts,

²⁰² Dunn, "Slavery Petitions," 528-9.

allowing her children to be slaves as well.²⁰³ The court made multiple attempts to find witnesses through February and early April. Some of the names can be recognized as Lasselle's business associates, or, for instance, Jame's former owner, Pierre Laplante, who was summoned on February 12. But overall, the summonses do not explain the connection of the individuals to the case. Lasselle pleaded for more time on February 12, arguing that an important witness or portion of the testimony had to be procured from the Fort Wayne or Detroit area, which meant the court date needed to be pushed back. During this time, Amory Kinney, an attorney new to the town and to the case, entered an argument for Polly's freedom. He explained that Polly's mother should have never been held as a slave, but even in spite of that, Polly was born in 1796, after the passage of the Northwest Ordinance, and should therefore be considered free. On April 10, witnesses for both sides were called again, this time to meet on the first Monday of May.²⁰⁴

The judgment given by Judge Doty is not dated. The final court date could have been the first Monday in May as stated on the summons to the witnesses, which happened to be May 1, but the final court date had to have happened before May 12, 1820, which is the date on the appeal bond. The judgment is actually for two cases: Polly's claim for freedom and another slave's, François, attempt to gain freedom from his master, widow Tisdale. Judge Doty uses the same logic in both cases because of the many similarities. Both were the children of mothers held as slaves in the Northwest Territory before it became a part of the United States, so the questions surrounding the cases were the same. Were the mothers considered free under Article 6 of the Northwest Ordinance? If not

²⁰³ Knox County Court File, Box 40, #2325.

²⁰⁴ Knox County Court Files, Box 40, #2325.

them, what about their children? On the first question, Doty stated that the right to hold slaves was guaranteed by the state of Virginia and therefore the Northwest Ordinance could not simply liberate the existing slaves. He continued that to do so would “be not only contrary to the spirit of all our laws but would be in open violation of the constitution of the United States which makes private property inviolable.”²⁰⁵ As for the children, Doty decided that they should take the status of the mother. He reasoned that this method was the one applied in slave states and that for all purposes regarding these mothers, Indiana was essentially a slave state and the same rules should apply. The only way any of these legal traditions could be changed was through the direct consent of owners. With these conclusions, Judge Doty remanded both Polly and François back to their respective owners.²⁰⁶ Doty’s argument is the model of the proslavery argument that had been around since Governor St. Clair issued his interpretation of Article 6. Slaveholders in Indiana had argued that private property was not affected by Article 6 for decades. The only difference is that this opinion set a legal precedent.

Polly and her attorneys did not wait long to file an appeal. The appeal bond, posted by Joseph Hoffman, was signed May 12, 1820 and the court hearing took place at the Indiana Supreme Court in Corydon, which was the new state capitol, on July 22, 1820. No new arguments were recorded at the Supreme Court hearing. The court received an exact transcript of the Knox County hearing from Robert Buntin, the clerk of Knox County. With the same evidence and arguments before it, the Indiana Supreme Court made an historical decision and reversed the judgment, freeing Polly. The

²⁰⁵ Knox County Court Files, Box 40, #2325.

²⁰⁶ Knox County Court Files, Box 40, #2325.

momentous part of the decision is that it did not only free Polly, but put into place a legal decision that said the Indiana Constitution's prohibition of slavery overruled any other claims about protecting private property. The reasoning of the decision rests in the powers of a legislative body. The judges argued that multiple states had already demonstrated that legislative bodies had the authority to emancipate slaves and that the constitutional convention, because its delegates were elected and given the task of creating a legislature, possessed the same authority to limit or prohibit slavery. With this thought, the legacy of slavery in Indiana was not important; only the Constitution's stance on slavery mattered. While the judges did recognize that some pre-existing rights do stand, they argued that "a special reservation can not be so enlarged by construction as to defeat a general provision. If this reservation were allowed to apply in this case, it would contradict, and totally destroy, the design and effect of this part of Constitution."²⁰⁷ Since the issue of slavery was too large to be considered a pre-existing right, the straightforward prohibition of slavery in the Constitution was the only law that mattered. Therefore, the judges reversed the decision, and not only was Polly released as free, but won monetary damages, but attempts to collect the judgment lasted well into 1821.²⁰⁸

Lasselle did not take losing the appeal lightly. He prepared papers to appeal the case to the United States Supreme Court. The appeal papers were dated July 27, 1820, not even a week after the court decision. Included with the appeal address to the Supreme

²⁰⁷ Isaac Blackford, *Reports of Cases Argued and Determined in the Supreme Court Judicature of the State of Indiana with Tables of the Cases and Principal Matters*, vol. 1 (Indianapolis: H.H. Dodd & Company, 1862), 74.

²⁰⁸ *Polly, a woman of color v. Lasselle, Hyacinth and Pierre LaPlante*. (Indiana Supreme Court 1820), Indiana State Archives, Indianapolis, IN.

Court is a letter instructing someone to acquire the signatures of the clerk and judge of the federal district on the Writ of Error. There is also a writ on the part of the clerk for the Indiana Supreme Court acknowledging the need to forward a transcript of the case to Washington and an order for Polly to remain in Hyacinth's possession because of the appeal.²⁰⁹ Even though all of this paperwork on the appeal exists, the case was never heard at the federal level, but it is unclear as to why. The copies of the documents within the Lasselle papers do not include any signatures by court clerks or judges. Lasselle did not explain if he decided not to pursue the appeal or if an appeal was denied. He could have decided to not pursue the appeal for personal reasons. The feelings about slavery on the national level could have also influenced him. A few years before, Ohio's Supreme Court had decided that banning slavery meant that any slave that entered the state was considered free.²¹⁰ Historians do not mention it, but the Missouri Compromise might have influenced Lasselle to not pursue the appeal. When the Compromise was passed, it cemented Congress's ability to decide if a territory or state could allow slavery or not. Even though the debate surrounding the Compromise put slavery in the center of national politics, the question of slavery in the former Northwest Territory was not up for question. Instead, it actually hurt Lasselle's argument in that it recognized Congress's power to prohibit slavery via Article 6.

This speculation as to why the appeal did not occur is not important to the outcome of the case. Polly was free and the court finally settled a legal question that had persisted since 1787. This court decision was one of the final blows against slavery in

²⁰⁹ Lasselle Family Papers, Indiana State Library, Indianapolis, IN, microfilm.

²¹⁰ *Western Sun*, August 30, 1817, microfilm.

Indiana, discounting the oldest argument for the continued holding of slaves. Slaves held before 1787 had always been considered a special group, exempt from Article 6 and protected as private property, but that was no longer the case. Any slave held in Indiana, no matter when he or she was acquired, was considered free under the Indiana Constitution.

Chapter Five

Conclusion

While the decision in *Polly v. Lasselle* was groundbreaking, it did not extinguish slavery completely from Indiana. As explained previously, there were two different kinds of slaves held after 1810: those that were held as slaves before 1787 and their children, and those held as indentured servants under the 1803 and 1805 laws. Some owners interpreted *Polly v. Lasselle* as only applicable to the first group. It took another Indiana Supreme Court case in 1821 to emancipate the indentured servants. Even with the court cases, emancipation did not happen suddenly. After the American Revolution, the North experienced a slow decline of slavery. Slowly, each state made slavery illegal and while slaves continued to exist in the North for several decades, the number slowly declined from deaths and emancipations. This slow decline is exactly what happened in Indiana after *Polly v. Lasselle*.

Slavery did not simply disappear overnight, but slavery in all forms continued to go through a slow death through the next decade. In 1820, there were 190 declared slaves in Indiana.²¹¹ While the date the census was taken in Knox County is unknown, Lasselle registered five blacks in his household. It is not noted if they were slaves or free. There were three males, one between the ages of 14 to 25, one between the ages of 26 and 44 and another over the age of 45. Of the two females, one was under the age of 14 and the

²¹¹ Barnhart & Riker, 458.

other was between the ages of 26 and 44. The census is interesting for two reasons. In 1820, Polly would have been 24, using the date given in her indentured servitude contract from 1818. Since there is not a female listed with that age, it is possible that the census was taken after July 22 and Polly was released and no longer living with the Lasselles. If that is the case, who were these other blacks living with the Lasselle family? While it does not explicitly label them as slaves, the census also does not label them as free. The female under the age of 14 is possibly Melinda, a young black girl who was indentured to Lasselle in 1819 under the Poor Relief Act. Under this law, children who were orphans or whose parents could not take care of them could be indentured out to other families to take care of them, almost like an apprenticeship. When Melinda was indentured in 1819, she was eleven years old and the indenture was to last until she was eighteen.²¹² The youngest boy could have been James, Polly's younger brother who had also petitioned for his freedom in 1818. While these factors are unknown, it is clear that the court case did not radically change the Lasselle household; blacks still lived with and probably worked for Hyacinth Lasselle.

The number of slaves in Indiana dropped significantly by 1830, with only three slaves in the whole state recorded in the 1830 federal census, but a local census that same year listed thirty-two. A decade later, there were still three slaves listed in the federal census.²¹³ One of the slaves was in Putnam County and Etcheson speculates on the slave's identity in her book, *A Generation at War*. While the identity of the slave is unknown, it might have been a woman named Jane Keath, who was born in Kentucky

²¹² Laselle Family Papers.

²¹³ Barnhart & Riker, 459.

and moved to Indiana as a free black and was listed independently in the 1850 census.

Etcheson suggests that blacks in Indiana first had to go through a period of quasi-slavery before exercising full independence, or it simply took time for residents in Putnam County to recognize that blacks did not necessarily have to be slaves.²¹⁴

The evolution of slavery in Indiana was truly unique. Beginning with the French migrants from Canada, the usage of slavery in the Illinois Country differed substantially from any other region that utilized the Code Noir. The French in Illinois focused on productivity and efficiency so much that treatment of slaves was unmatched. This experience was uncommon even for other French colonies, where larger numbers of slaves and labor-intensive crops demanded strict authoritative control. The French Illinois Country was a growing society with slaves. Even though the number of slaves increased, they remained a valuable commodity, accepted into French society through religion, and shared work experience. There is very little comparison between French slavery and that in other colonial regions. No other region experienced the same emphasis on protecting slaves and keeping them productive. Other societies with slaves, such as early colonial Virginia did experience interaction between slaves and owners in work environments, but these experiences became more limited as Virginia transformed into a slave society before the American Revolution.

After the region transferred into American hands, the evolution of slavery continued towards a style more similar to the American colonies, but at the same time, most of the rest of the United States continued to evolve into a stronger, more restrictive

²¹⁴ Nicole Etcheson, *A Generation at War: The Civil War Era in a Northern Community* (Lawrence, KS: University Press of Kansas, 2011), 84.

slave society. While the Northern states slowly did away with slavery and the Upper South made it easier to emancipate slaves, the overall result of the Revolution and the growing antislavery movement was for slave societies to place further restrictions on slaves and create a stronger patriarchal power relationship. Because Indiana remained a society with slaves, the territory had very little in common with the growing slave societies of the Deep South. Indiana gained much of its early American influence about slavery from the Upper South, which is why Indiana most closely resembled this region. However, it was not a replica of Virginia in 1800. Although Indiana had a history of slavery with the French settlers, the first real American influence was to outlaw slavery through Article 6 of the Northwest Ordinance. For proslavery forces migrating to Indiana, this meant any attempt to introduce slavery was essentially a new introduction of slavery into the territory. Therefore, while the Upper South was the source of many of the new slave laws and legal reasoning to circumvent Article 6, the society that developed was more like the early colonial society with slaves, where slavery had not yet taken hold. Over the next decade, the institution of slavery became more popular in Indiana, but in limited geographic areas and among a certain demographic. These limitations kept Indiana from becoming a slave society.

Slavery in Indiana did not gain a legal stronghold like in the Upper South but Indiana did adopt a national trend of using slavery in politics. One of the arguments historians give for the unopposed passage of Article 6 is that slavery was not yet a divisive issue. By 1809, that fact had drastically changed across the nation. Politicians, such as Jonathan Jennings, took the idea of slavery and made it more than the institution. The goals of those who supported slavery were not necessarily as represented by their

opponents. The most vocal reason was the ever-increasing need for labor in order to properly develop and maintain the territory. At first, the opposition countered these arguments with examples like Ohio, a free state who had already joined the Union and the growing population in Indiana. They contended that development was not hindered by the lack of slaves and the prohibition of slavery enabled white men to make a decent living as a laborer since they did not have to compete with slave labor. By 1809, the arguments of the antislavery faction had shifted to labeling the proslavery supporters as Federalists who sought to create an aristocratic society on the frontier. The use of slavery in political debates shifted from actually being about the institution to labeling candidates as undemocratic. This shift was also happening on the national scale, where slavery was becoming an increasingly controversial issue and would soon drastically divide the nation.

Polly v. Lasselle was one of the most influential court cases ever heard by the Indiana Supreme Court. It reversed over two decades of circumventing a prohibition on slavery and finally determined that Indiana was to be a free state. It is really the last gasp of slavery in Indiana. There were no protests or editorials mentioning the case. In fact, it was not even mentioned in the Vincennes's newspaper once. Indiana was ready to be done with slavery. But the case also exposes the real nature of slavery in Indiana. The true narrative of the case, while still incomplete, demonstrates a very different kind of slavery than traditionally presented by Dunn. The Lasselle family did not consider their slaves to be family or willingly free them. Instead, Polly had to fight for over two years to even get a court hearing.

Even though slavery in Indiana never evolved past a society with slaves, slavery was still about an evolving power relationship. Under French control, the relationship was closer to equals. Because the French placed so much emphasis on productivity, slaves received better treatment than if they were expendable and easily replaced. As Indiana came under American control and Article 6 challenged slavery's existence, slave owners exercised more power over slaves by creating loopholes to fight back against antislavery legislation. At the same time as the number of slaves grew, albeit slowly, and more legislation was created in favor of slavery, owners gained more power in the slave-owner relationship. The 1809 election was the peak of the owner's power, after which it slowly shifted back towards the slaves as they sued for freedom and exposed illegal attempts to hold them. By 1820, slave owners were clinging to their last legal loophole. Polly and James's struggle to have a court date and Lasselle's efforts to keep that from happening demonstrate this power relationship perfectly. His subversive efforts to keep Polly and James demonstrate the lack of power he had. Although it still took several decades for slavery to disappear from Indiana, the court judgment made the slave-owner power relationship insignificant. After years of debating about slavery and its potential economic or demographic benefits and using it to define different political factions, slavery was no longer important. It no longer defined state politics, and given the social reaction to the State Supreme Court case, no one seemed to notice its exit from the political sphere, even as slavery and sectionalism rose in importance on the national level.

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