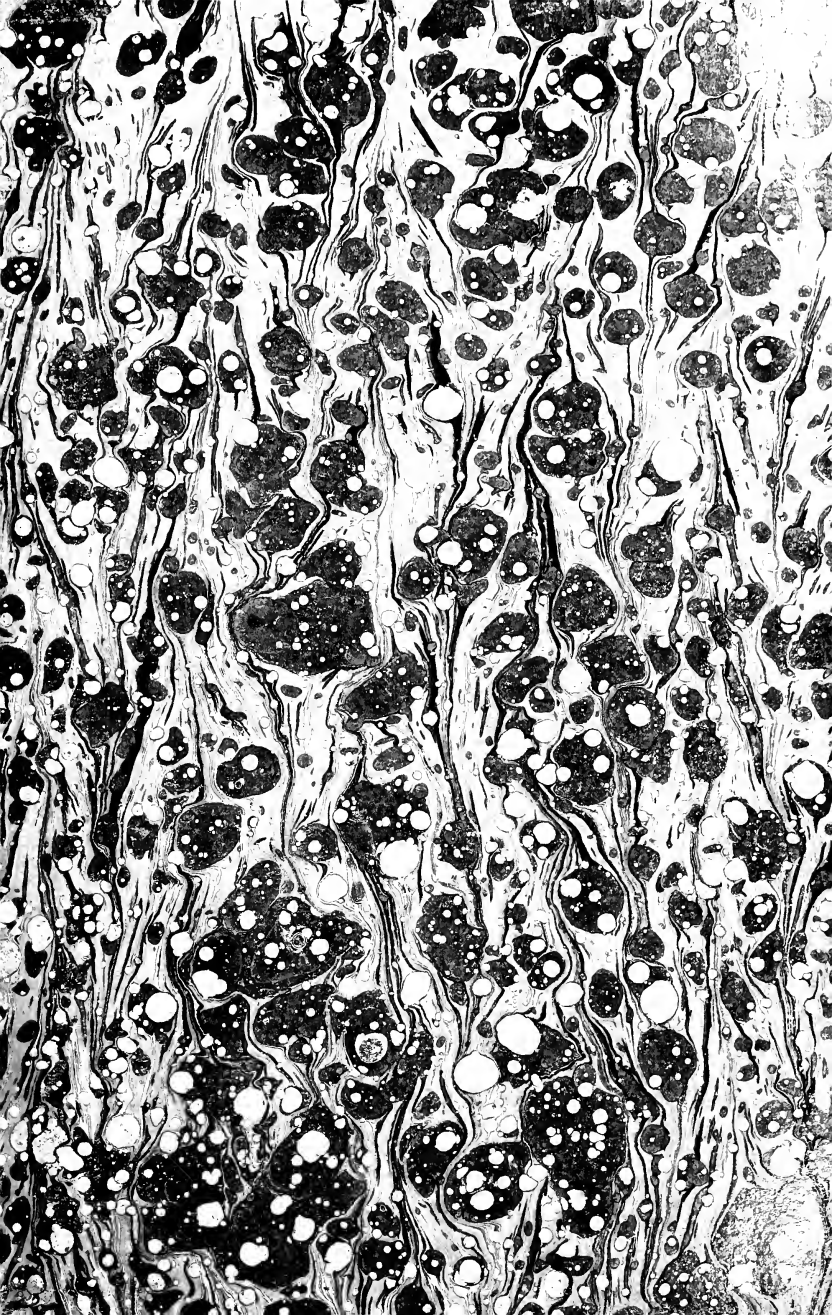




UNIVERSITY  
OF PITTSBURGH

LIBRARY



W. F. Noetling









Very truly yrs.  
Sidney Mason

THE  
EARLY HISTORY OF ILLINOIS,  
FROM ITS  
DISCOVERY BY THE FRENCH,  
IN 1673,

UNTIL ITS CESSION TO GREAT BRITAIN IN 1763, INCLUDING THE NAR-  
RATIVE OF MARQUETTE'S DISCOVERY OF THE MISSISSIPPI.

BY SIDNEY BREESE,  
*Late Justice of the Supreme Court of Illinois.*

WITH A BIOGRAPHICAL MEMOIR BY  
MELVILLE W. FULLER.

---

EDITED BY  
THOMAS HOYNE, LL. D.

---

CHICAGO:  
E. B. MYERS & COMPANY.  
1884.

---

*Entered, according to Act of Congress, in the year eighteen hundred and eighty-four,*

*By EUGENE B. MYERS, for the Estate of Sidney Breese,*

*In the office of the Librarian of Congress, at Washington.*

---

# CONTENTS.

---

PORTRAIT OF SIDNEY BREESE, - - - - -	Frontispiece.
PREFACE BY THOMAS HOYNE, - - - - -	iii
BIOGRAPHICAL MEMOIR BY MELVILLE W. FULLER, - - - - -	3
INTRODUCTION, - - - - -	63
CHAPTER I.—THE JESUIT ORDER IN ILLINOIS, 1536—THEIR HISTORY AND ORGANIZATION, - - - - -	67
CHAPTER II.—THE JESUIT ORDER IN AMERICA—THEIR PILGRIMAGES AND DISCOVERIES, - - - - -	72
CHAPTER III.—MARQUETTE—AS A DISCOVERER OF THE MISSISSIPPI (with original map), - - - - -	78
CHAPTER IV.—THE MISSISSIPPI RIVER—THE FIRST VOYAGE DOWN THAT RIVER - - - - -	83
CHAPTER V.—RETURN UP THE MISSISSIPPI TO THE ILLINOIS RIVER, - - - - -	89
CHAPTER VI.—LA SALLE AND HENNEPIN (with original map), -	98
CHAPTER VII.—FATHER HENNEPIN, - - - - -	101
CHAPTER VIII.—ILLINOIS LAKE AND PEORIA, - - - - -	108
CHAPTER IX.—HENNEPIN'S RETURN TO QUEBEC.—STARVED ROCK—TONTY'S RETURN TO GREEN BAY, - - - - -	117
CHAPTER X.—LA SALLE REACHES THE MOUTH OF THE MISSISSIPPI AND TAKES FORMAL POSSESSION IN THE NAME OF FRANCE, - - - - -	126
CHAPTER XI.—LA SALLE OBTAINS THE PATRONAGE OF LOUIS XIV TO COLONIZE THE MISSISSIPPI, - - - - -	133
CHAPTER XII.—THE FOUNDATION OF KASKASKIA ON THE MISSISSIPPI, - - - - -	141
CHAPTER XIII.—THE CHURCH, AND NOT A FORT, THE BEGINNING OF THE COLONY IN ILLINOIS, - - - - -	151
CHAPTER XIV.—LOUIS XIV, IN 1712, GRANTS THE COUNTRY TO CROZAT AND IT IS CALLED LOUISIANA, - - - - -	157
CHAPTER XV.—CROZAT SURRENDERS HIS PRIVILEGES TO LOUIS XV, 1717—LAW'S MISSISSIPPI SCHEME, - - - - -	162
CHAPTER XVI.—RISE OF NEW ORLEANS, AND THE ÉNTRE-PÔT OF TWENTY THOUSAND MILES OF INLAND NAVIGATION, -	169

Dartmouth

	<i>Page.</i>
CHAPTER XVII.—THE ROYAL INDIA COMPANY SURRENDERS ITS PRIVILEGES TO THE CROWN. APRIL, 1732.—REAL CONTROL WITH THE JESUITS.—A NEW COMPANY ORGANIZED, AND ILLINOIS MADE A FRENCH DEPENDENCY, - - - - -	177
CHAPTER XVIII.—OLD FORT CHARTER AND THE NEW SITE BUILT IN 1744.—WAR WITH ENGLAND, - - - - -	189
CHAPTER XIX.—PEACE OF AIX LA CHAPELLE, 1748.—POPULATION OF THE VILLAGES.—INDIANS AND FRENCH.—HABITS OF THE PEOPLE, - - - - -	201
CHAPTER XX.—THE ROMAN CATHOLIC CHURCH.—THE AUTHOR'S ESTIMATE OF ITS SERVICES TO THE STATE, - - - - -	210
CHAPTER XXI.—THE MODE OF GOVERNMENT.—OFFICERS AND THE POWERS THEY EXERCISED.—JUDGMENT OF COURT, ETC.,	214
CHAPTER XXII.—CIVIL JURISDICTION AND THE COURTS.—HOW JUSTICE WAS ADMINISTERED, - - - - -	217
CHAPTER XXIII.—PEACE OF AIX LA CHAPELLE BROKEN.—WAR BETWEEN FRANCE AND ENGLAND FATAL TO THE PROSPERITY OF THE FRENCH IN AMERICA, - - - - -	223
CHAPTER XXIV.—THE PROPER MONUMENTS OF MARQUETTE AND LA SALLE—THE ILLINOIS AND MISSISSIPPI, - - - - -	232
APPENDIX, - - - - -	235
A.—VOYAGE AND DISCOVERY OF FATHER MARQUETTE AND SIEUR JOLIET IN NORTH AMERICA; TRANSLATED BY SIDNEY BREESE, FROM MONS. THEVENOT'S COLLECTION OF VOYAGES, PUBLISHED AT PARIS, 1682, 'DISCOVERY OF SOME COUNTRIES AND NATIONS OF NORTH AMERICA,'	235
B.—LETTERS-PATENT GRANTED BY THE KING OF FRANCE TO LE SIEUR DE LA SALLE, ON THE 12TH OF MAY, 1678,	271
C.—PETITION OF CHEVALIER DE TONTY TO COUNT PONT-CHARTRAIN, MINISTER OF MARINE, - - - - -	273
D.—THE LETTERS-PATENT GRANTED BY THE KING OF FRANCE TO M. CROZAT, - - - - -	276
E.—PETITION OF INHABITANTS OF KASKASKIA TO THE PROVINCIAL COMMANDANT AND JUDGE OF THE COUNTRY OF ILLINOIS, - - - - -	286
F.—CONFIRMATION OF COMMONS UNDER WHICH THE INHABITANTS OF KASKASKIA HELD THEIR CLAIMS, - - -	294
G.—FORM OF APPLICATION FOR A GRANT OF LAND, - - -	297
H.—DESCRIPTION OF FORT CHARTRE BY CAPTAIN PHILIP PITMAN OF THE H. M. ROYAL ENGINEERS, AS IT WAS IN 1765, WHEN HE SAW IT, - - - - -	300

# Contents.

v

## APPENDIX (*Continued*) :

	<i>Page.</i>
ORIGIN OF THE PACIFIC RAILROAD (with the map suppressed in Congress), - - - - -	303
SIDNEY BREESE, DECEASED : EULOGIES OF HIS ASSOCIATES ON THE BENCH AND AT THE BAR, - - - - -	367
RESOLUTIONS, - - - - -	368
J. K. EDSALL, ATTORNEY-GENERAL, - - - - -	371
THOMAS HOYNE, - - - - -	374
ISAAC N. ARNOLD, - - - - -	389
ROBERT HERVEY, - - - - -	395
JOHN D. CATON, - - - - -	399
SCOTT, JUSTICE - - - - -	403
WALKER, JUSTICE - - - - -	417
ADJOURNMENT OF COURT, - - - - -	422



## PREFACE.

---

THE late Hon. Sidney Breese died on the evening of June 27, 1878. He had resided in the State since the year 1818, when Illinois was admitted by Congress into the American Union. Upon his first entrance into the State he located himself at Kaskaskia, the then capital, and found an office to pursue his professional studies with the late Hon. Elias K. Kane, to whom, as his early instructor and friend, he afterward dedicated, in 1831, the volume of Breese's Reports, the first volume of law reports ever compiled in this State, and the first book ever printed in Illinois.

From that day until the day he died he was in active professional, judicial and political, employment. His public life from its commencement was contemporary with that of the State. As United States Attorney, as a Member of the General Assembly of the State, as a Senator of the United States, as a Circuit and Supreme Court Judge, of which latter court he filled the office of Chief Justice at three several periods, he had been in the public service of the State for a period of nearly sixty years at the time he died.

Judge Breese did not live to accumulate a large property. His whole time was too exclusively absorbed in

his public duties. He was distinguished by his close application to his literary and professional labors. At Carlisle, in Clinton county, where he so long lived, he owned a modest homestead—a house and furniture, with two or three small farms in the immediate vicinity. His last will and testament, written by himself, covered but a single page of legal cap paper.

After desiring his funeral expenses to be confined within the most reasonable limits, and his debts to be paid, he gave, to his friends Thomas Hoyne, Melville W. Fuller and Henry S. Monroe, his library of law and miscellaneous books to be sold and the proceeds thereof to be given to his wife or invested for her use. After which the will leaves her all his estate, real and personal, of every kind and description.

It was hoped by nearly all who had known Judge Breese and his high literary culture, together with his large opportunities to obtain information, his intimate knowledge of the early settlement of the State, his long experience, and his mature judicial habits of mind, that he had written up for the generation he was leaving behind him some history or sketch of his own times, including many of the public men with whom he had been so long associated. In this respect, however, his literary executors and the public at large are greatly disappointed.

His executors, however, did find among his papers the copy of a historical discourse, delivered before the General Assembly of this State, at their request, in December, 1842.

It proves to be a most useful and highly interesting narrative of the earliest period of any regular, permanent and civilized community settled in the State. It embodies all of the social and domestic life of Kaskaskia for a period of ninety years, while Illinois was under the jurisdiction of the French government. It takes in what the

author describes as the earliest epoch or cycle of our State history.

Beginning with a graphic and historical account of the order of Jesuits in Europe he follows them to the American Continent until they are found traversing the unbroken solitudes of the lakes and forests of the West; and, he takes in the entire period from the discovery of the Mississippi, in 1673, by Marquette and Joliet until the territory passed under the dominion of Great Britain, in 1763. It is especially interesting to the citizen of this State as it brings before him the daily life, the customs, occupations, opinions and laws of the earliest civilized people who became inhabitants of the territory upon which we live. He leads us with Marquette and Joliet in their first voyage from the Wisconsin river down the Mississippi in 1673, and afterward describes to us the foundation and progress of Kaskaskia. Here was planted what became the first capital of the Illinois territory and also the first capital of the State when she entered the Union. He gives us, as if he had been a personal observer, life-like sketches of that primitive French population who seemed to live in one of the most simple and innocent seasons of the world, a pastoral life under the government of the grandest monarch of France. This narrative and this epoch no other writer has attempted. Some writers have, it is true, described the labors and trials of the same missionaries and their missions, followed them to their tragic ends, and described the fearful sacrifices made by them as men who in that age carried the knowledge of Christianity, at the peril of their lives, to savage tribes at every remote distance, but the special history of Illinois as a part of the North-west is not followed. Here the whole field is covered by Judge Breese, as it was for this purpose his narrative was written.

He no doubt intended his narrative to be followed, if he did not himself intend to note the progress made in the same locality, after the English obtained possession of the field in 1763. This period, it will be noted, comes close upon the movements of the American colonies in 1775 and 1776, when the same territory falls under the jurisdiction of the American Union. In 1778 it will be remembered George Rogers Clarke made his capture of Kaskaskia as the military subordinate of Governor Patrick Henry, who claimed Illinois as a county of the State of Virginia.

Among the papers of Judge Breese which furnish the text of his narrative, the editor found a note in which he says: "All who are acquainted with the history of Illinois know that it has several distinct epochs, each with its own peculiarities and marked characteristics. The first comprehends that portion of time when France exercised dominion over it, commencing with its discovery and terminating by the Treaty of Paris, February 10, 1763. Another would be from that time to the capture of the county of Virginia, on the 4th of July, 1778, including its cession by that State to the general government in 1784, and perhaps its organization with the North-west territory in July, 1787, under the celebrated ordinance of that year. And, another including the period between that time and the erection of Indiana territory in May, 1800—the erection of Illinois territory in 1809, and finally in 1818 the erection of the State government by its admission into the Union in December, 1818."

In the part written up by Judge Breese he covers only that first period of *ninety years*. He has left one hundred and twenty years of periods since elapsed to be covered by those who now follow him.

At the request of the editor, Hon. Melville W. Fuller has revised his admirable address delivered before the

State Bar Association of this State at their invitation upon the death of Judge Breese and furnished it for publication in this volume.

It is a full review of the life and services of Judge Breese, answering the purposes of a biography which it was supposed at one time the late Mr. James W. Sheahan would be able to prepare for this purpose. His recent and very generally mourned death has deprived us of such a contribution. Mr. Fuller does his subject full justice. While his labor is of great value, in filling the place which even Judge Breese himself could not fill in this portion of our history on account of his personal agency in the transactions that have been recorded, Mr. Fuller reviews his subject from all points of his character as a great jurist and a great statesman. His long judicial career before and after his six years' service in the United States Senate enabled him to leave *nineteen hundred judicial decisions*, or opinions, in the volumes of our Law Reports, including the 89th volume. His learning and his eloquence, illustrating, as they never failed to do, the practical axioms of his wisdom, furnish for his fame a monument of his labors which cannot perish. Let me here cite his own language as respects monuments of the distinguished dead. He says: "Jurisprudence and law are more durable than marble or brass; the lofty column or colossal statue. These crumble and decay, but law and jurisprudence the printing press makes eternal. The rubbish of centuries collects around and obscures other mementos, but the printing press makes its objects eternal."

The writer may be pardoned for calling the attention of the reader to one service of Judge Breese in the United States Senate which failed to receive the recognition to which it was entitled from his own State, and which the people of the United States seemed to have forgotten,

when, in 1869, they celebrated with public rejoicings the completion of the Great Pacific railroad.

Twenty-three years before, on the 31st day of July, 1846, Senator Breese, as Chairman of the Committee on Public Lands, made to the United States Senate the first report ever made upon the subject. Upon a map accompanying it were delineated the lines of the route afterward adopted. A portion of this report is given in the appendix and will repay the reading.

Many will be surprised to learn that a report containing such a mass of facts and figures, so much useful knowledge of the histories of China and Japan and the wonderful industry displayed in collecting statistics, upon which the author ventures predictions that have since been verified, was nearly overwhelmed in the Senate by *ridicule and incredulity*. Senator Benton opposed the printing of the report and succeeded in preventing the accompanying map from being published. St. Louis shows a statue in her board of trade of her great Senator pointing out the way westward to the Pacific as a reward for the support he afterward extended to a similar enterprise from his *own* city. Senator Breese lived and died in Illinois, suffering the neglect proverbial in all times of the "Prophets without honor in their own country." Is it not time that Chicago should have a monument of the author of the Pacific road? Why should not Illinois recognize the fact that the first congressional effort to build the Pacific railroad originated with a Senator of her own State?

THOMAS HOYNE.

*NOTE.*—Mr. HOYNE completed his editorial labors upon this book on the 25th day of July, 1883, and having left Chicago on the next day for the east to pass his accustomed vacation, met his death through a railroad cas-

uality on the night of Friday, July 27th, near the village of Carlyon, in the State of New York.

Born in the city of New York, in 1817, Mr. Hoyne came to Chicago in 1839, was admitted to the bar in 1839, and pursued the active practice of his profession until so suddenly called away. He became eminent in his chosen walk in life through his marked intellectual ability, coupled with the learning and culture, which untiring industry enabled him to attain, but he was chiefly remarkable for a sincerity of conviction, and an intrepidity of utterance so unusual, as in themselves to ensure distinction. Of unswerving integrity, the simple honesty of his character was as marked as its fearlessness, and in a just sense he kept himself unspotted from the world, whose corruption he regarded with indignant hate. Impetuous in action, his instincts naturally led him in the right direction; impetuous in speech, his speech was naturally in support of that which was true and honest, and of good report.

He acceptably filled the offices of City Clerk, Probate Judge, United States District Attorney, United States Marshal, and acting Mayor of the city of Chicago. He was a member of the Board of Trustees of the University of Chicago, of the Chicago Astronomical Society, of the Chicago Historical Society, the Mechanics' Institute, the Chicago Bar Association, the Citizens' Association, and the first President of the Board of Directors of the Chicago Public Library. He took a leading part on the Democratic side in advocating the Mexican war; was a member of the Union Defense Committee during the four years of the Civil contest; and although never a candidate for office, was always foremost in all political, social and business movements.

Judge Breese and himself were intimate friends for many years, and the preparation of this volume was to him a labor of love.

No citizen was more beloved, no citizen more conspicuous in the display of those qualities which render their possessor deservedly eminent. His death touched every heart with a sense of a personal loss, and is mourned as a personal bereavement.



# BIOGRAPHICAL MEMOIR.



## SIDNEY BREESE.

---

Upon the evening of January 9, 1879, the following address was read before the Illinois State Bar Association, at Springfield, Illinois, and it is given here as perhaps a sufficiently comprehensive sketch of the life, character and services of Judge Breese, in the absence of a memoir, prepared especially for this volume, which, it was hoped until recently, would have been furnished.

Illinois was admitted into the Union on the 3d day of December, A. D. 1818.

The settled part of the State, according to Governor Ford, extended a little north of Edwardsville and Alton ; south along the Mississippi to the mouth of the Ohio ; east in the direction of Carlyle to the Wabash ; and down the Wabash and the Ohio to the mouth of the last-named river ; there being a very large unsettled wilderness tract of country within these boundaries, lying between the Kaskaskia river and the Wabash ; and between the Kaskaskia and the Ohio, of three days' journey across it.

The population was about forty thousand, scattered through fifteen counties, of which the most populous were

Madison, Gallatin, and St. Clair. The capital was the village of Kaskaskia, then the largest in the State, and inhabited for the most part by the descendants of those who occupied it when it was the seat of French Empire in this portion of the great valley. The State House was a large rough building of uncut limestone, with gables and roof of unpainted boards and shingles, and dormer windows, which had been the headquarters of the French military commandant prior to 1763.

The revenue due December 1, 1818, was reported by the Auditor at \$7,510.44, part of which was in the hands of delinquent collectors, while for another part, the Sheriffs of St. Clair and Gallatin counties had refused to receive the warrants; and Governor Bond advised a temporary loan, which, to the amount of \$25,000, was authorized by Act of the Legislature, February 19, 1819.

There was practically no commerce, and all foreign products had been nearly or quite up to this time brought *via* New Orleans in keel-boats, towed by ropes and pushed by poles, or wagoned over the Alleghenies and floated in flat-boats down the Ohio.

Slavery existed to some extent, notwithstanding the ordinance of 1787, and was apparently a settled institution in half the other States.

The pursuits of the people during territorial times had been mainly agricultural, varied by hunting and trapping. Maize was the staple production, but wheat, rye, oats, cotton, tobacco and hemp were also grown, and the vine cultivated; and the attention of the inhabitants, which

had been chiefly devoted to raising a sufficiency for their own consumption, was being directed to the development of the vast agricultural resources of the new State.

On the 24th day of December, 1818, a youth of eighteen years of age, who had come from central New York, by the way of the then village of Buffalo, and thence by boat to Sandusky, stage coach to Marietta, and boat to Shawneetown, arrived at Kaskaskia.

He came upon the invitation of Elias Kent Kane, who had been his school companion, and at one time an inmate of his family, and having graduated at Yale College in 1814, had settled at Kaskaskia in 1815, had been prominent in the convention which framed the State Constitution, and was now the Secretary of State.

He lived to see the forty thousand multiply into millions, and the infant commonwealth then struggling into existence, become a mighty empire in the van and pressing to the leadership in the glorious sisterhood of States.

He lived to see the old stone house give place to this magnificent structure; the few thousands of revenue, partly in arrears, expand into as many millions, collected without difficulty; the necessity of borrowing wholly obviated; and the indebtedness incurred in the progress of the State placed in the process of ultimate extinction and already rendered insignificant.

He lived to see vast inland seas whitened with the sails of innumerable vessels laden with the products of this most fertile soil, and the country covered with a web of iron tracks, along which mighty trains of cars, propelled

by steam, conveyed in that form these products to a market.

He lived to see the twelve thousand three hundred and ninety-five persons engaged in agriculture, the two hundred and thirty-three in commerce, and the one thousand and seven in manufactures, as shown by the census of 1820, become three hundred and seventy-six thousand four hundred and forty-one in agriculture, eighty thousand four hundred and twenty-two in commerce, and one hundred and thirty-three thousand two hundred and twenty-one in manufactures, etc., as stated in that of 1870, and to witness the increase of the eight succeeding years.

He lived to see a single city of Illinois, then unknown, and described as late as 1823 in the *Gazetteer* of that day, a copy of which is in his library, "presented by the author," as "a village of Pike county, situated on Lake Michigan, at the mouth of Chicago creek," containing "twelve or fifteen houses, and about sixty or seventy inhabitants," the metropolis of the West, with nearly half a million population.

He lived to succeed his old friend Kane in the United States Senate, not quite eight years after the latter's death, which happened December 12, 1835, in the tenth year of his incumbency of that exalted position.

He lived to see seventeen stars add their light to the national constellation, the shackles stricken from the limbs of every slave, and Illinois, whose very boundaries had been fixed upon with the view of making her the strong connecting link between the Eastern, Western and South-

ern States, give to the country the administrator of its civil government, and the leader of its embattled hosts, during the war, upon whose issue hung the preservation of the Union.

When he entered Kaskaskia, Marshall, and Story, and Brockholst Livingston were members of the Supreme Court of the United States, Kent was Chancellor, Gibson was entering upon his judicial career, Shaw and Taney were at the Bar, Eldon was on the woolsack, Ellenborough had but just been succeeded by Abbot.

He lived to lay deep the foundations of the jurisprudence of his adopted State, to build thereon with the cunning hand of the master, and to know that his name was written with the names of Marshall, and Story, and Kent, and Shaw, and Gibson, and Taney, and Eldon, and Tenterden, high on the roll of those whose fame the world will not "willingly let die."

In 1756, Sidney Breese, a Welsh gentleman, after some years of service in the Royal Army, settled in New York, became one of the merchant princes of the day, and died June 9, 1767, leaving one son, Samuel, who lived in New Jersey, and whose sons, Arthur and Sidney, were born in that State.

Arthur adopted the law as a profession, and in 1793 settled at Whitestown, in what was then Herkimer, but is now Oneida county, New York; Whitestown being but a few miles from Utica, and at present forming practically a suburb of that city.

He married Catharine, daughter of Henry Livingston

of Poughkeepsie, and Sidney Breese, of Illinois, was the second son of this marriage, born July 15, 1800.

Catharine was the great-granddaughter of Gilbert Livingston, whose father, Robert, a descendant of the Lords of Livingston of Scotland, came to America in 1654, intermarried with Alida Van Rensselaer, daughter of Philip Schuyler, in 1679, and through the sons of this union became the ancestor of that family so prominently connected with the States of New York and New Jersey, and whose members have shed such lustre upon the jurisprudence, the diplomacy, and the statesmanship of this country.

Young Breese entered Hamilton College when fourteen years of age, was transferred to Union College in 1816, and there graduated in 1818, standing third in a class of sixty-four.

Among his classmates were Alonzo Potter and George W. Doane, who as Bishops of Pennsylvania and New Jersey, and men of eminent talents, learning and piety, acquired celebrity; A. S. Porter, whom Mr. Breese subsequently met at Washington, where both were members of the United States Senate, and James A. Bayard, who came to the Senate in 1851 from Delaware, having been preceded by his father, and being now succeeded by a son, who represents with uncommon brilliancy the third generation of a family in which statesmanship appears to be hereditary.

Mr. Breese had commenced reading law before he left New York, and continued his studies in the office of Mr. Kane; at the same time acting as Assistant Sec-

retary of State ; and it has been stated that " such was his position in the office, and such the frequent necessary intercourse of the counties with the seat of government, that the young clerk personally knew every prominent man in the State."

This assertion might probably always have been made of him, for, notwithstanding the increase in the number of the distinguished citizens of Illinois, accompanying her growth in population, wealth and importance, Judge Breese appears to have had substantially a personal acquaintance with them all.

He was admitted to the Bar, being not yet of age, in 1820, and commenced practice in Jackson county, where he regarded his first appearance before a jury as such a failure that he almost resolved to abandon the profession. It may be assumed that this failure was not attributable to any want of knowledge of the law, or of the facts of the particular case, but perhaps to a lack of facility in adapting himself to the needs of a jury trial at that time, or to a diffidence which has been ascribed to him as a constitutional peculiarity.

It was in December of this year that he removed the archives of the Secretary of State to Vandalia, to which the seat of government had been transferred, in a small road-wagon, having to cut a way through the woods at several points. He opened the Secretary's office in a little room in the second story of the then new State House, a plain two-story frame building of rude architecture, set upon a rough stone foundation, and during the entire

session of the Legislature, commencing on the first Monday of the following November, kept it in that apartment.

In the appropriation bill for the year 1821 is to be found the item, "To the Secretary of State the sum of twenty-five dollars, for the sum necessarily expended by him in the removal of the books, papers, etc., belonging to his office, from Kaskaskia to Vandalia;" which presents rather a striking contrast with what we may conjecture it would cost to make such a transfer at the present time.

In 1821, he resumed the practice of his profession at Kaskaskia, and it was in this year that he was offered, unsolicited, and accepted the office of Postmaster. In September, 1822, he was appointed Circuit Attorney for the Third Judicial Circuit, in place of Thomas Reynolds, who had become Chief Justice, and resigned the Postmastership, but continued for some time to discharge its duties, the letter lists running along into 1823, as published in the *Kaskaskia Advocate*, being signed "Sidney Breese, *acting* P. M."

The newspapers of that day fully justify the original cause of their existence, the conveyance of intelligence on current events, and, so far as I have had opportunity to examine them, it is evident that the prominence of Mr. Breese was such that complete files would of themselves furnish a sufficient sketch of his career. Thus we are informed by advertisement, under date "Kaskaskia, Jan. 4, 1823," that "Elias K. Kane and Sidney Breese practice law in copartnership," and in 1824, that this

partnership was dissolved "agreeably to its terms," Mr. Kane in the same year being elected to the General Assembly, and by that body transferred to the United States Senate, dying in his second term. Again, in July, 1823, among accounts of celebrations of the anniversary of Independence, is to be found a record of the proceedings "at the inn of Dr. E. Paine in this village," presided over by General Phillip Fouke, at which was given the following toast: "By Sidney Breese, Esq. 'Ourselves — We paddle our own canoe, chew our own tobacco, and smoke our own segars,'" which, I presume, was literally true. In the same summer, the *Illinois Intelligencer* notices the trial at a special term of court held at Vandalia, July 29, of an indictment for murder by six distinct wounds by a Spanish knife, in which the prosecution was conducted by "Sidney Breese, Esq., Cir. Att'y," and "Edward Bates, Esq., of St. Louis, and S. McRoberts, Esq.," represented the defendant, who, after an "investigation" of three days, was acquitted in three minutes.

In the *Advocate* of February 24, 1824, a meeting in favor of calling a convention to amend the State Constitution is noticed, at which "Sidney Breese, Esq., made some pertinent remarks on the important subject before the people," and an elaborate address was adopted, on motion of Mr. Kane.

The introduction of slavery is understood to have been involved in the adoption of the call for a convention, but it is quite clear that it was favored for other reasons, many of which are presented in this address, and that the

question of slavery was discussed largely upon grounds of expediency; nor does the attitude of leading men in relation to this subject appear to have affected their public standing, as, notwithstanding the convention was voted down, its supporters continued to be placed and retained in office.

In the *Advocate* of Thursday, September 11, 1823, appears this announcement :

“MARRIED—On Thursday evening last, by Raphael Widen, Esq., Sidney Breese, Esq., to Miss Eliza, daughter of William Morrison, Esq., all of this place.”

Mr. Morrison was a wealthy pioneer merchant of Kaskaskia, the descendants of whom and whose family have been honorably conspicuous in the affairs of this State, winning distinction for Illinois and for themselves upon the battle-field, in the halls of State legislation, and in Congress, where one of them to-day maintains high and deserved position with the foremost.\*

Fourteen children were the fruit of this marriage, of whom six are yet living, and she who came to him in all her youth and beauty, to be the partner of his joys and sorrows for nearly fifty-five years, yet survives to miss “the touch of a vanished hand, and the sound of a voice that is still,” but to feel a tender pride in the tributes so universally paid to the greatness of the departed, and sustained by the everlasting arms, which never fail to lift those of a sincere faith into the region of a certain hope.

On the 30th of April, 1825, the “nation’s guest,” the

---

\* Hon. William R. Morrison.

Marquis De LaFayette, visited Kaskaskia, and at the banquet on this occasion at "Colonel Sweet's tavern," Mr. Breese offered the following sentiment: "Our illustrious guest — In the many and trying situations in which he has been placed, we see in him the same consistent friend of liberty and man."

A ball at the house of William Morrison, Esq., closed these festivities, at which the future Chief Justice, whose bride was the daughter of the host, undoubtedly exhibited his proficiency in the mazes of the dance, although after he came to the Great Seal, I think he did not allow himself any such indulgence.

These references in the newspapers, which I will not prolong, seem to bring our friend most vividly before us, in the vigor of his youth, actively engaged in every thing that was going forward, and evidently standing high in the estimation of the community in which he lived, and of the State at large.

In 1826, Mr. Breese was displaced as Circuit Attorney, having been appointed by Governor Bond, and served through the term of Governor Coles, notwithstanding he had not favored the election of the latter; and was shortly thereafter appointed United States District Attorney by President Adams.

"This office he held until after the inauguration of General Jackson, in 1829, who removed him through the false representations and slanders of his opponents," as Judge Breese says in a fragment of a brief autobiographical sketch I have seen, and which thus proceeds: "From

that date up to 1832, he was devoted to his profession; when, in that year, excited by a proclamation of the Governor for volunteers, he volunteered as a private in Captain Jacob Fearmain's company of mounted volunteers, to pursue and capture 'Black Hawk,' who with his ruthless band was murdering and scalping the settlers on Rock river, in Illinois. He rose from the ranks to be Lieutenant-Colonel of the Third Regiment, Third Brigade of Mounted Volunteers," outranking as such, it is said, Zachary Taylor, Albert Sidney Johnson and Robert Anderson.

Prior to this, however, in 1831, he had become the author and publisher of the "Reports of the Decisions of the Supreme Court of the State of Illinois," from 1818 to 1831. He was not simply the pioneer reporter, but the pioneer publisher, for this is the first book published in the State, and he personally aided the printer in setting the type. This work was inscribed to Elias Kent Kane, "against whose integrity," runs the dedication, "as a man and a lawyer, no imputation was ever made," and the motive of the publication is declared in the preface to have been "a desire to discharge, in some degree, that duty which one of the sages of the law has said, 'every man owed to his profession.'"

Resuming his profession with diligence, Mr. Breese, in January and February, 1833, was associated with Richard M. Young and Thomas Ford, in the defense of Judge Smith, in his trial before the Senate upon articles of impeachment, the pleas to which he exclusively prepared.

The prosecution was conducted by John T. Stuart, James Semple, Murray McConnel, John Dougherty and Benjamin Mills, and it is apparent that with such ability in the managers on the part of the House, the powers of the defendant's counsel were fully tested.

At the close of 1824, the Legislature created Circuit Courts, divided the State into five judicial circuits, and elected judges therefor, including Richard M. Young. Two years after, the Circuit Court system was repealed, the four Justices of the Supreme Court assigned to Circuit duty in four districts, and Judge Young retained on Circuit in the military tract.

January 7, 1835, an act was passed repealing all laws requiring the Supreme Court Judges to hold Circuit Courts, and five Circuit Judges were elected by the General Assembly, and the Sixth Circuit created. The five new judges were Stephen T. Logan, Sidney Breese, Henry Eddy, Justin Harlan, and Thomas Ford, while Judge Young continued in office. Of the six, four have fallen asleep. Judge Logan,\* whose celebrity as a lawyer and public man, has with the modern generation, obscured the recollections of his judicial career, preserves, after a distinguished and useful life, an unabated interest in affairs, looking out with his old colleague, Judge Harlan, also in the enjoyment of excellent health, from the "loop-holes of retreat" upon the shifting scenery of the world's progress. Judge Harlan leaving the Circuit bench under

---

\*Honorable Stephen T. Logan died July 18, 1880, and Judge Harlan about the same time.

the reorganization of February, 1841, was returned to it by the people in 1848, when he had the honor of defeating Chief Justice Wilson, who, after having been a member of the Supreme Court from 1819, discharging the duties of the office to great acceptance, found himself, under the Constitution of 1848, in a judicial division politically opposed to him by a large majority, and had been therefore placed by his friends in nomination for the Circuit Court. Re-elected in 1854, Judge Harlan retired in 1860, after eighteen years of judicial service.

Judge Ford's Circuit embraced Peoria and all north ; and Judge Breese's the counties of Madison, St. Clair, Monroe, Randolph, Washington, Clinton, Bond, Fayette, Montgomery and Shelby. They exchanged for the first round, and Judge Breese held the term at (among other places including Chicago) Ottawa, in the spring of 1835. His description, in conversation in after years, of the lovely valley in which the village lay, as it burst upon his view when he rode over the bluffs which command it, the exuberance of the foliage, the brilliancy of the flowers, the beauty of the rivers lacing the meadow with their silver bands, and all the picturesque charms of the landscape, was most vivid. It was captivating ground to him, for he had, from his arrival in the State, taken a deep interest in her ancient history, and it was hallowed by the memories of Marquette and LaSalle and Joliet, and like heroic men, who surrendered every thing that is believed to render life dear, and life itself, in the pursuit of adventurous enterprise, or to carry the mission of the Cross,

the glad tidings of great joy, to the remotest confines of these untraveled lands.

In November, 1835, Judge Breese removed from Kaskaskia to Carlyle, where he took up his residence upon what was known as the Mound Farm, and which overlooked the village and the surrounding country, and there the bar were elegantly entertained at the terms of court in Clinton county, by the Judge and his accomplished wife.

But although he left Kaskaskia, he ever retained a deep affection for the place, and in an address in 1842, thus alludes to it: "It was there I passed some of the happiest moments of my life, and in her withered fortunes and waning glory, she wove a spell about my heart, which, it is no shame to say, separation has not broken, and coming age but adds to the potency of the enchantment.

‘ Yet does the memory of my boyhood stay,  
A twilight of the brightness passed away.’ ”

He removed into town in 1845, and there resided until his death, and a part of the Mound Farm having been appropriated to the village cemetery, his remains were returned to mingle with their connatural dust, in full view of and quite near the old home, around which clustered so many precious memories.

As a Circuit Judge, Judge Breese is thus described by one\* who knew him well at that time, and who, after years of eminent public service, as Secretary of State, Member of the Legislature, Justice of the Supreme Court,

---

\*Hon. Lyman Trumbull.

and United States Senator, finds in the active practice of the law, in its higher walks, delightful occupation and renewed distinction : “ In those times, when court-houses were always crowded, and sometimes by persons disposed to be boisterous, Judge Breese possessed the happy faculty of commanding respect, and compelling the observance of order, with the least effort of any Judge I ever saw presiding on the Circuit, under like circumstances. It used to be said of him, that he looked the very Judge. He presided with dignity, was always courteous to members of the Bar, was quick to comprehend an argument, and see the points of a case, was prompt in his decisions, and ready to give a reason therefor. Taken all in all, he was, in my opinion, the ablest Circuit Judge before whom it was ever my fortune to practice.”

At the April term, 1839, of the Fayette Circuit Court, there came before Judge Breese upon *quo warranto* the question of the power of the Governor to remove the incumbent of the office of Secretary of State, and to appoint another, and he held, in one of the most elaborate opinions ever delivered in this State, that the power existed.

This was widely published in the Democratic papers, and is an able argument upon the proposition that the power to remove an executive officer, whose appointment by the Governor was provided for, but the tenure of whose office was not fixed by the Constitution, belonged to the Governor as a substantive power pertaining to the exercise of

the executive function, and that the advice and consent of the Senate to the appointment was an exception to be strictly limited to the language creating it, and in no respect impaired the executive power of removal.

The judgment of the Circuit Court was reversed by the Supreme Court (2 Scam. 70), Wilson, C. J., and Lockwood, J., concurring, Smith, J., dissenting, and Brown, J., not voting; but Judge Breese's views seem to have been considered so important that the Chief Justice pays him the compliment of devoting a large part of his opinion to the attempt to refute them.

The question was after all one of fundamental political principle. It was in effect the same question submitted to the people in the controversy between the Senate and General Jackson in 1834, in reference to the removal of Mr. Duane, and was then settled in favor of the executive power, by a reversal, by election, of the Senatorial majority, and the passage of the expunging resolution.

And in this case, the judgment of the people being invoked, a reorganization of the Judiciary resulted in a numerical change in favor of the political party whose position upon the question was alleged to have been antagonized.

In April, 1840, Judge Breese delivered a speech before the people of Montgomery county, where he had been holding a term of the Circuit Court, in defense of the measures of the National Administration, in favor of an independent treasury and against a National bank, having refrained from doing so until the business of the court was

completed, although he expresses the opinion that there is no reason for the exclusion of the possessor of a judicial office from a free expression of his political views at all fit times and on all proper occasions, and refers to the fact that Judge Thompson, of the United States Supreme Court, had been the unsuccessful candidate for Governor of New York against Martin Van Buren ; to the election of Marcus Morton to the gubernatorial chair of Massachusetts, while Judge of the Supreme Court, and to the canvass for that office, of Illinois, by Judges Phillips and Brown, in 1822. He declares with an engaging candor, which would strike terror into a modern audience, that if his physical powers hold out, he shall consume several hours in a complete answer to all those who had spoken on the opposite side of the important topics in issue, and says that as he is addressing plain men, seeking after truth, he holds himself bound to answer any proper question that may be put, or give explanation on any point on which he may, in the rapidity of utterance, seem to be obscure. He then proceeds to a sketch of the origin of parties, defining, with great precision, their fundamental differences in principle, and giving a vivid presentation of the views of Thomas Jefferson as the representative of the one, and those of Alexander Hamilton as the representative of the other. He insists that the latter, although a gallant soldier and a man of talents, was so much wedded to the British system, that, although defeated in the Convention, he still thought it practicable to make ours conform to it, and, as Secretary of the Treasury, sought to connect the Govern-

ment with the paper system, as in England ; and, in this connection, he discusses General Hamilton's course as a member of the Cabinet of Washington. Having thus led up to the great question of the United States Bank, he denounces the act of incorporation as unconstitutional, and thus pays his respects to Chief Justice Marshall: "Although an upright Judge, and highly gifted, he was of the Federal school of politics, and was a latitudinarian in his construction of the Constitution. For a democratic people, his opinions on constitutional law, in cases of this kind, are worth little, and he was an unsafe guide to which to commit our political ship. In political questions I make up my own opinions. I yield to none unless I believe them right, however hallowed by time, or sanctioned by the authority of great names. If erroneous opinions have been propagated by the Cabinet or the Bench, our reason is left free to combat them ; and while free, we should exercise it. *Unlike the decrees of the Vatican, the sovereign people can reverse them.*"

He gives lengthy extracts from Jefferson, Clay, Webster, and others, and insists such a bank is unnecessary for any purpose, not necessary to regulate exchanges, calculated to subsidize and corrupt, not restraining State issues, etc., and says : "There is such an identity of interest between all banking institutions — there is such a close affinity, not to say 'consanguinity,' between them — they all shuffle, cut, and deal so much in the same way, and play so adroitly into each other's hands, that a National bank could have no patriotic motive operating with her,

to restrain the issues of other banks. They usually contract and expand at the same time, like the flow and ebb of the tides of the ocean, and like them, too, spreading dismay and ruin in each heave and recession of the billow."

He advocates the independent treasury, and answers *seriatim* the objections thereto, considers the amount of gold and silver in Europe and America, and denounces the operations of a paper currency, as producing periodically, first, an *apparent* prosperity and then *real* adversity, citing statistics from 1817 to 1839 to sustain his position, and then exclaims: "Here we need *not* be embarrassed; with a soil the richest in the world, whose products can supply the exhausted granaries of Europe and Asia, tilled by industrious freemen, and the people left free to their own voluntary choice of pursuits, aided by wise legislation and their own prudence and economy, they cannot fail of being independent. Industry and economy will effect more good for you than all the banks that ever did or ever will exist. You need them not; your drafts are drawn on the *real* dispenser of blessings, and they are answered in the sunshine and the shower."

Replying to the charge of extravagance preferred against Mr. Van Buren's administration, he closes with this admonition: "I hope what I have said may sink deep into your minds, and excite reflection and inquiry. Your 'sober second thought' may prompt you, if at any time you have been induced to stray aside from the true path by the siren song of those who chant so sweetly to the ear

alone, to retrace your steps, and to 'heed not the charm-ers, charm they never so wisely.' "

This speech makes forty-three closely printed pages, and I have dwelt upon it at this length, because of the insight it affords into his modes of thought and expression at that time, the thoroughness of his political knowledge, and his laborious industry in the collection and collocation of facts.

By an act of the General Assembly of February 10, 1841, all the Circuit Judges were legislated out of office, and five additional Justices of the Supreme Court provided for, to be elected by the Legislature on joint ballot; and Thomas Ford, Walter B. Scates, Samuel H. Treat, Stephen A. Douglas and Sidney Breese were elected—Judge Breese "without his knowledge"—and on the 22d day of February, 1841, as we find recorded in the second volume of Scammon, page 559, the "new Judges took their seats upon the Bench," except Mr. Justice Douglas, who did not until the last day of the term.

Whether this reorganization of the Judiciary is to be attributed to the excitement growing out of the decision in *The People v. Field*, or the pendency of the alien case of *Spraggins v. Houghton*, 2 Scam. 377, or, as is most probable, partially to both, it seems clearly to have been a political movement, which accorded with the fashion of the time, and the objectionable aspects of which were soon forgotten in view of the abilities and character of the new appointees, one of whom, after having for thirteen years contributed to the reputation of the Supreme Court for

integrity, ability and wisdom, still exhibits, upon the United States District Bench, all the attributes which distinguish the jurist.\*

Judge Breese, having been elected to the United States Senate, December 18, 1842, for the full term commencing March 4, 1843, resigned his seat December 19, 1842, and was succeeded by Mr. Justice Semple. Out of one hundred and thirty-one opinions reported between February 22, 1841, and the commencement of Judge Semple's incumbency, Mr. Justice Breese delivered thirty-four.

Prior to this, on the evening of December 12, Judge Breese delivered, in the State Senate Chamber, an able and scholarly address upon the early history of Illinois, commencing with the discovery and first settlement of the country. In this field he anticipated the researches of many who have since won in it great distinction, and it is difficult to conjecture why the address has not long since been published.†

Mr. Breese at once demonstrated, in this new sphere of duty, his uncommon aptitude for public affairs. The Senate of the United States when he entered it, and during his entire term, was, for the distinguished ability of its members, surpassed by no similar body in the world. And there where Webster and Calhoun, Benton, Buchanan and Wright, Evans and Woodbury, Walker and McDuffie, and others, the giants of those days, contended for the mastery, Senator Breese was himself, "not least but honored of them all." During his six years in the Senate,

---

\* Hon. Samuel H. Treat.

† See *post*.

the Mexican war was prosecuted, the annexation of Texas accomplished, the Oregon boundary settled, Florida and Iowa, the oldest and the newest territory, admitted into the Union, the Pacific railroad brought forward as a tangible project, and the Illinois Central grant substantially agreed upon. Wisconsin was also admitted, bringing in as one of its Senators, General Henry Dodge, who had preceded his son, A. C. Dodge, of Iowa, as Territorial Delegate in the House, but reversing the order of nature, came to the higher inheritance after the latter.

During this period, Fremont was earning his title of the Pathfinder, and Mr. Breese's kinsman, S. F. Breese Morse, put in operation the electric telegraph; the two-thirds rule proved fatal to Mr. Van Buren; Polk was elected over Clay, and Taylor over Cass, the Mexican war affording another illustration, in more than one instance, of engineers being hoist by their own petard; the Secretary of State and of the Navy were killed by the explosion on the Princeton, and the venerable and venerated John Quincy Adams, whose appointee Judge Breese had been twenty years before, saw the "last of earth" beneath the roof of the Capitol.

The first public duty which Senator Breese appears to have been called upon to discharge was the presentation of resolutions of respect to the memory of his colleague, Samuel McRoberts, who died March 22, 1843, at Cincinnati, on his route home from Washington, at the early age of forty-four years. In his accompanying remarks, which

are full of feeling, he speaks of the deceased as Illinois' "most cherished son," "a native of her own soil," and "the only one, with a single exception, who has ever had a seat here from the territory north-west of the river Ohio." He alludes to the fact that the father of the departed Senator was "one of the earliest pioneers, who penetrated before the peace of 1783 to that then solitary and untrodden wild," and lived to see his son occupy a seat in the Senate Chamber. Giving a rapid sketch of Senator McRoberts' career, Mr. Breese then said: "But it is as an intrepid statesman, who never swerved from what he deemed correct principles, that he is most familiarly known to his constituents and to the country at large. As such, he exhibited at all times the high attributes of a great character, and was never found wanting when it became necessary to prove *how much principle is superior to policy.*"

Language most justly, also, applicable to him who uttered it.

It is an interesting fact that Mr. John Wentworth, the then youngest member of Congress, and who, in the full vigor of his mental and physical faculties, yet lifts his voice, as of yore, for "liberty and economy," addressed the House upon the occasion of the proceedings in reference to Judge McRoberts' death, in what he stated was his first speech on the floor of any legislative body whatever.

Judge Semple succeeded Senator McRoberts by appointment and election, and was in turn succeeded by Judge Douglas.

It was in the month of November, 1833, that Stephen A. Douglas, then twenty years of age, first trod the soil of Illinois. On the 4th day of March, 1847, after having filled in the intermediate period the offices of States Attorney, Member of the State Legislature, Register of the Land Office at Springfield, Secretary of State, Judge of the Supreme Court, and Member of Congress, he became the colleague of Judge Breese, in the United States Senate.

He was a statesman of the first order, and as a public speaker lived and died without a rival. Upon the hustings or in the Senate Chamber, a more powerful and magnetic orator, a more prompt and dexterous debater, this country has never seen. His intellect was comprehensive, acute, and vigorous, his command of language complete, his fertility of resource marvelous, his courage dauntless, his self-confidence absolute, and he always spoke under the influence of deep emotion, producing that intense action which is eloquence. His style was not rhetorical and ornate, but simple and direct. Carried forward by the fervor of his feelings, he often leaped to his conclusions in disregard of logical processes. He struck—to use the apt language of an English writer—he struck “on *the results* of reasoning as a cannon-shot strikes the mark, without your seeing its course through the air.”

Judge Breese was of a different stamp of mind. His intellect was equally powerful, but more subtle; his style was less bare and more ornate; his diction more graceful,

but his language less bold; his will quite as tenacious, but in its manifestations so tempered with discretion as to operate with less force, and I should judge that he never spoke as if under the pressure of excitement. As Horace Walpole wrote of Murray, "he refined too much and could wrangle too little for a popular assembly."

The one was a born, popular orator; the other admirably adapted to the Bench, upon which he spent so many years of eminence, though at the same time possessing all the qualities of true statesmanship. The one resembled Fox, the other, Mansfield.

Both politicians, both members of the same party, both more or less naturally rivals, they differed as men so situated will differ—differences which exist when men see as through a glass, darkly, but disappear like mist before the sun when they see face to face.

To both, the language of Demosthenes might have been applied with truthfulness, "no convenience of opportunity or insinuation of address, or magnificence of promises—or hope or fear or favor—could induce them to give up for a moment what they considered the rights and interests of the people."

During Senator Breese's term, his State was represented in the House by Robert Smith, John A. McClernand, Orlando B. Ficklin, John Wentworth, Stephen A. Douglas, Joseph P. Hoge, J. J. Hardin, Edwin D. Baker, W. A. Richardson, Thomas J. Turner and Abraham Lincoln, the four first named serving the entire six years. Illinois has lamented the departure of Douglas and

Baker, Hardin and Richardson, Smith and Turner, but her people are still happy in the presence in their midst of three of those who aided in rendering her name distinguished in the annals of the nation during the time of which I speak, and Hoge, carrying to the Golden State the experience he had acquired here, is even now filling the presiding chair of the California Constitutional Convention.

Lincoln, too, rests from his labors, and his works do follow him! He was nine years the junior of Senator Breese, but the latter survived to render in his judicial capacity one of the most admirable of the tributes, in which the sense of an irreparable loss in Mr. Lincoln's death everywhere sought expression.

As a speaker, Mr. Lincoln displayed neither the imperious dignity of Breese, nor the magnetic impetuosity of Douglas, but he had that charm, exhibited only by those (and they are few) in whose souls the fountain of tears and the fountain of laughter lie close together, and bear the listener away upon the irresistible current of their mingled waters.

As a statesman, he providentially possessed — providentially for the nation's good — in addition to other eminent qualities, an unequalled patience, coupled with a wise moderation, born of native kindliness of disposition, and that certain sadness which seemed ever to have cast across his life the shadow, "my destiny is upon me!"

Embalmed in the memory of his countrymen and of the oppressed of every people, and with his name honored

throughout the world, the sweet remembrance of this great man shall blossom ever, though he sleeps in dust !

Senator Breese was a decided advocate of a tariff for revenue only ; and by his vote in the Senate in 1846, the well-known tariff of that year became a law.

The Democratic party had triumphed in the canvass of 1844, on the platform of "all of Oregon or none," and Senator Breese, who took his positions upon principle, and never seems to have comprehended that professions on public subjects might be made for the partisan purpose of winning elections merely, planted himself squarely upon "54-40 or fight," and so, by speech, and influence, and vote, contended to the end. In this he represented the feeling of his State. As early as January, 1846, upon Mr. Ramsey's proposition, "that the Oregon question is no longer a subject of negotiation or compromise," of the ten ayes, those of Douglas, McClernand, Wentworth, Hoge and Smith, of Illinois, make up one-half !

Both the Illinois Senators voted against advising the President to consent to the proposal of the British Government to settle the boundaries on the basis of the line of forty-nine degrees, and both voted against the treaty.

Judge Breese never saw reason to change his deliberate opinion upon the subject, which was, that the Russian line was the correct one, and that England should have been excluded from the Pacific coast, and considered that a portion of the country, *his* country, was unjustly and unnecessarily surrendered.

Mr. Breese was strongly in favor of the annexation of

Texas, and voted for the treaty to effect that result, and for the legislative resolution under which it was finally accomplished.

He steadily supported the Mexican war, and General Scott having entered the City of Mexico in triumph, he demanded that the hold then taken upon the country should not be relaxed, and that manifest destiny should be anticipated rather than postponed.

His speech in reply to Mr. Calhoun, who favored the withdrawal of our troops "to a defensive line," has become historical.

In the course of it, referring to Mr. Calhoun's assertion, that no instance could be found of any race save the Caucasian, which has established and enjoyed self-government and free institutions, and dwelling upon the advantages of the infusion of our own population, the diffusion of education, and freedom of speech, of the press, and of religion, and the generation among the Mexican people, than whom he declares there is none more capable of advancement in the arts and sciences, and assuming all the powers of the highest civilization, of high opinions of themselves, he says:

"SIR — It has been alike our pride and boast that our institutions were better calculated to elevate the masses than any others which have yet existed, and we feel it to be true; and it cannot be that it is the decree of Heaven that none but the white race shall enjoy them. It has been the abiding hope of the philanthropist that in God's good time all nations should enjoy them, and the down-

trodden millions of both hemispheres be exalted by their agency."

It is impossible, however, to do justice to this oration by extracts. It discusses the subject in every phase, and thus concludes :

"As I believe, sir, there are but two alternatives—either to flee the country or to hold on to our acquisitions, the result of which may be the final absorption of Mexico. I have not hesitated to declare for the latter, being well satisfied that great ultimate good to us, to her, and to humanity, is to flow from it.

"The honorable Senator from South Carolina (Mr. Calhoun) has said, sir, that Mexico is to us a dead body, and he is anxious to cut the cord that binds us to the corpse. Sir, I prefer taking her to our side, and imparting to her some of our own vitality; and with her fair proportions and most beautiful developments, by its magic influence, she will start again into life and being. If she be dead—if the light is out—we have 'the Promethean heat that can that light relume.'"

In October, 1835, Judge Breese called the attention of the public to the importance of a direct connection of the Illinois and Michigan canal, then in course of construction, with the lower Mississippi, at Cairo, by a railroad, proposing that the road should start from the termination of the canal, and proceed as near as might be by the route of the third principal meridian, through Bloomington, Decatur, Vandalia, Carlyle, Nashville, Pinckneyville, Brownsville and Jonesboro, and pointing out how it could

be done, and by what means, and from that time until the great result was achieved, he labored steadily to bring it about, opposing, however, the act of February, 1837, for a general system of internal improvements.

In Congress his first movement in favor of the project was marked by great sagacity. He introduced, in January, 1844, and obtained the passage of a resolution instructing the Committee on Naval Affairs to provide for an examination of the locality at or near the confluence of the Ohio and Mississippi rivers, with a view to the establishment of a naval depot and dock-yard, which he supported in an elaborate letter, under date February 29, 1844, to Hon. R. H. Bayard, of Delaware, chairman of that committee, which was printed by order of the Senate, and, among other things, contains the following: "At some period, not distant, the projected railroad will be constructed from the iron mountains and copper mines in Missouri to the Mississippi river, opposite the mouth of the Ohio. From the cars which bring metal from the mines, transported across the river in ferry-boats, it will be deposited in public stores for use, or in private stores for transportation to more distant markets. Nor will it be long before the Central or Great Western railway of Illinois will be constructed, opening a route toward the lakes never to be obstructed by low water or ice. Commencing at the site of the proposed depot, and running near five hundred miles through a region of unsurpassed fertility, it will not only bring in supplies inexhaustible, but open a communication through which naval stores

may be sent to the lakes, it being connected with the projected canals in Illinois and Indiana, without transshipment from boats on the rivers or the interposition of other causes which would render their transportation from other points more dilatory and expensive."

This was the entering wedge which opened up an inquiry, resulting, to use Judge Breese's language, a few years after, "in the growth of a great city at that point, of which our State will be proud. Like another queen, she will yet rise in splendor from the waters."

In March, 1844, a bill for a grant for railway purposes was introduced in the House by Colonel McClernand, than whom, writes Judge Breese, "our State never had an abler member;" and Senator Breese, in addition to a bill offered in December, 1844, introduced one in January, 1846, to grant to the State of Illinois alternate sections of land, to aid in the construction of the road, making, as Chairman of the Committee on Public Lands to which the bill was referred, the first full report ever made to Congress on the subject.

In January, 1848, Senator Breese made an elaborate report upon a bill of Senator Douglas, and in July, 1848, reported the bill of Senator, afterwards Vice-President King, in favor of Alabama.

In December, 1848, Senator Breese made another report upon a bill of Judge Douglas, going fully into the whole subject, and endeavoring to obviate all constitutional and other objections to such grants, and the argument con-

tained in it was made the basis of all the subsequent grants to this and other States.

In September, 1850, after Judge Breese left the Senate, a bill was passed which consolidated his original bill of 1846, with that of Senator King, of 1848, and under this we obtained the land.

In 1851, when Judge Breese was a member of the General Assembly, and Speaker of the House, the act was passed incorporating the Illinois Central Railroad Company, and giving it the benefit of the grant, and Judge Breese thus witnessed the close of his long labors in this direction, labors, to some of which only, this is but a mere reference, and it was in that year that he published a letter in which he says: "I claim to have first projected this great road, in my letter of 1835, and in the judgment of impartial and disinterested men, my claim will be allowed. I have said and written more in favor of it than any other. It has been my highest ambition to accomplish it, and when my last resting place shall be marked by the cold marble which gratitude or affection may erect, I desire for it no other inscription than this: that he who sleeps beneath it, projected the Central railroad."

On the 24th day of February, 1846, at the first session of the twenty-ninth Congress, the memorial of A. Whitney for a grant of public land to enable him to construct a railroad from Lake Michigan to the Pacific ocean, was presented and referred to the Committee on Public Lands, of which Senator Breese was Chairman. A similar memorial had been presented to the preceding Congress. The

one in question is Document No. 161, of Vol. IV, of Senate Documents, 1845-6.

On the 31st day of July, 1846, Mr. Breese made an elaborate report from the committee in favor of the project, and transmitting a bill for its accomplishment. This is Document 466, of Vol. IX, Senate Documents, 1845-6. The entry upon it is "Submitted, and ordered to be printed *without the map*." This is significant, as the map delineated the line subsequently *pursued*, and it is said that Colonel Benton's hostility to the recommendations of the committee prevented the printing. This report is twenty-six printed pages in length, and has an appendix of statistics and estimates, of twenty-five pages more, prepared with great care by the committee.

The report says: "The proposition is a startling one, and of vast importance to our country and to the world; a deliberate consideration of which, naturally resolves itself into several points, seeming, in the opinion of the committee, to claim attention in the following order:" and twelve distinct heads for discussion are then announced, being "extended in number for the sake of perspicuity," treating of the power of Congress on the subject, the practicability of the proposed work, the adequacy of the means proposed, the effect of constructing the road, upon the public lands, upon manufactures, upon mineral resources, upon internal trade and commerce, upon external commerce with China and the other countries of Asia, the Eastern Archipelago and other islands in the Pacific, and upon the countries on the west-

ern coast of North and South America, upon the fisheries and mercantile marine, upon the citizens of the world as a great highway of nations bringing about internal intercourse, and lastly, its effect in a moral, political and military point of view on the American Union.

Under these heads the subject is exhaustively considered in all its bearings, and the report exhibits a characteristic industry in the accumulation of facts bearing upon it, and in their persuasive presentation.

Referring to the various railroads then being built, and pointing out their meeting to join the one he advocates, Senator Breese says that then "our whole country will be brought together at the grand center in the short space of *four days*, allowing us not only to transport passengers, but *all* descriptions of merchandise and produce, from the grand center to New Orleans, Savannah, Charleston, Richmond, and Norfolk, Washington, Baltimore, Philadelphia, New York and Boston, and to the Pacific, in the same time — *four days*; and from the Pacific to any of the above cities in less than *eight days*, and to China in *twenty days*; so that we can bring our vast country together in *four days*, and the extremes of the globe in *thirty days*. A cargo of teas from China may then be delivered in any of our Atlantic cities in *thirty days*, and in London or Liverpool in less than *forty-five days*."

A portion of this remarkable document is devoted to an elaborate review of the geographical and commercial (external and internal) position, advantages and resources of Asia for an extensive commerce with us across the

Pacific, to the terminus of the proposed railroad on the shore of that sea. Starting with the Russian possessions, it treats of Manchoo Tartary, the islands of Japan, the different provinces of the empire of China proper, *seriatim*, describing their rivers, canals, cities, products and population, then the Polynesian Islands, New Guinea, Australia, Celebes, Java, Sumatra, Borneo, Phillippine Islands, Singapore and India, and insisting that all the vast trade with the countries here referred to will be subject to the road.

The committee state that they are aware that distinguished men entertain the opinion that the commercial route to the Pacific will be to the great falls of the Missouri; thence overland by Lewis and Clark's route to the waters of the Columbia, but decline to give it their approval, and say it cannot enter into competition with the railroad. In conclusion, "the committee believe that the present is an auspicious moment at which to commence this work; and upon the announcement of the fact, that the project has received the favorable notice of Congress, the energy of our people will be aroused to a new life. It is not a party measure, but one on which the politicians of every hue and creed can cordially unite; one which will strengthen the bonds of our union, allay sectional jealousies, and arouse a national feeling."

It has been observed by an intimate friend of Judge Breese, a prominent and beloved citizen of Chicago,\* that when the completion of the Pacific railroad was cele-

---

\* Hon. Thomas Hoyne.

brated with bonfires and guns, and bells and festivities, no word of tribute or acknowledgment was uttered in reference to the man who confronted opposition, in Congress and out of it, in favor of this new route for the commerce and riches of the East to enter the Western continent, proving himself, in so doing, a worthy son of Illinois, whose territorial area was itself discovered in the effort to find a new road to China and Japan.

But in the onward sweep of time, such injustice is of little moment. In superior souls there is always shown a sublime self-consciousness, a consciousness of their own desert, and an earnest faith in the object of their aspirations—a faith which, after all, forms the true realization of the ideal. They know that after they have cast their bread upon the waters, it shall return, though many days have passed.

They feel that, though they and their names should vanish in oblivion, there will yet remain that of their works which cannot perish.

Thus Shakespeare sang:

“ And nothing lives,       \*       \*       \*  
And yet to times in hope, my verse shall live.”

And the artist of the Middle Ages felt the immortality of his labor in its fullest sublimity, when, translating into stone the aspirations of his soul, he builded high those graceful pinnacles into the midst “of sailing birds and silent air,” yet left not even on their corner-stones the slightest record of his name.

So with our grand old friend. He could carry proudly

to the grave the consciousness that that which he had done would live after him, whether the world so benefited forgot or remembered its benefactor.

Leaving the Senate March 3, 1849,\* Judge Breese resumed the practice of his profession, and continued in it until 1855, when he again became Circuit Judge, almost against his will. In this intervening period he was for a time a Director of the Ohio and Mississippi Railroad Company, and in November, 1850, was elected, without opposition, to the State House of Representatives for 1851-52, and became Speaker of that body. But his political career substantially ended with his term in the Senate.

If it be essential to the definition of a politician, that he should be one who possesses the art of obtaining and holding political office, Mr. Breese was not a politician. If the term is taken to signify one who is versed in the science of government, then he vindicated his claim to that title. He was thoroughly read in history, and his acquaintance with the governmental machinery of his

---

\* General James Shields was elected to succeed Judge Breese. He had shortly before returned wounded from Mexico, and the *on dit* was that the bullet that "wounded Shields killed Breese." The election was declared void by the United States Senate on the ground that Gen. Shields had not been a citizen for the required period. A special session of the General Assembly was called by Gov. French to meet after the requisite time had expired and Gen. Shields was again elected. Mr. Shields was born in county Tyrone, Ireland, in 1810; came to the United States in 1827; was member of the Legislature, Auditor of Public Accounts and Judge of Supreme Court of Illinois; Commissioner of the General Land Office; Maj.-General in the Mexican and Civil wars, and United States Senator from Illinois, Minnesota and Missouri. Death closed his distinguished career in 1879.

own country was especially profound. In addition to great natural endowments, improved by cultivation, he possessed, in a marked degree, the sagacity to conceive, what measures would be conducive to the public weal, and the ability to convince others of their utility. He adhered with tenacity to ruling principles, which fixed, he thought could be left to their own operation, and although not particularly patient, he appreciated the wisdom of deliberate action in public affairs. In short, he was a statesman in the large sense.

His relative, Chancellor Livingston, wrote to his celebrated younger brother, Edward, in 1796: "Be persuaded that no extent of talent will avail without a *considerable portion of industry* to make a distinguished statesman;" and it seems to have run in the blood to follow that advice, for, to his great natural abilities, Sidney Breece added the fruits of indomitable intellectual toil.

His style of speaking was undoubtedly impressive, and it is certain that all his speeches are full of weighty thought. There is often an exuberance of fancy, which, if sometimes it cast "a veil over his wisdom," nevertheless could not conceal it. As Fox said of Burke: "Reduce his language, withdraw his images, and you will find he is more wise than eloquent; you will have your full weight of metal, though you melt down the chasing."

He was an ardent lover of his country, but did not indulge in extravagant professions on the subject. He *felt the bond*, and, like Cordelia, loved according to it, "nor more, nor less."

He must have quitted the Senate with regret, for he was admirably fitted to enjoy the dignity which a seat in that body conferred, and to so discharge its duties as to be conscious of rendering service to his country, and acquiring that kind of reputation so gratifying to a high ambition. But he had already achieved so much that he need not have objurgated Fortune if his career had terminated with that retirement. He might well have addressed her in the beautiful lines of Horace (one of his favorite poets)

Laudo manentem ; si celeres quatit  
Pennas, resigno quæ dedit, et mea  
Virtute me involvo, probamque  
Pauperiem sine dote quæro.

How little did he anticipate that his sun, thus going down, would so soon rise in meridian splendor upon another, and for him, his State and country, a grander realm of usefulness, and for nearly a quarter of a century flood it with the steady effulgence of its rays.

Two years after his return to the Circuit Bench, Judge Breese was elected to that of the Supreme Court, in place of that excellent magistrate, Judge Scates, who had voluntarily retired, to embark in large practice in Chicago, where he still resides.

Judge Breese took his seat at the November term, 1857, and continued to discharge the duties of his high office (having been re-elected in 1861 and 1870) with undiminished vigor until his death, a period of nearly twenty-one years, during which he was twice Chief Justice.

For thirteen of these years he had but two associates,

and the struggle with what Lord Denman called "that gigantic monster, arrear," required the most unremitting application.

With the exception of Judge Skinner, whose resignation after December term, 1857, in view of the proofs he had given of marked ability as a jurist, and whose comparatively recent death deservedly inspired universal regret, the State is fortunate in the survival of those who shared in these labors. One\* of them, after many years of distinguished judicial service, has devoted his leisure to contributions to science and literature, of such value as to somewhat mitigate the sense of deprivation at his withdrawal from the field of jurisprudence; and the two,† who in succession occupied his place, remain the leaders of the Bar of the metropolitan city of their residence, and maintain (it being difficult to add to) the eminent reputation achieved upon the Bench.

The other‡ still renders to Illinois, as a member of her highest judicial tribunal, the fruits of his thorough legal knowledge, large experience and conscientious industry, and the inestimable benefit of his upright character and example. Long may he be spared to us, standing like some mighty oak, unscathed by the tempest or the axe, lifting its lofty head in undiminished vigor amid the sturdy forest of a later growth.

Judge Breese brought to the Bench great experience

---

\* Hon. John D. Caton.

† Hon. Charles B. Lawrence and Hon. Corydon Beckwith. Judge Lawrence died April 9, 1883.

‡ Hon. Pinckney H. Walker.

in affairs, a wide and varied culture, a vigorous and sagacious mind, and the highest sense of honor.

His opinions, in addition to those in the second, third and fourth of Scammon, adorn the reports from the nineteenth to the eighty-fifth volumes inclusive, and will extend into the eighty-eighth. They number, up to and including the eighty-fifth, nearly nineteen hundred. They cover almost, if not quite, the entire field of judicial investigation, ruling nearly every conceivable point of pleading and practice at law and equity, and discussing questions in constitutional, commercial, corporation, criminal, real estate and revenue law.

They are characterized by closeness of thought, great familiarity with the books, strong grasp of general principles, power not only of analysis but of generalization, and marked elegance of style.

They render it apparent that justice was to him as the *Tatler* describes it to have been to Lord Holt, and as might be said of all great magistrates, "a cardinal virtue;" and while he gave to precedent its due weight, and adhered with pertinacity to the principle *stare decisis* when a rule of property or of commercial necessity and convenience, he nevertheless was enabled to find, by resort to general principles, relief from decisions or technical rules, when, in his judgment, invoked to defeat the claims of justice.

I do not find that he had been particularly successful as an advocate or practicing attorney, and it is certain that he did not manifest any of the leaning to one side or

the other, which is sometimes observable in those who have been distinguished as such, before the assumption of the ermine. But when he had once arrived at conclusions he was convinced were correct, he was exceedingly tenacious of them, and powerful in their maintenance.

Although he had fixed political views, he was absolutely free from bias in that regard in his judicial action, and was so well balanced in this that he did not even err from the *fear* of being affected by prejudice or predilection.

Possessed of a most retentive memory, he was enabled not only to refer without effort to every general statute and every important decision when needed for the solution of any pending legal question, but to delight his judicial associates and his friends with quotations from the Latin and English classics (and, indeed, works not strictly classical), with which, being by nature a student and an ardent lover of literature, his mind was stored.

I personally remember a striking instance of this power of recollection, having listened, with others, with admiring pleasure, in a ride from Mt. Vernon to Centralia, many years ago, to much of Akenside's *Pleasures of Imagination*, which Judge Breese repeated without the slightest hesitation, and with apparent accuracy.

His judicial style was graceful, easy and flowing, sometimes too ornate, but always pleasing, and often enlivened by witty or humorous allusions, which, relieving the argument, did not detract from its solidity; and while he dealt much in brief quotation, he quite as frequently dis-

played his intimate acquaintance with the best authors by the unconscious reproduction therefrom of thoughts and phraseology, made his own by assimilation, precisely as was claimed in reference to David Paul Brown, that he spoke Shakspeare, but did not quote him.

In some particulars there was a striking resemblance between Chief Justice Breese and the celebrated Chief Justice of Pennsylvania, John Bannister Gibson. Judge Gibson lived to an advanced age, thirty-five years of which were spent upon the Bench, and died in the harness. His opinions unite to vigor, clearness and precision of thought, a felicity of diction seldom equaled and perhaps never surpassed, and it is this latter characteristic which, years since, drew my attention to the likeness, at least in that, between these two great men.

It is not merely elegance of diction, however, that strikes one in the perusal of Judge Breese's judicial productions, but elegance coupled with energy of declamation. In this he differed from such masters in the felicitous use of language, as Lord Stowell and Judge Gibson. His sentences may lack the chaste severity of many of the utterances of these magistrates, but they possess a fervid imaginative force all their own.

His integrity was above suspicion. The ermine which he wore was as unspotted as the garment of a shining one.

His freedom from any act or word inconsistent with the trust committed to his charge was absolute, and so keen was his sense that the administration of justice must necessarily be clear of any, the slightest stain, that it has

seemed to me that he, although catholic in his sympathies, and not uncharitable by nature, was sometimes intolerant and severe in his examination of causes in which members of the Bar might have been placed under circumstances which he thought required explanation.

In appearance he was every inch a Judge.

“ Deep on his front engraven  
Deliberation sat and public care.”

His very look “ drew audience and attention.”

But with all this dignity of demeanor, this majestic aspect, there was coupled a courtesy instantly felt, but altogether indescribable — a certain subtle essence of good breeding and refinement, which escapes if one seeks to confine it within the limits of expression.

And yet he was naturally imperious, and this must undoubtedly, sometimes, have manifested itself in the conference room, but it was never displayed toward those whom youth or inexperience, or other cause, placed below the plane on which this intellectual monarch stood.

I have adverted, in speaking of him as a statesman, to his indomitable industry. This was an equally striking feature of his career as a Judge, his immense capacity for labor to good ends, and his constant devotion to its exercise. He understood well that the most superior faculties may become extirpated by disuse, and it must be conceded that as to the understanding, reason, memory, imagination, he never brought himself under the sentence, “ take, *therefore*, the talent from him.”

From earliest youth he was assiduous in the effort up-

ward, and, to the very last, his "gray spirit yearning in desire," still nerved him to renewed exertion,

"To strive, to seek, to find, and *not to yield*."

Illustrations of the mental traits I have ascribed to Judge Breese are afforded in abundance by his public productions. Take, for example, his sense of humor and talent for indulging in witty or humorous comments or expressions.

In his address upon the early history of Illinois, he gives extracts from the records of Randolph county, of the proceedings in "The Court or the Audience of the Royal Jurisdiction of the Illinois," and, among others, the following case *ex contractu* :

"Between Raimond Brosse, called Saint Cernay, inhabitant of Kaskaskia, plaintiff, to the effect that the defendant, hereinafter named, be made to acknowledge a note executed by the deceased, Louis Langlois, dated the 26th of May, 1749, and that having acknowledged it he do pay the *sum* of sixty francs (livres), of the first part, and Charles Lorain, called Turascon, manager and administrator of the said deceased, Louis Langlois, and of Louise Girardy, his widow, and now wife of the aforesaid Charles Lorain, defendant, on the other part. The said note being examined, the parties heard, and all things considered, we condemn the defendant to pay without delay to the plaintiff the sum of sixty francs (livres), the amount of the said note, and also the costs of suit, which we have taxed at twenty-eight francs (livres) and ten cents (sols).

Done at New Chartre, in our hearing, we holding court Saturday, the 5th of June, 1756. CHEVALLIER."

Upon which Judge Breese thus comments:

"The trial by jury—that boast of the Anglo-Saxon and his descendants, was unknown here—the law and facts in every case being decided by the Judge. If this unlucky 'manager and administrator' could have demanded a jury, he might have fared much better than he did—they might have required proof that he had *other* assets of the deceased, Langlois, besides his *widow*, and in default thereof found against the plaintiff! The 'all things considered' by the able magistrate were no doubt in part *the youth and beauty of the widow*, and the snug little property she brought to the defendant; reasons amply sufficient why he should pay the note, and the costs also!"

So, in his opinions, we find the outcropping of the same vein.

Thus, in a case involving title under a patent, where there were two soldiers of the same name, in the same company of the same regiment, Judge Breese styles those individuals throughout the opinion as the "two Dromios."

In another (76 Ill. 283), where the interpretation of a contract was drawn in question, and the inquiry was whether the strength of a hedge was thereby guaranteed, the learned Judge holds that it was not, and says: "Paul may plant and Apollos water, but nature, in her wonderful and mysterious operations, can alone give the increase."

This same characteristic appeared in his conversation,

his correspondence, and his remarks when holding court upon Circuit, as in his letter to Judge Caton, where he relates the anecdote of Associate Territorial Justice Stewart, that he esteemed the turkey "the most inconvenient of the poultry tribe, as it was too large for one, and not large enough for two," or his well-remembered reply when, at *nisi prius*, a leading lawyer complained that he had lost, out of his hat, a brief containing twenty reasons for sustaining a demurrer to a declaration, that "one good reason from his head would be quite sufficient."

Again, no one after perusing any of his vigorous dissenting opinions can entertain doubts as to his native combativeness.

For instance, at the April term, 1859, in a conviction upon an indictment for murder, Judge Breese, in commenting upon a rule in relation to proof of the genuineness of handwriting by comparison with other writing conceded to be genuine, announced by the majority as "well settled and universally observed," says: "I will undertake to show, and I think successfully, that the rule of evidence here treated of is not as stated — is not 'well settled,' nor 'universally observed,' and if there be no settled rule on the subject, that the one adopted by the court is not the most reasonable and practical," and he proceeds to examine at length the reasons upon which the rule contended for was alleged to rest, and quotes fully from the authorities.

The second point upon which the judgment is reversed,

the separation of the jury, there being no evidence that the jurors separating had been tampered with or improperly influenced, he treats as equally untenable, and sums up an animated strain of mingled argument and eloquence: "Should such a criminal escape, the justice of the State might well be impeached. '*Judex damnatur, cum nocens absolvitur.*' There is not in my judgment a single prominent fact in this case, consistent with the innocence of the prisoner, but —

' In law no plea so tainted, or corrupt  
But, being seasoned with a gracious voice,  
Obscures the show of evil.' "

So in *Swift v. Castle* (23 Ill. 207), where the principal controversy arose upon the question whether, where a marriage settlement specifies one or more modes of appointment, or states a particular object for which the property may be sold, without negative words as to any other mode, or for a different object, the wife may appoint in any other mode than that specified, or for a different object than the one stated, Judge Breese files two powerful dissenting opinions, one of them rendered necessary by way of rejoinder, as he complains, by "a new point introduced into the case" by the Chief Justice in a separate opinion, in reply to his answer to the majority, which point he says "had been by the whole court previously ignored." Nothing in this kind of composition can exceed in vigor that with which Judge Breese attacks the positions of his associates.

In the course of his first dissent, after thorough discus-

sion of the authorities, he thus gracefully disposes of such judicial views as seem to conflict with his own :

“ From the time of Lord Macclesfield, in 1740, and anterior thereto, down to the case of *Socket v. Wray*, in 1793, the current of decisions was unbroken. Sir Pepper Arden cast into it one small pebble, followed by Lord Loughborough with two of larger size, but they failed to impede its force. It has flowed on to our day with undiminished power, not rippled even by the futile efforts of these distinguished jurists, and no English Chancellor, and but few in our own country, have repeated their experiment.”

But it is idle to multiply references. Nearly all his judicial utterances when in a minority are fine specimens of aggressive power.

It would be a grateful task to run through his opinions, point out the importance of the questions discussed, and dwell upon the admirable manner in which they are adjudicated ; but the limits of this sketch render this impossible. Lord Brougham wrote of Lord Stowell, referring to one characteristic only, that : “ To give samples of his happy command of language would be an easy thing, but it would almost be to cite the bulk of his judgments ; ” and I think not a volume of the reports of cases in the decision of which he participated can be opened without justifying the application of the remark to Judge Breese, not only in that particular, but others to which I have adverted.

*Stuart v. The People* (3 Scammon, 395), upon the sub-

ject of the right to punish for contempt, in which Judge Breese (then of the age of forty-two years) delivered the opinion of the majority, Judge Douglas dissenting, and Judge Caton not participating; *Bunn v. The People* (45 Ill. 397), involving the determination of the meaning of the word "officer," Judge Breese's definition (he was then sixty-seven) being afterward incorporated into the State Constitution; and *Munn v. The People* (69 Ill. 80), involving the constitutionality of the law in regulation of the warehousing and inspection of grain, in which Judge Breese (at the age of seventy-three) spoke for the court, are fairly illustrative of his judicial treatment of matters in controversy before him at different periods of his life, though he discussed the widest range of subjects with equal felicity and quite as much precision.

The decision in the last case mentioned was of peculiar public importance and novelty.

Judgment had been rendered against Munn & Scott, by the Criminal Court of Cook county, upon a proceeding by information for a violation of certain sections of the Warehouse Act.

They had leased premises for the purpose of erecting and had erected thereon the warehouse described in the information, in which to store grain for hire. Their property was private property, and their business was wholly a private enterprise, and as the right not only to acquire, but to enjoy property was an absolute right, and the Bill of Rights was intended to protect the citizen as against the agencies of government itself, it was insisted

that the act in question, which assumed control in the public interest over the defendants' property and their use of it, was repugnant to the provisions of the Bill of Rights: 'No person shall be deprived of life, liberty or property without due process of law,' and 'private property shall not be taken or damaged for public use without just compensation.' "

It will be perceived that the discussion must have gone down to the foundation. The general right of the State to prescribe rules for the regulation of property and business was plain, but what were its limitations?

Sumptuary laws and laws regulating prices were enacted for centuries prior to the Declaration of Independence, but how far can they be justified in this country since that event, and how far are they reconcilable with liberty?

The opinion of the court by Chief Justice Breese asserts the general right of regulation in the Legislature, and declares: "Every subject within the domain of legislation and within the scope of civil government, not withdrawn from it by the Constitution of the State, or of the United States, can be dealt with by that body by general laws, to affect the whole State, and all the people within it. That body is, emphatically, the guardian of the public interests and welfare, and would be derelict in its duty did it fail to exercise all its powers to their promotion and protection. That body is the sole judge of such measures as may advance the interests of the people." Describing the manner in which the great internal commerce of the State is conducted, and commenting upon

the fact that a large proportion of our cereals, to reach the markets of the world, were compelled to pass through certain warehouses called elevators, and subject to such charges as their owners might see fit to impose, he says that if the Legislature find "the owners and managers of these warehouses are an organized body of monopolists, possessing sufficient strength in their combination, and by their connection with the railroads of the State, to impose their own terms upon the producers and shippers of these cereals, to the great detriment of the latter, who are under a kind of moral duress in resorting to them," that it cannot be an usurpation of power for the Legislature to bring them in subjection to law, and so to regulate their conduct and charges as to prevent oppression and extortion, and that if the means provided result in some reduction of their receipts, this constitutes no deprivation of property. And, he continues: "All regulations of trade with a view to the public interest may more or less impair the value of property, but they do not come within the constitutional inhibition unless they virtually take away and destroy those rights in which property consists. This destruction must be, for all substantial purposes, total \* \* \*. This law in no respect affects the title, possession or use of this warehouse by the plaintiffs in error. It deprives them of nothing they owned and possessed at the time of its enactment. Anticipated profits are not and cannot be held and regarded as property in the ownership or possession of him who owns the article out of which profits are expected to flow. The property

is one thing and remains untouched ; the profits are not *in esse*, and cannot be claimed as property \* \* \*. Ever since the organization of our State Government, the Legislature has exercised this power unquestioned. Familiar instances are found in regulating public ferries and public mills, and fixing the compensation in the shape of toll. Another is, in delegating power to municipal bodies to regulate charges of hackmen and draymen, and the weight and price of bread."

Judge Breese then brings to sustain his argument the strong illustration of the regulation of profits from the loan of money, which has been done from the earliest times, and no court has ever questioned the right. To the suggestion that such legislation has been so universal and continuous that business has been adapted to its requirements, and that this is not true of the new business of elevators, whose owners have engaged in it on the faith of existing circumstances, he points out that capitalists make large investments to carry on their business, upon the strength of the profits they may make under the laws as to the rate of interest, yet if the General Assembly afterward reduces the rate, the money-lender would not be listened to a moment if he appealed to the Bill of Rights. "Would any Court in Christendom," says the Judge, "condemn such an enactment as unwarranted by the fundamental law? The use of money is a matter of the greatest public concern, and that it may be regulated by law has never been authoritatively denied. Kindred subjects, such as public warehouses, public mills, the weight and

price of bread, and public ferries, are so connected with the public welfare, that a government destitute of the power to regulate them — to impose such restrictions upon them as may be deemed necessary to promote the greatest good of the greatest number, would be but the shadow of a government, whose blazonry might well be the 'cap and bells,' and a pointless spear \* \* \*. We place the right to legislate on this subject upon that power, call it by what name you will, inherent in every organized civil government. Every sovereign power possesses inherently, unrestricted legislative power, where the organic law imposes no restraints. The power to legislate on all subjects affecting the great interests of a whole community must be conceded to exist, and it will not cease to exist until civil government shall be resolved into its original elements."

The case was carried to the Supreme Court of the United States, which, in affirming the judgment (4 Otto, 113), adopted the same line of reasoning, supported by the same illustrations. It is impossible to over-estimate the importance of these decisions.

In the *Dartmouth College Case* (4 Wheaton, 518) Chief Justice Marshall held the charter of incorporation to be a contract, the obligation of which could not be impaired without violating the Constitution of the United States. It is now held that monopolies not resting upon legislative grant may be regulated by the State when the public good demands it. And upon the questions likely to rise in reference to this subject, the views of Chief Justice

Breese will, in the coming years, be always referred to as presenting persuasive argument upon one side of the controversy, when the case was of first impression.

Here I must pause. Inadequate as is this tribute to the memory of the illustrious dead, it has already been protracted beyond the limits usual to such occasions.

The opinions which make so important a part of our reports constitute a monument to his fame, which, in the words of Judge Story: "We may fondly hope will endure as long as the language in which they are written shall continue to instruct mankind." They will be appealed to years after generations yet unborn have succeeded us and each other, in the immortal march of life, as the repository of enlightened rules in the administration of justice, based upon the eternal principles of right and wrong.

I have endeavored to delineate the life and character of our friend, as I find them portrayed in the public records of his State and Nation, and as I knew them during the years of the acquaintance with which I was honored.

Even if otherwise qualified for the task, it would not be expected that I should enter the circle of his private life, and dwell upon the domestic virtues he possessed. It would indeed be vain, as was beautifully suggested by one of the most illustrious of Chancellors, to seek to distinguish in him the private from the public personage; the man, the husband, the father of a family, the citizen, all became consecrated to the glory of the magistrate, to which his life was devoted.

His widow and many children survive him — some had preceded him — but notwithstanding nearly sixty years in the public service, he had accumulated but little or nothing, for the discharge of the public trusts committed to him absorbed all his time and attention, and he was rewarded by no other compensation than the moderate salaries provided by law.

But to his family in common with his State and country, has fallen the inheritance of his well-earned fame. It is, indeed, “better than great riches.”

Fortunate in the distinction which accompanied his life, he was equally so in the fitness of his death. He had had no previous sickness, and no apparent premonition of the end, but it is told us by one of his associates, that as his life drew near its close, whatever of asperity may have theretofore occasionally been discernible, had entirely given place to those “beautiful graces which make old age so lovely.” It was as if to this venerable man a fulfillment of the prediction had been vouchsafed, that “it shall come to pass at evening time, it shall be light.”

He did not outlive his usefulness—he did not survive the wreck of his powers. He died in the full vigor of all his faculties, and in the faithful and full discharge of his official duties. Death was not an evil, but a consummation. He might well have realized that “the sweetest canticle is *nunc dimittis* when a man hath obtained worthy ends and expectations.”

When the grave closes over such a one, and over all that partiality or affection may have added to, or envy

or uncharitableness may have detracted from, his character, then comes the public judgment, too late for justice to him living, but not too late for justice to his memory, that judgment which is the heritage a great man leaves his country.

As we look back upon this long life of unostentatious devotion to duty, we begin to comprehend the loss suffered in his departure, and to appreciate the gain which the garnered fruits of his skillful toil, and the lesson of that life of faithfulness afford.

“ As sometimes in a dead man’s face,  
To those that watch it more and more,  
A likeness hardly seen before  
Comes out — to some one of his race.

“ So now these aged brows are cold,  
We see him as he is, and know  
His likeness to the wise below,  
His kindred with the great of old.”

# EARLY HISTORY OF ILLINOIS.



## INTRODUCTION.

---

ALL who are acquainted with Illinois history are apprized that it has several distinct epochs, each with its own peculiar and marked characteristics.

The first, embracing ninety years of time, takes in the period of its discovery by the French, in 1673, and its dominion by them until its cession to Great Britain, by the Treaty of Paris of 1763. This I have chosen as the subject of my sketch, for the reason that it is less generally known than the others which follow it and, therefore, more entitled to examination, and promising much more interest, and the one upon which I have bestowed some care and attention.

It was my fortune, at an early period of my life, to be a resident of Kaskaskia, a village, then the largest in the State, composed, for the most part, of the descendants of those who occupied it when it was the seat of French Empire, in this part of the great valley—its Heart—whose slightest throb was felt from the banks of the “little river” to the remotest part, and they pointed to

the ruins that met the eye on every hand, covered with the moss and the ivy, to the dismantled and crumbling fortresses, the home of the bat and the reptile, as evidences of her former grandeur and ancient power.

It was there I passed some of the happiest moments of my life and, in her withered fortunes and waning glory, she wove a spell about my heart which, it is no shame to say, separation has not broken ; and coming age but adds to the potency of the enchantment —

“ Yet does the memory of my boyhood stay —  
A twilight of the brightness passed away.”

The manners, appearance, modes of dress, customs and pursuits of the remnant of that peculiar people, once so powerful here, could not fail to interest and amuse me, and, as was natural, I sought to know something of their history.

The aged and intelligent villagers were consulted ; books, also, of which there were but few, and some written records raked from among forgotten lumber. Meagre as these gleanings were, they served to beguile many a lonely hour, and interested me greatly ; but, I fear they will not you, my skill not being adequate to the task of working them up in an engaging, or even an apt and regular form ; I have no flowers of rhetoric to twine among them, whose fragrance and whose beauty might delight you ; nor an inventive fancy ; nor yet that talent for description so necessary to the interest of a mere narrative ; nor, even, that kind of intellectual power essential to produce a learned or an elaborate address.

But, in my own way I can exhibit the spoils I have gathered, trusting you will not scrutinize too closely their value or their variety, the more especially as I groped for them into the obscurity of the past, with but a feeble ray, from any quarter, to light me in my labor.

I do not come to speak of battles, of sieges, the sacking of cities, or of bloody revolutions; nor am I about to relate adventures like those performed by him whose marble tells that he who sleeps beneath it "gave a new world to Castile and Leon;" nor portray any exciting scenes; nor yet a polished people, whose acts and science and commerce and wealth have rendered them conspicuous. I came for an humbler purpose, and bring a far more humble offering.

I come to speak of one, a pious and a lowly man, now almost forgotten, and of an obscure people, having no place in any but the humblest chronicles, who, led hither by the little lamp he bore, reared the first symbols of christianity, established the first civilized social system, first broke the virgin soil and erected the first permanent structures within this magnificent valley—the pioneers of those millions who now possess it and enjoy it.

Sculpture, poetry and painting unite their aid to blazon the deeds of the hero, flushed from the field of victory, regardless alike of the blood he has spilt and the havoc he has dealt; but, the benefactors of mankind, if obscure, live and die unhonored. Silent and ceaseless, but unobserved efforts to ameliorate the condition of humanity

are followed by but slight applause and win but few admirers.

But should not the marble and the canvas story their deeds? Should the tongue refuse to speak their praise? Should their names have no place on the page of history, or in the melodies of song? Shall no tribute be paid to those who ventured into these wilds, tamed the savage and lighted up the fires of civilization?

## CHAPTER I.

### THE JESUIT ORDER IN ILLINOIS, 1536; THEIR HISTORY AND ORGANIZATION.

It is not, perhaps, generally known that our annals, simple as they may be, reach back nearly two centuries, and are connected in their origin with one of the most remarkable religious orders the world ever saw, a brief notice of which seems to be necessary.

It was in the Pontificate of Paul III, about the year 1536, that it arose, when the billows of the Reformation, rolling onward to their destiny, threatened the speedy overthrow of Papal power in Europe.

It sprung from a very humble beginning — from the accident of a wound received at the siege of Pampeluna, in Spain, by a soldier, Knight Ignatius Loyola by name, giving rise in its consequences to the foundation of the order known as the “Company,” or “Society of Jesus.”

While the wounded soldier was confined in a cloister, he cheered his moments of affliction and pain by perusing the Lives of the Saints, and other similar books, in which its library abounded, and becoming deeply affected by the relations of their piety, their suffering, their self-punishments and their fervent zeal, he resolved, should his life be spared, to excel them all in the severity of his penance, in self-inflicted punishments by lash and cord, and in all the manifestations of ascetic zeal and devotion. He recovered, and vowing before God and the Virgin to consecrate himself to the Redeemer's service—vowing also total abstinence from vain indulgences—poverty and the severest penance man could undergo, he soon gathered around him many who, like him, gloried in suffering and longed for martyrdom.

There were then many similar associations in the world, amply sufficient, it was thought, for every exigency of the Church, and the Pope would not recognize the order. But when Loyola added to their vows the most prompt obedience to all the commands of the head of the Church, to which no others were bound, he received it into favor. Loyola became its Gene-

ral and Head, and dying was canonized, being designated in the calendar, as "Saint Ignatius."

It soon overshadowed all other religious orders, and its members became most useful auxiliaries to the pastoral clergy in those times of the Church's greatest need. They labored with untiring zeal and industry, in defending the Faith, then so violently assailed by Luther and his associates, and in propagating it in the countries of the heathen.

As spiritual teachers they had no equals; for, they possessed all the learning of the age, and being in high favor with the Pope, they easily became the conscience keepers of kings and nobles. Their arrogance and presumption, therefore, became excessive, and the dark and complicated intrigues of European politics found in them able, wily, persevering actors. In every royal court they possessed some power. Schools and colleges were founded and controlled by them; schemes of future aggrandizement planned; and, although vowed to poverty, they became rich, haughty and overbearing, until at last, most of the crowned heads becoming alarmed at their power, and the magnitude of their pretensions, expelled them from their dominions, and the

Pope himself, Clement XIV, finally suppressed the order.

When in the plenitude of their power no men on earth possessed higher qualifications for heathen conversion than they, for there was added to their learning, zeal, fortitude and enthusiasm, acute observation and great address, a remarkable faculty for ingratiating themselves with the simple natives of every clime and winning their confidence. They were meek and humble when necessary, and their religious fervor inspired them with a contempt of danger, and nerved them to meet and to overcome the most appalling obstacles.

Alike to them were the chilling wintry blasts, the summer's heat, the pestilence or the scalping knife, the angry billows of the ocean and the raging storm; they dreaded neither.

No sooner did the enterprising sailor return to port from a newly-discovered populous barbarian region, than some of the order were at once dispatched to it, to commence the work of Christianization. The shores of India, the lone islands of the ocean, Africa, South America, all were visited by them.

Not a zone of the earth's surface was left

unexplored. If one region was more barbarous than another, if access to it was more difficult and dangerous, these but enhanced the desire to penetrate into it, there to plant the symbol of their faith, and die, if necessary, in its support. No spot, however secluded, could escape them, for with falcon glance and eagle daring, they darted their scrutiny into every nook and corner of both hemispheres, where, planting the cross and erecting rude altars for the occasion, they gathered the wondering savages around them, remained with them, and finally won them.

## CHAPTER II.

THE JESUIT ORDER IN AMERICA, THEIR PILGRIMAGES AND  
DISCOVERIES.

On this continent they were laboring at a very early day. In Maine, relics of their presence are yet to be found, whilst the explorations of Samuel Champlain into Canada opened to them a new and enlarged field for their operations, and it was through this channel they approached this valley.

At the time of their advent to Quebec in 1622, dissensions existed there to an alarming extent, caused by some French Protestants engaging in the fur trade, and who, if successful, might secure the favor of the natives to such a degree as to deprive the Catholic portion of the adventurers from any participation in it. To heal these dissensions, and to consolidate, and render more efficient the power of the latter, a distinguished French nobleman, the Duke de Richelieu, in 1627, organized the Company of New France, and availed himself, not

only of the Jesuits then in Canada, but sent others from France to counteract these Protestant exertions, and secure for this Catholic Company that confidence and regard, without which, it could not reap the rich harvest of reward the country promised. It need not be said they were successful, it was an object well adapted to the exercise of their peculiar talents, and an alliance followed with the powerful Hurons, which was never afterward interrupted.

The Hurons frequently visited Quebec, and as they supplied the costly furs and the valuable peltries, they were much caressed, particularly by the Directors of the Company of New France, who made large profits by their friendship. They, therefore, encouraged the Jesuit priests in all the measures they suggested, in which that nation was concerned, and accordingly, when, in 1634, two of them proposed to accompany a returning party to their home in the wilderness, near Lake Huron, the Company did not fail to add its weight and influence to the project, well knowing that pecuniary benefits to them would be the certain result, whether their conversion should be effected or not, as it would confirm the alliance formed with them,

and furnish strong evidence of the confidence reposed in them. These are the first missionaries of whom we have any record, to light the fires of Christianity in the wilds of the upper lakes, and the mission they established near Lake Iroquois, and denominated Saint Joseph, was the first dwelling place of the members of the Company of Jesus—of those who worshiped the true God in those barbarous regions. The forest children flocked to it in crowds, and in the bosoms of many, sentiments of devotion were enkindled, which soon led to their conversion.

In 1641, two others, with Hurons as companions, advanced to the country of the Chippewas, at the outlet of Lake Superior, heard of the Sioux Nation in the far west, and of other nomadic tribes of that vast wilderness.

Before the year 1647 the Jesuits had traced the course of all the ocean lakes, except Michigan, and contended, alone and unaided, except by the Company of New France, against all the savages who roamed their borders, enduring perils and sufferings, of which we have no superior examples in any history, and but a few years afterward, we find French traders imitat-

ing their daring and establishing themselves on the shores of Lake Superior.

One missionary, Reni Mesnard, in 1660, penetrated as far as the bay of Chegoimegon, on the south border of that lake, and in 1665, another, Claude Allouez, established there the "Mission of St. Esprit," or the Holy Spirit. To it came besides other scattered bands, the Pottawatomies from Lake Michigan, the Saks and Foxes from their desert plains, and the Illinois from their beautiful and placid river.

In 1667, this same intrepid and zealous man with Claude Dablon and James Marquette, two equally zealous and intrepid brothers of the order, who had, in that year, arrived from France, established the "Mission of Saint Mary of the Falls," at what is now known as Sault St. Mary, and in 1668, the "Mission of Saint Francis Xavier," on that tongue of land running up between Green bay and Lake Michigan, and coasted in company the whole southern shore of Lake Superior to its western extremity, engaged for three years in strengthening the influence of the French in that vast region. In 1671, Marquette established the "Mission of St. Ignace," so called from the

founder of the order, at a spot on the mainland near where Mackinaw now stands, and in the following year, with Allouez and Dablon, explored the country of the "Miamis" and of the "Mascoutins" about Chicago, and made excursions over the plains of Wisconsin, and into every part of those regions wherever a nation of Indians was understood to reside.

From these points communication was kept up with Canada, and means placed by them in the hands of its rulers further to extend the power of the Crown in the north, and which were not overlooked.

Who but Jesuits would undertake such dangerous missions — so full of personal peril and exposing them to so much suffering — bearing the fury of the elements in their bark canoes, wading and dragging them over shoals, carrying them across tedious and difficult portages, feeding on dry corn or moss from the trees, sleeping in the open air and deprived of every earthly comfort.

With no weapons but the crucifix and the breviary, with no aids but the faithful compass and their savage guides, with no hopes to cheer them in which the world bore part,

prompted alone by religious enthusiasm, did they wander upon those then unknown seas, and gladly meet all the dangers which beset them. Like others of their order, whom neither polar snows nor tropical suns could terrify, whose torches had illuminated the plains of India and the icy Labrador, these devoted men sought to display their little tapers in those dark and dreary regions, and when we consider the period at which they attempted it, we are at a loss which to admire the most, the courage and perseverance they manifested, or the religious ardor which animated them in the enterprise.

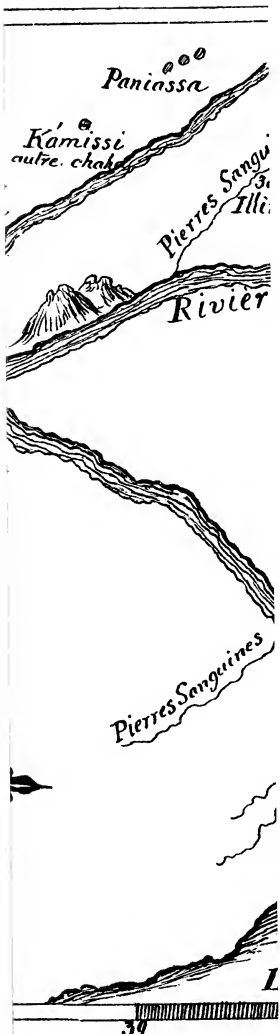
## CHAPTER III.

## MARQUETTE AS A DISCOVERER OF THE MISSISSIPPI.

To the adventure of Marquette with Allouez and Dablon, to the western extremity of Lake Superior in 1668, is the world indebted for the discovery of Illinois and the vast valley of the Mississippi, of which it forms such a desirable portion.

The roving Sioux, who lived upon the prairies which this vast river drains, in their visits to the Mission of the Holy Spirit, had much to tell of the country they inhabited — boasted of its beauties, of its verdure, and of the river, which they called “Mississippi,” running to the south, no one of whom had, however, traced its course or knew into what ocean it was lost; it flowed by their hunting grounds, and it was “a great river.”

This was rich food for Marquette and his companions, and he, at once, formed the determination to visit it, in the following au-



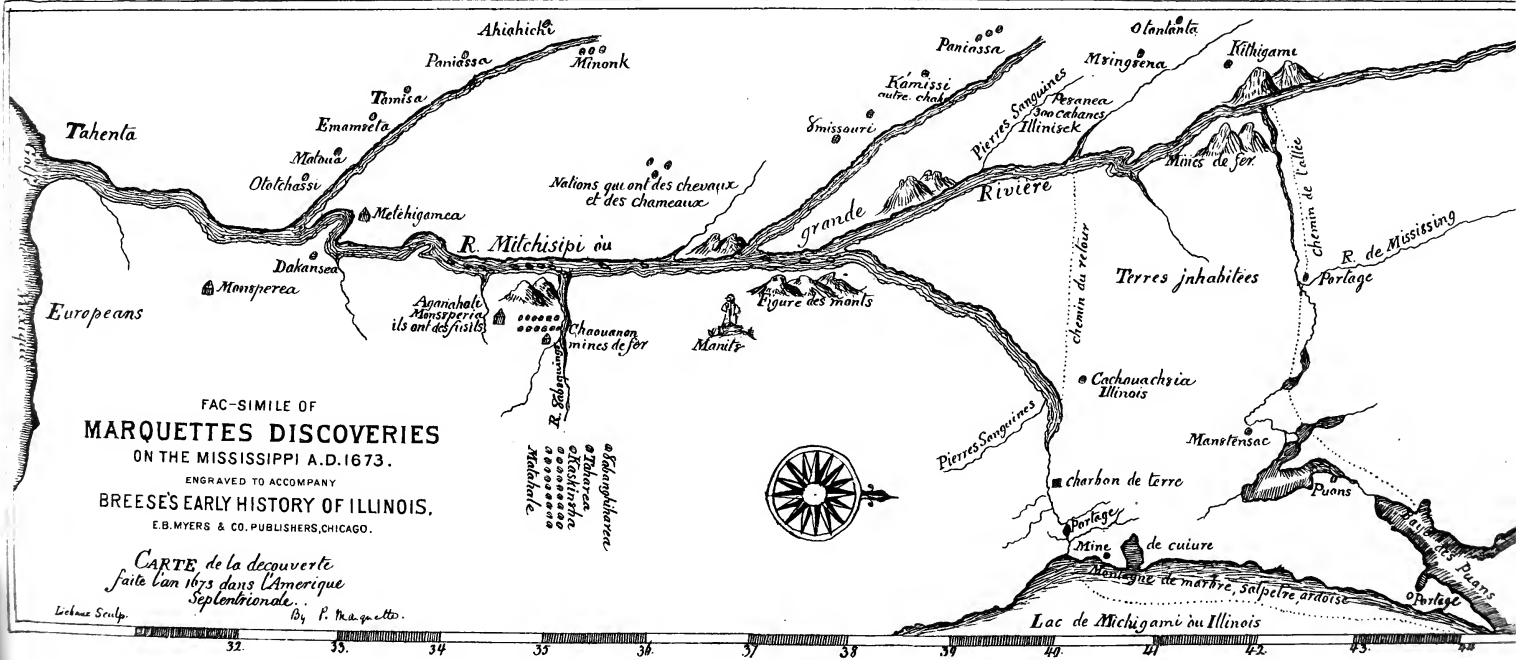
## CHAPTER III.

## MARQUETTE AS A DISCOVERER OF THE MISSISSIPPI.

To the adventure of Marquette with Allouez and Dablon, to the western extremity of Lake Superior in 1668, is the world indebted for the discovery of Illinois and the vast valley of the Mississippi, of which it forms such a desirable portion.

The roving Sioux, who lived upon the prairies which this vast river drains, in their visits to the Mission of the Holy Spirit, had much to tell of the country they inhabited — boasted of its beauties, of its verdure, and of the river, which they called “Mississippi,” running to the south, no one of whom had, however, traced its course or knew into what ocean it was lost; it flowed by their hunting grounds, and it was “a great river.”

This was rich food for Marquette and his companions, and he, at once, formed the determination to visit it, in the following au-





tumn, being well satisfied he should find upon its banks new nations, among whom he could erect the symbol of his faith. Having already a knowledge of the Illinois from the Miamis at Saint Joseph, through which nation he would expect to pass, he acquired their dialect to aid him in his intercourse with them; but, his missionary labors among the remains of the Hurons, now scattered and dispersed, and those on the northern verge of Michigan, prevented him from carrying his design into effect.

The views which the French government then entertained, and which the vigilant Talon, then its Intendant in New France, desired to carry out to the fullest extent, were powerful auxiliaries to the design of Marquette, they being political, and his, religious only. At that time too a western passage to China and the Japan islands, by which the dangers and delays of the usual one, by doubling the Cape of Good Hope, might be avoided, occupied, to a great extent, the minds of the adventurous and enterprising, and every fact was eagerly seized upon which seemed to encourage the hope even of such a discovery. This

large river in the west might flow into the Pacific ocean, a sea whose name indicated its character, and whose wave lashed the shores of those rich and far distant countries, and he who should first explore that passage, who should demonstrate that it did exist, would achieve not only for himself an enviable fame, but for his age imperishable glory. To search it out, to give such a boon to his country, or in the attempt, to subject the natives who might be discovered in the search to French control, instigated this Intendant of his sovereign's interests, to set on foot the enterprise, to take the initiative in a purpose pregnant with so many, and such important advantages.

Marquette had no ambitious designs of this character. He was a meek and a humble, though a fearless and zealous man. All that he did or attempted seems to have been to make known the glory of his God; and if he indulged in any aspirations, they were, that he might be a martyr in the cause to which he was devoted; and though he might have no burial place, and no other obsequies but the eagle's scream, such a fate would be to him the brightest glory he could achieve.

As the moment of commencing the expedition approached, Marquette was engaged in his labors at the Mission of St. Francis Xavier, and was then joined by Joliet from Quebec, whose name is perpetuated by that remarkable mound which arrests the attention of every traveler to that beautiful region in which it stands, known as "Mount Joliet," quite as effectually as by his companionship with the man who gave to France such an empire as he did.

These two, with a few Frenchmen to paddle their canoes, and two Indians of the Algonquin nation as guides to the Wisconsin, proceed from the Mission to the last Indian village on Fox river, and soon reach the portage, a remarkable spot, where, upon the same level, and not two miles asunder, the stream they had just left pursues its way north-eastwardly to the lakes and the Atlantic and the other upon which they were to embark south-westerly to some then unknown recipient.

With their baggage and canoes upon their backs, they crossed the portage, and on the 10th of June, 1673, reached the Wisconsin, where re-embarking, escaping all the dangers of that stream, its current bearing them upon a course

new and unusual to them, on the 17th their vision was gladdened by the sight of the large and beautiful river, of which the Sioux had spoken, and which Marquette had so long wished to behold.

## CHAPTER IV.

### THE MISSISSIPPI RIVER; THE FIRST VOYAGE DOWN THAT RIVER.

If we except the steel-clad followers of the chivalric and romantic De Soto, who, Spanish story tells us, crossed the Father of Waters in 1535 and penetrated to Missouri in search of the glittering treasures supposed to have their home in that wilderness, and in whose wild bosom he found an unexpected grave, yet appropriate to his daring hardihood and enterprise, these were the first white men to behold it. Then, for the first time, was civilized man upon its banks.

This majestic river, having its source in a tranquil northern lake, traversing no regions of perpetual snow, and receiving no tributaries which, above the point where it was discovered by Marquette, presents an aspect wholly different from that which belongs to it, after receiving the vast volume of the Missouri rushing wild and foaming

from the Rocky Mountains, and fed by the melting of the snows which repose upon their sides and summits, and within their deep recesses; nevertheless, he saw the storied "Mississippi," the theme of many an Indian tale, the long-sought object of his toil and peril, the new channel to a distant sea.

Their canoes glide safely on its placid bosom, the rapids of Rock Island are passed in safety, and they gaze with delight on the beautiful landscape which there unfolded itself to their view. The scenery of the shores captivated them, it was a pleasure to be in such a wilderness, and to revel in the loveliness of such a nature. Thus far not a human footprint had been seen since their guides parted with them at the Wisconsin, the whole region seemed to be uninhabited, save by beasts of prey and of the chase, until after passing the Lower Rapids, one is discovered in the sands of the western shore. They examine it, they follow it, and it leads them to the bank of another river shining with verdure and dotted over with Indian wigwams. They are met by their savage owners bearing the calumet, and are kindly received by the tribe. A great council is held, and Marquette announces his mission, tells them of

the great king over the water, and of his power and willingness to protect them. Here they remained several days, and during the whole time were treated with the greatest hospitality and kindness, information given them of the tribes on the river, and of another large river below, coming from the west, which they called *Pekitanoni*, and on their departure, the chief accompanied them to their canoes with his painted warriors for an escort, and presented Marquette with the mystic calumet, decorated with feathers of the most gaudy dyes, and instructed him in the peculiar virtues it possessed.

Descending the current, they pass the mouth of the Illinois coming in from the east, then that stupendous wall of lime and sandstone, once the barrier to that vast water, which now flows so gently by it, when to its volume was added all that which now seeks the ocean by the St. Lawrence—then the pictured rocks of the Piasau, even now the wonder of the curious, when half hid by islands, the mouth of the Missouri is seen, its impetuous current driving their little barks to the eastern shore covered with lofty trees and shading a soil whose texture and richness extorted their admiration.

Again, upon the right bank, as they descend, highlands are seen, covered with the primeval forest, and rising beautifully from the water again abrupt cliffs of perpendicular mural rock, until they reach that portion of the river where the bottoms, extending on both sides, denote the bed of some vast lake which, in the infancy of this continent, spread out there and confined by that rocky barrier which even now bears marks of the attrition of its waters. There is seen the mouth of the modest and unobtrusive Kaskaskia, and the highlands at its confluence bordering the left bank for many miles below it, with a wide alluvion of black mould, covered with gigantic trees, upon the right.

Soon the scene changes, and abrupt cliffs or steep hills guard the right bank, and a dark imperious forest upon a low rich bottom, the left, the whole force of the current bearing upon it until its career is checked by another rocky cliff which, there, rises in awful majesty upon the left, a wonder and a puzzle to all who behold it, whilst just below, standing in the channel of the river, but near the right shore, they pause to gaze upon that huge tower of rock which lifts its head there, bewildered with conjecturing what convulsion could

have riven it from its kindred layers or thrown it up from its ancient bed.

The mouth of the Ohio is reached. Some Indians of the Lawrence tribe, then occupying the site of the promised city, yet to rise full grown like another queen from the foam of the waters.

At length the region of the cane is reached, and a hotter sun beams upon them ; red men are seen with steel axes for weapons, below the mouth of the Arkansas ; but the peace pipe wards off all approach of danger, and manifests all its promised virtues. A religious celebration is had, the mysteries of their faith unfolded to the savages, when Marquette, being satisfied that the river he was upon, flowed neither to the Pacific ocean nor to the gulf east of Florida, he prepared to ascend it on his return.

This voyage, under the auspices of the meek and humble Jesuit, the good old Father Marquette, is the first of which we have any knowledge, ever performed by a "pale face" upon our majestic river ; his slender bark was the first to float upon its current, and its light paddle the first to break its ripple ; and it is strange that it should be so, for, at the period when his voyage was

undertaken, a settlement by men of our lineage had existed in Virginia sixty-six years; in New York about fifty, and in New England more than forty years. Is it not then remarkable that its existence should have been unknown to all those colonists? That the natives of those several and distinct regions should have had no legend connected with it—no traditionary or other story of a far off and mighty river running to the south? And what had become of the relations made by De Soto's companions and now admitted to be true?

How could they have been kept so long from the knowledge of a prying, inquisitive and curious world? It is said, too, that the Jesuit Father Duguèrre had, twenty years before, in 1653, visited the tribes on the east bank of the river. If he did, he must have gained some knowledge of the river itself, and why should he conceal it, and leave the fact of its existence to be gathered by accident from wandering Sioux from its upper shores?

Yet it seems no story was generally current, and to Marquette is ascribed the glory and renown of communicating the fact to the world, thus adding another to the many trophies acquired by members of his order in all parts of the globe.

## CHAPTER V.

### RETURN UP THE MISSISSIPPI TO THE ILLINOIS RIVER.

The adventurous Father and his companions toiled up the rapid stream for many a weary day, oppressed with the heat, annoyed by the insects, and with the ordinary demands of appetite but scantily supplied, yet no murmurs escaped him, no despondency overwhelmed him, the chosen instrument of heaven to plant the standard of the cross in the wilderness he had entered, and whose bosom glowed with the single desire to accomplish his high and holy mission.

To the tribes he encountered, he revealed the Christian's God, attracted their attention by the forms of Christian worship, and failed not to make a favorable impression by his humility, meekness and sincere devotion to the cause in which he was embarked.

Soon they approached the entrance of the Illinois, and anon their light canoes are borne upon its tranquil water, promising but slight resistance

to their progress, flowing, as it does, into its great reservoir with a motion scarcely perceptible. As they proceeded onward, the appearance of the country delighted them; it seemed an earthly paradise, and their eyes were never weary with the view of the beautiful prairies which, at intervals, approached the margin of the water, covered with flowers of every tint, and with the most luxuriant herbage, depasturing immense herds of buffalo and deer; varied by island groves, and skirted by the deep blue forests in the distance. Innumerable wild fowl, scared from the little coves and indentations of the shore, and from the bright bosom of the water, and from their perches in the woods, decked with every variety of plumage, and singing every variety of note. The timid deer and the shaggy buffalo coming to drink and bounding away at the sound of their paddles, enlivened the solitude; while the whole scene awakened anew their gratitude to Him who had, in his beneficence, spread out those lovely plains, poured out those rivers, and reared up those mighty forests.

But few Indians were discovered—a straggling hunting or fishing party—until they arrived at Peoria lake, the seat of one of the principal vil-

lages of the Illinois Nation. These Indians were so much pleased with Marquette's simplicity of manners, marked kindness and benevolence, that they entreated him to remain with them, but he pursued his voyage to Green Bay, where he arrived at the close of September, 1673; thus accomplishing in a few months a most perilous and arduous enterprise, giving an empire to his sovereign and immortality to himself.\*

Joliet returned immediately to Canada to proclaim the results, but the devoted philanthropist and Christian, the good Marquette, instead of rushing into the world to hear the praises which would accompany his daring, and be associated with his name, mourned, with unaffected sincerity, in the solitude of his little cell, over the fallen and degraded condition of the tribes he had met upon the Illinois — recalled to his mind the earnest entreaty made him by the Peorias. His bosom groaned to comfort them, as he had the scattered and forlorn, but once powerful, Hurons, and he resolved to return to them and devote the remainder of his life to their service, and thus perform, truly and sincerely, the obligations of his order, and keep in letter and in spirit his oft-repeated

---

\*See Appendix A.

vow. Strong indeed must be that faith which could inspire such a resolution ; pure and unspotted from the world must be the sentiment which could prompt such disinterestedness, such benevolence, such philanthropy.

Accordingly, in the same year, before the close of autumn, he returned to the mission of St. Louis at Peoria lake, to pursue, through cold and suffering and hunger, his labors of Christian love, until in 1675, attempting to prosecute a voyage in his canoe to the mission of Saint Ignace, by way of the Chicago and Lake Michigan, he entered a little river on the eastern shore of that lake, and erecting a rude altar upon its bank, in the presence of his canoe men only, he performed the sacrifice of the mass. After he had concluded it, he desired to be left alone for a few moments to his own private devotions, and ere his companions returned to him his spirit had departed, and the place of his last prayer at the altar by the lovely lake was the place of his burial, his grave a hole scratched in the sand, and his only memorial there the babbling stream that bears his name.\*

---

\*NOTE A.—In the absence of authentic documents, such as the original narrative of Father Marquette, and the account of his doings, prepared by Father Dablon in 1678, which have since been found and published by John Gilmarry Shea of New York, in his work on the

There, in that obscure and forgotten grave by the lake shore is the discoverer of Illinois,

---

discovery and exploration of the Mississippi valley, issued in 1852, and several volumes more recently issued by Francis Parkman at Boston, the learned judge has fallen into an error by supposing that Marquette returned to Peoria lake from Chicago in the year 1673, where he then, through the winter, pursued his missionary labors, until 1675, when, as related by the author, he died upon the eastern shore of Lake Michigan.

But the facts are, that after his voyage in 1673, when he discovered the Mississippi river, he passed through Chicago and returned to Green Bay, where he suffered from prostration; but in the fall of 1674, recovering his health, he determined to visit the missions he had planted in Illinois, at Utica, the site then called or known as *Kaskaskia*, and at *Peoria*, but being again taken sick when he reached Chicago, in December, he spent the entire winter at this place, from December, 1674, to the following March, 1675.

This episode, so interesting to the people of Chicago, requires a more extended notice, which is taken from the narrative of Marquette as published in Mr. Shea's book, and from Mr. Shea's collection.

It is there stated that Father Marquette upon his returning from the Mississippi, after his discovery of that river *with Joliet*, met the Peoria and Kaskaskia Indians on the Illinois; he promised them to return and begin a mission among them the next year (1674); that returning to the mission (St. Ignace) at Green Bay, his health gave way and he was utterly prostrated by disease.

Receiving the necessary orders from Quebec in the summer of 1674, he started in October for Kaskaskia on the Illinois river to establish his Illinois missions. He set out with a canoe and two Frenchmen, and was escorted by bands of Pottowatomies and Illinois Indians. They coasted along Green Bay-Inlet, which nearly intersects the Peninsula, and he made the portage across to Lake Michigan. With his canoe and the two Frenchmen—accompanied by his Indian escorts—he coasted along the shore of Lake Michigan. Marquette himself often walked along the beautiful beach of the lake, embarking only at the rivers. There being no portage to make, and the landings easy, he says that there was little or no difficulty when they did not persist in sailing, and the winds and waves were high. The soil, except in the prairies, was poor, but game was abundant and they were bountifully supplied.

On the 23d of November, we are told that the good missionary was

his only dirge the sullen moan of that wild water, his only requiem the plaintive note of the lone whip-poor-will.

---

again seized by his old malady (dysentery), but that he pushed on undaunted, amidst snows and storms, until on the 4th of December, 1674, he and his companions found themselves at the *mouth* of our *Chicago river*!! The river was frozen, but they knew that the Chicago connected through Mud lake, by Des Plaines river, with the Illinois. Mr. Parkman says, they moved about *two leagues* from the *entrance of the river*, and there *rested to build his cabin*. He was compelled to abandon further progress, and on the 14th of December it was at last resolved that the missionary should winter at Chicago. Here then a cabin was built, and undoubtedly here was erected, by himself and his two French companions, the *first abode* of a *civilized* white man within the limits of the present State of Illinois. It was occupied the whole of that winter from December until March, 1675. And it was here that his Indian escorts left the three Frenchmen, while they proceeded to their own homes about sixty miles distant on the Illinois river.

Mr. Shea, in his narrative, states that within fifty miles of them were two other Frenchmen, trappers or traders, one of whom was a surgeon, near some Indian village. These traders had prepared a cabin for the missionary, and one of them (the surgeon probably) came to visit him, having heard that Marquette was ill. The Indians had also heard this, and so anxious were they that *he* should not suffer from want, that they offered to send a party to carry him and all his baggage to their own village. Marquette refused, and found it hard to tell them that if his malady continued, he would find it difficult to keep his promise to visit them in the spring.

This so alarmed them (it is said), that the sachems of the tribe assembled and deputed three of their number to visit the "*Black-gown*," and they went bearing three sacks of corn, dried meats and pumpkins, and twelve beaver skins. *First*, to make him a mat; *second*, to ask him for powder; *third*, to prevent his being hungry; *fourth*, to get some merchandise!

To the deputation the missionary it is said answered their several proposals: "*He* could not give them *powder* as his mission was *peace*, and did not wish them to begin a war. He would encourage the French to bring them *merchandise*, but they must make reparation to the traders for the beads taken from them, while the surgeon was with him. In exchange for their presents, however, he gave them axes, knives and

What a resting place for such distinction ;  
what a sepulchre for so much glory ; what obse-

---

trinkets as a mark of his gratitude for their coming twenty leagues to visit him, and promised them that, if possible, he would go to their village in the spring, if only for a few days." On this they bade him take heart and stay and *die* in their country, as he had promised to *stay* a long time.

It was in such terms that this simple representative of religion and culture of a proud race and the first white settler of Chicago exchanged the courtesies of life with the native barbarian tribes of a remote wilderness. This is the account as transmitted by himself of the colloquy which took place on the site of Chicago, two centuries ago. The American republic had not yet been born. It had neither a name nor history. Even the territory of that republic then belonged to a foreign power. Would it not be interesting to the half million of people now here to look upon the spot of ground upon which this scene was enacted, where the cabin stood, and to know where the door was at which the colloquy took place ! What a historical picture that cabin door, and that group of persons would furnish to the painter !

A deputation from the native sons of the soil upon the one hand, bearing their rude offerings to the humble black-gowned missionary of peace and religion on the other. And then imagine you hear him stipulating with them as to the terms upon which he would stay with them or go away, and the conditions upon which trade should be carried on with his country. Does he not dictate even the terms of peace and war, while he refuses them powder to carry on war, and in the spirit of his mission bids them to be at *peace* with their enemies, the Miami tribes ?

Here upon the site of Chicago, nearly a century and a half before "*Fort Dearborn*" was built, came a herald of civilization, proclaiming a gospel, which to the tribes of this region meant *peace*, as well as civilization. At that time the United States had no place among nations. The native tribes of the continent had not been forever driven back or marked for extermination, and what prophet could have foretold that the wild waste of waters and the vast solitude of prairie deserts bounding all sides of the horizon, which marked the site of that solitary cabin, would become the great metropolis of Chicago. That half a million of people would make here their homes, while the aboriginal race would disappear from the scene ? And now where is the stone or tablet to mark the spot where stood the cabin of that

quies to so much piety, so much fortitude, so much energy, so much unflinching zeal!

---

first herald as he preached to those barbarians? Has no antiquary discovered it? Why should it not be found as a place of pilgrimage and curiosity on account of its historical interest or value, even though it were not otherwise memorable an account of its religious associations in connection with the self-sacrifice of so great a pioneer as Marquette?

It is true, that trade has little in common with sentiment, yet time and history do at last come to hallow and make venerable all places associated with great enterprises.

Now there are data stated and given in these accounts of the location which Marquette and his two Frenchmen selected to build their cabin that memorable winter, that enable us, with reasonable certainty, if not to fix the *precise spot of ground*, yet to point to the *near vicinity* of its erection.

It is stated by Parkman, that Marquette moved two leagues from the mouth of the river. The river was frozen over, and it is not probable that they paddled the canoe up the stream two leagues or *six miles*. But as the mouth of the river was then at the foot of Madison street, they moved across the prairie to the south branch, and up along the branch to the vicinity of *Mud lake*, about where it now comes in as a tributary of the south branch, above McCormick's present reaper factory. If we place the location between that and the bridge over the branch at Western avenue, we will have about the two leagues or six miles traveled over to get there from the foot of Madison street. This location was just where, in times of high water, canoes were carried through Mud lake, to the Des Plaines river, and so the portage was made down to the Illinois and Kankakee rivers.

Besides the accounts of both *Parkman* and *Shea* agree, that in the following spring, in the month of March, the ice breaking up, the ground where the cabin stood was flooded, and the cabin was moved. The inmates suffered from the wet, etc.

All the conditions agree in pointing out this as the location. The 12th of March, 1849, will be memorable in this city for a disaster connected with the rising of the same waters that occurred in the breaking up of the ice that spring, which destroyed a large amount of shipping in the south branch of the river. The flood of water coming down from the junction of Mud lake swelled the river and increased its current to a torrent.

The distance of two leagues, or six miles, is a strong circumstance,

For years did this devoted man, silent and unobserved, by the lovely lake, in the gloomy forest, amid untamed savages, forsaking home, kindred, all the endearments of life, fired by a holy zeal, exert his energies to exalt the condition of abject and degraded humanity, and in the accomplishment of his mission, a domain more than imperial, destined to nourish multitudes as countless as those of the plains of India, was opened to the world! Yet no monument has been reared for him, nor does the hunter, as he passes the spot where his ashes repose, or the fisherman, as he casts his line into the stream that flows by them, bestow even the poor tribute of a sigh to his memory.

---

because taking a line across the prairie from the mouth of the river at Madison street, or following up the thread of the stream, the distance would be counted about the same to Bridgeport or a point beyond that, being the only route to effect the necessary portage, makes it very probable that it was the direction taken in leaving Lake Michigan. See Parkman's *Discovery of the Great West*, pp. 67, 68, 69.

## CHAPTER VI.

LA SALLE AND HENNEPIN.

On Joliet's return to Canada, Robert Cavalier Seine de La Salle, a native of Rouen, in Normandy, one of those active, busy and restless spirits, who, having joined the Jesuits, sought fresh fields for adventure in the New World, was settled at the outlet of Lake Ontario, having become, by the king's grant, the lord proprietor of a vast domain there,\* which soon gave proofs of his energy and management in the improvements that flourished around him. He was a man of bold and ardent temperament, had signalized himself as an adventurer, and successful fur trader, and had the fame of one willing to undertake any enterprise which promised to result either in wealth or renown. He, too, like other inquisitive minds of that age, had speculated upon the western passage, but Joliet's nar-

---

\* See Appendix B.

305

310

50



DE BAHAMA



N O R D

25

305

## CHAPTER VI.

## LA SALLE AND HENNEPIN.

On Joliet's return to Canada, Robert Cavalier Seine de La Salle, a native of Rouen, in Normandy, one of those active, busy and restless spirits, who, having joined the Jesuits, sought fresh fields for adventure in the New World, was settled at the outlet of Lake Ontario, having become, by the king's grant, the lord proprietor of a vast domain there,\* which soon gave proofs of his energy and management in the improvements that flourished around him. He was a man of bold and ardent temperament, had signalized himself as an adventurer, and successful fur trader, and had the fame of one willing to undertake any enterprise which promised to result either in wealth or renown. He, too, like other inquisitive minds of that age, had speculated upon the western passage, but Joliet's nar-

---

\* See Appendix B.





rative satisfied him that the downward course of the great river led to the Mexican gulf, yet he entertained a notion, that, by ascending it, he might find some stem rising in the north-west interlocking with a stream flowing to the Pacific, and thus he might discover the wished-for passage, or by tracing the river itself to the gulf, acquire for himself that distinction he coveted, and for the king, his master, an embryo empire, or at least, to share dominion with his rival, Spain, whose banner had floated more than one hundred years over its waters.

To secure the approbation of his sovereign to these his designs, he repaired to France, and by the aid of Jean Baptiste Colbert, then the prime minister of the great monarch, Louis XIV, who was awake to the glory and renown of such an enterprise, he was successful and means furnished him from the royal purse by which to prosecute it, but not with that activity its magnitude demanded, for the old king was involved in expensive wars, and his exchequer far from rich.

Five years were consumed in preliminary arrangements, when in July, 1678, La Salle returned to Canada, and organized that memorable expedition, of which we have all heard, which

has inscribed his name upon our statute book as a memorial of the honor due him; a just tribute to his daring and enterprise, and enrolled him high on the lists of fame.

To take possession of this valley by the authority of a monarch, whose adventurous subject had first entered it, no military array was deemed necessary, inasmuch as at the time the project was matured, frequent visits of the Jesuit missionaries into the upper portions of it had disarmed it of many of its terrors.

A company of thirty men, Canadian voyageurs and hunters for the most part, was the whole force embodied, with the Chevalier Henry de Tonty, who had lost his right hand in battle, and had seen some service in the Italian wars, a brave, hardy, faithful and intrepid soldier, the second in command;\* and three bare-footed, gray-coated friars of the mendicant order of St. Francis: Father Louis Hennepin, the first in rank among them, Gabriel de La Ribourde, venerable for his age, and long and unwearied missionary labors, and the pious and amiable Lenobe Membré, all Recollects, and all eager for such an opportunity to scatter the bread of life among the heathen of this distant hemisphere.

---

\* See Appendix C.

## CHAPTER VII.

## FATHER HENNEPIN.

A passing notice of Hennepin seems not to be inappropriate, as he gave to Louisiana and to the Falls of the Mississippi the names they bear, thus perpetuating forever those of his sovereign and his patron saint, under whose auspices he acted and preserved, in spite of other efforts to change them, the aboriginal names of the streams he embarked upon.

Many of our great natural monuments bear silent testimony in his favor, and conspire to yield him honor and renown.

He was a native of the Spanish Netherlands, and in early life manifested a strong inclination to withdraw from the busy world, that he might regulate his life by rules of the severest virtue, not precisely from the same motive that prompted Saint Anthony, the father and author of monastic life, who in the year 270 retired to the wilderness, there to spend his days

in prayer and penance, nor by that which inspired another religious devotee in the year 289, the monk Saint Paul, who, fleeing from the persecution of Decius, retired into the desert of Thebais, and there passed ninety years in a lonesome cave in conversation with his God, but by a desire to withdraw from temptation, and yet spend his life in action, doing good to his kind.

For this purpose he joined the order of St. Francis, a branch of the Carmelite friars, who had, about the year 1200, made their appearance in Europe from Mount Carmel, where they had received a rule from the Patriarch of Jerusalem. It was a mendicant order, vowed to the lowest poverty, and the severest penance, gray coats and bare-feet as badges of distinction and an entire devotion to the precept, "preach my gospel to the heathen," marked its members. From this, and its kindred order, the Dominicans, has holy Church been supplied with many popes, cardinals, bishops and other noted ecclesiastics, while in saints they have been most wonderfully fruitful.

The voyages and travels of the brethren of this order, a visit to Italy and Calais in obedi-

ence to his vows, the stories he heard from the mariners he met with at Dunkirk on his return, their travels, perils and wonders they had seen in foreign and distant lands, excited in him an undying desire to travel also, and whilst gratifying his curiosity, contribute at the same time his little mite to the amelioration of man.

An opportunity soon presented itself, by an invitation from the Bishop of Quebec to accompany him thither, to labor in fields where but few of his brethren had entered, and among a race whose destitute condition awakened his liveliest sympathies.

Arriving at Quebec some time before La Salle's return from France, he had ample opportunities to discipline himself by encountering every hardship to which the performance of his vows exposed him, and although he was appointed a priest to the cloister of St. Augustine, he yet contrived to spare sufficient time from his monastic duties to make excursions to the Indians of that region; his baggage drawn on the snow in the winter season by a dog, and he himself exposed to all the fury of the elements, with no covering but his cloak, and often without food. He was the very man to

be captivated by such an adventure as the genius of La Salle opened to him, to roam into new and unexplored regions, to see nature in her grandest forms and in her most sequestered haunts, and to offer the sign of salvation to those untutored beings, who, not knowing their bountiful giver, looked upon them with indifference.

It is unnecessary to recapitulate all the incidents of the voyage up the Saint Lawrence and through Lake Ontario to the Niagara river, performed in November, 1678, nor of the building and equipment of a vessel above the Falls, of sixty tons, mounting five small cannon, and three large muskets, fired by a match, the little pioneer of those multitudes that now whiten those waters, and called "the Griffin;" nor of their progress in her, to an island at the entrance of Green Bay, nor of her subsequent loss in a storm on her voyage back, in charge of the pilot and five men, and loaded with peltries and furs, nor of their voyage thence in canoes to the southern end of Lake Michigan, it being sufficient to state they reached the latter point, landing at the mouth of a river, coming from the south, called Miamis, about

the middle of November, 1679, after encountering hardships almost incredible, and dangers and difficulties the most formidable and appalling.

Here a stockade was erected which occupied them until the end of that month, and here perplexity and doubt arises as to the spot called the mouth of "the Miamis," whether it was the mouth of the Saint Joseph on the south-eastern side of the lake, or that of the Chicago or Calumet on the south-western side.

By Hennepin's narrative it would seem that having left the mouth of the Miamis on the second day of December, 1679, "they rowed twenty-five leagues (seventy-five miles), in a south-west direction," and reached the Illinois, "navigable for canoes to within one hundred paces of its source."

Now no stream near Chicago gives such a length of navigation in that direction, and by the Saint Joseph to the portage to the Kankakee the course would be rather south-east, yet that must have been the route, and the Kankakee regarded as the Illinois, which they found navigable for canoes, at the point at which they reached it by the portage.

At the mouth of the Saint Joseph, years before, the faithful missionary, the Jesuit Allouez, had collected together the scattered bands of the Hurons, and established a missionary station, thereby making it a point known to these adventurers, and one which, knowing, they would endeavor to reach.

It was in the dead of winter as they paddled their weary way down the Kankakee, flowing through frozen marshes, destitute of game, and the whole country presenting a most cheerless aspect.

The pains of hunger sorely distressed them, until alleviated by the fortunate capture of a half-famished buffalo struggling in the river. The bones of that animal whitened the whole surface of the plains, and added to their otherwise cheerless desolation.

"How dead the vegetable kingdom lay,  
How dumb the tuneful."—

Every difficulty attended them, yet the courage and perseverance of their leader faltered not. He was gay, cheerful and decided amid them all, and inspired, by his own intrepid bearing, a manly confidence in his less resolute followers. The friars, too, called the devotional

feelings of the party into exercise, and by the joint operation of these influences, they reached, without accident, the Illinois river, and on Christmas, the "Illinois lake," whose bank was spotted with five hundred cabins, the principal village of the "Illinois Nation," though then all deserted, their savage owners being out upon their usual winter hunt.

## CHAPTER VIII.

## ILLINOIS LAKE AND PEORIA.

It is extremely difficult to give locality to this lake. It is not Peoria lake, for the narrative states they did not reach that lake until "New Year's day," describing it as another lake seven leagues long and one broad, "and the country on its borders called Pimitoui," meaning "the place where fat beasts abound." There is, in truth, no such sheet of water as that denominated the "Illinois lake," and I have assumed it to be but an expansion of the river of that name, not far from that attractive curiosity, the "Buffalo rock."

The Miami Nation of Indians had there subsequently, in 1720, a village and fort, and it is quite probable it was the abandoned site of this "Principal village of the Illinois," for it was abandoned in the same year (1680), after being burnt and desolated by the warlike Iroquois.

Abstracting some corn from the "caches," of

which the party was greatly in need, intending to make compensation when the owners should be met, they proceeded to the country of Pimitoui, now known as Peoria.

Expecting to find the Indians there hostile, appearing, as they did, in great numbers upon the shores, La Salle formed his boats in a line across the river, and assumed an appearance as formidable as his little fleet would allow. Some of the Indians fled, some seized their arms, but La Salle, alone and unattended, was in the midst, but he did not present the calumet, lest it might be regarded as an evidence of conscious weakness. Struck by his courage and bold bearing, the savages, though thousands in number, presented that mystic symbol to him, and soon a friendly intercourse was effected. They rubbed the uncovered feet of the friars with bear's oil and the fat of the buffalo, and then fed them with meat, putting, with great ceremony, the first three morsels into their mouths, as a mark of great civility.

Although some scouts from the Miamis, who had preceded their arrival, informed them that La Salle's designs were hostile, and that he was in league with their ancient enemy, the Iro-

quois, who had before that time made hostile incursions into their country from the southern borders of Lake Ontario, then the seat of their power, yet his sagacity, self-possession and consummate address overcame their distrust, whilst the meek bearing and unaffected simplicity of the ill-clad, bare-footed friars excited their sympathy, won their confidence, and aided, essentially, in placing their relations upon the most amicable footing.

They seem to have been a humane and an in-offensive people, by no means warlike or treacherous, and living in no dread but of the Iroquois. Some of them belonged to the village of the "Illinois Lake," and were there among their kindred, the Peorias, engaged in their winter's hunt. With that part of them Father Zenobe desired to remain, and to return with them to their village, to pursue among them his spiritual labors, and save from perdition their infant children, by the efficacy of Christian baptism. It is interesting to see with what zeal these early missionaries sought opportunities to administer this sacrament among the savages, insuring, as they believed it did, the eternal salvation of those who were its fortunate recipients.

The records of their labors among them abound with incidents of this kind, and with expressions of their joy that they were made the humble instruments thus to save their souls.

It is asserted as a fact, in the Relations of the Jesuits, that the "Mission of Saint Louis" was established at Peoria by Father Duguerrè, in 1657, and remained in his charge until 1660. That afterward, in 1670, it was in charge of Father Augustine Meulan de Circe, up to near the time of Marquette's first arrival there, which, we have seen, was in the autumn of 1673. That de Circe abandoned it for a mission to Siam, and became, in after years, an apostolical vicar of China, and yet neither Marquette, Hennepin, nor any other of the early explorers speak of this mission, nor do they allude to the most remarkable natural objects the traveler of the present day everywhere meets with in the region they traversed.

The designs of the adventurers were fully made known to the assembled Indians, and a great feast was prepared in their honor, when the principal chief being absent, his brother, Nikanope, made a speech to them, in which he depicted, in vivid and startling colors, the

fierce character of the savages of the Mississippi, representing them as cruel and blood-thirsty, and too numerous to be resisted, and ended in beseeching them to abandon the enterprise.

This frightful picture so alarmed some of the men, that six of them deserted, choosing rather to encounter the dangers of a return to civilization through the wilderness than such barbarians as were to be found on the banks of the river to which they were destined.

It was now mid-winter, and the little troop were worn out with the fatigue of their long and tedious voyage, and the chief himself, sorely afflicted by the loss of his men, in a state of almost hopeless despondency. They were the only civilized beings in the whole valley of the Mississippi, few in number, and surrounded by savages, and he, himself, the only one to whom they could look for protection. Sensible of their dangers, awake to the liveliest feelings of compassion for their defenseless and exposed condition, and convinced the further prosecution of the voyage at that season would expose his charge to still greater perils and sufferings, La Salle determined to select a position on

the river for a fort, which should afford them, until the coming spring, safety at least.

We cannot but sympathize with this bold and fearless adventurer, when we behold him amid these, his difficulties and embarrassments, nor can we regard, without emotion, the name he so appropriately bestowed upon his little fortress, a name so significant of the condition of his own feelings, so eloquent of his misery, *Crève Cœur*, or Broken Heart.

The spot now entitled to claim the honor of this erection has long been a subject of dispute, many ingenious conjectures having been elaborated to establish it, involved, as it is, in so much doubt and uncertainty. Time, ever busy in destroying, has, long since, crumbled to earth the frail fabric, and erased every artificial mark of its certain existence. The spot is no longer known.

Some, who are curious in such matters, locate it at or near the Peoria lake, on the west side. You may see there, just above the town, heaps of ruins, remains of buildings and other rubbish of antiquity, but they are supposed to be the ruins of the Mission of Saint Louis, and not of *Crève Cœur*; others place it on

the east side of the river, and though in the same vicinity, still higher up the stream, whilst our historian Bancroft locates it "four days' journey below Lake Peoria."

I have seen two ancient maps of this region, on one of which Crève Cœur is placed on the west side of the river, and far removed from it and a great distance below Peoria, whilst upon the other, being a copy from Hennepin, made in 1687, it is located on the south side of the Illinois, far above Peoria, at a point corresponding to the site of "Starved Rock," with the words, "Fort Crève Cœur le Rocher," meaning "the rock," as if to indicate that as the spot.

The following account of it is faithfully transcribed from Hennepin's narrative:

"I must observe here, that the hardest winter lasts not above two months in this charming country; so that, on the 15th of January, there came a sudden thaw, which made the river navigable, and the weather as mild as it is with us in the middle of the spring. M. La Salle, improving this fair season, desired me to go down the river with him to choose a place fit to build our fort.

"After having viewed the country, we pitched upon an eminence on the bank of the river, defended on that side by the river, and on two other by two ditches the rains had made very deep by succession of time, so that it was accessible only by one way, therefore we cast a line to join those two natural ditches, and made the eminence steep on every side, supporting the earth with great pieces of timber.

"We made a hasty lodgment thereupon to be ready to defend us in case the savages would obstruct the building of our fort; but nobody offering to disturb us, we went on diligently with our work." He then speaks of building a barque, which by the first of March, was half finished, and adds: "Our fort was also very near finished, and we named it the fort of 'Crève Cœur,' because the desertion of our men, and the other difficulties we labored under had almost broke our hearts."

The facts we gather from this relation are, that the fort was "down the river," from Peoria, that it was upon an eminence on its bank, with a natural ditch on each side, and accessible in one direction only.

What place may answer to this description,

my knowledge of the topography of that country will not enable me to say.

Bancroft is in error when he says it was built "four days' journey below Peoria lake," and evidently confounds that lake with the Illinois lake first visited, which I have assumed to be but an expansion of the river near Ottawa. If this conjecture be correct, "four days' journey" below it, as Hennepin's narrative states, would place Crève Cœur at a point below, but near the site of the present flourishing city of Peoria, a spot I should like to visit, so full of interest as it is, and where, for the first time in this magnificent valley, the pennon of France was unfurled to its winds.

Here, at Crève Cœur, new arrangements were proposed—the keel of a vessel forty-two feet in length was laid, in which to prosecute the remainder of the voyage to the Gulf of Mexico, but having no rigging or tackle for her, La Salle formed the bold design of returning by land to Fort Frontenac, with three of the men, to obtain those articles—to leave Tonty in charge of the fort, to await his return, whilst in the mean time Hennepin should proceed up the Mississippi, La Salle promising to meet him at the Wisconsin in the ensuing spring.

## CHAPTER IX.

HENNEPIN RETURNS TO QUEBEC, STARVED ROCK — TONTY'S  
RETURN TO GREEN BAY.

Here let us pause and bring our thoughts to bear upon the fragments into which this daring band was broken. First of all, the tragical fate of those in "the Griffin" arrests our attention. As she was the first to spread her tiny sails and trim her slender yards to the breezes of Michigan, so she was the first to be engulfed within its waters. The gorgeous steamboat, with her peopled decks, often passes the spot where she sunk, but how few of all the multitudes that crowd them have heard of her fate.

Next we behold the pious and devoted Friar Mambré separating himself, at the Illinois lake, from his companions, and becoming a voluntary exile, for the only purpose of aiding in the conversion of the savages there, and the propagation of his faith among them. The undaunted chief himself, with three men only, in the win-

ter season, to tempt the toils and dangers of an unknown wilderness journey of twelve hundred miles back to the place of his departure. The Friar Hennepin, with but two men, to take an opposite direction, in search of the great river flowing to some unvisited sea, and Tonty to remain environed by savages, with old Father Gabriel and but eight men to maintain Crève Cœur, that lone and desolate spot, and though a stronghold and a defense, yet by numbers it might be overpowered, and soon become their graves.

What dauntless resolution they all possessed. What a contempt for danger. What unyielding energy of will. What fearless confidence, each in his ability to carry out successfully his allotted part. The morning of the 29th and last day of February, 1680, appeared, when Father Hennepin and his leader La Salle separated, the latter to wend his weary way overland to the northern border of Lake Ontario, and the former to track in his light canoe the Father of Waters to its source.

The frail barque is pushed from the shore, the light paddles are ready, his companions, Picard Du Gay and Michael Ako, leap into it with

him, and with the parting "Benedicite" of the good old Father Gabriel, who advances to the water's edge to bestow it, he is once more upon the river, bound on a tedious and a dangerous voyage. The light vessel moves swiftly upon the gentle current, and as Marquette was, so is Hennepin charmed with the appearance of the country. He bestows upon it the appellation of "The delight of America," and meeting with no obstacles, he safely reaches the Mississippi, and finds it filled with floating ice, a sight well calculated, as it did, to shake the nerves of his less hardy companions. After a detention by this circumstance until the 12th of March, the prow of his little barque is turned against the current of that majestic river. I will not follow this intrepid friar as he ascends it nor stay to recount his capture above the Wisconsin by a war party of the Sioux—his transportation by them to the Falls, which he named after the patron of the expedition, St. Anthony of Padua, his baptizing Indian children, and the wild buffalo hunts in which he engaged, his journey to the mouth of the Wisconsin, according to promise, to meet La Salle, and his disappointment, his return to the Sioux

village, still in captivity, or the various other incidents in which his narrative abounds, being content to state, that having, in the fall, obtained permission from the chief of the band to whom he belonged, to return to Canada, and provided by him with a map of the country by the route of the Wisconsin, sketched on bark, he turned his canoe into that river, ascended it to the portage, across that to Fox river, which he descended to Green Bay. Thence he proceeded to Mackinac, wintering there with Father Pearson, a Jesuit, then in charge of the Mission of Saint Ignace. On the last day of March, 1681, he re-embarked on Lake Huron, passed over Lake Erie, made the portage at the Falls, reached Frontenac, then Montreal, and on the last of April is once more under the walls of the Castle of Quebec, from which he had been absent two years and a half.

Meanwhile his dauntless leader pursues his lonely way on foot over snow banks and ice, with no provisions but such as his gun could procure, through tangled forests and over rugged hills, calling into request all his great powers of endurance and his wonderful fortitude,

back to Frontenac, for further means to facilitate his great adventure.

Passing the "Starved Rock," then as now looking down, in wild and gloomy grandeur, upon the surrounding plains, he was struck with its wonderful capabilities as a defensive position, and dispatching a message to Tonty at Crève Cœur, he ordered him to occupy the rock. Perhaps no other place in the whole valley can be found more capable of defense than that, for on the water side the dark-gray rock rises, with but few projecting angles, nearly perpendicular to a height full two hundred feet above the river, whilst landward, it has no approach but in one direction, and that easily defended by a ditch and pickets and in the midst of game on which to subsist, the vast plains adjacent to it, now dotted with highly cultivated farms, and embellished by industry and art, being then the feeding grounds of immense herds of deer, elk and buffalo.

It is a most romantic spot. I have stood upon the "Starved Rock" and gazed for hours upon the beautiful landscape spread out beneath me. The undulating plains rich in their

verdure, the rounded hills beyond clad in their forest livery, and the gentle river pursuing its noiseless way to the Mississippi and the gulf, all in harmonious association, make up a picture over which the eye delights to wander, and when to these are added the recollection of the heroic adventurers who first occupied it, that there the banner of France so many years floated freely in the winds, that there was civilization, whilst all around them was barbaric darkness, the most intense and varied emotions cannot fail to be awakened.

To this rock Tonty repaired with a part of his little garrison, but whilst engaged in fortifying it, he was alarmed by a report of the revolt of the remainder of his men left at Crève Cœur. His presence there was necessary, where he soon learned that one-half of them had deserted, with such arms and provisions as they could take away.

Having no other alternative, he with those who were faithful and Father Gabriel retired to the village at the Illinois lake, and accepted, for six months, the kind hospitality of the Illinois, whose confidence he gained, and to whom he became serviceable by teaching them

the use of arms, and the construction of a rude fortification for their village and other arts of military strategy, whilst the missionaries pursued their labors with undiminished ardor, but with less success in christianizing any of them, however attentively they may have listened to their learned homilies.

However, a good understanding subsisted among them, until it was announced that an army of Iroquois and Miamis, numbering five hundred men, was advancing into their country, headed by La Salle himself, who was known by his hat and European dress. This proved to be a mistake as to La Salle, but the Iroquois were there in considerable force. Tonty and Zenobe Membré played the part of ambassadors between the two powers, but not being wholly successful in their endeavors to procure a peace, though the calumet was accepted by the Iroquois, and the Illinois warriors, considering that "the better part of valor was discretion," and that was best manifested by running away, fled, leaving Tonty, and Father Gabriel and Zenobe, and three other Frenchmen, his whole disposable force, to manage matters with the enemy as he best could,

and no other alternative presenting, he left the village, without supplies of any kind, in an old canoe, and made all speed up the river, in order to reach Green bay. On his expedition, Father Gabriel was cruelly murdered by three Kickapoo scouts, who dispatched him with a war club and left his body a prey to the eagle and the raven.

The remainder of the party, after much suffering, reached Green bay, and thence proceeded to Mackinac, there to await the return of their leader.

He, as if the sport of the most untoward fortune, found all his affairs in Canada in the utmost confusion, his creditors pressing him, or seizing his property in satisfaction of their claims, and a general distrust of his ability to extricate himself from his embarrassments, pervading the minds of his friends. He, however, did not despair. He engaged more men, abandoned the project of a vessel for the Mississippi, and resolving to promote his voyage in canoes, again left Frontenac on the 23d of July, 1680, and at the end of November was once more at the mouth of the Miamis river; thence he pursued his way to the village of the Illinois, which he

found abandoned — no fortification was seen on the “Rock,” and no tidings of Tonty and his companions could be heard ; he was again, therefore, compelled to relinquish his designs upon the Mississippi and to return to the river of the Miamis. At this post he remained until May, 1681, when he proceeded to Mackinac, and there had the pleasure of meeting with Tonty and his companions, and after mutual congratulations and a short delay, they all proceeded once more to Frontenac.

## CHAPTER X.

LA SALLE AT LENGTH REACHES THE MOUTH OF THE MISSISSIPPI AND TAKES FORMAL POSSESSION IN THE NAME OF FRANCE.

Again we behold this restless man, this resolute chief, La Salle, this determined adventurer, organizing a force with which to prosecute his favorite scheme. Again we see him in his bark canoe, with the faithful Tonty and Zenobe Membré, a few Frenchmen and some Indians of the eastern tribes, on the broad bosom of our ocean lakes. Again we see him in November, 1681, at the river of the Miamis, and after spending six weeks in making the necessary arrangements we see him abandoning the old route by the Saint Joseph and Kankakee, traveling on foot around the southern bend of Lake Michigan to the mouth of the Chicago, whither he had directed Tonty and Father Zenobe to proceed in canoes with their equipage and men. The waters of that river and of the Illinois were

frozen over, and canoes, baggage and all their equipment were conveyed on sledges over the frozen surface to Lake Peoria, and there launched upon the open water.

From this point, after various fortune, they descend to the Mississippi, and borne upon its mighty current, reach the gulf on the 9th day of April, 1682, where, and on that day, Le Mètairie, a Canadian notary, who had accompanied the expedition, drew up, at the request of La Salle, a formal declaration of their discovery and the taking possession of the whole country watered by that stream, in the name of Louis XIV, king of France and Navarre. A leaden plate, with the arms of France and an appropriate Latin inscription engraved upon it, was buried near a tree, and a rude cross erected, in token that "His Majesty, as eldest son of the Church, would annex no country to his crown without making it his chief care to establish the Christian religion therein."

These acts gave Louis an empire far more extensive and fertile than his vast hereditary European possessions, but not destined, in the dispensation of Providence, long to remain an appanage to his crown. This declaration by

the notary, Mètairie, has been copied from the archives in the Marine Department at Paris,\* and settles the question, as to who was the first French discoverer of the mouth of our great river, Hennepin having claimed it for himself as having been made by him in 1680, but for certain very unsubstantial reasons, which he gives, he omitted in his publication of that voyage entitled "History of Louisiana," printed in Paris in 1683.

In his after publication of his "New Discovery," printed at Utrecht in 1698, he did insert an account of an alleged expedition to the gulf, made by him and his two companions, Picard Du Gay and Michael Ako, in 1680, who, instead of going up the river as ordered by La Salle on separating at Crève Cœur, proceeded down it. Before this publication, however, Tonty's relation had been published, and in 1691, a work entitled "The Establishment of the Faith in New France," by a Recollet Missionary Father Le Clerg, who had derived his materials relating to La Salle's expedition to the gulf from the letters which the Father Zenobe Membré, who accompanied it, had written to the Bishop of Quebec.

---

\*By Jared Sparks.

Parallel passages from Le Clerg and Hennepin have been examined, so closely resembling, in every important particular, as to compel the belief that Hennepin's publication of 1698 is a piracy upon it, and a wicked attempt to deprive La Salle of his hard-earned honor.

In the summer of 1683, La Salle returned to the Illinois, caused the Fort Saint Louis at the "Starved Rock" to be completed and occupied, and leaving Tonty in command, in the autumn of that year departed for Quebec, and thence to France, to unfold to his sovereign his plans for the settlement of the country of which he had thus taken possession.

We have all heard of his expedition by sea for that purpose, with a small but well-appointed fleet, of his disasters and accidents, his failure to find the mouth of the great river, his landing and settlement far west of it, at the bay of Matagorda in Texas in 1685, and there erecting the Fort Saint Louis; the various attempts he made to penetrate the wilderness from that point to the Mississippi, and his disappointments; and finally, of his truly melancholy fate, whilst engaged in one of these efforts in 1687, being assassinated in

the most cowardly and cruel manner by one of his own men, and who, with other malcontents of his little band, had but a few days previously, butchered with an axe, as they slept, three of his most devoted followers, one of them his nephew, to whom he was devotedly attached.

The unfortunate chief spoke not after receiving the fatal shot, but grasping the hand of his only companion, the Father Anastasius, he calmly died and his body was left to be devoured by the beasts of the wilderness, on a branch of the Trinity, where he fell. No one now can indicate the spot where the neglected remains of the noble-minded, the chivalric, the dauntless La Salle were left.

It cannot now be distinguished, and the pilgrim to the banks of that river will search in vain for the place where mingle the ashes of one whose mind grasped the most magnificent conceptions, whose persevering energy added to the dominions of his native prince a rich imperial valley.

After his death, the party proceeded, through much suffering and difficulty, to "Fort Saint Louis," of the Illinois, reaching it on the 14th

of September, 1687, cordially greeted by the faithful Tonty, who related to them, that in the previous year, with forty men in canoes, he had descended the Mississippi to the gulf in search of La Salle, and that he had established the fort at the Arkansas, which they saw on their way up.

The friendly Indians of the Illinois had built their new village around this fort, and under Tonty had aided, in 1684, in repelling an attack upon it, made by the warlike Iroquois.

This was the seat of French power in Illinois, with Tonty the highest executive officer until 1689, and considered by the Governor of Canada a post of no trifling importance.

Its history, subsequent to this, is obscure, and the bare summit of the rock affords now no traces of its ancient and long-continued military occupancy.

These accounts, thus intimately connected with our earliest history, are full of interest to us certainly, who are in the safe enjoyment of the many fruits of the wild and hazardous adventures they record.

These fair fields yearly blossoming with their varied products, the stirring multitudes who

now fill these plains, this rich fruition of a doubtful promise which we so abundantly enjoy, are the results of the adventures of the meek Marquette.

In his little barque was borne the seed from which they have all sprung up, and those rivers and lakes which were its pathway now reflect, from their surfaces, civilization, commerce, wealth and all the varied embellishments of life. These verdant prairies are no longer a solitude, these forests, in their gorgeous drapery, no more shelter the savage or echo to his warwhoop, these smokes that curl to heaven are not of the council fires, the wigwam and its tenant have alike disappeared, the dominion of civilized man is there, and the whole valley is filled with its busy hum.

## CHAPTER XI.

### LA SALLE OBTAINS THE PATRONAGE OF LOUIS XIV TO COLONIZE THE MISSISSIPPI.

These discoveries, opening to the view of a restless world such a country as this, watered by the Mississippi and its many large tributaries, naturally excited a desire to know more of it, and either to share with its lawful proprietors its vast and manifold advantages, or make an exclusive appropriation of them.

The enlightened, christianized and intelligent white man could never acquiesce in the belief that such a fair creation as this is was intended to be the red man's heritage, to be roamed over and hunted upon "by him and his heirs forever," or that such could be the *habendum et tenendum* of his patent, consequently when the discovery was made known in Canada by La Salle on his return in 1683, and in France in the same year, the views, not only of those who are generally and most easily

influenced by such representations as he must have made, but those of royalty also, were excited to its importance and directed thitherward.

That portion of the valley, however, which most attracted the royal regard, and that of his ministers, was the southern, possessing the advantages of an extensive border on the gulf, adjacent also to his West India possessions, and the country itself inviting enterprise by its apparent fertility and mild climate and by the rich mineral treasures supposed to be concealed within it.

Accordingly it was not difficult for La Salle to procure the royal assent and patronage to an effort to colonize, that such an undertaking, if successful, would, in conformity with a well-known principle, then constantly acted upon, give the French king lawful possession of all the country watered by the river whose mouth he occupied and controlled, and for this purpose only, no other effort at colonization was necessary, and, therefore, no post was established in the upper part of the valley by royal authority, nor any measures taken by government, for many years after its discovery,

to appropriate it or to exercise any dominion whatever over it.

The contrary of this is, I know, the general opinion, it being often asserted that soon after his return Kaskaskia, Cohokia, Peoria and other points were selected by the government of France as "a cordon of posts" to aid in the accomplishment of the design said to have been then entertained by it — on failing to plant the standard of Louis on the shores of the Pacific — to connect this valley and the Gulf of Mexico with his Canadian possessions — to people it and thus render it a strong counterpoise to the power of the English, then displaying itself on the eastern side of the Alleghanies.

But the very points named would seem to me to dissipate any such idea. They were situated at unequal and remote distances from each other, in the direction of Canada, and there were none intervening the gulf and Kaskaskia, a distance of more than one thousand miles, except one at the Arkansas, and therefore too scattered to be links in such a chain of connection, and not calculated to give efficiency and stability, either to a colonial or even to a military system.

They furnish no evidence of having been brought into life by the genius of a Colbert, and mark in no degree a vast and magnificent governmental conception. Their origin was far more humble—the cloister and the counting-room had more to do with it than the royal cabinet.

Some zealous, prying, adventurous Jesuit was the instrument—he smoothed the way for the trader and his “fire-water,” and he in turn lured others here by the warm buffalo robes, rich beaver-skins, and huge packs of peltries he sent to Quebec and to France.

In this way a little nucleus was first formed at each missionary station—specks only in the vast ocean of verdure by which they were surrounded—the first shoots from the seed borne in Marquette’s barque—the first dawning of civilization in these then untrodden western wilds.

Cartier, the discoverer of Canada, recommended to the few colonists he left there, to gain the good-will of the natives by all the means in their power, and to identify themselves with them by intermarriages, and his advice was followed. Here it was not forgotten, and matrimonial alliances gave strength to those founded on mere friendship or policy.

Others brought wives with them from Canada and by gradual accession of this kind, in the progress of years, little communities grew up. Then came some few of the restless and dissatisfied of the old world, on whose surface floated many worthless particles, each heave of its billow casting some of them into this nidus where they rapidly germinated, growing by neglect, as ill weeds do, and waxing strong on the rich aliment around them.

The Jesuit missionary was led hither by the self-same fervid zeal and resolute daring that prompted the brethren of that order to visit China, Tartary, the lone islands of the ocean, and all other parts of the globe, and it was irrepressible; the trader from a burning desire of gain and that was insatiable; the others from those various motives which prompt and control some members of every social community to change their position, and that is organic.

The crucifix and the "fire-water" were unquestionably the first symbols of civilization in this valley, *and no* government designs are perceptible at this period, whilst those of a religious order are, Indian villages having been

first selected, and the very places likely to attract the notice of the Jesuit missionaries.

Whatever may have been the errors or the crimes of the Jesuits, whilst playing their parts on the great theater of the old world, they seem, on the more restricted one of this continent, to have been prompted in their labors by a pure spirit of philanthropy, stimulated to a high tone by the truly miserable and degraded condition in which they found its native occupants. It would be but common charity to believe they were influenced alone by a sincere desire to raise them from this degradation, by the influence of that religion they professed, and whose wonder-working power they so well knew how to apply. That trait in the savage character — that organic infatuation he possessed, exhibiting itself in a foolish fondness for show, for pictures, for gaudy decorations, for ceremonies, songs, and such like appeals to his senses, had not been overlooked, at an early day, by the sagacious and crafty Jesuits, and they made it the portal by which to enter into their simple and childlike affections.

The captivating ceremonials of the Romish Church was an admirable instrument to accom-

plish this, more potent far than grave theological disquisitions with their "medicine-men," or all the homilies they could preach from their sylvan pulpits, and more affecting than the most fervent prayer read from their little breviaries.

How could these simple forest children resist the influence which is shed over almost every one who witnesses the nuptial, the baptismal, or the funeral rites of that Church? or the imposing ceremonies of the sacrifice of the Mass, the illuminated altar with the officiating priest in full canonical vestments—the silver chalice, which, with so many genuflexions and solemn obeisances, he places to his lips—the solemn song going to the heart and ravishing one sense, whilst the incense widely diffused by its bearer regales another, all in combination with the carved crucifix, exhibiting our Saviour in his suffering; how could these fail to soften their hearts and to prompt them, not only to forsake the worship of their idols for this worship, but to cling with affection to those who practiced it?

Before the advent of the Jesuits, they had seen their God only in the clouds, and had heard him only in the winds, now he was re-

vealed to them, and their fancied "Manitou" fell from their affections, and lost his power, and with it they soon became powerless also.

Like the wild fig-tree of Florida, a creeper at first, entwining its tendrils around some monarch of the forest, smothering it in its meshes and feeding upon its decaying fibers, becomes itself a beautiful and a stately tree, so did these humble but persevering men, by their own peculiar process, become the undisputed lords of this vast and fertile region.

## CHAPTER XII.

## THE FOUNDATION OF KASKASKIA ON THE MISSISSIPPI.

In what particular year they effected a permanent settlement here I cannot ascertain and further than the relation before alluded to, of the establishment of the Mission of St. Louis, at Peoria, in 1653. That Fort St. Louis, at the "Starved Rock" became a missionary station, and so continued until its abandonment, is unquestionable, as it was in convenient proximity to the most considerable villages of the Illinois. Its records may, no doubt, be found in the archives of the church in Quebec, and would well repay the efforts of the curious to search them out.

The earliest record I can find of any description is "the Register of Baptisms of the Mission of Illinois," under the title of "the Immaculate Conception of the Blessed Virgin," and now among the archives of the church at Kaskaskia.

The first entry in it bears date March 20,

1695, and is in the handwriting of James Gravier. It is in the following form :

"In the year 1695, March 20th, I, James Gravier, of the Society of Jesus, baptized Peter Ako, newly born of P. Michael Ako, Godfather was D. de Hautchy, Godmother Mary Arami, Mary Jane grandmother of the child."

This record is continued down to the present time, and furnishes the names of all the priests who ever officiated there at any period.\*

---

\* NOTE B.—Mr. E. G. Mason of Chicago, in the *Magazine of American History*, Vol. VI, p. 3, March, 1881, establishes the fact that the first town or village known as *Kaskaskia* in this State has been identified with that of a village of the Illinois tribe containing about seventy-four cabins, in 1673-5, and situate upon the great meadow, south of the modern town of Utica. He says that when Father Marquette returned from his adventurous voyage upon the Mississippi in 1673, by the way of the Illinois, he found on the latter river a village of the Illinois tribe, containing seventy-four cabins, which was called *Kaskaskia*. Its inhabitants received him well, and obtained from him a promise to return and instruct them. He kept that promise faithfully, undaunted by disease and toilsome journeys and inclement weather, and after a rude wintering by the Chicago river, reached the Illinois village again April 8, 1675. Marquette established there a mission to which he gave the name of the Immaculate Conception of the Blessed Virgin, and for a little time was able to teach the chiefs and the people. But continued illness soon obliged him to set forth upon that return voyage which brought him to a lonely grave in the wilderness.

The learning and research of this article were first embodied by Mr. Mason in a lecture delivered by him before the Chicago Historical Society in 1882, and a transcript of the more interesting portions embodying the evidence as to the *Kaskaskia*, which became the capital of Illinois in 1809, and 1818 when she was first erected into a territorial government by Congress, and afterward admitted as a State into the American Union, is as follows :

"But the evidence that this mission remained upon the Illinois

It is asserted that James Gravier was the founder of Kaskaskia, but in what year is not stated.

---

river until the year 1700, and that there was no settlement before that time upon the site of the Kaskaskia we now know, appears to be well nigh conclusive. A letter written to the Bishop of Quebec by John Francis Buisson de St. Cosme, a missionary priest, describes the journey of his party from Michillimackinac to the mouth of the Arkansas, by the Illinois and Mississippi rivers, in the year 1699. They stayed at the house of the Jesuit Fathers at Chicago, and set out from there about November first, on what one of their predecessors calls the divine river, named by the Indians Checagou, and made the portage to the river of the Illinois. Passing the Illinois village before referred to, they learned that most of the Indians had gone to Peoria lake to hunt. Arriving there, they met the Fathers Pinet and Maret, with their flock, of which St. Cosme gives a good account, and he speaks of their work as the Illinois mission. The party journeyed onward under the guidance of La Salle's trusty lieutenant, Tonti. While on the Illinois river, certain Indians attempted to prevent their going to the Mississippi, and intimated that they would be killed if they did so. Tonti replied that he did not fear men, that they had seen him meet the Iroquois, and knew that he could kill men; and the Indians offered no further opposition. They reached the Mississippi the 6th of December, 1699, and the next day reached the village of the Tamarois, who had never seen any "black-gown," except for a few days when the Reverend Father Gravier paid them a visit. A week later, they ascended a rock on the right, going down the river, and erected a beautiful cross, which their escort saluted with a volley of musketry, and St. Cosme prayed that God might grant that the cross, which had never been known in those regions, might triumph there. From the context of the letter, it is evident that this ceremony took place not far below the site of the present Kaskaskia, which St. Cosme must have passed to reach this rock, but he makes no mention of such a village. Furthermore, within fifteen miles or so of Kaskaskia, there is a rocky bluff on the Missouri side of the river, known now as the Cape of the Five Men, or Cap Cinq Hommes. This doubtless is a corruption of the name of the good Father St. Cosme, as appears from a map made a little more than one hundred years ago, which gives both names, Cinq Hommes and St. Cosme, to this very bluff. It probably is the identical one which he ascended, and

Here is the earliest evidence of his presence in this transcript from "the Register" which I have discovered, whilst the name of Michael

---

he could not have spoken of the cross as unknown in those regions, had there been any settlement so near the spot as the Kaskaskia we now know. Tonti, who was the leader of this party, is thought by some to have founded Kaskaskia in 1686. Nobler founder could no town have had than this faithful and fearless soldier, but the facts just narrated make such a theory impossible.

"Again in the early part of the year 1700, a bold voyager, Le Sueur whose journal is in print, pushed up the Mississippi from its mouth, where D'Iberville had just planted the banner of France, and passed the site of Kaskaskia, without notice of such a place. He speaks of the village of the Tamarois, where by this time St. Cosme had taken up his abode on his return from the south. About July 15th, going northward, La Sueur arrived at the mouth of the Illinois, and there met three Canadian *voyageurs* coming to join his party, and received by them a letter from the Jesuit Marest, dated July 10, 1700, at the Mission of the Immaculate Conception of the Blessed Virgin at the Illinois. The letter of St. Cosme, and the journal of La Sueur, seem to show clearly enough that down to the middle of the year 1700, the present Kaskaskia had not been settled, and that the mission was still on the Illinois river.

And lastly we have the journal of the voyage of Father James Gravier, in 1700, from the country of the Illinois to the mouth of the Mississippi; from which we learn that he returned from Michillimackinac, and set out from Chicago on the 8th of September, 1700. He says he arrived too late at the Illinois, of whom Father Marest had charge, to prevent the transmigration of the village of the Kaskaskias, which was too precipitately made, on vague news of the establishment on the Mississippi, evidently referring to the landing of D'Iberville the year before. He did not believe that the Kaskaskias, whom Marest accompanied, would have separated from the Peorias and other Illinois, had he arrived sooner; and he obtained a promise from the Peorias to await his return from the Mississippi. After having marched four days with the Kaskaskias, Gravier went forward with Marest, whom he left sick at the Tamarois village, and departed from there October 9, 1700, to go to the lower part of the Mississippi, accompanied only by some Frenchmen. The Indians with Marest, we may presume, halted upon the peninsula between the Kaskaskia and the Mississippi rivers,

Ako, the companion of Hennepin in 1680 and his presenting a child at the baptismal font would serve to show that he had been there at a time sufficiently long before 1695 to have formed a matrimonial connection, the fruit of which Father Gravier enrolled in the calendar of the Church. He officiated until June 13, 1697, and was succeeded by Julian Bineteau and he by Gabriel Marest in 1699.

Before the commencement of the eighteenth century then, we have every reason to believe that a germ of civilization had taken root on

---

where we soon after find them; and thus doubtless was accomplished the transfer of the mission to its final location. The eagerness of the Illinois tribes to be in closer communication with the French was probably intensified by their desire to escape any further assaults from their dreaded enemies, and to rear their wigwams where they would never hear the war-cry of the Iroquois. Both motives would operate more powerfully with the Kaskaskias than with any others, because they had been longer under the influence of the French, and because, in their old location, they were the first to receive the onslaughts of the relentless foemen of the Illinois. Hence they set out to go to the lower Mississippi, but Gravier's influence, and perhaps Marest's illness as well, led them to pause at the first suitable resting place, and that became their permanent abode. And when we consider that a few years later, this same Father Marest, who accompanied these Indians on their migration, was stationed at the present Kaskaskia, in charge of the mission of the Immaculate Conception, as appears from his letters; that he died and was buried there, as is shown by the parish records; and that we hear nothing further of a mission of this name on the Illinois river,—we may reasonably conclude that the Kaskaskia of our time should date its origin from the fall of the year 1700, and should honor James Gravier and Gabriel Marest as its founders.

our soil, had sprung up and borne fruit, and has continued to grow and increase and expand, to this, our day.

No evidence is to be found, among our early records, of the exercise of any controlling power, save that of the Jesuits, up to the time of the grant to Crozat in 1712, and I have no idea that any such existed in the shape of government, or that there was any other social organization than that effected by them and of which they were the head.

That the trader divided the empire with the priests cannot be doubted, for he had efficient means of control in his power also. He had the blankets and the stroud and the fusees, and the calicoes, and the fire-water, and what other elements of power did he require to gain an enviable ascendancy?

The question has been often asked, how was it that the French always had such amicable relations with the American Indians? How did they acquire such an influence over them as they possessed, and how retain it, in opposition to the many efforts made by a rival power to deprive them of it?

A satisfactory reply may be found in what has

been already stated — religious influence brought to bear upon them; by the most learned, acute, crafty, zealous and indefatigable men of the age — by intermarriages with them and by the power of the “fire-water” and the possession of fire-arms. Added to all these was that singular native aptitude, so characteristic of the Frenchman, to be satisfied under circumstances which would deprive an Anglo-Saxon of all his serenity and composure.

Though naturally gay and volatile, he has, notwithstanding, great energy, courage and fortitude, and a happy *bonhomie*, disposing him, in whatever situation he may be placed, to inspire the same feelings in others, and an astonishing faculty of dispensing the light and beauty of his own nature around every circle, Christian or savage, and instead of being grum, gruff, and surly over his wild rice and jerked venison, he laughs and talks with no counterfeited pleasure, and joins in the corn-dance to the sound of the drum, and the rattle of the *chechegua*, with as much apparent gusto as he would in his national cotillion to the music of his own loved violin. He has, too, his own interest in his eye, as much as any other man, and therefore would neither say or do any thing offensive to those among

whom he had come to gather buffalo robes, peltries and beaver skins. His effort is to conciliate, and he is generally successful. Who in our day is sought for as the most competent for the Indian trade?

Who knows the most distant tribes best, and has pushed his adventurous canoe farthest up our wild western waters, and given them their names? The Frenchman. His peculiar qualities have enabled him to accomplish feats of the most daring enterprise, and to move, unharmed, among savage nations whose tomahawks have spared no white man but him.

At Cahokia the Jesuit Fathers Pinet and Bineteau had established the Mission of Saint Sulpice, and christened the little community that grew up around it by the name of "Sainte Famille de Caoquias," whilst that at Kaskaskia was denominated "Le Village d'Immaculee Conception de Cascasquias."

The pursuits of the adventurers to both places were similar—all hunted and fished for a living, assumed Indian habits, affected their manners and spoke their dialects, yet preserving their own national peculiarities with but little real change.

At Cahokia, the Jesuits had valuable mills for corn and planks, a large farm with a costly mansion upon it, and at Kaskaskia a stone church and chapel and a large house of the same material, an extensive brewery, a farm of more than two hundred acres, and immense herds of cattle, originally obtained from the upper missions, and horses from the same, the lineal descendants of the Canadian pony. At each all the comforts of life were at command, and each was blessed with a hopeful congregation of tawny neophytes. At both, the priests and the traders were the "big men," their quiet subjects taking but little thought of the morrow, "what they should eat, or what they should drink, or wherewithal they should be clad," for plenty surrounded them, and the only occurrences to checker the monotony of their spiritless existence, and rouse them up to a consciousness that they were not the only people in the world, were the occasional arrivals of bands of the distant Osages from the banks of the Missouri, to dance the calumet, or a fresh supply of missionaries from the cloisters of Quebec, or of traders from France, who, having inspected and approved the quality

of the furs and peltries sent there from this valley, desired a more near and a more profitable acquaintance with the now tamed and christianized beings who supplied them. Land was not an object of acquisition at either place—the whole domain was free for their use, and individual appropriations to any great extent unnecessary and undesired.

The Jesuits occupied as commanding sites as could be had, and as much as they desired, but they were small parcels, which the native sovereigns cheerfully surrendered to their kind friends, who had crossed the great water to come to them, for the holy purpose of pointing them to a better heaven than the one “behind the cloud-capped hill,” which they had pictured in their wild and untutored fancies, as for the others, they built their huts where they pleased, and planted their corn in such spots as gave token of the greatest return, and there was none to make them afraid.

As a consequence of this, Cahokia straggled along the creek or “Rigolet” where the first lodgment had been made, and Kaskaskia presented the same appearance upon the river bank it occupied, there being in neither the least regularity of design, or any attempt to profit by the acknowledged advantages each possessed.

## CHAPTER XIII.

THE CHURCH, AND NOT A FORT, THE BEGINNING OF THE  
COLONY IN ILLINOIS.

A fort is usually the first erection of all intruders into new colonies, as a protection against those whose animosity is so apt to be excited by the intrusion, but in this part of the valley it was a church—the cross was planted instead of palisades, and the priest in his frock was more potent than the soldier in his armor. As every community has within itself its own peculiar principle of happiness, so had this. The means of subsistence were ample and easily obtained, the climate was mild and healthful, or if the ague did occasionally attack them, the priests, who possessed consummate skill in pharmacy, and had long before discovered the tonic properties of the Peruvian bark, and hence called “Jesuit’s bark,” would soon allay the paroxysms.

As for *taxes*, that scourge of our race, there were none to pay, as there was no government to support, and they were too far removed to become the subjects of royal exactions, or to be made to surrender any part of their means to sustain a pampered and heartless nobility. The dues to the priest and the fiddler were cheerfully rendered, for from both they received a valuable consideration—from the one masses, and from the other music.

To those then fond of inaction, and content to vegetate only, no spots could have been found more desirable than those thus early selected in this magnificent valley, and if love of music and of dancing be an evidence of refinement, what places could boast a more refined and polished people?

That Peoria, the Starved Rock, Cahokia and Kaskaskia should have been the principal points of attraction is not wonderful, when it is considered that each was the village of a populous tribe of Indians of the Illinois Nation, the other tribes the Mitchigianas, whose village cannot now be located, and the *Tamaroas*, occupying the present village of that name on the banks of the Okaw or Kaskaskia river, both

too insignificant in numbers to justify an established mission, being supplied with spiritual food from the priests at the others.

There was nothing in the scenery of Cahokia to attract a lover of the "picturesque"—it had a sluggish, muddy creek, long since, however, taken "French leave" of it, having found a shorter channel to the Mississippi, through the soft and yielding alluvion of its banks, leaving the village upon a dry ridge of sand and surrounded by ponds and marshes, exhaling mephitic vapors charged with ague-breeding miasma.

At Kaskaskia, however, *there* was something to captivate the eye and ravish the senses. The velvet verdure of the plain, the glossy surface of the idle river, the lofty hill with its stately forest, the air scented with the fragrance of its clustered wild flowers, the little springs gushing from its side in sparkling beauty, all reposing in the sleep of nature, with their virgin freshness then upon them—there was a landscape to charm her most capricious lover.

Peoria, too, had its peculiar and attractive beauties. Its lovely lake and pebbly shore rising in pleasing swell and gentle ascent westward to the prairie, where it is met by a higher elevation,

presents a scene well calculated to call forth the poetic exclamation of the disguised king when wandering amid the scenery of Loch Katrina :

And what a scene were here, he cried,  
For princely pomp or churchman's pride!  
On this bold brow a lordly tower;  
In that soft vale a lady's bower.

"On yonder meadow, far away,  
The turrets of a cloister gray —  
How blithely might the bugle horn  
Chide on this lake the lingering morn !

"And when the midnight moon should lave  
Her forehead in the silver wave,  
How solemn on the ear would come  
The holy matin's distant hum!"

The early missionaries and traders must have been charmed with the view, as it met their ardent gaze, and its native occupants, the dwellers in the country of Pimitoui, now a wretched and feeble remnant of their former power, must look back upon it from the hills of their home in the far west, with undying, ceaseless affection.

By a rule of the order of Jesuits, the missionaries to all parts of the world were required to furnish, periodically, full reports, not only of the spiritual condition of their catechumens, but ac-

curate descriptions of the different countries in which they were laboring, together with such conjectures and remarks as their keen observation would justify.

This was punctually observed by the Jesuits in this valley, embraced in their numerous letters, "curious and edifying," and published under that title.

From these accounts thus sent into the world, from this, their seclusion—of its desirable climate, fruitful soil, abundant native products, and vast rivers, together with their conjectures, that the useful and the precious metals might be found lurking beneath the surface, or in the crevices of its rocks, or in the sands of its streams, the cupidity of the more enterprising was awakened, and the royal bosom itself glowed with the desire to appropriate the anticipated spoils.

Engaged in the long and bloody wars for the Spanish succession, then waged with the most persevering resolution, the French monarch had no opportunity of attending to his possessions here, and no time to indulge in schemes of distant colonization. The treaty of Ryswick, in 1697, gave peace to Europe, and stopped the

currents of blood which had been so copiously poured out upon her plains, and fifteen years afterward, his royal regard was awakened to a sense of its importance, when the Sieur Anthony Crozat besought privileges in it.

## CHAPTER XIV.

LOUIS XIV, IN 1712, GRANTS THE COUNTRY TO CROZAT AND  
IT IS CALLED LOUISIANA.

Crozat was a man of enterprise and talents, was one of his majesty's counselors, a secretary also of his household, of his crown and revenue, whose zeal and the singular knowledge he had acquired in maritime commerce had procured to the kingdom great quantities of gold and silver at critical conjunctures of its finances.

As fortifying the statement that the French government had not before this time directed their attention to this vast and fruitful region, the patent to Crozat recites that "notwithstanding the wars, the king had always desired to enlarge and extend the trade of his American colonies, that for that purpose he had given orders in 1683 to undertake a discovery of the countries and lands situated in the northern part of America, between New France and New Mexico, and that the Sieur de La

Salle, to whom he committed the enterprise, had success enough to confirm a *belief* that a communication *might* be settled from New France to the Gulf of Mexico by means of large rivers, upon which, immediately after the peace of Ryswick, he had given orders for the establishment of a colony there, and maintaining a garrison to keep the possession he had taken in 1683, of the lands, coasts and islands in the Gulf of Mexico, between Carolina on the east and Old and New Mexico on the west.

Now, if in 1712 a *belief* only should have been entertained that this valley might be settled, the idea of the existence of a project to connect it immediately on its discovery with Canada and the gulf is certainly not well founded. If the king of France had made any efforts toward it, at that early day, he would have alluded to them in his grant to Crozat, to the military posts and missionary stations he had caused to be established in it. But no allusion of the kind is made, no reference whatever to any such establishments. The garrison and colony he speaks of were at or near the mouth of the Mississippi, and he seems not to have known of the secure foothold the Jesuits

and others, under their patronage, had obtained in this portion of his domains.

To Crozat, for the reasons mentioned, was the commerce of the whole country granted for fifteen years in all the lands possessed by the French king as bounded "by New Mexico and the English of Carolina—all the establishments, ports, havens, rivers and principally the port and haven of the Isle Dauphine, heretofore called Massacre, from the edge of the sea as far as the Illinois, together with the river St. Philip, heretofore called the Missouriys, and of St. Jerome, heretofore called Oubache, with all the countries, territories, lakes within land, and the rivers which fall directly or indirectly into that part of the river of St. Louis."

The king's pleasure was that all the above-mentioned lands, countries, streams, rivers and islands should be and remain under the name of "the Government of Louisiana, which shall be dependent upon the general government of New France, to which it is subordinate; and further, that all the lands we possess from the Illinois be united, so far as occasion requires, to the general government of New France and become part thereof," reserving to himself the

liberty of enlarging the extent of the government of the country of Louisiana, as he, the king, might think fit. Crozat was also permitted "to search for, open and dig all sorts of mines, veins and minerals throughout the whole extent of the country of Louisiana, and to transfer the profits thereof into any part of France during the said fifteen years."

There was also granted to him, in perpetuity, his heirs and others claiming under him or them, the property of the said mines, veins and minerals, paying the king, in lieu of all claim, the fifth part of all the gold and silver, to be transported to France at the charge of Crozat, the king taking the risk of the sea and of war as to his fifth, and the tenth part of what effects he might draw from the other mines, veins and minerals, which tenth was to be deposited in the king's magazine in Louisiana.

He was also permitted to search for precious stones and pearls, paying to his majesty one-fifth, in the same manner as was directed of the gold and silver.

It was further stipulated that the property in these mines should be forfeited, if Crozat, or his heirs, discontinued working them for the

space of three years, and in such case they should be remitted to the king's domain *ipso facto*, without the formality of any legal process, but simply by an ordinance of reunion from such sub-delegate of the intendant of New France as might, at the time, happen to be in the country.

The royal edicts and ordinances, and "the customs of Paris," were directed to be observed for the laws and customs of the country.

This grant bears date at Fontainebleau, September 14, 1712,\* and was registered in the Parliament of Paris, on the twentieth of the same month and year, being the seventieth of the old monarch's reign, when tired of wars and with an exhausted exchequer, he turned his eyes hither, hoping here gold might be had for the gathering, with which to replenish it. No other motive prompted him, no other object glittered on the horizon of his hopes.

---

\* See Appendix D.

## CHAPTER XV.

CROZAT SURRENDERS HIS PRIVILEGES TO KING LOUIS XV,  
1717 — LAW'S MISSISSIPPI SCHEME.

Up to this period this country had never received, "by authority," any designation or name, it being then for the first time, by a public official act, denominated "Louisiana," and made a dependency of New France, the intendant of which could appoint a sub-delegate over it, which, if "office hunting" was in fashion in those days, he doubtless did so, but of which there is here no evidence.

These facts serve to strengthen the opinion that previous thereto this portion of the valley was under the entire control of the Jesuits, and subject to their sway.

To effectuate the objects of his grant, Crozat brought out the necessary miners and mining tools, some slaves from the West India Islands, other laborers and artisans, and pursued more

or less diligently his explorations for the precious metals.

The adventurers under his patronage are the first who profited by the mineral treasures of Missouri, gathering their subsistence from the settlers at Kaskaskia and Cahokia, and to whom they added such of their numbers as preferred the cultivation of the earth and fixed employment to the more precarious pursuit in which they had engaged.

Four years digging and boring and "prospecting" were all sufficient to convince the patron and his followers that here was not the home of the pearl and of the precious stone, nor of the silver and the glittering gold, the depraved appetite for which had destroyed the thrones of Montezuma, and of the Incas of Peru, and had immolated thousands of innocent and peaceful human beings upon its accursed altar. It was not to be gratified here, and, therefore, the *Sieur Crozat* was content, in 1717, to surrender his privileges and his rights to the king who then occupied the throne, under the regency of the Duke of Orleans, the infant Louis XV.

This failure, however, had a beneficial effect

upon the settlements at Kaskaskia and Cahokia, as they were in the neighborhood of the lead mines which were extensively worked, and their happy condition could not fail to allure many to them to participate in it.

Hence, from this source a good supply of Christian muscle and sinew was brought to the colony—men of various aptitudes, all of whom found in due time pursuits congenial to them, and a fit theater on which to act out their appropriate characters.

At this period, including the king's troops sent here to protect the adventurers, the colonists in all Louisiana, of every age, sex and color, did not exceed fifteen hundred, those in the Illinois occupying, besides the principal villages of Kaskaskia and Cahokia, the post at Vincennes, which seven years previously had been established there, and had become the seat of a Jesuit mission, Peoria, and the site at the mouth of the Wea upon the Wabash, Detroit, Mackinaw and Chicago. The other villages, St. Philip, Chartre village, Prairie du Roche and Prairie du Pont not being then in existence.

About this time the attention of all France

was directed toward that "great financier" — for that is the fashionable word — John Law, who, under the auspices of the regent, had organized "the Company of the West," or India Company, better known as "the Mississippi scheme," of which he was the projector, and to whom, and his associates, was granted all Louisiana, with full property in the soil.

The ill success of Crozat had not dispelled the idea which seems to have possessed the leading minds of France, that a hidden Pactolus was here, that oriental gems here found a home.

The long wars of Louis XIV had involved his kingdom in a debt of \$400,000,000, at his decease, the surplus revenues of the empire being greatly inadequate to meet the interest upon it, they amounting to less than \$1,000,000, the consequence of which was, that the national securities were of but little value, and the national credit at an extremely low point of depression.

Law, then a private banker, with a capital of less than \$1,000,000, which he used cautiously, had won the public confidence, in the bills he emitted, and that of the regent by contributing to his private necessities in the career of dissipation he so eagerly pursued. He pro-

posed to him a "credit system," in comparison to which, that of our times shrinks into insignificance, and by which, without loans or taxes, all the debts of the kingdom should be paid.

The scheme was to collect together all the coin of the kingdom into one bank, and issue notes as its representative, which, by the royal fiat, could be made receivable not only for the public dues, but be made a legal tender in all private transactions.

Law entertained the same opinion which some of our great statesmen inculcate, that the currency of a country is only the representative of its moving wealth, and that the representative need not possess any intrinsic value, that credit consists in the excess of these representatives over the cash to meet them with, and its advantages are in a direct ratio of such excess, hence the plan to collect the bullion and specie of France into a bank and issue notes for circulation. The mint, also the trading companies and the revenues of the kingdom were to be drawn within its influence. The supposed rich mines of Louisiana were to be opened and the product of its fertile soil, giving increased activity to commerce, of which this company had the

control, and of that of Canada also, promised the most abundant returns for every investment. Stocks were created to an amount exceeding \$300,000,000, the purchasers of which could pay for them in any certificates of public debt, thus giving an opportunity to the government to change its indebtedness from private individuals to a company under its own patronage, from which the most liberal indulgences were naturally to be expected. The interest being promptly paid by the bank to the government creditors, the evidences of debt, which were receivable for payment for stock in the company, rose rapidly to par, and thus the public credit was completely restored.

The stock of "the company," based as it was upon such a rich foundation, rose many hundred per cent, and was eagerly sought after by all classes of society, and being transferred from hand to hand in quick succession, made the fortunes of thousands. Instances were not uncommon of servants, by their success in gambling in them, being enabled to ape the style of their former masters, in the luxury of their tables and in the splendor of their equipages.

Wealth seemed to be in the grasp of all who

were so fortunate as to possess a few shares only, and none within the magic circle of its influence but felt the potency of the spell, and saw rising to his excited imagination heaps of untold glittering treasure.

All governmental means were employed to aid the operations of the company, but the bubble bursted. In a contest with the precious metals, as the representative of values, and as a currency, paper stood no chance. It became debased, the illusion was dispelled, thousands were overwhelmed in ruin, and thousands beggared as suddenly as they were enriched.

Thus will it ever be when the circulation of a country is increased by artificial causes.

Every expansion of a currency which rests alone on credit — on promises to pay — will beget the very evils it is intended to remedy, and sooner or later involve the great mass of community in inevitable loss, profiting those only who are skillful in foreseeing the ebbs and flows of the tide.

The people of France learned a lesson by this scheme which they have not yet forgotten, and the relation of its fate is the most appropriate eulogy that can be paid to the much vaunted, but ruinous "credit system."

## CHAPTER XVI.

### RISE OF NEW ORLEANS AND THE ÉNTREPÔT OF TWENTY THOUSAND MILES OF INLAND NAVIGATION.

The operations of this company, confined as they were, for the most part, to the lower Mississippi, had no disadvantageous influence there, but rather the opposite, inasmuch as it laid the foundations of that great mart, where vessels of all nations now crowd and the merchants of the world most do congregate.

The great emporium of this magnificent valley, the recipient of the trade of twenty thousand miles of inland navigation, owes to this "scheme" its early importance, and a city was there in fancy, while its site was covered with canebrakes and the forest.

Named in honor of the regent, its vast advantages, and of the country surrounding it, were as well known on the Paris *Bourse*, and as much the subject of delighted remark as Paris itself, yet then all was a wilderness in

this whole West, and no smoke curled from the habitations of the "pale-face," save those in this isolated colony westward of the Delaware, all was a dark and tangled forest, calculated by its dreariness and solitude, to inspire far other thoughts than those of empire, commerce, wealth and power.

As their operations progressed at *New Orleans* the upper part of Louisiana, called "The Illinois," was likewise benefited, as they gave a ready vent to all its surplus agricultural productions, then very considerable in amount, and to the furs and peltries gathered in Indian traffic, and to the lead dug from the mines.

They were important in another particular, as by them, a power was installed here by which the settlers could procure titles to their possessions and be quieted in any apprehensions they might so naturally have entertained in regard to them. The only tenure by which they held their little village lots and their little spots of prairie which they had subjected to a rude cultivation, was that by Indian grant, with no reference to the sanction of the king, the lord paramount of the soil.

"The company" succeeded to the rights of

the king in the soil, and although vast domains were granted by it to favored or influential individuals in the southern part of Louisiana, there were none here who sought to secure any thing more than those small parcels, the culture of which had inspired the feelings of "home."

Besides, it was important to the company that the land should be cultivated as a ready source for the subsistence of those attached to it, and for the success of all their operations. Disappointed in the search for mines in different parts of the country — no "sparkles of golden splendor" rewarding their toil; no gems and no precious stones — many of the adventurers, as the speculators *in our day have done*, betook themselves to procuring shares in that bank which has never yet failed to pay a full equivalent for all its promises, and never yet dishonored a draft properly drawn upon it.

Grants of land were freely made for purposes of settlement and cultivation to all who applied for them, by an officer representing the royal interest, in conjunction with one in the service of the company. The earliest recorded grants trace back to 1722, and were

made principally by one Mons. Boisbriant, the first commandant in the Illinois, acting for the king, and one *Des Ursins* for the India Company.

Here is one of the earliest on record :

“Pierre Duquet de Boisbriant, Knight of the Military Order of Saint Louis, and First King’s Lieutenant of the Province of Louisiana, commanding at the Illinois, and Mons. Antoine de la Loire Des Ursins, principal commissary for the Royal India Company, on the demand of Charles Danie to grant him a piece of land of five arpents in front on the side of the Mitchigamia river, running north and south, joining to Michael Philip on one side, and on the other to Meleque, and in depth, east and west, to the Mississippi. In consequence they do grant to the said Charles Danie, *in socage*, the said land, whereon he may from this date commence working, clearing and sewing in expectation of a formal concession, which shall be sent from France by Messrs. the Directors of the Royal India Company, and the said land shall revert to the domain of the said company if the said Charles Danie does not work thereon within a year and a

day. Given this 10th day of May, 1722. (Signed) Boisbriant; (signed) Des Ursins."

Incipient titles were only granted by these officers, but almost all of them ripened into a right without the formality of a "concession" from the company in France, and became allodial, though granted *in socage*, for the simple reason that they were considered of so little value as property, that the agents of the company did not trouble themselves to see whether the conditions and services were performed or not.

The manner in which the settlers cultivated is peculiar, I believe, to the French, and deserves a passing notice. They had not, as we have, separate fields, nor did they reside on the cultivated lands in general. They dwelt in villages, on lots of ground containing an arpent square, generally—less than the English acre—which they inclosed with pickets of cedar or other durable wood, sharpened at the top, and appropriated it to the purpose of a garden, reserving a small part only for a barn, stable and other outhouses.

Their farming lands were adjacent to the village in the neighboring prairie, divided into

narrow strips, sometimes not more than half an arpent in width, and extending, originally, west from the Kaskaskia to the Mississippi river, a mile or more in length, and unclosed by any fence whatever.

These strips thus laying contiguous to each other embrace what is now, and has been for many years, the "common field."

Those at Cahokia extended from the bluffs by which the American bottom is lined, to the Rigolet or creek, and constituted their "common field."

It seems, from some old records which I examined many years since, that in 1719 this Mons. Boisbriant changed, somewhat, the lines of their cultivated lands, by drawing the lines of the "grand carre," or great square, which should limit the boundaries of their village lots and also confine the cultivated lands entirely west of them, and he, at the same time, confirmed each inhabitant in his claim to the tract he had appropriated. He then established "a common," for cattle, lying outside of the lines of the "grand carre," and extending south to the mouth of the Kaskaskia river, and also all the adjacent islands in the

Mississippi, and the strip of bottom land on the east side of the first named river, from the shoal above the village to its mouth, for their cattle, horses and swine to range upon.

Under this system it was necessary to watch their cattle whilst grazing upon the common, adjacent to the cultivated lands, the idea not having occurred to them until Mons. Boisbriant gave them the hint, that a fence around them would protect them from their ravages, and render watching entirely useless. It was not, however, until eight years afterward, in 1727, that they did inclose these lands by planting pickets upon the lines marked out by Mons. Boisbriant, thus making a large field of several thousand acres.\*

The "commons" afforded rich pasturage for their cattle and horses, and as much of it was covered with a luxuriant growth of walnut, hickory and oak, "the mast" from them, added to the hazel-nuts which were there in great abundance, offered rich repasts for their numerous swine, and sufficient wood for all their purposes.

On the 22d of June, 1722, these same offi-

---

\*See Appendix E.

cers, Boisbriant and Des Ursins, granted to the inhabitants of Cahokia their "commons," now one of the most valuable parcels of land in the State, being near the great and growing city of St. Louis, and as fertile as any other upon which the sun sheds his beams.

Their "common field" lands he also confirmed to them.

## CHAPTER XVII.

THE ROYAL INDIA COMPANY SURRENDER THEIR PRIVILEGES TO THE CROWN, APRIL, 1732, ALL REAL CONTROL WITH THE JESUITS; A NEW COMPANY ORGANIZED, AND ILLINOIS MADE A FRENCH DEPENDENCY.

In the following year, on the 14th of June, 1723, they granted to the celebrated Philip Renaut, who was the director-general of the mining explorations of the company—a man of talents, enterprise and fortune—a league square of land in the south-west part of what is now the county of Monroe, and a large tract of more than fourteen thousand acres at *Pimitoui* or Peoria. He was a great favorite of the company, and had expended a fortune in the vain pursuit of silver and gold for their coffers, but was content at last with these barren acres and dull lead in lieu of the glittering ores.

On the first-named grant, Renaut established a little village, and as is the fashion in more modern times, honored it by his own baptis-

mal name—St. Philip. It was on the rich alluvion and had its “common field” there, the allotments made by himself and within five miles of Fort Chartre, then just erected on a small scale, and with no view to durability or strength; within its shade grew up “Chartre Village,” as it was called, with its “common field” also, and “commons” embracing a large scope of the unappropriated domain, and with a chapel served by a Franciscan friar and dedicated to St. Anne.

Not a vestige of these two villages now remain, save some asparagus yearly putting forth its slender stem upon the open prairie.

Some once cultivated shrubs and trees now mingling their foliage with the wild.

“Amidst their bowers destruction’s hand is seen,  
And desolation saddens all their green;  
No busy steps their grass grown foot-ways tread,  
But all the bloomy flush of life is fled.”

To Boisbriant himself, “the company,” shortly before the surrender of their privileges, granted what would have been considered in Europe a handsome principality, embracing a large tract of rich alluvion, extending from the bluffs to the Mississippi, and containing several thousand acres.

He transferred it in 1733 to his nephew, Jean St. Therese Langlois, an officer of the French troops then quartered in this colony. Pursuing Renaut's plan, Langlois established the little village of Prairie du Rocher upon it, so named from the massy wall of rock which bounds it on the east, and reserving to himself certain seignorial rights recognized by the feudal system, and by the customs of Paris; he divided it into small narrow allotments, as in the other "common fields," to actual cultivators whose descendants still labor in it, and the village continues to exist, with no brilliant prospect of great advancement.

But few grants of any magnitude, besides these, were made by the "Royal India Company." The land mania is a disease of modern origin; if it had prevailed then those exposed to its influence might have possessed dukedoms.

Mons. Delieite succeeded Boisbriant as commandant, having been appointed as early as 1727, and the latter became lieutenant-governor of Louisiana.

The government of the India Company continued until the 10th of April, 1732, at which

time they surrendered their vast privileges to the crown, its members being content to seek in the other hemisphere more profitable fields for enterprise than this wilderness presented.

Their sway here was more in name than in fact, for setting aside their power to grant lands, all real control over the minds and will of the people was with the Jesuits. Their business pursuits were but little interfered with, and no arbitrary or forced exactions of their little abundance were made. They did not find, as is too often the case in others, in this overshadowing monopoly, whose sole principle of aggregation was wealth, a cruel and a heartless tyrant, ready and willing, in the various modes such a corporation can devise, to plunder them of their small revenues, or oppress them in any form. In their relation to it, it was as the benefactor and the benefited, and though the fortunes of its proprietors were wrecked by it, the colony itself received a new and an immense impulse from its varied operations.

A new government was organized by the crown for Louisiana, which severed it from New France, and Illinois was made a depend-

ency of it. The officers were a governor, an intendant and a royal council, all appointed by the king, and to the governor was intrusted the power of appointing the commandant over this dependency.

The first one under the new *regime* was Major D'Artaguet, who then but a young man, had distinguished himself in 1729, five years before his appointment, by his gallantry in the war of extermination with the Natchez Nation. He was made "commandant general" for the king in the province of the Illinois in 1734, and had not, as his predecessors had, a flowery path to tread, or to waste his life in profitless inaction.

The Chicasas upon the lower Mississippi had preferred an alliance with the English, and by artful emissaries of that nation had been stirred up to deeds of rapine and blood against the French colonists. They were intermediate the gulf and the posts here, also, and the crown desired to remove this obstacle to a free and a safe intercourse, for whilst ever they remained, just so long would the communication be attended with great peril, and numbers fall victims to their tomahawks and scalping-knives.

Their successes had made them bold, insolent and confident in their strength, and presented an insuperable bar to the complete dominion of the French over this valley.

By the order of the king an invasion of their country was projected with a determination to reduce them to submission, and to make them friends, or else to exterminate them altogether.

Great preparations were made by Bienville, governor of Louisiana, who seems to have been a timid and an irresolute man, to render the invasion successful, for in addition to the forces raised in that province, D'Artaguettes was summoned with his chosen troops from the Illinois. He obeyed the call with his usual alacrity, taking with him that flower of Canadian chivalry, the gallant Vinsenne, then the commandant at the isolated post which, now a flourishing town, still bears his honored name.

In May, 1736, D'Artaguettes, with Vinsenne, Senat, a Jesuit priest, and fifty French soldiers, and a thousand Indian allies reached, unperceived by the enemy, into the heart of their country, and impatiently waited for ten days the arrival of Bienville, but he did not make his appearance.

His Indian allies threatening to leave him unless he made an attack, D'Artaguetle consented that one should be made. The Indian intrenchments and fastnesses were carried, one after another, when in the moment of victory he received a wound which disabled him, upon which his allies fled.

The priest, Senat, might have escaped also, and with him the chivalric Vinsenne, but the former, true to his profession, remained to console the wounded and dying, whilst the devotion of the latter to his valiant and unfortunate leader forbade him to leave him while in such imminent peril—he preferred rather to share his captivity, and, if necessary, die by his side.

They with others of that gallant band were taken prisoners and finally burnt at the stake. The Indians were not subdued, and for years afterward they continued to annoy these colonists and interrupt their trade between them and New Orleans.

Whilst Vinsenne was commandant at the post, called before his time, "Chippecoke," or Brushwood, a wilderness village was growing up on the verdant plain skirting the eastern bank of

the river which flows by it. It was then a lovely, yet a secluded spot, far removed from the villages on the Mississippi, and for many years a mere stopping place for the voyageurs and traders and missionaries from Canada, who might come by the route of the Maumee. It being a central point to the Mascoutins—a branch of the Miami Nation—caused its selection as early as 1710 or 1712, as a missionary post, at which Father Mermet labored.

There was a small stockade there also, called “a fort,” but I presume it was nothing more than a secure place erected by some enterprising trader, for his own purposes; for a fort, in the military sense of that word, was as useless there then as it would be now.

Before the arrival of Vinsenne, as commandant, about the time of the surrender of the charter of the India Company to the crown in 1732 or 1733, but little was known of this post. The priests kept up their intercourse with it, and occasionally a villager of Cahokia or Kaskaskia might be heard to say, he was going “au post,” that is, to the post, and some one at the post would go “au Kas,” whence the word Okaw, but there was no regular or busi-

ness communications with it and the other villages.

The route by the river was dangerous, the whole State of Kentucky being then the hunting ground of the Shawanoes and other fierce tribes, and the route by land was wholly unsettled, and "the trace" beset by thieving, marauding Kickapoos.

Under the auspices of this heroic man, whose sad fate I have related, it gradually assumed importance. He, as commandant, granted to settlers lands for cultivation, and from the Indians they received more than two thousand acres, which they appropriated as "commons."

I presume the land on which the town stands and the "common field," was originally granted to him by the India Company, or by the governor of Louisiana, after its dissolution, and he, as feudal lord, like Renaut at St. Philip, and Langlois at Prairie du Rocher, divided it out in small allotments to his feudataries.

It was embraced within the dependency of the Illinois, and differed but little, if at all, from the other villages within it.

Who succeeded the ill-fated, the chivalric D'Artaguette, I have no means of ascertaining.

In 1742, however, Mons. Delaroit de St. Clair was the commandant, and in 1743 De la Loire de Flancour, who was succeeded in 1745 by the chivalric De Bertel.

The first act of the newly-organized government of Louisiana, affecting the interests of any portion of the inhabitants of this dependency, was the confirmation by Pierre de Rigault de Vandrieul, the governor thereof, to the inhabitants of Kaskaskia of their right of "commons," for which they had so earnestly petitioned the India Company through commandant Delielte in 1727, but which had been, up to 1743, wholly disregarded.

It will be seen by this act of the government, that these most loyal and devoted subjects of the French king, who were so solicitous to promote the interests of their master, continued sixteen years in a state of the most painful uncertainty in regard to their "commons," than which they hardly prized their wives or their religion more highly.

The India Company was dissolved, Boisbriant had omitted to put his grant in writing, the whole country had become united to the royal domain,

and the poor villagers were in great distress and tribulation.

Addressing a respectful petition to the newly-appointed governor in June, 1743, they received in August a favorable answer, confirming to them as "commons," all the land on the west side of the Kaskaskia river, and east and south of the common field lands from the village line down to the mouth of that river, and then designated, and yet known as "La Point de Bois," or point of woods, but more familiarly "the point," requiring, however, the inhabitants to keep up and maintain a gate in the fence which crossed the road to *Misère* and to the upper posts, so that it should be practicable for the passage of "carts," at the joint expense of each proprietor whose lands bordered on the roads.\*

This confirmation took from them the islands in the Mississippi and the land on the east side of the Kaskaskia river, which the benevolent Boisbriant had verbally granted to them, nevertheless, they were content, as it secured to them near seven thousand acres of rich pasture and woodland, for *house-bote, plough-bote,*

---

\* See Appendix F.

*fire-bote* and *estovers*, and yielding also, in great profusion, grapes, plums, persimmons, the luscious paw-paw, the delicate *pecan* and other rich and delicious nuts, whilst the "common field" by this arrangement did not embrace less than eight thousand acres of the richest, deepest, blackest loam, capable of itself of sustaining a numerous people.

All grants to individuals from this time forth were made in fee-simple absolute, subject only to some trifling public charges,\* and the people became secure in all their possessions, so that social establishments sprung up and flourished beneath a sun and sky, and under circumstances in every way most congenial to a rapid and a healthy growth.

---

\* See Appendix G.

## CHAPTER XVIII.

OLD FORT CHARTRE AND THE NEW SITE BUILT IN 1744;  
WAR WITH ENGLAND.

Who that had felt the chilling influence of the odious and oppressive distinctions of society in old France, who had been fettered in his pursuits by the power of an arbitrary government in its manifold ramifications, minute divisions and subdivisions, would, after inhaling the bland zephyrs of these plains, scenting the balmy fragrance of these groves, and indulging in the luxury of a liberty almost unrestrained, return to France or Canada again, when here he could carry on, unmolested, his schemes of business or of pleasure — where the shade of his own vine and fig tree protected him — where every object that met his eye invited him to remain, and though a wilderness was around him, it was a wilderness of freedom, and where for the humble and the unaspiring, contentment might erect her loveliest bower.

It was the good fortune of all who came to this favored land, to find pursuits adapted to their dispositions, and the morning sun rose but to cheer them, and set without a cloud, and that feeling of "home," inseparable from the cultivation of the soil, in which the greater part engaged, was warmly aroused, strengthening and expanding with each revolution of the year.

To protect the interest of the "company," a few of the king's troops had been sent here, officered by "Knights of the Military Order of St. Louis," a portion of whom occupied the old Fort Chartre, first erected by the adventurers under Crozat, and a new one constructed by the company, on the hill, east of and commanding the village, stream and plain, and one at Cahokia. By this infusion into the social atmosphere of some of the etiquette and refinement of military life, its general tone was improved, and the society itself relieved from its otherwise wearisome monotony.

It was found necessary by the crown of France to continue a military force here, for the double purpose of chastising the Chicasas, whose roving bands sometimes threatened its

safety, and for protecting it against the great power of his rival, England, with which, in 1744, Louis was once more at war.

His distant colonies were the most inviting points of attack, and it was a darling object with England to wrest that sceptre from his grip, which he had so long wielded over this valley, to tear down the lily of the Bourbons and plant in its stead the cross of St. George.

This caused a considerable number of troops to be sent here, in addition to those levied for the company's service, and the national banner was displayed above the palisades of the various little forts, which sentineled the land, the morning and the evening drum-beat was heard, and all the accompaniments of military garrisons were here displayed in their pomp and pride.

This was undoubtedly the era of the colony's greatest prosperity.

A swarm had, four years previous, in 1740, left the parent hive and settled on the western bank of the Mississippi, attracted thither by the "salt springs" near by, and by the rich lead mines, and above all, by the still fresh alluvion that there offered its bounties to those

who, in every age of the world, are always seeking for change, ever restless and never satisfied.

The settlement is now known as "*St. Genevieve*," not now occupying the same ground it did then, nor bearing the same name.

It was immediately on the "river bottom," and was called "*Misère*," significant, certainly, not of poverty which did not surround it, but comparative merely, when contrasted with the then old, established and flourishing settlements on this side of the river.

This village was not removed to its present site, until an unusual inundation of the Mississippi, happening in 1785, and yet known and remembered as "*l'année des grandes eaux*," rendered it prudent to seek a higher elevation than the bottom afforded.

You may see, as you pass from Kaskaskia through its "common field," the heaps of stones, cellars nearly filled up, and the tame fruit trees and shrubbery entwining their stems and mingling their foliage with those of native growth.

All the other villages were flourishing and increasing rapidly in population, there being no checks to marriages and no fees to pay, ex-

cept the dues to the priest, means of subsistence in the greatest profusion, the climate favorable to animal developments, and every thing inviting to early matrimonial connections. As a consequence of all these, each village abounded in black-eyed little creoles, as blooming and as joyous as that charming nature which surrounded them, who, in time, presented the arrowy form and other peculiar characteristics for which they have been noted.

It is remarked of them by all the early writers, that notwithstanding an appearance of languor so observable among them, the effects of climate no doubt, there was nothing of that withered-up bilious look and unelastic bearing so perceptible in the creoles of the islands.

They were essentially French, with a dash of the gravity of the Spaniard, but the *tout-ensemble* indicative of cheerfulness and a most agreeable composure.

What their numbers amounted to at this time I cannot state. The "Letters of the Jesuits" give no satisfactory information on this head, at least none that I have read written at this period. It has been repeatedly asserted that Kaskaskia contained at one time eight thousand

souls, but at what time no one can certainly say. I suppose a tithe of that number would mark her population in her palmiest days.

Father Vivier, a Jesuit missionary, there in 1750 states in one of his letters of that year, that in the five French villages, and this excludes Vincennes, Peoria and Chicago, there were eleven hundred whites, three hundred blacks, and about sixty "red slaves of the savages," and some half-breeds, and as no disaster had occurred from 1744 to that time to thin the population, it could not have amounted to as many in the first named year. I assume one thousand as the aggregate of the whole at this period, and perhaps as happy, as contented and as loyal a people as his majesty could boast of in his many and extensive dominions.

Deducting the traders, hunters, boatmen, the few mechanics, and those engaged in public employments, the rest of the population devoted themselves to agriculture. They made the fences, directed by Boisbriant, each proprietor being required to keep up, at his own expense, that part of them which bounded his own land, and as they extended across the traveled roads they were made "practicable for

carts" by the necessary gates, at each of which some old superannuated negro officiated as porter.

The principal crops raised were wheat, oats, hops, for the Jesuits' breweries, and tobacco, without which the males would have been in despair, and the females, too, for they loved it when pulverized to snuff, the more elderly ones seldom being without their well-filled and fragrant "tabatiere."

Indian corn or maize was not much cultivated, principally for hominy and to fatten hogs, not for bread; for that use the French entertained for it a deep-rooted prejudice. An idea of their success in agriculture, and of the fertility of the soil they cultivated may be gathered from the fact that one farmer with his rude and imperfect skill in the art, in one season furnished to the king's magazine eighty-six thousand pounds of flour, and that but a part of his crop.

Their implements of husbandry and mode of using them were primitive indeed, a wooden plow, generally, and to carry their grain at harvest, small carts resembling those used by the Swiss peasantry in their vintages, with no

iron about them, the handiwork of the husbandman himself, aided by the ingenuity of his own slaves, or of that of his more wealthy neighbor.

To these, if oxen were used, they were connected not by a yoke, but by a strong wooden bar, well secured to the horns by strips of untanned hide, and guided by a rope of the same material. If horses were used, they were driven *tandem*, at length, or one before the other, and controlled entirely by the whip and voice, without any ropes or reins.

Who that lived, even twenty years since, at any one of those villages, has not been often amused by the words of command and control by which their descendants, "treading in the footsteps of their humble predecessors," urged their teams afield. And who, thus situated, has not observed the rigid grasp by which they held on to these modes, and with what obstinacy they resisted each attempted innovation upon them, and who at this day cannot perceive a continuing influence of early habits — one relic of another age — which the influx of Anglo-American population has not yet wholly destroyed?

The houses occupying their village lots were built in a very simple and unpretending style of architecture. Small timbers which the "commons" supplied, roughly hewed and placed upright in the ground a few inches apart, formed the body, the interstices being filled with sticks, pieces of stone and mud, neatly whitewashed within and without, with low eaves and pointed roofs, covered with thatch, or with shingles fastened by wooden pins. Those of the wealthier class were of strong, well-hewed frames, in the same peculiar, though more finished style, or of rough limestone, with which the country abounded.

Galleries, or porches as they were called, protected them on every side from the sun and storms, whilst the apartments within were large, airy and convenient, with little furniture, but with well-scoured or neatly-waxed floors.

Few of the appendages of luxury were to be found within them, though it was not uncommon to see in some, small services of plate, or a single article of silver ware, heir-looms, perhaps, from "fatherland," and ostentatiously exhibited upon the closet or upon the polished black walnut table.

Pictures illustrative of our Saviour's passion, or of the "Blessed Virgin," or of some apt portion of scriptural history, or of some holy pontiff, decorated the walls, not, it is true, the productions of a Guido, a Raphael, or a Corregio, yet, in their rudeness, well calculated to inspire devotional sentiments in a people naturally and by education so much inclined thereto.

The usual culinary plants and some medicinal herbs were cultivated in the garden by the side of the fragrant rose and stately sunflower and modest violet. There, too, the apple, pear and peach trees blossomed to maturity, whilst other less pretending stems and vines yielded their rich and abundant harvests. For clothing, the cotton plant furnished its fibre, and the warm Mackinaw blanket the indispensable *capot*, with a blue cloth hood for "winter wear," and skins of the deer dressed in the Indian manner for trousers and moccasins. Thus appareled, and with a short clay pipe burnt to an ebony color by constant use, wending his way to gossip with his neighbor, or by his own ingle, you have a picture of a colonial subject of the "Grand Monarque"—

a far better man than his master, though he was called "Louis Le Dieu Donne."

The females were equally plain in their dress. The blue kerchief was their usual "head gear," the hair parted on their forehead and combed smoothly to each side. Their countenances were lively and engaging, with sparkling eyes, of fine forms, and with a step like that of the mountain maiden of whom it is sung :

"A foot more light, a step more true,  
Ne'er from the heath flower dash'd the dew."

In their domestic relations they were exemplary, kind to their slaves and affectionate to their children, loving each other as much as they should, and faithful to all their vows.

In truth the domestic circle was a very happy and a very cheerful one.

Though there were slaves within it, it was not a prison house, and such was the kindness always manifested toward them in health and in sickness that they sought not to escape from it.

The males worked in the fields by the side of their masters, fared as they did, and had little plots of ground allotted them, and the

use of their master's team, or their own not unfrequently, with which to cultivate them, and mutual attachment, cordial and affectionate, was inspired.

The women aided their mistresses in the culinary department, in the nursery, in all the household affairs, and in the garden, and accompanied them, in neat attire, to matins and to vespers.

When sick or afflicted, they were nursed with the greatest tenderness and care, and withal, were the recipients of so much kindness, as to become unmindful of the fetters with which a wicked policy had bound them.

## CHAPTER XIX.

PEACE OF AIX LA CHAPELLE, 1748—POPULATION OF THE  
VILLAGES—INDIANS AND FRENCH—HABITS OF THE  
PEOPLE.

The Indian population was, for the most part, catechumens of the Jesuits; it numbered at this time, according to the same authority (Father Vivier), but eight hundred persons of all ages who occupied the villages of Kaskaskia, Cahokia and Peoria, whilst the "Illinois Nation," living on the river of that name, and above the Peorias, occupied eleven different villages, with four or five fires at each, and each fire warming twelve families, except at the principal village, where were three hundred cabins. These data would give about eight or nine thousand as the total of Indians, almost all of them harmless and inoffensive, and on friendly terms with the whites.

The treaty of Aix la Chapelle, in 1748, again restored peace between the great rivals,

calming every fear that might have been indulged in, of English power, and giving a more permanent security to the growing establishments in this quarter.

The attention of the sovereign, now in the pride of his manhood, was occasionally directed hither, from a motive similar to that with which one regards a tract of distant and vacant land to keep trespassers off, and prevent an adverse possession from growing up and ripening into a right. The dread of the English that they might get a foothold in this valley was unconquerable, and suggestion was made by the commandant here to the governor in New Orleans, and through him to the throne, that additional means of defense were necessary for these vast and rich possessions, hinting at a levy of fresh troops, and more extensive and impregnable fortresses. But nothing more was done than to enrol those capable of bearing arms into companies of militia, and maintaining small garrisons at the most important points.

Kaskaskia continued to be the most considerable of the villages, and with the others possessed a lucrative trade with New Orleans,

carrying there in batteaux of about forty tons burden, and manned by sixteen or eighteen hands, and going in convoys for mutual safety—flour, beer, wine of the native grape, hams and other provisions, and the product of the forests and prairies, such as buffalo meat and tongues, venison, deer's tallow and bear's oil, and lead, peltry and furs, and sometimes tobacco.

All these were readily exchanged for such necessities and luxuries as their own labor and soil did not supply, or converted into the gold and silver coinage of the French and Spanish mints, now in free circulation, after the collapse of Law's splendid "credit system."

Coins were now no longer in disgrace and feared not to show their shining faces in any crowd. Like the framers of our priceless Constitution, these honest creoles were "hard-money men." They knew nothing of the jargon of brokers, or of the stock-exchange, and the devices of modern alchemists, by which worthless rags are transmuted into sterling gold, were unheard of by them. Those were the pure days of honesty, simplicity if you will, when bankrupt laws were unnecessary

and unknown, when the modern "credit system" was yet an embryo blossom, when every man paid his dues to church, to government and to his neighbor, and could then spend a Louis d'Or or a doubloon without murmuring and without a sigh. Paper called *bons* was issued in 1759 by the governor and intendant, at New Orleans, but it could not be circulated in this dependency. The inhabitants were very much opposed to paper money; *it made no noise*, had but little weight, and it did not seem to them they were in possession of any thing of value, when that was given to them. These *bons* were from ten cents (sols) to one hundred francs (livres), and so called from the first word on the paper "*Bon pour la somme payable en lettre de change sur le tresor*," and signed by the governor and intendant—very like, in form, to the "shin plasters," issued by a barber or the keeper of a turnpike gate or toll bridge. Whenever the holder of an amount of this paper equal to sixty dollars presented it for payment, he received not gold and silver but a bill of exchange on France. A sum amounting to seven millions of livres, near one million and a half

of dollars, was issued by these functionaries, which so alarmed the parent country, that the bills drawn on it, to meet them, were dishonored, to the great loss of the planters and others who had received them, and prostrating for years the energies of that rich province.

Although agriculture was extensively pursued and immense herds of cattle reared, it is a singular fact that the use of the common *churn* was entirely unknown, butter being made by shaking the cream in a bottle, or breaking it in a bowl with a spoon.

Nor were there any manufactories among them. The loom and the spinning wheel were not in use; the trader supplying all the articles of clothing for both sexes, not exposed on shelves, as is now the practice, but stowed away in chests, trunks and other safe depositories.

Mechanical employments were all embraced in a few carpenters, tailors, blacksmiths, who could repair a fusee or a rifle, and stone-masons, for bricks were not used, and they, scattered in the different villages, journeying from place to place, in search of employment, the most of them ready and willing "to turn

their hands to any thing." Occasionally a millwright could be found to make or repair the running gear for the few water-mills in the country, or to construct, for some less wealthy proprietor, a little horse-mill. One would suppose coopers would have been in demand, as large quantities of flour were made and exported; there were, however, but few here, and no other bagging, except that which the dried elk skins afforded, in which the flour was packed.

There was one employment I must not omit to mention, as it was considered more honorable than any other, calling forth a higher order of faculties than those required for the ordinary pursuits of life; that was boating, especially demanding a union of many qualities; activity, capability of great fatigue, courage and energy, a quick eye and a steady nerve, and withal good judgment.

For this pursuit, whatever portion of those qualities they possessed was then unfolded. The voyage to New Orleans — for that was the most important one — usually consumed three months, and far more dangerous than one across the Atlantic, even at that day, be-

fore the establishment of packets or the ocean steamboats.

A rapid river, its channel obstructed by planters, snags and sawyers, and continually changing also, and forming shoal bars, were not the only dangers.

There were no settlements or posts upon its banks, except at the Arkansas and the Natchez, and the route beset by roving bands of marauding Chicasas, whom French power had not subdued.

The upward voyage was very laborious, and all means used, by keeping in the bends, where eddies or counter-currents were formed, and by the cordel, to make head against the stream.

An ambuscade might be fatal, under such circumstances, to the crew of a single boat, but as they went in convoys, the danger was greatly lessened. An officer of the king's troops, when one could be had, usually commanded, or if not, one from among themselves was selected, in whom were united the qualifications necessary for such a command, strict military discipline and arrangements having to be adopted, and a regular guard mounted at each of their stopping places. To reach this

high distinction, or even one less elevated, that of *patroon* of a single boat, was an object worth ambition, yet few attained this high prize of their perilous calling. Prodigious as they all were of their toil, in these long and dangerous voyages, they were not the less of the proceeds on their return. Absence and dangers seemed to increase their social feelings, and the revelries of one carnival would absorb all their gains.

They were as liberal as princes, and valued money as nothing more than means by which pleasure could be purchased and appetites indulged. Saving was no part of their economy.

Accounts were kept in livres at twenty to the dollar, and besides coin, "good peltries," at a certain price per pound, were an acknowledged measure of values and passed freely in commercial transactions. They were "as good as gold" in New Orleans and in Europe, and therefore a convenient form of remittance.

No common schools existed, nor any established system of public instruction. The Jesuits imparted some portions of the learning with which they were so highly endowed to such creoles as they could catch thirsting for the

waters of the Pierian spring, but no general plan was adopted or encouraged by the public functionaries. The principles of the Roman Catholic religion were, however, instilled into all, and the little spires of its churches arose in every village.

In them were the marriage ceremonies performed, the priest consecrating the nuptial tie, and recording the act in the presence of witnesses. There, too, the ceremony of baptism was manifested, and there the last sad obsequies for the dead, and masses said for the souls of those not dying "in the odor of sanctity."

## CHAPTER XX.

THE ROMAN CATHOLIC CHURCH; THE AUTHOR'S ESTIMATE  
OF IT.

That quaint edifice, that time-worn relic of departed years, which awakened in my boyhood a feeling akin to reverence, with its tall spire and gable surmounted by the emblem of the religion to which it was dedicated, with its coarse architecture, its ample portals, its little font, its rudely carved and latticed confessional, its unsculptured altar and rude paintings, is now no more. The hand of the spoiler has been busy there, destroying that which was, in its own original rudeness and peculiar melancholy beauty, a touching memento of another age.

The bell no more tolls for the matin and the vesper hour, for the burial or the bridal.

I am inclined to think, this peculiar religion had not an unfavorable influence upon the social structure. When their isolated position is considered, separated by a long river and a

vast ocean from old France, and by a trackless wilderness from Canada, and the seats of civilization beyond the mountains, every institution calculated to inspire the feelings of equality and soften and subdue their native asperities would in this way contribute to swell the measure of their happiness, and what could be better adapted to this end than a religion whose holy days and *fetes* brought the whole population so frequently together as on one common level. Factitious distinctions of rank and estate found no encouragement in any of its forms or ceremonials. At the same altar knelt the rich man and the poor man, the same ordinances and sacraments were administered to each, and dying, both were buried in the same cemetery, the same rites performed, and the same "miserere" and "de profundis" chanted.

This feeling of equality thus generated and encouraged marked all the social intercourse, and entered largely into their various amusements. In the same dance all classes cheerfully participated—in no bosom rankled the pride of family, and no one felt or affected a superiority. The condition of the greater part

of both sexes required from them exertion, they were compelled to labor to live, and labor being the common lot, was neither odious nor disgraceful. The black-eyed brunette, who engaged as a daily avocation in what the fashionable and proud might consider menial services, in the ball-room, attired in her finery, full of cheerful smiles and artless coquetry, might be the leading star of every eye, as she moved with her native grace in the mazes of the dance, and for the honor of her hand the most polished cavalier might sue. To her, a courtly knight of "The Military Order of St. Louis" might bow with the most respectful obeisance, while, at the same time, she was the betrothed of a poor, but honest laborer.

All shared alike, too, in the festivities of the carnival, and all, at its close, with the same becoming humility, repaired to the church at "matin's prime," to receive upon their foreheads the sprinkling of ashes, typical of their end, and all observed the same self-denying ordinances in the Careme or Lent succeeding.

Even in the merriments of shrovetide or "*Mardigras*," as it was termed, in the madcap frolics of the Guillone, or in the noisy *Chari-*

*vari*, no other sentiment prevailed, than that home-bred American sentiment, "I am as good as you are," that is to say, the rights and privileges of every one of the mass of community were just as great and no greater than those of another. Society, it is true, had its divisions, the wealthy, who had the means of education, and were intelligent, and the poor, who were illiterate, but the artificial distinctions which are elsewhere recognized as their lawful claim, producing bitter fruits, misery, unhappiness and woe, were not acknowledged here. If the poor man lacked that refinement which education, aided by wealth, helps to confer, or those ambitious aspirations of which they may be the parent, he was not, for these causes, excluded from the society of the more fortunate.

A bland and a kind courtesy was manifested in all their intercourse, and although society might not have presented the most polished surface, there was, notwithstanding, a strong and deep undercurrent constantly in motion, giving impulse to all the kindest charities of life.

Such a people required but little government and they had what they required.

## CHAPTER XXI.

THE MODE OF GOVERNMENT — OFFICERS AND THE POWERS  
THEY EXERCISED ; JUDGMENT OF COURT, ETC.

The commandant, appointed now by the governor of Louisiana, exercised all such executive functions as the exigencies of the country might require, with but the semblance of responsibility to his superior.

He ruled with a mild sceptre, and oppressed not the feeble who were so much in his power.

That each one in succession regarded his own interests cannot be doubted, number *one* was, with him, beyond all controversy, the *greatest* number. If he plucked the government, the people in turn followed his example, when erecting public works, or in furnishing supplies for the troops, and in all the little jobs at his disposal. He had great patronage to bestow. The whole Indian trade was under his control, and no one could participate in it, except on condition of his sharing the profits.

No person could bring goods into his jurisdiction without his license; if they were brought he had only to declare that "an exigency of government" had occurred rendering it necessary that the king's commissary, his right hand man, should be the purchaser, after which "operation" they would become part and parcel of his own stock in trade.

In addition to this, he had the king's domain, out of which to cut and carve, supplies for the troops, to procure, and forts to repair or build, "by contract," voyages to make to New Orleans, with stores for the king's magazines, and he had the selection of bright, promising lads for the post of *cadets*, with an allowance of pay and rations, with the prospect of commissions in the army—all these were the most tempting baits to throw out to a people constitutionally disposed to be pleased, and alive to their own interests, with which, not only to secure their good-will, but to augment his own popularity.

The people were, therefore, happy and contented, if by the most deferential and conciliating behavior they could win his confidence and regard, for here, as elsewhere, "thrift would follow fawning."

This official, up to 1750, exercised supreme judicial power also, except in capital cases, they being cognizable by the Superior Council of Louisiana, which consisted of the intendant, who was the first judge, and specially charged with the king's rights, and with all that related to the revenue, the king's attorney, six of the principal inhabitants, and the register of the province, all appointed by the crown, subordinate to the "major commandant," as he was styled, each village had its own local commandant, usually the captain of the militia. He was as great a personage, at least, as our city mayors, superintending the police of his village, and acting as a kind of justice of the peace, from whose decisions an appeal lay to the major commandant. In the choice of this subordinate though important functionary, the adult inhabitants had a voice, and it is the only instance wherein they exercised an elective franchise.

## CHAPTER XXII.

### CIVIL JURISDICTION AND THE COURTS—HOW JUSTICE WAS ADMINISTERED.

About this time “the Court or the Audience of the royal jurisdiction of the Illinois,” was established. The record of its proceedings is still extant among the lumber of a county recorder’s office.

They were carried on before a single judge, without the machinery of “gentlemen of the bar,” or “clerks,” or “sheriffs,” or “reporters,”—either *ore tenus*, or by written petitions, the judge himself entering his decrees in a book called “the register.”

Here is one from it: Opinion of the court by Mr. Justice Bucket:

“Between Louis Chancellier, plaintiff, by petition on the 18th of this present month—stating that having abandoned the prosecution of the suit which he had formerly brought against the defendant hereinafter named (on

the subject of his negro woman, to whom a fright caused by the son of the defendant has produced dangerous consequences, since the said negro woman is afflicted with a falling sickness in consequence of this fright), on the one part, and Peter Pillet, called de la Londe, defendant, who plead that he would not answer for the deeds of his son, but would say in his defense of his son that this negro woman fell sick of this sickness before the fright, and, therefore, the plaintiff could not claim any damages on account of the fright which his son gave her, since the cause of her sickness is anterior to that which he pretends to rely upon."

Here was a case to puzzle the worthy judge, but he did not, as so many others do, "take time to consider," but forthwith pronounced his decree as follows:

"The parties having been heard, we condemn the defendant to make proof, within eight days, of what he advances, in order that it may be made appear to whom the right belongs. Done at Kaskaskia. Court held 20 May, 1752. Bucket."

And the judge acted very correctly, for the

defendant did not deny that his son had frightened the negro woman, but insisted that she had the "falling sickness" before the fright, and of course, should have been held to the proof of it, and allowing eight days for that purpose, was very liberal and indulgent.

Here is another case arising "*ex contractu*," and against an administrator.

"Between Raimond Brosse, called Saint Cernay, inhabitant of Kaskaskia, plaintiff, to the effect that the defendant hereinafter named, be made to acknowledge a note executed by the deceased Louis Langlois, dated the 26th of May, 1749, and that having acknowledged it, he do pay the sum of sixty francs (livres) of the first part, and Charles Lorain, called Turascon, manager and administrator of the said deceased Louis Langlois, and of Louise Girardy, his widow, and now wife of the aforesaid Charles Lorain, defendant, on the other part.

"The said note being examined, the parties heard, and all things considered, we condemn the defendant to pay, without delay, to the plaintiff the sum of sixty francs (livres), the amount of the said note, and also the costs

of suit, which we have taxed at twenty-eight francs (livres), and ten cents (sols). Done at New Chartre, in our hearing, we holding court, Saturday, the fifth of June, 1756.—Chevallier.”

The trial by jury, that boast of the Anglo-Saxon and his descendants, was unknown here, the law and facts in every case being decided by the judge. If this unlucky “manager and administrator” could have demanded a jury, he might have fared much better than he did—they might have required proof that he had *other* assets of the deceased Langlois, besides his *widow*, and in default thereof found against the plaintiff.

The “all things considered” by the able magistrate were no doubt, in part, the youth and beauty of the widow, and the snug little property she brought to the defendant, reasons amply sufficient why he should pay the note and the costs also.

The debt in this case was only twelve dollars, yet the costs were taxed at nearly one-half of it, making justice very expensive, and warranting the supposition that the aid of the judge was not often invoked to settle difficulties.

In fact, the most common and usual mode was by the commandant himself, and by arbitration of friends and neighbors.

The mode pursued in "the court" was after the forms of the civil law, certainly very simple and brief, and perhaps as well calculated to promote the true ends of justice as those more cumbrous forms, filled with technical jargon, which we practice, and which have descended to us, through a long stream of years, from the time when the vaunted common law attained its greatest vigor.

Deeds, modeled after the same forms, marriage contracts, and other private instruments were valid, by being executed before a notary in the presence of witnesses.

Judgments and decrees were executed by an order of the captain of the militia, or the provost marshal, and no "stay laws" or "valuation laws" impeded its operation, and no "redemption" after sale. Occasions, however, were not frequent, calling for the exercise of judicial authority or rendering a regular administration of justice necessary, for the inhabitants were generally peaceable, and honest and punctual in their dealings, each one knowing how far it was safe to

extend confidence, and the beauties of the "credit system" then but partially unfolded.

Trifling matters — such small difficulties as will arise even with the best regulated communities — were usually settled by the mild interposition of the commandant or of the priest.

In those little disturbances which would naturally arise from Antoine's saying hard things of his neighbor, Baptiste, who had killed his dog, or whipped his child, the offended party would carry his complaint to the good curé and in the confessional, or somewhere else, the "*tort-feasor*" would be required to make the proper atonement. It must not be supposed, however, because the priest was a Jesuit, that his punishments partook of the cruelty of the rack and the inquisition—an additional *ave and credo* was, in general, sufficient penance.

Thus were exercised executive and judicial powers — of *legislative*, there was none. Their code of laws was the *customs of Paris*, then the common law of France, and introduced into all her American colonies, changed and modified, more or less, by the ignorance or arbitrary will of those called upon to expound and apply them. Their own peculiar local usages, of course, had the force of law.

## CHAPTER XXIII.

PEACE OF AIX LA CHAPELLE BROKEN — WAR BETWEEN FRANCE  
AND ENGLAND FATAL TO THE PROSPERITY OF THE FRENCH  
IN AMERICA.

The peace of Aix la Chapelle was not of long duration, it was succeeded by “the seven years’ war,” commencing in 1756, and in its consequences proving fatal to the prosperity of those secluded subjects of the French king.

As his distant colonies would be the easiest points of attack and conquest, it was no less his duty than his interest to put them in as good a state of defense as his resources permitted, and accordingly the suggestions before made by the commandant were acceded to, and “New Chartre” arose upon the ruins of the little fort of that name, an object at once of wonder and of curiosity to all who beheld it; and even in its present desolation exciting the same sentiments in the breast of every traveler who seeks it out.

As I stood, more than a quarter of a century ago, upon the ruins of its ponderous masonry, and looked upon its mouldering heaps; the tall cotton-wood growing upon the smooth parade; the chiseled stones fallen from their ancient places; the cannon from their carriages and deposited in the wells; the cellar-vaults, once redolent of the wine-cask, then filled with briars and reptiles, and the accumulated rubbish of years, — I could not but reflect upon those great events which had but recently transpired in such rapid succession, with which the scene was intimately connected.

Here, a little more than fifty years before, a successor of Charlemagne, a noble heir of the house of Bourbon, exercised dominion, his sceptre reaching from the frozen sea to the tepid waters of the gulf, and from the western base of the Alleghanies to the shores of the great river flowing in my view; here, his officers and soldiers, and subjects, and numerous dependents lived and flourished under the gaudy folds of their national *Fleur de lis*.

The scene changes, and the heir of the house of Hanover claims the whole people and all these broad and rich domains, expanding their beauties and their vastness in my

sight ; his martial array upholds England's blazonry, and the cross of St. George floats from yonder battlement.

Another change, and there are the broad stripes and bright stars ; my country's banner floating high in air from the same walls in glorious triumph, and these echoes which so often replied to the cry of "*Vive le roi*" and "God save the king," are now startled by the cheering shouts of "liberty and independence — long live the republic !"

This stupendous fabric\* now a heap of ruins, the best at that day in America, erected at an expense of more than a million of dollars, became the seat of empire, and the archives of the government removed to it in 1756.

As a means of defense, except as a citadel to flee to on any sudden attack of the savages, the erection was wholly unnecessary. Official emolument must have prompted it, and some of the many millions of livres it is said to have cost must have gone into the commandant's pockets, or in those of his favorites, and they enriched by this mode of speculation.

---

\* See Appendix H.

The dread of English conquest during this long and bloody war, of which Canada was an important theater, operated to dispel some of those bright visions which were wont to cheer these secluded colonists. Yet, in spite of it, they lived on in comparative happiness and tranquillity, laughed and danced, loved and married, and died, and these make up their "short and simple annals."

Here they continued to nestle in their white-washed cottages, in sheltering nooks and upon the verdant plains, half hid by the foliage of the cotton wood, and the pecan, in peaceful, calm security, and free from most of the ills and vexations attendant on man's earthly pilgrimage.

No scenes of blood, or rapine, or outrage occurred; their herds and flocks roamed unmolested over the shady hills and in the rich woodland pastures, and the calm light of peace and immunity beamed from their lowly casements.

If they had no ambitious desires, they were free from their disquietudes; if they had not much enterprise, intelligence or high refinement, they had at least all the great essentials to

human happiness; if they were far from the busy world, its varied excitements, its pleasures and its pomp, they had here a dear world of their own, and they sighed not for a better or a happier home.

If others could boast of those refined enjoyments which wealth and power may give, they envied them not; they longed for no other joys than those which clustered in full ripeness and abundance beneath their own humble roofs, and brightened up the circle of their own happy firesides.

England's king triumphed in the conflict, and another brilliant trophy thus acquired by his arms, Quebec, Montreal, all Canada, and this portion of the great valley added new and rich jewels to his crown, and placed a longer sceptre in his grasp.

Measures were taken by the crown of Great Britain to receive the transfer of possession which was stipulated for by the treaty of Paris, of the 10th of February, 1763, and Major Loftus, of the twenty-second regiment, then doing duty in Florida, was ordered to proceed here with his command for that purpose. Proceeding to execute the order, he had reached *Roche de*

*Davion*, the Rock of Davion, where Fort Adams was afterward built, and near the Tunica Bend when, on the 22d of March, 1764, he was attacked by the Indians of that name, who had ambushed both sides of the river.

They killed and wounded several of his men, and prevented the further advance of the troops.

The suspicion was strong that the French of Pointe Coupè, with their slaves, not only aided the Tunicas in their plan of attack, but in the attack itself.

In July thereafter, Major Farmer, with the thirty-fourth regiment, was dispatched on the same service, but it was not until the following year, 1765, whilst *De Neyon de Villiers* was commandant, that the country was formally delivered over to his Britannic majesty by unfurling high above the ramparts of Fort Char tre that banner under which the stripling Washington, the widow's son, had done great deeds of arms, but which, when he arrived at his manhood, after floating in triumph everywhere else throughout the world, was laid at last in harmless folds at his feet.

The keys of the magazine of the barracks,

and of the fort itself, were surrendered by Saint Ange de Bellerive, then in command there, and British power and British right quietly succeeded.

Such, however, was the dread of British dominion that a large proportion of the population departed with their sovereign's power, the old roof trees which had so long sheltered them, the gardens they had planted, the grass plats they had embellished, the trees and shrubbery they had nurtured, the fields they had cultivated, the old church in which they and their sires before them had been baptized and married, the ashes of their nearest and dearest kindred lying near it, every hallowed spot, every object around which their warm affections had entwined their strongest tendrils, all were abandoned, rather than by remaining they should acknowledge fealty to a monarch they did not love, respect for laws they did not understand, and reverence for a church whose creed and forms and ministers had not their confidence and attachment.

Numbers went to Natchez, to Baton Rouge and with De Neyon, to New Orleans — others to Misere and with Saint Ange to Pain-court,

or "Short-bread," though now distinguished as St. Louis, and rivaling some of the oldest cities of the seaboard, in the extent and value of her commerce, in the number and enterprise of her citizens, in her wealth and resources, and whose tall spires are seen afar, then a sorry hamlet only, a mere trading post, yet all the places to which they fled were under the dominion of a Catholic king, controlled by laws and usages to which they were accustomed, and promising to them the free and uncontrolled exercise of their religion, and a continuance of its cherished fetes and festivals.

A few, however, remained, trusting to time to bring back to them their wonted enjoyments, and to their own peculiar power to accommodate themselves to their new circumstances, and to the new condition in which the fortune of war had involved them. Their religious privileges were continued to them, but those to whose spiritual care they had been so long confided, like the natives, whom they had been instrumental in dislodging from their seats of power, to roam the wilderness for other homes, were now as fugitives on the earth. The ban of their sovereign was upon them, and their

forests and fisheries, their pastures and corn-fields, their flocks and herds, their granaries of wheat, their mills and breweries and cellars of wine, all their fertile glebes and rich possessions, were seized and sold by his command, and passed into other hands. One old priest of the Franciscan order alone remained to trim the lamp, which they, nearly a century before, through so much peril and suffering, had borne triumphantly to this wilderness.

He watched its feeble twinkling with unwearied vigilance, and a few worshipers gathered around the altar, but the spell was broken, the spirit that had so long presided over it was not there, and the little flame flickered for awhile and died.

## CHAPTER XXIV.

THE PROPER MONUMENTS OF MARQUETTE AND LA SALLE —  
THE ILLINOIS AND MISSISSIPPI.

Little did they, who first enkindled it, imagine, in the loftiest reachings of their fancy, that multitudes would visit the spot where it burnt, or that coming generations, as they gazed on the ruins of the mighty structures which they erected, now hid by the briar and the ivy, with the damps of certain decay upon them, would speak of them, as the first bold leaders in that march of empire, which bearing onward, still onward and westward, is yet to pass the mountain barrier, to tread the valley of the Columbia, and only to be arrested at last by the wave of that very ocean whose shore attracted hither the first adventurous brother of their order. And little did he suppose, as his slender bark was borne along these liquid highways, that the sails of commerce would so soon whiten them, or their shores re-

verberate to the harsh breathings of the steam engine, little did he dream, when reposing beneath the forest foliage, that cities would here spring up, that civilized States would lay here, broad and deep, the foundations of their power, and that a nation, then but in its chrysalis, would here unfurl its flag, point its cannon and pour out its people. He thought not, in his vain gloryings, that he was the discoverer of an empire, or that his little torch would be the light for multitudes to seek it, to possess it and enjoy it; yet, nevertheless, he deserves our gratitude and our admiration.

To commemorate important services, we erect the splendid mausoleum, the lofty column, the triumphal arch and the colossal statue, but they moulder and decay, and the memorial and the event are alike forgotten. An act of legislation is a monument more durable than either, for the printing press makes it eternal, and all coming ages can see it, and read it, and ponder on the circumstances which gave it birth. While the rubbish of centuries collects around, and obscures all other mementos, this makes the subjects of it immortal, and preserves their memories forever green in the heart.

Though no proud memorials rear their heads in honor of Marquette and of La Salle, yet a more valued tribute has been paid to the illustrious memory of one of them by a people to whom this high duty so appropriately belongs, and whilst our State organization endures, and the Illinois and Mississippi shall send their waters to the sea, so long will his name be known, and his services held in grateful remembrance.

Thus have I traced, with a feeble hand, a few faint outlines of our earliest history. It is a skeleton merely, to which some one more capable can add muscle and sinew, and form and beauty and vitality; I claim only to have exhumed the remains.

## APPENDIX.

---

The appendix of Judge Breese, as found among his manuscripts, we append as part of his own work. It shows the labor he performed to obtain his materials, although, as will appear from the notes which the editor has attached, he was deprived of all access to several publications since issued, which would have led him to correct errors, to which we have referred in the notes.

### A.

Voyage and discovery of Father Marquette and Sieur Joliet in North America, translated by Sidney Breese, from Mons. Thevenot's collection of voyages, published at Paris in 1682 — "Discovery of some Countries and Nations of North America."

I embarked with the Sieur Joliet, who had been chosen to conduct this enterprise, the 13th of May, 1673, with five other Frenchmen, in two bark canoes, with a little Indian corn and some jerked meat for all our provisions. We have had the care to collect from the savages all the knowledge they have of these countries ; we have traced a

map from their information, the rivers being marked upon it, the name of the nations we shall pass through, and the course that we should be obliged to pursue in this voyage.

The first nation we encountered was that of the Folle Avoine.\* I got into their river to go to visit these people, to whom we had preached the gospel for many years — so we found them very good Christians.

The Folle Avoine bear this name on account of what is found upon their land: it is a kind of herb that grows naturally in the little rivers of muddy bottoms, and in their marshes. It is very like that which grows among our wheat, the heads are upon knotted stalks, from space to space; they gathered in the water about the month of June, at which time it shows itself about two feet above the water; the grain is not so heavy as our oats, but it is much larger, and therefore the flour in it is more abundant. Here, as it were, the savages pick it, and prepare it to eat. In the month of September, which is the month for their harvest, they come in canoes across from the country of the Folle Avoine, they shake off the heads into the canoes gradually as they advance, the grain falls easily, as it is ripe, and makes their provision; but to clear it of the chaff and of the little husk in which it is inclosed, they place it to dry upon a gridiron of wood, under which they make a little fire for some days, and when the oats are well dried, they put it in a skin in the form of a pocket or bag, which they sink in the ground in a hole made for the purpose, then they tramp it with their feet,

---

\*Wild rice now called Menomenees.

so much that the grain is separated from the chaff, which they winnow easily, after which they pound it, to reduce it to meal, or without being pounded they boil it in water, which they season with some grease, and from this custom they find the wild oats almost as good as rice, when they cannot get any better seasoning

I recounted to the people of the Folle Avoine the design I had in coming to discover the remote nations, to instruct them in the mysteries of our holy religion. They were extremely surprised, and did all that was possible to dissuade me.

They represented that I would encounter those nations who never pardon strangers, kill without remorse and without cause; that the war which had broken out between different people, who would be upon our route, would expose us to the manifest danger of being carried off by some of the bands of warriors who are always in the field; that the great river is very dangerous when the channel is not known; that it is full of hideous monsters who devour altogether men and canoes; that there was also a demon, whom they could see from a great distance, and who closed the passage of the river, and who destroyed those who dared to approach him; and, in conclusion, that the heats were so excessive that we should meet death inevitably.

I thanked them for their good advice, but I said to them I had not power to follow it, since the salvation of souls influenced us for which I would gladly give up my life; that I ridiculed this pretended demon; that we

could protect ourselves well against these marine monsters, and that as to the rest we could keep upon our guard to avoid the other dangers with which they threatened us.

After having made a prayer to God, and given them some instructions, I separated from them, and having embarked in our canoes we arrived where our fathers worked usefully for the conversion of these people.

This bay bears a name which has not so bad a meaning in the language of the savages, for they call it as often the Salted bay as the Stinking, which among them is nearly the same thing. It is also the name which they give to the sea ; this obliged us to make very close researches to discover if they had in these parts any fountain of salt water, such as there is in the country of the Iroquois, but we could not find any.

We judged that they gave this name to it because of the quantity of slime and mud which is met with, from which rise continually bad vapors, causing the grandest and most constant thunders that I ever heard. The bay is about thirty leagues long and eight broad at its commencement, this breadth increases even to the further end, where is observed a tide, which has its regular flux and reflux precisely like that of the sea.

This is not the place here to examine if these be the true tides, or if they are caused by the winds ; if it is the winds which are the forerunners of the moon upon her course, they consequently agitate the lake and give to it its flux and reflux all the time that the moon is ascending

into the horizon; this I can say, that it is certain when the water is very calm, it is plainly seen to rise and fall according to the course of the moon, although I cannot deny but that this motion may be caused by the winds, which passing upon the middle of the lake make at the shores an increase and decrease in the form that it appeared to our eyes.

We left this bay to enter into the river which discharges itself there; it is very beautiful at its mouth, and glides along gently, it is full of bustards, of ducks, of teals and of other fowls, which are attracted by the wild oats, of which they are very fond. When we had advanced a little way into this river, we found it very difficult, caused very much by the rocks in the current, which cut the canoes and the feet of those who drew them, more especially when the waters are low.

We surmounted, fortunately for all, these rapids, and on approaching to the Maskoutins or the nation of fire, I had the curiosity to drink the mineral waters of a river which is not far from this borough. I took also time to examine an herb that a savage, who knew the secret, had shown to Father Allouez; its root is a specific against the bite of serpents, God having chosen to give this remedy against a poison which is very common in this country. This root is very warm, and has the taste of powder when it is crushed by the teeth.

It should be chewed and placed upon the sting made by the serpent; they have so great a horror of it that they run away from a person who has been rubbed with

it. It produces several stalks about a foot high, of which the leaf is a little long, and the flower white, and resembles the stalk—gilliflower. I placed one in my canoe to examine it.

It is here that the discoveries made by the French terminate, and they have not yet advanced further. This borough or village is composed of three different nations, who are banded together, the Miamies, the Maskoutens and the Kickapoes. The first are the most civil, the most liberal and the best made.

They wear two long whiskers toward their ears, which give them a good appearance ; they pass for warriors and rarely go out in parties without success ; they are very docile and listen to every thing you wish to say to them, and appeared so willing to hear the Father Allouez when he was instructing them that they gave him little repose during the night. The Maskoutins and the Kickapoes are more homely and resemble boors in comparison.

As bark, to make their cabins, is scarce in this country, they use the rushes which serve them for roofs and walls. The convenience of these cabins of rushes is very great, they put them in bundles and carry them where they wish during the hunting season.

At the time I visited them, I was very much rejoiced to see a handsome cross planted in the middle of their village, adorned with many white skins, red girdles, bows and arrows which these good nations have made offerings to their Great Manitou, this is the name they give to God, to thank him that he has had pity upon them during the

winter, and given them a profitable hunt. I took pleasure to see the situation of this village. It is beautiful and pleasant; far from the eminence, upon which it is placed, we could discover all portions of the prairie, as far as the eye can reach, divided by groves and wood of tall trees. The land is very good and produces a good deal of Indian corn; the savages also gather quantities of plums and grapes.

We had no sooner arrived than Mons. Joliet and I assembled the old men. I said to them, that he had been sent on the part of Monsieur, our governor, to discover new countries, and I on the part of God to make clear to them the lights of the gospel, who being the sovereign master of all living things, desires all the nations to know him, and that to obey his will, I did not fear death, to which I was exposed in such perilous voyages; that we had occasion for two guides to conduct us on our route. We made them a present on asking them to accord this to us, which made them very civil, and at the same time, voluntarily answered us by a present, which was a mat to serve us as a bed during our voyage.

The next day, which was the 10th of June, two Miamies, which they gave us for guides, embarked with us in the sight of all the inhabitants, who could not but be astonished to see seven Frenchmen alone in two canoes, daring to undertake an expedition, so extraordinary and so hazardous.

We were told that three leagues from the Maskoutins

there was a river which discharged itself into that of Mississippi.

We learned also that the course we should go to find it was west south-west; but the way is so divided by ponds and small lakes that it is easy to lose one's way, the more so, as the river which was to lead us is so filled with wild oats that we could hardly make out the channel; it was in this we had occasion for our guides, as they conducted us fortunately to a portage of two thousand seven hundred paces, and helped us to transport our canoes into this river, after which they returned, leaving us alone in this unknown country in the hands of Providence.

We left then the waters which flow to Quebec about five or six hundred leagues from here, to take those which should conduct us hereafter into strange lands. Before we embarked we commenced a new worship to the blessed immaculate Virgin, that we practiced every day, addressing her by particular prayers to place us under her protection, and our persons and the success of our voyage, and after encouraging one another we embarked in our canoes. The river upon which we embarked is called the *Masconsin*; it is very broad, its bottom is of sand which makes many bars, rendering the navigation very difficult; it is full of islands covered with vines; upon the bottoms good land appeared, interspersed with wood, with prairies and with little hills. We saw walnut trees, oaks, white wood, and another species of tree with its branches armed with long thorns. We saw no game nor fish, but deer and buffalo cows in great quantity.

After we had navigated thirty leagues, we approached a place which had all the appearance of an iron mine. Indeed, one of those with us, who had seen it before, assured us that those we had found were very good and very abundant ; they are covered by three feet of good earth, near to a chain of rocks, the foot of which is covered with very beautiful woods. After a navigation of forty leagues in the same direction, we arrived at the mouth of our river and found it forty-two degrees and a half of longitude. We entered without any accident into the Mississippi the 17th of June, with a joy that I cannot express. We were then upon that famous river, and I attempted to observe attentively all its peculiarities.

The river Mississippi takes its rise in different lakes in the country of the people of the north. It is narrow at the discharge of the *Masconsin*, its current which bears from the hill to the south being gentle ; on the right is seen a great chain of hills very high, and on the left fine lands and islands interspersed of various shapes. In sounding we found nineteen fathoms of water, its breadth is very equal, being sometimes three-quarters of a league. We followed gently its course which goes to the south, and south-west up to the forty-second degree of latitude. It was here we perceived that every thing had changed its aspect ; there was not near so much of wood nor of mountains, the islands were covered with the most beautiful trees, and we saw deer, and buffalo cows, and bustards and swans without wings, because in this country they

lose their feathers. We encountered time after time monstrous fishes, one of which struck so rudely against our canoe that I was afraid that it had been a large tree that was about to tear it to pieces.

A monster that had the head of a tiger, the nose pointed like that of a wild-cat, with a beard, his ears standing upright, his head gray and his neck black. We did not regard him further. When we had cast our nets into the water, we took sturgeons and an extraordinary species of fish — it resembled the trout, with this difference, that it had a mouth, eyes and nose very small, and near the nose an appendage like the whalebone of a woman's stays, three fingers broad, and in length a cubit or eighteen inches, at the end of which is a ring as wide as the hand, which obliges it in leaping out of the water to fall backwards.

Having descended upon the same course to the latitude of forty-one degrees and twenty-eight minutes, we found turkey cocks had taken the place of game, and buffaloes or wild bulls that of other beasts.

We called the buffaloes (*pisikious*) wild bulls, because they resemble much our domestic bulls; they are not any longer, but they are much more fat and heavy; our people having killed one, thirteen persons had much trouble to move him; their head is huge, the forehead broad and flat, a foot and a half between the horns, which resemble those of our bullocks but much blacker and larger; they have under the neck something like a long tuft which hangs down, and upon the back a high hump;

all the head and a part of the shoulders are covered with long hair like that of horses; it is matted for a foot long, which renders them hideous, and falling over their eyes, they are prevented from seeing before them; the rest of the body with a coarse frizzly nap, something like that of our sheep but much stronger and thicker; it falls off in summer, and the hide becomes as soft as velvet; it is then that the savages use their hides to make their robes, painting them of different colors. The flesh and the fat of the buffaloes is excellent and makes the best mess for their feasts; as for the rest they are very dangerous, and not a year passes that some Indians are not killed; when they go to attack them they will take a man upon their horns, toss him into the air, then throw him upon the ground, and trampling him under their feet, kill him. Thus they kill them from a distance with their bows or fuses, and it is necessary after the shot to throw themselves to the ground and hide in the grass, for they perceiving him who has fired run after him and attack him; as they are heavy of foot and very short, they are not swift; so when they are not irritated they are scattered in groups over the prairies. I have seen a band of four hundred together. We continued to advance, but as we knew not where we were going, having made already more than a hundred leagues without seeing any thing but beasts and birds, we were, nevertheless, upon our guard. For this cause we made but little fire upon the land by night to prepare our repast, and after the meal we put off from the land as soon we could to pass the

night in the canoes, which we held by an anchor in the river, far enough from the shore that we might not be delayed, and some one of us was always on guard for fear of a surprise.

Going to the south and south by west, we found ourselves in the latitude of forty-one degrees, and up to forty degrees and some minutes, partly by the southwest, after having advanced more than sixty leagues since our entrance into the river, we discovered nothing. At length, on the 25th of June, we perceived upon the brink of the water tracks of men, and a little well-beaten path which led to a beautiful prairie; we stopped and, judging that it was a way which would conduct us to some Indian village, we formed the resolution to go and reconnoiter.

We left the two canoes in the care of our men, enjoining upon them not to suffer themselves to be surprised, after which Mons. Joliet and myself undertook the discovery, sufficiently hazardous for two lone men who were exposing themselves to the power of a barbarous and unknown people. We followed in silence the little path, and after walking about two leagues, we discovered a village upon the bank of a river, and two others upon a hill distant from the first about half a league.

We then commended ourselves to God with a good heart, and having implored his aid, we passed along without being discovered, and came so near that we could hear the savages talk.

We then thought that it was time to discover our-

selves, which we did by as loud a cry as we could make, and then stopped without advancing further.

At this cry the savages promptly sallied out of their cabins, and having probably recognized us as Frenchmen, seeing the black robes above all, they had less to dread, since we were but two men, and had given notice of our approach, they deputed four of their old men to come and speak to us, two of them bearing pipes to hold tobacco, beautifully ornamented and decorated with various feathers, they marched at a slow pace, and elevating their pipes against the sun, they seemed to present it to him to smoke, without, however, speaking a single word. They took a long time to come the little way from their village to us. At length having drawn near to us, they stopped to consider us with attention. I felt encouraged, seeing their ceremonies, and that we should be among friends, and more so when I saw they had cloth coverings, judging by this they would be our allies or friends. I spoke to them first, I asked them who they were.

They answered me that they were Illinois, and in token of peace they presented us their pipes to smoke.

In conclusion they invited us to enter their village, where all the people impatiently awaited us.

These tobacco pipes are called in this country the calumets; this word is used here so generally, that to be understood I shall be obliged to preserve it, having to speak of it frequently or oftentimes.

At the door of the cabin, where we were to be received,

was an old man who waited for us in a very strange posture, which is a ceremony they observe whenever they receive strangers. This man was standing up entirely naked, holding his hands stretched out and raised against the sun, as if he wished to protect himself against his rays, which, however, passed upon his face, through his fingers. When we were near him he made us this salutation :

“The sun is beautiful, Frenchmen, when you come to visit us, all our tribe attend you; you shall enter in peace into all our cabins.”

He introduced us into his own, where he had a great crowd who devoured us with their eyes, yet kept a profound silence. We understood only these words which he addressed to us from time to time in a low voice: “It is well, my brothers, that you visit us.” After we had taken our places, he extended to us the usual civility of presenting to us the calumet. It would not do to refuse, unless we wished to be considered as an enemy, or as very uncivil; it is enough, however, to make the appearance of smoking. Whilst all the old men were smoking after us, in honor of us, they came on the part of the great chief of all the Illinois to conduct us to his village, where he wished to hold a council with us. We went there in a great company, for all the people who had never seen a Frenchman among them did not omit to regard us; they crouched in the long grass on the way, they came before us, and then returned upon their track to review us; all this was done without noise, and with

all those marks of the great respect which they had for us.

Having arrived at the village of the great chief, we saw him at the door of his cabin, in the middle of two of the old men, all three standing, and naked, holding the calumet turned against the sun.

He harangued us in a few words, congratulating us on our arrival; he presented us afterward his calumet, and having smoked it, we entered into his cabin and received all the ordinary civilities.

Seeing all the people assembled and in silence, I spoke to them about four presents that I made them.

For the first I said to them that we were traveling in peace to visit the nations who lived upon the river near the sea. For the second I declared to them that God who created them, had pity on them, and since they had been ignorant of him for so long a time, he wished to make himself known to them; that I was sent on his part with this design, and it was their duty to acknowledge and to obey him.

For the third, that the Great Chief of the French would have them to know that it was him who had produced peace throughout, and had subdued the Iroquois.

Finally for the fourth we besought them to give us all the knowledge that they had of the sea, and of the nations through which we should be obliged to pass before we arrived at it. After this the chief sent a little slave to us and made us a present, which was that all-mysterious calumet, on which they place more value than on a

slave. He testified to us by this present the esteem he had for Monsieur, our governor, upon our account of him, and for the third he besought us, in behalf of all his nation, not to pass further, because of the great dangers to which we would be exposed.

I replied that I did not fear death, and that I should esteem it the greatest happiness to lose my life for the glory of God.

This those poor people could not understand.

The council was followed by a great feast, which consisted of four dishes, which we were obliged to take with all their ceremonies. The first was a great platter of wood full of *Sagomite*, that is to say, of the flour of Indian corn, which they boil with water, seasoning it with grease. The master of the ceremonies holding a spoon-full of sagamittee, presented it to my mouth three or four times, and did the same to Mons. Joliet.

Afterward he brought forth a second dish which had three fishes upon it ; he took some pieces, and taking out the bones and blowing upon it to cool it, he placed them in our mouth as food is given to a bird. There was brought for the third course a big dog which they had killed, but having told them that we did not eat such, they took it away from before us, and the fourth was a piece of wild beef, of which was placed in our mouth the fattest morsels.

After this feast it was determined to go and visit all the village, which is composed of three hundred cabins.

Accordingly we marched through the streets, an orator

haranguing continually to oblige all the people to see us, without being troublesome. They presented us with socks, garters, and other fabrics made of bear's and buffalo hair. They were all the varieties they had. We slept in the cabin of the chief, and the next day took leave of him, promising to return by his village in four moons. He conducted us to our canoes with near six hundred persons, who saw us embark, giving us every token they could of the joy our visit had caused them. Having quit the country of Illinois, it is proper that I here relate what I have ascertained of their customs and manners. To say Illinois, is the same as to say in their language *Men*, as if all other savages besides them should be accounted beasts, and it ought to be acknowledged that they have an air of humanity which we did not observe in the other nations we saw on our route.

The little stay that I made among them did not permit me to obtain all the knowledge of their customs that I wished.

I have observed this, however, they are divided into many villages, and have one of them far removed from those we talked to, who are called Perouarca ; it is this which makes the difference in their language, which being the Algonquin, so that we could understand the one and not the others.

Their nature is easy and gentle ; they have many wives, of whom they are very jealous ; they watch them with great solicitude ; they cut their noses or their ears when they are not honest. I have seen many who bore

these marks of their infidelity ; they are dexterous and skillful with the bow ; they use also fusees, which they buy of those savages who are in alliance and have commerce with the French, which they use principally to frighten their enemies by the noise and smoke, who, living far to the west, have no knowledge of their use, and have never seen one.

They are warlike and made themselves so formidable to the people far off to the south and west, when they go to make slaves of them, which they make a traffic of, selling them at a high price to other nations for different kinds of merchandise. These savages who live so far off which they go to war against, have no knowledge of Europeans, nor of iron, nor of copper, and have only knives made of stone or flint.

When the Illinois determine to go to war, it is necessary that all the village should be apprised of it, which is done by a loud cry at the door of their cabins, the night and morning before they depart.

The chiefs are distinguished from the soldiers by the red sashes which they wear, they are made of hair of bears or the nap of the buffalo with great labor, consuming many days' work of the village.

They live by the chase, which is very abundant in this country, and upon Indian corn, of which they always have a good crop, and therefore never suffer from famine ; they raise also beans and melons which are excellent, above all, those which have a red seed ; their pumpkins are not of the best, they dry them in the sun to eat in

the winter and spring ; their cabins are very large and are roofed and covered with mats made of rushes ; they find all their dishes and plates in the woods, and their spoons in the head of the buffalo, and they know so well how to prepare the scull as to make it properly serve to eat their *sagamittee*. They are generous in their sickness, believing that the prescriptions, which are given them, operate in proportion to the presents they bestow upon their medicine-men. They use skins for clothing, the women are dressed very modestly and with great propriety, whereas on the other hand the men do not trouble themselves to cover any thing.

I do not know by the influence of what superstition some of the Illinois as well as some of the *Nudouessis* (Sioux) when young take the dress of a woman, which they keep all their lives, it is a mystery, for they never marry and glory in so abasing themselves as to make it appear that they are women ; they go, however, to war, but they are permitted only to use the club, not the bow and arrows, which are accustomed arms of these people ; they assist at all the jugglery and at all the solemn dances which they make in honor of the calumet ; they sing but are not suffered to dance ; they are invited to the council where nothing is decided without their advice ; in short the profession which they make of a life so extraordinary serves them to pass for *Manitous*, that is to say, great geniuses or persons of distinction.

It remains to say something more of the calumet. Nothing is to it, among these people, more mysterious or

more estimable. They would not render as much honor to the scepter of Kings, as they render to it ; it appears to be the *God* of peace and of war, the arbiter of life and death ; it is enough for one bearing it to go with confidence in the midst of enemies, who in the heat of combat, throw down their arms when it is shown to them ; it was for this virtue in it that the Illinois gave me one to serve me as a safeguard among the nations through which I should be compelled to pass in my voyage.

They have a calumet for peace and one for war ; they use them also to end their differences and to strengthen their alliances and to talk to strangers. It is made of a red stone, polished like marble, and bored in such a form, that one end serves to receive the tobacco and the other holds the handle, which is a stick two feet long, as large as a common sized reed, and bored through the middle ; it is embellished with the head and neck of various birds of the most beautiful plumage ; they also add to it large feathers, red, green and other colors, by which it is all adorned ; they have great respect for this because they regard it as the calumet of the sun, and in truth, they present it to him to smoke, when they wish for a calm, or for rain, or for good weather ; they are scrupulous about bathing themselves at the commencement of the summer, or eating the new fruits of the year, until they have had the dance, and here is the manner of it.

The dance of the calumet is very celebrated among these people, and is used for many purposes and on many occasions.

Sometimes it is to confirm a peace, or for a reunion after a long war, at other times for a public rejoicing, sometimes in honor of another nation they have invited to aid them, sometimes they practice it on the reception of a personage of distinction, as if they wished to give him the diversion of a ball or a comedy. In winter the ceremony is performed in a cabin, in summer upon the smooth plain.

The place selected for the purpose is one environed all around by trees, so that all the people may be under the shade of their foliage to defend themselves against the heats of the sun; a large mat of rushes is spread out in the middle of the place, painted with various colors; this serves as a carpet upon which to lay with honor the god of him who made the dance, for each one has his own god, which they call Manitou; it is a serpent, or a bird, or a stone, or some such thing which they dream of in their sleep, and in which they place all confidence for their success in war, in fishing and in hunting; near this Manitou and upon his right, they place the calumet in honor of him who makes the entertainment, and all about they make a kind of trophy and spread out the arms which the warriors of those nations use, namely, the club, the tomahawk, the bow, the quiver and arrows.

These things being properly arranged, and the time for the dance approaching, those who are selected to sing, take the most honorable places under the shade of the trees; they are the men and the women who have the most delightful voices, and who agree perfectly well to-

gether; all the people then come and place themselves around under the branches, but each one on his arrival makes his salutation to the Manitou; this is done by smoking, and puffing the smoke from his mouth upon him as if he was presenting to him incense; presently each one goes with respect to take the calumet, and holding it up in his hands he makes it dance to the cadence of the song; keeping time with the air he causes it to perform many different figures; sometimes he makes it to look at the whole company, turning it to the one side and the other; after this he who is to commence the dance appears in the midst of the assembly and goes forthwith, and presents it to the sun, as if he wished him to smoke; then again he inclines to the earth, at other times he spreads out the wings as if to fly, at other times he puts it to the mouths of his assistants in order that they may smoke, the dance going on all the time, and this is the first scene of the ball.

The second consists of a combat, which is made by beating a kind of drum, which comes after the songs, or is so joined with them as to agree very well. The dancer makes a signal to some warrior to come and take the arms which are upon the mat, the invited strikes at him to the sound of the drum, upon this he advances, takes a bow and arrows, with a tomahawk, and commences a duel with the other, who has no other defense than the calumet. This sight is very agreeable, the more especially as all is done while they are dancing. As one attacks, the other defends; one makes the cuts, the

other parries; one flies, the other pursues; and then he who has fled turns around and makes his adversary fly; this goes along so well by measured step and regulated voices and drums, that it would pass in France as the most delightful dancing.

The third scene consists in a great speech which he who holds the calumet makes, for the combat being finished without blood-shed, he narrates the battles which he has been in, the victories he has gained, the name of the nations, the places and the captives he has taken, and as a recompense to him who presides at the dance, he makes him a present of a beautiful beaver robe, or of some other thing, and having received it, he goes and presents the calumet to another, and this one to a third, and so on through all the others, and all having done their part, the chief presents the same calumet to the nation invited to the ceremony, as a token of the everlasting peace which shall be between their people.

Here is one of their songs which they were accustomed to sing, to which they gave a certain turn which it is not possible to express by note, which, nevertheless, has much agreeableness: *Ninakani, ninakani, ninakani, nani on-go*. We took our leave of the Illinois toward the end of June, toward three o'clock in the afternoon, embarking in sight of all their people, who admired our little canoes, never having seen the like before.

We descended by the current to the river called Pekitanoni, which coming from the north-west discharges itself into the Mississippi, about which I have something

considerable to say, after I shall have related all that I have observed upon this river.

Passing near some very high rocks I saw a *Simple*, which appeared to me very extraordinary; its root resembles little turnips, attached the one to the other by little fibres, which have the taste of carrots; from this root springs a leaf as large as the hand, an inch thick, with some specks; in the middle of this leaf other leaves spring out, resembling those hand candle-sticks which hold candles in our halls, and each leaf bearing five or six yellow flowers like small bells.

We found a quantity of mulberries, as large as those of France, and a small fruit which we took at first for olives, but it had the taste of the orange;\* and another fruit as large as a hen's egg, we broke it in two, and there appeared two partitions, in each one of which there were eight or ten fruits inclosed, having the shape of an almond, and were really good when they were eaten: the tree, nevertheless, bears a very bad smell, and the leaf resembles that of the walnut.†

We found also in the prairies a fruit resembling the filberts, but more tender, the leaves are longer and come from a stem at the end of which is a head like that of the sun-flower, in which all the filberts are properly arranged; they are very good, boiled or raw.‡

As we coasted along the rocks, frightful from their height and vastness, we saw upon one of them two monsters painted upon it, that we were alarmed at first sight,

---

\* Persimmon.

† Pawpaw.

‡ Hazlenut.

and upon which some of the most courageous savages dare not, for a long time, fasten their eyes.

They are as large as a calf, have horns upon the head like a deer, a frightful look, red eyes, a beard like a tiger, the face something like a man's, the body covered with scales, the tail so long that it made the circuit of the body, passing over the head and returning between the legs, terminating in a tail like that of a fish; the colors that composed it were green, red and black. In truth these two monsters are so well painted, that we cannot believe a savage was the workman, since good painters in France would find it difficult to do as well; and, moreover, they are so high up on the rock, that it is difficult to reach them conveniently by painters.

As we were conversing about these monsters, rowing quietly in a beautiful water, clear and tranquil, we heard the noise of a rapid into which we were going to fall.

I have never seen any thing more frightful; an impediment caused by whole trees and branches, and floating islands proceeded from the mouth of the river *Pekatononi* with so much impetuosity, that we could not attempt to pass across without danger; the agitation was such, that the water was all muddy and could not be purified.

*Pekatononi* is a large river, which, coming far off from the hills of the north-west, discharges itself into the Mississippi; many villages of the savages are situated along on this river. I hope by some means to make the discovery to the Vermilion — Sea or Gulf of California. We conjectured by the plumb line by keeping in the Missis-

ssippi, that if she continued in the same direction, she must discharge herself in the Gulf of Mexico.

It would be very advantageous if that goes to the South sea toward California; and this, as I have said, I hope to meet with by means of the Pekatononi, according to the account that the Indians have made to me, from whom I have learned that in ascending that river for five or six days' journey, there is found a beautiful prairie, twenty or thirty leagues in length, which it is necessary to cross going to the north-west; at the end of this is a small river, upon which we must embark, it not being difficult to transport the canoes by so beautiful a country as is this prairie.

This second river has its course toward the south-west for ten or fifteen leagues, after which it enters into a small lake, which is the source of another deep river, which runs to the west and falls into the sea. I do not doubt that this is the Vermilion sea, and I do not despair but I shall one day make the discovery, if God is willing and gives me health, in order that I may publish the gospel to all the people of this new world, who have been enveloped for so long a time in the darkness of infidelity.

After we had escaped as we best could the danger of being carried away by the rapidity of the stream, we resumed our route. After having made about twenty leagues to the south and a little to the south-east, we found a river called *Ouabouskigon* (Wabash), its mouth being at thirty-six degrees of latitude. Before we arrived there we passed by a place remarkable among the

savages, because they think there is a Manitou, that is to say a demon, who devours travelers, and this the savages threatened us with, unwilling as we were to abandon our enterprise.

Here is the demon : It is a little pile of rocks twenty feet high, against which the whole current of the river sets, and which, being thrown back against that which follows, and checked by an island which is near, the water is compelled to pass by a narrow channel, and this it does not without causing a furious strife of the waves which are thrown back, one upon the other, with a thundering noise, which terrifies greatly the savages, but it did not hinder our passage and arrival at the Ouabouskigon (Ohio).

This river comes from the lands of the rising sun, where there is a great number of people called *Chououanons* (Shawnees), having in one district as many as twenty-three villages, and fifteen at another, and others besides. They are by no means warlike; they are people upon whom the Iroquois make war without any cause, and because they are poor and unable to defend themselves, they are taken and led away in droves, and all innocent as they are, they are not able to resent the barbarities of the Iroquois, who cruelly burn them.

A little above this river of which I have been speaking, are steep shores where one Frenchman discovered an iron mine, which they judged to be very rich. There were many veins and a layer of a foot thick; we saw large lumps of it adhering to the flints. Here we found a fat

earth of three colors — purple, violet and red ; the water in which we washed it took the color of blood. Here is also a red sand, very heavy ; I put some on my oar which took the color so strong, that the water did not efface it for a fortnight that I used it in rowing. It is here we began to see the canes or large reeds which are found upon the bank of the river ; they are of a pleasing green ; all the joints are crowned by long leaves, narrow and pointed ; they grow very high and in such large quantities that the buffaloes are troubled to force through them.

Up to this time we had not been annoyed by mosquitoes, but we had now entered into their country. This is the way the savages of these parts defend themselves against them : They raise a scaffold of poles, which is consequently not tight, in order that the smoke passing through from the fire below may drive away the little animals which cause so much suffering ; they lie upon these poles, about which bark is spread as a protection against the rain, and the scaffold serves to protect them also against the excessive and insupportable heats of the country, for they place themselves in the shade of this staging or scaffold below, they protect themselves from the sun's rays, and also get the fresh air which passes freely through the scaffold.

With the same object we were compelled to make upon the water a kind of cabin, with our sails, as a cover from the mosquitoes and the rays of the sun.

As we were going along in this way at the mercy of

the current, we saw upon the shore Indians armed with fusees, who stopped for us; I straightway presented my decorated calumet, during which our Frenchmen placed themselves on the defensive, and endeavored to induce the Indians to make the first discharge. I spoke to them in the Huron language, but they did not answer a word, which to me seemed like a declaration of war against us. They had, nevertheless, as much fear as we had, and that which we took for a signal of war was an invitation to us to come to them, that they might give us something to eat. We landed and went into their cabins, where they presented us with buffalo beef and bear's oil, with some white plums, which were excellent. They have fusees, tomahawks and hoes, knives, glass-beads and glass bottles, in which they put their powder.

They have long hair, and mark themselves after the fashion of the Iroquois, and their women are clothed and their heads dressed like the Hurons. They assured us it was not more than ten days going to the sea; that they bought their stuff of the Europeans who lived upon the coast to the east; that the Europeans had images and beads; that they played upon instruments; that they were dressed as I was, and that they had been well received by them.

However I saw no person that appeared to me to have received any instruction in the faith; I gave them some idea of it, together with some medals. This intelligence revived us, and we seized our oars with renewed ardor. We advanced on and saw no more of the prairies, but

instead thereof, the two sides of the river bordered by high trees. The elms, cotton trees and white wood were worthy of admiration for their size and height. The quantity of buffaloes that we heard below made us believe that the prairies were near.

We saw also quails upon the shore. We killed a little paraquet that had the half of its head red, the other half and the neck yellow, and all the body green.

We descended almost to the thirty-third degree of latitude, going always nearly south, when we perceived a village upon the banks of the river called Mitchigamea. We had recourse to our patron saint, and to our guide, the holy immaculate virgin, and had need of their assistance, for when we were discovered by the savages, they aroused themselves for battle by continual cries. They were armed with bows and arrows, and clubs and tomahawks and shields. They placed themselves in a position to attack us by land and water — one party embarked in their big wooden canoes, one of them to the river, and the others to go below in order to cut off our way, and to surround us on all sides. Those who were upon the land went to and fro as if to commence an attack; indeed two young men threw themselves into the water to seize my canoe, but the current of the river compelled them to return to the land; one of them threw his club at us, which passed over us without touching us. I then showed them the grand calumet and made a sign to them, or gesture, that we had not come for war; the alarm continued all the time, and they had already pre-

pared themselves to shoot us with their arrows from all directions, when God touched suddenly the hearts of the old men who were on the shore, doubtless occasioned by the sight of our calumet, which they had recognized from a great distance, and as I did not cease to show it to them, they were touched by it and arrested the ardor of their young men, and at the same time two of the old men having thrown into our canoe, as at our feet, their bows and quivers, to give us confidence, and they getting in also, we approached the shore, where we landed, not without fear on our part. It was necessary for us at first to talk by gesture, because no one of them understood any thing of six languages that I knew; at last there was found an old man who could speak a little Illinois.

We satisfied them by our presents that we were going to the sea. They paid great attention to all we wished to say to them, but I do not know that they agreed in what I said to them of God, and of things concerning their salvation. It is a seed cast upon the earth, which will bear fruit in time. We were not able to get any other answer from them, save that we should learn all we desired of them, at a large village called Akamsca, about eight or ten leagues below. They offered us sagamittee and fish, and we passed the night with them in much uneasiness. We embarked the next morning early, with our interpreter, a canoe, with ten savages in it, going in advance of us.

Having arrived within half a league of Akamsca, we discovered two canoes coming to meet us. He who com-

manded was standing up, holding in his hand the calumet with which he made many motions according to the custom of the country. He came to meet us, singing very agreeably, and presented it to us to smoke, after which he gave us sagamitte and bread made of Indian corn, of which we ate a little, after which he took the advance and made a sign to us to come quietly after him.

He had prepared for us a place upon the scaffold of the war chief, it was very strong and adorned with fine mats of rushes, upon which we were made to sit, having about us the old men, who were next in rank to the warriors, and after them all the people in a crowd.

We found there by good luck a young man who understood Illinois much better than the interpreter we had brought with us from Mitchigamea. It was by his means that I talked straightway to the whole assembly, and at the same time making them some small presents. They were delighted with what I told them of God, and of the mysteries of our holy faith, and manifested a great desire to keep us with them, so that they might be instructed.

We at length asked them what they knew of the sea ; they answered that we could be there in ten days, that it was possible for us to make the journey in five days, but that they were not acquainted with the nations who dwelt upon it, because their enemies prevented them from having any intercourse with these Europeans ; that their tomahawks, knives and glass beads which we saw had been sold to them in part by the nations of the east, and

a part by a tribe of the Illinois living at the west, four days' journey from there; that the savages whom we had met with fusees were their enemies, who shut up their passage to the sea, and prevented them from having a knowledge of the Europeans, and to have any trade with them. As for the rest, we should expose ourselves very much by passing further on, for the reason that their enemies were making continual irruptions upon the river, which they cruised upon continually. During this talk they brought to us frequently to eat, in large platters of wood, sometimes sagamittee, then whole corn, and then a piece of a dog; the whole day was passed by them in such entertainments.

These people are very obliging and liberal of that which they have, but they live miserably, not daring to go to hunt the buffaloes for fear of their enemies.

It is true they have an abundance of Indian corn which they sow at all seasons; we saw, at the same time, some that had come to maturity, some that had not silked, and some that was in the milk, of a kind which they sow three times in a year; they cook it in large earthen vessels, which are well made. They have also plates of baked earth which serve them for many purposes. The men are naked, wearing their hair short, and boring the nose and ears to put in them rings of glass beads. The women are clothed with miserable skins, their hair platted in two twists which they throw behind their ears, and have some skill in bedecking themselves. Their entertainments are without any ceremony.

They present to the guests large platters, of which each one eats as much as he pleases, and the remains given to one and the other.

Their language is extremely difficult, and I never could pronounce a single word with all the effort I was able to make. Their cabins, which are made of bark, are very long and large; they sleep at the two ends, being elevated two feet from the ground; they keep their corn in large baskets made of cane, or in large gourds like the half bushels; they do not know what the beaver is, their wealth consisting of buffalo skins. There is never any snow with them, and they do not know winter only by the rains which fall more frequently than in summer. We did not eat of any other fruits than water melons; if they knew how to cultivate the earth they might have all kinds.

At night the old men held a secret council with the design, which some of them had, to kill us and rob us, but the chief broke up all these plots, he brought us a token of perfect security, he danced the calumet before us after the manner I have described above, and banished all fear by presenting it to me.

Mons. Joliet and myself held a council for the purpose of deliberating upon what we should do, whether we should go on or should content ourselves with the discovery we had made.

After attentively considering that we were not far from the Gulf of Mexico, whose basin was in the latitude of thirty-one degrees, forty minutes, and could not be

further off than two or three days' journey, and that undoubtedly the river Mississippi had its discharge in Florida at the Gulf of Mexico, and not upon the coast to the east of Virginia, whose shore upon the sea is at thirty-four degrees, and which we had passed without having reached the sea, nor to the west at California, therefore, for this we ought to have gone to the west, or west south-west, and we had been going all the time to the south. We thought, moreover, that we should expose ourselves to the loss of the fruits of our voyage, of which we could not give any information, if we should be thrown into the hands of the Spaniards, who, without doubt, would keep us as prisoners; besides this, we saw that we should not be in a condition to resist the savages allied to the Europeans, numerous and expert as they are with the fusees, and who continually infested the low country upon the river, and finally we had gained all the intelligence that we desired in this discovery.

All these reasons brought us to the conclusion to return, which we made known to the savages, and for which we made preparations after a day's rest.

After one month's navigation in descending the Mississippi from the forty-second degree to the thirty-fourth, and more, and after publishing the gospel to all the nations that I encountered, we left on the 17th of July the village of the Akamsca to return on our track. We turned back upon the Mississippi, and had much difficulty in stemming its current.

We quit it at the thirty-eighth degree to enter into

another river, which shortened our way very much, and conducted us with but little trouble to the Lake of Illinois.

We have never seen any thing like this river, which we entered, for the richness of the soil, the prairies, the woods, the buffaloes, the elks, the deer, the wildcats, the bustards, the swans, the ducks, the paraquets and beavers; it is made up of little lakes and little rivers. This, upon which we voyaged, is wide and deep and gentle for sixty-five leagues. In the spring and part of the summer it is necessary to make a portage of half a league.

We found a village of Illinois called Kuilka, consisting of seventy-four cabins; we were very kindly received by them, and they obliged me to promise them that I would return to instruct them. One of the chiefs of this nation with a young man conducted us to the Lake of Illinois, by which at last we returned to the Bay of Puants (Green Bay), at the close of the month of September, and which we had left at the commencement of the month of June.

Although my voyage should possess no other value than the salvation of one soul, I shall esteem all my troubles well recompensed, and that I have done this, I have a right to presume, for on my return as we passed through the Illinois of Perouacca, I preached for three days to them the mysteries of our faith in all their cabins after which, as we were about to embark, they brought to me, at the edge of the water, a dying infant, which I, by wonderful providence, baptized, a little while before it died, for the salvation of its innocent soul.

## B.

LETTERS PATENT GRANTED BY THE KING OF FRANCE  
TO THE SIEUR DE LA SALLE, ON THE 12TH OF  
MAY, 1678.

*Louis, by the Grace of God, King of France and of  
Navarre.*

To our dear and beloved ROBERT COVELIN, SIEUR DE  
LA SALLE, greeting :

We have received with favor the very humble petition which has been presented to us in your name, to permit you to endeavor to discover the western part of our country of New France, and we have consented to this proposal the more willingly, because there is nothing we have more at heart than the discovery of this country, through which it is probable that a passage may be found to Mexico ; and because your diligence in clearing the lands which we granted to you by the decree of our council of the 13th of May, 1675, and by letters-patent of the same date, to form habitations upon the said lands and to put Fort Frontenac in a good state of defense, the seignory and government whereof we likewise granted to you, affords us every reason to hope that you will succeed to our satisfaction, and to the advantage of our subjects of the said country. For these reasons and others thereunto moving us, we have permitted and do hereby permit you by these presents, signed by our hand, to endeavor to discover the western part of our country

of New France, and for the execution of this enterprise, to construct forts wherever you shall deem it necessary ; which it is our will that you shall hold on the same terms and conditions as Fort Frontenac, agreeably and conformably to our said letters-patent of the 13th of May, 1675, which we have confirmed, as far as is needful, and hereby confirm by these presents. And it is our pleasure that they be executed according to their form and tenor.

To accomplish this, and every thing above mentioned, we give you full powers, on condition, however, that you shall finish this enterprise within five years, in default of which these presents shall be void and of none effect ; that you carry on no trade whatever with the savages called *Outaouac*, and others who bring their beaver skins and other peltries to Montreal ; and that the whole shall be done at your expense, and that of your company to which we have granted the privilege of the trade in buffalo skins, and we call on the *Sieur de Frontenac*, our governor and lieutenant-general, and on the *Sieur de Chesneau*, intendant of justice, police and finance, and on the officers who compose the supreme council in the said country, to affix their signatures to those presents ; for such is our pleasure.

Given at St. Germain en Saye, this 12th day of May, 1678, and of our reign the thirty-fifth.

LOUIS.

By the King.

COLBERT.

And sealed with the great Seal of yellow wax.

## C.

PETITION OF THE CHEVALIER DE TONTY TO THE  
COUNT DE PONTCHARTRAIN, MINISTER OF MARINE.\*

MONSEIGNEUR.— Henry de Tonty humbly represents to your highness, that he entered the military service as a cadet, and was employed in that capacity in the years 1668 and 1669, and that he afterward served as midshipman four years, at Marseilles and Toulon, and made seven campaigns, that is, four on board ships of war, and three in the galleys. While at Messina he was made a captain and in the interval lieutenant of the first company of a regiment of horse. When the enemy attacked the post of Libisso his right hand was shot away by a grenade and he was taken prisoner and conducted to Metasse, where he was detained six months, and then exchanged for the sons of the governor of that place. He then went to France to obtain some favor of his majesty, and the king granted him three hundred livres. He returned to the service in Sicily, made the campaign as a volunteer in the galleys, and when the troops were discharged, being unable to obtain the employment he solicited at court on account of the general peace, he decided, in 1678, to join

---

\* “This paper is translated from the original, deposited in the archives of the Marine Department at Paris. It is without date, but was probably written at Quebec in the year 1690. Frontenac was at that time governor-general of Canadas.— SPARKS.

the late Monsieur de la Salle, in order to accompany him in the discoveries of Mexico, during which, until 1682, he was the only officer who did not abandon him.

These discoveries being finished, he remained in 1683 commandant of Fort St. Louis of the Illinois; and in 1684 he was there attacked by two hundred Iroquois, whom he repulsed with great loss on their side. During the same year, he repaired to Quebec under the orders of M. de la Barre. In 1685, he returned to the Illinois, according to the orders which he received from the court, and from M. de la Salle, as a captain of foot in a marine detachment and governor of Fort St. Louis. In 1686 he went with forty men in canoes, at his own expense, as far as the Gulf of Mexico, to seek for M. de la Salle. Not being able to find him there, he returned to Montreal, and put himself under the orders of Monsieur Denonville to engage in the war with the Iroquois.

At the head of a band of Indians, in 1687, he proceeded two hundred leagues by land, and as far in canoes, and joined the army, when, with these Indians and a company of Canadians, he forced the ambuscade of the Tsonnonthouans. The campaign being over, he returned to the Illinois, whence he departed in 1689, to go in search of the remains of M. de la Salle's colony; but being deserted by his men, and unable to execute his design, he was compelled to relinquish it when he had arrived within seven days' march of the Spaniards. Ten months were spent in going and returning. As he now finds himself without employment, he prays that in con-

sideration of his voyages and heavy expenses, and considering, also, that during his service of seven years as captain, he has not received any pay, your highness will be pleased to obtain for him from his majesty a company, with which he may continue his services in this country, where he has not ceased to harass the Iroquois by enlisting the Illinois against them in his majesty's cause.

And he will continue his prayers for the health of your highness.

HENRY DE TONTY.

Nothing can be more true than the account given by the Sieur de Tonty in this petition; and should his majesty reinstate the seven companies which have been disbanded in this country, there will be justice in granting one of them to him, or some other recompense for the services which he has rendered, and which he is now returning to render at Fort St. Louis of the Illinois.

FRONTENAC.

## D.

THE LETTERS-PATENT GRANTED BY THE KING OF  
FRANCE TO M. CROZAT.

*Louis, by the Grace of God, King of France and Navarre.*

To all who shall see these present letters, greeting

The care we have always had to procure the welfare and advantage of our subjects, having induced us, notwithstanding the almost continual wars which we have been obliged to support, from the beginning of our reign, to seek for all possible opportunities of enlarging and extending the trade of our American colonies, *We did, in the year 1683, give our orders to undertake a discovery of the countries and lands which are situated in the northern part of America*, between New France and New Mexico, and the Sieur de la Salle, to whom we committed that enterprise, having had success enough to confirm a belief that a communication might be settled from New France to the Gulf of Mexico, by means of large rivers, this obliged us immediately after the peace of Ryswick to give orders for the establishing a colony there, and maintaining a garrison which has kept and preserved the possession, we had taken in the very year 1683, of the lands, coasts and islands which are situated in the Gulf of Mexico, between Carolina on the east and Old and New Mexico on the west. But a new war having broke out

in Europe shortly after, there was no possibility, till now, of reaping from that new colony the advantage that might have been expected from thence, because the private men, who are concerned in the sea trade, were all under engagements with other colonies, which they have been obliged to follow. And, whereas, upon the information we have received concerning the disposition and situation of the said countries known at present by the name of the Province of Louisiana, we are of opinion that there may be established therein a considerable commerce, so much the more advantageous to our kingdom in that there has hitherto been a necessity of fetching from foreigners the greatest part of the commodities, which may be brought from thence, and because in exchange thereof, we need carry thither nothing but commodities of the growth and manufacture of our own kingdom.

We have resolved to grant the commerce of the country of Louisiana to the *Sieur Anthony Crozat*, our councillor, secretary of the household, crown and revenue, to whom we intrust the execution of this project.

We are the more readily inclined hereunto, because his zeal and the singular knowledge he has acquired in maritime commerce encourage us to hope for as good success as he has hitherto had in the divers and sundry enterprises he has gone upon, and which have procured to our kingdom great quantities of gold and silver in such conjunctures as have rendered them very welcome to us.

For these reasons, being desirous to show our favor to

him, and to regulate the conditions upon which we mean to grant him the said commerce, after having deliberated this affair in our council, of our certain knowledge, full power and royal authority, we by these presents, signed by our hand, have appointed, and do appoint, the said *Sieur Crozat*, solely to carry on a trade in all the lands possessed by us, and bounded by New Mexico, and by the lands of the English of Carolina, all the establishment, ports, havens, rivers, and principally the port and haven of the *Isle Dauphine*, heretofore called *Massacre*, the river of *St. Louis*, heretofore called *Mississippi*, from the edge of the sea, as far as the *Illinois*, together with the river of *Saint Philip*, heretofore called the *Missourys*, and of *Saint Jerome*, heretofore called *Ovabache*, with all the countries, territories, lakes, within land, and the rivers which fall directly or indirectly into that part of the river of *St. Louis*.

#### THE ARTICLES.

I. Our pleasure is that all the aforesaid lands, countries, streams, rivers and islands be and remain comprised under the name of the government of *Louisiana*, which shall be dependent upon the general government in *New France*, to which it is subordinate ; and further, that all the lands which we possess from the *Illinois* be united, so far as occasion requires, to the general government of *New France*, and become part thereof, reserving, however, to ourselves the liberty of enlarging, as we shall

think fit, the extent of the government of the said country of Louisiana.

II. We grant to the said *Sieur Crozat*, for fifteen successive years, to be reckoned from the day of enrolling these presents, a right and power to transport all sorts of goods and merchandise from France into the said country of Louisiana, and to traffic thither as he shall think fit. We forbid all and every person and persons, company and companies, of what quality or condition soever, and under any pretense whatever, to trade thither, under penalty of confiscation of goods, ships, and other more severe punishments, as occasion shall require; for this purpose we order our governors and other officers commanding our troops in the said country, forcibly to abet, aid, and assist the directors and agents of the said *Sieur Crozat*.

III. We permit him to search for, open and dig all sorts of mines, veins and minerals throughout the whole extent of the said country of Louisiana, and to transport the profits thereof into any part of France during the said fifteen years; and we grant in perpetuity to him, his heirs and others claiming under him or them, the property of, in and to the mines, veins and minerals, which he shall bring to bear, paying us, in lieu of all claim, the fifth part of the gold and silver which the said *Sieur Crozat* shall cause to be transported to France, at his own charges into what port he pleases (of which fifth, we shall run the risk of the sea and war) and the tenth part of what effects he shall draw from the other mines, veins

and minerals, which tenth he shall transfer and convey to our magazine in the said country of Louisiana.

We likewise permit him to search for precious stones and pearls, paying us the fifth part in the same manner as is mentioned for the gold and silver.

We will that the said *Sieur Crozat*, his heirs or those claiming under him or them the perpetual right, shall forfeit the propriety of the said mines, veins and minerals, if they discontinue the work during three years, and that in such case, the said mines, veins and minerals shall be fully reunited to our domain by virtue of this present article, without the formality of any process of law, but only an ordinance of reunion from the sub-delegate of the intendant of New France, who shall be in the said country, nor do we mean that said penalty of forfeiture in default of working for three years be reputed a comminatory penalty.

IV. The said *Sieur Crozat* may send all such merchandise, goods, wares, commodities, arms and ammunitions, as he shall have caused to be transported into the said country and government of Louisiana, as well to the French as savages, who are or shall be there settled; nor shall any person or persons, under any pretense whatsoever, be capable of doing the like without his leave expressed in writing.

V. He may purchase in the said country all sorts of furs, skins, leather, wool and other commodities and effects of the said country, and transport them to France, during the said fifteen years; and as our intention is to

favor, as much as we can, our inhabitants of New France, and to hinder the lessening of their trade, we forbid him trafficking for castor in the said country under any pretense whatsoever; nor to convey any from thence into our kingdom or foreign countries.

VI. We grant to the *Sieur Crozat*, his heirs, or those claiming under him or them, the property of, in and to all settlements and manufactories which he shall erect or set up in the said country for silk, indigo, wool, leather, mines, veins and minerals, or likewise the property of, in and to the lands which he shall cause to be cultivated, with the mansions, mills and structures which he shall cause to be built thereon, taking grants thereof from us, which grants he shall obtain upon the verbal process and opinion of our governor, and of the sub-delegate of the intendant of New France, in the said country, to be by him reported unto us.

We will that the said *Sieur Crozat*, his heirs, or those claiming under him or them, shall keep in repair the said settlements, manufactories, lands and mills; and in default thereof during the space of three years, he and they shall forfeit the same, and the said settlements, manufactories, lands and mills shall be reunited to our domain, fully and amply, and in the same manner as is mentioned above, in the third article, concerning the mines, veins and minerals.

VII. Our edicts, ordinances and customs, the usages of the mayoralty and shrievalty of Paris shall be observed for laws and customs in the said country of Louisiana.

VIII. The said *Sieur Crozat* shall be obliged to send to the said country of Louisiana two ships every year, which he shall cause to set out in the proper season, in each of which ships he shall cause to be embarked, without paying any freight, twenty-five tons of victuals, effects and necessary ammunition for the maintenance of the garrison and forts of the Louisiana, and in case we should cause to be laden above the said twenty-five tons in each ship, we consent to pay the freight to the said *Sieur Crozat*, at the common mercantile rates.

He shall be obliged to convey our officers of Louisiana in the ship, which we shall send thither, and to furnish them with subsistence and a captain's table for thirty sols per day, which we will cause to be paid for each.

He shall likewise give passage in the said ships to the soldiers which we shall please to send to the said country; and we will cause the necessary provisions for their subsistence to be furnished to him, or will pay him for them at the same price as is paid to the purveyor-general of our marine.

He shall be furthermore obliged to send on board each ship which he shall cause to set out for the said country, ten young men or women, at his own election.

IX. We will cause to be delivered out of our magazines, to the said *Sieur Crozat*, ten thousand weight of gunpowder every year, which he shall pay us for, at the price that it shall cost us, and this for so long time as the present privilege shall last.

X. The wares and merchandise which the said *Sieur*

Crozat shall consign to the said country of Louisiana shall be exempt from all duties of exportation laid, or to be laid, on condition that his directors, deputies and clerks shall engage to give within the space of a year to be reckoned from the date thereof, a certificate of their unlading in the said country of Louisiana, under penalty, in case of contravention, to pay the quadruple of the duties, reserving to ourselves the power of giving him a longer respite in such cases and occurrences as we shall think proper.

XI. And as for the goods and merchandise, which the Sieur Crozat shall cause to be brought from the said country of Louisiana, and upon his account, into the ports of our kingdom, and shall afterward cause to be transported into foreign countries, they shall pay no duties either of importation or exportation, and shall be deposited in the custom-house, warehouses or ports where they shall arrive, until they be taken away; and when the deputies and clerks of the said Sieur Crozat shall be minded to cause them to be transported in foreign countries, either by sea or land, they shall be obliged to give security to bring within a certain time a certificate from the last office, containing what they exported there, and another certificate of the unlading in foreign countries.

XII. In case the said Sieur Crozat be obliged, for the furtherance of his commerce, to fetch from foreign countries some goods and merchandise of foreign manufacture in order to transport them into the said country of

Louisiana, he shall make us acquainted therewith, and lay before us states thereof; upon which we, if we think fit, will grant him our particular permission with exemptions from all duties of importation and exportation. Provided, the said goods and merchandise be deposited afterwards in our custom-house, warehouses, until they be laden in the ships of the said *Sieur Crozat*, who shall be obliged to bring, in one year, to be reckoned from the day of the date hereof, a certificate of their unloading in the said country of Louisiana, under penalty, in case of contravention, to pay quadruple the duties. Reserving to ourselves in like manner the liberty of granting to the said *Sieur Crozat* a longer respite, if it be necessary.

XIII. The feluccas, canoes and other vessels belonging to us, and which are in the said country of Louisiana shall serve for loading, unloading and transporting the effects of the said *Sieur Crozat*, who shall be bound to keep them in good condition, and after the expiration of the said fifteen years, shall restore them, or a like number of equal bulk and goodness, to our governor in the said country.

XIV. If, for the cultures and plantations which the *Sieur Crozat* is minded to make, he finds it proper to have blacks in the said country of the Louisiana, he may send a ship every year to trade for them directly upon the coast of Guinea, taking permission from the Guinea Company so to do, he may sell those blacks to the inhabitants of the colony of Louisiana; and we forbid all other companies and persons whatsoever, under any pre-

tense whatsoever, to introduce blacks or traffic for them in the said country, nor shall the said Sieur Crozat carry any blacks elsewhere.

XV. He shall not send any ships into the said country of Louisiana, but directly from France, and he shall cause the said ships to return thither again, the whole under pain of confiscation and forfeiture of the present privilege.

XVI. The said Sieur Crozat shall be obliged, after the expiration of the first nine years of this grant, to pay the officers and the garrison which shall be in the said country, during the six last years of the continuance of this present privilege.

The said Sieur Crozat may in that time propose and nominate the officers, as vacancies shall fall, and such officers shall be confirmed by us, if we approve of them. Given at Fontainebleau, the 14th day of September, in the year of grace, 1712, and of our reign the 70th.

Signed, LOUIS.

By the King,

PHILIPEAUX, ETC.

Registered at Paris in the Parliament, the four and twentieth of September, 1712.

## E.

## THE INHABITANTS OF KASKASKIA TO THE PROVINCIAL COMMANDANT AND JUDGE OF THE COUNTRY OF ILLINOIS.

“All the inhabitants of the parish of our Lady of Kaskaskia assembled, had the honor of presenting you, verbally, their very humble requests, which we this day commit to writing, so that they may have a decisive reply touching the following articles :

“FIRST. It is nearly eight years since Mr. Boisbriant caused to be drawn the lines of the grand square of the prairie, which they now cultivate, and caused to be designated to each inhabitant his respective land. He then established a common for cattle, which completes the boundary of the land ceded since that time. The instruments of concession have not been delivered to them by the superior council of Louisiana. They have asked for them several times, without being able to obtain them. They entreat you that the schedule which accompanies this, of the lands ceded in the said prairie, may be sent to the council in France, because it is now necessary that they should have an assurance of the possession of the lands which have been granted to them. The Reverend Father Beaubois lost in his shipwreck the contracts of the inhabitants.

“SECOND. When the common for cattle was marked

out, several of the inhabitants who then had separate strips of land cultivated in the said common, asked whether they might not continue to cultivate the said parcels; they were answered that if they wished to enjoy any in the said common, they would be obliged to inclose them, or run the risk of having them ravaged by the cattle which might be set at liberty to live in the common.

“THIRD. The first years the inhabitants paid any attention to the culture of the lands in the said prairie, every inhabitant had his cattle watched in the commons, by which means his crops were saved. The lands composing the commons were cultivated as elsewhere, but the number of cattle increased so greatly that it was impossible for the inhabitants to save their crops. The inundation of the waters last year destroyed a great part of their crops, and notwithstanding the efforts which were made to repair that loss by planting corn after the receding of the waters, they had the misfortune, in spite of all their attention, of being unable to prevent their cattle from ravaging it day and night, and upon that all the inhabitants assembled, and all became convinced of the necessity of inclosing with pickets the front of their ceded lands, by following the lines of the grand square, and the lines which bound these lands and form the common.

“This they are thereto obligated and are on the eve of executing it.

“More than eighteen thousand pickets are already cut

and which have been for three months ready to be hauled.

“This is a certain proof of their anxiety to save their crops, besides, it will be in that case no longer necessary to watch the cattle which may be set free into the common.

“All those who had strips of cultivated or ceded land, in the said common, have, every one of them, voluntarily given them up for the public good, and to preserve their principal lands. There are now found only the heirs of the deceased L’ami and Mr. Antoine Carriere, who obtained of Mr. Boisbriant, after he had allotted the lands to each, to them as well as to the others, permission to enjoy in the common about thirty arpents, which they then had there, and, besides those thirty arpents, Mr. Boisbriant granted them thirty arpents more in the said common, and for the tenure of which land he gave them a contract.

“Until now they had cultivated them as many others did who held some in like manner, and which were cultivated at the same risks, and upon the same conditions as were required by Mr. Boisbriant. But now, since all these inhabitants have willingly abandoned these strips of land in the common to secure the principal ones, we find it strange, and with reason, that these two inhabitants should be opposed to the public good.

The inhabitants do not ask that the heirs of the deceased L’ami and Carriere should abandon their lands in the common, because they have special concession for

those lands, therefore, it is just they should enjoy them ; but if they wish to enjoy them, let them inclose them pursuant to Mr. Boisbriant's requisition, which ought to have more weight at present than ever, since to secure the ceded lands, they find themselves obliged and forced by the public interest to undergo a very great labor, which is making the fence of the whole front of the lands.

“FOURTH. The same inhabitants have the honor of representing to you that sometime after Mr. Boisbriant's arrival in this country, he verbally granted them as the common, the other side of the little river upon which they have their village, beginning at the shoal above the Indian village to the mouth of the said river, that to be as common for their cattle, horses and swine, for which each had the liberty of crossing thither his cattle during seed time, and gave to the public the liberty to procure and draw therefrom millstones, stone to build with and make lime thereof, and timber suitable for the building which they were on the eve of going at.

“Mr. Boisbriant readily granted them that request, and refused Jaques Bourdon four arpents which he asked on that side. They pray you, gentlemen, also, to expedite the concession for this under the grant of common, as they had not the precaution to require it then in writing.

“There are three inhabitants, who, under the pretext of erecting a water-mill on that side, upon the rivulet, when the company had before them projected the plan, asks the half of a league near that rivulet. We shall be re-

joiced if they could succeed in an undertaking so useful to the public, but it does not appear necessary nor just that they should have an allotment of half a league, when five or six arpents around the mill would suffice to put it in operation, and render the right thereto good.

“Inasmuch as that concession would greatly incommode those of the inhabitants who procure from that place, stone and millstones (it being the nearest and most convenient to their village), it would, at the same time, deprive their cattle of an essential part of pasture.

“Mr. Boisbriant having perceived that the islands which are in the Mississippi, opposite to the prairie which are on this side, afforded an excellent pasture for horses in the seasons when they were not of much use for work, even of his own accord, granted to the same inhabitants, as part of the common, the islands in the Mississippi from the mouth of the little river up to the large island which is above the ferry, and to enjoy them without being always disquieted by those who endeavor secretly to get whatever is set apart for the convenience and accommodation of the public.

“The said inhabitants, gentlemen, wish you to have included in the instrument of concession for common, these islands, as they are of no use but to supply subsistence for cattle, and preventing them from being lost and becoming wild; also the point of land of their prairie, which runs from the village to the mouth of the little river, which being full of ponds, and covered with wood will serve as a pasture for cattle, as it has done until the

present time, and it will be found very useful in consequence of the fence which we are going to make, and which we are going to extend as far as we can toward that point, and by that means we shall deprive the cattle that run there of every means and way of getting into the cultivated lands.

“We would not, gentlemen, press you so urgently to require for us the concessions for these different lands, if we did not find, every day, opposition to contracts already made, and which we have peacefully enjoyed hitherto without deeming it necessary to require at all a concession in writing.

“The inhabitants expect and hope, gentlemen, that you will favorably consider their requests, which bear sufficient testimony of their zeal for the establishment of this country, and of the desire they have to render it firm. On the one hand, nothing would have so strong a tendency in disheartening them from the labor of such an undertaking as their continuing to meet with disappointment, so, on the other hand, nothing would be so great a stimulus to work, as being possessed of their lands and lots and commons, which they request through you, this day, and they expect from your goodness, attention and diligence, an immediate and decisive answer.”

“They pray you, gentlemen, to send this, their petition to the council, and to the company in France, and they hope, from your personal knowledge of the condition of things here, by your being at the place, that you will support their pretensions with all your might.”

“They have the honor of being with profound respect, gentlemen, your very humble and obedient servants, the Inhabitants of Kaskaskia.”

THE REMARKS OF MONS. DELIELTE, COMMANDANT OF ILLINOIS, AND CHAFFIN, JUDGE OF THE SAME, ON THE ABOVE PETITION.

“After having examined the petition above, presented by the inhabitants of Kaskaskia, we have deemed proper to make thereon the following observations:

*“Article First.*—A copy of the book of the registry has been sent to the Superior Council, and to the gentlemen of the company in France, consequently the inhabitants should not calculate that their representations will be unavailing.

*“Article Second.*—As to the second article, the exposition of the inhabitants is true, and they have all given their consent to that which Mr. Boisbriant required.

*“Article Third.*—The exposition of the inhabitants is very just, and the fence which they promise themselves with making is exceedingly necessary for the preservation of their crops, and for the firm establishment of this post.

*“Article Fourth.*—The lands of which the inhabitants speak are very necessary for common, and for the advan-

tage of the whole country; so also is the water-mill for their convenience; therefore, the Superior Council will decide on the necessary extent of ground around the mill.

“The point of woods which runs from the village down the river is ceded to those who have lands on the small line.

“We pray you, gentlemen of the council, be pleased to bestow due attention to the requests of the inhabitants of Kaskaskia, and, even in sending them to France, if you deem it proper, and inform us of their intentions in regard to Fort Chartre.

“*February 9, 1727.*

(Signed)

DELIELTE.

(Signed)

CHAFFIN.”

## F.

The following is the confirmation of commons, under which the inhabitants of Kaskaskia now claim :

“ Pierre de Rigault de Vaudrieul, governor, and Edme Gatien Salmon, commissary *ordereur* of the province of Louisiana :

“ Seen the petition to us presented on the 16th day of June, of this present year, by the inhabitants of the parish of the Immaculate Conception, of Kaskaskia, dependence of the Illinois, tending to be confirmed in the possession of a common which they have had a long time for the pasturage of their cattle, in the point called *La Pointe de Bois*, which runs to the entrance of the river Kaskaskia, we, by virtue of the power to us, granted by his majesty, have confirmed and do confirm to the said inhabitants the possession of the said commons, on the following conditions :

“ *First*.—That the concessions heretofore granted either by the India Company, either by our predecessors or by us in the prairie of Kaskaskia, on the side of the point which runs to the entrance of the river, shall terminate at the land granted to a man named Cavalier, and in consequence, all concessions that may have been made on the said point from the land of the said *Cavalier* forward on the side of the entrance of the said river shall be null and of no effect. In consequence of which, the said point, as it is above

designated, shall remain in common, without altering its nature; nevertheless reserving to us the power, whenever the case may require it, of granting the said commons to the inhabitants established and who may establish, and this on the representations which may be made to us by the commandants and sub-delegates at the said place.

“*Secondly*.—On the road commonly called at the *square line*, between the large and small line, shall be rendered practicable and maintained for the passage of the carts and cattle going into the common, and this by each of the proprietors, as well of the great as of the small line, whose lands border on the roads of the square line unto the river, as also the one on the side of the point running to the Mississippi, and to the Kaskaskia river, they shall be made and maintained at the expense of the community, to the end that the cultivated lands be not injured by the cattle.

“*Thirdly*.—To facilitate to the inhabitants the means of making their autumnal harvest and prevent its being damaged by the cattle, we forbid all persons to leave their cattle to range upon cultivated lands; they are, notwithstanding, permitted to graze them upon their own proper lands on having them diligently watched.

“*Fourthly*.—Willing that the wood which is on the land granted belong to the proprietors of the said lands, we forbid all persons to cut down any, elsewhere, than on their own lands, and as to the wood which may be found in the commons, to cut down for

their own use, either for building or for fire-wood, and this shall be the present regulation, to be read, published, and set up, to the end that no person may be ignorant thereof.

“Given at New Orleans, the 14th day of August, 1743.

(Signed)

VAUDRIEUL.

(Signed)

SALMON.”

## G.

The following form of an application for a grant of land will apply, with but little alteration, for any one year, after the appointment of \*commandants in the country :

This is addressed to the commandant Devilliers or DeNoyon as he was called, and to the king's advocate and judge, etc.:

“To M. DeNoyon, major commanding in the country in Illinois, and to M. D'Anneville, king's advocate and judge of the Illinois, doing duty as commissary :

“Joseph Labusière, notary in Illinois, humbly prayeth, and says that there is a place below the hills, between ‘Outard's marsh’ and the said hills called ‘The Fair Fountain’ (*la belle fontaine*), which was formerly granted to the deceased, Mr. Hebert, and afterward to Mr. Chancellier, for the purpose of forming a plantation, both which said grantees have abandoned the said place many years ago, without having done any work upon it, and carrying away, when they quitted it, all that they had upon the place, and as your petitioner would wish to endeavor to make a habitation at the aforesaid place, which could not but be advantageous hereafter,

by reason of the cattle which he wished to raise, therefore considering the desertion of the place by the aforesaid Messrs. Hebert and Chancellier, and in consideration of the premises, your petitioner has recourse to you, gentlemen, that you may be pleased to grant to him the said lot between the hills and the Outard's marsh, which is of no use to any one. Beginning from the old fence or inclosure which was made, and running in depth to the end of the said marsh, and that you may be pleased to prohibit all persons from troubling your petitioner in the grant which it may please you to accord to him, and even from cutting such wood as your petitioner will have need of for his necessary buildings, and also from burning or carrying off the fences which he may make, and your petitioner will offer up his prayers to Heaven for your preservation.

“At New Chartre, the *22d September*, 1761.

“(Signed)

LABUSIERE.”

“In consideration of the above declarations and others from other quarters, we have granted and do grant to Mr. Joseph Labusière the land situated between the hills and Outard's marsh, prayed for by him, according as it is explained and described in the present petition, on condition that the said land shall be subject to the public charges, and that it shall be put to profit, or built upon, in the course of the year

beginning from this day, under the penalty of being again re-united to the king's domain.

"Given at Fort Chartre, this fourth day of January, 1762.

"(Signed) NOYON DEVILLIERS.

"(Signed) D'ANNEVILLE

---

NOTE.—This application and grant was for ' a stock farm ' and to an adventurous man, who did not care to live in a village, and cultivate in its "common field."

## H.

The following is the description given of Fort Chartre, by Captain Philip Pitman of the Royal Engineers, as it was in 1765, when he saw it:

“The fort is an irregular quadrangle, the sides of the exterior polygon are four hundred and ninety feet; it is built of stone and plastered over, and is only designed as a defense against the Indians, the walls being two feet two inches thick, and pierced with loop-holes at regular distances, and with two port-holes for cannon in the faces, and two in the flanks of each bastion. The ditch has never been finished. The entrance to the fort is through a very handsome rustic gate; within the wall is a small banquette, raised three feet for the men to stand on when they fire through the loop-holes.

“The buildings within the fort are the commandant’s and commissary’s houses, the magazine of stores, corps de garde and two barracks; they occupy the square. Within the gorges of the bastions are a powder magazine, a bake-house, a prison, on the lower floor of which are four dungeons, and in the upper, two rooms, and an outhouse belonging to the commandant.

“The commandant’s house is thirty-two yards long and ten broad. It contains a kitchen, a dining-room,

a bed chamber, one small room, five closets for servants, and a cellar.

“The commissary’s house, now occupied by officers, is built in the same line as this—its proportions and distribution of apartments are the same.

“Opposite these are the storehouse and guard-house. They are each thirty yards long and eight broad. The former consists of two large store-rooms (under which is a large vaulted cellar), and a large room, a bed chamber, and a closet for the storekeeper, the latter, of a soldier’s and officer’s guard-rooms, a chapel, a bed chamber and closet for the chaplain, and an artillery store-room.

“The lines of barracks have never been finished. They at present consist of two rooms each for officers, and three rooms for soldiers.\* They are good, spacious rooms of twenty-two feet square, and have betwixt them a small passage.

“There are five spacious lofts over each building, which reach from end to end. They are made use of to lodge regimental stores, working and intrenching tools, etc.

“It is generally allowed that this is the most commodious and best built fort in North America.

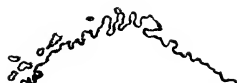
“The bank of the Mississippi next the fort is continually falling in, being worn away by the current, which has been turned from its course by a sand bank, now increased to a considerable island, covered with willows. Many experiments have been tried to stop

this growing evil but to no purpose. When the fort was begun in the year 1756, it was a good half mile from the water side. In the year 1766, it was but eighty paces. Eight years ago the river was fordable to the island; the channel is now forty feet deep." — *History of the European settlements on the Mississippi*, by Captain Philip Pitman: London, 1770, pp. 45, 46.

Nº 2

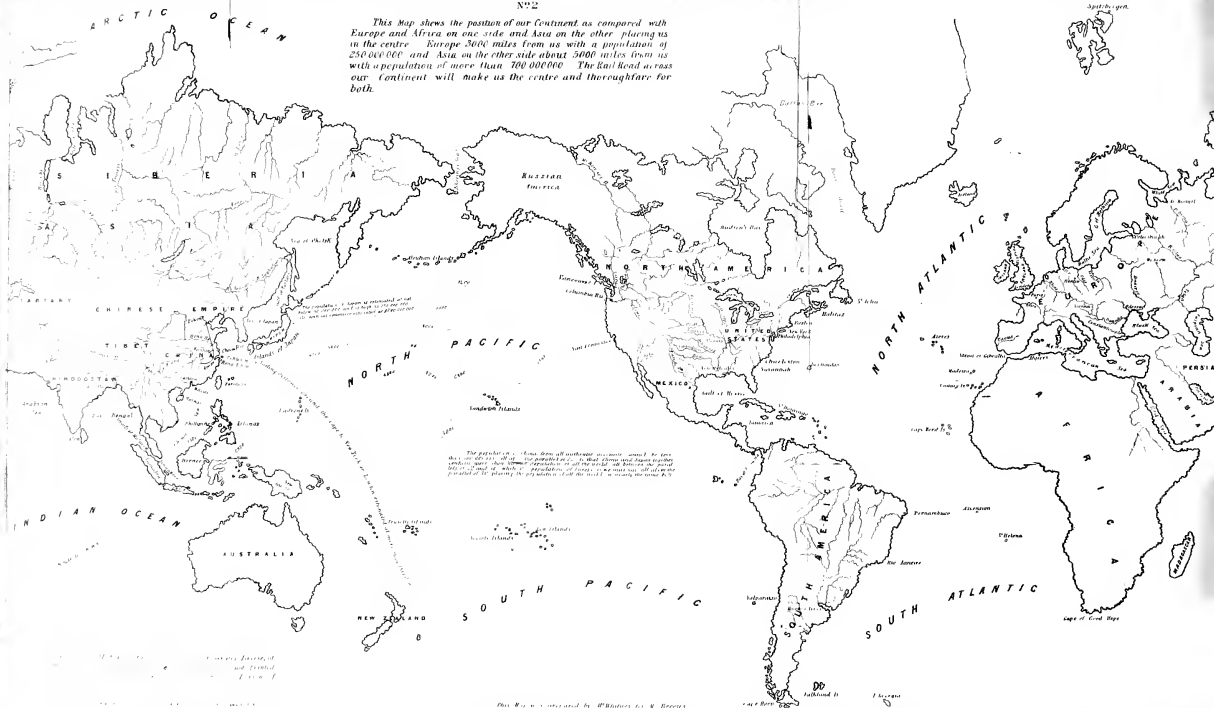
of our Continent as  
and Asia on the  
les from us with  
er side about 500,  
700,000,000. Th  
the centre and t

Spitzbergen.



this growing evil but to no purpose. When the fort was begun in the year 1756, it was a good half mile from the water side. In the year 1766, it was but eighty paces. Eight years ago the river was fordable to the island; the channel is now forty feet deep." — *History of the European settlements on the Mississippi*, by Captain Philip Pitman: London, 1770, pp. 45, 46.

This Map shows the position of our Continent as compared with Europe and Africa on one side and Asia on the other placing us in the centre. Europe 3600 miles from us with a population of 250 000 000 and Asia on the other side about 5000 miles from us with a population of more than 700 000 000. The Railroad across our Continent will make us the centre and thoroughfare for both.





## ORIGIN OF THE PACIFIC RAILROAD.

## FIRST REPORT IN CONGRESS.\*

The committee on public lands, to whom were referred a memorial of sundry citizens of Indiana, praying the construction of a national railroad from the Mississippi to the Columbia river, and the memorial of Asa Whitney, suggesting the means, and submitting a proposition, for the construction of such road from Lake Michigan to the Pacific ocean, report :

That they have bestowed upon this proposition that consideration its importance demands, and which, but a few years since, in the then existing state of the arts and sciences, a committee of this body would have been excused for treating as a visionary speculation; and who, so far from being expected to notice by a grave report, would have been relieved from its consideration by a summary discharge. But the advances made in science, combining the active and formidable power of steam with the concentrating properties of machinery, and adapting this combination to the propulsion of vehicles by land and on water, have overcome, in a great measure, the resistance of the winds and currents,

---

\*In Senate of the United States, July 31, 1846. Submitted, and ordered to be printed without the map. Mr. Breese made the following report. To accompany Senate Bill No. 246.

and the fury of the ocean storms, as well as the rugged way, the natural obstructions and distance of space on land, now counted not by miles, but by minutes, and have so familiarized the public mind to the contemplation of the wonderful achievements of the age, that it would seem to be the part only of benighted prejudice to avoid the due consideration of any proposition claiming the merit of discovery in the arts and sciences; and much more would it be culpable to treat with indifference a proposition resting upon established principles of mechanical philosophy, tested by the experience of civilized nations, and intended to benefit in the highest degree the whole country, and to elevate its character.

The proposition is a startling one, and of vast importance to our country and to the world; a deliberate consideration of which naturally resolves it into several points, seeming, in the opinion of the committee, to claim attention in the following order:

1. The power of Congress over the entire subject in all its bearings.
2. The practicability of the proposed work.
3. The adequacy of the means proposed for its accomplishment, and the expediency of applying such means to this object.
4. The effect of its construction in bringing into demand, and enhancing in value, the public lands in every part of the country.
5. Its effect in extending and promoting the interest of agriculture.

6. Its effect in the support and as a means of enlarging and diversifying the manufactures of the country.

7. Its effect in the development of the mineral resources of the country.

8. Its effect as one of the great arteries of intercourse in extending the internal trade and commerce of the whole country.

9. Its effect in extending our commerce with China and the other countries of Asia, the eastern Archipelago and other islands in the Pacific, and with the countries on the western coast of North and South America.

10. Its consequence in fostering the whale and other fisheries in the Pacific, the bays and rivers thereof; in extending and protecting the mercantile marine in those seas; and thus forming the most extensive nursery of seamen, and strengthening the maritime power of the United States.

11. Its use as a great highway of nations, serving for purposes of travel and transportation at rates of charge and transit duties to be regulated by ourselves, being in all respects subject to our power and control, encouraging constant intercourse, and imparting to the citizens of other countries the liberal principles of our own government.

12, and lastly. The effect that would be produced in a moral, political, and military point of view on the American Union, by the construction of a railroad across the continent to the shores of the Pacific.

This order has been adopted on account of the re-

lation existing between the points made; and they have been extended in number for the sake of perspicuity, and to present more completely the importance of the subject in all its bearings.

1. Preliminary to the consideration of the proposition referred to the committee, and before one of such vast magnitude and importance should be entertained, it is indispensably necessary that the way should be seen perfectly clear, and that no constitutional difficulty would be likely to present itself at the commencement of the undertaking, or obstruct its after progress.

Fortunately, the task of showing the absence or difficulty on this point is a very easy one. The most scrupulous, in according to Congress power to construct roads and canals, have not doubted the propriety of exercising this power upon territory beyond the jurisdiction of a State sovereignty, as the Constitution declares that "the Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States." This power has been so often exercised, and so universally admitted, and rests so firmly upon the plain letter of the Constitution, that it might be considered supererogatory to defend its exercise by argument. Opposition has not been made to direct appropriations of money out of the public treasury for objects of internal improvements in the Territories, and much less should it be made to the *disposal* of a portion of the public lands for this object, when its effect would

be to enhance the value of the residuum. The sovereignty of the United States extends over the entire route contemplated for this road, and it only remains to extinguish the Indian title to such portion of the territory as may be required for the site of the road and its appendages, and to be disposed of to obtain means for its construction.

Thus far concerns the construction of roads beyond the jurisdiction of the States; but can Congress constitutionally exercise the power to make them within the States? It has been answered that with the consent of the States on whose soil the roads are to be made, there can be no difficulty, provided the means be at the disposal of Congress. This principle was early admitted. Thus, by the act of April 30, 1802, to enable the people of Ohio to form a State government, provision was made for "laying out and making public roads, leading from the navigable waters emptying into the Atlantic to the Ohio, to the said State, and through the same; such roads to be laid out under the authority of Congress, with the consent of the several States through which the road shall pass;" and so by other acts, passed in 1803, 1811, 1816, 1817, 1818, 1819, and 1820, the means were enlarged for the same object, the latter act making provision for the extension of the road to the confines of Missouri, and avowing in its preamble, as one object, the increase in the value of the public lands. Pursuant to these provisions, Congress, by the act of 1806, authorized the construction

of a national road from Cumberland, in Maryland, to the Ohio; and, by the act of 1825, directed its continuation through the States of Ohio, Indiana, Illinois, and to the seat of government of the State of Missouri.

A national road having thus been authorized and partially constructed, by the exercise of this power, from the Atlantic ocean to the seat of government of Missouri, and within the jurisdiction of several States, it will not be expected that this committee should consider it necessary to argue the existence of still more ample powers to authorize the construction of a road through the public territory, and beyond the jurisdiction of any existing State, to the shores of the Pacific ocean, while they can refer to that clause of the Constitution which declares that "the Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States." Through lands wholly the property of the United States, the power to construct a road to render them salable cannot be questioned.

2. A consideration of the second point, "as to the practicability of the proposed route and construction of the work," naturally conducts the mind back to the views of that intelligent and patriotic statesman, Thomas Jefferson, as to the practicability of opening a communication with the Pacific ocean. In his confidential communication to Congress of the 18th January, 1803, suggesting the expediency of authorizing a small ex-

ploring expedition to the source of the Missouri river, who "might explore the whole line, even to the western ocean," he remarked, that "while other civilized nations have encountered great expense to enlarge the boundaries of knowledge by undertaking voyages of discovery, and for other literary purposes, in various parts and directions, our nation seems to owe to the same object, as well as to its own interests, to explore this, *the only line of easy communication across the continent, and so directly traversing our own part of it. The interests of commerce place the principal object within the constitutional powers and care of Congress*; and that it should incidentally advance the geographical knowledge of our own continent cannot but be an additional gratification."

The exploration having been completed, Mr. Jefferson stated, in his message to Congress of the 2d December, 1806, that "the expedition of Messrs. Lewis and Clark for exploring the river Missouri, and the *best communication from that to the Pacific ocean, has had all the success which could have been expected*. They have traced the Missouri nearly to its source, descended the Columbia to the Pacific ocean, ascertained with accuracy the geography of *that interesting communication across our continent*, and learnt the character of the country, of its commerce, and inhabitants."

These proceedings, upwards of forty years since, form the basis of the view your committee have now to take of the subject; and subsequent examinations, by individuals eminently qualified for the duty, have confirmed

the general accuracy of the result of those proceedings. The more deliberate and more ample means of examining the whole face of the country, by the agency of able, scientific and experienced persons, have resulted in the location of a route, which while it pursues the general direction of that suggested by Mr. Jefferson, through the whole distance, coincides with it precisely for a portion of the way, presenting a route which may be considered the only practicable one for the site of a railroad across the continent.

The route now proposed from the west pursues the valley of the Columbia river, by Lewis' branch thereof, to the great South Pass; and thence nearly due east, striking the Missouri above the mouth of the Great Platte river, and the Mississippi above the mouth of the Wisconsin river, until it strikes the shore of Lake Michigan.

The committee rely with confidence upon the testimony of that scientific and highly meritorious officer, Colonel Fremont, and submit his own words bearing directly upon the point under consideration. He states that the route he "followed in 1842 was up the valley of the Great Platte river to the South Pass, in north latitude 42°." "The road which is now generally followed through this region is a very good one, without any difficult ascents to overcome." "It passed through an open prairie region, and may be much improved, so as to avoid the great part of the inequalities it now presents." In describing his arrival at the great South

Pass, he remarks that "the ascent had been so gradual, that with all the intimate knowledge possessed by Carson, who had made this country his home for seventeen years, we were obliged to watch very closely to find the place at which we had reached the culminating point. This was between two low hills rising on either hand fifty or sixty feet."\* "We crossed very near the table mountain, at the southern extremity of the South Pass, which is near twenty miles in width, and already traversed by several different roads. Selecting, as well as I could in the scarcely distinguishable ascent, what might be considered the dividing ridge in this remarkable depression in the mountain, I took a barometrical observation, which gave 7,490 feet for the elevation above the Gulf of Mexico."† "Its importance as the great gate through which commerce and traveling may hereafter pass between the valley of the Mississippi and the North Pacific, justifies a precise notice of its locality and distance from the leading points, in addition to this statement of its elevation. As stated in the report of 1842, its latitude at the point where we crossed is  $42^{\circ} 24' 32''$ , its longitude  $109^{\circ} 26' 00''$ ; its distance from the mouth of the Kansas by the common traveling route 962 miles; from the mouth of the Great Platte, along the valley of that river, according to our survey of 1842, 882 miles; and its distance from St. Louis about 400 miles more by the Kansas, and about 700 by the Great Platte route; these additions being steamboat convey-

---

\* Fremont's Rep., Sen. Doc. 174, p. 60.† *Ib.* 128.

ance in both instances. From this pass to the mouth of the Oregon is about 1,400 miles by the common traveling route; so that, under a general point of view, it may be assumed to be about half way between the Mississippi and the Pacific ocean, on the common traveling route."\* Having arrived at the junction of the Wallawalla with the Columbia river, he remarks: "Bat-teaus from tide-water ascend to the junction, and thence high up the north fork or Columbia. Land conveyance only is used upon the line of Lewis' fork. To the emigrants to Oregon the Nez Perce (fort) is a point of interest, as being, to those who choose it, the termination of their overland journey. The broad expanse of the river here invites them to embark on its bosom, and the lofty trees of the forest furnish the means of doing so. From the South Pass to this place is about 1,000 miles; and as it is about the same distance from that pass to the Missouri river, at the mouth of the Kansas, it may be assumed that 2,000 miles is the *necessary* land travel in crossing from the United States to the Pacific ocean on this line. From the mouth' of the Great Platte it would be about 100 miles less."†

This route having been explored, surveyed, altitudes ascertained, and compared with others deviating from it part of the way toward its eastern terminus, the conclusion fixing that terminus in the vicinity of the forty-second parallel of north latitude is inevitable. As regards the location of a railroad, the adherence to the same latitude

---

\* Fremont's Rep., Sen. Doc. 174, p. 129.

† Ib. 183, 184.

toward the east, as that of the best position on the South Pass, seems most advantageous in every respect, as it will be the shortest distance to intersect steam navigation and the Atlantic coast, while there will be less difficulty in overcoming ascent and other obstructions—every consideration concurring to render the adoption of that location unavoidable. In this region of country, extending as high north as the sources of the Missouri and Mississippi rivers, the higher the latitude the higher the elevation of the land above the level of tide water in the Gulf of Mexico, so that in the comparatively short distance (the difference in latitude being only about three and a half degrees) between the mouth of Kansas river to the mouth of the Big Sioux river, where the railroad would intersect the Missouri river at a point adapted to bridging, the difference in elevation is about 2,000 feet, which, at the point of departure from navigable water, is of great importance, since the ascent to be overcome from that point, to the highest elevation in the route at the South Pass, is so much less than it would be by adopting the more southern route.

This conclusion is further strengthened by the opinions and declarations of practical men familiar with the route. One of them, Joshua Pilcher, remarked that “nothing is more easily passed than these mountains. Wagons and carriages may cross them in a state of nature without difficulty, and with little delay in the day’s journey. Some parts are very high, but the gradual rise of the country, in the vast slope from the Mississippi to the

foot of the mountains, makes a considerable elevation without perceptible increase, and then the gaps or depressions let you through almost upon a level. This is particularly the case opposite the head of the Platte, where I crossed in 1827, and which has already been described. I have crossed here often, and always without delay or difficulty. It is, in fact, one of the best passes, and presents the best overland road from the valley of the Mississippi to the mouth of the Columbia." The other, and more recent authority (Colonel Fremont), states that "the route by the Platte is the shortest; and it may be that the eastern terminus of this line may furnish the point at which the steamboat and the steam car may hereafter meet and exchange cargoes in their magic flight across this continent."

The length of a route for a railroad from the point of crossing of the Missouri river to the ship navigation of the Columbia river has recently been estimated by Colonel Abert at 1,930 miles; and from the great bend to the southern shore of Lake Michigan has been estimated, by other authority, at 700 miles—making the whole distance for the proposed railroad 2,630 miles.

The distance from the South Pass, where the elevation is 7,490 feet, to the southern shore of Lake Michigan, is about 1,400 miles, so that the ascent to be overcome in the whole distance would be no more than between four and five feet to the mile; and it has already been shown that the ground at the culminating point of the great South Pass was so level as to render it difficult to dis-

cover that precise point, and that "the traveler, without being reminded of any change by toilsome ascents, suddenly finds himself on the waters which flow to the Pacific ocean." A consideration of the facts in the premises, therefore, leaves no doubt of the practicability of the proposed route for a railroad from the shore of Lake Michigan to the navigable waters of the Columbia river.

By Colonel Fremont's report of his exploration, pages 291 and 292, as also from his map accompanying the same, it appears that the mouth of the Kansas river is 700 feet above the Gulf of Mexico; thence, to the crossing of the Republican fork, is 516 miles, the ascent gradual to 2,300 feet more, or equal to four and two-thirds feet per mile; inequalities of surface very small.

The next 128 miles ascends 1,000 feet, or less than eight feet to the mile.

The next 107 miles, to St. Vrain's fort, ascent 1,000 feet, or a little more than nine feet to the mile.

The next 80 miles, ascent 1,300 feet—16 feet to the mile.

The next 18 miles, ascent 800 feet—over 42 feet to the mile.

The next 87 miles, toward the *pass*, ascent 200 feet, or two and one-fourth feet to the mile.

From this point a descent takes place, more irregular than the former ascent, to an elevation of about 6,000 feet above the sea, and maintains a uniform elevation to the Beer springs, a distance of 545 miles, and 311 miles

west of the *pass*; then the surface appears to be equally irregular for 540 miles.

The next 178 miles is on the general elevation of 3,000 feet from the sea, or a descent of 17 feet to the mile.

From the last point, to the foot of the Blue mountains, is 282 miles (the west side). The elevations and depressions of this last distance vary so as to make an average grade of ten and one-half feet to the mile; thence to Fort Vancouver the road descends 1,000 feet in 303 miles, or less than three and one-half feet to the mile.

All these elevations were taken by Colonel Fremont as the surface now is, and on the present traveled road; but it is believed that, by examination, a better and more direct route from the *pass* may be found, or that this one may be straightened and made much shorter and much reduced in grade.

3. The adequacy of the means proposed for defraying the cost of this undertaking, and the expediency of applying such means to this object, come next in order for consideration. Those means are to be derived from the sale of the public lands already acquired, and to be acquired by the extinguishment of the Indian title, to the breadth of thirty miles on each side of the road, extending from Lake Michigan to the shores of the Pacific. The committee will here state that a point on this lake must be selected, for the reasons, as urged by the memorialist (in which the committee fully concur), that it is the only point where the public lands, suitable to produce funds to accomplish the work, can be had; because it is the

only point where material (particularly timber) can be found, and which must there be prepared and taken onward, as the road progresses, to the mountains; because it affords a cheap and easy water communication with the Atlantic cities, to take laborers, materials, and settlers to the starting point, which necessary and important advantages cannot be had from any other point, except subject to long delays and great expense; because it is the only starting point which has a settled country around, such as Michigan, Illinois, Indiana, and Ohio, to furnish provisions for the laborers and settlers until they can produce for themselves; because it has a direct water communication, by canal and lakes, with Pittsburg, where the iron must undoubtedly be made; because it is nearer to *all* the Atlantic cities than any other point; because it is more central, and on the same or nearly the same parallel of latitude as the pass in the mountains, and gives to all a freer and better opportunity for a fair competition for its benefits. The committee would also state that New England and New York, Pennsylvania, Maryland, and Virginia, are *all* pushing their railroads into or to the State of Ohio, where they will all meet and go on in one, to join this road where it crosses the Mississippi, or between that river and Lake Michigan; and when South Carolina shall have completed her road to Memphis, or through Nashville to the Ohio, the web will then be completed, and our vast country will be brought together at the grand center in the short space of *four days*, allowing us not only to transport passengers, but

*all* descriptions of merchandise and produce, from the grand center to New Orleans, Savannah, Charleston, Richmond and Norfolk, Washington, Baltimore, Philadelphia, New York and Boston, and to the Pacific, in the same time—*four days*; and from the Pacific to any of the above cities in less than *eight days*, and to China in *twenty days*; so that we can bring our vast country together in *four days*, and the extremes of the globe in *thirty days*. A cargo of teas from China may then be delivered in any of our Atlantic cities in *thirty days*, and in London or Liverpool in less than *forty-five days*.

This point being selected, the adequacy of means presented will depend upon the extent of such parts of these lands as may be found of sufficient fertility to attract settlement and cultivation. Through a considerable extent of the route the land is said to be unsuitable for settlement and cultivation, and could not, therefore, be expected to sell. But for about 700 miles from the eastern terminus, the lands are said to be of good quality, though for the most part destitute of timber, and would readily sell at \$1.25 per acre, if the road be made; which, estimating that there would be 26,800,000 acres, would produce the sum of \$33,500,000. Calculating that in the 1,483 miles, from the South Pass to the mouth of the Columbia, 1,000 miles of that distance would be found of sufficient value, in consequence of the construction of the road, to command the same price (and it is believed that the value of agricultural productions, connected with the water-power to be found there for manufacturing pur-

poses, fully justifies this estimate), there would be 38, 400,000 acres, which would amount to \$48,000,000 ; and together these sums would amount to \$81,500,000, without considering of any value the intermediate distance of 1,113 miles, forming an area of 42,739,200 acres of land ; but which, taking it at the worst, must have at least some verdant and valuable spots, which would become desirable for small settlements, and as depots for the use of the road, and for commodities and productions of intersecting veins or lateral channels of trade and commerce. The length of the proposed road being 2,630 miles, and the estimate for its construction, according to Colonel Abert, being \$20,000 per mile, the probable cost would be \$52,600,000, leaving an estimated surplus for repairs, and to keep the parts in operation until the whole is completed, of \$28,900,000. This would appear, on full reflection, to be a moderate and safe calculation ; and, moreover, the committee have reason to believe that, from the exciting interest which would not fail to surround this undertaking, when once begun, the pressure for acquisition and investments in the fertile part of these lands, and in the vicinity of so extensive a work, would place their value at least at the minimum price of the public lands. The committee, therefore, incline to believe that the means proposed are abundantly sufficient for the end in view, and have no doubt of the expediency of applying such means to this great end. It must be recollected that these lands throughout the entire distance are so immediately connected with the opening of

the road, that their management and disposition should, in the opinion of the committee, form a separate and distinct system dependent upon the progressive construction of the road ; and it appears to the committee that no plan could possibly be devised that would be more advantageous than to encourage the settlement of these lands on the line of the road. By this means, the two objects would act reciprocally upon each other — the road giving value to the lands, and the proceeds of the lands contributing to the construction of the road. The committee cannot doubt that the American people would consider that a most important system which would effect so extensive a work for the benefit of all the great interests of the country, without taxing any of those interests for the construction of it, and their approbation would not be withheld from the adoption of such a system without delay. The expediency, therefore, of applying the proceeds of these lands to the construction of this road, appears as strongly related to the existence of the road as effect is dependent upon cause. An eminent statesman, in writing upon this subject in 1808, observed: “ Amongst the resources of the Union there is one which, from its nature, seems more particularly applicable to internal improvements.” “ It is believed that nothing could be more gratifying to the purchasers, and to the inhabitants of the western States generally, or better calculated to remove popular objections, and to defeat improper efforts, than the application of the proceeds of the sales to improvements conferring general advantages on the nation, and an immediate benefit on

the purchasers and inhabitants themselves. It may be added that the United States, considered merely as owners of the soil, are also deeply interested in the opening of those communications which must necessarily enhance the value of their property."\* But the expediency, generally, of the application of portions of the public lands to works of internal improvements has been so often affirmed, in the most solemn forms of law, from the earliest period of the government to the present day, that it would be reflecting upon intelligent minds to argue in them a want of knowledge of this fact.

4. The immediate effect of determining upon the construction of this railroad would be to create a desire to obtain lands in its vicinity, and the purchase and settlement of some would enhance the value of other tracts; but the more remote effects of the construction of the railroad will be to increase the demand and enhance the value of the public and other land in all parts of the country.

The commencement of the road will concentrate a large force of workingmen, who will require ample supplies from the products of agriculture in that vicinity; but the completion of that road, and the establishment of the means of conveyance and transportation upon it, will open a new and extensive demand for the products of agriculture in all parts of the country. The varied productions which will then be required for use and com-

---

\* Report of Albert Gallatin, Secretary of the Treasury, made to the Senate of the United States, April 4, 1808. [American State Papers, Miscellaneous, No. 250, pp. 724 to 921.]

merce through this channel will require various soils and climates to produce them, such as are embraced within the extensive boundaries of the United States ; so that the lands for growing sugar and cotton will be as much in demand as those for raising wheat and corn.

It may be considered as an established axiom, that an active and increasing demand for agricultural products will direct public attention to the acquisition of land suitable for raising such products ; and this fact leads to a consideration of the fifth point.

5. As the encouragement and extension of the interest of agriculture depend upon the demand and consumption of its products, it is necessary to show that this demand will be increased by the completion of the proposed railroad. To do this requires nothing more than a simple inquiry into the wants of those countries whose trade and commerce will be invited and introduced into the heart of this country by the means of this railroad. It may be seen, from the statements of trade with China and Australia, that raw cotton is exported to those countries from the possessions of Great Britain, and in large quantities ; that flour is exported from the United States to the British East Indies, to Mauritius, Australia, China, Chili, Peru, and to Asia and the South seas generally ; that tobacco is exported from the United States to the British possessions in Asia, to China, to Chili, and other countries on the Pacific. The transportation of these articles is effected by a long and dangerous voyage, the equator having to be twice crossed, to the great injury

of animal and vegetable substances, and is attended with much cost and difficulty; but when these difficulties shall have been removed, and the facilities that will be afforded by the contemplated railroad substituted, it is no more than reasonable to believe that the exportation of those articles, as well as many other products of the soil, will be increased to a very large extent, to the great advantage of the agricultural interest of the whole country.

6. It may be considered as necessarily incident to the extension of agriculture, that manufactures are enlarged and diversified; the different interests in society are so intimately connected, that it may be deemed unnatural that any one should be greatly benefited without the others sharing largely in their success, if left to themselves, without legislative stimulus and bounties. Several causes will immediately attend the completion of the road, to increase the demand for American manufactures on the shores of the Pacific, and to give them the preference over those of other countries; the principal of which will be the more moderate prices at which they may be afforded, by reason of the facilities of transportation — shortening the distance to one-third of its present length, avoiding the many dangers with which the usual voyages have been attended, thereby reducing the rates of insurance — availing of the advantages of the immense water power of the country, and of the abundance of the raw material, and of provisions for the operatives, which will be the un-

failing consequence of the enlargement of agriculture. It may be seen, in the statement of the American and British trade to those countries bordering upon the Pacific, that the manufactures of woolen and cotton goods already form a large item in that trade; and, together with manufactures of iron and other metals, have been increasing in demand for several years past, so that it requires no effort of the imagination to believe, what may be fairly deducible from the natural causes confirmed by the experience of ages, that the almost boundless extent of population with whom a direct and frequent intercourse will be maintained cannot fail to increase the demand for what they want and we can supply.

7. The effect of the construction of this railroad in the development of the mineral resources of the country will be manifest, when it is considered how large an amount of iron and machinery will be required in the construction of the road, and for the numerous steam cars and steam vessels that will be required for the conveyance of passengers and transportation of merchandise upon this new route; and the requisitions upon the coal mines will be commensurate with the enlargement of the number of steam engines, while the demand for the finer metals will keep pace with the increased demand for the manufactures into which they may be wrought, if not also enlarged by a demand for the partially manufactured material for the supply of the ingenious Chinese artisans.

8. The natural and artificial means of communication between the different parts of a country may be compared to the arteries and veins of the human system. The intercourse, social and commercial, may be assimilated to the vital fluid which courses in the veins and sustains and invigorates our nature; the larger and more important channels of intercourse being represented by the arteries, and the lateral and less important channels by the smaller veins. This new channel of communication may appropriately be termed the great artery, since many smaller channels will intersect it, and other great arteries, such as the lake navigation and that of the Mississippi and Missouri rivers, will be vitally connected with it. The natural means of communication in all parts of the country, but more especially in the western States, have been provided by a bountiful Creator, for cementing the interests and bonds of union among the people; and those natural means, connected and aided by artificial channels, might be considered of ample dimensions for the personal intercourse, and transportation of the products of the soil to those great marts of commerce upon the Atlantic seaboard and gulf coast, for the supply of home consumption, and those markets now existing upon the shores of the Atlantic. But the growing capacities of the western States, the boundless productions of their fertile soil, and the increasing numbers and indomitable energies of the people, all expanding in a progressive ratio scarcely to be

realized, require a new outlet in a direction toward that quarter of the world where the demand for the necessities of life is greater than the means of supply, and whose rich productions and commodities would be readily and profitably exchanged for such supplies. Agriculture, being thus extended and invigorated by a regular demand for its products, would, in its turn, encourage and support domestic manufactures, and would foster, to a very large extent, the internal and external commerce of the country, and put in requisition every means of intercourse, both internal and external.

9. The peculiarly exclusive policy heretofore prevailing with the Chinese people, the immense distance from the United States to that country by the ordinary voyages by sea, the dangers of those voyages, and the expenses attending their outfit and prosecution, have all combined to keep within comparatively narrow bounds the commerce with that country; and the two latter of these causes have operated against the commerce with the western coast of South America, and have also operated to throw the balance of trade against the United States—the imports from China for the year ending 30th June, 1845, being \$7,285,914, and the exports to that country for the same period being \$2,275,995, being a balance of \$5,009,919 against the United States; which, in all probability, was made good by the payment of specie, although such does not appear from the statistical tables of exports for that year—the amount of specie exported to China

being stated at only \$158,860, the balance being probably obtained on the way by the exchange of American produce and manufactures with the countries on the west coasts of South and North America, and by bills on London, as will be seen by the tables annexed.

Notwithstanding all these disadvantages, it appears that the commerce with that country offers to individual enterprise inducements sufficiently strong to justify it in braving the dangers of the seas, and incurring the expenses and delays of tedious voyages; but when those dangers and disadvantages shall have been removed in so great a degree as they will be by the completion of this great national improvement, the natural and inevitable consequences will be not only a vast increase in the amount of trade, but a complete change in its character. The products of the American soil will be exchanged for the rich commodities of Asia; and when the millions of mouths shall have tasted American bread, the high destinies of this commerce will have been fixed, and will be firmly maintained, despite of all conflicting interests and powers. Secondary alone to this great supply of food to the consuming millions of China will be the great staple of the south; and these two cannot fail to form the basis of the commerce with that empire, so that European capital will seek investment in those products of our soil, and must necessarily use *our means* of transportation to China, or render those investments a ruinous operation. To go into the Chinese market with other commodities for exchange would subject the European

traders to great disadvantages. The British traders may, as they have in some years, transport millions of dollars in value of raw cotton from their East India possessions to China, and find sale for it; but when they shall be met by our planters of the south, in that market, with an abundant supply of a far superior article, they must recoil from competition, and be content to give way to American production. The balance of trade must then necessarily be in our favor; and the consequence must follow that the rich productions of Asia, and the precious metals of South America, will flow in an uninterrupted current into this country.

The opening of the new port at the mouth of the Columbia river, in connection with the proposed railroad, must necessarily produce a complete revolution in the trade and commerce of the Pacific. The United States will present a new front to the old continent; and furnished, as she will be, with an immense storehouse of provisions and materials, minerals and manufactures, she will have abundant resources and ready means by which to drive away all competitors from those wide-spread regions of commerce.

10. It would be difficult to estimate the consequences that would result from the construction of this great national highway to the shipping interests of the country. It may be that the vessels which should then be engaged in the commerce and fisheries of the Pacific would discharge their cargoes at the new port — there refit, and either take in cargoes of merchandise for trade, or prepare

for a fishing voyage ; so that these vessels would not find it necessary to double Cape Horn or the Cape of Good Hope, and each vessel could make three or four fishing voyages where they now make but one, and those vessels engaged in the East India trade might do the same. Should suitable timber be found in Oregon for the construction of vessels (of which the committee understand there is an abundance), those vessels intended to sail in the Pacific may be constructed upon its waters, and form as it were a separate marine establishment upon a strong and progressive basis, embracing an important auxiliary in that of the coasting trade and small fisheries. Under such regulations as government should not fail to make, the American shipping should be the carriers of the trade that would concentrate at their new port ; should be the means of protecting American interests, and of maintaining the American honor ; nor could other nations complain ; while we should only follow their example in taking care of our shipping interest. The extension of our marine upon the Pacific must necessarily enlarge its dimensions upon the Atlantic. The American merchant would now be supplied with new commodities, which could not fail to be the means of a profitable trade upon the Atlantic borders to distribute to Europe. They could afford to deliver to the people of Europe the products of Asia at a lower rate than that at which those people could import them in their own vessels. European capital would no doubt largely contribute to the extension of *this American system* ; and if that foreign

interest should do no more than employ our means of conveyance (which they must necessarily do should our regulations be wise, or suffer great disadvantages), then the American marine must, as a necessary consequence, be enlarged in all its proportions; and with this enlargement would its power also be felt and acknowledged.

11. The opening of this highway across the American continent would attract the attention of the world; it would establish a short route to the riches and the marvels of the Indies; and a jaunt throughout this route would be so soon accomplished, and comparatively so free from danger, that the merchant and the traveler, and the curious, from all quarters of the civilized world, would crowd the cars and the steamships employed upon it. This crowd must pass through the heart of our country, witness its improvements, the increase of our population, the activity, the genius, and the happiness of our people, and contemplate the wisdom and the advantages of those free institutions which shall have produced such glorious effects. It would certainly not be unreasonable to suppose that this intercourse would have an extensive influence upon the opinions and the feelings of the people of the civilized world in favor of free institutions; and upon the semi-barbarians who would be drawn by these facilities of intercourse from the other side of this line of communication the most salutary effects would also be produced. The principles of true liberty and of Christianity, as twin sisters, would present their engaging forms to the admiring stranger—first

attracting his attention by their simplicity, and then engaging his affections by their virtues and intelligence.

12. And last, though not least, would be the happy effects that would be produced by the opening of this great road of nations through the heart of our country. It would bring into active use all other means of communication throughout the country; it would give useful employment to the millions of our people in every branch and form of business. Agriculture, commerce, and manufactures would equally prosper, supporting each other, growing and to grow; imparting abundance, and infusing a spirit of happiness and peace; cementing the bonds of union, and placing them on a firm and imperishable basis, and thus rendering our national power supreme for all purposes of happiness, protection, and defense.

Another powerful consideration in favor of the proposed road the committee will advert to. It is the probability of the occurrence, that as the Territory of Oregon, now so distant from us, fills up with an enterprising and industrious people from the several States, they will attract to them settlers from different parts of Europe, all wishing to share in the benefits of our free government, and claiming its protecting care, which cannot be enjoyed or bestowed in full measure, by reason of the difficulty of access by land and by water. A well-grounded apprehension seems then to exist, that, unless some means like the one proposed, of rapid communication with that region, be devised and completed, that country, soon to become a State of vast proportions

and of immense political importance, by reason of its position, its own wants, unattended to by this government, will be compelled to establish a separate government — a separate nation — with its cities, ports, and harbors, inviting all the nations of the earth to a free trade with them. From their position, they will control and monopolize the valuable fisheries of the Pacific, control the coast trade of Mexico, South America and the Sandwich Islands, and other islands of the Pacific, of Japan, of China, and of India, and become our most dangerous rival in the commerce of the world. In the opinion of the committee, this road will bind these two great geographical sections indissolubly together, to their mutual advantage, and be the cement of a union which time will but render more durable, and make it the admiration of the world.

Your committee will now exhibit a brief statement of the geographical and commercial (external and internal) position, advantages, and resources of Asia, for an extensive commerce with us across the Pacific to the terminus of the proposed railroad on the shore of that sea.

After leaving the Russian possessions, so near to our west coast (the commerce of which will not be without its advantages), we come to Mandchuria, or Manchoo Tartary, a part of the Chinese empire. This is approached through the sea of Okhotsk, by the mouth of the great river Saghalin, in north latitude about 53°, and east longitude 141°, just above the island of Japan.

This river, perhaps as large as any in the world, and said to be navigable for an immense distance, rises in the Mongol territory, passes into and through a part of Russia, and along its windings must measure more than 4,000 miles, and, with its tributaries, drains 900-000 square miles; one of its branches passes near the great wall of China, and is a source of communication with the great capital, Pekin. This immense river appears to be the only source of intercourse or of commercial communication for the vast territory which it drains.

The number of the inhabitants of this extensive region is unknown, but supposed to be estimated with the population of China. The people of the northern provinces are nomadic, but agriculture is common in the south. Their capacity for commerce is not known; but as traffic is the inherent propensity of man, it being his disposition ever to exchange what he has for something different, and from our own experience with the aborigines of our country, we may conclude that, with a communication opened with them from our shores to their great river, in time, our commerce with them may extend to no inconsiderable amount.

We see that this vast region slopes to us, and their great river, the only channel of commerce, points to us, and distant from the Columbia only 4,200 miles; the present sea voyage from New York or London, 20,000 miles, requiring seven months in which to perform it. We come next to the islands

of Japan, reaching from north latitude about 50° down to 30°, and between the 128° and 151° east longitude. As to its population, McCulloch says, no estimate yet put forth has the slightest pretension to accuracy. The most moderate, however, fixes it at rather more than 50,000,000. They exclude foreigners, and have no foreign commerce, except the yearly visits of two Dutch vessels and ten Chinese junks. They are said to be industrious, and very ingenious. They produce silks and teas, and a great variety of rich manufactures. Some specimens of their manufactures, as well as printing, have been exhibited, quite equaling that of the French in taste and execution. Their island is rich in minerals, particularly copper, which is so abundant as to admit of extensive exports, and is the principal article of the Dutch trade; also sulphur, tin, gold and silver, and some lead, but iron is not abundant.

The time is not far distant, after the completion of the proposed railroad, the committee believe, when an exchange of commodities must take place with this numerous people to an immense amount. No one can doubt their ability for an extensive commerce. Their distance from all the commercial nations of the earth is undoubtedly the principal cause of their isolation. They could give us their teas, their silks, their gold and silver, and their many and various manufactures, for our cotton, our tobacco, our flour, our Indian corn, our cotton and wool manufactures, our iron, our

steel, our leather and hides (of which, when they commence the use, the consumption will be immense, and ours will be the only source of supply), as well as numerous other products. They are from the Columbia, or San Francisco, but 3,400 miles, the greatest distance, and shortest from the Columbia river 2,900 miles.

We have now approached the vast empire of China situated between  $20^{\circ}$  and  $56^{\circ}$  north latitude, and between  $70^{\circ}$  and  $140^{\circ}$  east longitude from Greenwich; population, as per official reports in 1813, 367,000,000, upon an area of 3,010,400 square miles, embracing Tartary. But Lord McCartney says, in the account of his embassy, that China proper contains an area of 1,298,000 square miles; population of which in 1813, by official report, was 360,279,897. The committee believe it may not be uninteresting to notice here somewhat particularly the different provinces of this vast empire which border upon the ocean, and open their riches to our acquisition; and first in order on the north is the Pe-chi-li, its capital the great city and capital of the empire, Peking, with a population estimated at 1,300,000 to 3,000,000, between latitude  $35^{\circ}$  and  $42^{\circ}$  north; its population 16,702,763, upon an area of 58,949 square miles; or, according to Gutzlaff, 59,700 — population, 27,990,871. This province appears to be almost a barren sand, and the inhabitants mostly depend upon the southern provinces and Mongolia. The great canal runs entirely through it; and the Piao-ho, which empties into the gulf of Pe-chi-li (crossed

by the canal), is navigable for vessels of considerable burden for forty miles, and for flat-boats to within twelve or twenty miles of the great capital.

The great city of Tien-tsin, about sixty miles from the sea, is the port of Pekin, and supplies the capital with the two great necessities of life, *grain* and *salt*. Mr. Gutzlaff says, "that more than 500 junks arrive here annually by sea from the south; but by far the greater part of the trade, and all the grain junks, come inland by the canal. As the country here yields few productions, and Pekin consumes immense quantities of stores, the imports are of course very large." Sysee silver is mentioned as being particularly plentiful, and in fact the chief article of export. He says: "I was quite surprised to see so much Sysee silver in circulation. The quantity of it was so great that there seemed no difficulty in collecting thousands of taels at the shortest notice. A regular trade in silver is carried on by a great many individuals."\*

2nd. The next in order is the Shan-tung province, the native country of Confucius, lying south and east of Pe-chi-li. Its coast has rocky promontories and fertile valleys, but the overgrown population (28,958,760 upon 56,800 square miles) exhausts the soil. The principal emporia are Ting-choo-foo and Kan-choo-foo. Extreme poverty forces great numbers from their native soil. They go in quest of a livelihood to Lëaou-tung, and other places, and furnish from thence their

---

\* Sketches of China, by J. F. Davis, volume 2, page 215.

poor relatives with the necessities of life. The grand canal, or Yan-ho, runs through a part of this province, and is navigated by innumerable small craft. All the grain junks which bring the tribute or tax of the provinces to the capital have to pass through it on their way to Peking. The capital is Tse-nan-foo. The coal mines of this province are said to be valuable, and supply the empire.

3d. We now come to the provinces of Keang-soo and Gan-hwuy, or Kiang-nan, directly south of the last, with 72,011,560 inhabitants, upon a superficies of 81,500 square miles. It is an exceedingly fertile, and, perhaps, the most populous district in China. It contains Nankin, the ancient capital, and the celebrated Soo-choo, and other very large cities. The land toward the sea is a continued plain, and contains many thousand villages and cities. The inhabitants possess both skill and industry, and are celebrated for their literary talents, as well as for their rich manufactures of silks, etc. Nankin is probably the most celebrated as a manufacturing town of any in the world. The great river Hoang-ho crosses the upper part of this province, and empties into the sea at 34° north latitude. The mighty Yang-tse-keang flows through the whole extent of this province, and empties into the sea in north latitude about 31°. There are other navigable streams which pass through the province and empty into the sea; and the great canal passes its entire length, centering in this province all the commerce of this vast empire,

for every thing from the south and west must pass here on its way to and from Pekin; and in this province, just to the south of the island Tsoong-ming, and at the mouth of the mighty Yang-tse-keang, is the great city of Changhae, open to foreign commerce, and must in time be the largest and most important emporium of all Asia. Mr. Gutzlaff says, "more than a thousand junks were anchored in the river."

4th. The province of Honan, lying inland, west by north of the last mentioned, with 62,000 square miles, and 23,037,171 inhabitants, is considered to be the first tract of land which was inhabited by the Chinese. A greater part of the country is a plain, which toward the west swells into mountains. The capital is Kai-fung-foo, a large city, with a very industrious population. The great Hoang-ho flows through the entire province, and is navigable the whole distance.

5th. Advancing south on the coast, we come to Chikiang province, the land of silks and green teas. It contains 26,256,784 inhabitants, on a superficies of 57,200 square miles. It is thickly populated, and its citizens are perhaps the finest and most polished in the empire. The island of Chusan is directly in its front. Ningpo, the port open to foreign commerce, almost directly opposite to Chusan, is an emporium of first rank, and has a good harbor. Hang-choo, its capital, situated about 100 miles nearly west of Chusan, bordering an estuary of the sea, is the most celebrated city in China, next to Pekin, and the seat of vast industry,

population, wealth, and luxury. This province is the very center of the silk manufactures and of tea cultivation. Chusan is called "Tea Island." Amongst the Chusan group are excellent harbors, sheltered against all winds. The great canal commences in and passes through a part of this province. A canal also passes from the terminus of the great canal here, and joins the Yang-tse-keang branch, forming the canal which communicates between Canton and Peking.

6th. Next in order is the Fuh-kien province, situated directly south; with 14,777,410 inhabitants, on 57,150 square miles. The island of Formosa is directly opposite, and under its jurisdiction. The southern part does not afford a sufficient supply of grain for the consumption of its inhabitants, the soil being barren. The northern districts are more fertile, and produce an abundance of tea. This is particularly the black tea district. No part of the Chinese coast has more good harbors, and nowhere in China is so brisk a trade carried on. The inhabitants are very enterprising, and emigrate in great numbers to the southern regions of Asia. They are decidedly a commercial people. Amoy, the principal emporium, and open to foreign commerce, is the residence of numerous merchants, owning more than 300 large junks, with which they carry on trade with the other ports of China, and with the Malay Archipelago. Amoy is in north latitude 24 1-2°. Foo-chow-foo is the capital of the province, in north latitude about 26 1-2°, on the river Min, which is navigable for large

ships to within ten miles of the city, the great emporium for the black tea trade. The large river on which the town is built communicates with the districts where the teas are grown and manufactured, affording every facility for its safe transportation. The island of Formosa, directly opposite, is said to have made great advances in trade; it is one of the most fertile islands in the world, producing large quantities of sugar, rice, camphor, etc., and said to be rich in minerals and coals of good quality, in abundance.

This and the Chi-kiang province produce the great staples of teas and silks, and Mr. Gutzlaff says (which has been found to be true since the ports were opened) that "they are much cheaper here than at Canton."

Teas and silks from these two provinces, as well as all other products and all articles of commerce, are taken by canal to a branch of the Yang-tse-keang, in the north of the Kiang-si province, which heads in the Melin mountains in latitude 25° north, and longitude east 114°, which stream is used as a canal; thence over the Melin pass, 35 miles, on men's shoulders, no animals being used; thence on the Canton river, to Canton. Thus has all the commerce from and to Canton and Peking, and from and to Canton with the provinces, for years been drawn over shoals and sand-bars and high mountains, with great difficulties, involving an expense estimated at not less than 25 shillings sterling for every picul of 133 pounds, equal to \$4.17 per hundred pounds. With all this heavy expense and great

inconvenience, still there has, as yet, been but little trade diverted from Canton; owing partly to the fact that Canton and Hong Kong are nearer and more convenient to India and the opium trade, and on account of the monsoons, which blow up and down this coast six months each way, rendering it almost impossible for a sail vessel, and very difficult for a steam vessel, to make head against it; while a vessel sailing from or to San Francisco, or the Columbia river, would have the wind favorable—that is, what the sailors term “on the wind,” and most desirable. The object the English have had in view, or one of them, was to concentrate all the commerce of China at Hong Kong, and, with the immense power, influence, and capital in India, thus to control it. The opening of the northern ports, though they fought for it, has operated against the policy they hoped to establish; so much, that they would now willingly have the northern ports closed against them unless they can retain Chusan; hence the business is carried on through its old channels.

This enormous expense of transportation on the teas alone exported to England and the United States, at the above estimate, amounts to the immense sum of \$3,336,000 annually. These two provinces are directly on the sea; but the commerce of teas is prohibited by water for the Chinese themselves.

7th. Kiang-si is directly west of the two last provinces; it has a fertile soil, and an overflowing population. Its extent is 27,000 square miles, with 30,426,999

inhabitants; it has some large cities. The mighty Yang-tse-keang crosses its northern frontier, and the southern branch extends through its entire length, north and south, to the Melin mountains and *pass*, forming the canal to and from Canton.

8th. Directly west of the last-mentioned province is the province of Hou-quang-now, Hoo-pih, and Hoonan; population, 36,022,605, upon a superficies of 168,300 square miles. The fertility of this province is highly extolled by the Chinese, but it does not produce any thing beyond a supply for its inhabitants. It also has some large cities. The Yang-tse-keang passes entirely through this province, with many windings as well as tributaries, and many extensive lakes—all navigable.

9th. Proceeding south, we pass the Melin mountains to the province of Quang-tong, fronting the China sea; it has 97,100 square miles, with 19,170,030 inhabitants. The principal city of this province is Canton, one of the greatest emporia of all Asia, and, till the peace of 1842, the only place legally open to foreigners in the Chinese empire. Its population is estimated at one million; the inhabitants are industrious and skillful, and will imitate European manufactures. It is situated about 75 miles inland from the sea, on the Choo-keang (Pearl) river, which has its source in the Melin pass, and is used as the only commercial channel with all the northern and north-western provinces.

The entire foreign commerce of the empire, until 1843, has been carried on at this city. McCulloch, in

speaking of Canton (Com. Dic., article "Canton"), says "the British trade with China has progressively and rapidly increased since 1700; and the great mass of the foreign commerce (which, inclusive of that of the junks, is estimated at \$80,000,000 yearly) is carried on by the English and Americans."

10th. The next province of note is Kwang-si, situated directly west of the last, and communicating by means of a large navigable river, which heads in the extreme west, and navigable through the entire province. This province contains a population of 7,313,895, upon 87,800 square miles; it produces an abundance of grain, and the mountains are said to be rich in ore, and even gold is found; but the policy of the Chinese government does not allow the working of mines (which are said to be numerous and rich in many parts of the empire) on a large scale, for fear of withdrawing the attention of the people from the cultivation of the soil.

The committee would state that the above embraces only the provinces directly on the coast, or directly communicating with it by navigable rivers and canals, with an aggregate population of 274,667,977, with ability for commerce to an unlimited amount. The provinces west communicate with these by rivers and canals, and contribute to its importance.

This vast empire is drained by immense rivers, some far exceeding our great Mississippi and Missouri. The Saghalin, on the north, has been mentioned; the Pi-ho,

communicating with the great city, Pekin, and emptying into the gulf of Pi-chi-li; the great Whoang-ho (Yellow river) takes its rise in the Mongol district of Kokona, passing through several territories, then entirely through the empire, where, after crossing the great canal, it empties into the Yellow sea in latitude about  $34^{\circ}$  north, and estimated to be more than 2,000 miles long.

We next come to the mighty Yang-tse-keang (Son of the Sea); its source is in the Pe-ling mountains, in Thibet. After an immense distance in a southerly direction, it enters the Chinese empire in north latitude about  $28^{\circ}$ ; then it winds its way through the richest part of China and the most numerous population of any part of the globe, crossing the vast empire; and after having accommodated, by its tributaries, its lakes, its vast and numerous windings, its intersections by canals, almost the entire empire, and after drawing together on the great canal at Ching-kyang-foo, the vast productions, commerce, and resources of the greater part of this vast empire, gently rolls itself into the ocean in north latitude about  $31^{\circ}$ , just in front of the great city of Chang-hae, the port open for foreign commerce, being in length more than 4,000 miles, and navigable even into Thibet.

South of the Melin mountains we find one large river draining the two southern provinces, connecting with Canton and the ocean; and a river forming the channel of commerce and intercourse north, from Canton to the Melin pass.

Thus it will be seen that this vast empire slopes to the ocean and to us, with its whole territory intersected by canals and navigable streams, all uniting with, or tributary to, the mighty Yang-tse-keang and Whoang-ho, wafting their rich freights into the great canal, convenient to the great city of Chang-hae, distant from the Columbia or San Francisco 5,400 miles, and ready for an exchange for our numerous products and commodities. The present sea voyage is over 18,000 miles, and requiring nearly six months in which to perform it.

The committee would also remark, that these immense rivers and canals, linked all together, rendering inland communication so exceedingly easy, and pouring the entire fountain of production of the entire empire into the ports with which we can so easily communicate, appear as if the arrangement was intended for our especial benefit by a Divine Providence.

The population being from the Imperial census, and taken for taxation, is supposed, by those best informed, to be under, rather than over, the actual number, and it is also believed that a considerable increase has taken place since that date, and that the entire population of China is not now less than 450,000,000 to 500,000,000, of the most temperate, orderly, frugal, intelligent, and industrious, of any people on the globe; not one of whom, arrived at man's estate, but can read and write. They use no machinery, even for manufacturing; still, with all the soil occupied, they do not produce from it enough to sustain life, and famine often ensues a

short drought. Their foreign commerce, carried on by themselves, is small, and confined to Japan, Manilla, Java, Borneo, and Singapore. Their productions for export are teas, in which they have no competitor, raw silk, and manufactured silks, which may be extended to an unlimited amount. With a little attention, they can compete successfully with any nation, except, perhaps, in articles of taste, purely in blending colors. Plain silk goods they can make cheaper than any other nation ; but our tariff of 1842, imposing a specific per pound duty, entirely excluded their silks.

They are very ingenious and expert, and manufacture almost any thing in good taste. Some of their goods are richer than those of similar fabric in any other country. They produce drugs, camphor, rhubarb, etc., etc., for all the world, and can produce any quantity of sugar, and probably cheaper than any other country, for labor is nowhere so cheap, or more bountifully applied ; and they can produce numerous other articles both desirable and useful, which are now excluded from their exports by the expense unavoidably attendant upon a commerce so far off. Their imports consist of manufactured cotton and woolen goods, some iron and steel, and a variety of other goods from England ; and from Bombay, Calcutta, and Madras, 300,000 to 400,000 bales cotton annually, and from \$13,000,000 to \$20,000,000 in opium, and some rice. From the Dutch islands they import a large amount of rice, an account of which is not found in any statistics. Waterson's Cyclopedia, page 153, says : " The

quantity of rice imported into China in 1834, in British vessels, was 15,406, and in American 7,412 tons; total, 22,818 tons." They also import products of the sea and islands, such as birds' nests, biche-de-mer, fish maws, sharks' fins, sandal wood, putchuck, ratans, pepper, and a great variety of articles. From us they take some raw cotton, and hereafter it is probable they will take a large amount. They now use it for wadding their clothing. It is better than the India cotton, and we can produce it cheaper; but in the manner in which we gin it the fibres are bent or broken; and as they have no machinery, they cannot straighten or use it for spinning. A way will yet be found, no doubt, to accomplish this object, when it is not unreasonable to suppose they will take 300,000 or 500,000 bales annually; and more, if we take their products in exchange. They take our cotton goods, drills, and sheetings, to a large amount. No nation can compete with us in these goods, and they, the former particularly, may be considered as staple as rice. They take our lead and copper, our ginseng, furs, and our flour, and if we could send to them short of the long voyage twice across the equator (almost sure to destroy all produce animal or vegetable), they would take our Indian corn in any quantity, our rice, our tobacco, our pork, beef, hams and lard. All foreigners now there depend upon us for these articles, as well as butter and cheese; both of which, your committee are informed, being sold frequently at one dollar per pound. It appears that in 1838 they commenced taking leather and hides from Russia; the

amount more than doubled in four years. As they keep but few animals, they cannot supply themselves with leather; and this is, no doubt, the cause why it has not been in general use; but should its use increase as it has commenced, the demand will soon become very great, and to us alone must they look for a supply.

The committee have mentioned a few leading important articles; but should we succeed in opening a direct way, whereby a free, frequent, and cheap exchange could take place, they fully believe the variety on each side would be endless, and the amount without limit; and we should have an advantage over the present sea voyage, or any other route or channel, which would be incalculable, and will all pass, both ways, in north latitude from above 30° to above 40°, so that teas and other products, our Indian corn, flour, beef, pork, hams, butter, cheese, etc., etc., will escape the great danger of injury and destruction from the long sea voyage around the cape, or any route twice across the equator.

It is known that the Chinese are not a maritime people, and probably never will be so, from custom and want of materials for building ships; therefore the more important is the commerce to us, as we should be carriers both ways. We now have all this within our grasp, to be secured to us forever by this iron road, as the committee fully believe.

Starting again from our coast, and taking a more southern direction, we first come to the Sandwich

islands, properly called the West Indies of the Pacific, in north latitude  $20^{\circ}$ , west longitude  $156^{\circ}$  distant from our coast 2,160 miles. This group of islands has become important as a commercial station in that vast ocean. The population in 1836 was 108,000; imports, \$475,000; exports, \$460,000; it is said to be very fertile, and produces sugar cane of better quality than any other part of the world, and some advance has been made in the manufacture of sugar. The population has made great advances in civilization. In 1831 there belonged to the island 14 vessels, of 2,630 tons, of which four brigs and seven schooners belonged to the natives.

We next come to the many islands of the Pacific called Polynesia; their supposed aggregate population 1,500,000. Much has been said of these many islands, their richness of soil, capacity for tropical productions, products of the sea, etc., etc.; but commerce is to develop their resources, as also to civilize the inhabitants, as it has with the Sandwich islands. To us they will be important, and by our commerce and intercourse must they be brought to light and life.

We now come on the south of the equator to the island of Papua, or New Guinea, situate between the equator and south latitude  $9^{\circ}$ , and between  $120^{\circ}$  and  $150^{\circ}$  west longitude, with the Pacific ocean on the north and east; number of inhabitants supposed, 500,000; area, 305,540 square miles. The inhabitants are supposed to practice gardening in the interior, as they

supply the inhabitants of the coast with food, in exchange for axes, knives, and other coarse cutlery, which are purchased from the Malays and Chinese; also, from the latter, blue and red cloths. In exchange the Chinese take missory bark, slaves, ambergris, biche-de-mer, tortoise shell, pearls, birds' nests, birds of Paradise, and many other articles. This island is distant from our continent 5,340 miles.

We now come to Australia, a continent, as it is called, lying between  $10^{\circ} 39'$  and  $39^{\circ} 11'$  south latitude, and extending from  $113^{\circ}$  to  $153^{\circ} 16'$  east longitude. Its form is compact; its average length estimated at 1,750 miles; its coast line, 7,750 miles, and its area estimated at about 3,000,000 square miles; population, colonial, 160,000; native, 63,000. The aggregate population of the adjoining islands with it is estimated at about 1,000,000. It is an English possession, and becoming important; probably capable of sustaining an immense population; distant from our continent 6,000 miles, and directly on the route from Oregon to India. Coal is said to be abundant in immense fields, and in strata more horizontal than in the old world, and not far below the surface. Near the equator, in latitude  $2^{\circ}$  north to  $6^{\circ}$  south, and from  $119^{\circ}$  to  $125^{\circ}$  east longitude, is the island of Celebes; area, 75,000 square miles; population, between 2,000,000 and, 3,000,000. This is a Dutch possession, producing a large quantity of rice, which is principally sold to the Chinese.

We now come to numerous rich islands. Java,

south of the equator, latitude between  $6^{\circ}$  and  $9^{\circ}$ , and  $105^{\circ}$  and  $115^{\circ}$  east longitude; in length 600 miles; breadth, 40 to 130; area, 45,700; population, 5,000,000 to 6,000,000. This is a Dutch possession, immensely rich in its products for export of coffee, sugar, indigo, etc., etc., amounting annually to over \$30,000,000, and mostly to Holland. It is distant from our continent 6,920 miles.

Then Sumatra presents itself, divided by the equator, and between  $6^{\circ}$  north and  $4^{\circ}$  south latitude, and  $96^{\circ}$  and  $106^{\circ}$  east longitude; 1,050 miles long; area, 122,000 square miles; population, 2,000,000; very rich in products, yielding annually 30,000,000 pounds of pepper, and various other articles of profitable commerce.

Then Borneo, divided by the equator between latitude  $4^{\circ} 10'$  south, and  $7^{\circ}$  north, and  $109^{\circ}$  and  $119^{\circ} 20'$  east longitude; on the north and west, the China sea; east, the Celebes sea, and straits of Macassar; and south, the Java sea; length, 750 miles; breadth, 350 miles; area, 260,000 square miles; population supposed to be 3,000,000 to 4,000,000, of which 150,000 are Chinese. The soil is said to be rich, not surpassed by any, and supposed to be capable of yielding an immense amount and great variety of tropical products, which find a ready market in this country and in Europe. It is also rich in minerals, gold, antimony, tin, and diamonds. It has good harbors.

Captain J. Brooke, who aided the rajah Muda Hassim in expelling the Malay pirates, received for his reward

the province of Sarawack. In 1841 he took possession of his province, and established a government or regulations under the crown of Borneo. He speaks of the aborigines, or natives (Dyaks), in the highest terms of praise; mild, industrious, and so scrupulously honest that not a single case of theft came under his observation. They are not addicted to any of the glaring vices of a wild state; marry but one wife, etc., etc. He expects much from them under the influence of civilized intercourse. He speaks of the gold of Sambas as being very rich, worked by the Chinese, and produces yearly, at a very moderate estimate, \$2,600,000; he also speaks of coal. This island will in time, no doubt, become vastly important, and sustain an immense population and an immense commerce, equal or beyond that of Java, in proportion to its area, compared with which it can sustain 30,000,000 to 40,000,000, and a production for export of \$150,000,000 annually.

Further north, and nearer to China, are the Philippine islands, between latitude  $5^{\circ}$  and  $20^{\circ}$  north, and  $117^{\circ}$  and  $124^{\circ}$  east longitude; area, 134,000 square miles; population, 3,500,000; very rich in products; under the Spanish government; and owing to the many restrictions to which its commerce is subjected, a full development of resources is prevented. They produce sugar, coffee, indigo, hemp, etc.,—such articles as we want in exchange for our cotton, cotton manufactures, and many other products. When the inhabitants of these, and the other islands, are freed from vassalage, and can

enjoy unrestrainedly the reward of their own labor, we shall find their ability to produce and exchange their products for ours almost without limit. They are distant from our coast 6,340 miles.

We now come to Singapore and India; the former a small island at the south extremity of the Malay peninsula, in latitude  $1^{\circ} 17'$  north, and  $103^{\circ} 51'$  east longitude. It is thought all the commerce of British India will center here, it having a fine healthy climate, much less variable than Calcutta or other places, and so directly convenient to all the islands that it must center all the commerce. It is distant from Oregon 7,660 miles.

India slopes to the ocean; all the rivers, the only channels of commerce, head in the Himmaleh mountains, and empty into the ocean toward us, opposite our Pacific front. The area of British India (Waterson's *Cyclopedia*, 1846) is 1,357,000 square miles; population, 134,300,000, not including the recent conquest of Cabul and Afghanistan, which, with the different tribes or nations besides, may be estimated at 50,000,000 more, making a total of 184,300,000 inhabitants, the commerce of which now centers in Calcutta, Bombay, Madras, Ceylon, and Singapore, to an aggregate yearly amount of \$150,000,000, though Waterson makes for Calcutta and Bombay for 1841, Madras, 1837, Ceylon, 1835, and Singapore, the aggregate of \$165,000,000. There has been a great increase since, as the committee are informed, but of which they have no late authentic accounts.

The greater part of this immense commerce is with Europe and America. There is also an immense amount of trade in barter, of which we have no account. We here see this immense capacity for commerce or trade, notwithstanding the heavy burdens by which labor is robbed of its just reward.

India is embarrassed at this time with a debt of about \$172,000,000, at an annual interest of \$8,142,625, and to which is to be added the expenses of the last and present war and conquest, and a yearly expense or tax for being governed, of \$85,824,180, exceeding the revenue from all sources by \$4,561,115; but, when England shall have changed her policy of taxing colonies to provide for an aristocracy at home, and these people become able to govern themselves, or be governed at a moderate expense, and can enjoy the full fruits of their labor, then their capacity for commerce and trade will be immense, and it is the free and rapid and frequent intercourse which our railroad will establish, that will bring about all these changes, and all this vast commerce and communication must be subject to it; and, in addition to, and with all this, we shall have our lines of steamers running up and down the coast from Oregon to South America, producing the same results everywhere — freedom of intercourse and exchange of commodities. And all this is now within our reach, as the committee believe; and in such close proximity as this road will bring us to countries so populous and fruitful, can it be

doubted, with our well-known commercial energy, wonderful ingenuity, and vast resources, that we shall enjoy the largest share of all the profits which a free and rapid communication with it cannot fail to bestow?

For a more particular account of this trade and traffic, the committee refer to the statistics contained in the appendix, which they have prepared with great care, and from authentic documents; and also to the estimates for the cost of the road, and accurate general railroad statistics, numbered from 1 to 14.

The committee are aware that distinguished men entertain the opinion that the commercial route to the Pacific will be to the great falls of the Missouri; thence overland, by Lewis and Clark's route, to the waters of the Columbia.

The committee think it will not be denied that a line of travel and commerce so important as this will be, must, to be profitable, be uninterrupted and unobstructed. Transhipments, a change in the mode of transportation, causing additional labor to be bestowed on the articles of commerce, enhance the price, produce delay, and burden the trade with heavy expenses. It is well ascertained, the committee believe, that the Columbia river, and that branch of it which would be reached by this route, has many obstructions, some of which, it is thought, cannot be removed by any reasonable outlay of money, whilst the Missouri river is not considered as a safe and constantly

navigable stream, susceptible of profitable use at all seasons of the year. Information of the most satisfactory character seems to justify this belief, and to force upon the mind the conviction that, as a channel of trade to India and China, through which must annually pass millions in value, and to which speedy and safe transit is of so great importance, it cannot be relied upon, or cannot enter into competition with a railroad. Throughout the world, railroads are fast superseding all other means of conveyance, and we now see, at this very moment, one of the States of this Union, to avoid the delays and embarrassments of river navigation, in the winter season, of a stream more free from natural obstructions than almost any other projecting a railroad on its very border, to connect its commercial with its political emporium. The Hudson river is justly celebrated among the rivers of the world for constant and safe navigation; yet, in these times of rapid movement and of commercial activity, the wants of the public are not met by its advantages, great as they undoubtedly are.

For a descending navigation at those seasons of the year when the melting of the mountain snows fills the channel of the Missouri, it may be profitably used; but in the fall and winter seasons, when the waters have subsided or are frozen, all commerce by it must necessarily cease. Upon a railroad, no interruption producing any very great delay can take place, and the committee believe that transportation upon one 3,000 miles in length

can be carried on with as great certainty and at as high speed as upon one of less extent, and at less comparative expense.

Whilst, therefore, it is seen that this railroad will possess the advantages of a permanent and an uninterrupted use for travel and the transportation of merchandise, and that the use of the Missouri or any other of the rivers in connection with it would be obstructed not only by ice, but by the want of water at certain seasons, it is to be remarked that this river may, during a large portion of the year, afford a channel for a full proportion of the commerce from the Pacific to take a direction toward the ports on the banks of the Missouri, Mississippi, Ohio, and other rivers, and extending to New Orleans and the gulf coast, giving the several States bordering upon them all the advantages which the road from its intersection with the Missouri to Lake Michigan may give to the States bordering on the great lakes, and on those channels of communication leading thence to the shores of the Atlantic ; so that, while the construction of this road will detract nothing from the capacities of the Missouri to contribute, by its natural advantages, however interrupted, to the augmentation of such trade as may find its way into that channel, this road will be the sure and faithful means for the safe and rapid conveyance of whatever may be placed upon its cars, to increase the trade of all the navigable streams south of the point of intersection.

The committee acknowledge they have not the most

perfect confidence in the ability of the memorialist, or any other person, however eminent, to accomplish this magnificent enterprise; but, on a careful view of all the interests of the United States as connected with it, are willing to recommend that the quantity of public land indicated in the bill shall be set apart for that purpose, as, in the event of success, the whole country will be benefited one hundred fold the value of the land; and if unsuccessful, no injury or loss will be sustained.

They admit, also, that their knowledge of the capabilities of the country for such a road west of the "Pass" is very limited, but it is sufficient to justify them in saying that a railroad can be constructed over it. They take this for granted; for, what obstacle cannot American ingenuity and energy overcome! and the route is now constantly passed by loaded wagons. The length is no objection — that diminishes the more it is considered, and the mind has become already familiarized to its real or supposed difficulties. And as a large portion of the whole route, both east and west of the "Pass," is now a wilderness, and probably will ever be, a strong argument is furnished, by that fact, in favor of the construction of the road, for it has been very truly remarked that the railroad system is peculiarly adapted to two very different states of society; in limited districts, inhabited by a dense and industrious population, where any discovery which renders more speedy and regular the already easy communication from place to place is an additional saving of time and capital — an additional advantage gained in the

ceaseless struggle of competing industry ; and again, in vast regions only here and there dotted with settlements, where modes of communication are rather matters of vital necessity than of mere gain or convenience.

It has been objected that the route of the proposed road will be obstructed by snows, on account of the great elevation of the country over which it passes. It appears, from known facts, that as we proceed west from the great lakes the climate becomes more and more mild. In Wisconsin Territory the snow seldom falls to the depth of one foot, and the winter is not severe ; while on the upper Missouri there is still less snow, and the climate still more mild—so much so that the American cattle have been pastured several winters in succession, and kept in good condition—though sufficient ice formed to impede the navigation of the river for several months. It is true that some peaks of the Rocky mountains tower to an altitude of eternal snows ; but through the pass and the valley, the committee believe, from representations made to them by intelligent travelers who have passed them, there is usually but little snow—not sufficient to impede the progress of a railroad car to any serious extent—not so much so as in the New England States ; and from the mountains to the Pacific, the climate is known to be as mild as that of England.

The committee are free to confess that they are by no means perfectly satisfied with the plan proposed by the bill for constructing the road, but believe that the public lands is the only fund out of which it will be made, if

ever. Objections may be urged to the plan itself; yet it may be the means of suggesting another, more perfect and less liable to objection, on which all can unite. This bill may have the effect, if nothing more, to bring the subject fairly before Congress and the country, the final result of which will be the accomplishment of the great work.

When it is considered that the United States claim to own more than 1,000,000,000 acres of unsettled lands, the amount proposed to be appropriated for the road is not one-tenth of the whole quantity; the nine-tenths to be enhanced in value by the road to an amount certainly equal to the value of the quantity proposed to be appropriated. In fact, the great residuum will derive nearly all its value from the road, for, situated as they are, without the road they will not sell for a century to come, if ever. The question of the policy of making it is far different from what it would be if the lands through which it passed were individual property. They are the property of the nation, and if their value be enhanced by any artificial channels of trade, the advantages accrue to the nation—to the government first, and then to every citizen.

Its effect, however, upon the property of individuals, and on the western States particularly, will be vastly beneficial. The lands within them would be enhanced at least twenty-five cents an acre, which, applied to the whole mass of acres within them, would amount to more millions than the road will cost. Besides this, it will give

to these States the same advantage, by means of the trans-Pacific trade which will flow through this channel, that the trans-Atlantic trade gives to the eastern portion of our Union. It is this which makes the poor lands of the Atlantic slope sell for \$50 or more per acre, inferior as they are in every respect to those of the western States, whose average value cannot be estimated at more than \$5 per acre. This new trade which will be opened to the West by this road will equalize these advantages. St. Louis, or some other central point, will enjoy the benefits of the China trade equally with New York or Boston; and as a mart for the vast productions of the immense regions bordering on the Pacific, and as a point at which the varied productions of American skill and ingenuity destined for those markets will center, that city or some other in the valley of the Mississippi, will possess commercial advantages equal, if not superior, to those of any point on the Atlantic seaboard.

The committee are of opinion that, no matter in what aspects this great subject is viewed, it commends itself to favor. Its influence upon Oregon itself; upon the commerce of the Pacific, our trade with China, India, and the distant and rich islands of the sea, and upon our export trade — the product of that vast calcareous basin of the Mississippi, of more than 1,200,000 square miles, to be carried on this road to and through that ocean, from which we are now cut off by an expanse of sea, by the capes, equal to half the circumference of the globe — cannot be estimated.

The committee believe that the present is an auspicious moment at which to commence this work; and upon the announcement of the fact that the project has received the favorable notice of Congress, the energies of our people will be aroused to a new life. It is not a party measure, but one on which the politician of every hue and creed can cordially unite; one which will strengthen the bonds of our Union, allay sectional jealousies, and arouse a proud national feeling.

We have within ourselves all the material and all the means necessary for its accomplishment, and it rests with Congress to say whether or not these materials and these means shall be thus employed; whether the enterprise is one of sufficient importance to justify setting apart one-tenth of the public lands, now valueless, to its accomplishment. The committee will not anticipate, but cannot doubt the decision.

The committee are aware that many, whose opinions are entitled to great respect, think the enterprise premature, and in advance of the wants and progress of the country; but it must be borne in mind that as the lands are the fund out of which the road is to be made, the best may be taken by individuals, lessening the value of the fund by the amount of such appropriations; and as at least twenty years will be consumed in constructing it, it becomes important that the earliest moment should be seized in which to commence operations.

The means proposed to be devoted to it are vast,

it is true; but, the committee think, not in disproportion to the grand and magnificent object to be accomplished by their proper application.

In view, then, of all the premises and of all the anticipated results to flow from the undertaking, if accomplished, the committee cannot refrain from recommending it to the attentive consideration of the national legislature, and of the country at large. By the aid of a small portion of the public lands, the committee believe the United States can possess a channel of speedy and safe communication, through which will pour, in a continued, rich, and fertilizing stream, a large proportion of the commerce of the oriental world.



PROCEEDINGS BEFORE THE SUPREME COURT.



# PROCEEDINGS

BEFORE THE

# SUPREME COURT.

---

At the first term of the Supreme Court of Illinois, after the death of Judge Breese, being the Ottawa term, Tuesday, October 1st, was set apart as the memorial day, when due action would be taken by the judges in reference to the loss of their late associate.—Present—Chief Justice Craig, Mr. Justice Scott, Mr. Justice Scholfield, and Mr. Justice Walker, Mr. Justice Sheldon, Mr. Justice Dickey, and Mr. Justice Baker, the successor of the deceased Judge.

There was much in the exercises that followed to carry one back to the early history of the State. By common consent, the closing remarks at the Bar were allotted to the venerable and esteemed ex-Chief Justice Caton, who appeared upon the scene as though with a mind full of recollections of eventful days in the history of Illinois, now long gone by.

THE CHIEF JUSTICE — Court is convened for the purpose of receiving resolutions and hearing such remarks as may be made by the Bar upon the death of Judge Breese.

Mr. HENRY I. SHELDON, Secretary of the Chicago Bar Association — May it please the Court: On behalf of the Chicago Bar Association, I beg to present to the Court resolutions of respect to the memory of the late Mr. Justice Breese, passed at a meeting of the Chicago Bar, held on the 6th day of July last, and afterward adopted by the Chicago Bar Association.

I am accompanied in this duty by two of the veteran members of our profession, who are with me here to speak further the sentiments of our Bar. The resolutions are as follows (Mr. Sheldon here read the resolutions of the Bar):

*Resolved*, That we have heard with unfeigned sorrow of the death of the Hon. Sidney Breese, late one of the Justices of the Supreme Court. He has been taken from us full of years, indeed, and of honors, but in the midst of his usefulness. For sixty years he had occupied a conspicuous position as a lawyer, statesman and jurist, and, by his eminent services in professional and public life, and the sterling integrity which marked his character, inspired universal confidence and respect. The loss sustained by the death of such a man may justly be regarded as irreparable. In every position he attained, he was fully equal to its responsibilities. As a practitioner at the Bar, and as a public prosecutor, as a representative in the State Legislature, and a member of the Senate of the United States, as Judge of the Circuit Court, and

Justice and Chief Justice of the Supreme Court, he sustained himself with signal ability and reputation among men who achieved imperishable renown in the service of the State and Nation. From the first organization of the State, in 1818, to the time of his death, he was intimately connected with its jurisprudence, either as a Legislator or Judge. In the last twenty years of his life, he was one of the most learned and accomplished members of the Supreme Bench, performing to the end, in his advanced years, his full share of the severe and incessant labors which have borne so oppressively upon the Court, and always acquitting himself of his arduous duties with distinguished ability and uprightness, as well as uniform courtesy.

*Resolved*, That the fidelity and untiring devotion to duty displayed by Judge Breese in the judicial office, no less than his rare culture and the remarkable capacity he possessed for grasping the most abstruse principles of the law, as well as complicated questions of fact, reflect the highest honor upon his character as a Judge, and that, in common with the members of the legal profession throughout the State, we deplore the loss which the Bench and Bar have sustained by his death. His memory will be held by us all in affectionate and grateful remembrance.

*Resolved*, That the chairman of this meeting be requested to communicate a copy of these resolutions to the family of the deceased.

We ask that the resolutions be accepted by your honors, and that they be ordered spread upon the records of the Court.

THE ATTORNEY-GENERAL — May it please the Court : The duty has been devolved upon me to present to this Court the action of the St. Louis Bar, taken on the occasion of the death of Judge Breese, together with a communication from the chairman of the meeting of that Bar, which I will read to your honors.

“ The members of the St. Louis Bar came together to express their high appreciation of the learning and exalted judicial character of Sidney Breese, late Judge of the Supreme Court of Illinois.

“ Legal learning and judicial ability have no *situs*, and whenever and wherever these great qualities are prominently developed, the Bar is ever ready to pay tribute of respect to their possessor. Therefore, it is fit that we of Missouri should express our estimate of the judicial character of an eminent jurist, now no more, of our sister State.

“ The judicial career of Judge Breese extended through a period of nearly forty years, and for a quarter of a century he was a Justice of the Supreme Court of that State.

“ Throughout his long judicial service, by diligent and exhaustive study of the law, by his critical and comprehensive knowledge of the fundamental laws of the country, both Federal and State, and by his untiring and patient investigation of every subject submitted to him, his course excited the admiration and inspired the confidence and respect of the body of the people of Illinois, in fact, everywhere where his judicial action came in review.

“ His was a long life of diligent, faithful study. He did not hang on the outer edge of the law, but penetrated its profoundest depths. In his adjudications he

labored to develop and disseminate the underlying principles of every question submitted to him, and he was bold and independent in asserting the law, unmoved by popular or other clamor.

"These qualities and characteristics enshrined his judicial character and honor, and upheld him in all the changing vicissitudes of a long and eventful judicial career and life. Under his administration the law was faithfully maintained and exalted.

"Full of honors and full of years, a venerable and venerated Judge, he died with his judicial harness on, leaving his judicial work behind, a luminous example to the world.

"Such honor and respect do we pay to the memory of Sidney Breese."

May it please the Court: We all recognize the obvious propriety that the voices of those who have participated from an early day as co-laborers with Judge Breese in his distinguished career should be principally heard upon this occasion. A few words, however, from those who cannot claim that honor I trust may not be unacceptable. His professional and public life began with the organization of our State, sixty years ago; and his name, either as reporter, counselor, or judge, adorns every volume, if not every page, of its subsequent judicial history. The record there written constitutes the imperishable memorial of his fame; a monument more enduring than bronze or marble. It is the peculiar felicity of the members of this distinguished tribunal that the results of their labors are

necessarily preserved in such form, and subserve such purposes, that they must ever be studied and meditated upon by the Bar and their successors upon the Bench. The achievements of the great jurist upon this arena cannot pass into oblivion. My personal acquaintance with Judge Breese began in 1859, nearly twenty years ago. He was then, and for a long time had been, a member of this Court. He has been in his place at its sessions every term since, until the present. We have all become so familiar with his venerable presence and impressive bearing upon this Bench that when we appear at the session of this Court we involuntarily feel that he must be present somewhere about us here. While the last twenty years to which I have referred have been only one-third of his entire public career it has not been an unimportant portion.

Whether we consider the events which have transpired in that time, affecting our most vital interests as a nation or people, the growth and development of our State in population and material resources, or the advancement in the science of the law and the administration of justice, the era has not been excelled, if equaled, in any other period of our history. Consider the judicial labor performed in the last twenty years; more than three-fourths of the volumes of our reports have been written within that period. With the material progress of the State, its enlarged commerce and business complications, the tendency to collisions between corporate and private

interests, and the relative rights of capital and labor, new and intricate questions have been presented for judicial decision. In the determination of these questions it has been necessary to apply the fundamental principles of the law, which in the nature of things must ever remain essentially the same, to new circumstances and combinations of facts. The vigorous intellect and profound learning of Justice Breese have enriched this field of our jurisprudence. He was a gentleman of the old school; decorous in manner, and a punctilious observer of the usages of refined society. As one of that galaxy of eminent men who constituted the "pioneer Bar" of our State, he brought to its ranks superior culture and acquirements, an exquisite taste and disciplined mind. He was possessed of a keen perception of the fitness of things. On one occasion a member of the Bar remarked in his presence that he proposed to make a *speech* to the Court that day. Judge Breese's instant reply was: "Address arguments to the Court. Never make speeches to it. Speeches may be proper on other occasions, but are out of place here." The student of his judicial opinions will be impressed with his great mental endowments, his comprehensive grasp of legal principles, and his vigorous logic—not unfrequently adorned with the pleasing graces of literature. His standard of the professional ethics of the Bar was high. Unworthy conduct in its members was sure to meet with severe rebuke

from him whenever opportunity was presented. On the other hand, he was quick to discern indications of marked talent or other meritorious qualities in its junior members, and seemed to take great satisfaction in expressing to them words of encouragement. His memory and fame are not only cherished by his contemporaries at the Bar and colleagues in judicial service, but by those of the succeeding generation who cannot share that distinction.

So long as the law is upheld as an honorable profession, and the reputation of our courts for ability, learning and integrity is maintained, the example of this great jurist will be emulated; and his name will hold a prominent position in the annals of the Bench and Bar.

MR. THOMAS HOYNE (seconding the resolutions presented by Mr. Sheldon):

If your honors please, in seconding the resolutions offered, I comply with a request of the Bar Association of Chicago, who have concurred in the proceedings of a general Bar meeting held at Chicago, in July last, when the startling intelligence was received that Judge Breese had closed his long career of public usefulness.

It might be sufficient, perhaps, in such cases as this, to rest upon the sentiment of an ancient orator, that "in the recollections retained of such men by the living, there was sufficient of eulogy in the deeds

they had performed." But there is a feeling also that when great men die there is something due to the living as well as the dead.

Sallust, in his account of the conspiracy of Cataline, says, "that the great number and brilliancy of the Athenian writers so magnified the deeds of her citizens that Greece enjoyed a fame throughout the globe for a greatness of achievement beyond that to which she was entitled. But that the Romans, on the other hand, were so diligently employed in the practical service of the State, her greatest men preferred the glory of actual achievement to the praise of fame so sounded; and in this neglect of writers, her own fame had suffered because it was the habit of Rome to prefer the greater glory of acting such deeds, rather than writing them."

This claim of the Roman to the merit of making more history than her eminent men found time to write is one which at this time can be urged with great force in behalf of Illinois.

While the State has a history to look back upon of which she may be proud, it may be said, that, with some exceptions, the great duty of writing it has been neglected, and any thing like a complete history of this State may be said, as yet, to be unwritten.

It is manifest to every student of jurisprudence that under our system of constitutional liberty, the judiciary of the State being, as it is in all cases, a

co-ordinate branch of the State government itself, is one of the most essential agencies we have in securing to the people the blessings of sound government.

The office of the judge rises to that of the very highest rank and dignity in the State. The Courts, constantly dispensing justice in the presence of the people, come to be regarded as teachers and exemplars of the laws they sit to administer. Hence it follows, that aside from the official positions they hold, their personal influence, in whatever direction it may be exerted, greatly contributes to the progress or retardation of sound public opinion, which in the end secures or depresses the happiness of the people.

It has been a circumstance of fortunate augury in our State, that the influence of judges has been free of reproach, and the administration of justice untainted by any flagrant instances of corrupt practices on the part of judges. In fact, it may be rather said that our Courts have escaped the scandals of the most corrupt period that has yet occurred in our history, while they have mainly been presided over by judges of the most irreproachable character, of rare and sterling common sense, and somewhat peculiarly gifted in respect to meeting the exigencies that are incident to infant settlements, and to the rise and progress of a new State like Illinois.

Illinois was first organized as a county of the State of Virginia in 1778—just one century ago. The

most eloquent man of the Revolution, Gov. Patrick Henry, of Virginia, signed the first commission that appointed John Todd, a lawyer, the first lieutenant commander of Illinois, to take charge of its military and civil affairs. In 1809 Illinois was organized as a territory, and Ninian W. Edwards, at the time Chief Justice of Kentucky, was appointed and accepted the office of Governor (being the first Governor of the territory appointed) from President Madison, which he held until his election as one of the first Senators sent by our State to Congress, in 1818, after the people had organized the territory and been admitted as a State into the American Union.

From that period down to the present, Illinois has, in her progress as a county, a territory and a State, been marked by events of the highest importance. During the last quarter of a century, her progress has been such as to draw upon herself the attention of the world. Her citizens have come to be recognized abroad and at home for their patriotism, services and ability. The history of the rise and progress of this State is, to a great extent, the biography, also, of her more eminent lawyers and judges.

From Gov. Edwards down to Abraham Lincoln (and still further the more recent loss the State has suffered in the death of Judge Breese), the entire history of the State has been illustrated by the lives and services of some of the most remarkable and

illustrious men whom the American Republic has produced.

In this connection it is worthy of remark that it was a Senator from Illinois (Judge Thomas) who first proposed, in 1821, the well-known Missouri compromise line, which for the time carried the Union through the danger by which it was menaced from slavery, and prevented its extension north of 36 deg. 30 min.; and it is remarkable, also, that another Senator of Illinois, in 1854, thirty-three years afterward, should have succeeded in repealing it. Neither can it ever be forgotten that the first great struggle to extend slavery occurred in this State, in 1821-24, soon after its organization, and that upon the soil of Illinois was achieved the first great triumph of anti-slavery, in a political contest, after the Declaration of Independence.

It suffices, however, to say that in every triumph, as well of war as of peace, since the State became a member of the National Union, Illinois can record the names of those, living or dead, whose heroic or distinguished services shed a lustre upon the National and State history. In all that has been done to advance the interests of our civilization, she has achieved a renown that entitles her to rank among the foremost of the American Union.

When Governor Henry issued his first commission to the county of Illinois, it contained the significant instruction to his lieutenant "that he must inculcate in

the people of Illinois the value of liberty, and the differences between the state of free citizens and that slavery to which Illinois had been destined." The lesson of the mother, in this instance, was never lost upon her offspring.

It will be remembered that the first law ever passed in this State establishing free schools was enacted as early as 1825, and that it provided for their support by an appropriation of \$2 from every \$100 of revenue collected into the State Treasury. It was eventually repealed in 1829 by other acts, but against the earnest opposition of Governor Edwards and his friend Judge Breese. The preamble of that act is worthy of notice, as it is eloquent in the utterance of those truths now so well understood. Among other things it says, that "no nation ever continued long in the enjoyment of civil and political freedom which was not both virtuous and enlightened, and that to enjoy the rights and liberties of freedom the people must understand them."

If your honors please, I have thus glanced back at the history of our State to mark some of the outlines of its early progress, in which no man, as an actor or public servant, has borne a more conspicuous or honorable part than the late venerable Chief Justice of this Court. During the last twenty years he has been a member of the Bench which you now honor. You, as members of the Court, his colleagues and friends, can best testify as to the fidelity with which he performed his duties, and the extent of the labors necessarily

cast upon him, with yourselves, in the recently crowded state of your dockets in the respective judicial divisions of the State.

It becomes me, if your honors please, to speak of Judge Breese as a personal friend. I was honored by his confidence, and the word "friendship" scarcely expresses the nature of the intimacy which so long subsisted between us. For more than a quarter of a century I have esteemed it my honorable privilege to share his confidence. On my part, the confidence was qualified by the respect I entertained for his great learning, his wisdom and genius. He was no ordinary man. I think it will be found of him that his posthumous fame will far exceed in value that of his living reputation. Time, in his case, will bring to maturity a fame which in the case of many public men it destroys. The Greek orator said over the graves of his dead, that the "whole earth is the sepulchre of illustrious men." Marble and brass are unnecessary in such cases. It is the fame of deeds performed. He says: "That being repositied in the universal remembrance of men, no time can obliterate and no generation omit to honor."

The monuments in Westminster Abbey to Lord Hale, to Mansfield and Bacon will long have perished when their names will be remembered through their works—Bacon in his writings, Mansfield in his judgments, and Hale in his brightness of character as a great magistrate. The labors of Judge Breese while

a member of this Court are in themselves a monument of learning, wisdom and justice. The labors and judgments of this Court will send down the names of his associates, as well as himself, to posterity. And yet, if your honors please, it is not at all improbable that, had Judge Breese succeeded in the career he would have preferred at first, his life would not have been so fortunate for the State or himself.

It was not in his nature to have long sought that popularity of the forum, where there is to be a sacrifice of self-respect or principle. His contempt of the typical demagogue, described in the verse of Homer as well as the prose of De Stael—that bane of ancient as well as modern republics—would have driven him, sooner or later, out of public life.

“ Factitious monsters, born to vex the State  
With wrangling talents, formed for foul debate.”

It is indeed probable that the more recent methods of seeking popularity in American public life, cured, if it did not entirely divest, Breese, the young statesman, of his ambition.

But Judge Breese did not go out of political life without leaving monuments of his career and labor behind him. That practical sagacity and comprehensive information for which he was distinguished, discovered what a connection by railroad with the Pacific across the continent would do for the development of his own State and the commercial empire of America. He availed himself of his opportunity, and as Chair-

man of the Committee on Public Lands, in the United States Senate, in 1846, elaborated in detail and brought in the first report ever made, advocating and anticipating the construction of the Pacific railroad, twenty-three years in advance of its commencement. His friends were incredulous, but his enemies thought for the time they had succeeded in throwing ridicule on the project. It has happened that no man has left to his age or his country any more enduring monument than this to transmit his name to posterity.

Who can look around upon this Court-room, around this Court-house; who, of all the gentlemen, eminent in their profession, that for years have come up here as to some temple or shrine, has failed to note the absence on that Bench of the form and face with which the entire State was so long familiar.

It was last year that I saw him last, and it seems but yesterday only. Graceful in his venerable age and dignified in manner, the bold outline of his remarkable face, and the classic contour of his massive head, covered with its fine, full shock of white hair, made him appear as if he had descended, like Jove among the gods in council, upon these supreme seats of justice!

“Hyperion curls, the front of Jove himself,  
A combination and a form indeed,  
Where every god did seem to set his seal  
To give the world assurance of a man.”

Yet, did any professional friend follow the great magistrate to his own room, he would find a mortal like himself, genial and gladsome as some school boy escaped from school, "free of converse and full of glee." By nature of social habits, he loved his friends, and while conveying instruction, appeared as if he were receiving it. Familiar with the best authors in the English as well as other classics, he drew upon them freely. He loved every kind of rational amusement, such as the drama and poetry, and visited the galleries and museums of art whenever he could avail himself of such opportunities. He was, indeed, a connoisseur as well as critic in art matters.

He cherished no hatreds, and never manifested any malice toward individuals. When he manifested resentment, it was always toward some person whom he supposed guilty of an outrage against justice, sound morals or the public interest.

He never paraded his personal griefs in conversation; nor did he complain of offenses committed against himself. Fraud, duplicity, gross breaches of professional integrity and trust were ever sure to kindle his indignation; and in these cases he was frequently called upon to exercise a prudent control over his temper.

But such was the charity of that temper toward an enemy, or any person he disliked, that he never trusted himself to speak of him except to praise

some of his better qualities. And his estimate of the character of such a person would be as calm and dispassionate as if he had been pronouncing a judicial decision between some parties to a record in this Court whom he had never seen to know.

He believed in the three cardinal principles of a Christian life, "Faith, Hope and Charity," but he believed, also, that the greatest of these was charity.

The death of Judge Breese marks an epoch of time in the history of this State. Born at the close of the century which saw the American Revolution inaugurated, entering Illinois just after she had adopted her first Constitution and had been admitted as a State into the Union, the contemporary and intimate associate of many of the leading minds who had themselves borne an active part in all those events, he had, therefore, engaged with all the grave enthusiasm of his character, his learning and talents, in the work of carrying forward to their practical conclusion the great labors of those remarkable men. And to this work he devoted the more active and buoyant energies of his youth. "There were giants in those days." It is no wonder if he felt deeply impressed by their grand conception and their moral and intellectual greatness.

The present generation, conscious of their own decline in virtue, are looking back at the heights upon which those men stood who became leaders in the

civilization of a new continent, such as has never before blessed mankind.

It is to these teachers of the new gospel of liberty, the leaders and apostles of the American Revolution, the founders of the new States in the wilderness, the regenerators of old systems of thought and government, the victors over ancient tyranny and misrule, that the world is now looking back for a satisfactory solution of the difficult problems that are now arising out of their work—as obstacles in the way of its further progress.

Judge Breese was one of those men who never doubted as to the ultimate result. “He saw the end from the beginning.” “All error,” as Jefferson said, “may be safely tolerated while truth has a free cause to combat it.” The Revolution of ’76 is still working out popular government to its logical results. The slavery question was a difficult problem, even at the time of the Declaration of Independence, but the people worked it out through a great civil war.

Other questions must necessarily continue to arise, from the complication of government, in respect to the industries and finances of the nation. Divisions of opinion are inseparable from the freedom we enjoy as citizens, and party strifes are inevitable under all republics.

The death of Judge Breese has removed, perhaps, the last living link of the connection that existed be-

tween the present generation and the men who organized this State government sixty years ago. He was a Senator from Illinois in the United States Senate, when the Senate, for the wisdom and the talents of its members, according to the opinion of foreign writers, had no equal as a deliberative assembly in the world. He was the contemporary, but what is more, he was considered the peer of Clay and of Webster, of Calhoun and of Wright, of Benton and Davis. Those at all familiar with the part he took in that body need not be told that his influence was very effective in carrying through such measures as especially led to the development of the resources and settlement of this State, without reference to those great national measures, upon which he always voted and acted with the Democratic party.

In this State and in this Court his labors will ever remain a conspicuous monument to his fame. The very first book ever published in this State was "Breese's Reports," and the last opinions delivered are in his handwriting.

He first became a member of this Court upon its reorganization in 1841. He went from this Court to the United States Senate in 1843. He returned the last time, in 1857, to continue a member of this Court until his career was recently closed by his death.

On the title-page of the eighteenth volume Illinois Reports will be found a note "that Judge Scates has resigned his seat, and the Hon. Sidney Breese has been

elected to fill the vacancy occasioned by such resignation," and it is noted also, that another member of this Bench (which it is hoped he may long occupy), the Hon. Pinkney H. Walker, had been appointed by the Governor to fill the place of Judge Skinner, resigned.

Since those appointments, more than sixty-five volumes of Reports have followed within a period a little over twenty years, and it is only justice to the memory of Judge Breese, as well as the other able jurists who have occupied seats on that Bench as his associates, to say that the authority of those Reports and the judicial opinions they contain stand as high as those of any Court in this country. They are often sought in illustration of legal principles by eminent lawyers and judges in all other States, as well as our own. When it is considered that this great Judge has spent sixty years of his life in active public service; that twenty of his last years have been occupied in the administration of justice; that he published the first volume of the Reports of this Court ever issued; and that his name goes down to posterity inscribed on the sixty-five or sixty-seven volumes, that will contain his judicial opinions upon nearly all subjects; the record he leaves of himself will surely be as immortal as any thing connected with our civilization or history.

One more word: In December, 1833, the celebrated annalist, that ancient chronicler and gazetteer of our State, Rev. I. N. Peck, delivered a eulogy at the

funeral of Governor Edwards, in which he said : "The death of great men is a public calamity. The prosperity of a nation depends much more on the character of the public men than is commonly supposed. The direction they give to public affairs has a tendency to promote the wealth and prosperity of a nation, or to cover it with a thick cloud of adversity. These upright and good men are the defense of a nation, while fools bring it to destruction."

Wise, great and upright in all that he did as a public man, Judge Breese loved his State and loved his country. In view of the present condition of political morals, it is painful to reflect that had he been otherwise—a man of evil counsels or corrupt practices instead of one who cherished patriotic and upright impulses—what might have been the result to the State in which, for sixty years, he was so prominent an actor!

But, as it is, we need only look back upon what the State has accomplished. The rapid and steady progress which Illinois has made from the beginning of her history as a State, with whose progress as a public man Judge Breese has been so closely connected, admits of no doubt (were other evidence wanting) that his influence has been salutary and well directed. The able discharge of the many trusts confided to his hands as a representative of the people, and the inflexibly faithful and upright dis-

charge of his judicial functions, leave no doubt of the integrity of his whole life, nor that the reputation which he leaves behind him will prove a valuable legacy to his family, posterity and the State forever.

Hon. ISAAC N. ARNOLD — May it please the Court: I have been honored by the Chicago Bar Association with a request that I would add something to what has been said by my associates on this occasion.

In the fullness of years, and after a service of his country, in various departments of the government, both State and National, beginning more than half a century ago, your venerable senior has been gathered to his fathers. It is every way fit and proper that we should meet here and place upon your records the resolutions which have been read. But no words which we can now speak can add to or detract from the permanent memorials of a well-spent, honorable and useful life which he himself has left behind him, the pages of which are spread out over the records of this court, in its reports, and upon the history of our State and Nation. And may I not adopt and appropriately use the memorable words of an early and life-long friend of the deceased; words uttered on a still more interesting occasion:

“The world will little note nor long remember what *we* say here, but it can never forget what he *did here*.”

The people of Illinois will little note nor long remember what we say here, but it will be long ere they forget these your records of his life-long, conscientious and intelligent labors.

It is now some years since I had the honor of appearing before this Court, and although Judge Breese was then in years an old man, yet neither then nor since, down to the time of his death, have we been able to discover any diminution of his mental powers; he seemed as quick to perceive, as patient to hear, and his mind as sound and discriminating to judge, as at any time during the many years in which he has held the scales of justice.

He came to Illinois in 1818, at about the time of its admission into the Union, and his public life, beginning at that period, has been almost continuous through the sixty years in which Illinois has existed as a State. No citizen, living or dead, has had so long a period of public service.

The first office he held was Captain of Militia, then Assistant Secretary of State, under Elias K. Kane, then Postmaster of Kaskaskia. In 1822 he was appointed State's Attorney, which office he held until 1827, when he was appointed Attorney of the United States for Illinois, by John Quincy Adams.

In 1831 he published Breese's Reports, a book familiar to every lawyer in the State. He served as lieutenant and major of volunteers in the Black Hawk

war. In 1835 he was elected Circuit Judge. In 1842 he was elected to the Senate of the United States, and served as such for six years. In 1850, he accepted the position of member of the Legislature, and was elected Speaker. Soon thereafter he was again elected Circuit Judge, and from that time to his death, I believe, he held the offices of Circuit Judge, Justice and Chief Justice of this high Court. Such is the bare catalogue of the offices he held. I will not attempt to enumerate, it will be for his biographer to describe the great measures with which he has been identified, and the great cases which he has decided.

It would, I think, be difficult to find sixty years of more eventful history than the sixty years which span the life of our State and the public service of Judge Breese. Did time permit, it would be a pleasing task to compare 1818 and 1878. Then Illinois had a population of some 50,000 (it was 55,000 at the census of 1820), and was on the extreme frontier. Now Illinois is the fourth State in the Union, and her importance is indicated by the fact that, in the last eighteen years, citizens in this State have been elected to the presidency for sixteen of those years.

Coming here to-day to lay upon this altar my humble tribute to the memory of Judge Breese, I am filled with associations and memories of the past. I go back in memory to the old State-house at Springfield, and the caucus for and election of United States Senator

in 1842, at which I, as a member of the House of Representatives, had the honor to vote for him.

I listen again to his scholarly address spoken in the hall of the Capitol upon the early history of Illinois, I recall him as the then successful competitor for the Democratic nomination for Senator over his young and brilliant rival, Douglas — Douglas, whose last noble efforts for the Union crowned his life with honor, and over whose dust, reposing upon the shores of Lake Michigan, the State has lately done itself the honor of raising a monument to perpetuate her State pride in his fame.

I recall the homely but genial face of that great lawyer, Archy Williams, for whom the Whigs voted at that senatorial election.

I remember, too, the gay ball at the State-house after the election, the bright eyes, then glowing with youth and beauty, now, alas! grown dim in age or death.

“ The mossy marble rests  
On the lips that we have pressed  
In their bloom ;  
And the names we loved to hear  
Have been carved for many a year  
On the tomb.”

How many, how very many, then prominent in public and social life had long before our friend passed across that mysterious river!

Let me call a few among the names that come thronging to our lips, among the distinguished judges

and lawyers who at an early day gathered around the rough pine tables of the frontier court-houses.

The early contemporaries of Breese were Wilson, and Lockwood, and Brown, and Smith, and Douglas, who very early became a leader, and who was admitted to the Bar in 1834. There was Richard M. Young, the genial gentleman, a Judge and United States Senator; Governor Thomas Ford, who, when holding Court in Chicago, when a case of great wrong was presented, and the point was strenuously pressed that his Court had no jurisdiction or power to remedy the wrong, met the argument with the declaration: "The jurisdiction of this Court is co-extensive with rascality, and I shall take the responsibility."

There was Nathaniel Pope, United States District Judge, a giant in intellect; Justin Butterfield, who, in strength of logic and keenness of satire, had no superior, then nor since; there was the silver-tongued Baker, killed at Ball's Bluff; there was the eloquent and heroic Bissell, whose vindication of the Illinois Volunteers in the Mexican war against the aspersions of Jefferson Davis is still remembered among the traditions of the great speeches in Congress, and who, but for the intervention of General Taylor, might have deprived, in single combat, the late rebellion of its leader; there was John J. Hardin, who fell upon the bloody field of Buena Vista; there was also Governor Richard Yates, admitted to the Bar in 1838; these and

very many others, and with them, so simple and unassuming that his greatness was scarcely appreciated, yet towering as high in intellect as in stature, that great, typical man of the West, Abraham Lincoln. Of the men of an early day who still live, there are Judges David Davis, Caton, Trumbull, and Treat, and Walker, and Lawrence, and Edwards, and Browning, and Peck, and Judd, and Scammon, and Dickey, and Washburne, and many others, of whom, because they still live, and some of them are present, I can only say, long may their lives of usefulness be lengthened out, even as was his whose name to-day we try to honor.

And speaking of Washburne, recalls a paragraph from his pen in which he graphically characterizes the life, character, and services of Judge Breese. Writing from Paris, in 1875, he said: "There is not a man in the State who knows so much of its early history as he does. No man living there has been so thoroughly identified with all its history; has been so much a part of it, and who at the Bar, in the Senate-house, and on the Bench has so long and so ably illustrated its annals. The reports of the Supreme Court attest his profound knowledge of the law, the vigor of his intellect, the ripeness of his scholarship, and the peculiar grace of his diction. No Judge who ever sat on the Bench could touch the very heart and soul of a lawsuit with more unerring certainty; and his opinions will live as long as the jurisdiction of the State shall exist."

In reviewing the life of Judge Breese, another thought has been suggested :

It is often said that the days of high moral virtue, of pure, disinterested public service, have passed away, and that this is an age of mere money-getting, vulgar display, and universal corruption. The lives of such as Breese, who wore the ermine for more than fifty years without stain or spot, and who died poor, show how false is such an estimate of the present ; and may I not add that, when every morning's newspaper brings to us the name of some martyr for humanity, of some physician, nurse, or clergyman, such as Parsons, who gladly give their lives to alleviate human suffering, while such costly services are being rendered, and while such lives as that of Breese are being lived, we will despair neither of the republic nor of humanity.

Mr. ROBERT HERVEY—May it please your honors: Although much has been said that was well deserved, and many and elegant tributes have been paid to the memory of the distinguished dead by those who knew him best and loved him most, yet having always, for many years, experienced the greatest kindness from our lamented friend, I cannot permit this last sad occasion to pass without giving expression to my sincere and heartfelt personal sorrow, for the loss which not only the Bench and the Bar, but the State and the Nation are now, in the death of Judge Breese, called upon to deplore.

Your honors, the resolutions which have been read in your hearing are no empty sounds, nor the embodiment of mere words of course; they are the simple, honest, earnest truth, as every one who knew the lamented deceased well knows.

He was all that these resolutions claim for him, a statesman, as well as a jurist of the highest order, he was the peer of many of the intellectual giants who have passed away. A worthy citizen, an eminently just, laborious, courteous and faithful Judge; and at all times, and under all circumstances, he was entirely, essentially, unmistakably, a gentleman.

At the last term of this honorable Court, Judge Breese was in his place on the Bench, apparently in his usual vigor of mind and body, diligently engaged in the performance of his important duties; exchanging with his brethren of the Bench and with the Bar, those kindly courtesies in which none excelled more than he.

Little did he imagine on the day when that term ended and the Court adjourned, that even then the bow of the destroyer was bent; that even then he was treading on the dark thresholds of *two* worlds, and little did those who then parted from him with a cordial good-bye, think that they were then looking on that face for the last time; that in a few short days those flashing eyes would be dimmed forever; that familiar voice would be hushed to be heard no more; and that

all that earth would contain of that well-remembered form would be cold and silent dust. But so it was. And by this last and most terrible sudden instance of mortality which has almost paralyzed our hearts, we are again reminded by how frail and uncertain a tenure we hold our mortal life, and as I look on this assemblage now around me, and feel that no created being can tell who of us—speaker or listener—shall next be stricken down, on whose coffin lid the dull and heavy sound of the falling earth and the appalling words, “Ashes to ashes, dust to dust,” shall next strike on the ears and hearts of the survivors like a knell, am I not justified in saying that this is indeed a speaking warning, and that from the reft dwelling-place of the soul of the illustrious departed there issues yet a living voice, crying out in trumpet tones to those who remain behind: “Prepare and be ye ready, for ye know not when your time cometh.”

Alas! alas! The large circle of distinguished men with whose careers and characters we have long been familiar is rapidly contracting—one by one, and with alarming frequency, they are dropping out. We miss their well-known names in the affairs of men. They no longer fight life's battle along with us, or tread the rough paths of the world by our side. “The places which once knew them know them no more forever;” but the world moves on in its resistless course, the clank of the hammer and the shrill scream of the engine, and

the noisy hum of business still strike upon the ear, the living fall into the places and obliterate the foot-prints of the dead, and all that remains of those who are gone may be but a green mound, or a grave-stone ; eyes of affection that fail with wakefulness and tears, and an aching heart here and there which has been left behind to mourn.

Judge Breese is dead. I hardly realize the fact. Every line of that venerable countenance haunts me as I speak ; but alas, alas, it is too true ! The brave and kind old heart is pulseless now ; the well-remembered form is but senseless clay. The laurels which he won by a long and active life of honored citizenship and of public trusts and duties faithfully discharged, and which he wore so gracefully and so well, are faded and gone. From the unknown world on which he has entered, no messenger comes back to tell what place he takes amidst the vast throng there waiting for the grand assize.

The time and the occasion neither permit nor require from me more extended remarks, and I hasten to a close. I quit the subject with regret. It is one on which I would fain linger—but ere I resume my seat, may I be permitted to say, and with perfect truth, that in the death of Sidney Breese, one of the Judges of this Court, the United States and the State of Illinois have lost a citizen as noble and true-hearted as any who lives in their broad expanse ; the seat of Justice,

an officer worthy of all confidence, esteem and respect, and his brethren of the Bench and the Bar, and a large and sorrowing circle of relatives and friends, a member of their society, whose exalted personal character did him and them more honor than even the high station which he so worthily filled.

“ He was a man, take him for all in all,  
We scarce shall look upon his like again.”

Worthy and excellent mentor and preceptor—farewell! Deep and dreamless be to thee the sleep of the grave, till summoned to receive that reward which we are well assured shall at last be bestowed on the faithful and the honest heart.

EX-CHIEF JUSTICE JOHN D. CATON—May it please the Court: The formal announcement in this Court of the demise of its most venerable and one of its most distinguished members is one of the most solemn and subduing communications which the Bar can make to the Bench, and this is doubly so to those whose official associations and personal intercourse have led them to respect, to admire, and to love him whose memory now occupies all our thoughts, and whose loss fills our souls with the deepest anguish. It tells us, too, that an upright life, abstemious habits, and useful labors, if they postpone, cannot arrest the solemn summons which must reach us all sooner or later. Who of us or of you shall next leave a void in our ranks, mortals cannot know. For some of us, at least, the time can-

not be far distant when some kind friend will have an opportunity of making a similar announcement to this Court, and may we fondly hope that it will be in words of indulgent kindness, and be received with sympathetic attention.

It is now more than forty-three years since I first met Judge Breese. He was then in the beginning of his judicial course. I had lately assumed the labors and the responsibilities of a lawyer's life. On the first day we met, he did me a great service by selecting me to defend an innocent man who was indicted for a great crime, the commission of which he had confessed, which was supported by the positive testimony of the real criminal. I was so fortunate as to find the testimony which established the truth to the entire satisfaction of everybody, and, in discharging the prisoner after an acquittal, kind words for the counsel fell from the Bench, which were not only great encouragement to the neophyte, but bore substantial fruits thereafter. From the beginning we seemed to understand each other, and so the friendship which was that day born of kindness has grown with years, nourished and strengthened by official and personal intercourse, till the fiat of time snapped the cord which bound us together, and has left me only a memory to love—but it is a fragrant memory, which shall be sweetly cherished for the time that shall be left me before I am summoned to follow him. O, that I may leave such a

remembrance, which some kind friend may thus cherish and so revere.

It is now more than thirty-six years since I first became his associate on this Bench. Before, I knew the man; I now came to know the Judge as well. Although called for a time from judicial life to join the high councils of the Nation, he again returned with accumulated learning and ripened judgment, and joined me in the labors and responsibilities of this high tribunal; and here we labored with the senior member of the present Bench—him who has longest among you worn the ermine immaculate in its spotless purity till I withdrew from that exalted place which had been my life's ambition. Surely then, I knew him well, both personally and officially, and may be allowed to speak feelingly of the value of his friendship, and with an assured confidence of his exalted integrity, of his legal learning, of his great industry, and his conscientious discharge of every duty. Neither the weight of years, nor the burden of cares and responsibilities, could bow him down or relax his energies, but he bore all manfully and cheerfully to the very last, not thinking of respite from labor, or courting that repose which those who are conscious of long and faithful service are well justified in seeking. He died with his foot still in the furrow, and those who knew him best are assured he would have wished thus to pass away. Laboring to the last in the public service, a grateful

public are everywhere demonstrating their appreciation of his labors.

Who, living or dead, has contributed more than Sidney Breese, not only to lay the foundations for the jurisprudence of Illinois, but to build upon them a structure which will be his most enduring monument?

His connection with it was at the very beginning—first at the Bar, and then upon the Bench. He always upheld its dignity and essentially promoted its usefulness. His early professional associates were men of very marked ability, with whom competitive association, instead of discouraging and depressing, served to stimulate and develop his acute and vigorous intellect. Thoroughly read in the fundamental principles of jurisprudence, his discriminating judgment readily applied them to the various affairs of men.

To lose a member from so small a body of men must, under any circumstances, be profoundly felt by his remaining associates; but when he who was the oldest and the most experienced, upon whose counsel and assistance you could so much rely, is suddenly struck down while almost standing in your midst, it must arouse sensibilities of which there can be no expression. If his successors can hardly hope at the beginning to fill the place which he here occupied, at least they will find in the record of their illustrious predecessor a bright example, which they may well strive to imitate, and which may stimulate them to increasing efforts to attain his high mark.

That an enduring record may be made, which shall inform those who shall come after us of our estimate of the virtues and the services of the late Sidney Breese, I move the Court that the proceedings now transpiring be spread in full upon its records, and that his family may know how much we loved and revered him, whose loss can never be repaired to them, that an engrossed copy be furnished his widow. And I further move, that, as additional testimony of respect to the memory of the departed, this Court do now adjourn.

The CHIEF JUSTICE — Are there any other gentlemen to be heard from the Bar?

There being no response, the following reply was made by the Court:

Mr. JUSTICE SCOTT — By the selection of my brethren, the duty devolves on me to express our appreciation of the sentiments of affection the Bar have been pleased to express both in the resolutions presented and in the kind words spoken concerning our former associate on this Bench. The tribute you bring is beautiful, and is worthy of him whose memory you would honor. In grateful recollection of many acts of personal kindness to me, I desire to present my humble tribute with the offerings others bring to his memory.

The ceremonies of the hour have reference to the memory of the late Hon. Sidney Breese, who died at

Pinkneyville, June 27, 1878. He was born July 15, 1800. Thus, it is seen, his life covered more than three-fourths of the nineteenth century. He lived through that portion of our country's history distinguished for its activities in all that constitutes the material wealth of the State, and it would be strange indeed if the character of a man of such genius and learning as he possessed was not affected in a great degree by the enterprise in the midst of which he lived. The transpiring of the events of the century gave rise to those questions upon the discussion of which his judicial reputation in so large a measure depends.

In this presence, it would be a work of supererogation to narrate the principal events of his life. It would be but stating facts with which all are familiar. So fully identified was he with the rise and progress of the State, that his official acts constitute no inconsiderable portion of its history.

My recollection of Judge Breese goes back to the days of my childhood. He was the first Judge I ever saw holding Court, and I remember vividly his personal appearance when I first saw him on the Bench. He was rather short in stature, being somewhat below the medium height ; of stout build and had an unusually deep and large chest. He always dressed as became one in his position and always with the utmost care and neatness. Of a bronze complexion his features were bright and clear. Being near sighted he always

wore spectacles except when reading. Early in life he was always close shaven, and his hair, which was dark, cut very short. That style became him very much. Later in life he wore a long full beard, which was very heavy, and suffered his hair, which was also rather heavy, to grow to a great length, falling down over his shoulders, giving to him a venerable appearance, and perhaps causing him to look older than he really was. In his personal bearing he had that dignity that nature bestows as well as that which comes from the highest culture. He looked like a great man. In mental characteristics he was distinctly original. He had that strong will that gives positiveness to character, and without which there can be no greatness. Nevertheless, he was always a diffident man. His first effort at speaking at the Bar was always regarded by him as a most complete failure, and it was with difficulty that he could be induced to make further effort. The want of success on that occasion was attributable more to his diffidence than to any other cause. That characteristic clung to him during his entire life, and he never was quite able to throw it off, even in his last utterance from the Bench. But his will power enabled him to triumph over that which so often embarrassed him, and gave him strength to walk among the men of his State and Nation the intellectual peer of the greatest.

Judge Breese was a man of great learning, in the best and broadest sense of that term. To the studies

prescribed by the college of which he was a graduate, he added a life-time of study. Notwithstanding his constant employment in public life, he found time for the study of classic literature, both in the Latin and English languages. After the close of the labors of the day, extending to a late hour of the evening, I have often known him, in his private room, before retiring, to spend hours in reading standard works in literature and on scientific subjects. It was his constant habit. It is a marvel the amount of intellectual labor he could endure. With him the desire for reading newspapers amounted to a passion, and but few men were as well informed as to current events. Of the faculties of his mind none were more remarkable than his memory, and what is most singular, it suffered no perceptible failure in his last days. Late in life he could repeat, when he chose to do so, choice specimens from the classics, both in Latin and English, which he had not read in the books in more than a score of years. A remarkable instance of his most extraordinary memory was witnessed at the last session he was with us. When the labors of the day, extending to a late hour of the evening, were over, he met a few members of the Court, to whom he repeated every word of a humorous poem of considerable length, and of that kind of composition most difficult to remember. As a conversationalist, Judge Breese excelled most of his cotemporaries, and possessed that rare gift of compelling his

friends to join with him in the conversation, and possessed in a high degree that civility that afforded them an opportunity to do so. Especially in relation to persons and incidents connected with the early history of the State was his conversation of the greatest interest. He knew every man at all conspicuous in early times, and could state something of his personal history that would give you an insight into his character. It is to be regretted if he has not written his recollections of the men of his time, and of the events occurring under his observation. Of a highly social nature, yet he rarely ever essayed to tell an anecdote, but relished much a good story, provided always it was chaste. Of his literary labors outside of his judicial writings, I am not aware he ever published any thing but his volume of reports of the decisions of the Supreme Court of this State, comprising the decisions of that Court from its organization in 1819 to 1830. He had, in manuscript which I have seen, a very interesting account of the first settlements within the territory now comprised in the limits of the State, containing also a graphic account of the discoveries of Marquette and other bold adventurers of that period. Whether it was prepared with a view to publication I have no knowledge, but my impression is it was not.

What relates to his personal history will soon fail from the recollection of the living and be forever forgotten. It is strange, how soon that period will arrive.

After the death of a few devoted friends, no one will concern himself as to how he looked or what were his habits or conversation in public or private life. He will only be remembered by his public works.

In two particulars Judge Breese will stand out prominent in history; first, in his character as a statesman, and second, as a jurist. In the highest, best and most comprehensive sense of the term, he had a passion for politics. Had opportunity been assured to him to gratify his ambition in that department of the public service, it is my belief he would have abandoned his judicial labors at any time. His career as a statesman was brief, brilliant, and was marked by great results. But few possessed the sagacity to discern in the distant future those great measures and plans that would tend to the advantage and prosperity of the Nation. He served but one term in the United States Senate, but it was at a time when it contained Webster, Calhoun, Benton, Clay and other great men of that period. Brief as was that period, his senatorial labors will lose nothing in comparison with those of the most distinguished men of that body, if we shall judge by the results achieved. The plan of constructing the Illinois Central Railroad from Cairo to Galena, an enterprise that has done as much, if not more, than any other to develop the resources of the State, was first prominently brought forward by him, and its practicability demonstrated. It was his priv-

ilege from his position in the Senate to first bring to the notice of the American people that other great measure, the conception of a railroad to the Pacific coast to connect with the railroads in process of construction from the east, to constitute a great thoroughfare for the commerce of the world across the continent, from ocean to ocean, an undertaking so great in its proportions that even Benton, bold and adventurous as he was, deemed it impracticable. His report made to the Senate on that subject shows a forecast of grand events, that were to affect the commerce of the entire civilized world, that was possessed by few of his contemporaries. On the subject of the settlement of the Oregon boundary, a question much discussed in the country during the time he was in Congress, he took a decided stand, and was of that number that was in favor of maintaining the line on 54 deg. 40 min., even by force if necessary, and in a recent conversation with him he expressed his belief that the position taken ought to have been adhered to, and that it was a surrender of our rights to abandon it.

Few men have influenced in so large a measure the jurisprudence of the State or Nation in which they lived as Judge Breese. Every one, to some extent, creates the opportunities for success in life. The same means he possessed were within the reach of others had they possessed the ability to combine them. Genius

makes opportunities as well as employs those at hand for successful achievements. We call men great only in comparison with others, and hence we are always looking to see what others have done in the same field of labor. Where the real does not exist, we may conceive the ideal, and institute comparisons. As no one appears anywhere in judicial history who conforms exactly to the ideal of the true Judge, it is no easy task to express the conception of such a character. Some few of the essential qualities readily suggest themselves. Above all he is one that hears a cause patiently, considers it deliberately, and decides with firmness. He will suffer no one to dictate his judgments, nor will he be inquired of on behalf of the State or citizen touching his opinion on any question that may arise, but when the "case happens" he will "do that which is fit for a Judge to do." Besides an understanding of the laws he is to administer, he should have an acquaintance with the history of the races, and of the sources whence mankind have drawn all their notions of right and wrong, that he may be assisted thereby in the application of just principles to the affairs of every-day life as they arise. Blind to every thing but the cause of right he knows no man in the decisions of causes, no matter how humbled or exalted his position, nor on account of race, caste, or color. He has that independence of character and resoluteness of purpose to declare the mandate of the law whether

popular or unpopular, in harmony with or against public clamor, according to his own convictions. The true Judge is one that has the firmness to do exact justice to the king, and the subject, or as the phrase is with us, the commonwealth and the people. One is often as difficult as the other, and an independent, fearless impartiality in that regard is indispensable to establish either government or liberty. In him are found the essential elements of a just character, and these are integrity, purity, and charity in its Catholic sense. Mercy is an attribute to justice, and justice is divinest when, "touched with the feeling of our infirmities," it manifests in its sentences, that beautiful attribute. The complete code will embrace all the best conceptions of justice and right possessed by the most intelligent, and highly cultured people, and the true Judge will himself be imbued with the same just principles. We may not expect to find in him whose character we are considering, nor in that of any other Judge, of the present or past ages, all that we might conceive to belong to the ideal Judge. But some of the grand essentials do appear in his character. Although making no parade of it, he possessed in a full measure that sterling integrity, that absolute incorruptibility, that insures purity in the administration of the law — qualities that belong to the true Judge. His judgments were always distinctly marked by impartiality and even-handed justice. He believed in those

fundamental principles, embodied in our organic law, that every person ought "to obtain by law, right and justice freely, and without being obliged to purchase it," and that he ought to "find a certain remedy in the laws for all injuries and wrongs which he may receive in his person, property or reputation." He had not that self-confidence possessed by many, yet he was free from that hesitancy that so embarrasses many Judges as to destroy, in a marked degree, their efficiency. Although he wrote with unusual facility, yet so careful was he in preparing his opinions, I have known him, when he deemed the case of importance, to write the same over as many as three or four times. His style was singularly perspicuous. As specimens of fine writing, it is my judgment his opinions will suffer nothing in comparison with the best of the most distinguished jurists of this country, and of England. In clearness of expression and splendor of diction, they are fashioned after the best models. His composition is usually highly argumentative, and abounds in long sentences, and yet his opinions contain many short and terse, but comprehensive sentences, in which one might often "understand a fury" in his words, but it was always those who had done wrong. It was his habit, in writing his opinions, to first make a brief statement of the facts; most always naming the plaintiff and defendant, and then to demonstrate the justness of the decision, which he could do with

arguments which seemed irrefragable, from which the conclusion would often appear to follow, as certainly as a corollary from demonstration.

Chief Justice Marshall was on the Bench for a period of thirty-four years. His opinions, with the other members of the Court, are comprised in thirty volumes, exclusive of his decisions on the Circuit, many of which were written and published. Judge Breese was a member of our Supreme Court not quite twenty-three years, and yet his opinions, with those of the other Justices, comprise seventy volumes, including the opinions now in manuscript. Some idea of the magnitude of his labors may be obtained when it is stated, as the truth is, he did his full share of the work, and that for the greater portion of the time he was on the Bench, the Court was composed of three Justices. If we except one of his associates still on the Bench, he has perhaps written more opinions than any Judge who ever occupied the Bench in any of the American States. The exception, if any, is Chancellor Kent, and it is perhaps quite correct to say so many opinions do not appear in his name. It is known that from a sense of delicacy to his brethren, Chancellor Kent, when he was Chief Justice, wrote many opinions *per curiam*. There is scarcely a question that concerns the public welfare or the jurisprudence of this great State upon which Judge Breese has not written something, and

most always with great clearness and accuracy. More enduring than a monument of solid granite are the official reports of the State to his learning and ability as a jurist. Including the opinions now in manuscript, in which he participated, we will have eighty-eight volumes of reports, with every one of which his name is connected either as reporter, counsel, or as Justice delivering the opinions. The questions discussed in the sixty years he was in some way connected with the Court are of the utmost importance, and are such as would naturally be expected to arise in that formative period of a rapidly-growing State, and especially in one that has so suddenly risen to the proportions of an empire in itself.

Sir Edward Coke, although he wrote much, wrote chiefly upon the law of real estate. Most of his abstruse and metaphysical definitions of the various estates at common law were formulated by him, and are still received as the most accurate. Lord Mansfield gave expression to the commercial law of England, and adorned it with his great learning and ability. In our own country, Chief Justice Marshall, with boldness and originality of thought, declared, as of first impression, the solution of great constitutional questions affecting vitally our form of government, and his judgments have ever been regarded as definitive. In New York, Chancellor Kent gave form and comeliness to the chancery system of that great State, a work little less in magnitude than creating it anew, besides writing

largely in its common law courts, and upon text-books explanatory of the common law. Story, besides his judicial opinions, wrote text-books for all countries where justice is administered, and especially where the common law prevails. But his greatest work is upon a single subject — Equity Jurisprudence.

Since the days of those eminent jurists, other questions of the utmost importance have arisen in the States concerning warehousemen, common carriers, and the control which the legislative department of the State has or may have over railroad and other corporations, but little, if at all, discussed by them. Within a few years Marshall's great opinion in the Dartmouth College case, which declares charters of private corporations to be contracts, within the meaning of the Constitution of the United States, which declares that no State shall make any law impairing the obligations of contracts, has been the subject of much discussion. What are known as the "Granger cases," that arose in 1873 and 1874, in the Western States, afforded a pretext for the renewed discussion of the principle of that case. Judge Breese wrote in one of these cases concerning legislative control over persons exercising the occupation of warehousemen in the storage of grain, that afterward went to the Supreme Court of the United States, and his opinion is written with uncommon vigor, and with a force of reasoning that made that, which to me was the worse, seem the better cause.

As before remarked, Judge Breese's active life covered the entire existence of the State Government down to the date of his death, and like those eminent jurists, Marshall, Kent, and Story, as from necessity, he wrote much from first impression. His opinions on questions of the period concerning legislative control over corporations, and the duties and liabilities of railroad and other private corporations, will take rank with the best opinions on these subjects, and become leading cases in all the future. These questions seem to have arisen in this and other Western States in advance of the decisions of Courts of the older States, on the same subjects. This fact may be attributed largely to the rapid progress and development of the resources of these States, bringing to the surface, in quick succession, questions of the gravest importance, affecting all property rights, public and private interests, international and local commerce, railroad and other private corporations, in advance of the same questions in the older Commonwealths where their growth has been steadier and of longer duration. On the subjects discussed it may well be believed his opinions will be of equal value in their bearing on the welfare of the generations to come, with the writings of the best of the older English and American jurists. The occasion will not justify me in dwelling longer on his judicial writings, important as they are.

There are some features in his later life upon which his personal friends will delight to dwell. Although

full of years, there was no apparent diminution in his intellectual strength, nor of his large social qualities. Nearing the close of his life it was noticeable that whatever severities there may have been in his character, induced by the conflict of life, gave way, and in their stead came those amenities and gentler qualities that so adorn character. Many there are who enjoyed an intimate companionship with him, who will long remember, as his life drew near its close, it abounded in those beautiful graces that make old age so lovely. He died suddenly, in the midst of his labors, and with no previous sickness. "In the full strength of years" he fell asleep

" Like one who wraps the drapery of his couch  
About him, and lies down to pleasant dreams."

He rests from his labors, but how truly can it be said of him, his works do follow him. His fame as a judicial writer will endure as long as the common law is administered anywhere among the nations of the earth, and the beneficent principles his learning and ability assisted to maintain will aid in establishing right and justice in behalf of the humblest, as well as the most exalted of our race, so long as our civilization shall stand.

Mr. JUSTICE WALKER—It was my fortune to have been long and intimately associated with Judge Breese on this Bench, and it is, therefore, fit and proper that I should add a word to his memory.

It would be useless to attempt to recount the many and important acts of his public life. His long and active life was so full of incidents that it would require a volume to present them to the public. Nor is it important that they should be referred to here, as they are familiar to all who are acquainted with the public affairs of our State in its past history. Nor does his character need eulogy, as it is prominent from what he has accomplished.

He was largely endowed by nature with a vigorous and comprehensive mind, well disciplined by a liberal education; but such an intellect did not need the education of the schools to enable him to take high rank among his fellow-men. He was destined to take an active part in public affairs, and to become conspicuous for his ability and strength. He grasped and comprehended truths in their full scope as applied to human action; he sought and mastered the great principles underlying all questions connected with government, law and civilization.

He cared little for forms, where right and principles were involved, looking almost entirely to principles that should govern. His intellect was massive and vigorous, rather than quick and acute, never regarding or being attracted by nice or impalpable distinctions. His convictions were deep and permanent, and he never wavered or halted when an opinion was once formed, and yet, he was not always self-reliant in the application of legal principles.

His nature was strong, ardent and impulsive. He had great mental energy and indomitable will. His investigations were direct, and his mode of reasoning strictly logical. His plan of analysis was large, and his perception of facts was clear and remarkably comprehensive, with a singular facility for freeing a question from all extraneous matter. His vigorous intellect, his indomitable will, and his fixedness of purpose rendered him successful in most of his purposes, and he therefore seldom failed in what he undertook to accomplish; in fact, he possessed all of the elements that command success in a high degree.

With such high intellectual endowments, such steadiness of purpose, and untiring energy, it would have been singular indeed had he not impressed his opinions and principles on the institutions of his State, or had he not contributed largely to the development of its material greatness. He came to the State when a young man—not more than of age—and when it was just admitted into the Union, when the savage roamed unmolested over the greater part of its broad prairies, and when it was but a wilderness. He lived to see it developed into the fourth State in the Union, and almost into an empire. To this vast change he contributed as much as any other person in the State and National councils. He was intimately connected with almost every great and important measure that has been adopted to produce such unprecedented

growth in population, wealth, education, commerce, and material resources. His active, broad, and comprehensive mind was ready, in the legislative councils, to seize upon and apply the policy best calculated to promote these great ends.

No other citizen of the State has been so constantly trusted by the people, in the discharge of public duties. From his first becoming a citizen of the State he has held offices of public trust. He was State's Attorney, a member of the General Assembly, and Speaker of the House. He was United States Senator for six years. He was repeatedly on the Circuit Bench, and was twice a member of this Court, the latter time over twenty years, in all more than twenty-two years. He was twice Chief Justice of this Court. In every position he occupied he discharged the duties of the place with credit to the office, honor to himself, and satisfaction to the public. In his long and successful career on this Bench, he contributed largely in establishing our system of jurisprudence. Few men have prepared and announced from the Bench more opinions, in this or any other country, than have come from his pen. Many of them are marked for clearness, force, logic, and finished expression. Few Judges have shown more ability in constitutional, commercial, revenue, chancery, corporation, criminal, and real estate questions. He was not inclined to yield assent to mere authorities, but followed the rules and maxims of the

law, and never yielded assent to a proposition unless he believed it was based on sound legal principles. Hence he relied on demonstration and logic, rather than adjudged cases.

He was laborious and untiring, whether on the Bench, in conference, or in the preparation of opinions. He was capable of doing a vast amount of intellectual labor in a short period of time. It was a matter of surprise that he could accomplish so much, and so well, in so short a period. This was a marked feature of his character from middle age to the end of his successful career.

His acts and name are so intimately interwoven with the history of our State that it cannot be truly written without giving his history from early manhood to old age. He has achieved a name that must live and be known as long as the history of the first fifty years of our State shall be read. With our profession his name will be familiar, and revered by all of its members as long as the first ninety volumes of our reports shall be read, and his opinions studied.

His name is national as a statesman, and no less so as a jurist. It is not likely that it will grow less distinguished when his ability and worth shall be fully tested in the crucible of time. Having discharged all of his public duties with marked ability, and having conferred honor on his State, he has died in the fullness of his years, honored and sincerely regretted by all.

I doubt not that public opinion will accord to him a place in the foremost ranks of the great men of our State, whether as a statesman or jurist, as he truly deserves. He died in office, leaving none of his official duties unfinished, being punctual to the last in the faithful discharge of every duty and official requirement. He needs not a statue of brass or marble to perpetuate his name. It will live in the history of the times in which he lived and took such an active part.

The CHIEF JUSTICE — The resolutions offered by the Bar are accepted, and are ordered to be spread upon the records of the Court, together with the proceedings of to-day.

As a mark of respect to the memory of our late associate, this Court will now adjourn.

The Court then adjourned.





