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THE STORY OF NOM-A-QUE.

COURT RECORDS TELL INTERESTING STORY OF PEORIA
COUNTY'S FIRST MURDER TRIAL.

BY BILL MOON.

A red man in buckskins, shoulders erect and rifle hanging loosely in the hollow of his left arm, passed back and forth on the sandy beach of the river. To his right a number of other Indians lolled in the sun. To his back rose high hills covered with a forest, while in front the shining stream like polished silver, stretched away to an unexplored north.

His tread was slow and measured like the movements of a clock, his feet falling noiselessly on the white sand. His head drooped as if he were tired. A soft breeze played a ripple across the surface of the river and fanned the cheeks of the Indian. The water lapped the shore with a gentle rhythm. Now and then the quietness of the place was disturbed by the uproarious drum of a woodpecker on a hollow and whitened tree that stood near the stream.

The red man shifted his rifle to his other arm and stopped near a pack he had thrown to the ground from his back nearly an hour before. His eyes traveled across the river, and he looked wistfully at a small cluster of log cabins, the homes of white men, and the ruins of a log fort on the opposite bank, west and north of him. The day was a glorious one in late September, but was filled with the sadness of fall. Leaves were dying. Birds were restless, banding together preparatory to their flight to the south.

Nom-a-que, for such was the red man's name, a member of the Potawatomie tribe, had traveled long that day, coming from the east. Nom-a-que was tall in stature, muscular and a hunter. During the early part of the summer he had met fur traders, who told him of plenty of

fur to be had near Opa (Wesley City), where the American Fur company had established a post seven years before, but which had been moved across the river to Peoria, a white settlement. After weeks of traveling through deep forests and over prairies, Nom-a-que had at last arrived at the deserted post and was now waiting an opportunity to get across the river.

Suddenly the attention of the Indian was arrested by the sound of a canoe paddle. Coming up the river was a canoe paddled by a man clad in the garb of a white hunter. The hunter, when he saw the red man, changed his course and shot his canoe toward the place where the Indian was standing. When the canoe grated on the beach, the hunter threw his paddle across the gunwales of the boat and greeted the Indian. To the delight of Nom-a-que the greeting was in the language of the Potawatomes.

Nom-a-que told the hunter he had traveled long and hard, that he wanted to go to the settlement and that he intended to locate there for the winter. Later, as the canoe bearing the Indian and the hunter glided gracefully up the river toward the village, the hunter told Nom-a-que that his name was Joseph Ogee, that he had come to the trading post in 1818, and that his wife, who was now waiting for him, was a Potawatomie squaw. As the canoe drew near the village beach Ogee pointed out a large log cabin that stood near the river, which he said belonged to him and which was his home. After hauling the canoe high upon the bank, Ogee led Nom-a-que to his cabin, where the Indian was given a cordial welcome by the half-breed's squaw.

As Nom-a-que refreshed himself with meat and drink the squaw prepared for the evening meal and he felt welcome in the humble cabin with his new found friends. He little dreamed that a few weeks later he would be tried for murder in the same room and cabin. Yet this is what happen-

ed, for he was the first man tried for murder in Peoria county after the circuit court was organized on November 14th, 1825.

* * * * *

The story of the trial of Nom-a-que, an Indian, for murder, as set out in the musty records of the circuit court, the first record of the court and still on file, is an interesting one.

Nom-a-que, according to some historians, was a bad Indian. He was tried and convicted of the murder of Pierre Laundri, a Frenchman whom he stabbed in the abdomen with a scalping knife during a drunken brawl. Just what led up to the murder, history does not say.

The records of the court show that Nom-a-que was tried and convicted and sentenced to be hanged. He was defended by William S. Hamilton, a son of Alexander Hamilton, who was killed in a duel with Aaron Burr in 1804, and who followed Burr to St. Louis and challenged him to a duel to avenge the death of his father.

Nom-a-que's case was appealed to the supreme court, the first one appealed from Peoria county. The case was remanded back for another trial. Nom-a-que was indicted again, retried and sentenced to death. In the end he made his escape and was last heard from in 1832 when Black Hawk invaded Illinois. At that time Nom-a-que was present with Black Hawk at Stillman's Run and was badly wounded. He was found by several Peorians, who humanely shot him to put him out of his misery.

At the time Nom-a-que was tried, the trial was held in a log cabin on the bank of the river near where the T. P. & W. bridge lands on this side of the river. The jurors slept at night in their blankets on the floor.

Prior to the organization of Peoria county the judges of the supreme court held the circuit court. At a session of the legislature held in December, 1824, the judiciary of the state was reorganized. The state was divided into five judicial districts. Five judgeships were created for the circuits. The first court was composed of the counties of

Sangamon, Pike, Fulton, Morgan, Green and Montgomery. The new judges were elected by the general assembly, and their commissions were dated on the 19th of January, 1825. John York Sawyer was assigned to the first circuit, to which Peoria county, upon its organization, was attached.

The first term of the circuit court began on November 14, 1825. Judge John York Sawyer presided and was the judge who was on the bench when Nom-a-que was tried for his life. John Dixon was clerk and Samuel Fulton was sheriff.

Judge Sawyer was a man of large proportions physically. He was a terror to evil doers and was severe upon criminals convicted in his court. He was born at Reading, Windsor county, Vt., March 15, 1787. When the war of 1812 broke out he enlisted in the army and was appointed an ensign and afterwards was appointed adjutant of Colonel Aiken's regiment and served until the close of the war. He came to Illinois in the year 1816 and settled at Edwardsville. He was probate judge and recorder of Madison county for several years. He died at Vandalia from an attack of pneumonia in 1836.

When Nom-a-que's case was called for trial all the inhabitants of the village and the entire country surrounding attended the trial. Whiskey flowed freely and at the opening session of court a visitor would have thought the event was in celebration of a holiday or a gala day.

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The first complaint, according to the records, made against Nom-a-que was made by Joseph Ogee before Jacob Wilson, justice of the peace, on October 4, 1825. The record is as follows:

Peoria county, state of Illinois—ss.

This day came personally before me Jacob Wilson, one of the acting justices of the peace in and for said county, Joseph Ogee, Indian interpreter, who, being duly sworn, deposeth and saith that he has good reason to suspect and does verily believe that Nom-a-que, an Indian of the Pota-

watomie Nation of Indians, did on the second day of October instant, stab and kill Peter Laundri. And further this deponent saith not.

His
Joseph × Ogee
Mark

The warrant for the arrest of Nom-a-que was issued and reads as follows:

State of Illinois, Peoria county—ss.

The people of the state of Illinois to any constable of said county, greeting.

You are hereby commanded to take the body of Nom-a-que, a Potawatomie Indian, and bring him forthwith before me to answer the complaint of Joseph Ogee against said Nom-a-que for the murder of Peter Londri by stabbing him several times with a knife, which caused his death this day. Hereof make due return as the law directs.

Given under my hand and seal this fourth day of October, one thousand eight hundred and twenty-five.

Jacob Wilson (Seal).
Justice of the Peace.

Evidently Nom-a-que was apprehended and bound over to the grand jury, which body was summoned to appear the second Monday in November at 10 a. m. The first grand jury was composed of the following: Stephen French, Abner Cooper, George Love, Joseph O'Brien (dead) E. P. Avery, Thomas Dillon, Jesse Dillon, Henry Thomas, George Harlin, Isaac Waters, Augustus Langworthy, George Sharp, William Holland, Seth Wilson, John Kline, George Kline, John Hamlin, Archibald Allen, Nathaniel Cromwell, Isaac Perkins, James Latta, Joseph Smith, John Phillips, Major Donahue.

The case against Nom-a-que was presented to the grand jury, and it is in the indictment returned by that body that a record is at hand of how the Indian killed Pierre Laundri. The indictment is interesting, as well as of value as an historical relic. It reads as follows:

State of Illinois, Peoria county circuit court, November term, eighteen hundred and twenty-five.

The grand jurors of the people of the state of Illinois, good and lawful men, residents of the county of Peoria aforesaid, elected, empaneled, sworn and charged to inquire for the body of the county of Peoria aforesaid, in the name and by the authority of the people of the state of Illinois, upon their oath present that one Nom-a-que, an Indian of the tribe of Indians called Puttawatomiee, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, on the second day of October, in the year of our Lord one thousand eight hundred and twenty-five, in the county of Peoria aforesaid, with force and arms in and upon one Pierre Laundri, in the peace of God and the people of the state of Illinois, then and there being, feloniously, wilfully and of his malice aforethought, did make an assault. and that the said Nom-a-que, an Indian as aforesaid, with a certain knife, commonly called a scalping knife, made of iron and steel, of the value of fifty cents, which, the said Nom-a-que, in his right hand then and there had and held, him the said Pierre Laundri in and upon the left side of the belly of him of the said Pierre Laundri then and there feloniously, wilfully, and of his malice aforethought, did strike, thrust, stab and penetrate, giving unto the said Pierre Laundri then and there with the knife aforesaid, in and upon the left side of the belly of him the said Pierre Laundri, one mortal wound of the breadth of one inch and one-fourth of an inch, and the depth of five and one-half inches, of which said mortal wound he the said Pierre Laundri, in the county of Peoria, aforesaid, from the said second day in October, in the year aforesaid, until the fourth day of the same month and the same year, did languish and languishing did live, on which said fourth day of October in the year aforesaid, the said Pierre Laundri, in the county of Peoria aforesaid, of the said mortal wound did die; and so the jurors aforesaid, upon their oath aforesaid do say that the said Nom-a-que him the said Pierre Laundri in manner and form aforesaid, felon-

iously, wilfully, and of his malice aforethought, did kill and murder to the evil example of all others in like cases offending, contrary to the form of statute in such cases made and provided, and against the peace and dignity of the same people of Illinois.

John Turner, Attorney General Pro tem, John Hamlin, Foreman.

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The circuit court convened November, 14, 1825, with Judge York Sawyer presiding, and Nom-a-que's trial was held on the 15th and 16th. The verdict of the jury is as follows:

State of Illinois, Peoria county Circuit court, November term, eighteen hundred and twenty-five.

We, the traverse jury in and for the county aforesaid, do find Nom-a-que, an Indian of the Puttawattamie tribe, guilty of the murder of Pierre Landri.

November 17, 1825.

After the reading of the foregoing verdict Attorney Hamilton, counsel for Nom-a-que, made a motion for a new trial for the Indian, which was overruled by Judge York Sawyer. He then asked leave to file a bill of exceptions to the opinion of the court, which was granted and made a part of the record.

Nom-a-que was then called to the bar of justice and was asked by the court if he had anything to say why the judgment of the law should not be pronounced against him according to the finding of the jury. Nom-a-que answered that he had not, so the court ordered that he be confined in some safe jail or safe place until the third Saturday in January, next, when between the hours of 12 and 3 o'clock he was to be taken to some convenient place by the sheriff and hanged by the neck until dead.

The case was then appealed from the circuit court to the supreme court of Illinois and was the first case appealed from Peoria county. On February 2, 1826, the opinion of the supreme court was given reversing the case in the cir-

cuit court here. A supercedeas was granted and the court further recommended that the prisoner be held in custody for thirty days to enable the local authorities to again bring him to trial. The case was reversed on a writ of error.

All the time the proceedings were before the supreme court Nom-a-que had been held a prisoner under guard. His guards consisted of various townsmen, who received from \$8 to \$15 each for their services, according to the length of time they were on duty. On March 9, 1826, he was taken to Springfield under the guard of Elijah Hyde, who was paid \$7.30 for guarding the prisoner. In June he was taken to Edwardsville for safe keeping because of no facilities here.

Nom-a-que was indicted for the second time during the October term, 1826. Attorneys for the prisoner at once asked that the case against the prisoner be dismissed on the grounds that the court did not have jurisdiction, inasmuch that he was an Indian of the Potawattomie nation, and was only so far bound by the laws of the State of Illinois as his tribe had made him by treaty. Further, that the tribe never consented that one of its members should be tried for any offense committed on Indian land by any tribunal of this state or the United States.

It seems that Nom-a-que had been in jail a part of the time at Edwardsville and a part of the time at Springfield, while some of the time he was running at large.

Nom-a-que's attorney moved that the case be quashed as above stated, and counsel for the state demurred. The demurrer was sustained by the court, to which counsel for the defendant excepted, and the case was again certified to the supreme court.

From that time on until the May term of the circuit court, 1828, Nom-a-que roamed at large without hindrance, and eventually made his escape, for which Sheriff Fulton was indicted on a charge of mal-conduct in office for letting the Indian get away. The case against Nom-a-que was

nolle prossed, or stricken, on May 15, 1828. The case against the sheriff had been stricken a year before.

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John Hamilton, one of the grand jurors in 1826, living at Mackinaw, gives an interesting account in connection with the case against Nom-a-que. Mr. Hamilton says:

"Nom-a-que, who had been tried the fall before, was kept by Sheriff Fulton at the home of Mr. Allen. One night about a dozen drunken Indians met to rescue him and attempted to enter the door for that purpose. Allen sprang out of a back window, grabbed a clap board and rushed around in front of the house and laid about him with great fury. He felled about four of the Indians to the ground before they could recover from their consternation, when the others retreated. Allen followed close on the heels of the hindermost and belabored without mercy until he begged for quarters, crying, 'Stop, white man, stop, white man, stop.' Felling him also, the five laid until morning, when they were able to crawl off."

Mr. Hamilton further states in his account that the jurymen slept in their blankets on the floor of the cabin used as a court house because a tavern run by Mr. Bogardus was not large enough.

Another tradition concerning Nom-a-que comes from an account written by the late E. C. Stillman, who tells a story of Nom-a-que and Lewis Hallock, a fur trader and trapper and the man Hallock township is named for.

According to this story, Hallock befriended Nom-a-que during his troubles in Peoria county and the Indian never forgot him. It is said that at one time Hallock went his bail, and when he did no one believed Nom-a-que would ever return. But it seems that Hallock understood the Indians and said he would, and Nom-a-que, as good as his word, appeared ready for trial on the first day of the court term.

Hallock met Nom-a-que after the Indian had left Peoria county at Galena. Nom-a-que said he was going back to

his band and wanted Hallock to accompany him in his canoe. Hallock accepted the invitation and the two started to drift down the Mississippi river.

One day when they were camped on the bank of the river, Nom-a-que asked Hallock if he would like to see where the "white bullets" came from. Hallock said he would and Nom-a-que promised to show him if he would promise not to tell his tribe. Hallock promised. Nom-a-que then blindfolded him, the two got into the canoe and paddled out into the stream. Nom-a-que turned the canoe around and around several times, so that the trapper did not know which direction they were taking.

After an hour on the river the Indian landed the canoe and led Hallock into a cave. Hallock said that after the bandage was taken from his eyes he was standing in a large passage way where there were silver and lead veins. After Nom-a-que showed him the lead and silver he blindfolded him and led him back to the canoe. He said he often tried to locate the place afterward, but could not. It was his belief that the cave was on the Iowa side of the Mississippi river.

The last account history has of Nom-a-que says that when Black Hawk invaded Illinois in 1832, Nom-a-que was present with him at Stillman's Run and was badly wounded. He was found in that condition lying in the way of some Peoria men, who humanely shot him to death to end his misery.