

A Brief Introduction of Samuel Smock and His Participation in the Indiana Constitutional Convention

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Indiana celebrates its Bicentennial this year, the 200th year since the creation and signing of its first constitution. A descendant of “Low Dutch” immigrants, Samuel Smock (1776-1833, son of Jacob, b. 1744, and Tryntie Catherine Demaree, b. 1748.) was an integral part of this process and a signatory to the constitution. Having moved to Indiana Territory from Kentucky in 1805, Smock found much success as a farmer, postmaster, lawyer, and judge, and was elected as a representative from Jefferson County to the Indiana Territorial Congress on May 13, 1816. According to the Indiana Magazine of History, referencing The Vincennes *Western Sun* “Candidates either announced themselves or were informally proposed by other individuals, at times without the candidate’s knowledge. Voters could cast their ballots for individuals who had not been nominated, as well as for those who had.” (1)

When the Congressional Congress met on June 10, 1816 at the courthouse in Corydon, one of the first orders of business was to vote on the proposal to bring Indiana to statehood, solidifying the purposes of the Indiana Enabling Act passed by US legislation in April. All three representatives from Jefferson County voted against it being “expedient, at this time, to proceed to form a Constitution and State Government”, but were in the solid minority. Why did they vote against it? Perhaps because of the political posturing between territorial Governor Thomas Posey and Jonathan Jennings, populist territorial delegate to Congress and soon-to-be state governor ¹. Smock had been given judicial and military appointments by Posey, and seemingly pledged his allegiance to Posey in his 1814 letter resigning from judge of the circuit court, stating “I with pleasure assure you of my entire friendship.” (2) Also given as a reason is that the Indiana Enabling Act of the US Congress established that statehood deprive Indiana of state and local tax revenue generated by sale of federal land for five subsequent years, in addition to making inhabitants of the region liable for their share of federal taxes and debts. Carmony’s introduction to the constitutional journal states, “The charge that statehood would substantially increase the cost of government to Indiana residents was the principal argument against it.” (3)

As the path to statehood went forward, committees were formed to draft proposed constitutional language. In the drafting of the constitution, Samuel Smock was assigned to the committee to establish the executive branch of Indiana government. Together, the constitutional representatives continued the territorial ordinance of prohibiting slavery ², and made this the only part of the constitution that could not be amended. Article VII, Section 1 of the constitution states “no alteration of this constitution shall ever take place so as to introduce slavery or involuntary servitude in this State...” However, slavery in the thinly veiled form of an indenture continued, and in 1820, there were 190 slaves listed on the census. (5) An ambitious proposal to make education free from the early years through postsecondary education was enacted but would not find the requisite funding in subsequent years. (4) The constitution was adopted and the convention adjourned on June 29, after only 18 working days. According to Carmony, “The Constitution of 1816 was an excellent document. Clearly and concisely written, it closely followed established political concepts and practices. Staunchly committed to the principle of republican or representative government, it reflected a liberal and mildly democratic interpretation of Jeffersonian Republicanism.” (6) President Madison signed the approval admitting Indiana as the 19th state to the Union on December 11, 1816, the date now celebrated as Indiana’s birthdate, officially “Indiana Statehood Day”. Because the constitution was difficult to amend, and Indiana later faced a debt crisis, the 1816 constitution was replaced in 1851.

¹ Jennings was a leader of the anti-slavery faction. Jennings father was a minister to the Dutch Reformed Church in New Jersey. (Dodds, Holly. “Forgotten Firebrand.” 812, *The Magazine of Southern Indiana*, Winter/Spring 2016. <http://www.812magazine.com/article/2016/01/jennings> (accessed June 3, 2016))

² Although the 1787 Territorial Ordinance, Article VI prohibited slavery, an 1805 Indiana Territory indenture law allowed slaves into Indiana by persons who owned slaves or purchased them outside the territory to be bound by indenture, clearly a circumvention of the prohibition of slavery. A later bill allowed those bound under the 1805 Act to be sold as part of a personal estate. (Barnhart, John D. and Dorothy Riker. *Indiana to 1816, The Colonial Period: The History of Indiana, Vol. 1*. Indianapolis: Indiana Historical Bureau & Indiana Historical Society, 1971.)

To read about the proceedings of the Constitutional Congress, see the [Journal of the Convention of the Indiana Territory](#). The *Journal*, however, does not expose the debate, so I caution that it's difficult to deduce the exact disagreement of a negative vote toward any given proposal.

You may also read the entire text of the [Indiana Constitution of 1816](#) or [view one of the two original manuscripts](#) and Samuel Smock's signature on page 71.

Mr. Lynn Rogers, has prepared a comprehensive biography of Samuel Smock for the dedication of Smock's memorial gravestone in Hanover, Indiana in June.

Sources:

- (1) Carmony, Donald F. "Journal of the Convention of the Indiana Territory, 1816, Introduction." *Indiana Magazine of History* 61 (2 June 1965). <https://scholarworks.iu.edu/journals/index.php/imh/article/view/9110/11933> (accessed June 3, 2016).
- (2) "Letter, Samuel Smock (Smockville) to Governor Thomas Posey." *Indiana Memory Digital Collections: Indiana Before Statehood* (6 July 1814). <http://cdm1819-01.cdmhost.com/cdm/ref/collection/p15078coll3/id/1435> (accessed June 3, 2016).
- (3) Carmony, D. F.
- (4) The 1816 constitution, in Article IX, Sect. 2 states "It shall be the duty of the General assembly, as soon as circumstances will permit, to provide, by law, for a general system of education, ascending in a regular gradation, from township schools to a state university, wherein tuition shall be gratis, and equally open to all."
- (5) Cockrum, William Monroe. *Pioneer History of Indiana: Including Stories, Incidents, and Customs of the Early Settlers*. Oakland City, Indiana: Press of Oakland City Journal, 1907 p. 141. <https://play.google.com/store/books/details?id=3o8lAAAAMAAJ&hl=en> (accessed June 3, 2016)
- (6) Carmony, D.F.