



1961

Basic Issues of the Illinois Territory (1809-1818)

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BASIC ISSUES OF THE ILLINOIS
TERRITORY (1809-1818)

SPECIAL COLLECTIONS

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by Jack F. Kinton
History Seminar
May 1961

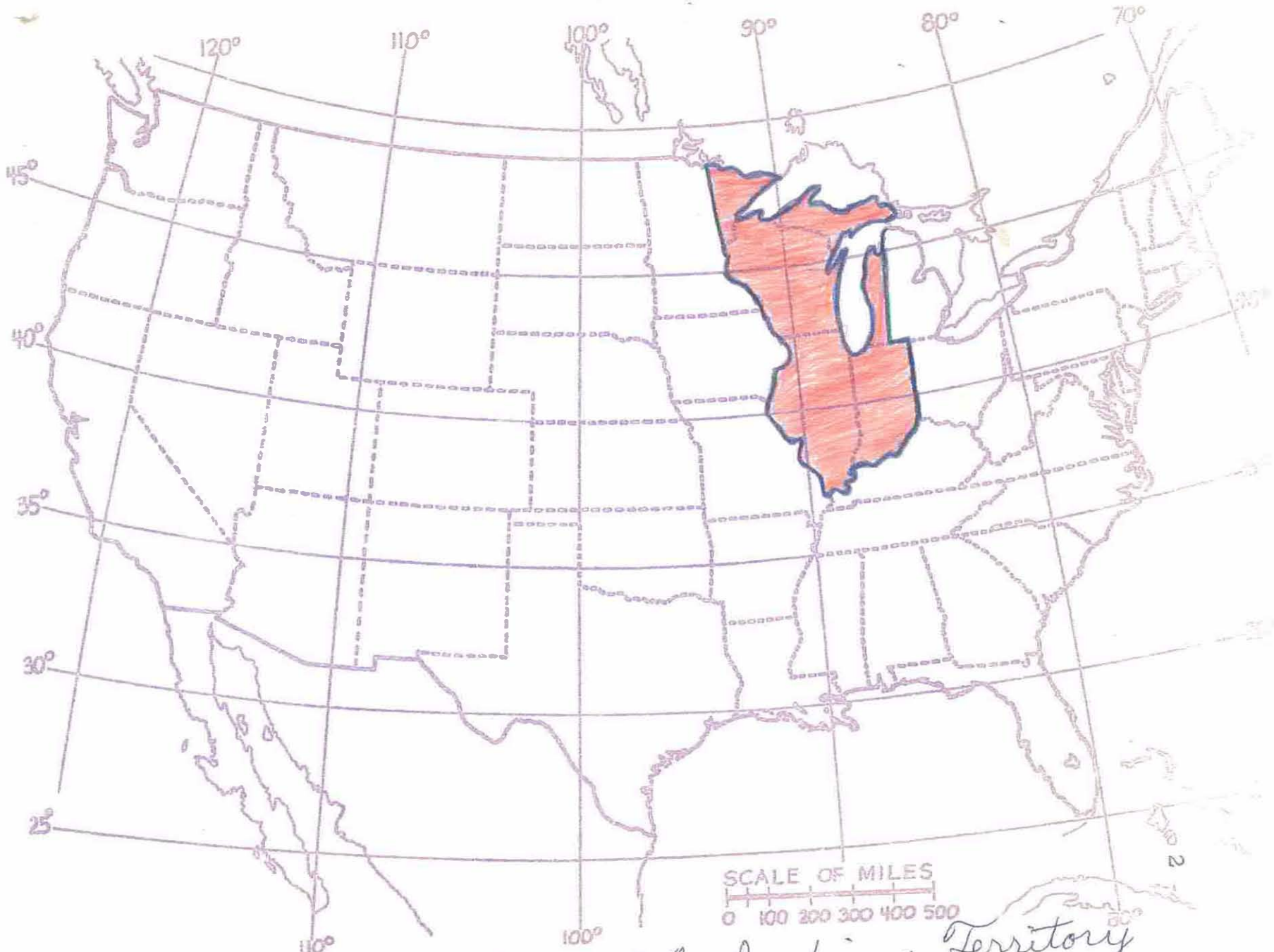
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Introduction

This paper was written to provide insight as to how and why our state grew up as it did. Each area's history helps explain why certain things are the way they are today in the area. However, just as important are the influences of one area on other areas. The influences on an area by other areas just as the area's influence on other areas are too numerous and weighty to deal with completely. Thus some influences of major importance must be chosen.

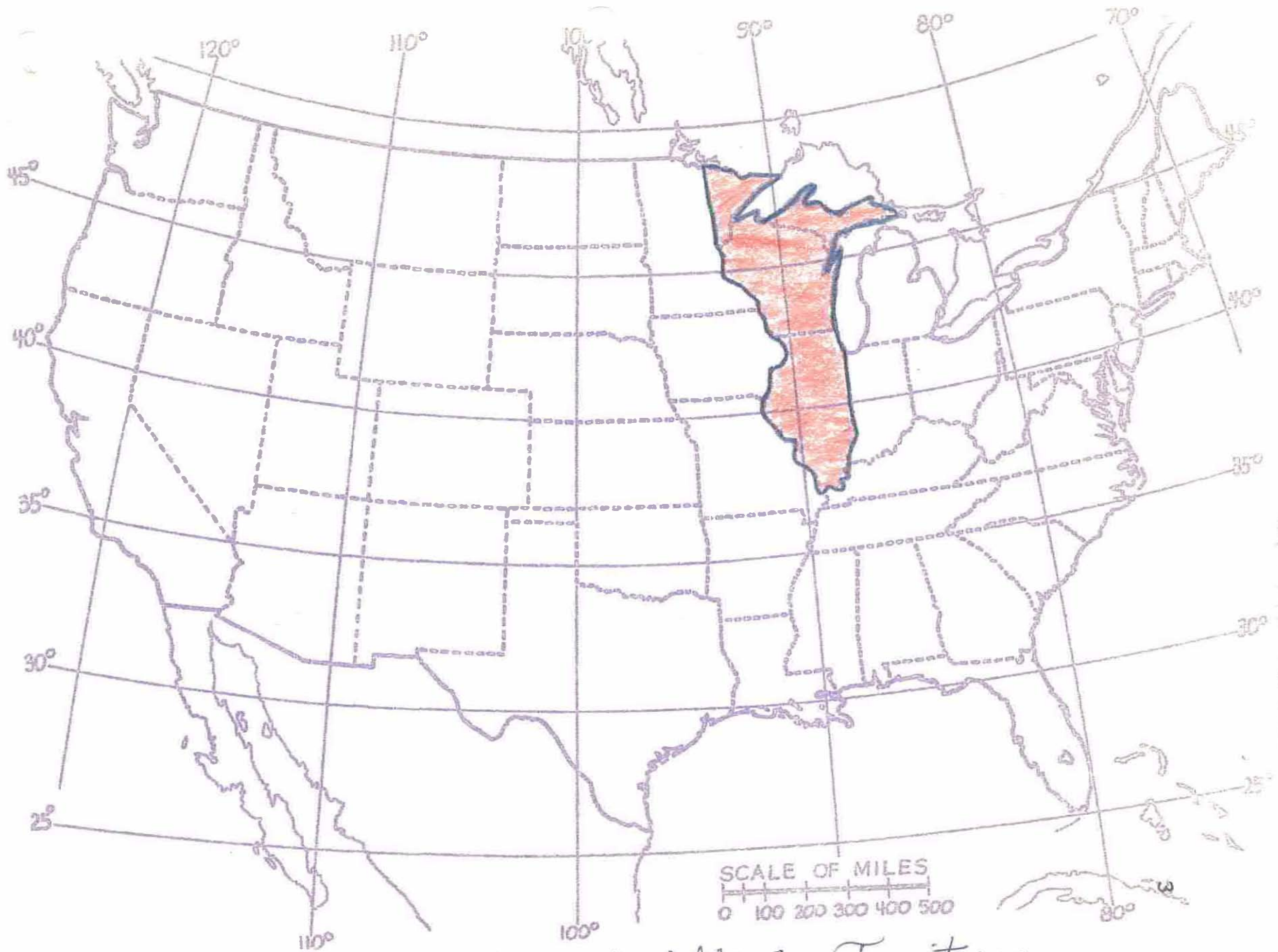
This what was done in dealing with the Illinois Territory. Three forces or concerns of the people seemed to have dominated interest in the Illinois Territory between 1809 and 1818. They were: Indians, Land, and Slavery. Note that they are presented in the order in which they first occurred to the people. Also these problems were not confined just to this period. But then again the issues must be fit into a specific period of time to see their influences on the times.

These issues were chosen because they influenced the type of people that came into the state as well as the type of occupations that were taken up. Of course, they were of major importance in laying the basic political, industrial and social systems of the state.



UNITED STATES (states)

The Indiana Territory
(1800-1809)



UNITED STATES (states)

The Illinois Territory
(1809-1818)

Indians

4

Of course the Indians were the first to occupy the territory which is now the state of Illinois. These Indians were organized in many tribes including the Peorias, Kickapoos, Miami, Pottawatomies, Sauk, Fox, Winnebago, Illinois, Ottawa, and Chippewa.

These tribes' lives were simple. They had no written language and it is wondered whether they had the ability to create one if they had been stimulated to do so. The men were preoccupied with hunting and fishing which was highly productive in most years. The women took care of the family teepees, lean-tos, or caves. The women also farmed but in an haphazard manner. Most productivity of farming came from wild grain and fruit which was abundant in the area.

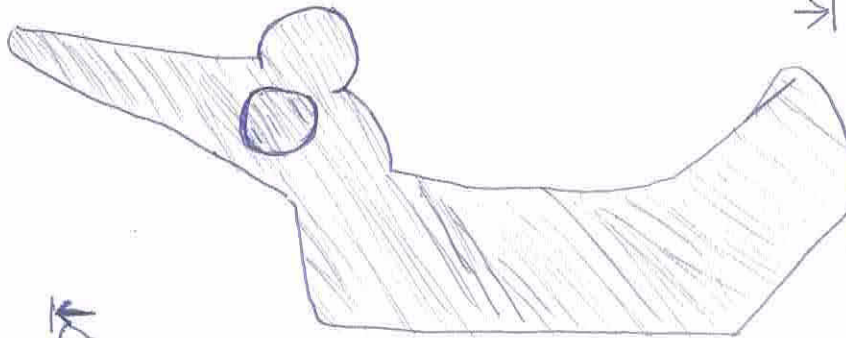
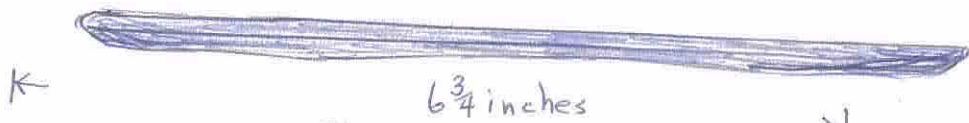
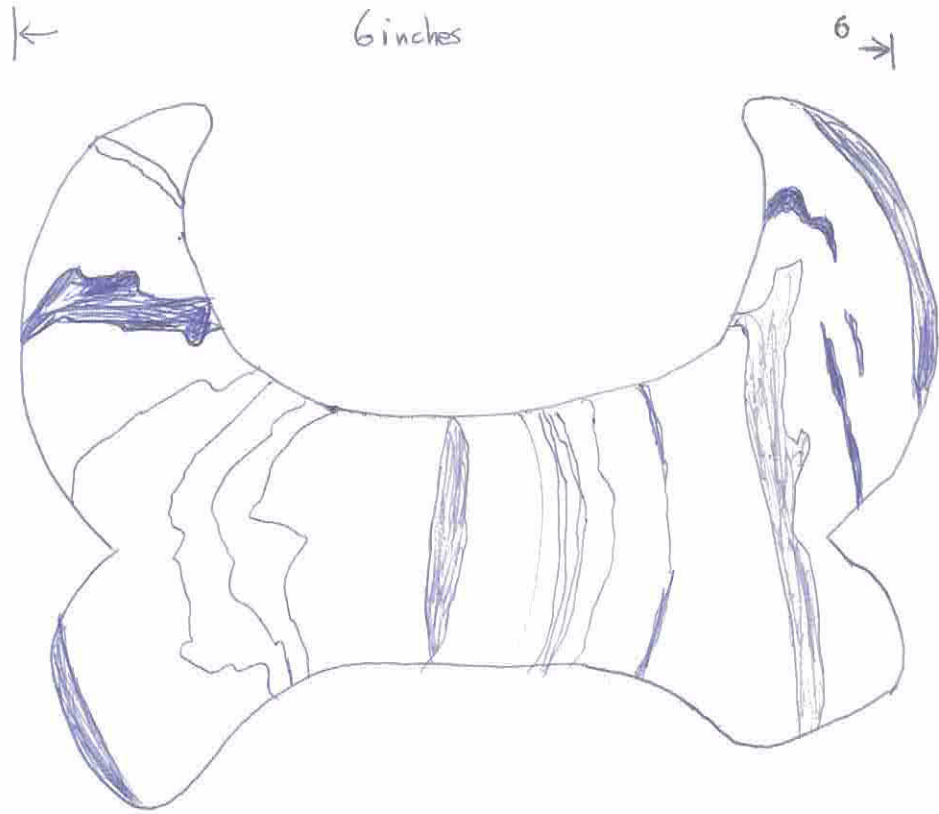
Family life was strong. In fact, the extended family was a common practice of tribal members in the area. Much of the family's time was occupied with preparation for hunting, fishing, and/ or farming. They had to shape their own tools and weapons from stones and sticks. Much time was involved at the end of the day in preparing food, preserving food, and preparing clothing.

War Club, Iroquois, Pennsylvania
20" long, 1 lb. 12 oz. in weight



Oscar Norbeck
Indian Life Crafts
New York, Association
Press, 1958
page 57

Banner Stone from 9 Kankakee County, Illinois



Oscar Norbeck
Indian Life Crafts
New York, Association
Press, 1958
pages 58-59

Bird Stones of grey banded slate from
Union and Lawrence Counties in Illinois

Indian art and sculpture resulted from the need for tools and weapons and the occupation of leisure time. These pieces that I described before are prehistoric art. Banner stone is the material used in their sculpture.

Banner stone is the name given to a very large class of objects which have wing-like projections of many forms flanking a central section pierced vertically by an opening usually round. They are found east of a line running from central Texas to Minnesota but are most common in an area including the Great Lakes and the states just south of them. The eastern Indians' gift for sculpture is shown to no better advantage than by the simple abstract forms of their many polished stone tools, ornaments and various artifacts of unknown purpose.¹

Different tribes in the middlewest sculptured differently. In Ohio the sculpture was of men while in Minnesota it was of smoking pipes.

From 1560 to 1850 Indian art and culture changed extensively. The study of this period of culture can best be started by using a map which anthropologists and historians have created.

Characteristics of the tribal cultures in this later period were that animal skins, wood, bark, stones, and berries were the tools used. Pictures

¹ Douglas, Frederic and Rene D'Harmoncourt, Indian Art of the United States, p. 66-67

from page 290 *Indians before Columbus*
by Paul Martin, George D. Quimby, + Donald Collier
1947, U. of Chicago Press, Chicago, Illinois

Chart VII

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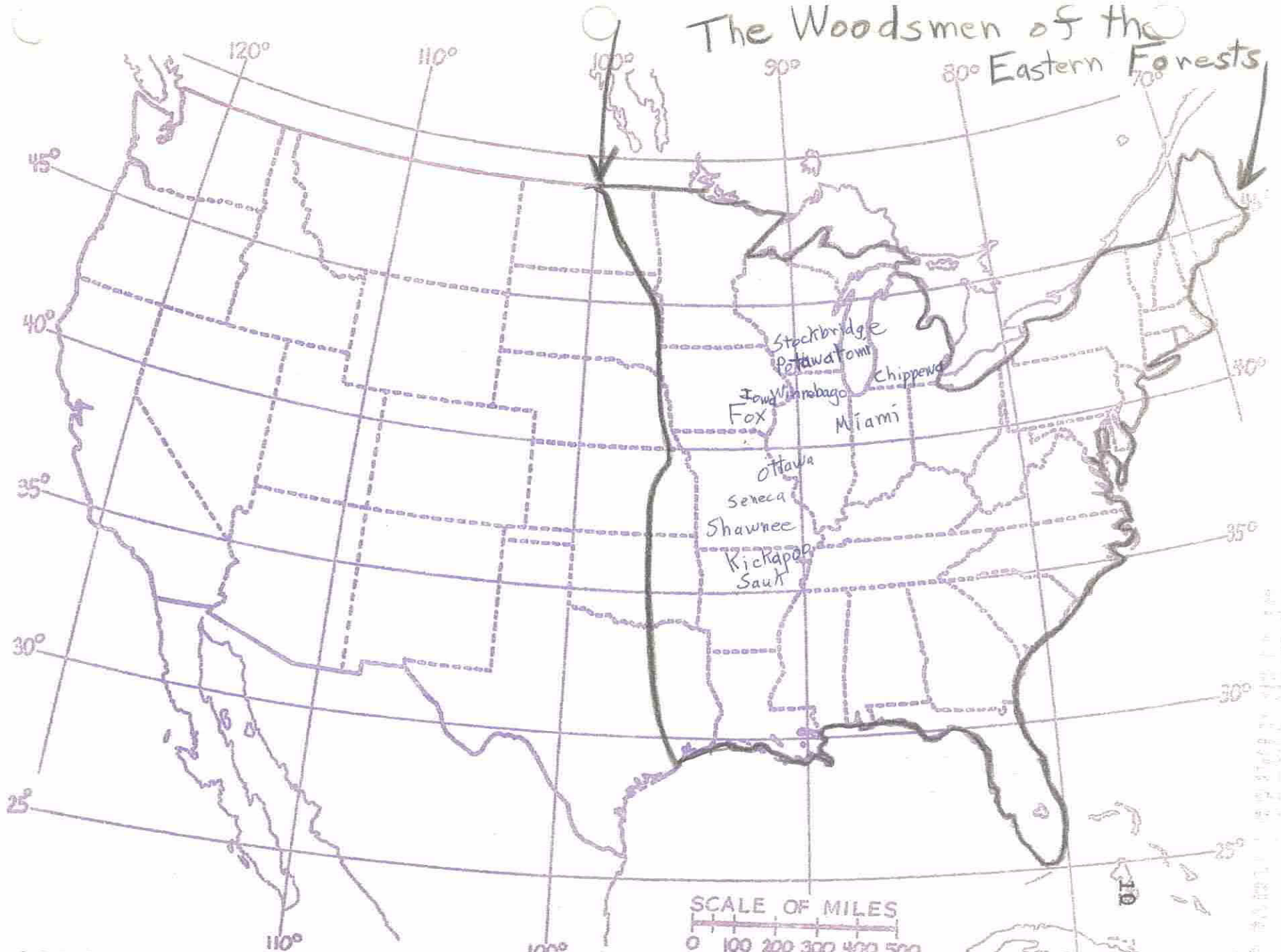
Probable Date	Period	Culture
A.D. 1300-1700	Late Prehistoric	Middle Mississippi Tampico, Fisher
A.D. 900-1300	Intermediate	Illinois Hopewell, Lewis
A.D. 500-900	Transitional	Baumer, Red Ocher Morton
? B.C.-A.D. 500	Archaic	Faulker (n)

of plants and animals were drawn on wood, cloth, and even stones. Some very beautiful designs can be found in the work of these middlewestern tribes as well. Women did much of this type of designing in their clothes making. Bags to carry food, babies, tools, and weapons were created by women too.

Men designed tools and weapons in a much more complete manner than before 1560.

Other characteristics of the period were a large amount of pottery being produced in the areas of Lewistown, Peoria, and along the middle part of the Illinois section of the Mississippi River. Villages and a large amount of farming characterized the period between 1300-1700 A.D. The burial mounds created by some central Illinois tribes are believed to be the result of a hard winter or some unknown disease in the period between 1500 and 1600. Anthropologists still at work at Lewistown were consulted by this writer in March of 1961. Although they believe disease is the cause of the large burial mounds of the 1600 and 1700's they have not completed their study and don't expect to for three to five more years.

The Woodsmen of the Eastern Forests



UNITED STATES (states)

Reproduced from
page 116 Indian Art of the United States

* The tribes named above resided in the area where their name is at between 1300-1700 A.D. Beginning in 1600 A.D. they began to move into or travel more extensively in what is now the state of Illinois.

The description of the Indians before the strong influence of the white men from 1760 on is important because it shows the many changes caused in Indian life after 1760. The major influences of the white men were the result of the many materials they brought with them. Some of the major material influences were iron pots, rifles, beads, iron arrowheads, and metal needles for sewing skins.

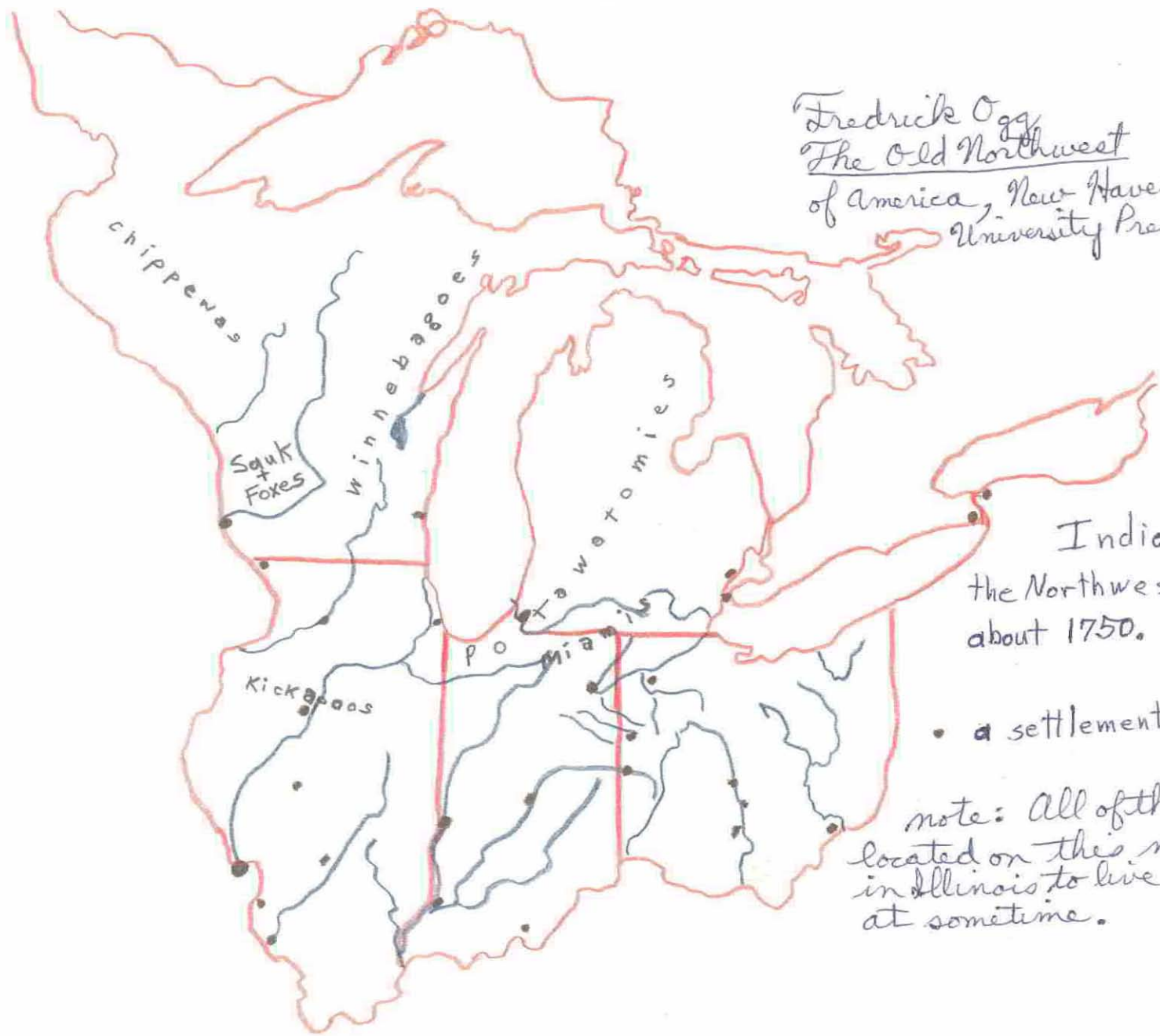
Joliet and Marquette were the first white men in the Illinois country. The French governor general at Quebec sent them to explore the territory in 1673. The result of the journey was the realization of the opportunities that the Mississippi and Illinois rivers offered. However, "no immediate efforts at colonization or further exploration followed the discoveries of Joliet."¹

Father Marquette soon returned to establish a mission at Peoria as he promised the Indians he would. After Marquette's death Father Allouez continued the mission.

For the next one hundred years the French trappers and traders roamed the region. The results

¹ Illinois Historical Library Series (No.9) 1904, p.449

Fredrick Ogg
The Old Northwest Vol. 19 Chronicles
of America, New Haven, Yale
University Press, 1919



Indians of
the Northwest Territory
about 1750.

• a settlement

note: All of the Indians
located on this map were
in Illinois to live and hunt
at sometime.

of this period as far as permanent settlement were few. The French had built one stone fort, one large village, four small villages and three or four water mills. Actually "we do not know how all these years were spent. The record is incomplete. The details are meagre for the entire period, for some years almost a blank. We know enough, however to assure us that all those days were not holidays nor all those lives of listless ease and careless leisure."¹

Illinois was now an English colony part of the province of Quebec, governed by George III. Under order from General Gage... a royal proclamation was read at Kaskaskia promising religious freedom to the French (settlers) who were Roman Catholics. Even with this assurance the inhabitants so dreaded English rule that fully a third of them left their homes, crossing to the Spanish at St. Louis or going down the river to New Orleans. So the newcomers did no more than keep the population even during the British rule.²

The thirteen years of British rule in Illinois are singularly eventless, especially when you remember the remarkable happenings of these years along the coast. For during this time Parliament was taxing the colonies without giving them representation. The great debt following the French wars was incurred, said the English, for your defense and you must help pay.³

As we know the colonists refused and fought for their

¹ Illinois Historical Library Series (No.9) 1904, p.446

² Humphrey, Grace, Illinois--The Story of the Prairie State, p. 35

³ Ibid. p. 35

freedom. Although Illinois was eventless during this thirteen year period it had already been actively one of the basic causes leading up to the American Revolution. Had there been no French and Indians fighting in the Illinois Country the British would not have had their finances extended.

"After 1763 due to the transference of the management of the Indian affairs to the colonies, Wilkins was forced to manage the local Indian affairs... Wilkins succeeded in keeping most of the Indians pacified. There were, however, continual rumors of an Indian war and threatened attacks upon Fort de Chartres in 1769 and several white settlers about the Post were murdered."¹ Of more concern to the British government when they took over was keeping the French and Spanish under control. In thirteen years the British had to worry about the territory more than ever. The American Revolution started.

George Rogers Clark's daring escapade into the Illinois Country in 1779 enabled the United States to claim the Northwest Territory as part of the new country. Clark's force was only 177 men but surprise

1 Illinois Historical Library Series (No.26) 1919 p.195

enabled the brave American band to capture Kaskaskia, Cahokia and Vincennes. Had it not been for the peaceful nature of the Indians left in Illinois Clark's plan would never had succeeded.

It should be noted

United States leader of the Illinois Country had many Indian troubles in the 1780's. The Chickasaws, located in southeastern Illinois, became hostile as the white men settled on their land during this period. Soon though peace was made with them. The real Indian problems were the result of tribes in the northern areas that the British provided with whiskey and weapons. This kept up until the 1815 treaty ending the War of 1812.

More important though the Northwest was fairly secure for the American colonists. Virginia lay claim to all the land in the Mississippi Valley lying north of the Ohio by virtue of ancient charters.

The house of delegates accordingly proceeded to extend civil jurisdiction over that country, in October, 1778, by enacting a law establishing the country of Illinois, containing the following "That all the people of the commonwealth of Virginia who are already settled or shall hereafter settle on the western side of the Ohio shall be included in a distinct county which shall be called

Illinois County; and the governor of this commonwealth, with the advice of the council, may appoint a county-lieutenant or commandant-in-chief of that county during pleasure, who shall take the oath of fidelity to this commonwealth and the oath of office according to the form of their own religion. And all civil offices to which the inhabitants have been accustomed, necessary for the preservation of the peace and the administration of justice, shall be chosen by a majority of the citizens in their respective districts, to be convened for that purpose by the county-lieutenant or commandant, or his deputy, and shall be commissioned by said county-lieutenant.¹

Finally in 1788 the British ceded the Northwest Territory.

Even though the British officially gave the territory to the new United States on September 13, 1788 the fur traffic was controlled by the British in Canada until 1816. An act of Congress then forbade foreign traders to operate on United States soil. The fur trade and mining were key industries in moving the Indians westward ahead of the white settlers. With the 1816 act of Congress though the fur trade only increased when John Jacob Astor established the American Fur Company which was given a substantial monopoly of Indian commerce according to many sources. The threat to the Indians was not the fur traders and trappers. It was the farmers, miners, and I Moses, John, Illinois, Historical and Statistical, p. 159

merchants who followed them that drove the Indians off the rich Illinois lands.

An excellent example of the quickness with which the Indians lost their lands was the loss of northwestern section of Illinois in the early 1820's after treaties had been made to give them this one part of the state. The miner was the prime mover in this area as the white men learned of lead ore in the area.

The ore lay at no great depth in the Galena limestone, and the aborigines collected it either by stripping it from the surfact or by sinking shallow shafts from which it was hoisted in deerskin bags. Shortly after the War of 1812 American prospectors pushed into the region, and the Government began granting leases on easy terms to the operators.¹

Slaves were soon brought in from southern Illinois and even further south. "Smelters, miners, speculators, merchants, gamblers, and get-rich-quick folks of every sort swarmed thither by the thousands from every part of the United States, especially the South, and even from Europe."²

Mushroom towns sprang up all over the district; deep-worn native paths became ore roads between the burrows and the river-landings; sink holes abandoned by the Sauk and Voxes, when no longer to be operated with their crude tools,

¹ Ogg, Frederic Austin, The Old Northwest, vol.19, p.194

² Ibid. p. 194

were reopened and found to be exceptionally rich, while new diggings and smelting furnaces, fitted out with modern appliances, fairly dotted the map of the country.¹

Galena, a town that is old and small by today's standards, was the thriving metropolis of the region. Settlement took place rapidly when a trail was opened from Peoria and "roads were early opened to Chicago and Milwaukee. In 1822 Galena was visited by a Mississippi River steamboat, and a few years later regular steamboat traffic was established."²

Even more important in moving the Indians out of the cession made by the Kickapoo in 1819 of an area a little north of the mouth of the Illinois River and southeast of the Illinois River. Near the area "many squatters anxiously awaited the survey and sale of the land, especially of that in the famous Sangamon country."³

The following description of Indians in Illinois in 1818 comes from Solon Buck and Thomas Forsyth. Remember that when the French came to the Illinois country few Indians were located there. Those five small tribes that were had found a confederacy to protect themselves from the larger tribes from the

1 Thwaites, Ralph, The Story of Wisconsin, p. 163

2 Ogg, Op.cit. p. 195

3 Boggess, Arthur. Clinton, The Settlement of Illinois 1778-1830, p. 134

east being pushed back by the English on the east coast.

By 1818, the Cahokia, Michiganea, and Tamaroa had disappeared as distinct tribes; the Kaskaskia, much weakened, lingered on in a reservation of 350 acres left them by the whites near the town of Kaskaskia; while the remnants of the Peoria still lived near the former habitat of the confederacy on the Illinois River.¹

In an 1815 census of Indian tribes in Illinois the Secretary of War found that the "Kaskaskia been reduced to sixty souls and the Peoria were not included in the count at all."²

The larger tribes of the period were the Kickapoo who lived in the Sangamon Valley and the Sauk and Fox, "who although not completely amalgamated mingled with each other a great deal and sometimes lived in the same villages."³ An excellent description of the location of the tribes in Illinois is this:

Generally speaking these tribes (Sauk and Fox) may be said to have occupied the western part of the triangle between the Mississippi and the Illinois and between the Mississippi and the Rock rivers. The greater part of the domain of the Winnebago was in what is now Wisconsin, but a small wedge-shaped portion of it extended into Illinois between the Rock River and the eastern watershed of the Mississippi. Some of the villages of this tribe were located on the Rock. The whole northeastern part of Illinois was occupied

¹ Buck, Solon Justus, Illinois in 1818, p. 2

² Ibid. p. 3

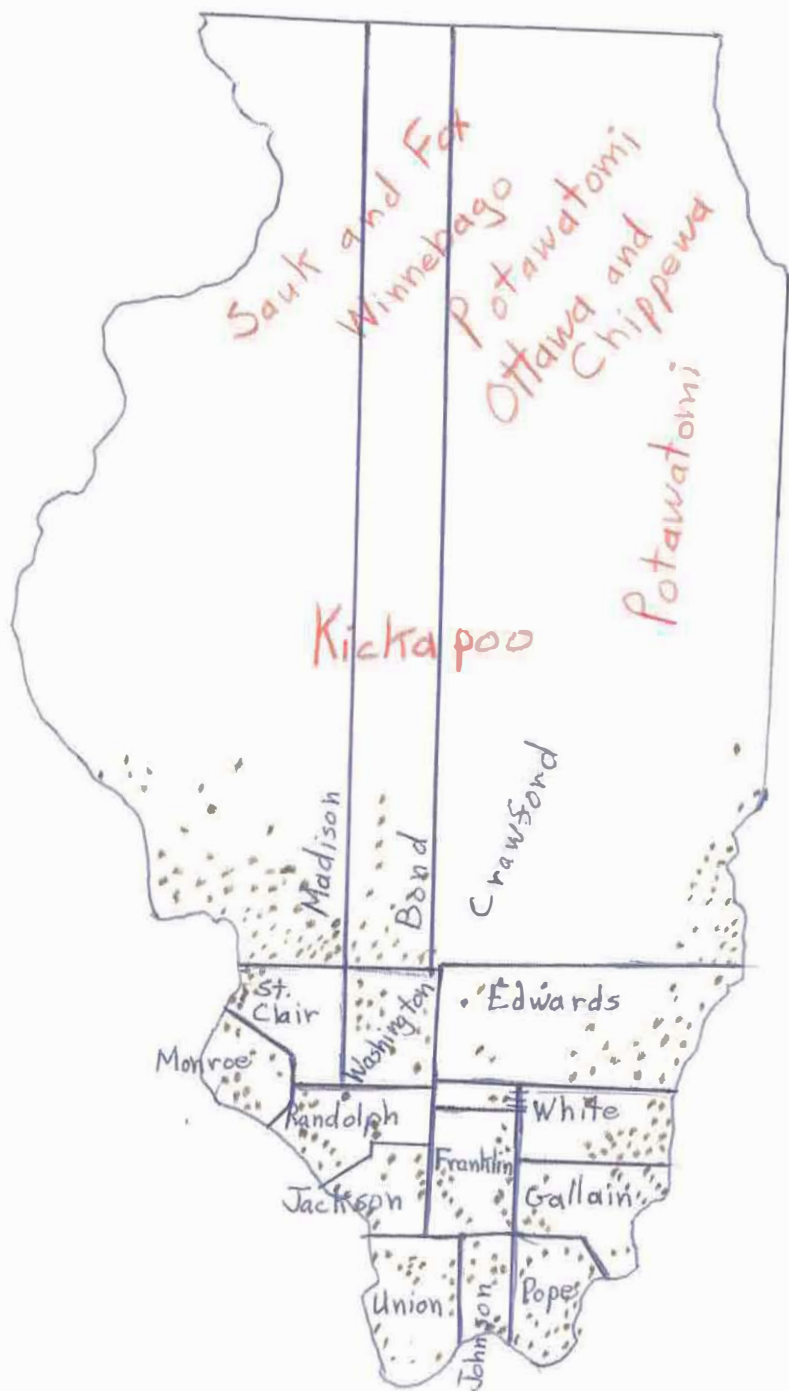
³ Ibid. p. 2

"Illinois in 1818"

page 59

Illinois in 1818
by Solon Justus Buck
Illinois Centennial
Commission
Springfield, 1917

- Populations of 50 or major fractions thereof and smaller distinct settlements



by the Potawatomie with the associated bands of Ottawa and Chippewa. They had villages on the Rock, the Fox, the Kankakee, the Illinois, and also in the interior between these streams and in the neighborhood of Chicago. According to the Secretary of War's estimate the Potawatomie were the most numerous, having 4800 souls. The Sauk numbered 3200 and the Fox 1200. The Winnebago were credited with 2400 souls but only a few of these lived south of the line. Nearly all of the 1600 Kickapoo, on the other hand, were within the limits of Illinois.¹

The life of the tribes changed with the coming of the white men yet many of their ways of culture remained the same. "Their agriculture was of a rude and primitive sort, and they had come to rely upon the white trader for a larger number of articles which, once unknown, had become necessities of life; and these they secured in exchange for the returns of their hunts."² It soon resulted that their growing wants couldn't be satisfied and their condition of living became a wretched one in some cases. As a result they were regarded as wards to be cared for as well as possible enemies to be feared by the government. However, I feel the white men of the day expected too much of the Indians when I found this statement from a government official in the

¹ Forsyth, Thomas, "An Account of the Sauk and Fox Nations," p. 2
² Buck, op.cit. p. 8

Northwest Territory.

Since the establishment of the National Government provisions have always been gratuitously distributed to them, and more recently goods to a considerable amount have been given. Without these annual gratuities, it is difficult to conceive how they could support and clothe themselves. And even with all this assistance their condition is wretched, their wants increasing their feelings disponding and their prospects dreary.¹

The white men overcredit themselves with this statement too. Just remember the Cherokees being forced in the year 1831-32 to move from North Carolina to west of the Mississippi. The United States government gave them no food or means of transportation. The Indians' culture was of a different type and when it clashed with the white men's it resulted in the Indian culture losing out because of the more and varied demands of the white men's culture.

After the War of 1812 ended in 1814 many more farmers moved into the Illinois country. "The advent of the pioneer farmer was an even more prolific source of friction of the irregularities of the fur traders, for the Indians regarded with the most jealous disfavor the permanent clearance and settle-

¹ Ibid. p. 9

ment of the hunting grounds over which their ancestors had roamed in perfect freedom."¹ Certainly this was highly upsetting to the Indians that they retained little of the independence and self-sufficiency of their ancestors. What made it even worse was the white men "regarded the land as theirs by a sort of racial right and considered that they were justified in using every means possible to wrest it from the aborigines."²

The Indians were considered less of than the Negro slaves. In fact, some of the Indians were bound into slavery. The fact that Indians were killed if they didn't leave their land and the little concern shown by the English religious leaders for them made matters worse. Through all my research I am unable to find many religions ministering to the Indians by the Americans before 1840. The Northwest Territory had fewer Indian Missions than the East had had. However, it should be noted that the early influence of the French missionaries probably made it much easier to "buy" the Indians' lands, trade with them, and keep peace with them.

¹ Ibid. p. 8

² Ibid. p. 8

The Baptists and Methodists were the first English groups to start missions on the frontier.

A brief description of this movement follows:

One of the outstanding leaders in the Baptist missions movement was John Mason Peck (1879-1838), a convert from Congregationalism. In 1818 under the auspices of the Triennial Convention, he organized a church in St. Louis then devoted several years to the establishment of Bible societies and schools in Illinois, Indiana, and Missouri. With the assistance of Jonathan Going, a pastor in Worcester, Massachusetts, he helped to found the American Baptist Home Mission Society in 1832.... During its first year it placed more than 50 missionaries in New York, Ohio, Michigan, Indiana, and Illinois. Perhaps the most colorful of these missionaries was Ezra Fisher, who founded churches in Indiana, Illinois, and Iowa.¹

It should be noted that the Methodists formed a missionary society in 1819. This society "cooperated with the Annual Conferences in the creation of new mission fields and the recruitment of an itinerant ministry. Thus in 1829 the Illinois Conference founded three missions and appointed a committee chaired by Peter Cartwright to estimate the cost of their support."² However, before this time the Methodists opened a mission among the Potawatomes in 1823 on the Fox River in northern Illinois.

¹ Olmstead, Clifton B., History of Religion in the United States, p. 270

² Ibid. p. 271

Jesse Walker of the Illinois Conference thus describes his mission to the Potawatomes:.... In the spring of 1825, together with five white families, I proceeded to the mouth of the Fox River, (presently at Ottawa, Illinois) shortly after which I had a most satisfactory council with five Chiefs of said tribe. We immediately built cabins for the accommodation of the families. I opened a school, into which I received fourteen Indian children; but finding that the school was not located on Indian land, I proceeded up Fox river about thirteen miles, selected a situation, and am now preparing to remove to it, which I will accomplish as soon as possible...¹

Indian missions just got a really good start late in the period of the settlement of the Old Northwest. However, the few missions in the Old Northwest did give missionaries experience for their work west of the Mississippi. Certainly "the painful experiences of Indian wars on the frontier combined with the revival of missionary interest early in the national era persuaded many Christian leaders of the necessity of Indian missions."²

In 1818 when Illinois was admitted to statehood it was far from civilized. Many communities existed among the Indian tribes on Indian land. Only occasionally would a village be destroyed though. As a whole life was happy in Illinois in 1818.

¹ Ibid. p. 275

² Ibid. p. 274

Indian wars happened in Illinois but none of them were extensive. The Blackhawk War of 1830-1832 was one of these wars.¹ It was a supreme case of poor thinking and actions on the white men's side. Next is a discussion of the War of 1812 which took place between 1812 and 1814. First note that most, but not all, of the tribes sided with the British in the War of 1812.

Indian violence arose after the Fort Wayne treaty of September 1809, two and one-half years before the British-American War. The violence was the result of "Tecumseh's appeals to the Indians to confederate and save the land that the Great Spirit had deemed to be theirs forever."¹ The white settlers in the territory became greatly alarmed

and began erecting block-house forts in or near all the settlements. There were at this time only about 12,000 to 14,000 white people in Illinois and they were probably outnumbered over ten to one by the Indians.... Such forts were constructed at this time at or near most of the small settlements. More formidable places of defense, however, were at Chicago, Fort Massac, Fort Russell near Edwardsville, and Fort LaMotte and Fort Vincennes on the Wabash.²

Although some small forts were build the settlers

¹ Dunne, Edward, Illinois, vol. I, p. 212

² Ibid. p. 212

were nearly helpless until the federal government provided aid late in the War of 1812.

At the time the forces of United States Regulars stationed in Illinois and near Illinois Territory were as follows: Fort Massac on the Ohio, 36 men; Fort Madison on the Mississippi, 44 men; Vincennes, 117 men, and Fort Dearborn, 53 men. These 250 men were confined in their duties to defending these forts and the territory immediately surrounding them and were not available for general open-country warfare.¹

Thus the settlers in Illinois were left pretty much on their own. Territorial officers did try some activities of their own. The encouragement of Governor Edwards to the settlers to form their own defenses was important.

Many
ful. An excellent example of this is the two campaigns in 1812 led by Governor Edwards. These brief descriptions best describe the dismal failures.

The information was that at Peoria there was a large gathering of Pottawatomi, Miami, and Kickapoo Indians, and that these Indians were organizing for assaults upon the frontier settlements to the south. The first of these expeditions, composed of recruits raised in Illinois, were accompanied by the governor himself, and in the ranks there marched one John Reynolds, afterward a governor of Illinois.
...On the march from Fort Russell to Peoria,

¹ Ibid. p. 216

they encountered no belligerent Indians until they arrived at within four or five miles of an Indian village on Peoria Lake. Here they killed an Indian whose arms were raised and who was asking to surrender, and captured his squaw. Upon the arrival at the village itself, they found the huts deserted, and the untrained militia plundered and burned the village....

The second expedition organized by Governor Edwards traveled by water to Peoria. Upon arrival at that point, they found it deserted by practically all of its inhabitants, including the United States agent, Forsyth, whereupon Captain Craig began appropriating all of the property left by the deserters. Upon Forsyth's coming into camp, however, he returned some of it. For several days thereafter Captain Craig and Forsyth were on friendly terms, but one day Captain Craig's boats were fired upon by some unknown person whereupon Craig pronounced the people of Peoria guilty of the offense. He thereupon plundered and burned most of the town and carried away forty of its inhabitants as prisoners. Later on these prisoners were released by Governor Edwards. To his credit it can be said that he compensated them for their losses out of Indian funds in his possession.¹

Seeing that Indians were restive and belligerent the British supplied the Indians with guns and ammunition freely. "For a time the British assistance was given secretly and was disguised, but as the ill feeling between Great Britain and the United States developed, hardly any attempt was made at secrecy."²

1 Ibid. p. 221

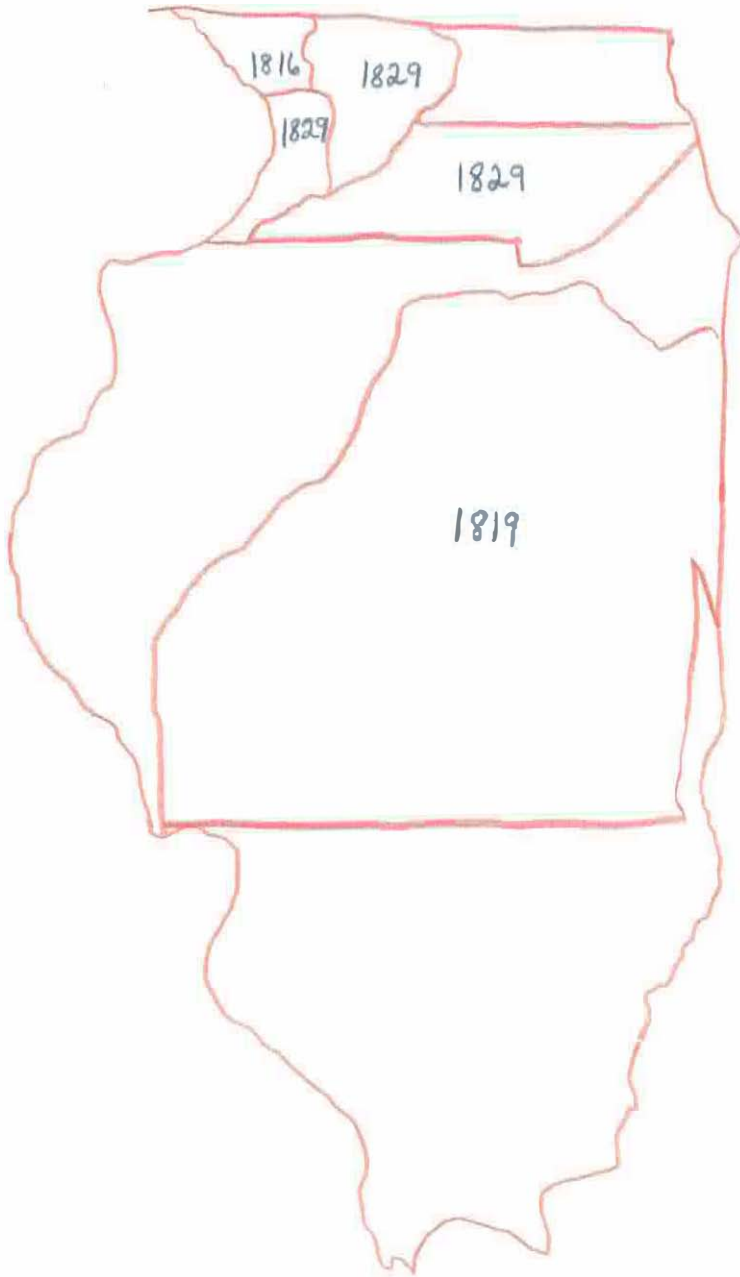
2 Ibid. p. 213

With all the disastrous results of 1812 the surrender of Detroit and Mackinac and the destruction of Fort Dearborn the Illinois settlers were on edge. The situation encouraged the British to believe that they could re-possess the Northwest Territory. As a result of the activity of Robert Dixon who mustered support for the British of the strongest tribes of the Northwest "in Illinois and Indiana, the American authorities believed that any day the British forces with overwhelming Indian allies would be upon them. Many of the settlers gathered in their own forts and around other forts occupied by American troops and began to cry loudly for Federal assistance."¹

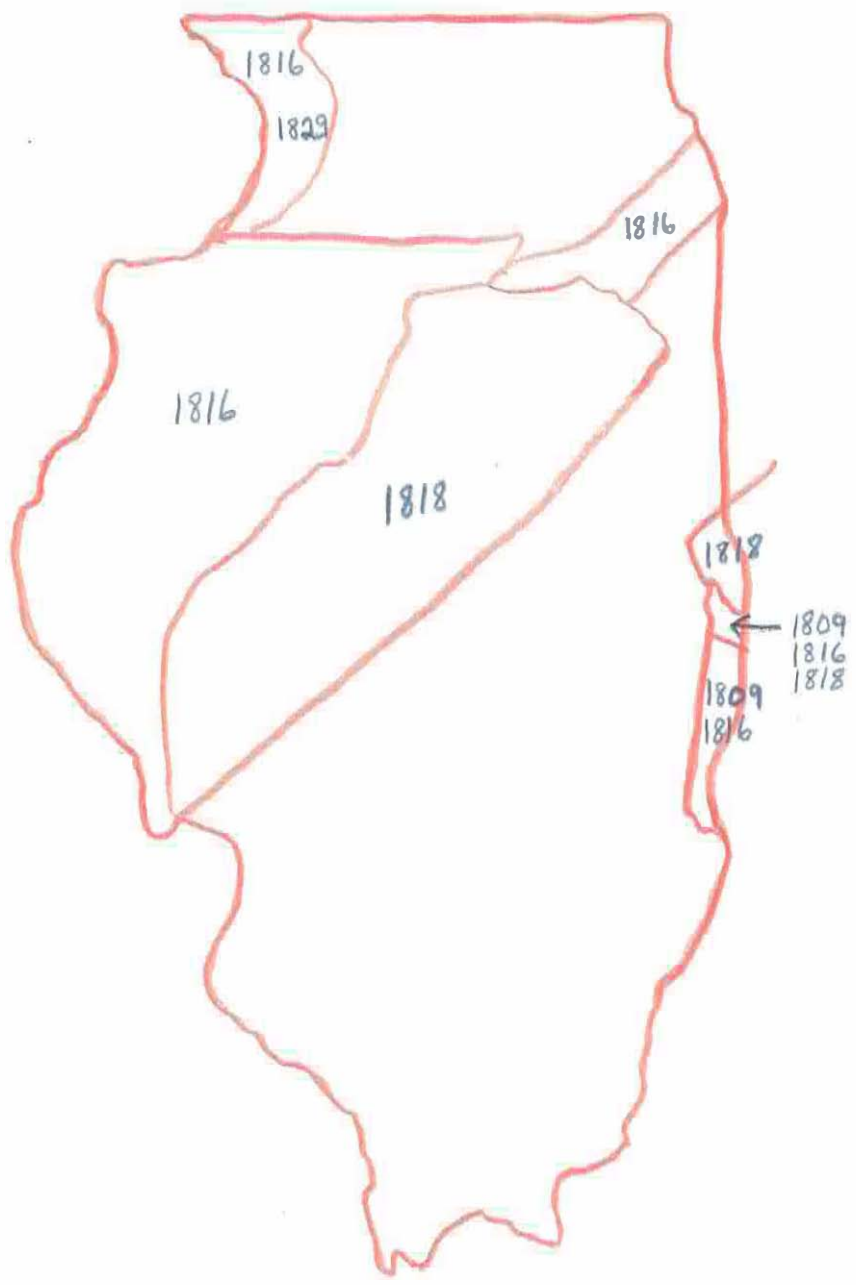
"For two-thirds of the time, the war went badly for the Illinois settlers. Other activity in the area took place under Major Zachary Taylor who in August 1814 led an expedition to Rock Island where "Taylor was compelled to retreat with his troops to Fort Edwards, a fort which was built near Warsaw, Illinois."² The British and Indians controlled the territory north of a line drawn from Peoria to Warsaw. Even though they lost the war we should note that they controlled one half the state of

¹ Ibid. p. 220

² Ibid. p. 222



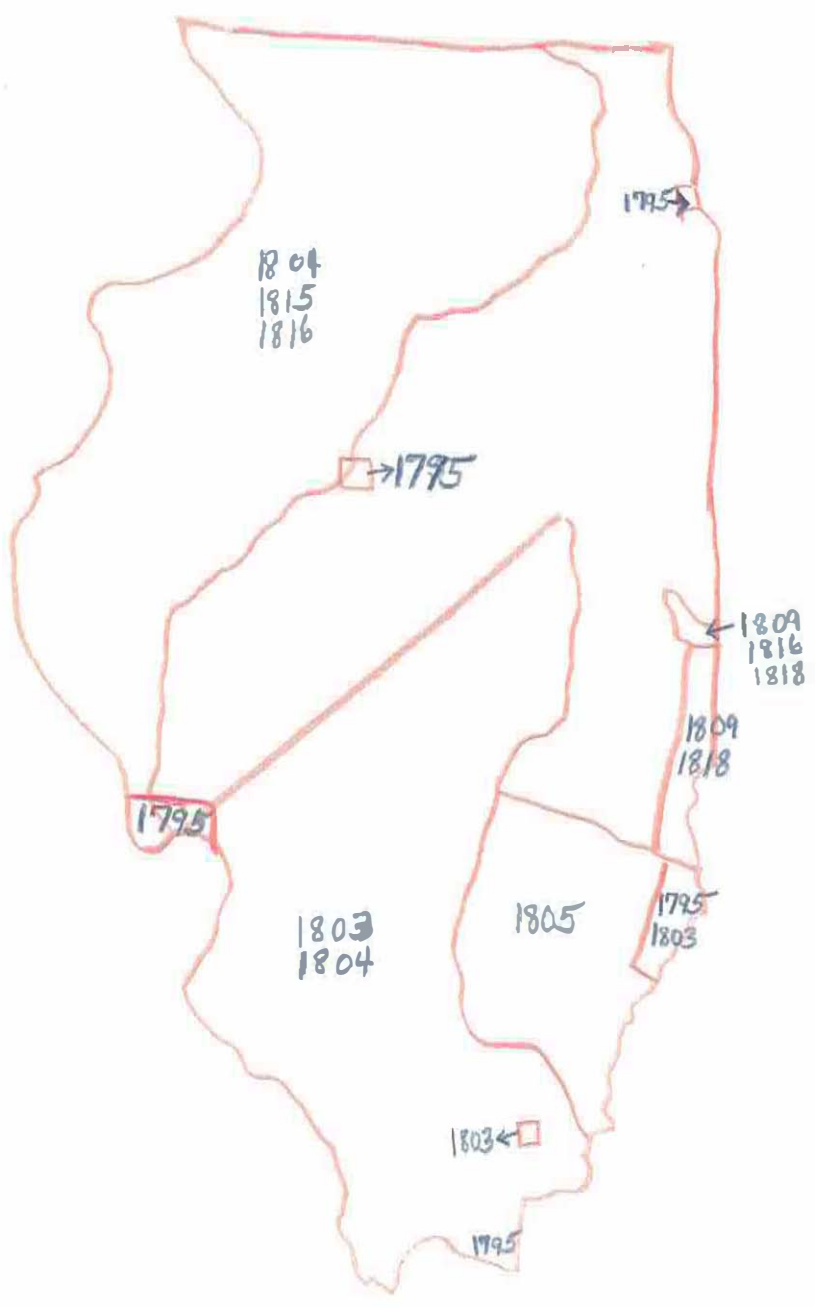
Indian Cessions
1818-1830
page 136
Ibid.



Indian Cessions
1809-1818
page 104
Ibid.

Indians Cessions
1795-1816
page 72

The Settlement
of Illinois 1778-1830
by Arthur Bogges
1908, Illinois Historical
Society, Chicago

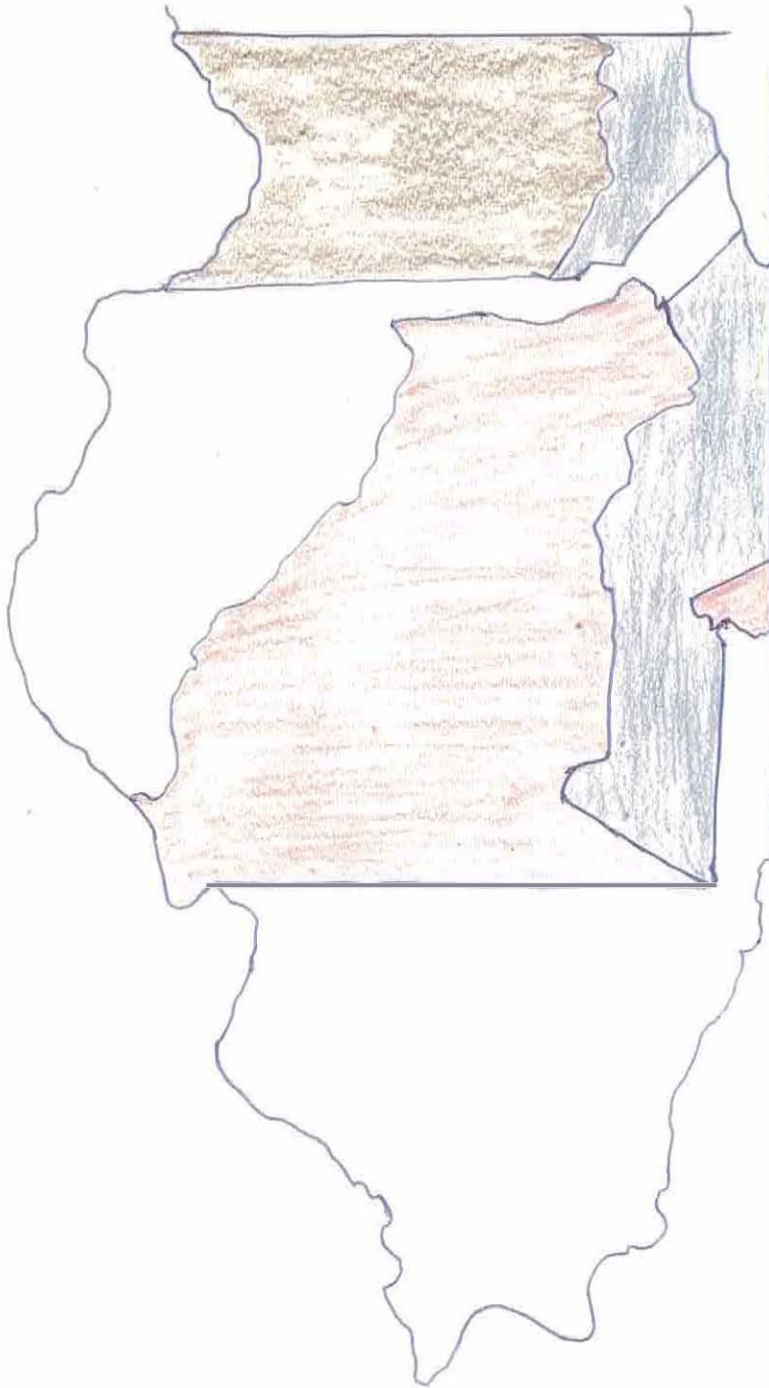






"Indian Land Cessions
in Illinois 1818"

page 41

Illinois in 1818

by Solon Justus Buck
Illinois Centennial
Commission, Springfield
1917



-  Cessions complete before 1818
-  Covered by cessions both before & after 1818
-  Ceded and retroceded to the Indians before 1818
-  Not covered by cessions before 1818

Illinois and were considered militarily successful in the Northwest Territory.

The reason for their successes other than having a greater number of men in arms than the Illinoisans is the character of the troops and officers. "The material from which the regiments were recruited was intrinsically good, but utterly raw and untrained. The men could shoot well; they had great powers of endurance; and they were brave. But ere the list of their military virtues ends."¹

With the end of war in 1815 the Indians returned to make peace treaties. "Although the redskins were still numerous and discontented, their spirit of resistance was broken."² With the United States the victor the emphasis on land purchasing returned. Many new settlers came from the East. Indiana's population alone grew from 25,000 in 1810 to 70,000 in 1816.

The Indians were the big losers in the land situation. The biggest treaty right after the war was one made by Ninian Edwards, William Clark, and Auguste Chouteau. This treaty of August 24, 1816

¹ Ogg, op.cit. p. 154

² Ibid. p. 160

at St. Louis with the Ottawas, Chippewas, and Pottawatomies provided "by which they ceded a strip of land twenty miles wide on the eastern boundary at Lake Michigan and extending generally South West so as to include the Chicago Portage and a strip of land extending to the mouth of the Fox River."¹

Two other important treaties were: (1) Treaty of Greenville, August 3, 1795:

Some 16 tracts of land comprising all the principal trading posts and portages in the territory now comprising the states of Ohio, Indiana, Michigan and Illinois were ceded to the Government, including Mackinac Island and 'one piece of land six miles square at the mouth of Chikago River emptying into the South West end of Lake Michigan where a fort formerly stood.²

"After the Treaty of Greenville the settlers not only came rapidly and in great numbers, but the ending of the Indian occupation moved rapidly forward hence during the first third of the 19th century Indian treaties of importance were concluded with unusual frequency."³

(2) Treaty of 1804 with the Sacs and Foxes:

In 1804 General W. H. Harrison, Governor of Indiana Territory "was at Saint Louis seeking satisfaction of the Sac Indians for the murder of three settlers and taking advantage

¹ Illinois Historical Library Series (No.21) 1915, p.91

² Ibid. p. 90

³ Ibid. p. 90

of the situation, secured execution of a treaty by five of the chiefs of the Sacs and Foxes ceding to the Government over 50 million acres of land in Missouri, Illinois, and Wisconsin, including the land between the Illinois and Mississippi rivers, for \$2,234.50 in goods and a promised annuity of \$1,000.00.¹

Later Blackhawk and his followers repudiated this treaty. They charged that the treaty was made without the consent of the people. Disputes growing out of this treaty resulted in 1830 in the Blackhawk War.

The land situation was of much concern to the government and settlers. In fact many, many times of more concern than the treatment or amount of payment for the Indians at the time. Nobody seemed to be concerned about where the Indians went or what they did as long as they lived west of the Mississippi and didn't kill any white people.

¹ Ibid. p. 90-91

1785-
1800



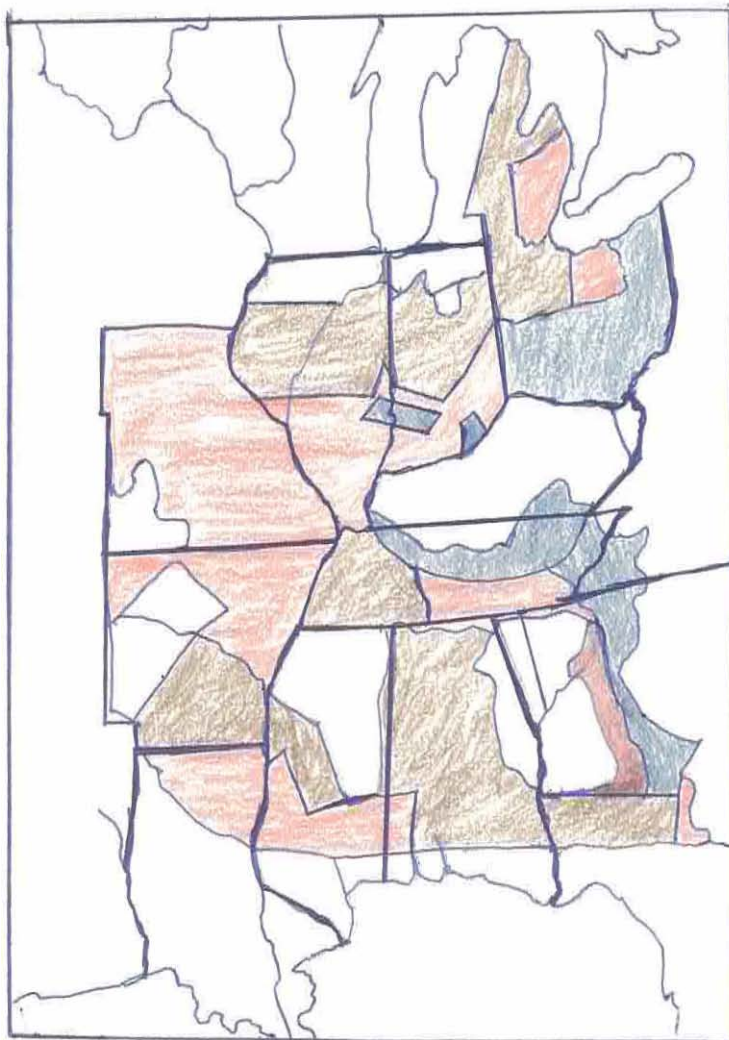
1800-
1810-



1810-
1820



37



Page 164 "Indian Cessions"
Payson Treat Jackson The National Land System
New York, 1910, E. B. Treat + Co.

Before the American Revolution no national land system was used. The states that had open lands to the West of them claimed sections extending to the Mississippi River. At the time of the American Revolution the colonists emphasized their claims to the West. All this emphasis would have gone for naught had not the British been so little interested in the wild western lands. Even at that the British with their Indian allies would have controlled the area had not revolutionist George Rogers Clark captured the Illinois Country.

After the American Revolution the question arose to whom did the western lands belong. Thanks to conflicting claims and the jealousy of the states that were unable to claim western lands a national land system came into being. Incorporation of the following provision in the Articles of Confederation resulted in Maryland and other small states working to defeat the Articles of Confederation resulted finally in a change. The hated clause provided that a Court of Commissioners to determine disputed boundary claims be set up and that no state shall be deprived of territory for the benefit of the United States.

Almost two years after the ratification of the Articles of Confederation some of the large states followed the proposal of the Committee of Finance and ceded their western lands. "Of the seven ~~deeds~~ of cession three were without conditions of any kind while four contained stipulations."¹ Virginia was one of the four with stipulations. ~~Her~~ most important stipulation which set a strong precedent stated that the land "shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become members of the Confederation or Federal Alliance of the said states, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever,"

It should be noted that although a national land system was instrumental in successful settlement of the United States it had the immediate tragedies of Clark and his soldiers getting no land grants until after most of them had died and the encouragement of speculation such as the Scripto business.

¹ Treat, Payson Jackson, The National Land System 1785-1820, p. 8

Systems of Surveys

N.

36	30	24	18	12	6
35	29	23	17	11	5
34	28	22	16	10	4
33	27	21	15	9	3
32	26	20	14	8	2
31	25	19	13	7	1

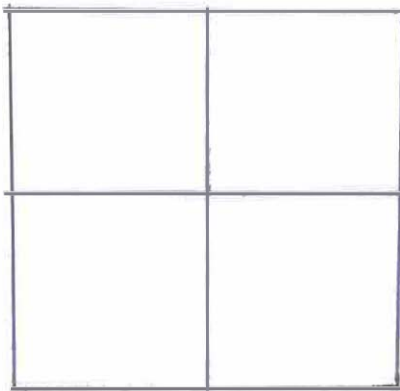
Ordinance of 1785

N.

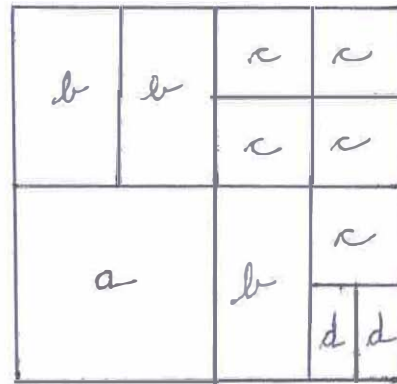
40

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Act of 1796



A township in the United States Military District, Ohio



4 sections showing legal subdivisions
 a = section
 b = half-section
 c = quarter section
 d = half quarter section

Payson J. Treat The National Land System 1785-1820
 New York, 1910, E. B. Treat + Co.
page 181

in Ohio.

The close of the War of 1812 threw the country into financial disorder and the government's land credit system was working out badly. The Act of 1817 permitted the sale of six sections in each township in quarter sections or half-quarter sections (80 acres). Of course, this meant less money for the government and opened land speculation to a greater extent.

"Edwards, of Illinois, presented an amendment (to the National Land Offices bill) designed to benefit the squatter, for it would have given an actual settler on land already offered for sale a pre-emption and right to purchase under the existing system up to 160 acres. This would have resulted in a mongrel system, part cash and part credit."¹ This amendment passed when Senator Johnson added a sort of graduation in price clause. This act "was the most important piece of land legislation since the Congress of the Confederation laid down the principles of the American land system in 1785.Its terms provided for the abolition of credit

¹ Ibid. p. 140

and the establishment of cash sales after July 1, 1820, for the sale of 80 acre tracts, and for the reduction of the minimum price to \$1.25 an acre."¹ This act is known as the Land Act of 1820 and "considering the period and the circumstances a commendable piece of land legislation."

Criticisms of the 1820 Act are in order. The auction system permitted wealthy men to continue buying large sections of land thus leaving the poor settlers the poorer land in an area. However, the government had to have income and the old unsold lands brought only the minimum price in most cases. Senator Morrow best summed up the situation thus: "The idea of providing equal facility to the poor and to the rich by any regulation is incompatible with that of disposing of the land for a valuable consideration."² Of course, the Land Act of 1820 was unable to deal with credit land sales before that date and \$21,000,000 (more than one-fifth of the national debt) was outstanding. For many years Congress worked on the problem and in most cases it ended up granting "relief." (free land is what it amounted to)

¹ Ibid. p. 140-141

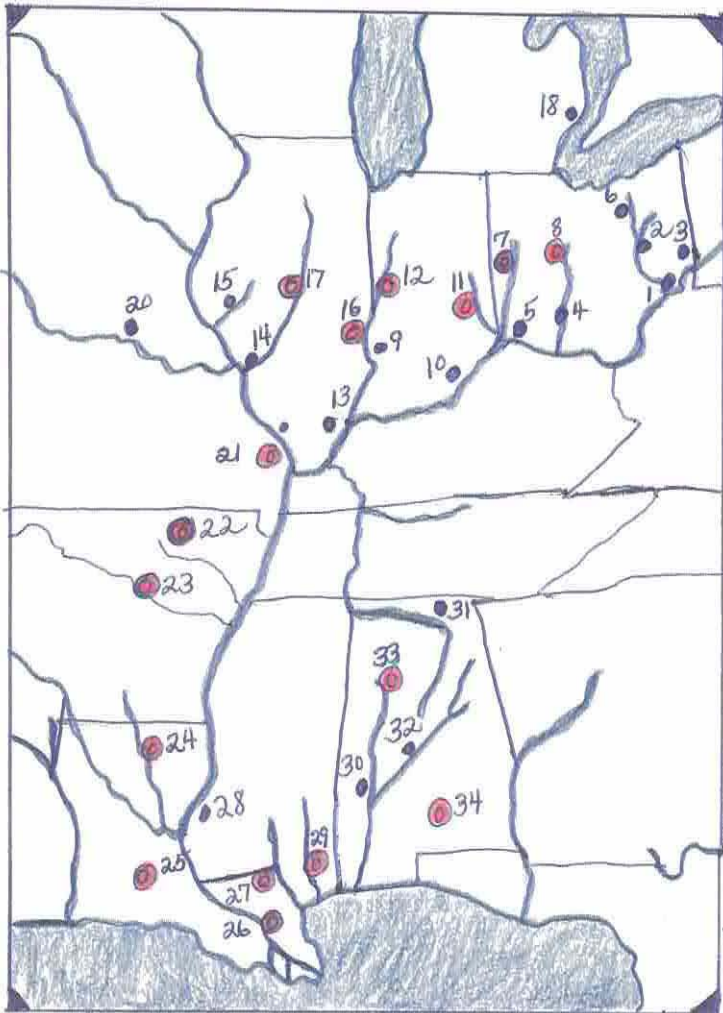
² Ibid., p. 145. p. 145

- Land on sale before 1820
- ⊙ Land offices 1821

notes:

* means not open
for sales in 1820
(1816) means
date of actual
land sales

KEY



- (1) Marietta 1800
- (2) Zanesville 1803
- (3) Steubenville 1800
- (4) Chillicothe 1800
- (5) Cincinnati 1800
- (6) Canton 1807
- * (7) Piqua 1819
- * (8) Delaware 1819
- (9) Vincennes 1804 (1806)
- (10) Jeffersonville 1807
- * (11) Brookville 1819
- * (12) Terre Haute 1819
- (13) Shawneetown 1812 (1814)
- (14) Kaskaskia 1804
- (15) Edwardsville 1816
- * (16) Palestine 1819
- * (17) Vandalia 1819
- (18) Detroit 1804 (1818)
- (19) St. Louis 1811 (1818)
- (20) Franklin 1818
- * (21) Cape Girardeau 1818
- * (22) Polk Bayou 1818
- * (23) Little Rock 1818
- * (24) Monroe 1811
- * (25) Opelousas 1811
- * (26) New Orleans 1811
- * (27) St. Helena 1819
- (28) Washington 1803 (1807)
- * (29) Jackson Court House 1819
- (30) St. Stephens 1803 (1807)
- (31) Huntsville 1803 (1807)
- (32) Cahawba 1817
- * (33) Tuscaloosa 1820
- * (34) Conecuh 1820

* from Payson J. Treat The National Land System
1785-1820 New York, 1910, E. B. Treat + Co.

pages 174-175

Payson Treat made the following notable observations about land grants to the soldiers.

The extent of the grants had been due to the great wealth of land of which Congress has been the trustee. And yet the giving of land was more expensive than it appeared. These millions of acres were surveyed at the expense of the nation and the land revenue suffered for every warrant issued. It would have been better to have given bounties in cash rather than inlands, the soldier would have been freed from the speculator and the general system of land sales would not have come into competition with bounty lands which generally sold below the minimum price. Neither the soldier nor the nation received the maximum of benefit from the system.¹

Grants in Illinois were given for fighting with Clark; in the War of 1812; or in the Blackhawk War.

Land sales first took place in the Indiana Territory in 1806 at Vincennes. Although some tribes ceded Illinois land in 1803. "...much of the same region was not finally ceded until the treaties of 1816, 1818, and 1819."² The federal land sale business started "big time" in Illinois after the Land Act of 1820. In 1821 large land sales took place at Vandalia and Palestine, Illinois.

¹ Ibid. p. 261

² Ibid. p. 173

"Probably nothing affected settlement in Illinois from 1809 to 1818 more profoundly than did changes in the land question, for during this period Congress passed important acts relative to land sales, and this was also the period of the first sales of public lands in the territory."¹ Large public land sales were a long time in happening because of the unsettled French claims. The situation was explained thus: "Although begun by the Governor of the Northwest Territory at an early day and continued by commissioners authorized by Congress and appointed in 1804"² the settlements were incomplete when Illinois became a separate territory. To top it off the young United States government adhered to its policy of selling no land in the territory until the claims were finally adjudicated.

Still problems continued as in 1809 soon after the confirmation by Congress of the commissioner's decision on claims "a long list of rejected claims arose chiefly from the work of professional falsifiers was reported."³ So it was 1813 before the anxious Illinois squatters were relieved of their concern.

Two memorials resulted in Congress allowing the Illinois Territorial Legislature to act on the

¹ Boggess, Arthur Clinton, The Settlement of Illinois, p. 99

² Ibid. p. 99

³ Ibid. p. 99

land sales problem. The Illinois delegate in Congress was instructed to get a deal for Illinois similar to the Ohio Enabling Act of April 30, 1802 "granting to Ohio two salt springs on condition the state should agree not to tax such public lands as should be sold within her borders, until after five years from the date of sale."¹

The Illinois Territorial Legislature also desired that the United States Secretary of Treasury authorize the designation of the college township reserved by the Ordinance of 1787 and the Act of 1804. The result was:

the enabling act and the Illinois constitution the salt springs to the state and agreed that public lands sold in Illinois should be exempt from taxation for five years from date of sale; the Illinois Constitution provided for the employment of slaves at the salt works; an act provided for the location of the college township; and in 1816 the making of the desired road was authorized, although at the beginning of 1818 the route had been merely surveyed and mapped.²

One part of the above bill was carried out as follows in 1818. "Illinois received two townships for a seminary and the three per cent fund in that state was to be applied to the encouragement of

1 Ibid. p. 101

2 Ibid. p. 101-102

learning, of which one-sixth part shall be exclusively bestowed on a college or university."¹

Note that the Illinois government followed the example of Ohio in land sale procedure and in turn Wyoming, Colorado, and other western and southern states followed Illinois' example. An example was the Alabama Act of 1819. Congress too much be given credit for keeping public land sales in order. The Ordinance of 1787 certainly set down solid basic rules.

Although Illinois is one of the heaviest populated states today "the long delay in opening the land-offices in Illinois was fatal to an early settlement of the region, because the old states had public lands which they offered for sale at low rates, thus depriving Illinois of a fair chance as a competitor."² Also we should note that before the peace of 1815 Indian fears kept many settlers from moving on to the Illinois Country.

Land speculation did take place in Illinois. However, as compared to Ohio or areas just west of the Mississippi land speculation was a very small

¹ Treat, op.cit. p. 279

² Ibid. p. 103

problem. Over one-half of Illinois' land was sold after the 1820 act. On top of this much of the southern and western part had been in one family's hands so long that no body dared try claim the land.

Of special interest to historians are the pioneer letters of Gershom Flagg which were published later by Illinois historian Solon J. Buck. They describe life in the Illinois country in the early 19th century. Flagg's journey to Illinois is a typical example of emigration to the Illinois country for the purpose of purchasing land and becoming a permanent settler. He started out from New York to Ohio in 1816 where he located in Springfield for the winter. "...It was not long before his 'Ohio fever began to turn' and he was seized with the 'Missouri and Illinois fever' --induced apparently by the hope of being able to secure work as a surveyor by going to St. Louis."¹ After spending the summer in Cincinnati on the advice of friends "he joined with another Vermonter in the purchase of a flat boat and on October 19, they started to float down the Ohio."²

¹ Illinois Historical Library Series (No. 15) 1910 p.140

² Ibid. p. 140

Flagg purchased 260 acres of land above St. Louis and then returned to St. Louis in hopes of a government surveying job, but none were available. "In the spring of 1818 he established himself on a quarter-section of land six miles north of Edwardsville in Madison County, Illinois. Renting part of the farm, he cultivated the rest himself and boarded with a neighbor."¹ Soon after his farming venture he married Jane Paddock. He spent the rest of his life farming, and "serving as justice of the peace and as postmaster of Paddock's Grove. He died March 2, 1857.... It is interesting to note that five of his eight brothers and sisters followed him to Illinois."²

What encouraged the Illinois land settlement after starting so late was the rich soil, the minerals discovered, and the Panics of 1819 and 1837 which forced people to go West to survive.

In Illinois the land laws were strict enough that the federal and state governments were able to keep their debts down more than some other states. Also the strictness of the Illinois laws resulted

¹ Ibid. p. 140

² Ibid. p. 140

in most of the settlers improving their lands rapidly and thoroughly.

The Illinois Territory Laws provided that

all the debtor's property, both personal and real, could be sold under execution; and if the land did not sell for want of bidders, the plaintiff had the right, at his option, to take it at its appraised value by twelve men. If there was not sufficient property, the body of the debtor could be taken and committed to the county jail, or to the prison bounds by giving security that he would not depart therefrom. Prison bounds were required to be laid off by the country courts, by metes and bounds, so as not to extend in any direction more than two hundred yards from the jail.

The laws for the collection of rents, and for the recovery of the possession of land, have not been materially changed by our present laws from what they were under the territorial government. Under the laws of the territory, property taken on the premises, let by execution, was liable to be applied, first to the payment of the rent due; and no property except such as might be found on the premises, unless the tenant had clandestinely removed the same, could be taken by distress.¹

1 Edwards, Ninian Winst, Jr., The Life and Times of Ninian Edwards, p. 162-163

In studying the reasons for the great conflict over slavery in Illinois three major ones must be noted. The first one is that ^{of} the Northwest Ordinance of 1787 which prohibited slavery in the Northwest Territory. In favor of slavery was the fact that the Illinois Territorial laws didn't prohibit slavery and that many of the first English settlers were from slaveholding states. Many of them even brought slaves into Illinois with them.

In 1719 Philip F. Renault left France with 200 miners and workmen to start a mining industry in Upper Louisiana. It ^{is} found that "en route he stopped at San Domingo and purchased 500 slaves. On reaching the continent, he proceeded to the northern portion of Louisiana--then known as the 'Illinois Country'--and established himself near Fort Chartres, at a place which he named St. Philip. His venture, however, does not seem to have been a success, and in 1744 Renault sold his negroes to the inhabitants of the district and returned home."¹ This is completed a description of the first Negro slavery in Illinois. One historian noted after extensive study, "During both the French

1 Harris, Norman Dwight, The History of Negro Servitude in Illinois 1719-1864 p. 2

and English occupancy of that region occasional additions were made to this nucleus, but they were neither frequent nor numerous."¹

Historian John Hand noted, "Thus was slavery planted in the territory lying east of the Mississippi and north of the Ohio rivers, and it was not eradicated therefrom for more than a century, and its blighting curse rested upon that territory until after the signing of the Emancipation Proclamation by Abraham Lincoln."²

In 1615 an edict of Louis XIII of France first recognized slavery in the French provinces in America. "Settlers from Canada in these regions, brought with them the French laws and customs and among these were those which recognized slavery."³ Thus with the first movements into the Illinois country came Negro slavery. Even before this a few cases of Indian slavery were going on in the Illinois country. In 1724 "Louis XV published an ordinance which re-enacted the edict of Louis XIII, for the regulation of the government and administration of justice, policies, discipline and traffic in negro slaves

¹ Ibid. p. 2

² Illinois Historical Library Series (No. 15) 1910, p.42

³ Illinois Historical Library Series (No.22) 1916, p. 89

in the province of Louisiana, of which Illinois was then a part."¹ Thus what French law there was encouraged or at least allowed openly slavery during the whole period of their rein in the Illinois country.

Still the extent of slavery before the Ordinance of 1787 was not great. The following description gives the most concise explanation.

At the time of the session of the Illinois country to England, it is estimated there were in that country 900 Negro slaves. Many of the French, with their slaves, shortly thereafter moved west of the Mississippi river, and in 1770 there remained in the Illinois country not to exceed 600 Negro slaves.... There were no restrictions imposed upon the holding of slaves in the territory north of the Ohio and east of the Mississippi rivers during its occupation by France, England or Virginia, and prior to the passage of the Ordinance of 1787 Negro slavery appeared to be as firmly established north of the Ohio as it was south of that river.²

In Illinois slavery was truly a voluntary situation until the Emancipation Proclamation. Negro slaves, indentured Negro slaves, and free Negroes could all be found residing in the Illinois country. The following description is from a

¹ Ibid. p. 39

² Ibid. p. 49

Jesuit missionary who was in the territory. "We have here Whites, Negroes, and Indians, to say nothing of cross-breeds... There are five French villages and three villages of the natives within a space of twenty-one leagues... In the five French villages there are perhaps 1100 whites, 300 blacks, and some 60 red slaves or savages. The three Illinois towns do not contain more than 800 souls (natives) all told."¹ Thus it is found that Indians were put into slavery. What is not known is whether their position was voluntary or not.

Slaves were regarded as real property by the French in Illinois. Most of the slaves "were treated everywhere with such leniency and kindness. They were fed chiefly on maize, and used both as laborers and as house servants. On Sundays and feast days they were allowed liberties, and their children were taught the catechism. There were few large slave farms. The majority of the planters possessed but a small number of negroes. A man was well off if he owned three or four. The management of the plantation was just and liberal, and the relations
1 Jesuit Relations, Vol. 69, p. 144

existing between masters and servants were friendly: but the easiest service was doubtless on the lands of the Jesuit missionaries."¹ This was in strong contrast to slavery conditions in Louisiana. Not only was the work harder and unpleasant but the weather was hard on the workers. On top of this more larger plantations resulted in the masters being harsher.

Captain Philip Pittman described the two largest slave holdings in the Illinois country as M. Beauvais' "240 arpens of cultivated land and eighty slaves" and M. Balet's who controlled "a hundred negroes, besides hired white people constantly employed."² With the opening of the English rule in the Illinois country in 1765 a population decrease occurred when many of the French families moved across the Mississippi River. As noted before this movement reduced the slave population as well. In 1770 the population of the Illinois country fell to 1600 of which 600 were slaves but by 1800 English immigrants soared the territory's population to a new record.

¹ Ibid. p. 145

² Pittman, Captain P., "The Present State of the European Settlements on the Mississippi"

Next the new United States received the Illinois country. In 1787 an ordinance was passed concerning the Northwest Territory of which the Illinois country was a part. A major provision (No. VI) of the Ordinance said, "There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted."

Many residents were upset over the provision and thought of moving West. The article caused great uneasiness among the slaveholders especially. Their fears were soon calmed when "Governor St. Clair, and subsequently Governor Harrison, took the position, however, that the Ordinance of 1787 should be given a prospective effect, and that it did not affect the status of slaves held in the Northwest territory prior to 1787."¹ These positions resulted in the people and courts following such a procedure for many years.

Article II of the Northwest Ordinance which reads "Virginia stipulates that the French, Canadian and other inhabitants of Kaskaskia and the neighboring villages should be allowed to retain their

1 Illinois Historical Library Series (No.15) 1910

possessions and to enjoy their ancient rights and liberties" gave the governors a chance to permit what slavery already existed to continue. Slavery was not a great problem politically at the time as can be seen by this statement: "No reference was made to the subject of slavery in the first three General Assemblies of the Northwest Territory, other than the levying of a tax on all negroes over twenty-one years of age."¹

Action was taken to encourage slaveholders to emigrate from states south and east of the Ohio River. A system of voluntary servitude was created. Its description follows: "Under the voluntary system slaves were indentured to their masters, males until they were 32 years of age, and the children born to persons of color during their period of service might be indentured to serve, the boys until they were 30 years of age, and the girls until they were 28 years of age, and unless slaves were indentured within 30 days after they were brought into the territory, they could be removed by their masters from the territory. The legality of the system I Chase, Stuart, Statutes of Ohio 1788-1833 p. 68

of voluntary servitude was recognized by a statute of the Indiana territory passed in 1807, which was subsequently re-enacted in the territory of Illinois."¹

In 1802 the Indiana territorial convention at Vincennes memorialized Congress to suspend the VI article of the Northwest Ordinance for ten years. No suspension resulted. In 1803 the Governing Council of Indiana proceeded to draw up a slave code "the chief material for which was obtained from the codes of Virginia and Kentucky."² These laws were as described before with two clarifications. All owners of slaves must register their servants within 30 days with the County Clerk and transfers from one master to another were permitted, provided the slave gave his consent before a notary. Also if the slave didn't consent his owner had 60 days to remove him from the territory.

However, not everyone went along with the liberal view. "The soundness of the doctrine that the provisions of the Ordinance of 1787 did not apply to Negro slaves held in the Northwest territory at the time of its passage, and that negro slaves subsequently

¹ Illinois Historical Library Series (No.15) 1910 p. 43

² Ibid. p. 7

brought into Illinois by their masters might be deprived of their freedom by contract by virtue of the Territorial Act of 1807 or the State Constitution of 1818, was challenged by many of the best lawyers in Illinois."¹

"Black Codes" came into being in Indiana and Illinois soon after their territorial governments were set up. Before discussing the "Black Code" let's note who the slaves were. "The greater proportion of the negroes came from Kentucky and Tennessee, although numbers were brought from Virginia, the Carolinas, Maryland, and even Louisiana."² These slaves were, of course, coming in all the time until the Constitution of 1818 in Illinois. Some even came in after 1818. Most were brought by the settlers to^{do} the hard physical labor. "Some, it is true, like Governor Coles, came into the state for the expressed purpose of freeing the negroes, but these were exceptions."³ In the four counties of Gallatin, St. Clair, Madison, and Randolph alone, there were over 300 and the whole number of slaves in the Territory increased from 135 in 1800 to 749 in 1820.⁴

¹ Ibid. p. 44

² Harris, op.cit. p. 11

³ Ibid. p. 11

⁴ U.S. Census 1800-1820

The emphasis was on young slaves as the law limited the age to which slaves could be held. Many slaveowners thought were not satisfied even then. "They registered them for periods of servitude far in excess of the legal limit, many being booked to serve from 40 to 60, and even 99 years."¹ Another "case in point is Ninian Edward's Joseph, whom he registered at Kaskaskia on June 14, 1810 to serve 35 years. Joseph was then 18 months old, and had just been brought into the Territory with his mother."² A more extreme case of emphasis on youth is Benjamin Stephenson who registered six negro children: "Moriah, 42 days old; Barkeley, two years; Debb, 4 years; Winn, 6 years; Frank, 8 years; and Louisa, 14 years old."³

Although some leaders were against slavery, most were not. Ninian Edwards' attitude and practice assured the settlers that little would be done to enforce the no slavery expansion laws. Edwards, the first governor of the Territory, "who knew the law well enough to register several slaves in strict accord with its provisions, felt quite free to enter

¹ Madison County Records, 1815-1817

² County Clerk's Register at Chester, June 14, 1810

³ Madison County Clerk, June 15, 1817

his servants: Rose, 23 years of age, for 35 years; Antony 40 years of age for 15 years; Maria 15 years of age for 45 years; and Jesse, 25 years of age for 35 years of service."¹

The "Black Code" created an unusual situation in that the free Negro was made an outcast who might be hunted down and by force or fraud deprived of his freedom. This statement best describes the situation: "The Black Laws were passed by the legislature and administered with a view to force all the negroes in Illinois, other than the French negro slaves, into the voluntary system."²

Thomas Jefferson and others had quite a time eliminating slavery in the Northwest Territory. In 1784 the first ordinance of government for the territory was passed. However, an article of the compact saying, "that after the year 1800, there shall be neither slavery or involuntary servitude in any of the said states, otherwise than in the punishment of crime, whereof the party shall have been convicted to have been personally guilty,"³

was defeated when one of New Jersey's delegates

1 County Clerk's Register-Randolph County, June 8 and July 14, 1810

2 Illinois Historical Library Series (No.15) 1910 p.43

3 Ibid. p. 90

failed to attend the final meeting. Thomas Jefferson was very chagrined over the defeat of the above clause.

He was soon pleased though when on October 27 the Ordinance of 1787 was passed without one dissenting vote. The sixth article provided that "there shall be neither slavery nor involuntary servitude in such territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted" with a provision for the reclamation of persons, from whom labor or service was lawfully claimed in any of the original states who had escaped from their masters.¹ Certainly this provision seems thorough enough to prohibit slavery but Congress lacked the authority to enforce it "as circumstances were recognized in other portions of the instrument"² which enabled slavery in a modified form to continue. In fact the modification seems to have existed only legally. Some of the circumstances recognized were seen "in the suffrage clause which restricts suffrage to free male inhabitants, and in estimating the population it was restricted

¹ Ibid. p. 91

² Ibid. p. 91

to free inhabitants, and in the provisions for the conveyance of property, the act of Virginia, preserving the civil rights of the inhabitants who recognized the authority of the state to their rights and property was substantially copied, thus recognizing the rights of that class of inhabitants to hold their slaves."¹

Thus slavery seemed established in the territory until statehoods made their decisions. Only one court case was tried to test the legality and it never met because the colored people involved were kidnapped before the trial. Slavery in Illinois between 1787 and 1848 seemed to be very similar to the segregation practices in some Southern states today. Many within the state disapprove but it was so accepted as part of the way of life it was hard to remove.

Strong opposition did come in 1785 when Thomas Jefferson asked Rev. James Lemen to go to Illinois to establish churches. Jefferson encouraged Lemen, "a born enthusiast against slavery," to speak up against slavery in the new territory. Thus the

¹Ibid. p. 91

Jefferson-Lemen Anti-Slavery Pact was formed.

In 1787 after family illnesses had been cleared up, Lemen and his family moved to Illinois. There Lemen founded eight Baptist churches.

At first Lemen was successful in getting his congregations to oppose slavery. They petitioned Congress against slavery to balance Governor Harrison's pro-slavery petitions. "At length Congress denied and defeated Governor Harrison's request and purpose; and it was understood that President Jefferson, loyal to the cause for which he had sent Mr. Lemen to Illinois to establish, through some of his powerful friends in Congress caused them to secure the defeat of Harrison's demands."¹

However this anti-slavery majority by 1808 turned into a minority. Even Lemen's congregations were pro-slavery. Again with Jefferson's encouragement Lemen spoke out on the slavery issue. This he did by getting the large minorities in his churches to form new congregations. The Lemen family members were known right up to the Civil War as anti-slavery leaders.

1. Ibid. p. 75

The first settlers, most of whom were from the South, dominated the political activity of the day. Several petitions were presented by residents to suspend the operation of provision VI of the Northwest Ordinance. None were acted on by the federal government.

The legislature of the Indiana territory in 1807 adopted several provisions which attempted to invalidate the Ordinance of 1787. Even though Indiana rejected the several provisions protecting slavery, three years later the Illinois legislature re-enacted the provisions into Illinois law in 1812.

Ironically no cases are on record until 1817 of challenging the obviously invalid territorial laws which were repugnant to the VI section of the Ordinance of 1787. Some settlers did notice the violation as the diary of one read: "In violation of the Ordinance of 1787 we find this statement: There are among us, chiefly between Alton and Chester, several hundred slaves, held in perpetual and absolute servitude in the same manner, so far as I know, that they are held in the South."¹

¹ Illinois Historical Library Series (No.15) 1910
p. 49

In September 1803 an act of the territorial legislature of Indiana, which at that time included Illinois, made the following major provisions with the intent to materially avoid the prohibition of the Ordinance of 1787.

The first section of the act provided that, "It shall be lawful for any person, being the owner of any negroes or mulattoes of and above the age of fifteen years, and owing service and labor as slaves in any of the states or territories of the United States, or for any citizen of the United States purchasing the same, to bring the said negroes or mulattoes into this territory."

The second section provides "That within thirty days after bringing the slaves into the territory, the owner or master should take them before the clerk of the court, and have an indenture between the slave and his owner entered upon record, specifying the time which the slave was compelled to serve the master." (The term was usually fixed at ninety-nine years.)

Section three provided that if the slave refused to consent to the indenture, the master should have the right within sixty days, to remove the slave to any state or territory where such property could be legally held.

Section four, gave the right to punish the slave with stripes for laziness, misbehavior, or disorderly conduct.

Section five provided that any person removing into this territory, and being the owner of any negro or mulatto under the age of fifteen years, it should be lawful for such person, owner, or possessor to register the same and to hold

the said negro or mulatto to service or labor, the males until they arrive at the age of thirty-five and the females until the age of thirty-two years.

Section thirteen, provided that children born in the territory, of a person of color, owing service of labor by indenture, according to law, shall serve the master or mistress, the males until the age of thirty, and females until the age of twenty-eight years.¹

Even though slavery was not even supposed to be permitted, some laws allowed slaves to be treated roughly. Whipping was practiced but only in areas of the Illinois country where the "poor whites" from the South were predominate. Some attempts were made to protect the slaves in the county courts where owners were punished if the white neighbors testified that the slaves were being mistreated.

Slavery was carried on to such an extent that in some areas negroes had to have passes to leave their land.

Negroes were also bequeathed by will and sold at auction like any species of personal property. No attempt was made to conceal the traffice in slaves. Frequent notices of desirable negroes 'for sale' and 'wanted' appeared in the Western Intelligencer of Kaskaskia. The Missouri Gazette published at St. Louis, and enjoying a considerable circulation in Illinois, contained, from 1808 to 1820 many similar advertisements... It was easy for the settlers of Southwestern Illinois to cross the Mississippi to St. Charles or St. Louis, and the inhabitants of Gallatin County to visit Kentucky at any time to purchase slaves.¹

On top of this slaves whose terms of service were

¹ Harris, op.cit. p. 13

almost over were kidnapped and sold again in a slave state. The territorial legislature passed a law imposing a penalty of \$1,000 for kidnapping of this source but it continued anyway..

What kind of work did slaves in Illinois do? As well as tilling the soil of the plantations and household work they served as waiters in taverns, as dairymen, as shoemakers, as cooks, and as toilers in the salt mines. In 1814 a statute legalizing the hiring of Negroes for salt mining opened the way for more slavery in the Illinois Territory. It should be noted of slavery that "it was not limited to the settlements and towns along the Ohio and Mississippi rivers, but was practised all over the southern portion of what is now the State of Illinois, and as far north as Sangamon County, which was then just beginning to be settled."¹

Within the Criminal Laws of the Illinois Territory was the following one.

For disobedience of children or servants to their parents or masters, upon complaints made it was lawful for a justice of the peace to send the offender to jail or the house of correction, there to remain until he or she

¹ Ibid. p. 15

should humble himself to the parent's or master's satisfaction; and if any child or servant assaulted or struck his parent or master, two or more justices of the peace, upon conviction thereof, might cause the offender to be whipped with not exceeding ten strips.¹

Earlier it was noted that Governor Edwards was in favor of slavery in the Illinois Territory. However, I ran across the following letter to the editor to the Illinois Intelligencer:

I cannot imagine how Gov. Ford could have committed so great a mistake in ranking Gov. Edwards among those who were in favor of making this a slave State. His sentiments on that subject were well known, for no one individual in the State had been so active in his opposition to the introduction of slavery. In a message to the Territorial Legislature, in the year 1817, returning a bill entitled "An act to repeal so much of an act entitled 'an act concerning the introduction of negroes and mulattoes into this Territory,'" he says: "I am no advocate for slavery; and if it depended upon my vote alone, it should never be admitted into any State or Territory not already cursed with so great an evil. I have no objection to the repeal which I suppose was intended, but there being no such law as that which is described in the preamble and referred to in the enacting clause of the bill which has been referred to me for my approval, the proposed repeal would be a mere nullity, and with every possible aid of legal construction and intendment would leave in full force the act of 1812."²

¹ Edwards, Ninian W., Jr., The Life and Times of Ninian Edwards, p. 160

² Ibid. p. 184

This letter must be reputed on the basis of the following statements:

At the session of the Legislature of Illinois in 1817, a bill was passed by both houses to repeal so much of the act (Act of 1807) as authorized the bringing of negroes and mullatoes into the State, and indenturing them as slaves. The governor vetoed the bill, giving as his reason, that there was no such law in Illinois as the Act of 1807, as it was a law of Indiana, which was technically true, although re-enacted in Illinois.¹

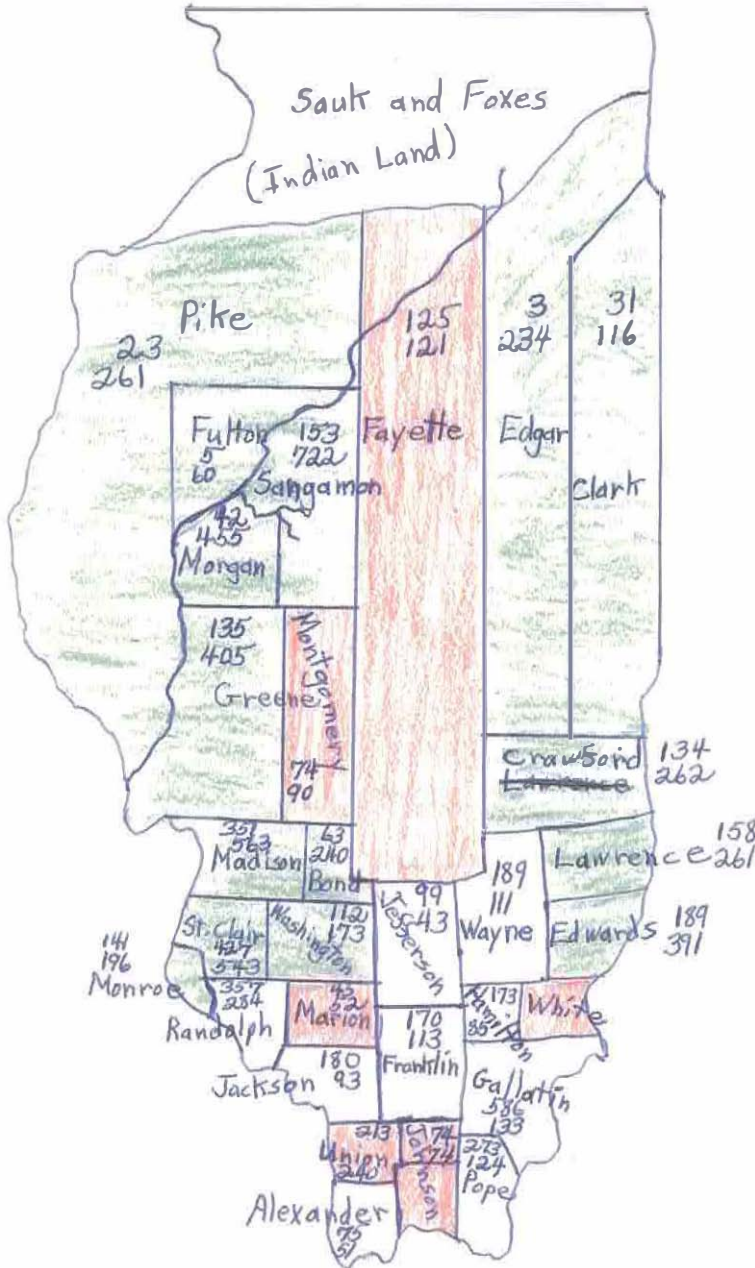
Slavery was very evidently protected in Illinois during its early years. The criminal code of Illinois declared:

"if any person shall harbor or secrete any negro, mulatto, or person of color, the same being a slave or servant, owing service or labor to any other persons, whether they reside in this State or any other state or territory or district within the limits and under the jurisdiction of the United States, or shall in any wise hinder or prevent the lawful owner or owners of such slaves or servants from retaking them in a lawful manner, every such person so offending shall be deemed guilty of a misdemeanor, and fined not exceeding \$500.00, or imprisoned not exceeding six months." The leading case was that of *Bells v. People* which went to the Supreme Court of the United States. Richard Bells was indicted and convicted for harboring a slave and fined \$400.00. The judgment of the lower court was affirmed by both and Supreme Court of Illinois and the Supreme Court of the United States, the constitutionality of the statute being established by the decisions rendered in each of those courts.²

¹ Illinois Historical Library Series (No.22) 1916, p.93
² Illinois Historical Library Series (No.16) 1910, p.46

The case mentioned above was the leading one of many during the period. It should be emphasized that the "underground railroad" did start about 1810 and informally even earlier. Many of Illinois' residents were against slavery and were willing to provide food, clothing and transportation. Actually a formal "underground railroad" was not organized until 1840 but help was provided for many slaves during Illinois' territorial period. Many of these slaves fled through Illinois from Kentucky and Missouri into Canada.

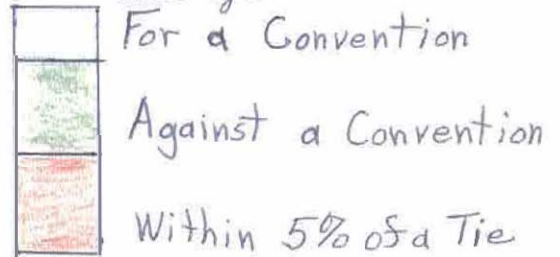
Actually the beginning of the slavery movement is all that has been discussed in this section. Many of the outstanding events of the slavery question took place after 1820. In fact, in 1822 slavery versus anti-slavery was THE political issue. The four candidates for the governorship were Phillips, Browne, Moore and Coles. Phillips and Browne were pro-slavery candidates while Coles freed his slaves upon entering Illinois. The governorship was heatedly battled for by the four candidates. Coles came out on top with 2,854 votes to Phillip's 2,687; Browne's 2,443; and Moore's 622. It should



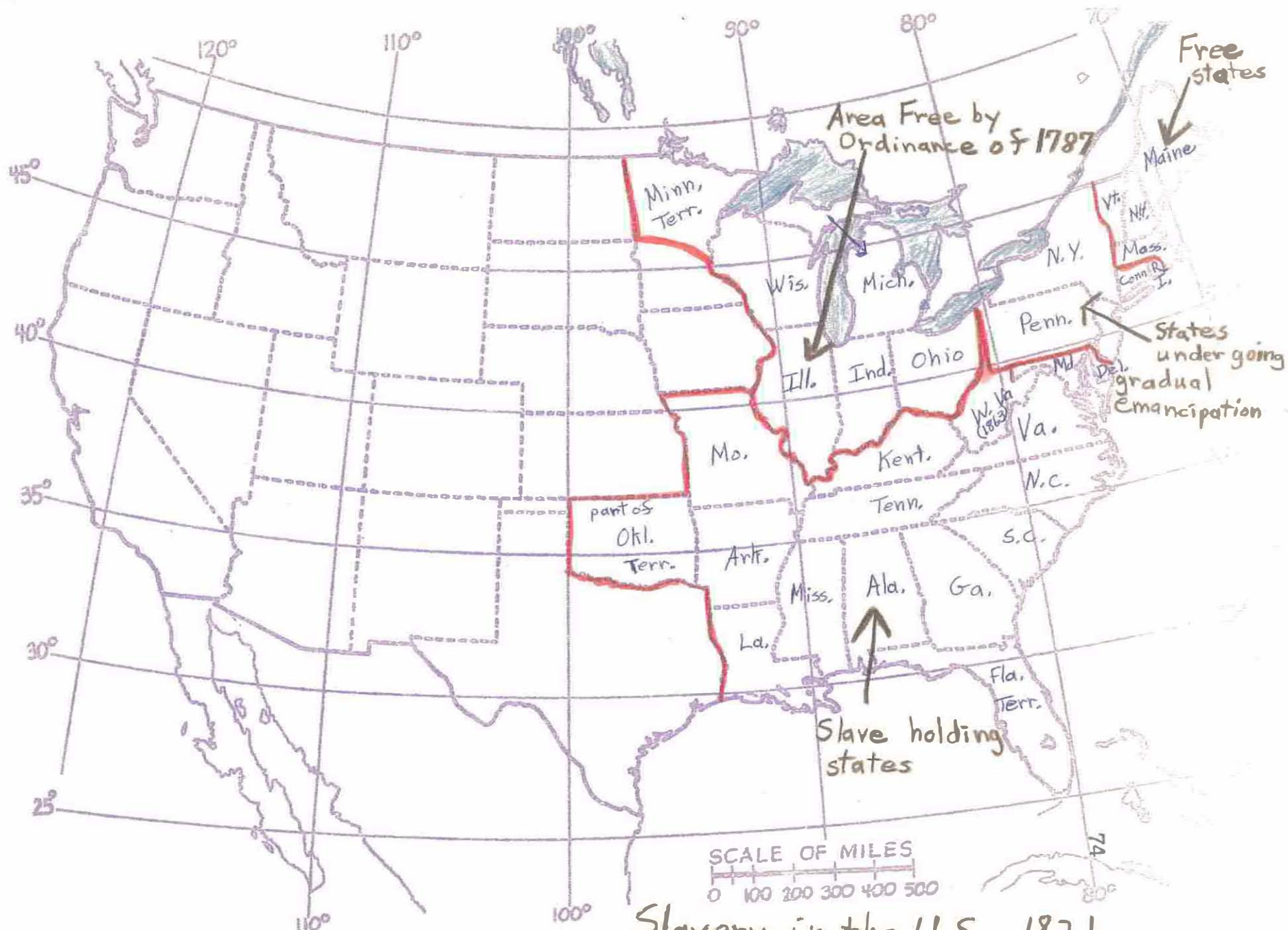
Slavery Vote
1824
Page 184



The Settlement of
Illinois 1778-1830
by Arthur Boggess
1908, Illinois Historical Society
Chicago



(120) Top Figures = Pro-convention
(116) Bottom " = Anti-convention
↑
(Example)



Slavery in the U.S., 1821

from p. 11 *The Crusade Against Slavery 1830-1860* by Louis Filler, 1960, Harper and Brothers, New York, New York

be noted that "the lieutenant governor, Hubbard, was a pro-slavery man, while a majority of the legislators were pro-slavery also."¹

After the Election of 1822 came an 1824 movement to have a convention to legalize slavery. It failed. And on and on went the battle between pro and anti-slavery forces. Although Illinois was not a slave state it practiced slavery.

However, the increased settlement from the North after 1820 enabled Illinois to establish a free state constitution in 1847-48. Had settlers continued to bring slaves from the South, Illinois might have been a slave state and the new nation might have been forced to accept slavery in the later created western states. Of course, the type of farming and the early industrial start in Illinois helped to discourage slavery too. There are many more factors in Illinois' history that made the decision on whether to have slavery be held off until later years but the ones mentioned in this paragraph enabled Illinois to become a free state after a long period of controversy.

¹ Illinois Historical Library Series (No.9) 1904, p.420

Author's Notes

Thanks go to Dr. Bunyan Andrew and Dr. Richard Leonard for their advice, assistance, and encouragement. Without the resources of the Illinois State Historical Library or the Illinois Wesleyan University Library this work would have been impossible.

Special thanks goes to Evelyn Holmes who typed the paper as well as helping me in many other ways.

It should be noted that this is the first paper dealing with these three issues at the same time in one state. The writings on these issues has far from been exhausted in this paper. However, this paper is confined to a specific period (1809-1818) and this author believes that it would be of value to do one on the same issues as well as others in each state during their organizational period.

Bibliography

- Bogges, Arthur Clinton, The Settlement of Illinois 1778-1830, Chicago: Chicago Historical Society, 1908
- Buck, Solon Justus, Illinois in 1818, Springfield: Illinois Centennial Commission, 1917
- Chase, Stuart, Statutes of Ohio, vol. 1, Cleveland: State Historical Society, 1881 (1788-1833)
- Douglas, Frederic and Rene D'Harmoncourt, Indian Art of the United States, New York: The Museum of Modern Art, 1941
- Dunne, Edward, Illinois (the Heart of the Nation) vols. I & II, Chicago: The Lewis Publishing Company, 1933
- Edwards, Ninian Wirt, Jr., The Life and Times of Ninian Edwards, Springfield: Illinois State Journal Co., 1870
- Eggen, Fred, Social Anthropology of North American Tribes, Chicago: University of Chicago Press, 1937
- Filler, Louis, The Crusade Against Slavery 1830-1860, New York: Harper and Brothers, 1960
- Harris, Norman Dwight, The History of Negro Servitude in Illinois 1719-1864, Chicago: A.C. McClurg & Co., 1904
- Humphrey, Grace, Illinois--The Story of the Prairie State, Indianapolis: Bobbs-Merrill Co., 1917
- Illinois Historical Library Series, Springfield: Phillips Brothers State Printers
- | | | |
|---------------|---------------|---------------|
| (No. 9) 1904 | (No. 19) 1913 | (No. 28) 1921 |
| (No. 13) 1908 | (No. 21) 1915 | (No. 30) 1923 |
| (No. 14) 1909 | (No. 22) 1915 | (No. 30) 1931 |
| (No. 15) 1910 | (No. 22) 1916 | (No. 31) 1924 |
| (No. 17) 1912 | (No. 26) 1919 | |
- Illinois Resources--Development Possibilities, Chicago: Illinois Chamber of Commerce, 1930

Janes, Edmund J., The Territorial Records of Illinois,
Springfield: Phillips Brothers State Printers, 1901

Jesuit Relations, vol. 69

Martin, Paul; George Quimby, and Donald Collier,
Indians Before Columbus, Chicago: University of
Chicago Press, 1947

Moses, John, Illinois Historical and Statistical,
Chicago: Fergus Printing, 1889

Norbeck, Oscar, Indian Life Crafts, New York:
Association Press, 1958

Ogg, Frederic Austin, The Old Northwest, vol. 19
of the Chronicles of America, New Haven: Yale
University Press, 1919

Olmstead, Clifton E., History of Religion in the
United States, Englewood Cliffs, New Jersey:
Prentice-Hall, Inc., 1960

Pease, Theodore Calvin, The Frontier State 1818-
1848, vols. I & II, Springfield: Illinois
Centennial Commission, 1918

Pope's Digest, vols. I & II, Springfield: the
Illinois State Historical Library, 1938

Thwaites, Ralph, The Story of Wisconsin, Wisconsin
State Press, 1919

Treat, Payson Jackson, The National Land System
1785-1820, New York: E.B. Treat and Co., 1910

County Records:

Madison County Records- 1815-1817
County Clerk's register at Chester, June 14, 1810
Country Clerk's register-Randolph County, June 8
and July 14, 1810