TERRITORIAL COUNTIES

The first counties formed in the territory which later became the state of Indiana were established by proclamation of the governors of the Northwest and Indiana territories. Upon the advance of Indiana Territory to the second grade in 1805 the power of setting up new counties passed to the legislature. This procedure was provided for in the Ordinance of 1787. The territory of the first organized counties was vast; their boundaries, where not established by waterways, were described by unmapped, sometimes impossible, lines; their organization was limited and vague. Under such conditions it was inevitable that the more remote tracts of country should be assigned now to one county, and now to another; boundaries of established counties were distorted by the formation of new ones, and large districts were sometimes separated entirely from the parent county.

At the beginning of the territorial period surveyed areas were small, disconnected, and usually limited to private grants. By 1808 and 1810, when county organization became more rapid, government surveys usually preceded the laying out of county boundaries, but accurate maps were not always at the disposal of the legislators, and errors and ambiguities of description obscured the intent of many early boundary acts. The survey of lines not defined by watercourses or government survey

1 "For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed, from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature." Journals of Congress, 4:752.
lines was often considerably delayed, for it was not regularly provided for as part of the process of forming or changing counties.

Three main factors determined the establishment of new counties. First, there was the difficulty of providing adequate local jurisdiction in large counties where part of the citizens lived at great distance from their seat of government, or were separated from it by natural obstacles of rivers, forests, and hills. Second, there was the spread of population, particularly following the close of the War of 1812, into territory lately ceded by the Indians. Third, with the growth of towns, there sprang up a rivalry among the more populous for the prestige and commercial advantages enjoyed by county seats. Speculators in land values gambled on the probable location of new county boundaries to lay out towns which might logically become county seats, and county boundaries were juggled to favor towns already established.

1790-99. Knox County was formed by proclamation of Governor Arthur St. Clair on June 20, 1790. Of the four counties laid out in the Northwest Territory and later a part of Indiana Territory, Knox is the only one on the present list of Indiana counties. It included, at the time of its formation, all of the present state of Indiana, western Ohio, western Michigan, a strip of Wisconsin along Lake Michigan, and eastern Illinois. St. Clair County had been formed along the Mississippi River about two months earlier in the year, and Randolph County was cut off the southern end of St. Clair in 1795. Both were included with a large western expanse of Knox County in the formation of Illinois Territory in 1809. The first Wayne County, created as a part of the Northwest Territory in 1796, and redefined as part of Indiana Territory in 1803, was taken over by Michigan.

Maps of Knox County I, II, and III, show the formation of the county and changes made in it before 1800. See also History of Knox and Daviess Counties, Indiana . . . , 168 ff. (The Goodspeed Publishing Co., Chicago, 1886); Dunn, Indiana, 271-74.
Territory upon its formation in 1805. No additional county formations occurred before Indiana Territory was organized in 1800.

1800-1804. Clark County was created out of the southeastern part of Knox County in 1801, embracing all the expanse of country to the eastern territorial line, which ran from Fort Recovery to the mouth of the Kentucky River. When the territorial line was pushed eastward at the time of Ohio’s advance to statehood, the Gore between the old and new lines was temporarily attached to Clark County for jurisdiction. In March, 1803, in compliance with a petition from that district, Governor Harrison erected the Gore into the county of Dearborn.

Up to this time there seems to have been no recognition of Indian titles in the laying out of county boundaries, although the provision in the Ordinance of 1787 authorizing the formation of counties limited them to ceded territory. The Treaty of Greenville, signed in 1795, did, it is true, include all the territory which formed Dearborn County, but the vast territory included in Clark and Knox counties, excepting the Illinois Grant, the Vincennes Tract, and several small grants in the northeast, was still claimed by the Indians. Land purchases secured at Vincennes and at Grouseland in 1804 and 1805 completed a wide band of ceded territory between the Wabash River and the Gore. From that time new counties were

See maps, St. Clair County, and Randolph County, Northwest Territory, and Wayne County, Northwest Territory and Indiana Territory.


See note 1, above.

usually limited by the Indian boundaries, and portions of the old counties which projected beyond the treaty lines gradually lost contact with their county organizations.⁸

1805-12. Harrison County, created out of Knox and Clark in 1808, was the first county to be established by legislative act. Early in the session begun on September 26, 1808, the Territorial House of Representatives received petitions both praying for and opposing the erection of the new county. A bill to form the county was introduced on October 5 and after amendment by the House and again by the Legislative Council was passed on October 11.⁹ Requests of 148 petitioners for a second new county, out of Clark and Dearborn, were rejected on the grounds that the proposed county would be too thinly settled and that the formation would be expensive and to no purpose.¹⁰ The northern part of Dearborn County also asked to be separately organized, presenting petitions with a total of 561 signers on October 7, 13, 14, 17, and 18. A difference of opinion among the petitioners as to whether the line of division should fall between townships 7 and 8 or 8 and 9 north resulted in a recommendation that the petition be renewed at the next session.¹¹

The next year two large districts were purchased from the Indians at Fort Wayne, one of them, the "Twelve Mile Purchase," paralleling the 1795 treaty line north of the Grouseland cession.¹² During the meeting of the General Assembly in 1810, this purchase, with the north-

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⁸ See, for example, maps, Clark County IV and V, and accompanying text. See also map, Indiana I.

⁹ Journal of Territorial House of Representatives, in the Western Sun, November 12, 19, 26, December 3, and 10, 1808; Journal of the Legislative Council, in ibid., January 28, 1809; Biographical and Historical Souvenir for the Counties of Clark, Crawford, Harrison . . ., 123 ff. (Chicago, 1889).


ern part of Dearborn County, was laid out into Wayne and Franklin counties. Dearborn's northern boundary was put at the line dividing townships 7 and 8 north. Jefferson County came into existence the same year. This formation, together with an enlargement of Harrison, reduced Clark County to a fraction of its former size, and cut off from it a large district north of the Indian boundary.

1813-14. The northern boundary of Knox County had not yet been legally redrawn, although the establishment of the "Ten o'Clock Line," in 1809, as the outer boundary of the Indian purchase adjoining the Vincennes tract, provided a boundary of much greater actual significance. In the southern part of the county, as settlements increased, there was a move for new county organizations. Harrison had made the initial curtailment of Knox territory, and in March, 1813, the large area south of the Wabash River and a line through the center of township one north was divided into two new counties, Gibson and Warrick. In December of the same year Washington County was formed, taking a portion of Knox County, and also the northern part of Harrison and Clark counties and a corner of Jefferson. The Silver

13 See map, Wayne County I; Young, Andrew W., History of Wayne County, Indiana . . ., 80 ff. (Cincinnati, 1872); History of Wayne County, Indiana . . ., 1:402 ff. (Inter-State Publishing Co., Chicago, 1884).
14 See map, Franklin County I; Reifel, August J., History of Franklin County Indiana . . ., 77 ff., and maps preceding (Indianapolis, 1915).
15 See map, Jefferson County I; Biographical and Historical Souvenir for the Counties of Clark . . . Jefferson . . ., 147 ff.
16 See Kappler (ed.), op cit.
17 See maps, Gibson County I and Warrick County I; Stormont, Gil R., History of Gibson County Indiana . . ., 64 ff. (Indianapolis, 1914); History of Warrick, Spencer and Perry Counties, Indiana . . ., 85 ff. (Goodspeed Bros. & Co., publishers, 1885).
18 See map, Washington County I; History of Lawrence, Orange and Washington Counties Indiana . . ., 706 ff. (Goodspeed Bros. & Co., publishers, 1884); Biographical and Historical Souvenir for the Counties of Clark . . . and Washington, 252 ff.
Creek Knobs formed a natural southeastern boundary, but the precise defining of the line along their height was the subject of legislative controversies and compromises until 1873.

1814. Three counties were laid out by the legislative session which met in August and September, 1814. A petition for the formation of Switzerland County from Jefferson and Dearborn was laid before the House on August 20, and was followed the next day by a protest against the division. An amended measure which created the new county and made a transfer from Jefferson County to Dearborn was approved on September 7. The same day a Council bill was signed, dividing the elongated extent of Warrick County upon the Ohio River into three counties, Posey on the west, Warrick, and Perry on the east. Ten townships from Gibson County were allotted to Perry County.

The Territorial Assembly of 1814 also extended the boundaries of Washington County northwest from the Grouseland Treaty line of 1805 to the Ten o’Clock Line of 1809. This was the first incorporation into an organized county of any part of that Indian purchase.

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19 Territorial House Journal, 1814, August 19 (20), 21 (22), 22 (23), 28 (29), September 5, 7. The dates in the Journal are incorrect for the month of August; the correct date is given in parentheses. The manuscript Journal is in the office of the Secretary of State. See map, Switzerland County I; see also Dufour, Perret, The Swiss Settlement of Switzerland County Indiana, 6-7, 35 (Indiana Historical Collections, vol. 13, Indianapolis, 1925); History of Dearborn, Ohio and Switzerland Counties, Indiana . . ., 1009 ff. (Weakley, Harraman & Co., 1885).

20 Territorial House Journal, 1814, September 3, 5; History of Posey County Indiana . . ., 327 ff. (Goodspeed Publishing Co., 1886); Leffel, John C. (ed.), History of Posey County Indiana, 64 ff. (Chicago, 1913); History of Warrick, Spencer and Perry Counties, 597 ff. See also maps, Posey County I, Perry County I, Warrick County II.

21 Territorial House Journal, August 24 (25), 28 (29), 30 (31), September 1; History of Lawrence, Orange and Washington Counties, 709.
although, technically, the boundaries of old Knox County covered the entire area.

Another county organization, presumably to adjoin the Ohio River, was proposed by citizens of Harrison and Clark in a petition presented in the House on September 3. A protest from other citizens, and a second petition, from Washington County, favoring the change, were referred with the original request to a committee of three, which reported adversely on September 6.22

Franklin County citizens also presented a petition dealing with the division of counties. From the Journal record it is impossible to discover whether the petition dealt with the boundary between Franklin and Wayne, the formation of a new county, or with some more general matter. A bill was reported and passed the House on August 17, but was rejected by the Legislative Council.23

1815. The last Territorial Assembly created two counties: Jackson was formed from the northern part of Washington, with a small area from Clark and several townships from Jefferson;24 Orange was erected as a long, narrow county beginning at the Perry County line and running northward past Harrison, Washington, and Jackson counties to the Ten o’Clock Line.25 Most of Orange County came from the old Knox County, but several townships were taken from Gibson’s eastern extremity.

Gibson also lost to Posey County a small triangular tract upon the Wabash River, forming the southeast corner of township 4 south, range 13 west. It was evidently the intention of the bill to include the Rappite

22 Territorial House Journal, September 3, 5, 6.
23 Ibid., August 16, August 16 (17), 19 (20), 24 (25).
24 Ibid., 1815, December 5, 11, 12, 13, 14, 15, 16; see also History of Jackson County, Indiana . . ., 324 ff. (Brant & Fuller, Chicago, 1886); History of Lawrence, Orange and Washington Counties, 709. See map, Jackson County I.
25 Territorial House Journal, 1815, December 14, 15, 16, 22; History of Lawrence, Orange and Washington Counties, 410 ff. See map, Orange County I.
settlement “Harmonie” in Posey County. The Rappite holdings extended beyond the line drawn in the enacted law, but the bill, before amendment, may have included the full extent of their lands. At any rate, Posey received adjoining territory at the following legislative session.26

The Legislative Council passed two bills which failed of final enactment. One contemplated the erection of a county out of Knox, apparently at the forks of White River. The other bill, proposing the attachment of part of Knox to Washington, was set aside as conflicting with the House act creating Orange County.27

There were, then, fifteen counties when Indiana became a state, one of which, Knox, had been created as part of the Northwest Territory. Knox, Clark, and Dearborn were formed by governors’ proclamations; Harrison, Jefferson, Franklin and Wayne, Gibson and Warrick, Washington, Perry, Posey, Switzerland, Jackson, and Orange were created by the territorial general assemblies. In all these cases, the organization of the county was provided for in the act forming the county. No one of the fifteen had reached its present form.

26 Territorial House Journal, 1815, December 8, 11, 12, 15; History of Posey County, 328. See map, Posey County II.
27 Territorial House Journal, December 9, 11, 12, 15, 20, 21, 22. Daviess County was created in this territory the next year.

Conference committees appointed by House and Legislative Council to confer on certain petitions from Wayne and Franklin counties decided against legislative action. Although the content of the petitions is not given, the fact that the matter of county divisions was raised by citizens of the two counties at the preceding and succeeding sessions leads to the inference that the Assembly of 1815 was petitioned on the same subject. It is probable that Connersville hoped to become the seat of a new county. Ibid., December 18, 19.