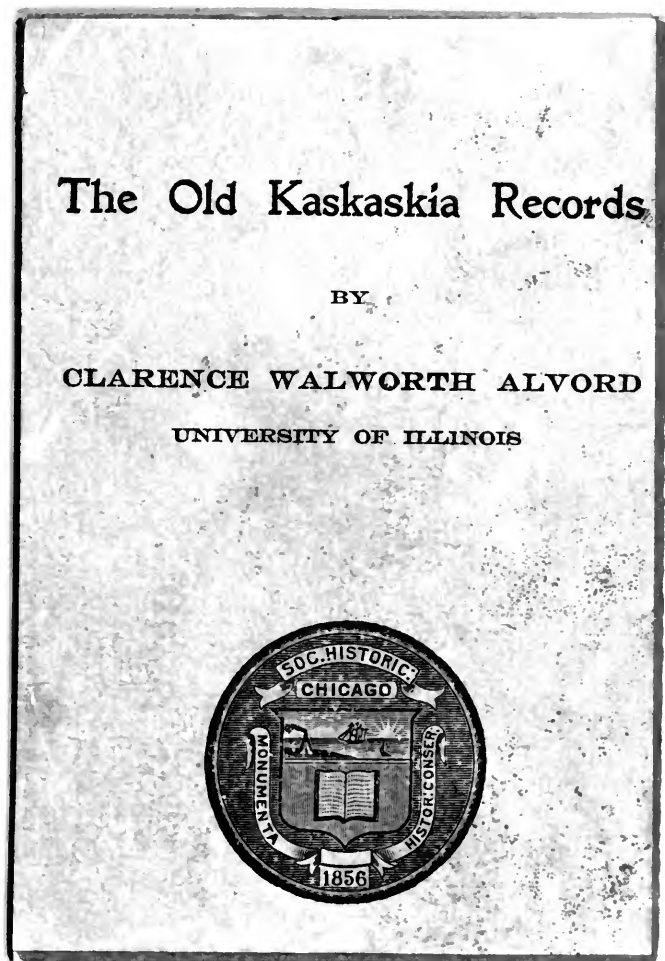


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Clarence W. Alvord. The Old Kaskaskia  
Records: An address read before the  
Chicago Historical Society, 2.2.1906



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# The Old Kaskaskia Records

AN ADDRESS READ BEFORE  
THE CHICAGO HISTORICAL SOCIETY,  
FEBRUARY 2, 1906

BY

CLARENCE WALWORTH ALVORD  
UNIVERSITY OF ILLINOIS





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July 24th 1911

## THE OLD KASKASKIA RECORDS.

I have an announcement to make to you to-night; an announcement of great interest to students of Illinois history, and one which could be made in no more fitting place than the home of the Chicago Historical Society, which has accomplished more for the history of our commonwealth than any other institution, and with which have been associated men, whose industry and scholarship have blazed the road over which their successors are traveling. The announcement is this: the Kaskaskia records, long supposed to be lost, have been found. At the present time when the waters of the Mississippi are crumbling away the last walls of the old village, there has been brought to light the records of her romantic past, reaching back to the time when she was one of the most hopeful supports of a French king's world-policy, to the time when hardy frontiersmen snatched her from a British king's hands and established a form of democratic government. The records, therefore, date from a period of seventy years, during which time Illinois was under three distinct governments.

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C. W. Alvord

The announcement of the discovery of such a collection naturally calls forth a series of questions in regard to the origin, the hiding place, the condition, character and contents of the papers, which it is my purpose to answer to-night. The subject of the address is, therefore, the history of the Kaskaskia records.

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Kaskaskia was founded in the year 1700 by the Jesuit missionaries, but there is no evidence of an orderly government in the district until twenty years later. Records and legal instruments for the years 1700 to 1720 are totally lacking in the Kaskaskia collection and it may be inferred that there was no regular place of deposit for such documents, so that whatever papers may have been drawn up have been lost. But with the year of the erection of Fort de Chartres or rather three years later, 1723, such haphazard and irresponsible rule came to an end. We find, from that date, the civil officials of an orderly French government, perform-

ing their duties with a regularity and precision that reminds us of the system and care of their contemporaries in a royal jurisdiction of France. Their minutes and records were carefully kept and, when law demanded it, deposited in the archives of the fort. Here then is the beginning of the Kaskaskia collection of records. The archives, wherein were deposited the earliest of the papers, were situated within the circle of the walls of the fort, which stood for so many years as the most western sentinel of the French king's domain.

But Fort de Chartres was not the only post in Illinois, where French officials resided and legal papers were re-acted. As early as 1737 a clerk of the French court dwelt at Kaskaskia and even earlier a royal notary practised his calling there. Here also came the judge from the fort to hold sessions of his court. There are reasons for believing that for a few years Kaskaskia was made the seat of government.<sup>1</sup> At any rate the archives of the village must have slowly filled with important documents, some of which have been preserved to our day.

In 1765 a change came to the villages on the bottom lands of the Mississippi; the lilies of France were replaced by the standard of the English, and British regulars guarded the fort where once paced the soldiers of the French marine. Until the year 1772 the British commandants made their headquarters at Fort de Chartres and all governmental and legal papers were deposited there; but that curse of these bottom lands, the Mississippi floods, finally compelled the commandant to abandon the fort and remove the seat of government to Kaskaskia.<sup>2</sup> Therefore in the year 1772 the two archives of Fort de Chartres and Kaskaskia were united and the recently discovered collection contains records from both places. We know that the British commandants made their headquarters in the Jesuit buildings; and from the legend of the hiding of some of the despatches by Madame de Rocheblave, we may infer that the official papers were kept within this temporary fort; but there must have been, previous to the British occupation, another place of deposit for the purely legal documents, which continued to be used throughout the succeeding years.

<sup>1</sup>For a discussion of the site of the seat of government under the French, see *Bulletin of the Illinois State Hist. Lib.*, Vol. I., No. 1, p. 12.

<sup>2</sup>Moses, *Illinois, Historical and Statistical*, I., 142; Mason, *Illinois in the Eighteenth Century*, 42.

In 1778 occurred that famous exploit of George Rogers Clark, which won for the United States this great Northwest. Virginia established three centers of government in the conquered territory, at Kaskaskia, Cahokia, and Vincennes, so that from this time there were three important depositories for documents in Illinois; but from the first Kaskaskia was considered the county seat of the county of Illinois and here were drawn up and deposited those papers which were of common interest to all three communities.<sup>1</sup>

From this review of the history of the French records throughout the eighteenth century, it is seen, that, at the coming of Governor St. Clair in 1790 to establish the territorial government over these regions, the majority of the Illinois papers from the French, British and Virginia periods had been collected in Kaskaskia and were transferred at that time to the custody of the officials of the newly established county of St. Clair. When five years later this county was divided, no change was made in their place of deposit, Kaskaskia, as county-seat of Randolph County, still keeping them. There is no evidence that there was ever a division of the documents between Kaskaskia and Cahokia, as has been sometimes stated. Each village retained the papers, which were at the time in her archives, and the officials of Cahokia copied such of the Kaskaskia records as were of interest to the northern county, which copies may be found in "Record A" of the recorder's office at Belleville.

When Vandalia was made the capital of the State, the eighteenth century records, no longer of any legal value, were not carried to the new capital; but remained in the custody of the officials of Randolph county, in Kaskaskia, where they still were in the middle of the nineteenth century. Poetic justice would have been satisfied, if these old records could have always remained in the archives of Kaskaskia as a monument of her romantic past; but Nature herself intervened. The Mississippi frequently flooded the town, driving away the inhabitants, until relatively few voices were left to protect her traditional rights. Finally the great inundation of 1844 proved to the people of Randolph county that their own county records were not safe in the town of the bottom lands. In 1847 the vote was taken. The county-seat was removed to Chester. There had been

<sup>1</sup>Boyd, "The County of Illinois," in *Amer. Hist. Rev.*, IV., No. 4, *passim*.

great opposition to this change and charges of fraud were freely made against the people of Chester for illegal voting. On account of these charges the county officials at first refused to remove their offices; but finally yielded, the county-clerk in December of 1847 or soon after, the recorder delaying until March of 1848. Temporary quarters were provided for the records of the various offices in the second story of a frame building, until the new court-house could be finished, which was in the summer of 1850, when the records were transferred to safer quarters. Since the office of the circuit court and recorder was too small to accommodate all the documents, the old French papers with other court and county records, old ledgers, day-books and rubbish such as accumulates in a court-house were left in the dry goods boxes, in which they had been brought from Kaskaskia. For about ten years these stood in the hall of the building, exposed to the depredations of the passer-by. About 1868 they were placed on the landing of the staircase. Some time prior to 1878, the deputy circuit clerk packed the old papers in sacks and packages, which he placed on top of the bookcase in his office, where they remained until their discovery last summer.<sup>1</sup>

My own interest in Illinois history began about a year ago, when I was sent by the Illinois State Historical Library to report on an old French record in Belleville. In the St. Clair court-house has been preserved what is left of the Cahokia records, which have proved very valuable for the period following the conquest by George Rogers Clark; but of earlier date a record-book from the French period is all that remains.<sup>2</sup> The mission to Belleville was so successful that the trustees of the Historical Library decided to send me into the field for a month last summer.

Naturally all those interested in the undertaking thought of the Kaskaskia records; but we were confronted by a very well established tradition that they had been destroyed, a tradition which was believed by the most painstaking of historians of Illinois, E. G. Mason of your society, and to which he gave currency in his account of John Todd's "Rec-

<sup>1</sup>From information furnished me by Mr. Harry W. Roberts and Supt. Maurice Mudd of Chester. See, also, *History of Randolph, Munroe and Perry Counties*, Philadelphia, 1883, pp. 121 *et seq.*

<sup>2</sup>Perrin, "The Oldest Civil Record in the West," in *Transactions of the Ill. State Hist. Soc.*, 1901, p. 64; *Bulletin of the Ill. State Hist. Lib.*, Vol. I., No. 1, pp. 1 *et seq.*



ord-Book."<sup>1</sup> In his two publications on that subject he tells substantially the same story: "The original record-book kept by Col. Todd during his residence in the County of Illinois has been preserved to our time by the merest chance. In November, 1879, a visitor at Kaskaskia learned that the old documents formerly kept there had been removed to the neighboring town of Chester, when it became the county-seat of Randolph County, Illinois. Upon inquiry at the latter place, he was informed that several chests of these papers had stood for years in the hall of the court-house, until the greater part of their contents had been destroyed. A small box had been filled with those that remained a few years before, and placed in one of the rooms of the building. These had also disappeared, and it was ascertained that they had been distributed among the different offices to be used as kindling, and all had been burned except one old book, which was found in a receptacle for fuel in the county-clerk's apartment. And this upon examination proved to be Col. John Todd's Record-Book, which subsequently by vote of the commissioners of Randolph County, was deposited with the Chicago Historical Society for safe-keeping."

Mr. Mason does not tell us the name of this visitor, who found the record, and it does not appear on the records of your society, of April 27, 1880, when action was taken on the reception of the record-book; but it is probable that Mr. Mason thus modestly conceals his own action.

The tradition of the loss of the documents was strengthened and given wide currency in Chester in 1883 by the publication of a "History of Randolph, Monroe and Perry Counties." In it occurs the following paragraph: "We have spent days in search of those election returns (i. e. the election returns for the court established by John Todd in 1779) which would have furnished a list of names of the voting population of the territory and been equivalent to a census. The search was in vain. The documents had been lost or destroyed. An effort to save them, made by Hon. W. C. Flagg, while senator of Madison County, in 1869, proved abortive, for the officer in custody of those documents peremptorily refused to let Mr. Flagg have them. The latter, fully aware of the historical value of many of those documents, pledged himself to return them, arranged in chrono-

p. 91-2

<sup>1</sup>Mason, *John Todd, Chicago Historical Society Collections*, Vol. IV., p. 288; see also his *Illinois in the Eighteenth Century*, 49.

logical order and substantially bound at his own expense, as soon as he had copied the most interesting documents. All was in vain. S. St. Vrain would listen to no proposals of the kind, although the county authorities had made an order to transmit those documents to Mr. Flagg. Was it a sense of duty that prompted St. Vrain to disobey? Who knows? The result of his refusal is in any event to be deplored."<sup>1</sup>

Another account of the finding of John Todd's record-book is contained in this same volume and since it differs slightly from that given by Mason, it is worth quoting: "This Record-Book was found among a number of documents removed from Kaskaskia to Chester in 1847, and is now in possession of the Historical Society of Chicago. Robert G. Detrick, Esq., of Chester, took the precaution of making a complete copy of the contents of said record-book, before placing it in the custody of said society."<sup>2</sup> It is to be noticed that the writer speaks of "a number of documents," as if Todd's book was but one of a collection. These may be the French documents in your library, which I suppose must have been obtained at the same time that Todd's book was deposited here; but it is strange that three other books of record, which as far as I know, have never been hidden from view, but have always had their place on the shelves of the office of the circuit-clerk, were not at the same time acquired for your library by Mr. Mason.

When I arrived in Chester last summer, this well established tradition was told me with further embellishments. For years the records had been kept in boxes on the stair-landing of the court-house; until a janitor of the building, named McMillan, who had been a publisher of a newspaper, sold them to a St. Louis paper factory. But this did not occur, before many had been destroyed in the way suggested by Mr. Mason's story. The basis for the tradition of the destruction of these records rests on two facts. The officials of Chester were generally ignorant of the transference of the papers to the circuit-clerk's office and they did know that the janitor used old papers, such as assessors' schedules, for building fires. The inference was simple. The disappearance of the French records from the dry goods boxes on the staircase was due to the carelessness of the

<sup>1</sup>Page 91.

<sup>2</sup>Ibid, p. 89.

janitor in choosing his kindling paper. The story was repeated, was put in print by Mr. Mason, grew in detail with the passing of years and came to be the official story in Chester.

In spite of the tradition there are many who knew that in Chester there were some old French records. Before starting, two of my colleagues informed me that they had seen such there, and one has told me the same, since my return. Also Mr. Mudd, Superintendent of Schools in Randolph county, wrote that there were three record-books in the court-house. Many others probably possessed the same knowledge.

The actual discovery required no occult science, for the three record-books were taken from the shelves of the office of the circuit-clerk. When asked about other records, the story of their total destruction was told by gentlemen, who were in the office. However, search was made. The bookshelves of the office do not reach to the ceiling, and their top is surmounted by a cornice, thus forming an easily suspected hiding place. Here were found, if the word can be used in regard to that which was never really lost, three large sacks and four packages of papers, marked, "Old French Records." Upon examination only part of them proved to be French records, for over half were court writs of every kind from the last decade of the eighteenth and the first half of the nineteenth centuries. Very few of these latter had either legal or historical value. After picking out the old French papers and those English ones that appeared to be of interest, the county commissioners were petitioned to loan them temporarily to the University of Illinois, that they might be arranged and studied. This petition was granted and the papers are at present in the library of the State university.

The number of documents thus found according to the committee appointed by the county commissioners of Randolph county to count them, before sending them to the University of Illinois, is 2,950; but since many of the papers University of Illinois, is 2,950. Considering the vicissitudes through which they have passed, their condition is excellent. Some of them show the effects of the wear of time, others have been exposed to water and are almost illegible, others have suffered from the ravages of insects and mice, and others from the careless handling of clerks and the curious,

but on the whole the great majority of them are uninjured and easily decipherable.

That the old records have passed through the numerous changes of government and the other dangers to which they have been exposed, seems almost miraculous. Serious loss they have unquestionably sustained, but on the whole a very large number have been preserved. Many of the papers and record-books were carried to New Orleans by the French officials, Commandant Villiers and Judge Valentine Bobe Declauseaux, before the territory was surrendered to the British, and some of them may be in that city to-day. Others may have been carried to St. Louis at the same time. I have traced the trail of one such record and since the story of its wandering illustrates the life history of others, which may have been lost, I will repeat it for you. In the Belleville archives there has been preserved a "Record of the Registrations of Donations" kept by successive clerks of the French government during the years 1737 to 1769. Until the year 1754 the registrations were made in Kaskaskia; from that date till 1765, i. e. till the end of the French regime, in Fort de Chartres; and after that date in St. Louis. Remember the book was found in Belleville. The explanation of the wandering of this record is as follows: The last clerk of the French regime was Joseph Labuxiere, who went with St. Ange to St. Louis, after Fort de Chartres had been delivered to the British. Being a prudent man and knowing well that he could collect five *livres* from each person requiring a copy of any will or donation in this record-book, he took it with him; and I suspect that he carried other books of record from his office for the same reason. Not enjoying life under the Spanish rule, perhaps, or seeing better opportunities for a trained French notary and clerk on the American side, he went to Cahokia to settle in 1782; and still with an eye to future profits tucked the volume under his arm, when he crossed the river. Later he was appointed clerk of the Virginia court at Cahokia, and evidently deposited the book in the office, whence it was carried to Belleville, when that city was made the county-seat.<sup>1</sup> Other records may not have been so fortunate as this and, as I said before, still others may be in New Orleans. At any rate considering the number of books of record required

<sup>1</sup>*Bulletin* of the Ill. State Hist. Lib., Vol. I., No. 1.

to be kept by the French government, very few have come down to our time.

In spite of the story of the concealment of the British papers by Madame Rocheblave at the time Kaskaskia was captured by Clark, we prefer to believe the account of Captain Bowman, Clark's lieutenant, that all the instructions to Rocheblave from the British governors were captured.<sup>1</sup> Of the legal papers no mention is made and there seems no reason to believe that any were lost at that time. Since the United States took possession of the territory, in 1790, in a peaceful manner, there could have been no loss of documents from the archives on account of the change.

Therefore we conclude that the only serious loss due to change of government was in 1765, when the French left the country. With this exception, which was unquestionably a very costly one, there was no disaster to cause the loss of any document from the beginning of the regular government under the French till the time when Governor St. Clair took possession for the United States in 1790. Unfortunately for us disasters were not needed. The carelessness of clerks, the Mississippi floods and the fraudulent and criminal purposes of men have destroyed much that the fortunes of war had spared; for when these documents were handed over to the keeping of a United States official, their condition was only less worse than at present, as we shall learn.

Since 1790 the principal damage to the papers may be charged to the carelessness of clerks and the vandalism of the curious and others. Although the story of their total destruction by the janitor has fortunately proved false and although no such act of barbarism is known to have occurred in Chester as did in Belleville only a few years ago, when large numbers of old records were burned; still the loss from this cause must have been great, as is proved from the condition of the record-books. Probably the bundles of papers have suffered relatively less, since they are less easily torn. I ought to say in justice to the officials in Chester that Mr. Roberts of that city, who has made a very careful study of the history of the French records since they were brought there, has been unable to find any evidence of wanton destruction, or even of extraordinary carelessness.

The second source of loss to the collection has been of a different character and at times has resulted in a posi-

<sup>1</sup>Mason, *Philippe de Rocheblave*, *Chicago Hist. Soc. Collections*, Vol. IV., p. 373.

tive gain to historical knowledge. Many visitors to Chester upon showing an interest in these documents have been allowed to carry away some of them. Many of these have found their way into libraries, where they have been preserved. For instance in your own library there are fifty such papers and among them the famous John Todd's Record-book, the principal source of our present knowledge of the period following the conquest by George Rogers Clark. Also in the Wisconsin Historical Library there is a record book dating from the British period.

Of all the records drawn up in the French communities during the eighteenth century, how many have been preserved? For this calculation there exist data of two kinds, neither of which will give exact results; but upon which may be based an estimate sufficiently near the truth to give an idea of the loss which the collection has suffered.

In Record-book A. in the recorder's office of the St. Clair court-house is the copy of a receipt given by the first territorial recorder of St. Clair County, William St. Clair, to François Carbonneaux of the Virginia court at Kaskaskia. It is dated at Kaskaskia, June 12, 1790. In part it reads as follows:

“Received from the hands of Francois Caboneaux the following Public Papers relative to the Recorder's office which were in his hands as acting Recorder. Three Bundles of papers stitched entitled *papier Terrier* one—ditto—ditto—One Book Called a Register wanting at the beginning sixteen pages also pages fifty three and four which appears to have been fraudulently torn out, ends as it is numbered with page three hundred and seventy-nine. Book the second also stiled a Register pages twenty-four twenty-five twenty-six and twenty-seven are the greatest part Cut away for what purpose I know not The beginning and end of the Book also stiled a Register being two quire paper stitched containing in the first part sixteen pages second part ten pages third part eighteen pages fourth part wanting pages three and four containing as it is numbered thirty four pages another Book which is called a Register from page twenty two to seventy five has been torn out of the Book and others Visibly substituted in their stead also pages seventy five seventy six seventy seven and seventy eight are torn away from page seventy nine to eighty six is also wanting and at page Ninety as numbered. A book part of

which is torn away and the pages all false numbered so that I have not thought proper to examine it as it never can be produced as an authentic record One book I have received from his Excellency the Governor which appears to be in tolerable good condition ends with page four hundred and fourty four."

There follows a list of papers which he calls sales and which are arranged according to the year of redaction. The earliest is dated 1722 and the latest 1790. Their total number is 1,308.

The remembrance of copying this receipt of William St. Clair was a source of gratification to me, when later the Kaskaskia papers came into my hands; for I expected to learn easily how many of them had been preserved; but alas! the information is after all very meagre. In no case does St. Clair mention the nature of the registers, so that the only basis of a comparison is the general make-up of the books. Unfortunately hard usage during the last century has left them in a worse condition than when delivered to the United States government. St. Clair describes either five or six books, his enumeration and description being indefinite, so that it is difficult to determine which is the correct number. Among the Kaskaskia papers there are three registers and loose sheets of some others. Only one of these can I identify with any described by St. Clair. It is the last one, which he says he received, "from his excellency the Governor," and which contains four hundred and forty-four pages. There are exactly four hundred and forty-four pages in one of the Kaskaskia record-books, or rather were; for some few leaves are missing from the middle of the book. The two others are so imperfectly preserved that identification is impossible, although one may be part of St. Clair's third register, and the other was probably not included in his list at all, for it is not a register but an alphabetical index of notarial acts, of which he, as recorder, took no notice. It is hopeless to attempt any identification of the loose sheets.

He mentions four bundles of papers stitched entitled "Papier Terrier," which contained a list of the land-holdings, drawn up when Louis XV. still controlled the destinies of the Mississippi valley. Only a few torn pages of these papers remain, which is strange, since they were the oldest titles to land and were found of the greatest value by the

United States land commissioners. That papers, which were so important at one time to the colonists, have totally disappeared I can scarcely believe, and hope that they may some time be found in their forgotten depository.

St. Clair's list of notarial instruments was the greatest disappointment to me ; for he confines himself to listing what he calls sales and even describes these as not all "sales as expressed in the catalogue, but as they have references to some sale made I have put them under the head of Sales." What has he thus classified as sales? I may use my Yankee privilege of guessing, which may become after careful comparison almost a certainty; for to the class of notarial acts known as sales, he has probably added that of contracts in regard to a future sale. But these two classes do not exhaust the lists of French notarial acts. St. Clair has listed 1,308 documents, whereas the Kaskaskia papers, the great majority of which were drawn up by notaries, number about 3,000. In the course of time I may be able to make something out of the receipt of St. Clair; but at present I can do little more than indicate the difficulties of the problem, due largely to the information, which he has given.

There is a second means of making an estimate of the number of documents that were originally deposited in the archives of Illinois during the three periods of the eighteenth century history ; but since my study of the Kaskaskia papers is so very incomplete, the result is only the roughest kind of a guess. It is possible, however, that even after a more detailed study a more satisfactory result will not be obtained, since the data are at best meagre.

One of the books of record found in Chester is an index of notarial minutes drawn up at different periods. Originally it was much more complete than at present, for many pages have been lost and others torn. The index was evidently carefully kept from 1720 to 1756, from which time the clerks of the successive courts were very careless, although sporadic attempts were made to keep it up to date. The earlier index is alphabetical and was made by Bertlor Barrios, clerk and notary, the most careful and best trained man holding these offices in Illinois during the eighteenth century. Since his index of the minutes of his predecessors is badly mutilated, it cannot be used for our purposes; but fortunately the index of the acts deposited in his bureau either by himself or others during the years 1737



to 1756 is in perfect condition. The number thus indexed is 2,029, which gives an average of 106 a year. Since very few were drawn up in 1720 and 1721, I shall reckon from 1722. If this average of 106 was maintained from 1722 to 1790, there were 7,208 notarial instruments redacted during those years.

Two serious objections may be made to this estimate. In the first place, the years from 1737 to 1756 were the most prosperous in the history of the French district and in fact of the whole eighteenth century, so that such a high average for this kind of document was not maintained throughout the period. In the second place, the index includes only notarial acts and leaves out court-records, depositions, papers drawn up by the other officials, letters of instruction, official correspondence, etc. Possibly these two errors may approximately offset each other; but the total is too small rather than the reverse, I am inclined to think.

Another part of the index is of a somewhat different character and makes possible another estimate. It is the list of papers, received by the clerk of the court, arranged by years. In this case the clerk has not separated his duties as notary and clerk, so that the index includes papers of all kinds, such as ordinances, papers in both civil and criminal trials, and acts of other officials as well as those of the notaries. Only a few years of this record have been preserved, but since these represent different periods, we have data upon which to base an average. By years, the number of instruments is: 1737, 180; 1752, 105; 1758, 85; 1783, 85; 1784, 82. The average is 105 papers each year, being only one less than was obtained from the other data, which gave a total of over 7,000 for the entire period from 1722 to 1790. But even after this confirmation of the calculation, the total must be regarded as too small, since the official correspondence of the commandants and judges, military papers of all kinds, and all the documents drawn up by the numerous officials of the governments are not included. Therefore one or two thousand must be added to the total, making it eight or nine thousand. Since the papers found at Chester will not exceed 3,000, I estimate that between 60 and 70 per cent of the Kaskaskia papers have been lost. The loss of record-books has been actually greater.

Lamentable as is this loss of over sixty per cent of

the papers, it will be far more profitable to rejoice over the preservation of so many than to waste vain regrets over the unrecoverable. These old records were little fitted to survive the trying times of frontier life. Their only defence against the rough handling by backwoodsman clerk was their antiquity and that mystery which lurks in the indecipherable page, weapons little respected by the strong and dauntless men who first won the prairie from the Indian, and then conquered the soil itself. To such men the silent appeal of these old papers written in a foreign language was unintelligible; to them the past of which the papers spoke was nothing; and yet the frontiersmen spared them, and even their immediate successors gave them room in the courthouse. Therefore, I repeat, let us rejoice over what has been found rather than lament over the losses, for through the preservation of these papers the gain to our knowledge of eighteenth century Illinois history has been great; how great, it is my purpose to indicate to you in the latter half of this address.

"He who excuses, accuses himself," says the French proverb, and it is without any intention of asking your forbearance for the incompleteness of this report, that I desire to call your attention to its limitations. I am not in a position to pass final judgment on the information contained in the Kaskaskia records, because I have not yet even finished the first stage of my work, namely, that of arranging and cataloguing them. The bundles, in which they were bound by the last person who opened them, are without order, each generally containing papers not only of different character, but also from various years. I am at present arranging them according to chronological order and to subject matter. The work progresses slowly, because in so many cases it is necessary to read the greater part of a document in order to classify it. Although not yet possessed of full knowledge in regard to the papers, the invitation, which you so kindly sent me, induced me to try to give you at this time some information regarding them by which you may be able to judge of their importance.

Before starting for Chester I had been told that I should find there some old French records, which were worthless. My informant, needless to say, was not an historian. Still they are, for the most part, private instruments with a fair sprinkling of court papers and other documents. Surely the

layman may be excused for regarding them as worthless, however curious they may be. Even for the historian they are not the most attractive material with which to work, for the information acquired from a given amount of time spent upon them is far less in quantity than that from historical sources of another kind. The quality, however, is excellent, and the certainty attained is refreshing to any one who has worked much with annals, letters or histories. In this lies the charm of studying documents like these, the certainty of the results; for if you can only interpret them, their testimony is as positive as the strata of rock on the mountain side to the geologist. As the paleontologist reconstructs a strange world with still stranger flora and fauna from the traces and remains of organism embedded in the rock, so the historian from these survivals of actual life—*Ueberreste* the Germans call them—can recall to life a past society, as it actually existed. These records are not accounts by some more or less capable person of what he thought occurred in the past; but the records of those occurrences themselves; in fact, if we maintain our simile, the footprints and bones of past organisms.

But what are the old Kaskaskia records? The great majority of them are notarial minutes of instruments drawn up in Fort de Chartres or Kaskaskia between the years 1720 and 1790. These are for the most part in the French language and follow the formulæ of the French law. The royal French notary, like his successor the notary of modern France, was a far more important official than the notary public of English law, for his acts had all the legal force of the judgment of an American court. In all the affairs of life he was as frequently present as the parish priest. He, in fact, played the counterpart in civil life to that of the priest in ecclesiastical. Like the latter he participated in marriages and was found almost as frequently at the side of the dying. Then, his assistance was required at the formation of partnerships, at the loan of money, at the return of the same, for drawing up leases, at the settlement of estates, at the taking of inventories, at auctions, at all contracts, whether for the delivery of goods or for labor and this last includes apprenticeship. Thus his points of contact with the business and social community in which he moved were almost limitless, and his was one of the most familiar figures in any French town or city. In the Kas-

kaskia collection are examples of almost every kind of instrument written by these officials.

No great addition to the sum of our knowledge of Illinois history has been made by the finding of hundreds of such documents as these notarial instruments. Relatively little is to be made out of their tiresome repetition of, "Before the royal notary in the Illinois." Still they are not to be neglected; for careful study will reveal much of interest. First of all comes their genealogical information, not so important here in Illinois as is that of a like collection in Canada; for the French have not played such a part in building up the state as have their cousins in the country over the border. Nevertheless many families in southern Illinois and in St. Louis will be glad to glean information from these records in regard to their ancestors. Perhaps in the future these old notarial acts will be even more valuable, for from one of these French families may be descended our future Shakespeare or Oliver Cromwell.

But the genealogical interest is not the only one. The information in regard to business methods, prices of goods, in short about the whole business and social life of these French is by no means small. These long inventories of household articles will enable us to control certain extravagant statements about the magnificence of the homes of the settlers, made by writers whom the romance of these French colonies has partially blinded by its glamour.

The notarial instruments, although the most numerous, are by no means the most important. The palm must be given to the court records, whether in books or loose papers. With the aid of these, and they are fortunately numerous, may be traced the changing forms of government in this region as has never been done up to this time. Among the papers are many petitions for justice and for the assignment of land, dating from every period of the eighteenth century. Depositions before the various magistrates, reports of trials and the final execution of the decision of the court are not lacking. There are twenty pages of a record of the sessions of the court under the French regime, very fragmentary in character, so many pages having been lost. The first record is of a session in the year 1737, the last in 1765. For the English period there is no similar document in the collection; but in the Wisconsin Historical Library are records of court sessions of this period, which must have come from

the Chester court-house. The Virginia court established at Kaskaskia in 1779 has not left the complete minutes of its sessions, as has its sister court at Cahokia. Instead, its very incomplete and meagre records are found scattered on the blank pages of old record-books and stray scraps of papers. Thus at Chester I found six pages of a record covering the years 1779 to 1782; and, as you know, there are similar entries for two later years in the back of John Todd's record-book. Such evidence leads me to suspect that the government of Kaskaskia had trouble in furnishing its clerk with blank paper.

Another class of documents corresponds to the books kept by our recorders. They contain the registry of promissory notes, donations, agreements of all kinds, occasionally an ordinance or a proclamation, letters of instruction, and action taken by the community. For the French period there is a record-book in which were kept the registry of the appointment of guardians for minors and of the renunciation of community of goods by wives or widows. This last was a formal act made before the clerk of the court to save from creditors the marriage portion of the wife.<sup>1</sup> The book contains 68 pages, but only 32 were used by the French court, the dates of the entries being 1737 to 1743. The rest of the book was used by the clerk of the Virginia court as a record of deeds for the years 1779 to 1783. The best preserved of this class of books is the one kept during the British period. There were originally 444 pages in it, but 41 are now missing. It contains copies of many documents of the earlier date as well as newly redacted acts. Some of these are in English, but most of them in French. The handwriting of one of the clerks, who kept this record, is very clear, and the whole book is a good specimen of the recorder's art.

Still another class of papers is formed by the letters, generally written to the magistrates in reference to legal matters; but they are not all of this character. The number from the French period is very small, from the British much larger and the same is true of the later period. There are several letters from the Spanish commandant in St. Louis to the British commandant and later to the Virginia justices of the peace.

The last class of documents can only be classified as

<sup>1</sup>Viollot, *Hist. du Droit Civil Français*, Paris, 1905, pp. 823-848.

miscellaneous. Among them are found some of the most interesting and for our purposes most valuable papers, and it will be worth while to call your attention to a few of them. Historians of Illinois have always affirmed that the first popular election occurred in the spring of 1779, when Colonel John Todd established the government of the County of Illinois; and recently I prided myself on proving that the first election by the people took place in the preceding year;<sup>1</sup> but the Kaskaskia papers contain evidence of the holding of elections in the territory of Illinois before John Todd was born. One of the papers is a certificate of the election of Joseph Aubuchon as syndic by the inhabitants of Kaskaskia in the year 1739. The certificate itself asserts that a similar election occurred the year before and we may take it for granted that they were yearly events. Of course the duties of syndic were not very important, the principal one being to look after the enclosed fields of the community.

An even more important document comes out of the period of the British occupation. It is an outline of a popular government drawn up by some officer and made public for discussion. The paper bears neither date nor place nor signature. It must have been issued after the Quebec act in 1773 and probably dates from the year 1775, when the king of England issued a letter of instructions about the civil government for Canada and Illinois.<sup>2</sup> The program provides for the following appointive officers, a governor of the territory, and magistrates with deputies for Kaskaskia, Cahokia and a district composed of the other three villages. The governor is to be assisted by five or six councillors elected by the inhabitants. These with the governor form a grand council. The magistrates have jurisdiction in minor civil and criminal cases. The next higher court is composed of the three magistrates sitting together at Kaskaskia. From this "Chamber of Kaskaskia" an appeal may be made to the grand council, and the decision of this body is to be final. This body also is to have certain legislative power. There is no evidence that such a government was ever established; nor was there time, for in the spring of 1775 the

<sup>1</sup>Mason, *Illinois in the Eighteenth Century*, 55; Moses, *Illinois, Historical and Statistical*, 1., 160; *Bulletin of the Ill. State Hist. Lib.*, Vol. 1., No. 1., p. 19.

<sup>2</sup>*Report concerning Canadian Archives*, 1964, p. 233.

British troops were removed from Illinois and anarchy seems to have prevailed for the next two years.<sup>1</sup>

I wish to call your attention to another of the miscellaneous papers, not so much for its historic worth as for its antiquarian interest. It is the combined voting list and ballot used in the election of 1781. The paper is large and ruled in squares. Along the top the candidates wrote their names and at the side were written the names of the voters as they appeared at the polls. Each voter signified his choice for the four judges to be elected and marks were made in the corresponding squares. This is the oldest voting list preserved in the Northwest. The number of candidates was sixteen, of voters twenty-seven. The candidate receiving the largest vote was Antoine Morin, who was the choice of twenty electors. There is something suspicious about the announcement of the result by the clerk of the court, who acted as judge of election; for he first wrote the name of Pierre Langlois, who received only eighteen votes, as the new president of the court; then scratched the name out and substituted the name of Jean Baptiste Charleville, who according to the balloting did not receive any votes at all, and, if I have made out the names of the candidates correctly, was not even running for office. It looks queer to say the least; but since there was no attempt to alter the list of votes cast, there is probably some explanation, which would exonerate the clerk.

These three papers from the miscellaneous documents can hardly be taken as fair samples of their class, since they were selected for their striking character. Yet all these papers are worth close study and will yield a rich reward.

Before leaving the Kaskaskia papers it will be well to notice more particularly some of the problems of eighteenth century Illinois history, that they will assist in solving. It is surprising how little critical work has yet been done in the history of this State. This is true not only of the eighteenth century but also of the nineteenth, although the latter has naturally received the greater attention, still the whole field is a very fertile one in which to dig.

Consider the subject of the government of the district of Illinois under the French. Do we know the actual working of this complicated machinery introduced by the French monarch and his ministers? Historians have been only too

<sup>1</sup>Maçon, *Philippe de Rochelave, Chicago Hist. Soc. Collections*, Vol. IV., p. 366.

ready to follow without question the superficial sketch of it by Pittman in his "Present State of the European Settlements," in which he says that the government was in the hands of the commandant and that the officer called *commissaire* and judge was "a mere cipher rather kept for form than for real use." Starting with this information, writers have given free play to their imaginations and either have described the government as a military tyranny; or have painted for us a picture of Arcadian simplicity, where law courts were unknown and disputes settled by arbitrators or the priest, where contracts were made, land exchanged and debts paid on the honor and faith of men without the intervention of the government. Neither picture is correct. The Kaskaskia papers show that the French kings have followed in America the same policy, which had proven for centuries so successful in building up and maintaining their centralized power in France, namely, the multiplication of officials, so that the French love of office-holding might be satisfied, even if one-half of the population was appointed to rule over the other. In Illinois we find a fully developed civil government without whose authority nothing could be done. This restraint upon the initiative of the colonists it without doubt one of the principal causes of the failure of France as a colonizing power. The anarchy and license of American frontier life, giving as it did the utmost freedom to individual initiative, proved a far more effective method of winning a new country from its savage inhabitants than the attempted orderly government of the French settlements, which defeated its own ends by checking individual enterprise.

The Kaskaskia papers will make it possible to work out the system of government established by France in the district of the Illinois. There is no time to enter into details, but it may be well to indicate more precisely the conditions of French Illinois. While the territory was under the Royal Company of the Indies, it was at first governed as a province rather than as a district, at least I notice acts of a body called "Superior Council of the Province of Illinois." After the region of the Mississippi valley became a royal province, the civil government of Illinois was under an officer who styled himself, "Principal Scrivener of the Marine, Subdelegate of—, *Commissaire* and Judge of the Civil Court in the district of the Illinois." He was assisted by a royal



attorney, a guardian of the warehouse, a treasurer, a clerk with deputies, bailiffs, notaries, syndics and probably others. Several of these offices were held by one man. If the universal French custom was followed, certain of them formed a council for the judge. They all had their duties and the Kaskaskia records show that they performed them regularly, so that there can be no question here of a paper government, and the eighteenth century Frenchmen knew better than to treat his superiors as "mere ciphers." Up to the time of the Seven Years' War careful supervision was maintained by France over this region; but from that time the officials became careless in the discharge of their duties and many irregularities were practised.

There is no satisfactory history of the British occupation of the Northwest and particularly of Illinois. The reasons for this condition are many. The occupation was only temporary in character, and therefore has been judged temporary in its effects; the interest in these few years has been largely expended on the military operations without any attempt to understand the governmental, economic and social facts; the sources have been meagre except for the military side of the history. The result is that there is no one book which gives a correct sketch of the efforts of the British to rule their new subjects on the Mississippi or of the influence on commerce exercised by the English merchants, who tried to turn the course of trade from the New Orleans route to paths it once had followed in the early years of the French occupation; or of the influence of these new traders on the French political ideas.

It is not to be expected that the Kaskaskia papers will enable us to solve all the problems connected with the British occupation; but considering the length of the period—a few months less than thirteen years—the collection is particularly rich in new material. I have already mentioned the recorder's book with its numerous deeds, many of them deeds to land bought by men with Anglo-Saxon names; and others, business contracts, bills and accounts. Also the private and public letters, which begin to be an important element in the collection from this date, will prove invaluable. There are also sufficient court documents to show the character of the government. Since all these papers will add to our knowledge of the conditions at the time of the coming of George Rogers Clark and the Virginians, his-

torians of the Northwest will regard them as forming one of the most important parts of the collection.

If little has been known about the period of the British occupation, still less has been our knowledge of the succeeding period. For the conquest, we have Clark's letters and memoirs with other sources; and for the establishment of a civil government, the Virginia act, Patrick Henry's letter and John Todd's Record-Book, so that for the years 1778 and 1779 there has never been felt any lack of information, inadequate as it is at times. But for the following years, when Illinois was left to herself, when those courts established by John Todd and the militia officers were the only representatives of law and order in the territory, for these years there has been up to the present time no information, or rather very little, which was both contemporary and local in its origin. Among the Kaskaskia papers there is no record equalling in importance the three hundred page record-book of the Cahokia court, which has been preserved at Belleville; but papers of every description are very numerous, and, since Kaskaskia was regarded as the county-seat, are very important. From these two collections, the Kaskaskia and the Cahokia papers, it will now be possible to write the history of the years 1778 to 1790 from sources originating in the French communities. To indicate more precisely the character of this new information is impossible; for every month, for every week there may be found illustrative material. We may follow the feeble attempts of the French at self-government; the struggles of the magistrates to maintain order; their disputes with the representatives of the military power; their relations with the Spanish government; the measures taken by themselves to ward off the British; and the gradual infiltration of the Americans.

Such are the Kaskaskia papers and such is the history of the collection. Their recovery must be regarded as an important event in the history of Illinois historical studies, since they throw light on every period of the eighteenth century. But their importance must not be exaggerated, interesting though they are as records of a romantic period of our past; for in reading the crabbed hand-writing of these earliest documents of the Northwest, the historian cannot but feel that his enthusiasm is akin to that of the antiquarian; for from these French settlers did not spring the

forces that have made Illinois one of the great States of our Union. Our true history begins with the coming of the Virginians, and in so far as the Kaskaskia papers shed light on that event, they are of great historical value. Only incidentally are the events connected with the names of Boisbriant, D'Artaguiette and Delaloëre Flancour of interest to the historian, his interest springing from the love of truth and accuracy and his desire to know exactly what did occur before the coming of the builders of the State; but it is not until he reads in these papers the names of Thomas Brady, of John Edgar and of Shadrack Bond, that he feels that he is studying live forces incarnated in the men who have assisted in the winning of the West.





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