

Exhibit Activity

Reconstruct the “Article XIII of the 1851 Indiana Constitution” exhibit using the materials in your packet. You will not need all the items provided – choose wisely.

This PDF contains:

- Title – Use the student example or create your own
- Thesis Statements – Choose the best example
- Subtitles – Label each section of information
- Text – Make sure you have at least one explanatory paragraph for each section
- Images – Choose one image to support each section
- Quotes – Choose one quote to support each section

Be mindful of your 500 student- composed word limit!

Count:

Title
Subtitles
Student-composed text

Don't Count:

Quotes
Text offered on images
Image or quote citations

**ARTICLE XIII
OF THE 1851
INDIANA
CONSTITUTION**

Theses:

In 1851, Indiana residents elected 150 delegates to write a new constitution for the state. The new constitution included Article XIII which prohibited free blacks from settling in the state and whites from encouraging black settlement. (36)

While the enslaved fled bondage in the South, Northern neighbors were not always so welcoming. Several Midwestern and new Western states passed laws to prevent free blacks from emigrating to their territories. Indiana followed suite with Article XIII of the 1851 Indiana Constitution which prohibited blacks from settling in Indiana. (50)

As the enslaved increasingly fled bondage in the South throughout the 19th century, Northern states began to react to the migration of people, who were often unwelcomed by residents, by passing laws which restricted settlement of free blacks. Indiana passed such a law with Article XIII of the 1851 Indiana Constitution. Article XIII prohibited new black settlements in Indiana and fined whites for doing business with free black citizens. Although eventually repealed in 1866, Article XIII contributed to the restricted education, employment, and social progress of black communities in Indiana for decades. (92)

Subtitles:

Debate

Diplomacy

Successes

Context

Consequences

Thesis

Main Event

Background

Supporters

Opposition

Failures

Aftermath

Impact

Build up

Text:

By 1851, Indiana citizens realized that the original Indiana Constitution of 1816 was outdated. Indiana was no longer a pioneer state, and the government set up to run the state was inefficient and failed to meet the needs of a settled population. (42)

Throughout the early and mid-19th century, various state and federal laws were passed to restrict the immigration of runaway slaves and free blacks. Ohio and Illinois both passed laws by 1819. The Fugitive Slave Act of 1850 passed by the federal government held Northern officials and citizens liable for not enforcing the federal laws. (54)

Indiana, a free Midwestern state bordering a slave state, faced an incoming migration of people who were unskilled, illiterate, and unwelcomed by residents. (23)

A national movement began in the 1820s to create a colony on the western coast of Africa called Liberia. Liberia would be a haven for freed blacks who were unwelcomed by whites in the United States. Some Northerners saw the effort as a way to strengthen slavery by eliminating free blacks in the North. In Indiana, most supporters saw the movement as a way to eliminate free blacks living in the state and continued to support the efforts after the passing of Article XIII. (84)

Delegates to the Constitutional Convention in Indianapolis represented a diverse group of Indiana residents. Indiana had a relatively high population of Quakers. 42% of the delegates were farmers, 25% were lawyers, and 12% were physicians. Only 13 were native Hoosiers, 74 came from the South, 57 from Northern states, and 6 came from foreign countries. 2/3rds of the delegates were Democrats and 1/3rd were Whigs. (65)

Delegates passed Article XIII 93-40. The vote did not follow party lines, with 20 Whigs and 20 Democrats voting against. Opposition to the bill came primarily from Quakers from the east and some delegates from the north. The article prohibited new black settlement, voided all contracts with blacks, and fined whites for conducting business with settling blacks. Article XIII also required blacks to register with local government clerks. (68)

On August 4, 1851, Indiana voters passed Article XIII by an overwhelming majority. Two votes were on the ballot that day: one for the constitution and one for Article XIII. Article XIII passed with more votes and a larger margin of victory than the constitution itself. (46)

In addition to Article XIII banning the settlement of blacks in Indiana, Article II included a clause which explicitly banned suffrage for “negroes and mulattoes”. Article II expanded suffrage to all white male residents of Indiana, not just those who owned land. (42)

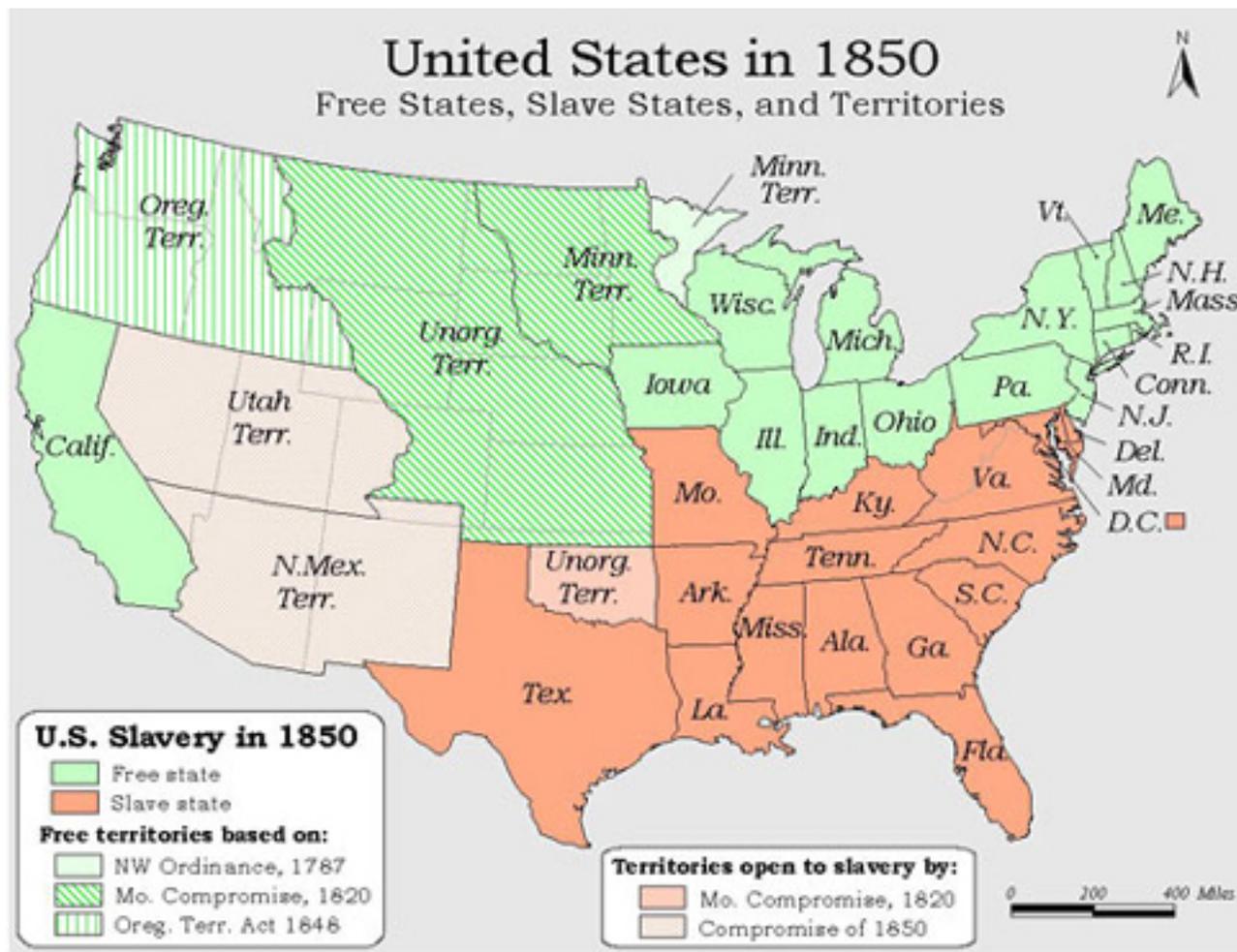
The Indiana Supreme Court declared Article XIII invalid in 1866. Several efforts were made throughout the 1850s to repeal the law but all failed. Most people did not abide by the law and few were charged for violating it. (39)

Following the Civil War, freed slaves began migrating north to Indiana and other states. Article XIII, already barely enforced and ignored by many, could not keep up with the massive emigration of the formerly enslaved. (35)

The law also failed to provide provisions for removing blacks from Indiana who violated the law. While few people who entered the state in violation of the law were actually charged, tried, and convicted, those who were paid fines. However, they were not removed and because they could not be tried for the same offense twice, there was no means for enforcing the original intent of the law. (68)

The post-Civil War era saw increased expression of racial prejudice in the United States and Indiana. Increased hostility in southern Indiana towns led to a decrease in black population over time. Northern and southern counties alike adopted discrimination laws throughout the late 19th century. Mob violence and lynchings occurred throughout the state. These laws and social conditions created barriers to employment and education which restricted the general livelihood and social mobility of black communities in Indiana. (76)

Images:



Black Population Prior to the Civil War, as Counted by the Census

Year	Indiana			Midwest*			United States		
	Total	Free	Slave	Total	Free	Slave	Total	Free	Slave
1860	11,428	11,428	0	184,239	69,291	114,948	4,441,830	488,070	3,953,760
1850	11,262	11,262	0	135,607	48,185	87,422	3,638,808	434,495	3,204,313
1840	7,168	7,165	3	89,347	30,743	58,604	2,873,648	386,293	2,487,355
1830	3,632	3,629	3	41,543	15,664	25,879	2,328,642	319,599	2,009,043
1820	1,420	1,230	190	18,260	6,931	11,329	1,771,656	233,634	1,538,022
1810	630	393	237	6,934	3,630	3,304	1,377,808	186,446	1,191,362
1800	115	87	28	635	500	135	1,002,037	108,435	893,602
1790	n/a	n/a	n/a	n/a	n/a	n/a	757,208	59,527	697,681

* The Midwest includes Indiana, Illinois, Iowa, Michigan, Missouri, Ohio, and Wisconsin
 Source: IBRC, using U.S. Census Bureau data

Election Results:

For the Constitution:	109,319
Against the Constitution:	26,755

For Article XIII:	109,976
Against Article XIII:	21,066

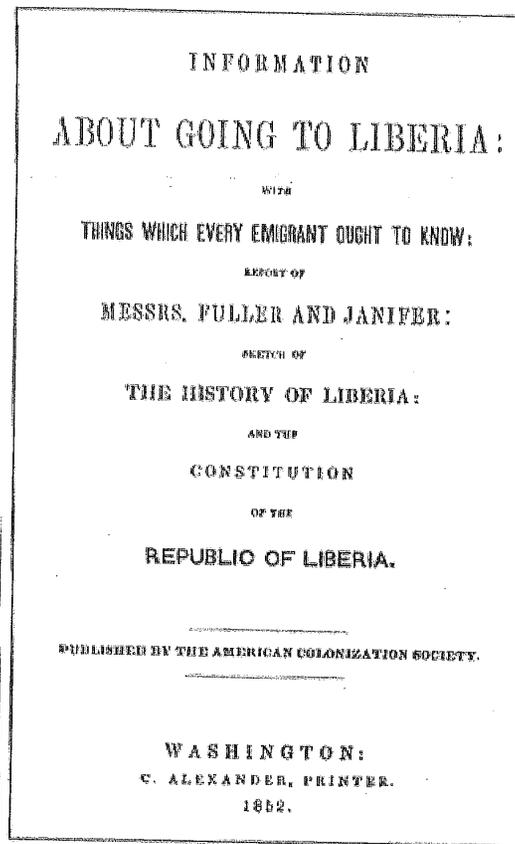
Article 13 - Negroes and Mulattoes

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

Section 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.

Section 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.

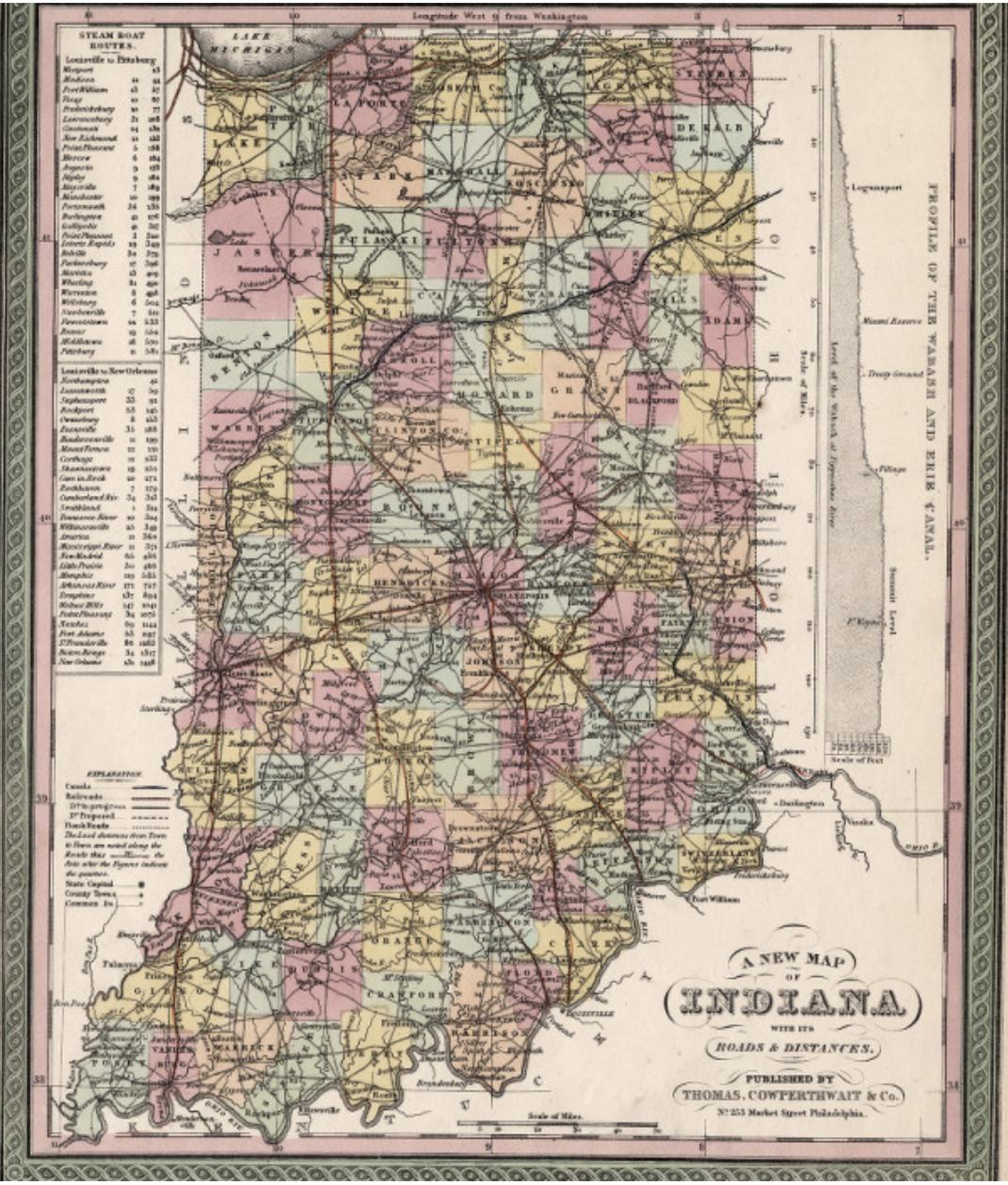
Section 4. The General Assembly shall pass laws to carry out the provisions of this article.



*Courtesy Archives Division,
Indiana Commission on Public Records*

CONSTITUTION
OF THE
STATE OF INDIANA,
AND THE
ADDRESS
OF THE
CONSTITUTIONAL CONVENTION.

NEW ALBANY, IA.
KENT & NORMAN, PRINTERS.
1851.



STEAM BOAT ROUTES.

Louisville to Evansburg

Waynes	13
Knox	44
Waynes	45
Waynes	46
Waynes	47
Waynes	48
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Waynes	50
Waynes	51
Waynes	52
Waynes	53
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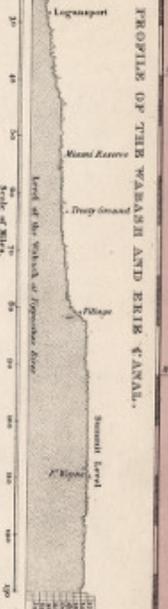
Louisville to New Orleans

Knox	40
Waynes	27
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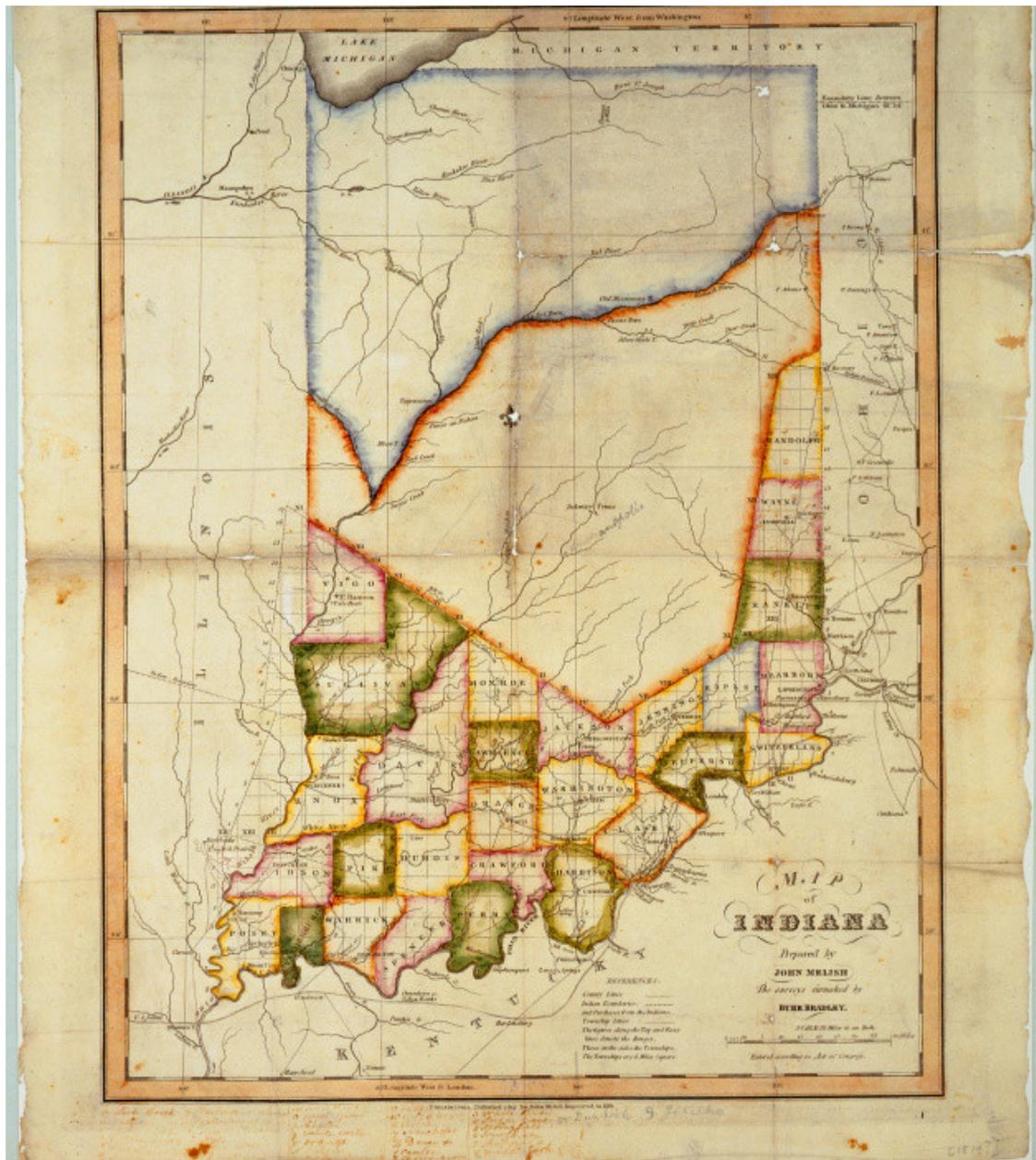
EXPLANATION

Canals
 Railroads
 Proposed
 Proposed
 Truck Roads
 The solid lines show the
 roads that are the
 best and the dotted lines
 the proposed.

State Capital
 County Seats
 Common In



A NEW MAP
 OF
INDIANA.
 WITH ITS
 ROADS & DISTANCES.
 PUBLISHED BY
 THOMAS, COWPERTHWAIT & Co.
 No. 253 Market Street Philadelphia.



AN ACT TO ENFORCE THE THIRTEENTH ARTICLE OF THE CONSTITUTION.

[APPROVED JUNE 18, 1852.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall not be lawful for any negro or mulatto to come into, settle in, or become an inhabitant of the State.

SEC. 2. The clerks of the several circuit courts in this State shall [give] notice, by publication in the newspaper published in their respective counties having the greatest circulation, and if no newspaper be published therein, then by printed hand-bills posted up in three of the most public places in each township of such county, requiring all negroes and mulattoes who were inhabitants of the State prior to the first day of November, A. D. 1851, and entitled to reside therein, to appear before him for registry.

SEC. 3. It shall be the duty of each clerk of the said circuit courts to provide a suitable book, to be called the register of negroes and mulattoes, in which he shall record the name, age, description, place of birth and residence of each and every mulatto who may present himself or herself before him for the purpose of being registered, and also, the names of the witnesses by whom the right of such negro or mulatto to reside in the State of Indiana shall have been proven.

SEC. 4. The clerk of the said circuit court, when any negro or mulatto shall come before him for the purpose of being registered, shall have power to cause to come before him such witnesses as may be necessary to prove the right of inhabitation of such negro or mulatto, by process of subpoena, and shall proceed to hear and determine the right of such negro or mulatto.

SEC. 5. When the right of any such negro or mulatto shall have been proven to the satisfaction of such clerk, he shall register the said negro or mulatto in his register of negroes and mulattoes, and shall also issue to such negro or mulatto a certificate, under the seal of the said court, and attested by such clerk, setting forth the facts contained in such register; which certificate shall be conclusive evidence of the facts therein stated in all prosecutions against the employers of negroes or mulattoes, unless it is shown that said employer had notice that the same was obtained by fraud or other undue means, or was not genuine, and the same shall be *prima facie* evidence only in all other cases, and shall be issued to such negro or mulatto without charge.

SEC. 6. All contracts made with negroes or mulattoes who shall have come into the State of Indiana subsequent to the first day of November, A. D. 1851, are hereby declared null and void.

SEC. 7. Any person who shall employ a negro or mulatto who shall have come into the State of Indiana subsequent to the thirty-first day of October, in the year one thousand eight hundred and fifty-one, or shall hereafter come into the said State, or who shall encourage such negro or mulatto to remain in the State, shall be fined in any sum not less than ten dollars nor more than five hundred dollars.

SEC. 8. This act shall apply only to contracts made with negroes and mulattoes subsequent to the passage of this act.

SEC. 9. Any negro or mulatto who shall come into or settle in this State contrary to, and in violation of the provisions of the constitution, and of the first section of this act, shall be fined in any sum not less than ten, nor more than five hundred dollars.

Quotes:

“We know that we are overrun with them—as we most assuredly will be unless we adopt some stringent measures to prevent it—there will be commenced a war which will end only in extermination of one race or another.” –Indiana Delegate

“If we legislate for them as brutes, we shall make brutes of them. If we legislate for them as men, we shall make men of them.” –Daniel Crumpacker, Lake and Porter Counties Delegate

“The existence of these laws, and the increasing desire to be rid of the evil of slavery, is continually pouring upon the free states a flood of suspected and unwelcome population.” – Indiana Colonization Society, 1829

“In this event what is the duty of the free States? Their course is plain. Illinois and California have led the way! Indiana and Ohio being border States will have to adopt similar measures for their own protection. It may be urged that such provisions are cruel and inhuman, but this is no argument when the absolute necessity of such a law arises!” –Terre Haute Journal, November 1850

“Nothing of complexion, degradation of moral, or physical character, and no creed, or the want of it excludes from the rights of man as declared by the constitution. It would be competent for the legislative power to pass laws to prevent their ingress, but until such law be enacted, the red man of our own native forests, the Patagonian of the southern cape of our continent, the black man from the Torrid Zone, the Esquimaux from the icebergs of the north, the wild Arab from his desert, and the Caffre from his kraal may meet here, and enjoy the rights of man.” –Judge Wick, *Indiana Farmer*, 16 April 1836