

THE
HISTORY AND CIVIL GOVERNMENT
OF INDIANA



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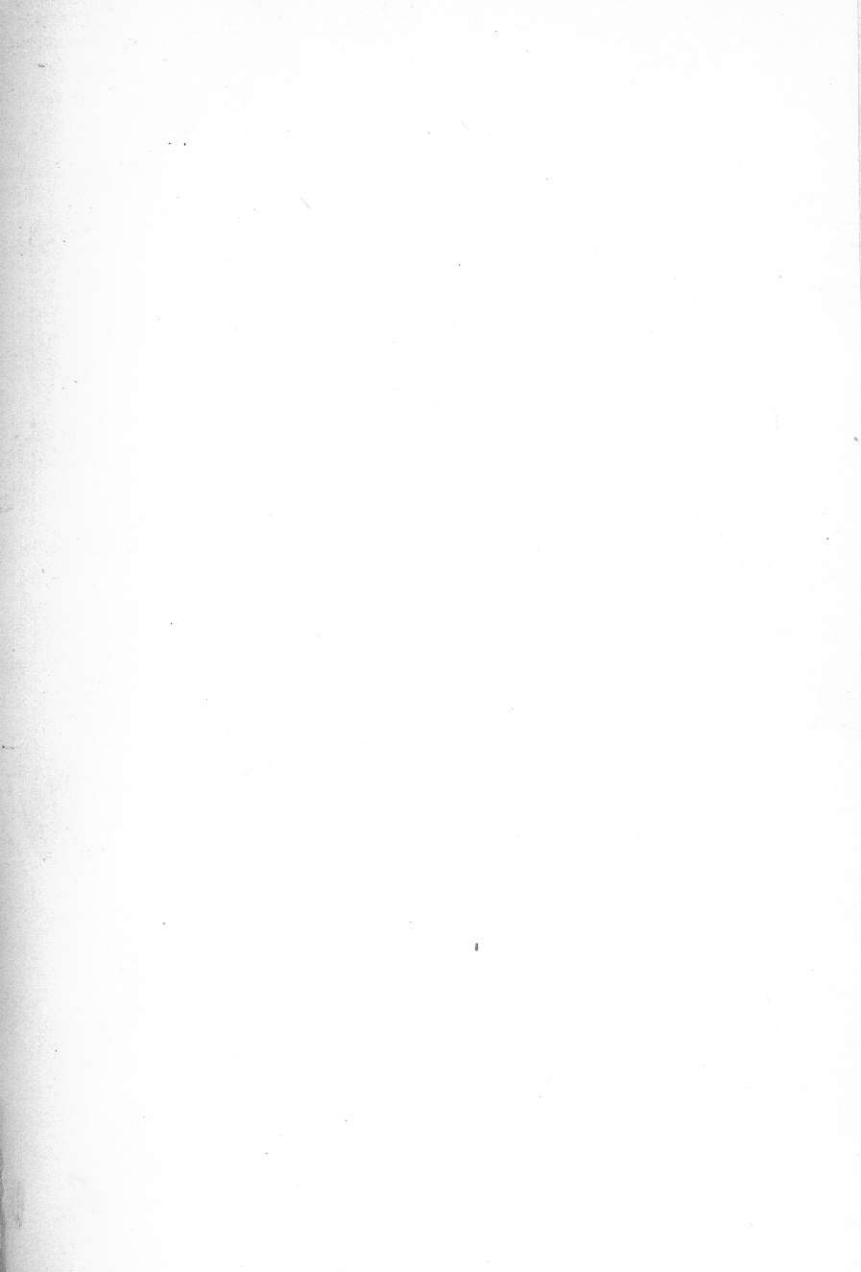
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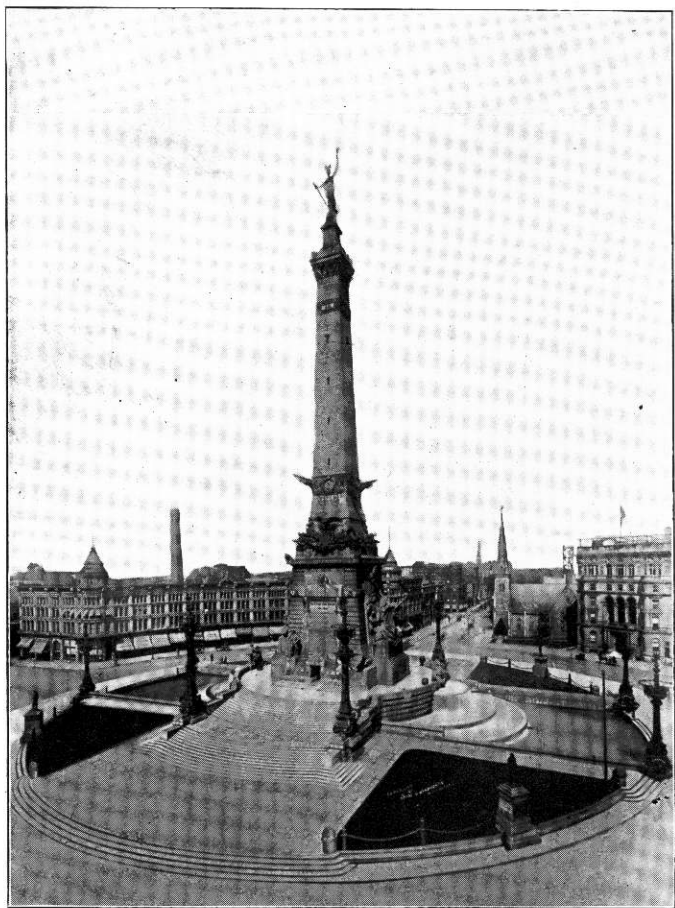
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“To Indiana’s Silent Victors”
SOLDIERS’ AND SAILORS’ MONUMENT, INDIANAPOLIS

THE HISTORY AND CIVIL GOVERNMENT OF INDIANA

BY

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PREFACE

THE State of Indiana is sponsor for its public schools. The State has kept faith with its constitutional provision for the organization and support of a uniform system of schools, open and free to all its citizens. To help the schools keep faith with the State is the purpose of this little volume.

Experience proves that students do not view the State Constitution as a document with the interest they give it as a living instrument in action. Therefore, instead of relegating it to the Appendix, where at best it has the appearance of a skeleton at a feast, the Constitution has been made the center of the book, and, let us hope, the center of interest. The various subjects treated in the Constitution are classified as far as possible without destroying the original order, and comment follows each quotation. The chapter on the relation of state and federal government is the logical link between the two systems, regardless of the order in which they may be presented. The introduction of a historical element, the tying together of paragraphs by threads of interest, and the occasional suggestion of mental images, it is believed, will stimulate thought. In brief the aim of the book is to vitalize what is too often a dull subject in school. This vitalizing influence may be extended by the teacher. The lines of institutional life in the State may be followed as far as time and material will permit. The school itself is an embryonic state, and may be made as much of a junior republic as the teacher desires. However, it is true that even a detailed

knowledge of the functions of government does not always make a good citizen. We may teach civics and miss that patriotism which the State rightly demands of its citizens. The larger practical good to the State will come from lessons in moral integrity. Without preaching at them, students should be led to see that a pure heart, guided by a clear mind, is the best gift offered at the shrine of our commonwealth.

The matter-of-fact material treated has invited no attempt at literary style, but at no time has the author been unmindful of his obligation to be clear and concise. Criticisms of the book will be gratefully acknowledged.

ELDO L. HENDRICKS.

DELPHI, INDIANA,
June 15, 1908.

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THE HISTORY AND CIVIL GOVERNMENT OF INDIANA

CHAPTER I

THE RELATION OF STATE AND FEDERAL GOVERNMENT

1. Introduction.—The relation of State and Nation is the most striking characteristic of our government. The dovetailing of state and federal authority is so complex yet so simple, so promising of discord yet so harmonious, that we are forced to admire the skill of construction and the strength of union. This complexity is due to specialization and is necessary to the high degree of liberty enjoyed by our people. Daniel Webster said:—

Nothing is more deceptive or more dangerous than the pretense of a desire to simplify government. The simplest governments are despotisms; the next simplest, limited monarchies; but all republics, all governments of law, must impose numerous limitations and qualifications of authority, and give many positive and many qualified rights. Works, IV, 122.

Our form of government has been declared the most finished production of political ingenuity. Seldom has it been attained in the world's history. It is possible only in a refined age and among a people of political education. Freeman's *History of Federal Government*, 3.

2. The State.—The term *State* is here used in distinction from *Nation*. A State is one of the self-directive political units of the United States, having clearly defined boundaries and a republican form of government. The State is Meaning of the term *State*.

Hinsdale's
*The Amer-
ican Gov-
ernment*,
418.

supreme within its own sphere, but dependent within the sphere of the federal government. It is independent of every other State in all affairs which concern itself only; it is subject to the federal government in all affairs which concern the States collectively. Sovereignty rests neither in state nor federal government, but in the people who directly control both forms of government. The State Constitution, a written organization of government, stands above all legislative enactment or judicial decrees and is the highest exponent of the political character of the people.

THE FORMATION OF STATE CONSTITUTIONS

Bryce's
*American
Common-
wealth*, I,
413.

3. Origin of State Constitutions. — State constitutions are the oldest forms of government in our history. They are found embodied in the charters granted to the earliest English settlements on our coasts. They may be traced back to a time preceding the discovery of America. The chartered cities of the Middle Ages were children of still more ancient corporations, dating back to the days of law-giving Rome.

4. Transition from Colony to State. — Early in the American Revolution there was a transition from colonial to state government. May 15, 1776, Congress advised the colonists to form state constitutions, which should "in the opinion of the representatives of the people best conduce to the happiness and safety of their constituents in particular, and of America in general." Naturally the colonists turned to their charters for material. In them provision had been made for a governor, with absolute veto power, usually appointed by the crown or proprietor; here also were found judges, usually appointed by the governor; and here was a legislature, the upper house of which might be

chosen by the governor, but the lower house of which was elective. In this way the colonial government supplied a foundation upon which to build a state government. It remained for the framers of the new constitutions to make the form more democratic; to separate more distinctly the legislative, judicial, and executive departments; to render officials, generally appointive under the colonial system, elective under the state system. Thus was prepared the new state constitution with its bill of rights, its frame of government, and its miscellaneous provisions for administration. The close relationship of State and Nation is well illustrated in the very beginning of our history. For these new state constitutions, suggested by a Continental Congress, in turn supplied material for the making of our federal Constitution.

Bryce's
*American
Common-
wealth*, I,
38, 40.

5. Supremacy of the Legislature.—At a time when their liberties were best represented in the legislative department of colonial government, the colonists were engaged in a desperate struggle with executive power. Their conflict with the executive, and their taste of self-government in the legislature, induced them to decry the former and exalt the latter. In framing the state constitutions the legislature was made supreme. It met annually in long sessions; it appointed governors and judges; in short, it was a new Parliament in the new States. Madison said in the constitutional convention of 1787:—

Ashley's
*American
Govern-
ment*,
Chap. 9.

Experience proves a tendency in our government to throw all power into the legislative vortex. The executives of the States are little more than ciphers; the legislatures are omnipotent.

6. Restrictions on the Legislature.—The new States were scarcely organized before the people realized that they had intrusted too much to the legislature. The democratic spirit of the times awakened in them a consciousness of their

own ability to rule. They at once began a restriction of legislative power, which has continued to the present day. They demanded that constitutions be submitted to them for ratification. The lengthy annual sessions of the legislature were reduced to brief sessions every two years. The formation and control of the judicial department was removed from the authority of the legislature. The right of choosing a governor was taken away from the legislature and given to the people. The governor was given a veto power over legislative acts; his term of office was lengthened and, in many States, he was made eligible for reelection. As confidence in their liberties increased the fear of executive power declined, and the people learned to regard the three departments of government as instruments in their hands.

Period of
Useful-
ness.

Bryce's
*The Amer-
ican Com-
mon-
wealth*, I,
438.

7. Growth of State Constitutions.— Since the Revolutionary period growth has been the distinguishing mark of state constitutions. The average age of service of this political servant is estimated at thirty years. Georgia and Louisiana each have had six frames of government, exclusive of their Secession documents. Pennsylvania has enacted four, Illinois three, and Indiana two. Altogether over one hundred constitutions have been enacted in the States of the Union.

Increase in
Length.

The earlier constitutions were brief. They were restricted to an outline of the organization of government, and a statement of the conditions under which laws might be made and enforced. With the complex growth of industrial and social life has come a demand that constitutions not only prescribe in detail the organization of government, but that they enter the field of private law and legislative enactment. The fear of corporation management, the distrust of legislators, and an abiding faith in democracy have expressed themselves in codes of law embodied in the more recent

constitutions. This mode of popular lawmaking produces decidedly longer documents than those of our earlier history. For instance, Virginia's first constitution contained four pages, her second seven, her third eighteen; her present constitution, written in 1870, contains twenty-two pages, or about seventeen thousand words. The extremes are marked in the constitution of New Hampshire (1776) with about six hundred words, and the constitution of Oklahoma (1907) with fifty thousand words.

Wilson's
The
State,
894-896.

FEDERAL POWERS

8. Federal Powers. — The constitutional convention of 1787 assumed the right and undertook the task of distributing all governmental powers which had been secured by the people. As representatives of their respective States they delegated to the federal government control over those affairs which concerned all the States, or which could be successfully performed only by a nation acting as a unit. The Continental Congress had been a place of consultation, and the Confederation an advisory board; but the new Constitution, together with federal laws and treaties, was to be "the supreme law of the land." To the federal government was given absolute control of all foreign relations, the postal system, the army and navy, interstate commerce, currency, patents, copyrights, and kindred interests; to it was intrusted the protection of citizens from unjust legislation in any State. In these enumerated powers the federal government treats its citizens as directly responsible, and its authority is exercised over them without the intervention of any State.

U. S.
Constitu-
tion, Art.
I, Sec. 8.

STATE POWERS

U. S.
Constitu-
tion,
Amend-
ment X.

9. State Powers.—The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Sources of
Power.

The amendment quoted has led to a very general notion that the States have a reservoir of powers which they possessed before entering the Union and which was not delegated to the general government. A better conception, especially in view of the Civil War, is that the powers indicated belong to "the people" only. It is within the province of the people to grant this residue of powers either to the States or to the federal government. But it is evident that the States are not departments of a central government which extends its authority over local affairs, as in France, or as the several States extend their authority over counties, towns, and cities. It would also be improper to speak of powers granted to the States since these powers, being original, are not enumerated. They are called *inherent powers*, and in the exercise of them the State is supreme.

What the
State does.

The State enters the home, where it prescribes the rules of marriage and the legal relations which shall exist in the family; it maintains a school system and provides for the free education of every citizen; it guards sacredly the rights of its people in the free exercise of their religious beliefs; it regulates business and encourages industrial pursuits; it guarantees the political rights of its citizens and controls the lesser political units within its territory.

Wilson's
*The
State*,
892.

Space would fail in which to enumerate the particulars to this vast range of power; to detail its parts would be to catalogue all social and business relationships, to examine all the foundations of law and order.

As a matter of sentiment we point with pride to our federal government. It represents our Nation, and it alone is recognized by other nations; it marshals our army and sends our navy to distant seas; it performs all those duties which are rich in dramatic interest and incidents. As a matter of fact the average citizen rarely comes in contact with federal authority, save when he counts his money or opens his mail. Said President Garfield:—

Importance of State Government.

It will not be denied that the state government touches the citizen and his interests twenty times where the national government touches him once.

10. Concurrent Powers.—The delegation of power to the national government does not imply a prohibition upon the States to use the same power, unless it is expressly forbidden the States in the Constitution. For example, Congress has authority to levy internal taxes, but the power is not denied the State; or, both governments may borrow money. Such powers, granted to the federal government and also retained by the States, are known as *concurrent*. They relate, in specified phases, to the following subjects: commerce, public debt, taxation, elections, suffrage, citizenship, militia, and the right of eminent domain.

Cooley's *Principles of Constitutional Law*, 35.

11. Denied Powers.—Since the federal government has no powers except those enumerated (and those implied in carrying out the enumerated powers), it would seem useless to deny it powers. Evidently the framers of the constitution feared either an encroachment on state rights or undue exercise of the authority granted, for they did deny certain powers to the federal government. The prohibitions imposed are stated in Article I, Section 9, and in the first eight amendments to the Constitution. These eight amendments form a bill of rights; they restrain the federal government but not the States.

Powers denied to the Federal Government.

Indeed, at the time of the making of the federal Constitution there was more need of placing a guard over the States than over the Nation. The Nation was scarcely worthy of the name; it had not attained the strength of maturity. The States were the possessors of almost unlimited power and were disposed to question every tottering move of the general government. In a spirit of fairness, therefore, certain powers were denied to the States. As read in Article I, Section 10, of the Constitution, these prohibitions appear not so much a preventive of state encroachment on federal power as a definition of those duties which the States as individuals could not successfully perform.

Powers
denied to
the States.

It might appear that all powers denied to the States are permitted to the federal government, and, conversely, that all powers denied to the federal government are permitted to the States. But this is not true. The framers of the Constitution saw that there were some things which neither state nor federal government ought to do; therefore, certain powers were denied to both. Neither state nor federal government can appropriate private property for public use without compensation; neither can impair the obligation of contract; nor grant titles of nobility; nor pass an *ex post facto* law or bill of attainder. The makers of the Constitution were determined to exclude, in State and Nation, every possibility of an oppressive government.

Powers
denied to
both State
and
Nation.

THE RELATION OF POWERS

12. Preservation of the Relation between State and Nation.—When two governments exercise control over the same people at the same time the question of authority in certain cases will naturally arise. For example, the State has the right to regulate the running of trains within its

Conflict of
Powers.

boundaries; the federal government also has that right when they carry the mails. The State may forbid the manufacture and sale of certain articles within its territory; but the federal control of interstate commerce permits the articles to be shipped into the State. The concurrent powers relating to taxation, elections, and citizenship give rise to questions of authority. Whenever the powers overlap in the development of new interests, doubt will arise as to which authority should exercise control. Evidently, harmony can exist only as long as each government remains within its proper sphere of action. If the federal government becomes autocratic, its authority will be restricted; if the state government fails to serve the local needs of the people, its power will be absorbed by the federal government.

Forman's
*Advanced
Civics*, 57.

The States and the federal government, like the planets in their revolution around the sun, acting and acted upon, will move on in harmony and majesty only so long as a beautiful equilibrium between them is preserved.

But the firm belief of the people that local interests are best served by the State and national interests by the federal government; the eminent success of the Supreme Court, thus far, in keeping each government within its proper sphere, are indications that little danger need be feared from a conflict of powers. In addition it should be kept in mind that the same people control both governments. To the declaration of Governor Wright that the selection of good county commissioners is more important than the selection of good congressmen might be added the equal truth that the selection of the former usually implies the choice of the latter, for the same people elect both.

Little Dan-
ger from a
Conflict of
Powers.

The greater danger lies in a poor administration of both state and federal government. No form of government is

good if it is poorly administered, and almost any form is good if it is well administered. If our highly organized and delicately adjusted system of government remains efficient under the control of the people, two things are absolutely essential. First, the great masses of the people must possess political intelligence. In no other form of government is intelligence on the part of all the people so necessary as in a democracy. Every county in the State should have men intellectually capable of filling the governor's chair; every State in the Union should have men available for the presidency. But intelligence without honesty is dangerous to government. The second essential, then, is moral integrity. After all, the kind of administration given by either party is a matter of principle rather than policy, and is based on the moral character of the officials rather than on party platforms. In our form of government every citizen should practice the sovereignty of self-reliance and the patriotism of a square deal.

General References

- Bryce, *The American Commonwealth*, Vol. I.
 Wilson, *The State*.
 Cooley, *The Principles of Constitutional Law*.
 Hinsdale, *The American Government*.
 Ashley, *The American Federal State ; American Government*.

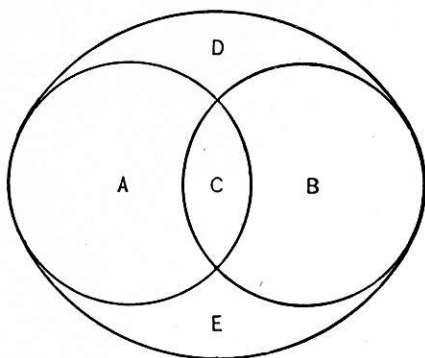
Topics

THE EVOLUTION OF STATE CONSTITUTIONS: Bryce, *The American Commonwealth*, I, 434-446; Cleveland, *Growth of Democracy*, 109-113; Hitchcock, *American State Constitutions*.

THE CONSTITUTION OF OKLAHOMA AS A TYPE: *The Outlook*, Vol. 84, p. 802; Vol. 85, p. 727; Vol. 87, pp. 229, 594; *The Arena*, Vol. 38, p. 642; *The Nation*, Vol. 84, p. 304.

Practical Questions

1. What is sovereignty? Wherein does it reside in our form of government?
2. Explain *inherent*, *reserved*, *delegated*, as applied to governmental powers.
3. How can we distinguish between state and federal authority?
4. What effect had the Civil War on the relation of state and federal government?
5. What interstate relations are established by the Constitution?
6. What has caused the increased length of our state constitutions? Should they embody ordinary laws?



7. Let the accompanying figure represent all the powers of government. Let *A* represent the powers exclusively federal, *B* the powers reserved to the State, *C* concurrent powers, *D* powers denied the federal government, *E* powers denied the State. Enumerate the powers under each letter.

Tiedeman's *The Unwritten Constitutions of the United States*, 138.

CHAPTER II

THE HISTORY OF INDIANA

Dunn's
Indiana, 1.

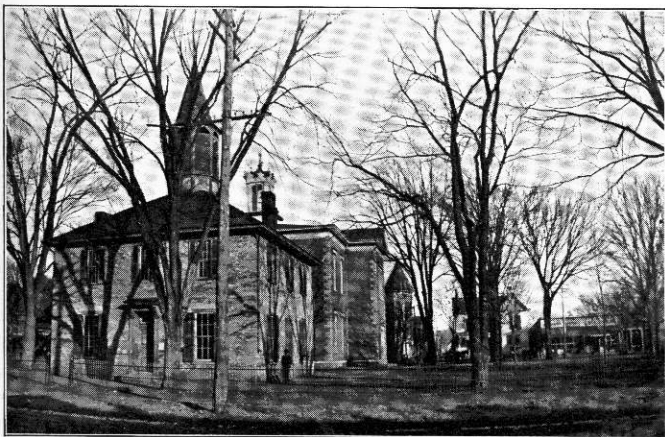
13. Authority over the Territory. — It is difficult to realize fully that Indiana was ever subject to the dominion of kings. It seems more like a dream than the sober truth of history that the approval of Louis the Great was a prerequisite to the exploration of her lands, and commercial intercourse with her naked denizens; that the sensual monster Louis XV held in his hands the supreme power over the welfare of her first settlers; that George III controlled her course in the tottering advances of her infancy.

France exercised control over Indiana from the time of the discovery of the Mississippi by La Salle in 1682 until the surrender of her territory east of that river to the English in 1763. Great Britain nominally retained possession until it was wrested from her by Colonel George Rogers Clark, in the name of Virginia, 1779. Virginia formally, but not effectively, governed it until the surrender of her claims in favor of the general government in 1784. The United States exercised authority over it as a territorial possession until it entered the Union of States in 1816. Thus the truth of history reveals the fact that the territory now forming Indiana was, at different times, under the dominion of three countries and one State; and that the flags of three nations have waved over its soil.

THE FRENCH PERIOD

La Salle.

14. Early Voyages and Settlements. — The intrepid French explorer La Salle was the first white man known to



THE OLD STATE HOUSE AT CORYDON. CAPITOL FROM 1813 TO 1875.
NOW A COUNTY COURTHOUSE.



THE CONSTITUTIONAL ELM AT CORYDON.

(Excessive heat drove the constitutional convention of 1816 to perform a large part of its work in the shade of a massive elm tree.)

have visited Indiana. In an attempt to reach a passage "communicating with Japan and China" he passed down the Ohio as far as the present site of Louisville in 1669. Again we find him crossing by portage from the St. Joseph to the Kankakee in 1697. Later he doubtless passed several times along the Ouabache [Wabash],—the Indian Appian Way between Canada and Louisiana.

Following in the footsteps of La Salle came the French missionaries, traders, and soldiers. The first trading post within the State was made in 1720 at Ouiatanon [We-â'tanon] on the Ouabache, four miles below the present site of Lafayette. The location of this post, at the head of river navigation for large boats, made it a point of commercial and military importance for a brief time. It never became a settlement of any size, and every vestige of its existence has long since disappeared. Vincennes, named after its founder, was established as a post about 1727, and is the only one of the earliest settlements which grew into a town. Fort Miamis, near the present site of Fort Wayne, was the only other post established in the early days of French occupation. Post Vincennes was included in the province of Louisiana; Ouiatanon and Fort Miamis belonged to Canada and were under control of the commandant at Detroit.

15. Character and Influence of the French.—The period of French supremacy may not be traced in the present language, customs, or laws of the State; in only a few communities can the descendants of the daring and generous-hearted wood rangers be found to-day. Indifferent to what we call political rights, they established no form of civil government. Few in number and here for a brief season only, they developed none of the natural resources of the country. Agriculture, when carried on at all, was of the rudest kind. The whole character of the French was es-

Post Ouiatanon.

Post Vincennes.

Fort Miamis.

pecially fitted for a first contact with savage life in the wilderness ; and their chief employment was what the situation offered, — trading in furs.

In 1778 the annual fur trade of Vincennes and Ouiatanon was estimated at \$25,000 and \$40,000, respectively. Who was so well fitted to collect this wealth as the French *voyageurs* ? Who could endure hardship, patrol the forests, or placate the Indians as well as the *coureurs de bois* ? With the silence of time on their vices and the glamour of tradition on their virtues, they seem to belong to an age of poetry and romance.

Dunn's
Indiana,
61.

We see them gliding along the streams in their canoes, shapely and serviceable as any water craft that man has ever designed, and yet buoyant and fragile as the wind-whirled autumn leaf. We catch afar off the thrilling cadence of their choruses, floating over prairie and marsh, echoing from forest and hill, startling the buffalo from his haunt in the reeds, telling the drowsy denizens of the posts of the approach of revelry, and whispering to the Indian village of gaudy fabrics, of trinkets, and of fire water. We feel the genial warmth of the camp fire that breaks the chill of the night wind, and dissipates the fog which rises from stream, bayou, and marsh, as the men gather about it and whiff the narcotic incense from their stumpy pipes ; or later on, when they bring forth the inevitably greasy pillows, roll in their grimy blankets, and speed away to dreamland. Another night they have reached the little post, and we are overwhelmed by the confusion of chattering, laughing, singing, and bargaining ; we almost taste the fiery brandy that is rapidly preparing them for the wild whirl of the dance and the delirium of the debauch beyond.

In marked contrast is the mental image of French missionaries, grappling with the mighty problem of the conversion of a savage race, and the yet greater problem of counteracting the influence of the *coureur de bois*.

THE ENGLISH PERIOD

16. Transfer of Authority. — France never held undisputed possession of the territory embracing Indiana. Her claims, resting on discovery, exploration, and actual occupation, were doubtless most substantial. But England also claimed the territory on account of her discoveries, explorations, and treaties with the Indians. The contest which culminated in the French and Indian War determined whether the Mississippi Valley should be French or English. After the surrender of Quebec and Montreal the French gave up Canada (1760). In 1761 Ouiatanon was occupied by the British. Vincennes was not surrendered until the end of the war (1763), nor occupied by the British until 1777.

17. Pontiac's Conspiracy. — The Indians were unwilling to exchange their companionable French masters for the blunt, though honest, English. They had not learned that the English were more ready to pay for their lands than the French had been. A conspiracy under Pontiac was all but successful in driving out the English. Of all the forts west of Pittsburg, Detroit alone withstood his attacks. Finally convinced of the folly of the struggle, he declared for peace with the English at Ouiatanon in 1765.

18. British Dominion. — Upon occupation of the territory by the British, General Gage issued a proclamation extending to the French *habitants* the freedom of their religion and the choice of selling their lands and removing, or of remaining to enjoy the rights and privileges of other subjects. An oath of allegiance only was required. Most of the French remained, but their settlements gradually decreased in size and influence.

Freedom
granted to
the
French.

Immediately after the French and Indian War, colonists

from the Atlantic seaboard began moving westward. It is estimated that within three years thirty thousand settlers had passed into the over-mountain country. The English government, jealous of this expanding power of the colonists, and ready to enlist the sympathies of the French in the event of trouble, issued the famous Quebec Act of 1774. By this act the home government sought to exclude the colonists from the Northwest by extending the limits of Quebec to the Ohio and Mississippi rivers. The act also restored French law, abolished the right of trial by jury in civil cases, and guaranteed extensive property rights to the Catholic clergy. But in spite of the acts of Parliament and the proclamations of the king the hardy pioneer colonists penetrated the interior.

VIRGINIA IN INDIANA

19. The Conquest of Indiana. — The British did not long enjoy possession of Indiana. At the time of the beginning of the Revolutionary War they had been unable to enlist the sympathies of the French inhabitants. But they had made allies of the Indians; and these they incited to acts of barbarity against the colonists.

To put an end to Indian cruelty and British perfidy, Colonel George Rogers Clark, a Virginian residing in Kentucky, determined on the conquest of the Northwest. Commissioned by Governor Patrick Henry and encouraged by Thomas Jefferson of his native State, he undertook a task the magnitude and success of which won for him the title of "The Hannibal of the West." With one hundred and fifty-three men this indomitable leader marched from the present site of Louisville to Kaskaskia on the Mississippi, which post he captured July 4, 1778. From this point he

George
Rogers
Clark.

dispatched a small force under Captain Helm to take possession of Vincennes. The British forces were absent when Captain Helm arrived, but returned in December under General Hamilton with a force of thirty regulars, fifty Canadians, and four hundred Indians.

Captain Helm, in command of one man, was in the fort when Hamilton appeared. Helm, however, was not in a submissive mood, and standing over a loaded cannon, with a burning match in his hand, he refused to surrender until he had been promised the "honors of war." This being done, Helm marched his force of one man out of the fort with due pomp and ceremony.

Woodburn
and
Moran's
*American
History
and Gov-
ernment,*
481.

More serious was the determination of Colonel Clark to recapture the fort. In the following February he began a notable march across Illinois. The country had been flooded, and often his men were forced to wade all day, breaking the thin ice before them. Says Clark, "Many would reach the shore, and fall with their bodies half in the water, not being able to support themselves without it." When the fort was reached the men were exhausted, but the iron will of the leader was undaunted. He attacked the fort, and after a hard fight of a day and a night forced its surrender. The capture of this post gave the Northwest to the immediate care of Virginia, and assured its cession to the United States in the treaty of 1782-1783. As a partial acknowledgment of the service, which was perhaps more important than Colonel Clark ever realized, Virginia, with the later approval of the general government, gave to the gallant leader and his men fifty thousand acres of land in the south part of the State.

20. Virginia Authority in Indiana.—Soon after Colonel Clark had taken possession of Kaskaskia, and before General Hamilton had surrendered to him at Vincennes, the legislature of Virginia passed an ordinance for the govern-

Organiza-
tion of
Govern-
ment.

ment of the territory northwest of the Ohio. The entire region was called the County of Illinois, over which the Governor of Virginia appointed a County-lieutenant. He, in turn, had power to appoint as many deputy officials as he deemed proper. Local officers were to be "chosen by a majority of citizens in their respective districts." Under this organization of civil power, the first election ever held in Indiana took place in 1779. The statutory organization of the County of Illinois expired by its own limitation in one year; but the officers chosen at this first election continued to exercise unquestioned authority. The judges generously divided an old Indian grant, twenty-four leagues square, among themselves, each one in turn modestly absenting himself on the day his associates granted him his portion. The United States repudiated the action.

Law's
Vincennes,
110-116.

21. Cession of Claims to the United States. — In addition to the jurisdiction exercised over the Northwest by Virginia, the States of Massachusetts, Connecticut, and New York laid claim to parts of the same, by reason of charter rights and Indian treaties. Fortunately, Maryland refused to ratify the Articles of Confederation until the general government assumed control of the western lands, regardless of rival claims. Virginia deeded her claims to the United States in 1784, and within three years the other States had relinquished their claims.

THE TERRITORIAL PERIOD

The Ordi-
nances of
1784, 1785,
and 1787.

22. Ordinances. — The government of the northwestern lands called for the highest order of statesmanship. In 1784 Congress provided a temporary government, but it was never enforced. In 1785 Congress provided for the survey of the land and the reservation of every sixteenth section for school purposes. But it was the Ordinance of 1787 of which Daniel

Webster said, "I doubt whether one single law of any law-giver, ancient or modern, has produced effects of more distinct, marked, and lasting character." (See the Ordinance of 1787, in Appendix.) Before the district now embraced in Indiana had a population sufficient for territorial organization it was controlled by a Governor and judges appointed by Congress. General Arthur St. Clair was appointed as first Governor, and established the seat of government at Marietta, Ohio, in 1788. In 1790 Knox County, embracing Indiana and parts of Michigan and Illinois, was organized, with Vincennes as the county seat. Then followed the first effective civil government Indiana had known in ten years.

23. Indiana Territory. — In 1798 it was determined that the Northwest Territory contained the requisite number of male inhabitants (5000) to secure a territorial form of government of the second grade. This permitted the organization of a legislature, which, in turn, had the right to select a delegate to Congress. The first legislative assembly convened at Cincinnati in 1799 and selected William Henry Harrison delegate to Congress.

In 1800 Congress divided the Northwest Territory by a line running north from Cincinnati to the national boundary. All east of this line retained the old name, but all west of it was called Indiana Territory. The government of Indiana Territory as thus formed began at Vincennes July 4, 1800, with William Henry Harrison as Governor. In five years this territory passed to the second stage of government; a legislature was organized, and Benjamin Parke selected as delegate to Congress.

In 1805 Congress divided Indiana Territory by the creation of Michigan on the north; and, in 1809, again reduced it by the creation of Illinois Territory on the west. This last pruning of Indiana Territory left it with practically the

among
The Northwest Territory divided.

Indiana Territory divided.

same boundaries which the State has at present. With a population of seventeen thousand, and one third of the lands already purchased from the Indians, she started on her way toward Statehood.

24. Indian Troubles.—In the year 1809 three million acres of land were purchased of several Indian tribes. The aggressive Shawnee warrior Tecumseh, alarmed lest the sale of land should deprive his people of their homes, formed a conspiracy in 1811 for the purpose of driving out the whites. His contention was that no land should be sold by chiefs without the consent of all the tribes. In a conference with Governor Harrison at Vincennes, Tecumseh sought to have the lands thus sold returned to the Indians. He said, in part :—

Tecumseh's
Speech.

Brother, you ought to know what you are doing with the Indians. Perhaps it is by direction of the President to make these distinctions. It is a very bad thing and we do not like it. Since my residence at Tippecanoe we have endeavored to level all distinctions ; to destroy village chiefs, by whom the mischief is done. It is they who sell our land to the Americans. Our object is to let all our affairs be transacted by warriors.

Dillon's
History of
Indiana,
443-444.

Brother, I wish you would take pity on the red people and do what I have requested. If you do not give up the land and do cross the boundary of your present settlement, it will be very hard and will produce great trouble among us. How can we have confidence in the white people ? When Jesus Christ came upon earth you slew him and nailed him upon the cross. You thought he was dead, but you were mistaken.

When Governor Harrison informed Tecumseh that the President would decide the question, he replied :—

As the great chief is to determine the matter, I hope the Great Spirit will put sense enough into his head to induce him to direct you to give up this land. It is true he is so far off he will not be injured by the war. He may sit still in his town, and drink his wine, while you and I will have to fight it out.

In the battle of Tippecanoe it was fought out. Unable to placate the Indians or stop their depredations, Governor Harrison marched into their territory with a force of nine hundred men. Seven miles north of Lafayette he encamped on a triangular knoll of woodland, near the Tippecanoe. Here, in the early morning of November 7, 1811, he was fiercely attacked by Tecumseh's brother, "The Prophet," with a force of Indians variously estimated at from three hundred and fifty to one thousand. In a sharp engagement the Indians were routed and their confederacy crushed. Harrison's force had thirty-seven men shot down in the light of their own camp fires, and twenty-five afterward died of wounds.

The Battle
of Tippe-
canoe.

Encouraged by our trouble with Great Britain, the Indians committed occasional outrages while the War of 1812 lasted. The most serious of these was the massacre of three men, five women, and sixteen children at Pigeon Roost settlement in Scott County in 1812.

Pigeon
Roost
Massacre.

25. Slavery. — One of the most important subjects discussed previous to the formation of the state Constitution was that of slavery. Slaves were brought into the territory by the earliest French settlers, and the institution continued to exist in spite of the provision against it in the Ordinance of 1787. Between 1796 and 1807 six petitions were presented to Congress asking for the abrogation of that article in the Ordinance which forbade slavery. (See Art. 6, Ordinance of 1787, Appendix.) A law of indenture provided that negroes coming into the territory under contract should be compelled to serve the specified time, and that such service might be sold as personal property. In 1810 there were two hundred and thirty-seven slaves in the territory. But in the constitutional convention the antislavery party triumphed, and the State was free. The name of Jonathan Jennings is most prominent as an early advocate for freedom.

STATEHOOD

26. Admitted to the Union. — By an act of the legislature the capital of Indiana Territory was removed from Vincennes to Corydon in 1813. A census ordered by the legislature soon afterward showed a population of 63,897 in the thirteen counties, more than the number required for Statehood. In 1815 the legislature petitioned Congress for admission into the Union. Congress granted an Enabling Act (see Appendix) providing for an election of delegates to a constitutional convention. The convention met at Corydon and the delegates completed a State Constitution, June 29, 1816. December 11, 1816, Congress formally introduced Indiana to the sisterhood of States.

27. An Experiment in Socialism. — The organization of a social settlement on the Wabash, in Posey County, brought to the State many distinguished visitors and colored the early life of the commonwealth. The New Harmony settlement was founded by George Rapp in 1815, and purchased by Robert Owen and associates in 1825. Its purpose was the creation of a community of social equality. It was a splendid dream; but, like other communistic dreams, proved as impracticable as it was visionary. During its palmy days it attained more than a national reputation; it contributed not a little to scientific progress; and, best of all, it attracted men who later became prominent in the service of State and Nation.

28. A New Capital and a New Constitution. — By an act of Congress in 1816 four sections of land were appropriated for a new capital. In 1820 commissioners selected the present seat of government, near the geographical center of the State, and in 1825 the capital was removed to Indianapolis.

In 1850 the state legislature authorized the assembling of

The New
Harmony
Settle-
ment.

1824

a convention for the purpose of framing a new Constitution. One hundred and fifty delegates met in October of the same year, and after four months' deliberation presented the present Constitution to the people (35). It was ratified August 4, 1851, and a new period in the life of the State was begun.

29. Internal Improvements. — Transportation facilities are highly necessary for the development of a commonwealth. The general government assisted in building a national road from Baltimore westward toward the Mississippi. This road penetrated the State near the middle of its eastern boundary, passing through Richmond, Greenfield, Indianapolis (Washington Street), Greencastle, and Terre Haute. While dragging its weary length across the State of Illinois it was overtaken by steam railroad lines and was never completed. A roadway from Madison in the south to Michigan City in the north was built by the State. These and other roadways were valuable for travel rather than the carrying of freight. Roadways.

More important was an elaborate system of canals which the State undertook to build. Of these the Wabash and Erie was most important. It provided a waterway from Toledo to southern Indiana by way of Fort Wayne, Logansport, Lafayette, and Terre Haute. Although used only a brief time after it was built, its value is illustrated in the following quotation: — The Wabash-Erie Canal.

As late as 1840 the farmers of Delphi were hauling their wheat to Michigan City and selling it for forty-five cents a bushel, and paying nine dollars a barrel for salt; but in less than two years, when the canal had reached that place, the same farmers obtained one dollar a bushel for their wheat and bought salt for less than four dollars a barrel. Benton's
The Wabash
Trade
Route in
the Development
of the
North-west,
109.

Nowhere is the development of transportation lines better illustrated than in Indiana. Lying side by side between

Fort Wayne and Lafayette are the following lines of transportation: the Wabash River, the old canal, a steam car line, and an electric car line. Nineteen steam trunk lines now cross the State, wholly or in part, from east to west; seven lines pass from north to south, while a perfect network of electric lines radiate from the capital city.

30. Military Record. — Indiana's record in the wars of the Union reflects honor and loyalty on her name. Her part in the Revolution has been noted. Her pioneers were at the front in the War of 1812. She supplied over four thousand troops for the Mexican War. The first call for her quota of six thousand men in the Civil War was answered by twenty thousand volunteers. Altogether she furnished over two hundred thousand soldiers for the suppression of the Rebellion. The invasion of the State by Morgan in 1863 met no welcome. Equally praiseworthy were her sons in the Spanish-American War.

31. Natural Politics. — For nearly a half century after the admission of Indiana into the Union her electoral vote was given to the Democratic party, except when William Henry Harrison was the Whig candidate. This partiality toward Jeffersonian democracy is explained by the early settlement of the south part of the State by immigrants from Kentucky, Tennessee, Virginia, and the Carolinas. With the settlement of the northern part of the State by immigrants from the Northern and Eastern States it ceased to be solidly Democratic. Since the Civil War it has been pivotal in party contests. From 1868 to 1892 a candidate from Indiana was secured by one party or the other for the presidential ticket. In recent years the State has been carried by large Republican majorities.

32. Natural Resources. — A rich soil has been the source of life and wealth since the days of the fur traders. But

the first settlers found this soil covered with scarcely less valuable forests of somber beauty and grandeur. One fifth of the State's surface is underlaid with coal, the annual output of which is more than ten million tons. Vast reservoirs of gas and petroleum have been tapped, while clays, shale, marl, and peat are known to have values. Indiana outranks any other State in the Union in her building stones; her beautiful blue or buff tinted limestone is used in thirty States and three foreign countries. These natural resources of the State present a background of ages upon which is projected a short century of human development; what use an intelligent people will make of them is beyond the vision of the present.

Twenty-first Report of State Geologist.

33. Industries.—Judged by the number of persons employed and capital invested, agriculture is the most important industry in the State, although in the value of its products it is second to manufactures. The State has been favored in the conditions of its economic development from forest to field and from field to factory.

34. The People.—The population of Indiana is native and permanent. Although situated in the pathway of migration, only six per cent of its people are foreign born. Of the foreign element one half is German and the remainder is chiefly Irish and English, — all thrifty scions of our parent stock. Having always lived near the currents of national life, the Hoosiers have no peculiarities of manner, custom, or speech which differentiate them from the residents of sister States. Since the arduous duties of establishing a commonwealth have been performed, more attention may be given to the graces of civilization; to the humane, cultural, and artistic impulses which mark the highest type of citizenship.

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 Benton, *The Wabash Trade Route*.
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Topics

THE WINNING OF THE NORTHWEST: Thwaites; English; Dunn; Hinsdale.

SLAVERY IN INDIANA: Dunn.

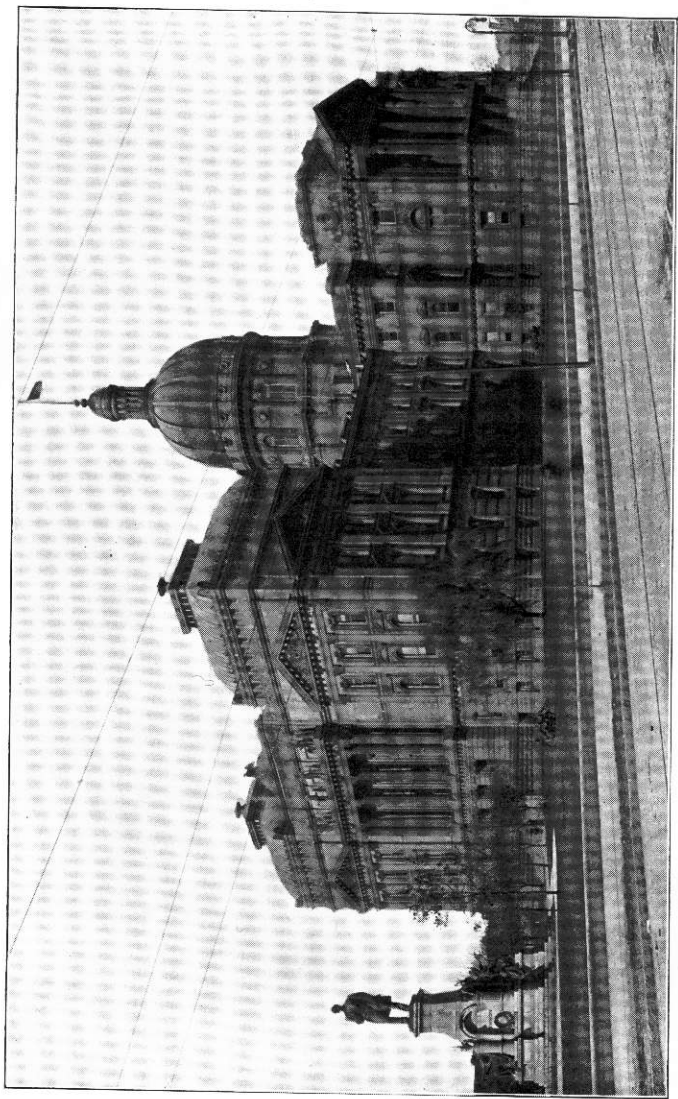
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Practical Questions

1. How has the geographical location of Indiana influenced its history?
2. What were the purposes of the early French explorers?
3. Give reasons for the rapid growth of the State; for its fixed population.
4. Which part of the State was last settled? Why?
5. What is the present standing of the State in literature; education; politics; religion?



THE INDIANA STATE CAPITOL, INDIANAPOLIS.

CHAPTER III

THE CONSTITUTION AND GOVERNMENT

35. The New Constitution. — The Constitution of 1816 provided that every twelfth year the question of calling a constitutional convention should be submitted to the people at a general election. Four times was this proposition submitted before a majority of the people voted (1849) to place the sovereignty of the State in the hands of a convention. The causes which culminated in the making of the new Constitution of 1851 are reflected in the Constitution itself.

36. The Preamble. — The Preamble is the enacting clause of the Constitution, and states the purposes of its creation as follows : —

To the end that justice be established, public order maintained, and liberty perpetuated : We, the people of the State of Indiana, grateful to Almighty God for the free exercise of the right to choose our own form of government, do ordain this Constitution.

THE BILL OF RIGHTS

37. Rights Reserved. — The first thirty-seven sections of **Article I** of the Constitution enumerate certain civil, political, and religious rights which belong to the people, and may not be usurped by the government. Many of them are taken from the great English charters which were wrested by our forefathers from unwilling kings.

38. Natural Rights. — **SECTION 1.** We declare that all men are created equal ; that they are endowed by their Creator

Article I with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that all power is inherent in the people; and that all free governments are, and of right ought to be, founded on their authority, and instituted for their peace, safety, and well-being. For the advancement of these ends, the people have at all times an indefeasible right to alter and reform their government.

The provisions of this section were taken directly from the Declaration of Independence. The equality asserted is political, not social. On election day only are all men equal. Unalienable rights are those which can never be given away. An agreement to surrender them would not be binding. When forfeited because of crime, the State takes them, presumably without the consent of the individual.

39. Religious Freedom. — SEC. 2. All men shall be secured in their natural right to worship Almighty God according to the dictates of their own consciences.

SEC. 3. No law shall, in any case whatever, control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience.

SEC. 4. No preference shall be given, by law, to any creed, religious society or mode of worship; and no man shall be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent.

SEC. 5. No religious test shall be required as a qualification for any office of trust or profit.

SEC. 6. No money shall be drawn from the treasury for the benefit of any religious or theological institution.

SEC. 7. No person shall be rendered incompetent as a witness, in consequence of his opinion on matters of religion.

SEC. 8. The mode of administering an oath or affirmation shall be such as may be most consistent with, and binding upon, the conscience of the person to whom such oath or affirmation may be administered.

The complete separation of Church and State is a principle in American government. The federal government

leaves the protection of citizens in matters of religion to their respective States. As late as 1877 the Constitution of New Hampshire required certain officers to be adherents of the Protestant religion. In Indiana the separation of Church and State is complete, Sunday laws even not being considered religious laws. The form of oath usually administered by a judge or clerk is as follows:—

You do solemnly swear that you will tell the truth, the whole truth, and nothing but the truth in the case now on trial : so help you God.

But an affirmation will answer.

40. Freedom of Speech.—**SEC. 9.** No law shall be passed restraining the free interchange of thought and opinion, or restricting the right to speak, write, or print, freely, on any subject whatever; but for the abuse of that right every person shall be responsible.

SEC. 10. In all prosecutions for libel, the truth of the matters alleged to be libelous may be given in justification.

Freedom of speech allows the fullest publicity of all public and private affairs, providing always that the truth be told. An injurious truth may not be told except for a justifiable reason. Slander is malicious defamation of a person by means of speech; libel, by means of written or spoken words.

41. Unreasonable Search or Seizure.—**SEC. 11.** The right of the people to be secure in their persons, houses, papers and effects, against unreasonable search or seizure shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

It has been said that a man's house is his castle. It may not be invaded without a search warrant from a magistrate, issued as indicated.

Article I

42. Open Courts.—SEC. 12. All courts shall be open; and every man, for injury done to him, in his person, property or reputation, shall have remedy by due course of law. Justice shall be administered freely and without purchase; completely, and without denial; speedily, and without delay.

Every individual may have a public trial for any legal injury. But he must await his turn in court.

In Jeopardy once only.

43. Rights of the Accused.—SEC. 13. In all criminal prosecutions the accused shall have the right to a public trial, by an impartial jury in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witness face to face, and to have compulsory process for obtaining witnesses in his favor.

SEC. 14. No person shall be put in jeopardy twice for the same offense. No person, in any criminal prosecution, shall be compelled to testify against himself.

SEC. 15. No person arrested, or confined in jail, shall be treated with unnecessary rigor.

Excessive Bail.

SEC. 16. Excessive bail shall not be required. Excessive fines shall not be imposed. Cruel and unusual punishment shall not be inflicted. All penalties shall be proportioned to the nature of the offense.

SEC. 17. Offenses, other than murder or treason, shall be bailable by sufficient sureties. Murder or treason shall not be bailable when the proof is evident, or the presumption strong.

If the accused wishes he may have his case sent to another county for trial. This is called a *change of venue*. If convicted the accused may be tried again, providing he can show irregularities to have existed in the first trial.

44. Reformatory Laws.—SEC. 18. The penal code shall be founded on the principles of reformation, and not of vindictive justice.

The law may have two objects in view in dealing with the criminal. It may seek to punish him for having vio-

lated the law; or it may seek to reform him, so that he will not commit another crime. In recent years Indiana has emphasized the reformation of criminals with most gratifying results. Article I

45. Trial by Jury. — SEC. 19. In all criminal cases whatever, the jury shall have the right to determine the law and the facts.

SEC. 20. In all civil cases the right of trial by jury shall remain inviolate.

The right of trial by jury was brought from England, and may be traced back to our Anglo-Saxon ancestors. In Indiana the jury must unanimously agree that the accused is guilty before there is conviction. Criminal cases arise out of the violation of the law; civil cases out of a difference in the interpretation of the law.

46. Compensation for Service or Property. — SEC. 21. No man's particular services shall be demanded without just compensation. No man's property shall be taken by law without just compensation; nor, except in case of the State, without such compensation first assessed and tendered.

The State may demand the services of its citizens, but not without pay. It may appropriate private property, — the right of eminent domain, — but it must compensate the owner. A private corporation must tender the compensation before it can appropriate private property for public use.

47. Protection to Debtors. — SEC. 22. The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for the payment of any debt or liability hereafter contracted; and there shall be no imprisonment for debt, except in case of fraud.

In order that the individual, or family, may not become dependent on the State, debtors who are householders are

Article I permitted to retain the sum of six hundred dollars. In the early history of Indiana, as well as in many other States, a man could be imprisoned for debt; but now freedom is counted more important than debt. However, should an individual have the means and refuse to pay a just claim on the order of the court, he may be imprisoned.

48. Equal Privileges. — SEC. 23. The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens.

SEC. 24. No *ex post facto* law, or law impairing the obligation of contract, shall ever be passed.

There shall be no privileged classes in the State. An *ex post facto* law makes an act criminal which was not criminal when committed. With like justice, after a man has entered into a lawful contract the legislature may not by law render the contract less valuable to him.

49. Suspension of Laws. — SEC. 25. No law shall be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution.

SEC. 26. The operation of the laws shall never be suspended, except by the authority of the General Assembly.

The Writ
of Habeas
Corpus.

SEC. 27. The privileges of the writ of *habeas corpus* shall not be suspended, except in case of rebellion or invasion, and then only if the public safety demand it.

The writ of *habeas corpus* is issued by a judge having competent authority, commanding the person holding another in custody to present him for inquiry into the cause of his detention. It prevents false imprisonment and is regarded as one of the great bulwarks of personal liberty.

50. Treason. — SEC. 28. Treason against the State shall consist only in levying war against it, and giving aid and comfort to its enemies.

SEC. 29. No person shall be convicted of treason, except **Article I**
on the testimony of two witnesses to the same overt act, or
upon his confession in open court.

SEC. 30. No conviction shall work corruption of blood or
forfeiture of estate.

“Corruption of blood” denied to the convicted criminal
the right to inherit or transmit property.

51. The Right of Assembly and Petition. — **SEC. 31.** No
law shall restrain any of the inhabitants of the State from
assembling together, in a peaceable manner, to consult for
their common good; nor from instructing their represen-
tatives; nor from applying to the General Assembly for
redress of grievances.

The right to ask for a redress of grievances, or the right
of petition, was secured in the old English charters and
brought to America as a priceless political treasure. The
right to assemble, and freedom of speech, are privileges
which may easily be abused; they are merited by a people
with high political ideals.

52. Soldierly. — **SEC. 32.** The people shall have a right to
bear arms for the defense of themselves and the State.

SEC. 33. The military shall be kept in strict subordina-
tion to the civil power.

SEC. 34. No soldier shall, in time of peace, be quartered
in any house without the consent of the owner; nor in time
of war but in a manner to be prescribed by law.

Despotism has often depended on regular troops, but liberty
is friendly to citizen soldiery. The safeguard of the Consti-
tution is here thrown around the militia, though the civil
authority is supreme.

53. Slavery. — **SEC. 35.** The General Assembly shall not **Titles:**
grant any title of nobility, nor confer hereditary distinc-
tions.

SEC. 36. Emigration from the State shall not be pro- **Emigra-**
hibited. **tion.**

Article I

SEC. 37. There shall be neither slavery nor involuntary servitude, within the State, otherwise than for the punishment of crime, whereof the party shall have been duly convicted. No indenture of any negro or mulatto, made or executed out of the bounds of the State, shall be valid within the State.

*Laws of
1810, 54.*

A territorial law permitted slavery in Indiana from 1805 to 1810 regardless of the Ordinance of 1787. With its repeal a heavy penalty was provided for those who engaged in the traffic of slaves.

SUFFRAGE AND ELECTIONS

Article II

54. **Qualifications of Electors.** — SECTION 1. All elections shall be free and equal.

[As
amended
March 14,
1881.]

SEC. 2. In all elections not otherwise provided for by this Constitution, every male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months, and in the township sixty days, and in the ward or precinct thirty days, immediately preceding such election; and every male of foreign birth, of the age of twenty-one years and upwards, who shall have resided in the United States one year, and shall have resided in this State during the six months, and in the township sixty days, and in the ward or precinct thirty days, immediately preceding such election, and shall have declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote in the township or precinct where he may reside, if he shall have been duly registered according to law.

It will be observed that the terms on which a foreigner is admitted to citizenship in Indiana are at variance with the laws of Congress, which require a residence in the United States of at least five years. Some States require an educational qualification; some allow women to vote; but none now require a property qualification.

55. Residence. — **SEC. 3.** No soldier, seaman or marine, Article II
in the army or navy of the United States, or their allies,
shall be deemed to have acquired a residence in this State
in consequence of having been stationed within the same;
nor shall any such soldier, seaman or marine, have the right
to vote.

SEC. 4. No person shall be deemed to have lost his residence in the State by reason of his absence either on business of the State or of the United States.

Soldiers and sailors are not citizens merely because they happen to be stationed within the State. On the other hand, a congressman retains his residence though he may have a temporary home in Washington. On leaving the State with the intention of finding a home elsewhere, citizenship is lost at once.

Section 5 provided that no negro or mulatto should have the right to vote. It was superseded by the Fifteenth Amendment to the Federal Constitution, and was stricken out of the State Constitution by an amendment of 1881.

56. Disqualifications for Office and Suffrage. — **SEC. 6.** Every person shall be disqualified from holding office during the term for which he may have been elected, who shall have given or offered a bribe, threat or reward to procure his election.

SEC. 7. Every person who shall give or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge, or who shall agree to go out of the State to fight a duel, shall be ineligible to any office of trust or profit.

SEC. 8. The General Assembly shall have power to deprive of the right of suffrage, and to render ineligible any person convicted of an infamous crime.

SEC. 9. No person holding a lucrative office or appointment, under the United States, or under this State, shall be eligible to a seat in the General Assembly; nor shall any person hold more than one lucrative office at the same time, except as in this Constitution expressly permitted: Pro-

Article II vided, That offices in the militia, to which there is attached no annual salary, and the office of deputy postmaster, where the compensation does not exceed ninety dollars per annum, shall not be deemed lucrative : And provided, also, That counties containing less than one thousand polls may confer the office of clerk, recorder and auditor, or any two of said offices, upon the same person.

SEC. 10. No person who may hereafter be a collector or holder of public moneys, shall be eligible to any office of trust or profit until he shall have accounted for and paid over, according to law, all sums for which he may be liable.

SEC. 11. In all cases in which it is provided that an office shall not be filled by the same person more than a certain number of years continuously, an appointment *pro tempore* shall not be reckoned a part of that term.

To vote and to hold office are here regarded as political rights to be denied only when undeserved. A premium is placed upon honor and honesty by the denial of these rights to the unworthy.

57. Electors and Elections. — SEC. 12. In all cases, except treason, felony and breach of the peace, electors shall be free from arrest in going to elections, during their attendance there, and in returning from the same.

SEC. 13. All elections by the people shall be by ballot ; and all elections by the General Assembly, or by either branch thereof, shall be *viva voce*.

[As
amended
March 24,
1881.]

SEC. 14. All general elections shall be held on the first Tuesday after the first Monday in November ; but township elections may be held at such time as may be provided by law : Provided, That the General Assembly may provide by law for the election of all judges of courts of general or appellate jurisdiction, by an election to be held for such officers only, at which time no other officer shall be voted for ; and shall also provide for the registration of all persons entitled to vote.

The freedom of voters from arrest protects them from false or frivolous charges of political enemies. A free expression at the polls is essential in a free government.

58. Ballots. — Ballots are printed lists of candidates for office in each party. The State supplies the ballots for state officers. The Governor and two qualified electors from the two leading political parties constitute a State Board of Election Commissioners, whose duty it is to prepare and distribute ballots for the election of state officers. These ballots contain the names of the candidates, arranged in party columns. At the head of each column of names is a circle, usually containing an emblem of the party. The state ballots are printed on red tinted paper.

Article II
State
Board of
Election
Commis-
sioners.

The counties provide ballots for the election of county and township officers. These are arranged after the manner of state ballots, but the county ballots are printed on white, and the township ballots on yellow, paper. The County Clerk and two electors from the two leading political parties constitute a County Board of Election Commissioners.

County
Board of
Election
Commis-
sioners.

59. Voting. — Election rooms are opened at six o'clock in the forenoon and remain open until four or six o'clock in the afternoon. When a voter enters the room he announces his name to the poll clerks, who register it and give to him the proper ballots and a pencil. The voter then retires to an unoccupied booth in the room and marks the several ballots as desired. If he wishes to vote a straight party ticket he places a cross in the circle at the head of that ticket; otherwise, he makes a cross on the square preceding the name of each person for whom he wishes to vote. After marking the ballots he folds them separately so that the initials of the poll clerks' names may be seen, and hands them to the inspector or one of the judges. The ballots are then deposited in the boxes in his presence.

Immediately after the hour for closing the election the

Article II
Counting
the Vote.

unused ballots are counted and burned. The election board then counts the number of votes for each candidate as revealed by the ballots. The following day the judges of the several voting precincts meet, review the certified records from each precinct, and announce the result. The ballots used in the elections are deposited with the County Clerk for a period of six months, after which time they are destroyed if there is no contest.

DISTRIBUTION OF POWERS

Article III

60. The Separate Departments.—SECTION 1. The powers of the government are divided into three separate departments: the legislative, the executive (including the administrative), and the judicial; and no person charged with official duties under one of these departments shall exercise any of the functions of another except as in this Constitution expressly provided.

The distribution of the powers of state government naturally follows that of the national government. The three branches are related and yet independent, each serving as a check on the others.

THE LEGISLATIVE DEPARTMENT

Article IV

61. The General Assembly.—SECTION 1. The legislative authority of the State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives. The style of every law shall be, "Be it enacted by the General Assembly of the State of Indiana;" and no law shall be enacted except by bill.

That department of government which makes laws is now considered most important. The General Assembly is elected to express the will of the people and it represents

every section of the State. Its laws, frequently called *Acts* or *Statutes*, have force only within the State. Article IV

62. Composition. — SEC. 2. The Senate shall not exceed fifty, nor the House of Representatives one hundred members; and they shall be chosen by the electors of the respective counties or districts into which the State may, from time to time, be divided.

The number of senators and representatives is now as large as the Constitution permits. A larger number would be less effective.

63. Terms of Office. — SEC. 3. Senators shall be elected for the term of four years, and representatives for the term of two years, from the day next after their general election: Provided, however, That the senators elect, at the second meeting of the General Assembly under this Constitution, shall be divided, by lot, into two equal classes, as nearly as may be; and the seats of senators of the first class shall be vacated at the expiration of two years, and those of the second class at the expiration of four years; so that one half, as nearly as possible, shall be chosen biennially forever thereafter. And in case of increase in the number of senators, they shall be so annexed by lot, to the one or the other of the two classes, as to keep them as nearly equal as practicable.

The division of the Senate into two classes insures the presence of some experienced legislators at each session.

64. Apportionment. — SEC. 4. The General Assembly shall, at its second session after the adoption of this Constitution, and every sixth year thereafter, cause an enumeration to be made of all the male inhabitants over the age of twenty-one years.

SEC. 5. The number of senators and representatives shall, at the session next following each period of making such enumeration, be fixed by law, and apportioned among the several counties, according to the number of male inhabitants, above twenty-one years of age, in each: Provided, That the first and second elections of members of the Gen-

Article IV eral Assembly, under this Constitution, shall be according to the apportionment last made by the General Assembly before the adoption of this Constitution.

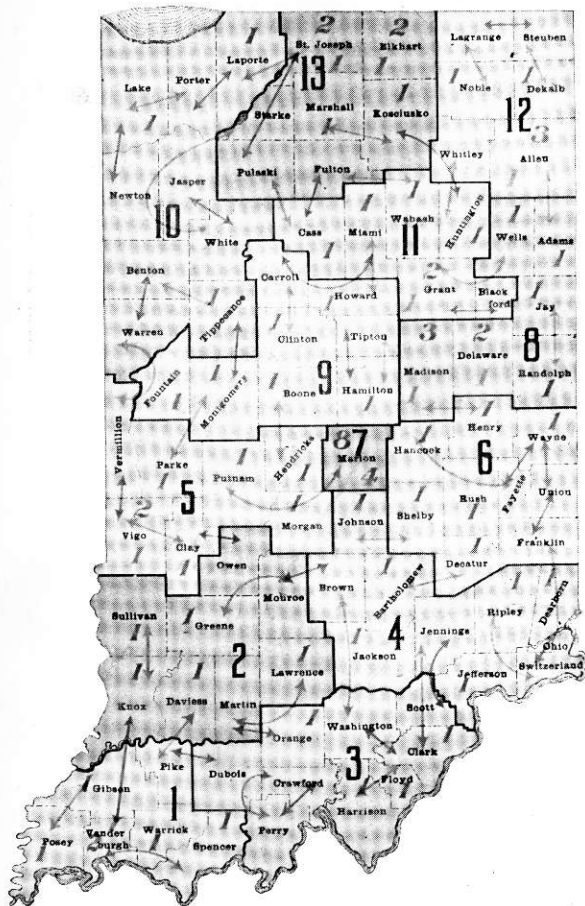
SEC. 6. A senatorial or representative district, where more than one county shall constitute a district, shall be composed of contiguous counties; and no county, for senatorial apportionment, shall ever be divided.

The enumeration of voters is for the purpose of re-districting the State. These districts may not be arranged at any other time than at the session following the enumeration, unless a previous legislature has neglected the opportunity. The opportunity is the privilege given the party in power to "Gerrymander" the State; that is, to arrange the districts advantageously for the party. Several counties may form one district; or, where the population is large, as in Marion County, several senators may be elected from the same district. (See map.)

65. Qualifications of Senators and Representatives. — SEC. 7. No person shall be a senator or a representative, who, at the time of his election, is not a citizen of the United States; nor any one who has not been, for two years next preceding his election, an inhabitant of this State, and for one year next preceding his election, an inhabitant of the county or district whence he may be chosen. Senators shall be at least twenty-five, and representatives at least twenty-one years of age.

It will be observed that while the Constitution permits those who may not be citizens of the United States to vote (Art. II, Sec. 2), it does not permit them to become senators or representatives.

66. Privileges of Legislators. — SEC. 8. Senators and representatives, in all cases except treason, felony, and breach of the peace, shall be privileged from arrest during the session of the General Assembly, and in going to and returning from the same; and shall not be subject to any



POLITICAL MAP OF INDIANA

The large figures within heavy boundary lines indicate Congressional Districts.

Where two small figures occur in any one county, the lower figure represents the number of Senators.

All other small figures show the number of Representatives.

The daggers connecting counties represent joint Senators or joint Representatives.

civil process during the session of the General Assembly, nor during the fifteen days next before the commencement thereof. For any speech or debate in either house, a member shall not be questioned in any other place. Article IV

Freedom of person and speech is necessary to the uninterrupted work of the legislators.

67. Organization. — **SEC. 9.** The sessions of the General Assembly shall be held biennially, at the capital of the State, commencing on the Thursday next after the first Monday of January, in the year one thousand eight hundred and fifty-three, and on the same day of every second year thereafter, unless a different day or place shall have been appointed by law. But if, in the opinion of the Governor, the public welfare shall require it, he may, at any time, by proclamation, call a special session.

SEC. 10. Each house, when assembled, shall choose its own officers (the President of the Senate excepted), judge the elections, qualifications and returns of its own members, determine its rules of proceeding, and sit upon its own adjournment. But neither house shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which it may be sitting.

SEC. 11. Two thirds of each house shall constitute a quorum to do business; but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. A quorum being in attendance, if either house fail to effect an organization within the first five days thereafter, the members of the house so failing shall be entitled to no compensation from the end of the said five days, until an organization shall have been effected.

The Lieutenant-governor is *ex officio* President of the Senate. The Senate also elects a President *pro tempore* who presides when the Lieutenant-governor is absent. The House of Representatives selects a presiding officer, known as the Speaker, from its own membership. The Senate elects a Secretary and the House of Representatives a Clerk, whose duties are to keep the records of each body. These clerks appoint assistant clerks in their respective

Officers.
Clerks.

Article IV houses as follows: a file clerk, a reading clerk, an indorsing clerk, three engrossing clerks, three enrolling clerks, one folding clerk, one minute clerk, one journal clerk and five copying clerks. Each house has a doorkeeper, with assistants. Five pages and one messenger, usually boys, serve each house. Each house also has its own postmaster, who receives and distributes mail to members and officers.

At the time of organization the Lieutenant-governor, or in his absence the Auditor of State, presides over the Senate. In like manner the Secretary of State presides over the House of Representatives. From the official returns in the office of the Secretary of State is secured a roll of the members, to whom the oath of office is administered by one of the judges of the Supreme Court. Officers are then chosen and the Governor is informed that the houses are organized.

68. The Journals. — SEC. 12. Each house shall keep a journal of its proceedings, and publish the same. The yeas and nays, on any question, shall, at the request of any two members, be entered, together with the names of the members demanding the same, on the journal: Provided, That on a motion to adjourn, it shall require one tenth of the members present to order the yeas and nays.

After the journals have been approved by the presiding officers they are deposited with the Secretary of State, and later printed for general distribution.

69: Open Sessions. — SEC. 13. The doors of each house, and of committees of the whole, shall be kept open, except in such cases as, in the opinion of either house, may require secrecy.

When either house wishes to consider a subject with all the freedom of an ordinary committee it resolves itself into a "Committee of the Whole." The presiding officer may

call another member to the chair and himself enter into the discussion. When the discussion is ended the committee of the whole is dissolved. Article IV

70. Discipline.—**SEC. 14.** Either house may punish its members for disorderly behavior, and may, with the concurrence of two thirds, expel a member; but not a second time for the same cause.

SEC. 15. Either house, during its session, may punish, by imprisonment, any person not a member, who shall have been guilty of disrespect to the house, by disorderly or contemptuous behavior in its presence; but such imprisonment shall not, at any time, exceed twenty-four hours.

In addition to the constitutional provisions for discipline the General Assembly sometimes finds it prudent to make rules restricting the action of "lobbyists,"—individuals who are not members of either house but who attempt to influence legislation through personal agencies.

71. Law-making.—**SEC. 16.** Each house shall have all powers necessary for a branch of the legislative department of a free and independent State.

SEC. 17. Bills may originate in either house, but may be amended or rejected in the other, except that bills for raising revenue shall originate in the House of Representatives.

SEC. 18. Every bill shall be read by sections, on three several days in each house; unless, in case of emergency, two-thirds of the house where such bill may be depending shall, by a vote of yeas and nays, deem it expedient to dispense with this rule; but the reading of a bill by sections, on its final passage, shall in no case be dispensed with; and the vote on the passage of every bill or joint resolution shall be taken by yeas and nays.

SEC. 19. Every act shall embrace but one subject, and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act, which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

SEC. 20. Every act and joint resolution shall be plainly

Article IV

worded, avoiding, as far as practicable, the use of technical terms.

SEC. 21. No act shall ever be revised or amended by mere reference to its title; but the act revised, or section amended, shall be set forth and published at full length.

In law-making one of the cardinal principles to be kept in view is clearness of language. The statutes of Indiana are not as well written as those of some of the older States, or of the United States, but the Constitution evidently means to have them clear.

Com-
mittees.

When a bill is introduced into either house it is usually read by title, and referred to an appropriate committee. Most of the work of the General Assembly is performed by committees. They may be said to be necessary evils. They divide responsibility, prevent unity of action, increase opportunities for corruption; yet without them the Assembly could consider only a small fraction of the many bills proposed. A bill may be rejected at once, or it may not be reported by the committee to which it is referred; in either case it is said to be "killed." If it is reported favorably by the committee, with or without amendments, it is filed in order on the presiding officer's desk. When reached again in the order of business it is read a second time. It is now ready for serious discussion, and may be rejected, amended, or recommitted. If considered favorably, it is engrossed and referred to a committee which compares it carefully with the original bill. It is now ready for the third reading, and final consideration. If passed, the engrossed copy is signed by the clerk and transmitted to the other house, which considers it in like manner. When approved by a majority of the members of both houses it is signed by their presiding officers and sent to the Governor for his approval or veto. (See Art. V, Sec. 14.)

The Pas-
sage of a
Bill.

72. Special Legislation. — **SEC. 22.** The General Assembly shall not pass local or special laws in any of the following enumerated cases, that is to say : — **Article IV**

Regulating the jurisdiction and duties of justices of the peace and of constables ;

For the punishment of crimes and misdemeanors ;

Regulating the practice in courts of justice ;

Providing for changing the venue in civil and criminal cases ;

Granting divorces ;

Changing the names of persons ;

For laying out, opening, and working on, highways, and for the election or appointment of supervisors ;

Vacating roads, town plats, streets, alleys and public squares ;

Summoning and impaneling grand and petit juries, and providing for their compensation ;

Regulating county and township business ;

Regulating the election of county and township officers, and their compensation ;

For the assessment and collection of taxes for state, county, township, or road purposes ;

Providing for supporting common schools, and for the preservation of school funds ;

In relation to fees or salaries ; except that the laws may be so made as to grade the compensation of officers in proportion to the population and the necessary services required ;

In relation to interest on money ;

Providing for opening and conducting elections of state, county or township officers, and designating the places of voting ;

Providing for the sale of real estate belonging to minors, or other persons laboring under legal disabilities, by executors, administrators, guardians or trustees.

SEC. 23. In all the cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State.

SEC. 24. Provisions may be made by general law for bringing suits against the State, as to all liabilities originating after the adoption of this Constitution ; but no special act authorizing such suit to be brought, or making compen-

Article IV sation to any person claiming damages against the State, shall ever be passed.

W. W.
Thornton,
Indiana
Magazine
of His-
tory,
Vol. I,
No. 1.

Under the Constitution of 1816 the statute books of the State were filled with special legislation. Every city and town was incorporated by special acts of the legislature. Schools, libraries, railroads, manufacturing and trading companies, planing mills, and "even brass bands were incorporated by private acts of the legislature." In the session of 1845-46 forty divorces were granted by the legislature. In some counties prohibitory temperance laws were in force while other counties had none. The new Constitution explicitly forbids special, or class, legislation. All laws are general, and their effect would be uniform if the conditions of all communities were uniform.

A general law providing that all persons having claims against the State may sue it is valid; but no law providing that a particular person may sue it is valid.

73. The Publication of Laws. — SEC. 25. A majority of all the members elected to each house shall be necessary to pass every bill or joint resolution; and all bills and joint resolutions so passed shall be signed by the presiding officers of the respective houses.

Right of
Protest.

SEC. 26. Any member of either house shall have the right to protest, and to have his protest, with his reasons for dissent, entered on the journal.

SEC. 27. Every statute shall be a public law, unless otherwise declared in the statute itself.

SEC. 28. No act shall take effect until the same shall have been published and circulated in the several counties of this State, by authority, except in case of emergency; which emergency shall be declared in the preamble or in the body of the law.

After having all the acts of the General Assembly printed in book form the Secretary of State sends them to the clerks of all counties in the State. The time when the last

county receives these statutes is proclaimed by the Governor as the exact time of the taking effect of the new laws. Acts for which an emergency is declared are given to the public through the press. **Article IV**

74. Compensation of Members. — SEC. 29. The members of the General Assembly shall receive for their services a compensation to be fixed by law; but no increase of compensation shall take effect during the session at which such increase may be made. No session of the General Assembly, except the first under this Constitution, shall extend beyond the term of sixty-one days, nor any special session beyond the term of forty days.

SEC. 30. No senator or representative shall, during the term for which he may have been elected, be eligible to any office, the election to which is vested in the General Assembly, nor shall he be appointed to any civil office of profit, which shall have been created, or the emoluments of which shall have been increased, during such terms; but this latter provision shall not be construed to apply to any office elective by the people. **Ineligibility for Certain Offices.**

The object of the last clause is to free members from the temptation of creating offices for their personal benefit.

The members of both houses receive a compensation of six dollars a day while the legislature is in session and twenty cents for every mile necessarily traveled in going to and from the session.

THE EXECUTIVE DEPARTMENT

75. Peculiarities. — Nowhere is the fear of executive power, previously mentioned (§ 5), better illustrated than in the Constitution of Indiana. A comparison of the state executive with that of the Nation reveals striking contrasts. The President of the United States has power in keeping with that of an English king. He is the only executive officer of the federal government who is elected by the **Article V**

Article V

Woodrow
Wilson's
The
State,
516.

people; other executive officials are appointed by him and are responsible to him. The Governor of the State is but one of many executive officials elected by the people. The other officials are in no sense his cabinet. They are almost wholly independent of him and administer their departments coördinately with his. While some authority over state officers is given to the Chief Executive the public has not grown accustomed to the exercise of it. It has been suggested that such a dissipation of power weakens the state executive; that if the other state officials were appointed by the Governor, unity of action would be secured and responsibility better located. On the other hand, the Governor's office carries with it certain privileges which hark back to the days of executive supremacy. He is "Your Excellency." He is subject neither to the legislature nor the Supreme Court. For a crime he could not be arrested. His power also has been greatly increased in the administrative department, and bids fair to be increased more in the future. The state executive shows plainly the marks of both the centralizing and the decentralizing influences in Indiana history.

76. The Governor. — SECTION 1. The executive powers of the State shall be vested in a Governor. He shall hold his office during four years, and shall not be eligible more than four years in any period of eight years.

No Governor has been elected to a second term under the present Constitution. Joseph A. Wright was reëlected while serving out a term under the present Constitution, while Oliver P. Morton and Conrad Baker were each elected while acting as Governors.

77. The Lieutenant-governor. — SEC. 2. There shall be a Lieutenant-governor, who shall hold his office during four years.

Aside from the duties enumerated elsewhere, the Lieutenant-governor is called upon for no official action. He need not reside at the capital except in the performance of his duties. Article V

78. Their Election. — SEC. 3. The Governor and Lieutenant-governor shall be elected at the times and places of choosing members of the General Assembly.

SEC. 4. In voting for Governor and Lieutenant-governor the electors shall designate for whom they vote as Governor, and for whom as Lieutenant-governor. The returns of every election for Governor and Lieutenant-governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both houses of the General Assembly.

SEC. 5. The persons, respectively, having the highest number of votes for Governor and Lieutenant-governor, shall be elected; but in case two or more persons shall have an equal and the highest number of votes for either office, the General Assembly shall, by joint vote, forthwith proceed to elect one of the said persons Governor or Lieutenant-governor, as the case may be.

SEC. 6. Contested elections for Governor or Lieutenant-governor shall be determined by the General Assembly, in such manner as may be prescribed by law.

The person having the highest number of votes is elected, whether it be a plurality or majority vote.

79. Eligibility: Vacancy in Office. — SEC. 7. No person shall be eligible to the office of Governor or Lieutenant-governor, who shall not have been five years a citizen of the United States, and also a resident of the State of Indiana during the five years next preceding his election; nor shall any person be eligible to either of the said offices who shall not have attained the age of thirty years.

SEC. 8. No member of Congress, or person holding any office under the United States, or under this State, shall fill the office of Governor or Lieutenant-governor.

SEC. 9. The official term of the Governor or Lieutenant-governor shall commence on the second Monday of January, Term of Office.

Article V in the year one thousand eight hundred and fifty-three; and on the same day every fourth year thereafter.

SEC. 10. In case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the duties of the office, the same shall devolve on the Lieutenant-governor; and the General Assembly shall, by law, provide for the case of removal from office, death, resignation, or inability, both of the Governor and Lieutenant-governor, declaring what officer then shall act as Governor; and such officer shall act accordingly until the disability be removed or a Governor be elected.

SEC. 11. Whenever the Lieutenant-governor shall act as Governor, or shall be unable to attend as President of the Senate, the Senate shall elect one of its own members as President for the occasion.

Should there be no President *pro tempore* of the Senate at the time of the removal of both Governor and Lieutenant-governor the Secretary of State is authorized to convene the Senate for the purpose of selecting one. The senator thus chosen would exercise all the authority of a Governor; but neither he nor the Lieutenant-governor could become the actual Governor, since if the disability were removed the actual Governor would resume his duties.

Com-
mander-
in-Chief.

80. Duties of the Governor. — **SEC. 12.** The Governor shall be Commander-in-Chief of the military and naval forces, and may call out such forces to execute the laws, or to suppress insurrection, or to repel invasion.

The naval forces of the State have never been organized, but Governors have on different occasions used the militia to execute laws, to maintain order, and once to repel an invasion.

Messages.

SEC. 13. He shall, from time to time, give to the General Assembly information touching the condition of the State, and recommend such measures as he shall judge to be expedient.

The information given to the General Assembly is in the form of a message, read by the Governor in person. He may present messages touching the welfare of the State as often as he deems it wise, though the legislature may or may not follow his advice. **Article V**

SEC. 14. Every bill which shall have passed the General Assembly shall be presented to the Governor; if he approve, he shall sign it, but if not, he shall return it, with his objections, to the house in which it shall have originated, which house shall enter the objections at large upon its journals and proceed to reconsider the bill. If, after such reconsideration, a majority of all the members elected to that house shall agree to pass the bill, it shall be sent, with the Governor's objections, to the other house, by which it shall likewise be reconsidered, and if approved by a majority of all the members elected to that house, it shall be a law. If any bill shall not be returned by the Governor within three days, Sundays excepted, after it shall have been presented to him, it shall be a law without his signature, unless the general adjournment shall prevent its return, in which case it shall be a law unless the Governor, within five days next after such adjournment, shall file such bill, with his objections thereto, in the office of the Secretary of State, who shall lay the same before the General Assembly at its next session in like manner as if it had been returned by the Governor. But no bill shall be presented to the Governor within two days next previous to the final adjournment of the General Assembly. **Bills signed or vetoed.**

The vote of the General Assembly by which a bill becomes a law over the Governor's veto varies widely in the different States. In some States he is given no veto power: in others a three-fifths vote is required. In one State a two-thirds vote in the house in which the measure originated, and a majority vote in the other house, are required.

SEC. 15. The Governor shall transact all necessary business with the officers of government, and may require any information in writing from the officers of the administration of Business. **Transaction of Business.**

Article V trative department, upon any subject relating to the duties of their respective offices.

SEC. 16. He shall take care that the laws be faithfully executed.

Officers of the State must furnish the Governor information concerning their departments, but he may not require an opinion of a judge or court.

**Pardoning
Power.**

SEC. 17. He shall have the power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, subject to such regulations as may be provided by law. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the General Assembly at its next meeting, when the General Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law, and shall report to the General Assembly, at its next meeting, each case of reprieve, commutation, or pardon granted, and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted: Provided, however, That the General Assembly may, by law, constitute a council, to be composed of officers of State, without whose advice and consent the Governor shall not have power to grant pardons, in any case, except such as may, by law, be left to his sole power.

The Governor exercises the clemency of the State toward condemned persons. A Board of Pardons advises him, but he may act independently. A reprieve delays the execution of a sentence; a commutation substitutes a lighter penalty; and a pardon extends complete freedom.

**Fills va-
cancies in
Office.**

SEC. 18. When, during a recess of the General Assembly, a vacancy shall happen in any office, the appointment to which is vested in the General Assembly, or when, at any time, a vacancy shall have occurred in any other state

office, or in the office of judge of any court, the Governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified. **Article V**

SEC. 19. He shall issue writs of election to fill such vacancies as may have occurred in the General Assembly.

SEC. 20. Should the seat of government become dangerous from disease or a common enemy, he may convene the General Assembly at any other place.

The Governor fills all vacancies in state offices, whether the vacancy be caused by the removal of an officer or by the creation of a new office. He also issues commissions to all state and county officers, justices of the peace, and notaries public.

§1. Compensation of Governor and Lieutenant-governor.

— SEC. 21. The Lieutenant-governor shall, by virtue of his office, be President of the Senate; have a right, when in Committee of the Whole, to join in debate, and to vote on all subjects, and, whenever the Senate shall be equally divided, he shall give the casting vote.

**Duties of
Lieutenant-Gov-
ernor.**

SEC. 22. The Governor shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the term for which he shall have been elected.

SEC. 23. The Lieutenant-governor, while he shall act as President of the Senate, shall receive for his services the same compensation as the Speaker of the House of Representatives; and any person acting as Governor shall receive the compensation attached to the office of Governor.

SEC. 24. Neither the Governor nor Lieutenant-governor shall be eligible to any other office during the term for which he shall have been elected. **Ineligibility.**

The salary of the Governor is \$8000 a year, payable quarterly. Earlier in the State's history he was provided a residence, and is now given a sum with which to rent a home. The official expenses of his office, including the salaries of secretaries and clerks, are paid by the State.

The Lieutenant-governor receives a salary of \$1000

Article V annually and eight dollars a day while serving as President of the Senate.

The salaries and terms of state officers are given in a table in the Appendix.

THE ADMINISTRATIVE DEPARTMENT

Article VI **82. Elective State Officers.** — **SECTION 1.** There shall be elected by the voters of the State, a Secretary, an Auditor, and a Treasurer of State, who shall severally hold their offices for two years. They shall perform such duties as may be enjoined by law; and no person shall be eligible to either of said offices more than four years in any period of six years.

It will be observed that this department, entitled "Administrative," is in reality a continuation of the Executive Department. Since the making of the Constitution, provision has been made by statute for the following elective state officers: Attorney-General, Superintendent of Public Instruction, Geologist, and Statistician. Provision has also been made by statute for appointive state officers and for administrative boards, the several duties of which are mentioned later.

83. County and Township Officers. — **SEC. 2.** There shall be elected in each county, by the voters thereof, at the time of holding general elections, a Clerk of the Circuit Court, Auditor, Recorder, Treasurer, Sheriff, Coroner and Surveyor. The Clerk, Auditor, and Recorder shall continue in office four years; and no person shall be eligible to the office of Clerk, Recorder or Auditor more than eight years in any period of twelve years. The Treasurer, Sheriff, Coroner and Surveyor, shall continue in office two years; and no person shall be eligible to the office of Treasurer or Sheriff more than four years in any period of six years.

SEC. 3. Such other county and township officers as may be necessary, shall be elected or appointed, in such manner as may be prescribed by law.



SEC. 4. No person shall be elected or appointed as a county officer, who shall not be an elector of the county; nor any one who shall not have been an inhabitant thereof during one year next preceding his appointment, if the county shall have been so long organized; but if the county shall not have been so long organized, then, within the limits of the county or counties out of which the same shall have been taken.

Article VI
Qualifications.

The duties of county and township officers are given in the chapter on local government.

84. Residence of Officers. — SEC. 5. The Governor, and the Secretary, Auditor, and Treasurer of State, shall, severally, reside and keep the public records, books and papers in any manner relating to the respective offices, at the seat of government.

SEC. 6. All county, township and town officers shall reside within their respective counties, townships and towns, and shall keep their respective offices at such places therein, and perform such duties as may be directed by law.

The convenience of the people demands the residence of officers at the seat of government.

85. Impeachment of Officers. — SEC. 7. All state officers shall, for crime, incapacity or negligence, be liable to be removed from office, either by impeachment by the House of Representatives, to be tried by the Senate, or by a joint resolution of the General Assembly; two thirds of the members elected to each branch voting, in either case, therefor.

SEC. 8. All state, county, township and town officers may be impeached, or removed from office in such manner as may be prescribed by law.

The Governor may arrest and suspend other state officers for official misconduct.

*Revised
Statutes,
5643.*

86. Vacancies in Local Offices. — SEC. 9. Vacancies in county, township and town offices shall be filled in such manner as may be prescribed by law.

Article VI Vacancies in the elective offices of the county and township are filled by the County Commissioners; in appointive offices by the original appointing power. Town councils, or trustees, have the right to fill vacancies in the towns.

87. Local Administrative Power. — SEC. 10. The General Assembly may confer upon the boards doing county business in the several counties, powers of a local Administrative character.

The difference between the relation of County to State and of State to Nation is here evident. Instead of receiving power from the Counties, as the federal government did from the States, the State, through the General Assembly, confers power on the Counties.

Depositories.

All officers in the State having charge of public funds must deposit the same in specified places, where they may earn interest for the public.

88. The Secretary of State. — The duties of this officer are performed through the bureaus of public affairs, public printing and stationery, corporations, and statistics. In public affairs he attests the signature of the Governor and affixes the seal of the State to all public documents. He has charge of the public printing and the distribution of public documents. Corporations doing business in the State are required to file their articles of incorporation with him. He makes an annual report containing statistical matter of importance to the Governor. In brief, his office is the public record office of the State and his duties the making and keeping of records.

89. The Auditor of State. — The Auditor is the public accountant or bookkeeper of the State. He audits all accounts between the State and the United States, between the State and other States, and between the State and Counties. He reports to each General Assembly the receipts

and expenditures of the State and makes an estimate of the expenditures for the intervening years. He inquires into the stability of state banks, insurance companies, building and loan associations, and other similar corporations doing business with the public. Article VI

90. The Treasurer of State. — The Treasurer is the keeper of the State's money. He must execute a bond to be approved by the Governor, in the penal sum of \$700,000, with twenty or more good sureties. He can receive no money except through a draft from the Auditor of State, and he must deposit, not loan, the money received. He must make monthly statements of the amount of money in each particular fund. His accounts may be inspected at any time by a skilled accountant appointed by the Governor or General Assembly.

91. The Attorney-General. — The office of Attorney-General was not created until 1855, although Indiana as a territory had such an officer. He is attorney for the State and state officials, prosecuting or defending as occasion demands, or rendering opinions to state officials or the General Assembly concerning the validity or construction of any law. He also collects unpaid money due the State.

92. Superintendent of Public Instruction. — The duties of this officer involve the general supervision of school work in the State. He is *ex officio* a member of the State Board of Education. He is elected on a party ticket for a term of two years. With the development of educational interests there is a growing sentiment in favor of divorcing the office entirely from politics. (§ 118.)

93. The State Geologist. — The law demands that the State Geologist should be a man "skilled in geology and natural sciences." His chief service is in presenting to the people the natural resources of the State. The results of his

Article VI investigations are given in annual reports, often of great value. He is also curator of the state museum, made up of natural history specimens and war relics.

94. The State Statistician.—The office of the State Statistician was established in 1879. Its purpose is to collect and present to the public statistical information on agriculture, mining, manufacturing, commerce, education, labor, social conditions, and other kindred interests of the State. The bureau has power to enforce its demand for the information desired.

95. The Extension of Administration.—It is evident that as population increases the functions of government must be extended. This is particularly true of the Administrative Department. In the days of sparse settlements, and of blazed paths of communication between those settlements, it little concerned one community what the economic and social conditions were in another. But with the rapid increase of population and development of new interests has come an interdependence of communities and individuals not dreamed of by the makers of our Constitution. The extension of the Administrative Department has been noticed in the number of elective state officers added to the list provided for in the Constitution. It remains to notice the additional appointive officers and boards of control, by which administrative functions have been greatly extended. The aggressive student of state history will watch with keen interest the future extension of state authority, which now bids fair to centralize around the Chief Executive.

96. Appointive State Administrative Officers.—A State Librarian is appointed by the State Library Board, and has charge of the collection, preservation, and distribution of books and documents of interest to the people.

A Commissioner of Fisheries is appointed by the Governor

Rawles's
Centralizing Tendencies in Indiana,
Chap. VII.

State
Librarian.

for a term of two years. His duties are to ascertain and enforce means for the protection and propagation of fish and game. **Article VI**
Commissioner of Fisheries.

There is appointed by the Governor a Chief Inspector, who inquires into the safety of public buildings, the sanitation of food-producing houses; and who also grants authority to inspectors of appliances used by the public. Chief Inspector.

An Inspector of Mines is appointed by the State Geologist to increase the mining interests of the State. Mine Inspector.

A Chemist is appointed to inspect foods and drugs: to analyze fertilizers used on soils, and other products used by the public. State Chemist.

An Inspector of Oils is appointed by the Governor to protect the people in the purchase of various oils offered for sale. Oil Inspector.

A State Veterinarian, appointed by the Governor, protects the health of domestic animals and prevents the spread of infectious diseases among them. State Veterinarian.

The recent discovery of the San José scale, and other insects injurious to trees, has called for the Governor's appointment of a State Entomologist. This officer inspects the nurseries of the State and requires the destruction of pests harmful to trees or plants. State Entomologist.

Notaries Public, generally considered local officers, are commissioned by the Governor and have jurisdiction anywhere within the State. Notaries Public.

97. State Boards of Administration.— If the duties of the state officials considered reveal the State's interest in the welfare of its citizens, the Boards of Administration reveal a more searching desire on the part of the State to aid its people. The Boards of Administration are humanitarian in spirit. Most of them are directly concerned with the elevation of humanity, the character of citizenship, and the happiness of living.

Article VI

98. The Board of State Charities. — The Board of State Charities, appointed by the Governor, has supervision over the whole system of public charities of the State. Its duties are defined as follows: —

Pamphlet,
The Development of Public Charities in Indiana.

To see that every inmate of every public institution receives proper care; to see that the public funds are properly expended; to see that the institutions are properly conducted; to see that the management is protected from unjust criticism.

It has secured the removal of the institutions from party politics; created a reformatory for men, with indeterminate sentence and parole laws; separated girls from women in prison; secured the removal of children from poor asylums, and made provisions for others who are truants or dependents. So beneficial has been the work of this Board that one legislature passed thirty-five separate acts in response to its call.

Board of Health.

99. The State Board of Health. — The State Board of Health is composed of five members, one of whom is a skilled physician, known as the Secretary, or State Health Officer. By the enforcement of sanitary regulations this Board is exerting a most helpful influence in the preservation of public health. It also supervises the registration of births, deaths, and marriages. The State also maintains a laboratory of hygiene and a bacteriological department.

The State Board of Education.

100. Educational Boards. — The State Board of Education consists of the Governor, Superintendent of Public Instruction, the Presidents of the three state institutions for higher education, the Superintendents of the three largest city schools in the State, and three other members appointed by the Governor. This Board administers the school system of the State, prescribing the course of study, and regulating the choice of teachers and of texts. A Board of Trustees, selected by the State Board of Education and the alumni

Boards of Institutions for Higher Education.

residents of the State, is given the management of the State University at Bloomington. Similar Boards, appointed by the Governor, have charge of the State Agricultural and Technical School at Lafayette and the State Normal School at Terre Haute. An Institution for the Education of the Blind, and another for the Education of the Deaf, both located at Indianapolis, have Boards of Control appointed by the Governor.

Article VI

Schools
for the
Blind and
Deaf.

101. Boards of Benevolent Institutions. — Two Boards, in each of which there is a woman, have charge of the School for Feeble-Minded Youth at Fort Wayne and the Home for Orphans of Soldiers and Sailors at Knightstown. The Governor appoints five Boards of Control for the five Insane Hospitals, located at Indianapolis, Evansville, Richmond, Logansport, and North Madison. A village for epileptics, near Newcastle, is managed by a Board appointed by the Governor. A Board of five members is also appointed by him for the supervision of a Hospital for the Treatment of Tuberculosis.

School for
Feeble-
Minded
Youth.
Home for
Orphans
of Soldiers
and
Sailors.
Insane
Hospitals.
Village
for Epilep-
tics.

102. Boards of Penal and Reformatory Institutions. — The Governor appoints a Board of Control for the State Prison at Michigan City, and another for the State Reformatory at Jeffersonville. The Boys' School for Juvenile Offenders, located at Plainfield, and a similar school for girls, located near Indianapolis, are controlled by Boards appointed by the Governor. The Board in Control of the Girls' School is composed of women, as is a similar board which has control of the Women's Prison at Indianapolis. The Governor appoints a Board to assist him in examining petitions from convicted criminals for clemency.

State
Prison and
Reformatory.
Reform
Schools
for Boys
and Girls.Women's
Prison.
A Board
of Par-
dons.

103. Boards of Examination. — A Board examines and grants certificates to those entitled to practice medicine in the State. Another performs the same duty to the State

Physi-
cians.
Dentists.
Nurses.

Article VI
 Embalm-
 ers.
 Veteri-
 narians.
 Opticians.
 Pharma-
 cists.

with reference to those who would practice dentistry. Similar boards examine those who would practice as trained nurses, or as embalmers, or practice in veterinary medicine, or in optometry. Pharmacists must secure certificates from a Board of Examination. These Boards are all appointed by the Governor.

Labor and
 Capital.

104. Boards of Commissioners.—With the approval of the Senate the Governor appoints a Commission, representing the interests of labor and capital, to act as a means of arbitration between these interests. Another Commission is charged with the regulation of railway service in the State. Election Commissioners have charge of the distribution of ballots for state elections, while another Commission inspects the efficiency of voting machines before they may be used. The equalization of taxes on property in the State is an important duty, assigned to a Board of Tax Commissioners, of which the Secretary of State is chairman. This Board also regulates the forms of taxation and investigates the payment of the same.

Railways.

Elections
 and Vot-
 ing Ma-
 chines.

Taxation.

Agricul-
 ture.

105. Boards of Agriculture and Forestry.—The State Board of Agriculture is a semi-public corporation but is deemed of sufficient value to the public to receive state aid. Other private organizations assisted by the State because of their public worth are the Horticultural Society, the Dairymen's Association, the Florists' Association, and the Academy of Science.

Forestry.

A Board of Forestry has as its duty the preservation and renewal of timber lands. Two thousand acres of land in the south part of the State have been purchased, to be used as a Forest Reservation and Experiment Station. The object lessons from this reservation will result in the planting of forests elsewhere, and will bring to the State untold wealth and beauty.

THE JUDICIAL DEPARTMENT

106. Organization. — SECTION 1. The judicial power of the State shall be vested in a Supreme Court, in Circuit Courts, and in such other courts as the General Assembly may establish. Article VII

The General Assembly has provided for Appellate, Police, and Mayors' Courts; and has made the court of Marion County a Court of Claims.

107. The Supreme Court. — SEC. 2. The Supreme Court shall consist of not less than three, nor more than five judges; a majority of whom shall form a quorum. They shall hold their offices for six years, if they so long behave well.

SEC. 3. The State shall be divided into as many districts as there are judges of the Supreme Court, and such districts shall be formed of contiguous territory, as nearly equal in population as, without dividing a county, the same can be made. One of said judges shall be elected from each district, and reside therein; but said judge shall be elected by the electors of the State at large.

SEC. 4. The Supreme Court shall have jurisdiction, coextensive with the limits of the State, in appeals and writs of error, under such regulations and restrictions as may be prescribed by law. It shall also have such original jurisdiction as the General Assembly may confer.

SEC. 5. The Supreme Court shall, upon the decision of every case, give a statement in writing of each question arising in the record of such case, and the decision of the Court thereon.

SEC. 6. The General Assembly shall provide by law for the speedy publication of the decisions of the Supreme Court, made under this Constitution, but no judge shall be allowed to report such decision.

SEC. 7. There shall be elected by the voters of the State, a Clerk of the Supreme Court, who shall hold his office four years, and whose duties shall be prescribed by law.

The Supreme Court is composed of five judges, each serving in succession as Chief Justice. Two terms of court

Article VII are held each year, beginning on the fourth Mondays of May and November. The purpose of the Court is not to try original cases, but to review the law and evidence of cases first tried in the lower courts. It may affirm, amend, or reverse the decision of a lower court. The judgment of the Court is that of a majority of the judges, and is final unless it involves the Constitution or Laws of the United States.

The Appellate Court.

The Appellate Court, consisting of six judges elected for a term of six years, relieves the Supreme Court of some of its burdens. The Court sits in two divisions of three judges each, thus doing the business of two separate courts. Certain cases may be transferred or appealed from it to the Supreme Court.

108. Circuit Courts. — SEC. 8. The Circuit Courts shall each consist of one judge, and shall have such civil and criminal jurisdiction as may be prescribed by law.

SEC. 9. The State shall, from time to time, be divided into judicial circuits, and a judge for each circuit shall be elected by the voters thereof. He shall reside within the circuit, and shall hold his office for the term of six years, if he so long behave well.

SEC. 10. The General Assembly may provide, by law, that the judge of one circuit may hold the courts of another circuit, in cases of necessity or convenience; and in case of temporary inability of any judge, from sickness or other cause, to hold the courts in his circuit, provisions may be made, by law, for holding such courts.

At present there are sixty-two districts, designated by number, in the State. Four terms of court are usually held in each district annually, the length of term depending on the number of counties in the district and the amount of business to be adjusted. Circuit Courts have original jurisdiction in all civil and criminal cases, except minor actions assigned by law to Justices of the Peace. They have appel-

late jurisdiction in all cases appealed from City Courts, Commissioners' Courts, or Justices of the Peace. They also have authority in all cases of adjudication not provided for by statute. Power is given the Courts for the enforcement of their own decrees. **Article VII**

In the more densely populated counties it has become necessary to provide extra courts for the relief of Circuit Courts. Thus Marion County has three judges of what is termed the Superior Court. In nearly all respects the Superior Courts are like Circuit Courts; but that of Marion County is also made a Court of Claims, wherein suits may be brought against the State. When such claim is found to be valid the appropriation for its satisfaction may be made by the General Assembly only. **Superior Courts.**
A Court of Claims.

In the more populous cities, Criminal Courts, having general jurisdiction over all kinds of criminal actions, have been organized. Juvenile Courts in the largest cities, and the judge of the Circuit Court in smaller ones, have charge of delinquent boys and girls under the ages of sixteen and seventeen respectively. **Criminal Courts.**
Juvenile Courts.

The Mayors of cities may hold Courts having jurisdiction in minor civil and criminal cases, usually consisting of violations of city ordinances. In cities of five thousand inhabitants, City Courts may take the place of Mayors' Courts, while in the larger cities Police Courts serve the purposes of both. **Mayors', City, and Police Courts.**

109. Prosecuting Attorney.—**SEC. 11.** There shall be elected, in each judicial circuit, by the voters thereof, a prosecuting attorney, who shall hold his office for two years.

SEC. 12. Any judge or prosecuting attorney, who shall have been convicted of corruption or other high crime, may, on information in the name of the State, be removed from office by the Supreme Court, or in such other manner as may be prescribed by law.

Article VII It is the duty of the Prosecuting Attorney to institute proceedings against all violators of state laws within his circuit and to defend the counties comprising his circuit in all suits brought against them.

110. Compensation. — SEC. 13. The judges of the Supreme Court and Circuit Courts shall, at stated times, receive a compensation, which shall not be diminished during their continuance in office.

The annual salary of the judges of the Supreme Court is \$6000. Judges of Circuit Courts receive \$2500, and in cities of 30,000 inhabitants may receive \$1500 additional, annually.

111. Justices of the Peace. — SEC. 14. A competent number of justices of the peace shall be elected by the voters in each township in the several counties. They shall continue in office four years, and their powers and duties shall be prescribed by law.

Each township is entitled to one Justice of the Peace, and at the discretion of the County Commissioners may have more. Minor civil and criminal cases are heard in these courts.

112. The Grand Jury. — SEC. 15. All judicial officers shall be conservators of the peace in their respective jurisdictions.

SEC. 16. No person elected to any judicial office shall, during the term for which he shall have been elected, be eligible to any office of trust or profit under the State, other than a judicial office.

SEC. 17. The General Assembly may modify or abolish the grand jury system.

The Grand Jury consists of six substantial citizens, who shall "diligently inquire and true presentment make, of all felonies and misdemeanors committed or triable in the county." (A felony is a crime punishable with death or

imprisonment in the state prison; all other offenses are termed misdemeanors.) The Grand Jury not only inquires into the violations of laws in general, but inspects and reports the condition of charitable and penal institutions in the county. Article VII

113. Revision of Laws. — SEC. 18. All criminal prosecutions shall be carried on in the name, and by the authority of the State; and the style of all processes shall be "The State of Indiana."

SEC. 19. Tribunals of conciliation may be established, with such powers and duties as shall be prescribed by law; or the powers and duties of the same may be conferred upon other courts of justice; but such tribunals or other courts, when sitting as such, shall have no power to render judgment to be obligatory on the parties unless they voluntarily submit their matters of difference and agree to abide the judgment of such tribunal or court. Courts of Conciliation.

SEC. 20. The General Assembly, at its first session after the adoption of this constitution, shall provide for the appointment of three commissioners, whose duty it shall be to revise, simplify and abridge the rules, practice, pleadings and forms of the courts of justice. And they shall provide for abolishing the distinct forms of action at law now in use; and that justice shall be administered in a uniform mode of pleading, without distinction between law and equity. And the General Assembly may, also, make it the duty of said commissioners to reduce into a systematic code the general statute law of the State; and said commissioners shall report the result of their labors to the General Assembly, with such recommendations and suggestions, as to the abridgment and amendment, as to said commissioners may seem necessary or proper. Provision shall be made by law for filling vacancies, regulating the tenure of office and the compensation of said commissioners.

SEC. 21. Every person of good moral character, being a voter, shall be entitled to admission to practice law in all courts of justice. Lawyers.

The new civil and criminal codes presented by the commissioners of revision brought about a legal reformation in Indiana. The legislature reserved the right to revise the

Article VII entire body of laws, and many fictions and technicalities which made the practice of law cumbersome have been eliminated.

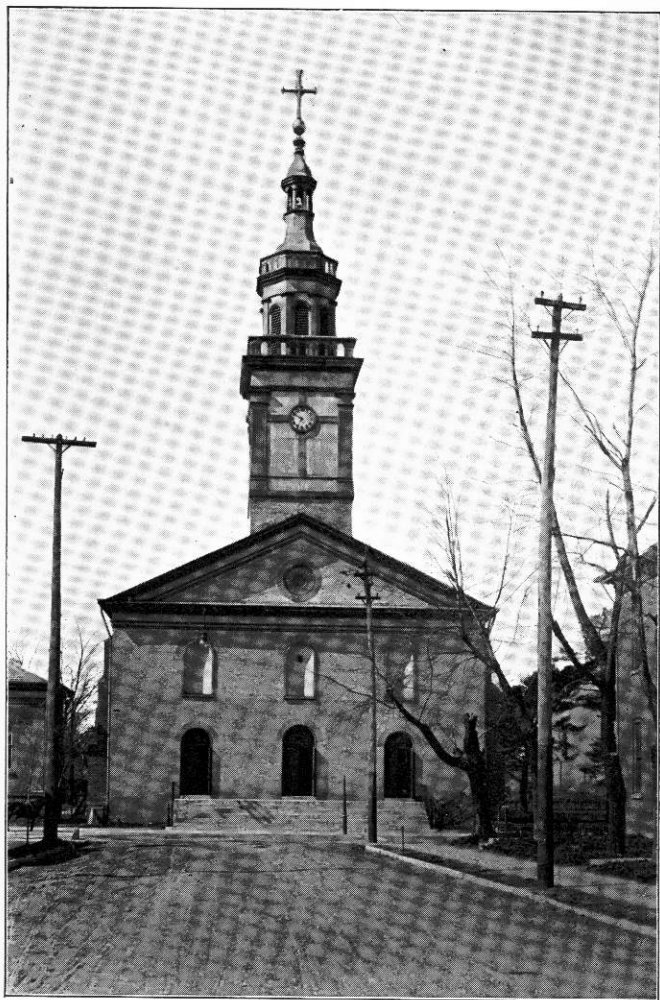
114. Court Officers.—The Clerk of the Circuit Court, known also as County Clerk, keeps the records of the Court and administers oaths. The Sheriff executes the orders of the Court. A Constable in like manner serves each Justice of the Peace. A stenographer is usually appointed in Circuit Courts, to make a record of the proceedings of each trial.

EDUCATION

Article VIII **115. General Provisions.**—SECTION 1. Knowledge and learning generally diffused throughout a community, being essential to the preservation of a free government, it shall be the duty of the General Assembly to encourage, by all suitable means, moral, intellectual, scientific and agricultural improvement, and to provide by law for a general and uniform system of common schools, wherein tuition shall be without charge, and equally open to all.

The diffusion of knowledge and learning as contemplated in the foregoing section is the most profound bit of political wisdom in the Constitution. Nor is there any other subject upon which the people are so unanimously agreed, nor for which they are so willingly taxed.

Under the former Constitution there was a general and a local system of schools and, being somewhat antagonistic, neither flourished. Now we have one general system, supported by the State and the local community. This system provides for an elementary course of eight years, a secondary or high school course of four years, one institution for "higher education," one for "scientific and agricultural improvement," and one for the professional training of teachers. Thus the State provides for the complete cycle



ST. FRANCIS XAVIER CATHEDRAL, VINCENNES

The only church building in Indiana during the latter half of the eighteenth century. First building erected in 1749. Present structure erected in 1826.

of education of its citizens, from the kindergarten to the university and training school. In addition the State has many private and denominational schools which have rendered inestimable service to the commonwealth in the cause of education.

Article
VIII

116. School Funds and Revenues.—SEC. 2. The Common School Fund shall consist of the Congressional Township Fund, and the lands belonging thereto;

The Surplus Revenue Fund;

The Saline Fund, and the lands belonging thereto;

The Bank Tax Fund, and the fund arising from the one hundred and fourteenth section of the charter of the state bank of Indiana;

The fund to be derived from the sale of county seminaries, and the moneys and property heretofore held for such seminaries; from the fines assessed for breaches of the penal laws of the State; and from all forfeitures which may accrue;

All lands and other estate which shall escheat to the State for want of heirs or kindred entitled to the inheritance;

All lands that have been or may hereafter be granted to the State, where no special purpose is expressed in the grant, and the proceeds of the sales thereof; including the proceeds of the sales of the swamp lands granted to the State of Indiana by the act of Congress, of the 28th of September, 1850, after deducting the expense of selecting and draining the same;

Taxes on the property of corporations that may be assessed by the General Assembly for common school purposes.

By the Constitution the Common School Fund is a consolidation of the Congressional Township Fund and all other funds. By statute the Congressional Township Fund is separated from the remaining funds, which are known as the Common School Funds. The former has been derived from the sale of congressional township school lands, given to the State for that purpose at the time of its admission to the Union. This fund, exclusive of over one

The Congressional
Township
Fund.

Article VIII	thousand acres yet unsold, amounts to \$2,500,000. (See Section 6 of Enabling Act, Appendix.)
The Sur- plus Rev- enue Fund.	The Surplus Revenue Fund is Indiana's portion (\$860,254) of the United States revenue distributed among the States in 1836. This is virtually a loan and must be returned to the federal government if called for.
Saline Fund.	The Saline Fund (about \$85,000) arose from the sale of salt springs and lands as provided for in the Enabling Act.
Bank Tax Fund.	It was provided in 1834 that all shares of the State Bank not owned by the State should pay an annual tax of 12½ cents, to be given to the School Fund. The amount thus secured was \$80,000.
The Sink- ing Fund.	The Sinking Fund is a balance left the State after its participation in the ownership of stock in the State Bank. From it the School Fund secured \$4,255,731.
Seminary Fund.	By provision of the Constitution of 1816 county seminaries were established and supported by public money. With the adoption of the present Constitution and the re-organization of the school system the seminaries were sold and the proceeds, over \$100,000, were turned over to the State. The additional funds, derived from other sources as provided, make a Common School Fund which, exclusive of the Congressional Township Fund, amounts to about \$8,300,000.
School Taxes.	The State levies a tax of 50 cents on every taxable person, and 13.6 cents on every \$100 worth of taxable property, for school purposes. Local communities also assess a tax for tuition and another for special school purposes, the former to be used exclusively in the payment of teachers and the latter for school supplies of all kinds. The revenues thus secured, together with the interest on the perpetual fund, and returns from liquor licenses, unclaimed witness fees, and fines, amount to \$11,000,000 annually. The state revenues are appor-
Annual Amount. Appor- tionment.	

tioned semi-annually to the counties, which in turn apportion them to their school corporations upon the basis of the enumeration of school children. Article
VIII

117. Permanency of the School Fund. — SEC. 3. The principal of the Common School Fund shall remain a perpetual fund, which may be increased, but shall never be diminished; and the income thereof shall be inviolably appropriated to the support of common schools, and to no other purpose whatever.

SEC. 4. The General Assembly shall invest, in some safe and profitable manner, all such portions of the Common School Fund as have not heretofore been intrusted to the several counties; and shall make provisions, by law, for the distribution, among the several counties, of the interest thereof.

SEC. 5. If any county shall fail to demand its proportion of such interest for common school purposes, the same shall be reinvested for the benefit of such county.

SEC. 6. The several counties shall be held liable for the preservation of so much of the said fund as may be intrusted to them, and for the payment of the annual interest thereon.

SEC. 7. All trust funds held by the State shall remain inviolate, and be faithfully and exclusively applied to the purposes for which the trust was created.

The principal of the Common School Fund, including the Congressional Township Fund, amounts to about \$11,000,000. This is distributed among the counties of the State and, through their Auditors, is loaned to the people.

118. Superintendent of Public Instruction. — SEC. 8. The General Assembly shall provide for the election, by the voters of the State, of a State Superintendent of Public Instruction, who shall hold his office for two years, and whose duties and compensation shall be prescribed by law.

The educational progress of the State of Indiana may be read in the work of its Superintendents of Public Instruc-

Article
VIII

tion (§ 92). The State Board of Education, County and City Superintendents, the press, the legislature, the private and denominational schools, have all exercised a potent influence in the development of the public school system; but the initiative, the organization, and direction of forces have fallen to the lot of the Superintendents of Public Instruction. Under their general supervision the progress of education has been marked by the following steps: a conservation of school funds; better buildings and equipment; compulsory education for children between the ages of seven and fourteen; a minimum school term; a minimum wage law; consolidation of schools, and the development of a public school spirit not measured in terms of words.

STATE INSTITUTIONS

Article IX

119. The Care of Defectives.—SECTION 1. It shall be the duty of the General Assembly to provide by law for the support of institutions for the education of the deaf and dumb, and of the blind; and, also, for the treatment of the insane.

Schools for the deaf and dumb and the blind are not charitable institutions but a part of the educational system of the State.

An institution for the blind was established in Indianapolis as early as 1847. A school for the deaf and dumb is located in the same city. A certificate from a Justice of the Peace secures admission to either of these schools, in which considerate treatment and excellent instruction are given. A school for feeble-minded youth is located near Fort Wayne. The State provides five hospitals for the insane (§ 10). An oath before a Justice of the Peace declaring insanity, followed by an examination, and an order from

the County Clerk, are the steps by which an unfortunate is placed in one of these institutions. Unfortunately, a person pronounced incurable in either of the insane hospitals may be returned to the county from which he was sent, to be placed at last in the county poor asylum. Article IX

120. Correctional Institutions. — SEC. 2. The General Assembly shall provide houses of refuge for the correction and reformation of juvenile offenders.

A School for Incurrigible Boys is located at Plainfield. Upon complaint and proof that a boy under sixteen years of age is ungovernable the judge of the Circuit Court may send him to this correctional institution, to be transferred to the Men's Reformatory at the age of seventeen if still incorrigible, or to be paroled on good behavior. A similar School for Incurrigible Girls under the age of seventeen is located near Indianapolis. In 1897 the prison at Jeffersonville became a reformatory, where, under indeterminate sentences, are confined all "male prisoners found guilty of a felony other than treason or murder in the first or second degree, and who are more than sixteen and less than thirty years of age."

121. County Poor Farms. — SEC. 3. The County Boards shall have power to provide farms as an asylum for those persons who, by reason of age, infirmity or other misfortune, have claims upon the sympathies and aid of society.

The County Poor Farm, or asylum, is the guarantee against starvation which the State makes to all its citizens, however unfortunate or degraded they may have become. Township trustees alone have authority to remove unfortunates to the Poor Farm. The able-bodied inmates are required to work, and since 1897 children have not been maintained in these county institutions.

FINANCE

Article X **122. Taxation.** — **SECTION 1.** The General Assembly shall provide, by law, for a uniform and equal rate of assessment and taxation; and shall prescribe such regulations as shall secure a just valuation for taxation of all property, both real and personal, excepting such only for municipal, educational, literary, scientific, religious or charitable purposes, as may be specially exempted by law.

The right to tax its citizens is one of the highest prerogatives of any government, and can be justified only when the public is aided by the taxation. Indiana as a State engages in no industry from which it may derive an income. Its expenses, therefore, must be met by those who receive its benefits and enjoy its protection. To meet the expenses of the State, as estimated by its Auditor, the General Assembly requires that a certain number of cents on every hundred dollars' worth of taxable property be paid into the State Treasury. It also assesses a nominal sum, known as a poll-tax, on all voters under fifty years of age. The State exempts the following property from taxation: school and church property; property of the United States; property of any county, township, town or city; property or endowments for charitable purposes; cemeteries; bonds of state or municipal corporations.

In addition to the tax levied by the State another may be levied by the County, another by the Township, another by the City or Town; so that the taxes of a citizen may easily grow burdensome.

123. Application of Revenues. — **SEC. 2.** All the revenues derived from the sale of any of the public works belonging to the State, and from the net annual income thereof, and any surplus that may, at any time, remain in the Treasury derived from taxation for general state purposes, after the

payment of the ordinary expenses of the government, and of the interest on bonds of the State, other than bank bonds, shall be annually applied, under the direction of the General Assembly, to the payment of the principal of the public debt. **Article X**

SEC. 3. No money shall be drawn from the treasury but in pursuance of appropriations made by law.

SEC. 4. An accurate statement of the receipts and expenditures of the public money shall be published with the laws of each regular session of the General Assembly.

SEC. 5. No law shall authorize any debt to be contracted, on behalf of the State, except in the following cases: To meet casual deficits in the revenue; to pay the interest on the state debt; to repel invasion, suppress insurrection, or, if hostilities be threatened, provide for public defense.

SEC. 6. No county shall subscribe for stock in any incorporated company, unless the same be paid for at the time of such subscription; nor shall any county loan its credit to any incorporated company, nor borrow money for the purpose of taking stock in any such company; nor shall the General Assembly ever, on behalf of the State, assume the debts of any county, city, town or township, nor of any corporation whatever.

SEC. 7. No law or resolution shall ever be passed by the General Assembly of the State of Indiana that shall recognize any liability of this State to pay or redeem any certificate of stock issued in pursuance of an act entitled "An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," passed January 19, 1846, and an act supplemental to said act, passed January 29, 1847, which by the provisions of the said acts, or either of them, shall be payable exclusively from the proceeds of the canal lands, and the tolls and revenues of the canal in said acts mentioned; and no such certificates of stocks shall ever be paid by this State.

[NOTE. — Agreed to by a majority of the members elected to each of the two houses of the General Assembly, regular session of 1871, and referred to the General Assembly to be chosen at the next general election. Agreed to by a majority of the members elected to each house of the General Assembly, special session of 1872. Submitted to the electors of the State by an act approved January 28, 1873. Ratified

Article X by a majority of the electors, at an election held on the 18th day of February, 1873. Declared a part of the Constitution by proclamation of Thomas A. Hendricks, Governor, dated March 7, 1873.]

Provision is made that the revenues of the State be used to pay, first the current expenses, then the interest on the state debt, and finally the principal of the state debt. In 1836 the State appropriated over ten million dollars for the building of canals and roads (§ 29). Poor management of these internal improvements, together with the panic of 1837, injured the credit of the State and nearly bankrupted its treasury. Its public works were abandoned or transferred to private corporations. The loss to the State was about eight million dollars. The more recent management of state finances has been highly creditable and the once heavy debt is practically extinguished.

CORPORATIONS

Article XI **124. Banks and Banking.** — **SECTION 1.** The General Assembly shall not have power to establish, or incorporate any bank or banking company, or moneyed institution, for the purpose of issuing bills of credit, or bills payable to order or bearer, except under the conditions prescribed in this Constitution.

SEC. 2. No bank shall be established otherwise than under a general banking law, except as provided in the fourth section of this article.

SEC. 3. If the General Assembly shall enact a general banking law, such law shall provide for the registry and countersigning, by an officer of State, of all paper credit designed to be circulated as money; and ample collateral security, readily convertible into specie, for the redemption of the same in gold or silver, shall be required; which collateral security shall be under the control of the proper officer or officers of the State.

SEC. 4. The General Assembly may also charter a bank with branches, without collateral security, as required in the preceding section.

SEC. 5. If the General Assembly shall establish a bank with branches, the branches shall be mutually responsible for each other's liabilities, upon all paper credit issued as money. Article XI

SEC. 6. The stockholders in every bank, or banking company, shall be individually responsible to an amount over and above their stock, equal to their respective shares of stock, for all debts or liabilities of said bank or banking company.

SEC. 7. All bills or notes issued as money shall be, at all times, redeemable in gold or silver; and no law shall be passed, sanctioning, directly or indirectly, the suspension, by any bank or banking company, of specie payments.

SEC. 8. Holders of bank notes shall be entitled, in case of insolvency, to preference of payment over all other creditors.

SEC. 9. No bank shall receive, directly or indirectly, a greater rate of interest than shall be allowed by law to individuals loaning money.

SEC. 10. Every bank, or banking company, shall be required to cease all banking operations within twenty years from the time of its organization, and promptly thereafter to close its business.

SEC. 11. The General Assembly is not prohibited from investing the trust funds in a bank with branches; but in case of such investment, the safety of the same shall be guaranteed by unquestionable security.

SEC. 12. The State shall not be a stockholder in any bank, after the expiration of the present bank charter; nor shall the credit of the State ever be given, or loaned, in aid of any person, association, or corporation, nor shall the State hereafter become a stockholder in any corporation or association.

SEC. 13. Corporations, other than banking, shall not be created by special act, but may be formed under general laws.

SEC. 14. Dues from corporations, other than banking, shall be secured by such individual liability of the corporations, or other means, as may be prescribed by law.

The State owned half the stock and participated in the management of a bank, chartered in 1834 and continued until 1857. The career of this bank was honorable and profitable to the State. Inspection of the institution was

Article XI required because of the State's interests in it. Since then the inspection of banks, insurance companies, and other corporations of similar character has grown until the pecuniary interests of the people are guarded with care. The present system of taxing corporations involves two principles, stated as follows: All property, tangible or intangible, must be assessed and taxed at its true cash value, and all corporate property, including capital stock and franchises, except when other provision is made by law, is to be assessed to the corporation as to an individual person, at the place of its principal office in the State.

THE MILITIA

Article XII 125. Organization. — **SECTION 1.** The militia shall consist of all able-bodied white male persons between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States, or of this State; and shall be organized, officered, armed, equipped and trained in such manner as may be provided by law.

SEC. 2. The Governor shall appoint the adjutant, quartermaster and commissary generals.

SEC. 3. All militia officers shall be commissioned by the Governor, and shall hold their offices not longer than six years.

SEC. 4. The General Assembly shall determine the method of dividing the militia into divisions, brigades, regiments, battalions and companies, and fix the rank of all staff officers.

SEC. 5. The militia may be divided into classes of sedentary and active militia in such manner as shall be prescribed by law.

SEC. 6. No person conscientiously opposed to bearing arms shall be compelled to do militia duty; but such person shall pay an equivalent for exemption; the amount to be prescribed by law.

The self-preservation of the State justifies it in calling upon every able-bodied man to assist in the execution of

its laws, the suppression of insurrection, or the defeat of an invasion. The active militia may consist of as many as forty-eight companies of infantry, three batteries of artillery, one signal corps, one hospital corps, and one band of musicians for each regiment and battalion. Seventy-two privates compose a company; four companies make a battalion; three battalions make a regiment, and four regiments a brigade. The entire force is organized as a single division, and is known as the "Indiana National Guard." A Major-General, appointed by the Governor, is in immediate command. Article XII

When necessary the Governor may call out part or all of the militia to sustain the supremacy of the law; in case of national need the federal government may call on the State for its militia. Enlistments are for three years, and members are paid for services rendered the State.

INDEBTEDNESS OF POLITICAL AND MUNICIPAL CORPORATIONS

126. The Tax Limit. — SECTION 1. No political or municipal corporations in this State shall ever become indebted, in any manner or for any purpose, to any amount, in the aggregate exceeding two per centum on the value of taxable property within such corporation, to be ascertained by the last assessment for state and county taxes, previous to the incurring of such indebtedness, and all bonds or obligations, in excess of such amount, given by such corporations, shall be void: Provided, That in time of war, foreign invasion, or other great public calamity, on petition of a majority of the property owners, in number and value, within the limits of such corporation, the public authorities, in their discretion, may incur obligations necessary for the public protection and defense, to such an amount as may be requested in such petition. Article
XIII

[The original Article XIII is stricken out and the amendment of March 24, 1881, inserted in lieu thereof.]

Article
XIII

It may appear odd that the only mention of municipal government in the Constitution is by an amendment passed as late as 1881. The omission is less remarkable when we consider how recently the cities have attained their prominence in state affairs. The absence of constitutional restrictions gave state legislatures great freedom in the regulation of municipal affairs, which resulted in the passage of many and diverse laws for the control of cities. In 1905 these perplexing laws were repealed and a uniform classification of cities, having uniform systems of government, was made.

BOUNDARIES

Article
XIV

127. Boundary Lines. — SECTION 1. In order that the boundaries of the State may be known and established, it is hereby ordained and declared that the State of Indiana is bounded on the east by the meridian line which forms the western boundary of the State of Ohio; on the south by the Ohio River, from the mouth of the Great Miami River to the mouth of the Wabash River; on the west, by a line drawn along the middle of the Wabash River, from its mouth to a point where a due north line, drawn from the town of Vincennes, would last touch the northwestern shore of said Wabash River; and thence by a due north line, until the same shall intersect an east and west line, drawn through a point ten miles north of the southern extreme of Lake Michigan; on the north, by said east and west line, until the same shall intersect the first-mentioned meridian line, which forms the western boundary of the State of Ohio.

Jurisdic-
tion.

SEC. 2. The State of Indiana shall possess jurisdiction, and sovereignty coextensive with the boundaries declared in the preceding section; and shall have concurrent jurisdiction, in civil and criminal cases, with the State of Kentucky on the Ohio River, and with the State of Illinois on the Wabash River, so far as said rivers form the common boundary between this State and said States respectively.

Article V of the Ordinance of 1787 fixed the northern boundary of the future State of Indiana on "an east and

west line drawn through the southerly bend or extreme of Lake Michigan." The act of Congress in 1816 which enabled the territory to become a State fixed the boundaries as given in the Constitution. Michigan was thus deprived of a strip of land ten miles wide, across the northern end of Indiana; but if remonstrance were ever offered by Michigan the fact has not been made known to the public. The act gave to Indiana a lake frontage, the value of which is now being realized.

Article
XIV

Hinsdale's
*The Old
North-
west*, II,
326.

MISCELLANEOUS PROVISIONS

128. Officers and Offices. — SECTION 1. All officers whose appointment is not otherwise provided for in this Constitution, shall be chosen in such manner as now is, or hereafter may be, prescribed by law.

Article XV

SEC. 2. When the duration of any office is not provided for by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment. But the General Assembly shall not create any office, the tenure of which shall be longer than four years.

SEC. 3. Whenever it is provided in this Constitution, or in any law which may be hereafter passed, that any officer, other than a member of the General Assembly, shall hold his office for any given term, the same shall be construed to mean that such officer shall hold his office for such term, and until his successor shall have been elected and qualified.

SEC. 4. Every person elected or appointed to any office under this Constitution shall, before entering on the duties thereof, take an oath or affirmation to support the Constitution of this State and of the United States, and also an oath of office.

The brief tenure of office, and a very general feeling that two terms are sufficient for any citizen, indicate the democratic spirit of the Constitution.

129. The State Seal. — SEC. 5. There shall be a seal of the State, kept by the Governor for official purposes, which shall be called the seal of the State of Indiana.

Article XV **SEC. 6.** All commissions shall issue in the name of the State, shall be signed by the Governor, sealed by the state seal, and attested by the Secretary of State.

The great seal of the State is in form like the one provided in 1816, though in reality it has been replaced many times. Unless its imprint appears on documents issued by the Governor or Secretary of State they are usually not considered official.

130. The Size of Counties. — **SEC. 7.** No county shall be reduced to an area less than four hundred square miles; nor shall any county under that area be further reduced.

For the method of forming new counties see the fifteenth paragraph of the Schedule.

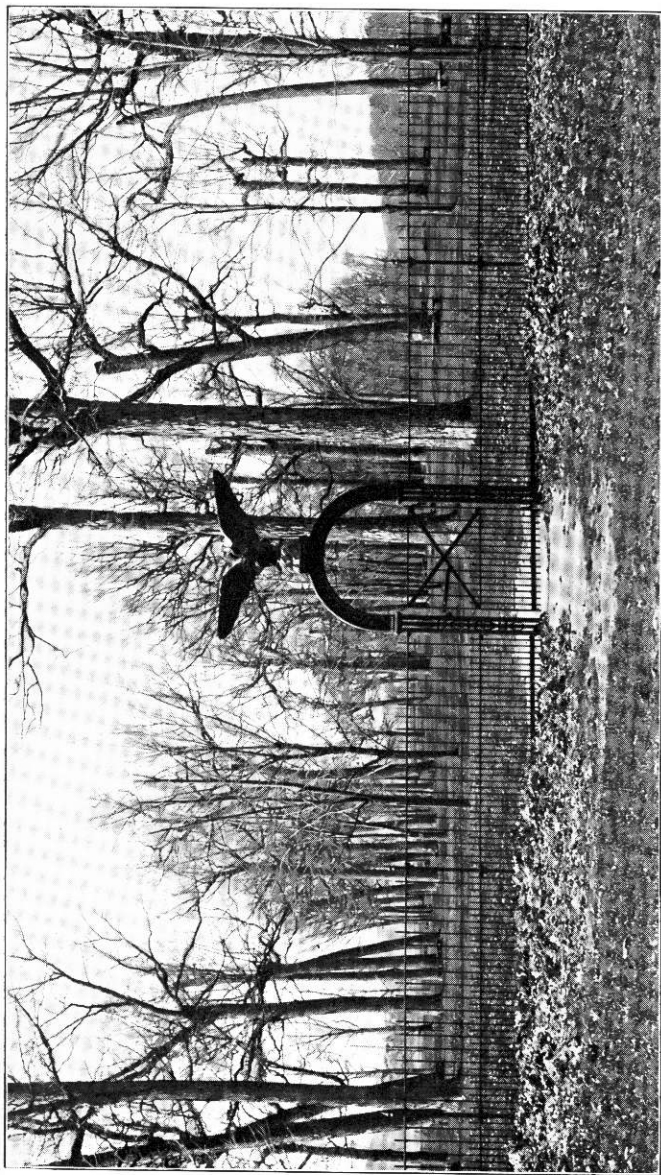
131. Lotteries Forbidden. — **SEC. 8.** No lottery shall be authorized, nor shall the sale of lottery tickets be allowed.

The sale of lottery tickets, like dueling, seems unworthy of notice in a state Constitution; yet in 1806 the trustees of a school were authorized by the legislature to raise \$20,000 by lottery. The ethical sense of the people has developed with material progress.

132. Public Grounds. — **SEC. 9.** The following grounds owned by the State in Indianapolis, namely: the state house square, the governor's circle, and so much of outlot numbered one hundred and forty-seven as lies north of the arm of the central canal, shall not be sold or leased.

SEC. 10. It shall be the duty of the General Assembly to provide for the permanent inclosure and preservation of the Tippecanoe battle ground.

The Tippecanoe battle field is inclosed by an iron fence. The General Assembly of 1907 appropriated \$12,500 for the erection of a suitable monument, and a like sum has been appropriated by Congress.



THE TIPPECANOE BATTLEGROUND

AMENDMENTS

133. Method of Amending the Constitution. — SECTION 1. Article XVI
Any amendment or amendments to this Constitution may be proposed in either branch of the General Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals and referred to the General Assembly to be chosen at the next general election; and, if in the General Assembly so next chosen, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such amendment or amendments to the electors of the State, and if a majority of said electors shall ratify the same, such amendment or amendments shall become a part of this Constitution.

SEC. 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately; and while such an amendment or amendments which shall have been agreed upon by one General Assembly, shall be awaiting the action of the succeeding General Assembly, or of the electors, no additional amendment or amendments shall be proposed.

Amendments to the present Constitution were made in the years 1873 and 1881. But it is a tedious process. We have been taught that the voices of our fathers speaking through a Constitution should be regarded sacredly, and changed on occasion of extreme necessity only. But political ideas also die. They serve their purpose and give way to new wants and new ideals. It is not improbable, therefore, that the present Constitution will be amended again and again; or give way entirely to a more perfect Constitution, in which state authority and supervision will be commensurate with state interests.

SCHEDULE

134. Provisions for the New Constitution.— This Constitution, if adopted, shall take effect on the first day of November, in the year one thousand eight hundred and fifty-one, and shall supersede the Constitution adopted in the year one thousand eight hundred and sixteen. That no inconvenience may arise from the change in the government, it is hereby ordained as follows :—

First. All laws now in force, and not inconsistent with this Constitution, shall remain in force until they shall expire or be repealed.

Second. All indictments, prosecutions, suits, pleas, plaints and other proceedings pending in any of the courts, shall be prosecuted to final judgment and execution; and all appeals, writs of error, certiorari and injunctions shall be carried on in the several courts, in the same manner as is now provided by law.

Third. All fines, penalties and forfeitures, due or accruing to the State, or to any county therein, shall inure to the State, or to such county in the manner prescribed by law. All bonds executed to the State, or to any officer, in his official capacity, shall remain in force, and inure to the use of those concerned.

Fourth. All acts of incorporation for municipal purposes shall continue in force under this Constitution, until such time as the General Assembly shall, in its discretion, modify or repeal the same.

Fifth. The Governor, at the expiration of the present official term, shall continue to act until his successor shall have been sworn into office.

Sixth. There shall be a session of the General Assembly, commencing on the first Monday of December, in the year one thousand eight hundred and fifty-one.

Seventh. Senators now in office and holding over, under the existing Constitution, and such as may be elected at the next general election, and the representatives then elected, shall continue in office until the first general election under this Constitution.

Eighth. The first general election under this Constitution shall be held in the year one thousand eight hundred and fifty-two.

Ninth. The first election for Governor, Lieutenant-Governor, Judges of the Supreme Court and Circuit Courts, Clerk of the Supreme Court, Prosecuting Attorney, Secretary, Auditor, and Treasurer of State, and State Superintendent of Public Instruction, under this Constitution, shall be held at the general election in the year one thousand eight hundred and fifty-two; and such of said officers as may be in office when this Constitution shall go into effect, shall continue in their respective offices until their successors shall have been elected and qualified.

Tenth. Every person elected by popular vote, and now in any office which is continued by this Constitution, and every person who shall be so elected to any such office before the taking effect of this Constitution (except as in this Constitution otherwise provided), shall continue in office until the term for which such person has been, or may be, elected, shall expire: Provided, That no such person shall continue in office after the taking effect of this Constitution, for a longer period than the term of such office in this Constitution prescribed.

Eleventh. On the taking effect of this Constitution, all officers thereby continued in office shall, before proceeding in the further discharge of their duties, take an oath or affirmation to support this Constitution.

Twelfth. All vacancies that may occur in existing offices prior to the first general election under this Constitution, shall be filled in the manner now prescribed by law.

Thirteenth. At the time of submitting this Constitution to the electors for their approval or disapproval, the article numbered thirteen, in relation to negroes and mulattoes, shall be submitted as a distinct proposition, in the following form: "Exclusion and colonization of negroes and mulattoes," "Aye," or "No." And if a majority of the votes cast shall be in favor of said article, then the same shall form a part of this Constitution, otherwise it shall be void and form no part thereof.

Fourteenth. No article or section of this Constitution shall be submitted as a distinct proposition to a vote of the electors otherwise than as herein provided.

Fifteenth. Whenever a portion of the citizens of the counties of Perry and Spencer shall deem it expedient to form, of the contiguous territory of said counties, a new county, it shall be the duty of those interested in the or-

ganization of such new county, to lay off the same by proper metes and bounds of equal portions as nearly as practicable, not to exceed one third of the territory of each of said counties. The proposal to create such new county shall be submitted to the voters of said counties, at a general election, in such manner as shall be prescribed by law. And if a majority of all the votes given at said election shall be in favor of the organization of said new county, it shall be the duty of the General Assembly to organize the same out of the territory thus designated.

Sixteenth. The General Assembly may alter or amend the charter of Clarksville, and make such regulations as may be necessary for carrying into effect the objects contemplated in granting the same, and the funds belonging to said town shall be applied according to the intention of the grantor.

Done in convention, at Indianapolis, the tenth day of February, in the year of our Lord, one thousand eight hundred and fifty-one, and of the independence of the United States, the seventy-fifth.

GEORGE WHITEFIELD CARR,

President and delegate from the County of Lawrence.

Attest: WM. H. ENGLISH,
Principal Secretary.

GEO. L. SITES,
HERMAN G. BARKWELL,
ROBERT M. EVANS,
Assistant Secretaries.

ADDENDA

The original sections stricken out or amended read as follows:—

ARTICLE II

SUFFRAGE AND ELECTION

SECTION 2. In all elections, not otherwise provided for by this Constitution, every white male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State

during the six months immediately preceding such election ; and every white male, of foreign birth of the age of twenty-one years and upwards, who shall have resided in the United States one year, and shall have resided in this State during the six months immediately preceding such election, and shall have declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote in the township or precinct where he may reside.

SEC. 5. No negro or mulatto shall have the right of suffrage.

SEC. 14. All general elections shall be held on the second Tuesday in October.

ARTICLE IV

LEGISLATIVE

SECTION 4. The General Assembly shall, at its second session after the adoption of this Constitution, and every six years thereafter, cause an enumeration to be made of all the white male inhabitants over the age of twenty-one years.

SEC. 5. The number of senators and representatives shall, at the session next following each period of making such enumeration, be fixed by law, and apportioned among the several counties, according to the number of white male inhabitants, above twenty-one years of age, in each : Provided, That the first and second elections of members of the General Assembly, under this Constitution, shall be according to the apportionment last made by the General Assembly, before the adoption of this constitution.

SEC. 22. In relation to fees or salaries.

ARTICLE VII

JUDICIAL

SECTION 1. The judicial power of the State shall be vested in a Supreme Court, in Circuit Courts, and in such inferior courts as the General Assembly may establish.

ARTICLE XIII

NEGROES AND MULATTOES

SECTION 1. No negro or mulatto shall come into, or settle in, the State, after the adoption of this Constitution.

SEC. 2. All contracts made with any negro or mulatto coming into the State, contrary to the provisions of the foregoing section, shall be

void ; and any person who shall employ such negro or mulatto, or otherwise encourage him to remain in the State, shall be fined in any sum not less than ten dollars, nor more than five hundred dollars.

SEC. 3. All fines which may be collected for a violation of the provisions of this article, or of any law which may hereafter be passed for the purpose of carrying the same into execution, shall be set apart and appropriated for the colonization of such negroes and mulattoes, and their descendants, as may be in the State at the adoption of this Constitution, and may be willing to emigrate.

SEC. 4. The General Assembly shall pass laws to carry out the provisions of this article.

General References

Hitchcock, *American State Constitutions*.

Poore, *Charters and Constitutions*.

Wilson, *The State*, §§ 885-995.

Hinsdale, *The American Government*, Part III.

Bryce, *The American Commonwealth*, Vol. I, Part 2.

Jameson, *The Constitutional Conventions*, Chaps. IV, VI, VII, VIII.

Ashley, *The American Federal State*, Chaps. XVIII, XIX ; *American Government*, Chaps. IX-XVII.

Rawles, *The Centralizing Tendencies in the Administration of Indiana*.

Topic

THE EXTENSION OF STATE AUTHORITY : Ashley, *The American Federal State*, § 464 ; Rawles, *The Centralizing Tendencies in the Administration of Indiana*.

Practical Questions

1. Compare the Bill of Rights in the State Constitution with the first ten amendments to the Federal Constitution. Compare the methods of amending the two Constitutions.

2. What changes would you make in the Constitution of Indiana if privileged to amend it ?

3. Should executive power be increased ?

4. What are the merits and defects of the popular election of judges ?



RESIDENCE OF GOVERNOR WILLIAM HENRY HARRISON, AT VINCENNES

Erected in 1806.

CHAPTER IV

LOCAL GOVERNMENT

135. Types of Local Government. — There are three types of rural local government in the United States. The Town or Township is the unit of the first type, best represented in New England; the County is the unit of the second type, prevalent in the Southern States; the third is a combination of the town and county types, and is found in Indiana and other States along the fortieth parallel and in the Northwest. In Indiana the County is relatively less important than in the Southern States and the Township relatively less important than in New England. The Townships are miniature republics in regard to local affairs of minor importance; they are dependent upon the authority of the County in the larger governmental duties. When the Township lacks the means of providing its own needs the County exercises authority by taxing its entire self for the benefit of the weaker members. The importance of this power should be noted. It is sometimes exercised by the State for the benefit of the poorer Counties, as in extending school terms. Only the fear of centralization and the dislike of the richer localities to tax themselves for the poorer oppose it. The political training which comes from the attempt to make every locality sovereign to its own wants is not trivial.

Bemis's
Local Government in Michigan,
18.

The western method of local government for simplicity, symmetry, flexibility, and administrative efficiency is superior to any other system which the Teuton mind has yet produced.

Howard's
Local Constitutional History.

Good citizenship means an abiding interest in the problems of County-Township government.

THE COUNTY

136. The Organization of Counties.— When civil government was inaugurated in the Northwest Territory the Governors proceeded to lay out Counties, fix the county seats, appoint officers, and define their powers. The successive Governors continued to exercise this authority until it was assumed by the legislature, after the territory had passed to the second stage of government. The first County formed was Knox, in 1790, embracing all of Indiana and parts of Michigan and Illinois. The subdivision of this one County began in the southern part of the State, extending northward until ninety-two Counties were formed, the last being Newton in 1859. In Indiana as well as in the New England States the immediate reason for the organization of Counties was that judicial power might be extended over the territory. The administration of civil government was at first centralized in the Courts. The Courts regulated the county revenues and appointed the county officers. Later this administrative power was transferred to county officers elected by the people.

137. The County Commissioners.— Three substantial citizens, voters and freeholders, elected by the voters of the entire County, but each representing one of the three districts into which the County is divided, compose the Board of County Commissioners. Each Commissioner serves for a term of three years, not more than two being elected at the same time. In law this board is the County. It constitutes a court having judicial and legislative authority in the transaction of county business. It controls all county property; makes public improvements; grants liquor licenses; exacts reports from county and township officers; and exercises general supervision of county affairs. The

wisdom and integrity of this Board are of supreme importance to the citizens of the County.

138. The County Council. — The possible abuse of excessive power in the hands of the County Commissioners led to the creation of a County Council. This body is composed of seven members, four elected from districts and three elected at large, each serving four years. County and township officers are required to present the Council with estimates of the expenses of their respective departments for the ensuing year. The Council may reduce any or all of these estimates. No county officer can bind the County to an agreement beyond the appropriation made by this Council for a specific purpose.

139. The County Auditor. — The Auditor is elected for a term of four years, and cannot hold more than two terms in succession. He is the County's bookkeeper. He is Clerk of the Commissioner's Court and of the County Council. No claim against the County is paid without his warrant. Upon the rates fixed he apportions taxes on all property in the County. He also apportions the school revenues to the several school corporations in the County.

140. The County Treasurer. — The Treasurer is elected for two years, and cannot serve more than two terms in succession. He collects all taxes due the State, County, and Township, and turns over to each its share.

141. The County Clerk. — The Clerk of the County is also Clerk of the Circuit Court. In addition to his duties in Court he attends to the clerical work of the County. He receives the bonds of other county officers; issues all licenses except teacher's license and liquor license, and, when Court is not in session, letters of administration and letters testamentary. He is elected for a term of four years, and may not be elected more than twice in succession.

142. The County Recorder. — This officer is elected for a term of four years, and cannot serve more than two terms in succession. In his keeping are all records of deeds, mortgages, and certificates of incorporation. These are properly recorded in books and carefully indexed for the convenience of the public.

143. The Sheriff. — The Sheriff is elected for two years, and may serve twice in succession. He is the chief executive officer of the County. He serves the Court, maintains peace, and has charge of prisoners. Citizens called upon by him must assist in the preservation of peace. In case of riot or insurrection he may call upon the Governor for the aid of the militia; the Governor may call for federal aid. Thus in extreme disorder, as well as in peace, the protection of our whole complex system of government is over every citizen.

144. The Coroner. — The Coroner is elected for a term of two years, and may be reelected any number of terms. This office was originally a check upon the power of the Sheriff. The Coroner retains power to suppress disorder, arrest the Sheriff for crime, or to take his office in case of a vacancy. But his chief duty is to inquire into the causes of all deaths which occur through violence or casualty.

145. The County Assessor. — This elective officer supervises the work of Township Assessors, and places on the tax lists property which may have been omitted by them. He is eligible for two terms of four years each in succession.

146. The Surveyor. — The County Surveyor is elected for a term of two years, and is reëligible. He has charge of the accurate marking and preservation of all boundary lines outside city or town limits.

147. The County Superintendent of Schools. — The most important school officer of the County, and one of the most

important in the whole system of education, is the Superintendent of Schools. He is elected by the Township Trustees for a term of four years, and has general supervision of all rural schools, visiting each one annually. He grants teacher's license to qualified applicants who do not send their manuscripts to the State Superintendent. He reports to the State Superintendent the condition of school affairs in his County, giving statistical information concerning the pupils of school age and the various school funds. An educational qualification is required of this officer.

148. Jury Commissioners. — Two Commissioners, of opposite political faith, are appointed annually by the Judge of the Circuit Court to select the names of twice as many citizens as will be required to serve as grand and petit jurors during the year. These names are deposited in a jury box and the key intrusted to the Commissioner of opposite political belief from the County Clerk. The box is retained by the Clerk, and the names drawn by chance by him two weeks previous to the opening of Court.

149. The County Attorney. — The County Commissioners annually appoint an Attorney whose duty it is to advise all county officers in regard to the legality of their actions and to defend them in any suits at law.

150. The Board of Review. — This Board, sometimes called the Board of Equalization, is composed of the County Assessor, the Auditor, the Treasurer, and two freeholders chosen by the Judge of the Circuit Court. It equalizes the assessments on property throughout the County. Before it any taxpayer may present objections to the valuation of his property.

151. Boards of Charity. — The Judge of the Circuit Court may appoint a board of six persons, one a woman, to examine and report concerning all charitable and correctional insti-

Board of
Children's
Guard-
ians.

Superin-
tendent of
Poor
Farm.

County
Physi-
cians.

County
Board of
Educa-
tion.

Truant
Officer.

tutions of the County. Another board of six persons, known as the Board of Children's Guardians, may be appointed to care for neglected and dependent children. A Superintendent of the County Poor Asylum is appointed by the County Commissioners for a term of two years. One or more physicians, appointed by the Commissioners, attend the poor of the County and the prisoners in jail. How to administer humane and just treatment to the unfortunate classes without encouraging dependency is one of the problems of local government.

A County Board of Education, consisting of the County Superintendent, the Township Trustees, and the Presidents of town and city School Boards, may appoint a truant officer whose duty it is to secure the attendance at school of all children between the ages of seven and fourteen, inclusive.

THE TOWNSHIP

The Con-
gressional
Township.

152. The Organization of the Township.—The Township is the oldest and simplest unit of our government. When the Northwest Territory came into possession of the United States provision was made for the survey of the land. This survey divided Indiana into rectangles six miles square, known as Congressional Townships. The Townships were numbered, north and south of a base line crossing the southern part of the State, and east and west of a principal meridian which bisects the State lengthwise. Since these Townships were formed to aid in the description and sale of land no attention was given to the physical irregularities of the surface of the State.

The Civil
Township.

Soon after the formation of the first counties in the State the courts were authorized to form townships for the purpose of aiding in the administration of county and state business. This unit of government is known as the civil

township, the first provision for which was made in 1790. The Civil Townships were not given a separate, corporate existence at once. When the power to form them was transferred from the Courts to the County Commissioners they were given some authority in elections, taxation, and the relief of the poor: now each of the one thousand and sixteen in the State is a corporate and political body, which may enter into contracts, sue and be sued.

Rawle's
*Centraliz-
ing Ten-
dencies in
Indiana,*
22.

The provision that every sixteenth section in each Congressional Township be reserved for school purposes naturally made the township the unit of the school system. But the School Township is neither the Congressional Township nor the Civil Township. It is a separate corporation, which owns all school property and maintains all schools within the boundaries of the Civil Townships. The boundaries of the Civil and School Townships are always the same; but the Congressional Township, formed with no reference to physical environment or the convenience of the people in civic affairs, often has boundaries which do not coincide with those of Civil and School Townships.

The
School
Township.

153. The Township Trustee.—The Township Trustee transacts all the business of both the Civil and the School Township. He is administrator, treasurer, auditor, and clerk combined in one. He attends to the financial affairs of the Township, giving to the public an annual report of all receipts and expenditures. He has supervision over road districts, boundary lines, and drains. He is inspector of elections, and every six years makes an enumeration of the voters of his Township. His hand shelters the poor in their distress. As Trustee of the School Township he employs teachers and cares for all school property. He is elected for a term of four years, but cannot succeed himself in office.

154. The Township Advisory Board. — Three resident freeholders and voters of the Township constitute an Advisory Board, whose counterpart has been seen in the County Council (§ 138). This Board is elected for a term of four years and has general control of the finances of the Township. It considers appropriations for current expenses, and beyond its approval the Township Trustee may not act. It fixes the rate of taxation for township purposes and may borrow money for the corporation. Its creation has lessened the opportunity for extravagance in local administration.

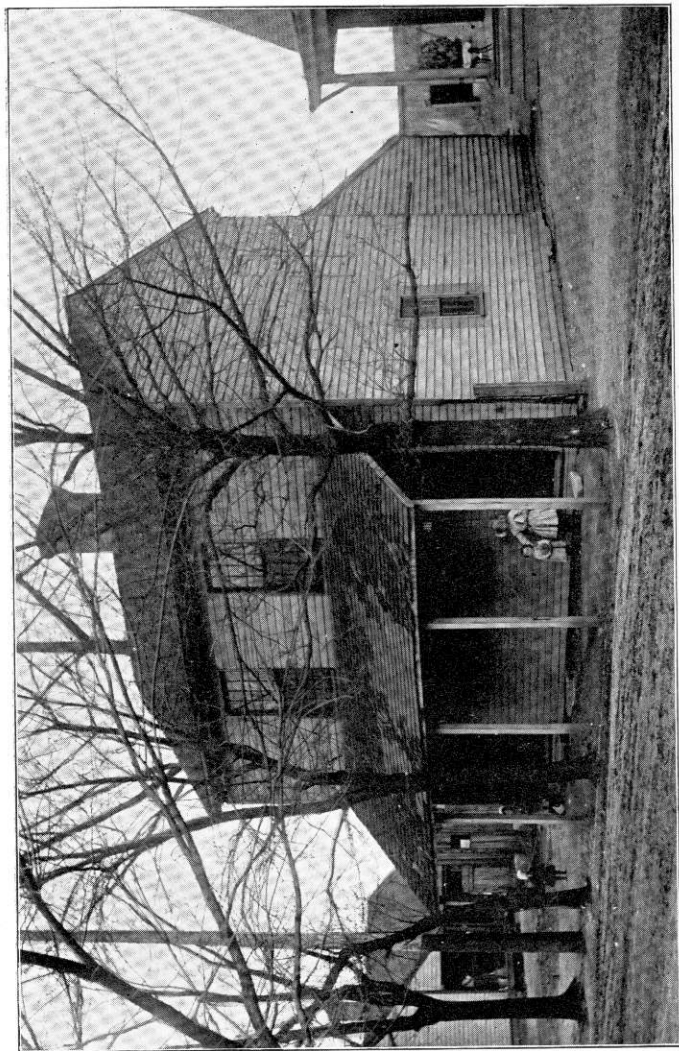
155. The Township Assessor. — The Assessor appraises personal property every year and real estate every four years. His term of office is four years.

156. The Road Supervisor. — Each road district has over it a Supervisor, elected for the term of two years. It is his duty to execute the orders of the County Commissioners concerning highways and bridges. For this purpose he may require the services of all able-bodied men between the ages of twenty-one and fifty, from two to four days each year.

157. Justices of the Peace and Constables. — Judicial and executive authority are represented in Justices of the Peace and Constables. The former holds the least or lowest Court known to law, and the latter serves the Court.

THE TOWN

158. Classification. — It is evident that the conditions of a densely populated community demand a more elaborate government than that of the Township or County. This demand is encountered in municipalities, which, for convenience, may be divided into two classes. The first class has a simple government, and includes those corporations



THE LAST MEETING PLACE OF THE TERRITORIAL LEGISLATURE, AT VINCENNES

known in certain States as *Boroughs*, in other States as *Villages*, and in Indiana as *Towns*. The second class includes all towns which have grown into the size and dignity of *Cities*. We have only to notice the fact that nearly one half of the people of Indiana live in Towns and Cities to realize the importance of municipal government. The framers of the Constitution could not foresee the remarkable growth of municipalities, which explains why the only provision concerning them is a restriction on the indebtedness they may incur (Art. XIII).

159. Incorporation. — The first Town incorporated in Indiana was Clarksville, in 1785. A little later the borough of Vincennes was incorporated, while special charters were granted to several other Towns in the days of territorial government. These early Towns differed materially in the manner of their incorporation and in the extent of their powers. At present the incorporation of a Town is secured by the following steps: An accurate survey and map of the limits to be included are secured; a census of the people residing within the district is taken; a petition, signed by one third of the voters within the district, is presented to the County Commissioners; if approved, the Commissioners grant an election in which a majority of the voters may express their desire for incorporation; the declaration of incorporation is then issued by the Commissioners. The Town may be dissolved by a two-thirds vote of four fifths of all the voters within its limits. When incorporated, the Town is divided into from three to seven wards, from each of which a Trustee is chosen by the voters of the entire district. A Clerk and a Treasurer are also elected, while a Marshal, a Fire Chief, and a Street Commissioner are usually appointed by the Town Board of Trustees.

160. The Town Trustees.—Most of the functions of town government are performed through the Town Trustees. The rules and regulations passed by them are known as *ordinances*, and, if not in conflict with the laws of the State, are binding. The educational interests of the Town are placed in the care of three School Trustees appointed by the Town Trustees for a period of three years.

The Town
Clerk.

161. Administrative Officers.—The Town Clerk records and preserves the acts of the Town Trustees. In case of a tie vote he casts the deciding vote. He issues licenses, administers oaths, takes depositions, and has custody of the town seal and records.

The Town
Treasurer.

The Treasurer has charge of the town funds, sometimes collected by the County Treasurer. An order or warrant from the Clerk is necessary for the payment of money by him.

The Town
Marshal.

The Marshal is the executive of the town government. As Peace Officer his power to arrest extends to violations of city ordinances and the criminal laws of the State. When necessary he appoints deputies, one of whom may be designated as a Humane Officer.

Street
Commissioner.

Street Commissioners have charge of the repair of streets and alleys. The Fire Chief directs the Fire Department in the protection of property.

162. Functions of Town Government.—Some of the advantages of a town government may be seen in the following functions:—

1. The enforcement of general laws.
2. The maintenance of peace and order.
3. The trial of minor civil and criminal cases.
4. The improvement of streets and walks.
5. The lighting of the community.
6. The supply of water.

7. The protection of property.
8. The support of schools.
9. The care of public health.
10. The licensing of privileges.
11. The taxing of property.

THE CITY

163. Organization. — Towns with fewer than two thousand inhabitants do not usually consider it advantageous to assume city government. When one third of the voters petition the Town Trustees it is determined by a majority vote of all electors whether or not the town will become a City. If city government is determined upon, the district is divided into wards, the number and boundaries of which may not be changed oftener than once in six years. The government of the City is a reduced type of state government. Its Charter, provided for by statute, corresponds to the Constitution; the City Council to the General Assembly; its Mayor to the Governor, and the City Courts to the Judicial Department of the State.

164. Classification. — In Indiana, Cities are classified on the basis of population. The First Class must have a population of 100,000. The Second Class includes all Cities having a population of from 45,000 to 100,000; the Third Class, all Cities having a population of from 20,000 to 45,000; the Fourth Class, all Cities having a population of from 10,000 to 20,000, and the Fifth Class, all Cities having a population under 10,000. The chief difference in the government of Cities in the various classes is in the complexity of organization and administration.

165. The Legislative Department. — The legislative power of the City is vested in a Common Council. One member

The
Common
Council.

of the Council is elected from each ward, and from two to six members are elected at large. In Cities of the first and second classes the Council selects a presiding officer; in other Cities the Mayor presides. The Council is required to meet at least once each month, and may meet oftener upon the call of the Mayor, or as determined by agreement. The duties of the Council in each class of Cities are specifically defined by state laws, the differentiation of duties increasing with the size of the Cities. In general the Council passes laws or ordinances regulating the finances, providing for public improvements, public health, and safety. Except in the larger Cities, the Council selects a Board of three School Trustees who have charge of the educational interests of the city.

School
Trustees.

The
Mayor.

166. The Executive Department. — The Mayor is the chief executive officer of the City. He is held responsible for the order and efficiency of the administration of the government. It is his duty to enforce the Ordinances of the City and the Laws of the State. He possesses a veto power, which may be overcome by a two-thirds vote of the Common Council. In Cities of the fifth class he is a judicial as well as an executive officer.

Method of
making
Appro-
priations.

167. Administrative Departments. — In order to relieve the Common Council of some of the burdens of administration, Cities of the four highest classes provide Departments to manage the following interests: Finance, Public Works, Public Safety, Public Health and Charity, Law, Assessment, and Collection. Each Department is presided over by an officer who, with the exception of the head of the last-named Department, is appointed by the Mayor. These officers submit annually, in joint session, an itemized statement of probable expenses of their respective Departments. The report is examined, and may be revised, by the

Controller. It is then referred to the Mayor, who presents it, with any recommendations he may have, to the Common Council. The Council may reduce but may not increase the estimated expenditures without the consent of the Mayor. When the estimations are accepted, and the tax rate fixed, the Departments may not contract beyond the appropriations made by the Council. Should an emergency for additional appropriations arise, the Council may, on the advice of the Controller, provide for them by a two-thirds vote.

168. Department of Finance. — The Department of Finance is in charge of the Controller. He inspects all accounts in which the City is interested, grants orders for the payment of money, and issues all licenses. The Controller.

169. Department of Law. — The City Attorney is appointed by the Mayor in all Cities except those of the fifth class, in which he is chosen by the Council. He is the legal adviser of city officers, the prosecutor or defender of the City as the occasion demands. He prepares all ordinances, contracts, leases, deeds, and other legal documents for the city. The City Attorney,

170. Department of Public Works. — The Department of Public Works consists of a Board of three members, assisted by the City Civil Engineer. This Board acquires and controls all property, personal and real, needed for public use. It supplies water and light, and provides improvements of all kinds for the city. It has general charge of all other executive and administrative duties not assigned to the other departments. The Board of Public Works.

171. Department of Public Safety. — In Cities of the third class the duties of this department may be, and in Cities of the fourth class are, assumed by the Board of Public Works. The Board of Public Safety consists of three Commissioners appointed by the Mayor. It has con- The Board of Public Safety.

trol of all matters relating to the inspection of buildings, foods, market places, fire escapes, and other sources of danger to the public. It appoints a Superintendent of Police except in Cities of from ten thousand to thirty-five thousand inhabitants, where a Metropolitan Police Commission of three members is appointed by the Governor.

The City
Treasurer.

172. Assessment and Collection Department. — The City Treasurer is at the head of the Department of Assessment and Collection. But in Cities of the first three classes the County Treasurer is *ex officio* City Treasurer. In Cities of the fourth class the County Treasurer is also City Treasurer if the City is a County Seat; otherwise the City has its own Treasurer. Cities of the fifth class have their own Treasurers, but the valuation of property is determined by the general assessment and the County Treasurer collects the taxes.

The City
Board of
Health.

173. Department of Public Health and Charities. — This Department consists of a Board of three Commissioners. One member, usually known as the Health Officer, must be a physician who is well informed in sanitary science. The Board has charge of the public health of the City. It secures and enforces sanitary laws; controls the city hospital and dispensary; quarantines against infectious diseases, and collects the vital statistics of the City.

174. The City Clerk. — The City Clerk is a ministerial officer, assigned various duties in the several Administrative Departments. He makes a record of the proceedings of the Common Council; keeps all papers and documents intrusted to him; and, in Cities of the fifth class, draws warrants on the City Treasurer for the payment of claims allowed against the City.

175. Police Power. — Police power is one of the most important factors in city government.

In the jostling throngs of the city a careless or vicious member of society has a hundredfold more opportunity to disturb the comfort and endanger the health and well-being of his fellows than in the country.

Shaw's
*Municipal
Govern-
ment in
Europe,*

7.

Since the State is responsible for the protection of the life and property of all its citizens, police power belongs to the State. In keeping with this theory cities of from ten thousand to thirty-five thousand inhabitants may have Metropolitan Police Commissioners appointed by the Governor. Whether or not the State should extend its authority in seeking the peace and safety of its citizens is a question now before the people. The Supreme Court has declared that—

in providing for the appointment of officers connected with the constabulary of the State, there is not an invasion of the right of local self-government.

176. Judicial Power.—Judicial power in Cities of the fifth class is vested in the Mayor. In Cities of all other classes it is vested in a City Court, presided over by a Judge. The City Clerk acts as Clerk of the Court in Cities of the first and second classes; in all other Cities the presiding officer is also Clerk of the Court. In Cities of the fifth class a Marshal, and in all others a Bailiff, executes the orders of the Court. The authority of a City Court extends to the violation of city ordinances, petit larceny, and to misdemeanors for which the penalty cannot exceed a fine of five hundred dollars and a jail sentence of six months. The County Prosecutor presents violations of state laws, and the City Attorney violations of city ordinances, before the City Court.

177. Problems of City Government.—The problems of government in Indiana are becoming the problems of city government. Already one third of the people live in Cities, and despite the improvements which make rural life attrac-

tive, the drift of population continues toward the Cities. With the crowding together of people within narrow limits new industrial and social problems arise. Business life in the City is remarkable for its activity and for the large sums of money involved in its transactions. Opportunities for plunder as well as philanthropy increase. Evidently government must adapt itself both in organization and execution to these new conditions, and we may not expect to avoid many perplexing problems. City governments have found it necessary to do many things which would have amazed our forefathers. How far shall these municipal functions be extended? Shall the City own all those public interests which tend to become monopolies? Under what conditions shall franchises be granted? How can party politics be eliminated from local problems having no political significance? How may opportunities for graft be diminished? These and many other problems call for the highest intelligence and honesty of citizenship. City officials should be chosen with reference to their fitness for the public service to be rendered. The best citizens may not always be induced to accept office, but they are always under obligation to sacrifice personal ease, business, or self-pride, if necessary, to secure the nomination and election of efficient officers. Municipal government as well as state or national government is "of the people, by the people, and for the people."

General References

- Howard, *Local Constitutional History*, I, 289-475.
 Wilson, *The State*, Secs. 1209-1259.
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Topic

MUNICIPAL OWNERSHIP: Parsons, *City for the People*; *Century*, Vol. XXX, p. 311; *North American Review*, Vol. CLXXII, p. 445; *Nation*, Vol. LVI, p. 449; *Forum*, Vol. XXI, p. 53; *Arena*, Vol. XIII, p. 118; *Atlantic Monthly*, Vol. LXXXI, p. 311; *Cosmopolitan*, Vol. XXX, pp. 430, 557.

Practical Questions

1. Prepare a map of your county, containing the townships, towns, and cities.
2. Give the boundaries of your congressional district; state senatorial district; district for state representatives.
3. Make a report of your visit to the circuit or city court; the county poor farm; the fire department; the water and light plants.
4. Make a study of a city in relation to the following points: (1) economic reasons for its location; (2) the time of its incorporation and reasons for its growth; (3) its legislature; (4) the executive; (5) the judiciary; (6) the administrative department; (7) police; (8) its financial condition; (9) the management of its public utilities; (10) its expressed sense of beauty and morals.
5. With the class organized as city officers, pass those ordinances which appear most desirable.

APPENDIX

A. THE ORDINANCE OF 1787

IN CONGRESS, JULY 13, 1787.

“An Ordinance for the Government of the Territory of the United States Northwest of the River Ohio”

After providing for the temporary government of such territory as one district, with a Governor, Legislative Council and House of Representatives of five members each, Secretary and Judges, all appointed by Congress, the ordinance proceeds as follows:—

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws, and Constitutions, are erected; to fix and establish those principles as the basis of all laws, Constitutions, and governments, which forever hereafter shall be formed in the said territory; to provide, also, for the establishment of States, and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest:—

It is hereby ordained and declared, by the authority aforesaid, That the following articles shall be considered as articles of compact between the original States and the people and States in the said territory, and forever remain unalterable, unless by common consent, to wit:—

ART. 1. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

ART. 2. The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course

of the common law. All persons shall beailable, unless for capital offenses, where the proof shall be evident, or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land, and should the public exigencies make it necessary, for the common preservation, to take any man's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall, in any manner whatever, interfere with, or affect, private contracts or engagements, bona fide, and without fraud, previously formed.

ART. 3. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty, they never shall be invaded or disturbed unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ART. 4. That said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein as may be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the federal debts, contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress; according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislature of the district or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil of the United States in Congress assembled, nor with any

regulations Congress may find necessary, for securing the title in such soil, to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi or St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

ART. 5. There shall be formed in the said territory, not less than three, nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: The Western State in the said territory shall be bounded by the Mississippi, the Ohio, and Wabash rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The Middle State shall be bounded by the said direct line, the Wabash, from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line. The Eastern State shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: provided, however, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory, which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and state government; provided the constitution and government, so to be formed, shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

ART. 6. There shall be neither slavery nor involuntary servitude in 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.

B. THE ENABLING ACT OF 1816

ACT OF CONGRESS

AN ACT to enable the people of the Indiana Territory to form a constitution and state government, and for the admission of such State into the Union on an equal footing with the original States.

[APPROVED, APRIL 19, 1816.]

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the inhabitants of the territory of Indiana be, and they are hereby authorized, to form for themselves a constitution and state government, and to assume such name as they shall deem proper; and the said State, when formed, shall be admitted into the Union upon the same footing with the original States, in all respects whatever.

SEC. 2. *And be it further enacted,* That the said State shall consist of all the territory included within the following boundaries, to wit: Bounded on the east by the meridian line which forms the western boundary of the State of Ohio; on the south, by the river Ohio, from the mouth of the Great Miami River, to the mouth of the river Wabash; on the west, by a line drawn along the middle of the Wabash, from its mouth to a point where a due north line drawn from the town of Vincennes would last touch the north-western shore of the said river; and from thence by a due north line, until the same shall intersect an east and west line drawn through a point ten miles north of the southern extreme of Lake Michigan; on the north, by the said east and west line, until the same shall intersect the first-mentioned meridian line, which forms the western boundary of the State of Ohio, *Provided,* That the con-

vention hereinafter provided for, when formed, shall ratify the boundaries aforesaid; otherwise they shall be and remain as now prescribed by the ordinance for the government of the territory northwest of the river Ohio: *Provided, also*, That the said State shall have concurrent jurisdiction on the river Wabash, with the State to be formed west thereof, so far as the said river shall form a common boundary to both.

SEC. 3. *And be it further enacted*, That all male citizens of the United States, who shall have arrived at the age of twenty-one years, and resided in the territory at least one year previous to the day of election, and shall have paid a county or territorial tax; and all persons having in other respects the legal qualifications to vote for representatives in the General Assembly of said territory, be, and they are hereby authorized to choose representatives to form a convention, who shall be apportioned among the several counties within the said territory, according to the apportionment made by the legislature thereof, at their last session, to wit: from the county of Wayne, four representatives; from the county of Franklin, five representatives; from the county of Dearborn, three representatives; from the county of Switzerland, one representative; from the county of Jefferson, three representatives; from the county of Clark, five representatives; from the county of Harrison, five representatives; from the county of Washington, five representatives; from the county of Knox, five representatives; from the county of Gibson, four representatives; from the county of Posey, one representative; from the county of Warrick, one representative; and from the county of Perry, one representative. And the election for the representatives aforesaid, shall be holden on the second Monday of May, one thousand eight hundred and sixteen, throughout the several counties in said territory; and shall be conducted in the same manner, and under the same penalties, as prescribed by the laws of said territory, regulating elections therein for members of the House of Representatives.

SEC. 4. *And be it further enacted*, That the members of the convention, thus duly elected, be, and they are hereby authorized, to meet at the seat of the government of the said territory on the second Monday of June next; which convention, when met, shall first determine, by a majority of the whole number elected, whether it be, or be not expedient at that time, to form a constitution and state government for the people within the said terri-

tory; and if it be determined to be expedient, the convention shall be, and hereby are, authorized to form a constitution and state government; or if it be deemed more expedient, the said convention shall provide by ordinance for electing representatives to form a constitution or frame of government, which said representatives shall be chosen in such manner, and in such proportion, and shall meet at such time and place, as shall be prescribed by the said ordinance; and shall then form for the people of said territory, a constitution and state government: *Provided*, That the same, whenever formed, shall be republican, and not repugnant to those articles of the ordinance of the thirteenth of July, one thousand seven hundred and eighty-seven, which are declared to be irrevocable between the original States and the people and States of the territory northwest of the river Ohio; excepting so much of said articles as relate to the boundaries of the States therein to be formed.

SEC. 5. *And be it further enacted*, That until the next general census shall be taken, the said State shall be entitled to one representative in the House of Representatives of the United States.

SEC. 6. *And be it further enacted*, That the following propositions be, and the same are hereby offered to the convention of the said territory of Indiana, when formed, for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory upon the United States:

First. That the section numbered sixteen, in every township, and when such section has been sold, granted or disposed of, other lands, equivalent thereto, and most contiguous to the same, shall be granted to the inhabitants of such township for the use of schools.

Second. That all salt springs within the said territory, and the land reserved for the use of the same, together with such other lands as may, by the President of the United States, be deemed necessary and proper for working the said salt springs, not exceeding in the whole, the quantity contained in thirty-six entire sections, shall be granted to the said State, for the use of the people of the said State, the same to be used under such terms, conditions, and regulations as the legislature of the said State shall direct; provided the said legislature shall never sell nor lease the same, for a longer period than ten years at any one time.

Third. That five per cent of the net proceeds of the lands

lying within the said territory, and which shall be sold by Congress from and after the first day of December next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals, of which three fifths shall be applied to those objects within the said State, under the direction of the legislature thereof, and two fifths to the making of a road or roads leading to the said State under the direction of Congress.

Fourth. That one entire township, which shall be designated by the President of the United States, in addition to the one heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning, and vested in the legislature of the said State, to be appropriated solely to the use of such seminary by the said legislature.

Fifth. That four sections of land be, and the same are hereby granted to the said State, for the purpose of fixing their seat of government thereon, which four sections shall, under the direction of the legislature of said State, be located at any time in such township and range, as the legislature aforesaid may select, on such lands as may hereafter be acquired by the United States, from the Indian tribes within the said territory: *Provided*, That such locations shall be made prior to the public sale of the lands of the United States, surrounding such location: *And provided always*, That the five foregoing propositions, herein offered, are, on the conditions that the convention of the said State shall provide by an ordinance irrevocable, without the consent of the United States, that every and each tract of land sold by the United States, from and after the first day of December next, shall be and remain exempt from any tax, laid by order or under authority of the State, whether for state, county, or township, or any other purpose whatever, for the term of five years, from and after the day of sale.

C. STATE ORDINANCE OF 1816

ACCEPTING TERMS OF ADMISSION TO THE UNION

Be it ordained by the representatives of the people of the Territory of Indiana, in convention met at Corydon, on Monday, the tenth of June, in the year of our Lord eighteen hundred and sixteen, That we

do, for ourselves and our posterity agree, determine, declare, and ordain, that we will and do hereby accept the propositions of the Congress of the United States, as made and contained in their act of the nineteenth day of April, eighteen hundred and sixteen, entitled "an act to enable the people of the Indiana Territory to form a state government and constitution, and for the admission of such State into the Union, on an equal footing with the original States."

And we do, further for ourselves and our posterity, hereby ratify, confirm, and establish, the boundaries of the said State of Indiana, as fixed, prescribed, laid down, and established, in the act of Congress aforesaid; and we do also, further for ourselves and posterity, hereby agree, determine, declare and ordain, that each and every tract of land sold by the United States, lying within the said State, and which shall be sold from and after the first day of December next, shall be and remain exempt from any tax laid by order or under any authority of the said State of Indiana, or by or under the authority of the General Assembly thereof, whether for state, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale of any such tract of land; and we do, moreover, for ourselves and our posterity, hereby declare and ordain, that this ordinance, and every part thereof, shall forever be and remain irrevocable and inviolate, without the consent of the United States, in Congress assembled, first had and obtained for the alteration thereof, or any part thereof.

JONATHAN JENNINGS,

President of the Convention.

Attest, WILLIAM HENDRICKS, *Secretary.*

June 29, 1816.

D. OFFICIAL LIST OF THE GOVERNORS OF INDIANA, WITH TIME OF SERVICE

TERRITORIAL GOVERNORS

NORTHWEST TERRITORY			
	FROM		TO
Arthur St. Clair	1787		1800
INDIANA TERRITORY			
John Gibson (acting)	1800	Jan. 10,	1801
William H. Harrison	1801		1812
Thomas Posey	1812		1816

GOVERNORS OF THE STATE

Jonathan Jennings	Dem.	1816	1822
Ratliffe Boone (acting)	Dem.	Sept. 12-Dec. 5,	1822
William Hendricks	Dem.	1822	1825
James B. Ray (acting)	Dem.	Feb. 12-Dec. 11,	1825
James B. Ray	Dem.	1825	1831
Noah Noble	Dem.	1831	1837
David Wallace	Whig	1837	1840
Samuel Bigger	Whig	1840	1843
James Whitcomb	Dem.	1843	1848
Paris C. Dunning (acting)	Dem.	1848	1849
Joseph A. Wright	Dem.	1849	1857
Ashbel P. Willard	Dem.	1857	1860
Abram A. Hammond (acting)	Dem.	1860	1861
Henry S. Lane	Rep.	Jan. 14-Jan. 16,	1861
Oliver P. Morton (acting)	Rep.	1861	1865
Oliver P. Morton	Rep.	1865	1867
Conrad Baker (acting)	Rep.	1867	1869
Conrad Baker	Rep.	1869	1873
Thomas A. Hendricks	Dem.	1873	1877
James D. Williams	Dem.	1877	1880
Isaac P. Gray (acting)	Dem.	1880	1881
Albert G. Porter	Rep.	1881	1885
Isaac P. Gray	Dem.	1885	1889
Alvin P. Hovey	Rep.	1889	1891
Ira J. Chase (acting)	Rep.	1891	1893
Claude Matthews	Dem.	1893	1897
James A. Mount	Rep.	1897	1901
Winfield T. Durbin	Rep.	1901	1905
J. Frank Hanly	Rep.	1905	

E. SALARIES OF STATE OFFICERS

	TERM OF OFFICE IN YEARS	SALARY
Governor	4	\$8,000
Lieutenant-governor (paid also as Pres. Sen.) .	4	1,000
Secretary of State	2	6,500
Auditor of State	2	7,500
Treasurer of State	2	7,500
Attorney-General	2	7,500
Superintendent of Public Instruction	2	3,000
Clerk of Supreme Court	4	5,000
Reporter of Supreme Court	4	5,000
Judges of Supreme Court (each)	6	6,000
Judges of Appellate Court (each)	4	6,000
Chief Bureau of Statistics	2	3,000
Geologist	4	3,000
State Librarian	Indefinite	1,800
Adjutant-General		2,250
Quartermaster-General		1,200
Custodian of Public Buildings		2,000
Engineer of State House		2,000
Secretary of Board of Health		3,000
Secretary of Board of Forestry		1,800
Food and Drug Chemist		2,500
Chief Inspector		1,800

F. SALARIES OF COUNTY OFFICERS

COUNTIES	CLERK	AUDITOR	TREASURER	RECORDER	SHERIFF
Adams	\$2,100	\$2,300	\$2,300	\$1,300	\$2,000
Allen	6,300	6,500	9,000	3,500	6,200
Bartholomew	2,400	2,600	2,500	1,400	2,200
Benton	1,500	1,600	2,100	1,100	1,500
Blackford	1,600	1,700	1,900	1,400	1,600
Boone	2,600	2,800	2,400	1,700	2,400
Brown	1,200	1,300	1,200	800	1,200
Carroll	2,100	2,300	2,200	1,400	2,000

SALARIES OF COUNTY OFFICERS — *Continued*

COUNTIES	CLERK	AUDITOR	TREASURER	RECORDER	SHERIFF
Cass	\$3,300	\$3,600	\$4,000	\$1,900	\$2,800
Clark	2,700	3,000	3,100	1,700	2,600
Clay	2,800	3,000	3,000	1,700	2,600
Clinton	2,700	2,900	2,700	1,800	2,600
Crawford	1,600	1,700	1,600	1,100	1,600
Daviess	2,600	2,800	2,700	1,700	2,400
Dearborn	2,400	2,500	2,300	1,400	2,200
Decatur	2,300	2,400	2,300	1,400	2,000
De Kalb	2,400	2,500	2,400	1,500	2,300
Delaware	3,500	3,700	4,500	2,700	3,000
Dubois	2,100	2,300	2,000	1,300	1,900
Elkhart	3,800	3,900	4,000	2,200	3,300
Fayette	1,700	1,800	1,900	1,100	1,600
Floyd	2,800	3,000	3,200	1,700	2,500
Fountain	2,200	2,400	2,200	1,500	2,000
Franklin	1,900	2,100	2,000	1,200	1,900
Fulton	1,900	2,000	2,200	1,200	1,900
Gibson	2,400	2,500	2,800	1,600	2,400
Grant	4,200	4,500	5,650	3,300	3,800
Green	2,400	2,600	3,000	1,500	2,200
Hamilton	2,700	3,000	2,700	1,900	2,500
Hancock	2,100	2,200	2,300	1,400	2,000
Harrison	2,100	2,300	2,000	1,200	2,000
Hendricks	2,200	2,500	2,200	1,400	2,100
Henry	2,600	2,600	2,400	1,700	2,200
Howard	2,700	3,000	2,700	1,900	2,600
Huntington	2,700	2,900	2,700	1,800	2,600
Jackson	2,400	2,500	2,700	1,500	2,300
Jasper	1,500	1,700	2,250	1,700	1,400
Jay	2,600	2,700	2,500	1,900	2,400
Jefferson	2,400	2,600	2,400	1,500	2,300
Jennings	1,700	1,900	1,800	1,100	1,700
Johnson	2,200	2,300	2,300	1,400	2,000
Knox	2,700	2,900	3,300	1,600	2,500
Kosciusco	2,700	2,900	2,500	1,600	2,500
Lagrange	1,800	1,900	1,800	1,100	1,700
Lake	3,000	3,200	6,000	2,400	3,000

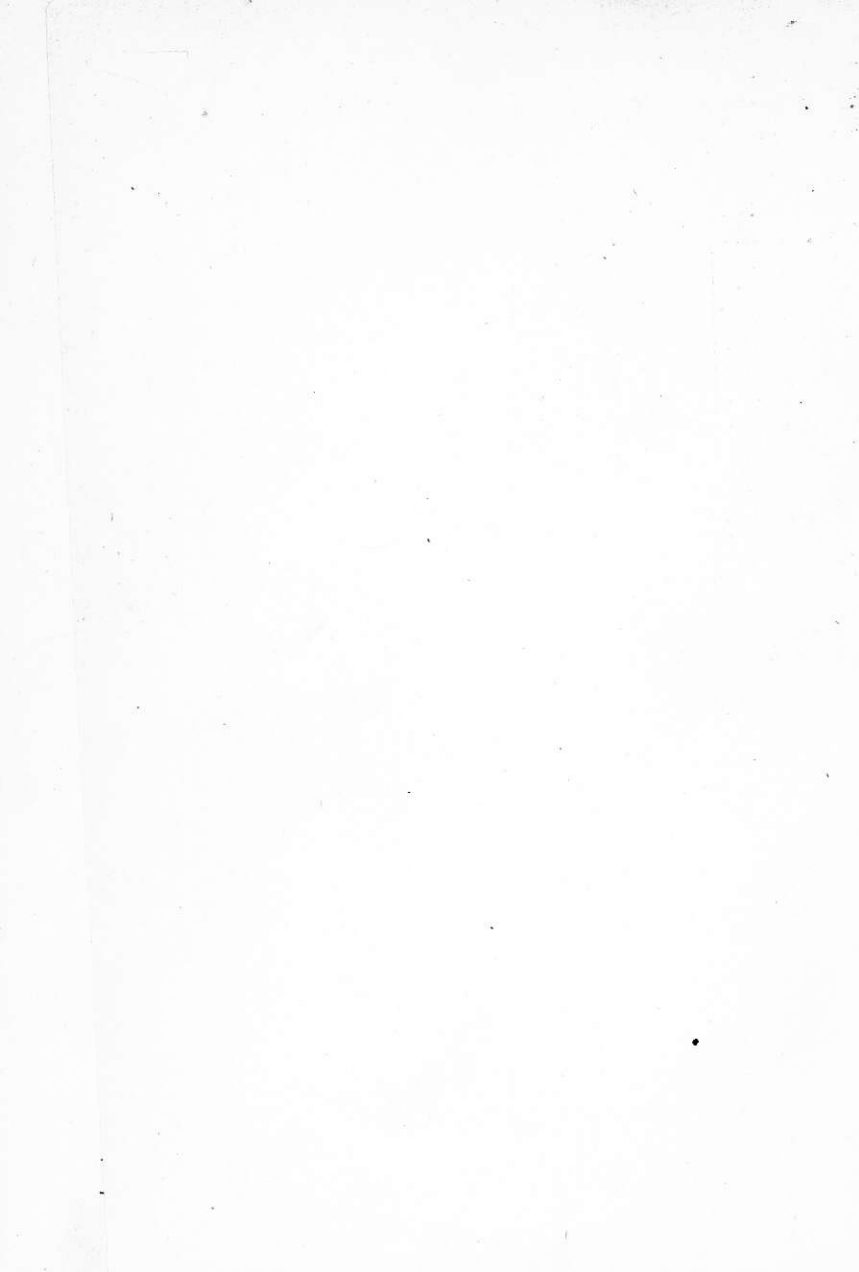
SALARIES OF COUNTY OFFICERS — *Continued*

COUNTIES	CLERK	AUDITOR	TREASURER	RECORDER	SHERIFF
Laporte . . .	\$3,500	\$3,700	\$4,000	\$2,009	\$3,200
Lawrence . . .	2,200	2,300	2,400	1,500	2,100
Madison . . .	4,800	4,800	7,250	3,800	4,600
Marion . . .	19,500	17,500	25,000	12,500	11,000
Marshall . . .	2,400	2,500	2,300	1,400	2,200
Martin . . .	1,600	1,700	1,700	1,100	1,600
Miami . . .	2,400	2,500	2,700	1,400	2,300
Monroe . . .	2,300	2,300	1,800	1,400	2,000
Montgomery . .	2,800	2,900	3,000	1,600	2,800
Morgan . . .	2,100	2,300	2,200	1,200	1,900
Newton . . .	1,300	1,400	1,800	900	1,300
Noble . . .	2,400	2,500	2,400	1,400	2,200
Ohio . . .	1,000	1,100	1,200	800	1,000
Orange . . .	1,700	1,800	1,800	1,100	1,700
Owen . . .	1,800	1,900	1,800	1,100	1,800
Park . . .	2,100	2,300	2,300	1,300	2,000
Perry . . .	2,000	2,100	2,000	1,200	1,900
Pike . . .	2,000	2,100	2,000	1,200	1,900
Porter . . .	2,300	2,600	3,000	1,500	2,000
Posey . . .	2,200	2,400	2,200	1,900	2,100
Pulaski . . .	1,400	1,600	1,600	1,100	1,400
Putnam . . .	2,200	2,400	2,400	1,400	2,100
Randolph . . .	2,700	2,800	2,500	1,500	2,500
Ripley . . .	2,200	2,300	2,000	1,400	2,000
Rush . . .	2,300	2,400	2,500	1,400	2,000
Scott . . .	1,000	1,100	1,200	700	1,000
Shelby . . .	2,400	2,500	2,600	1,400	2,300
Spencer . . .	2,200	2,400	1,900	1,400	2,100
Starke . . .	1,200	1,100	1,500	1,000	1,100
Steuben . . .	1,800	1,900	1,800	1,100	1,700
St. Joseph . .	4,400	4,600	7,750	2,700	3,900
Sullivan . . .	2,200	2,700	2,700	1,400	2,100
Switzerland . .	1,500	1,600	1,600	1,000	1,500
Tippecanoe . .	3,900	3,900	5,750	2,000	3,000
Tipton . . .	2,100	2,300	2,400	1,500	2,000
Union . . .	1,000	1,100	1,200	700	1,000
Vanderburg . .	6,300	6,500	8,000	3,400	6,000

SALARIES OF COUNTY OFFICERS — *Continued*

COUNTIES	CLERK	AUDITOR	TREASURER	RECORDER	SHERIFF
Vermilion . . .	\$1,600	\$1,700	\$2,200	\$1,000	\$1,600
Vigo	5,600	5,800	7,500	2,700	5,300
Wabash	2,800	2,800	2,700	1,900	2,600
Warren	1,500	1,600	2,000	1,200	1,500
Warrick	2,200	2,400	2,000	1,400	2,100
Washington . .	2,200	2,200	1,800	1,400	2,000
Wayne	3,700	3,900	5,000	2,000	3,200
Wells	2,200	2,400	2,700	1,500	2,100
White	1,900	2,100	2,550	1,300	1,800
Whitley	2,000	2,100	2,100	1,300	1,900

The salaries of other county officers are determined by fees. The county superintendent receives \$4.50 for each day's service. The township trustee is paid \$2.00 per day. In the more populous counties additional provision is made for *per diem* officers.



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