

Treaty of 1804

On November 3, 1804, four Sauk and one Meskwaki signed a treaty with the United States ceding to them over 50 million acres of land. The cession encompassed all Sauk and Meskwaki tribal lands in Illinois, southwestern Wisconsin, and northeastern Missouri. The payment received in exchange for the cession was \$2234.50 in goods at the time of signing and a \$1000 annuity to be paid to the tribes in perpetuity. What a steal! Indeed. What a steal. The Treaty of 1804 was clearly fraudulent. Five men, on their own, had no authority to cede tribal lands. The American officials who “negotiated” the treaty knew this. So how did it happen? Where does the story begin?

The story begins with the power struggles between Great Britain, France, Spain, and the United States over land, fortunes, and empires. In 1763, France ceded to Spain 828,800 square miles of land west of the Mississippi River (the land later known as the Louisiana Purchase). In 1800, Spain secretly ceded the land back to France. Napoleon Bonaparte had ambitions of creating an empire on the North American continent.

President Thomas Jefferson was alarmed at the notion of France establishing such an empire. In 1801, Jefferson initiated secret negotiations with France to purchase the land in question. At the same time Jefferson pushed the Indian nations living east of the Mississippi River to cede their tribal lands to the United States. His goal was to acquire as much land as possible to act as a counterweight to Napoleon’s ambitions. From 1801 to 1803, six different Indian nations signed land cession treaties, including the Kaskaskia who ceded much of southwestern Illinois. Though the United States repeatedly invited the Sauk and Meskwaki to treaty councils, the two tribes refused. They were uninterested. Jefferson desperately wanted their lands because the two tribes controlled the strategically crucial Mississippi River valley from Prairie du Chien to St. Louis.

The Sauk and Meskwaki had moved to the Mississippi River valley around 1735. Their tribal lands extended east to the Illinois River, north to the Wisconsin River, south to St. Louis, and west along the Missouri River. They lived in many small towns along the stretch of the Mississippi under their control. They were numerous and warlike. By 1803, the two tribes had long been at odds with the Osage who lived in present-day Missouri. The Sauk and Meskwaki traded with British fur traders in their northern territory and French and Spanish fur traders in their southern and western territories. The relationship between the Sauk and Meskwaki and their European trading partners was a good one and the two tribes were content with the political alliances they shared.

By 1803, Napoleon’s dreams of a French empire on the North American continent had collapsed and he needed cash. On April 30, France sold the Louisiana Territory to the United States. The transaction nearly doubled the size of the nation and brought under its purview all the Indian nations living on that land, forcing the

Indians to rethink their own political situations and to forge alliances with their new American Father.

The Sauk and Meskwaki were dismayed. The Americans! The word tasted bad in their mouths. Many still lived who remembered the Americans burning Saukenuk to the ground in 1780. The British traders had warned the two tribes that the Americans would take their tribal lands away from them. The two tribes knew how Indians to the east and south of them had fared at the hands of the land hungry Americans. This was their new Father? The two tribes were thrown into political turmoil.

The Americans took formal possession of the Louisiana Territory on March 10, 1804 and the situation for the Sauk and Meskwaki began to change rapidly. White settlers poured over the Mississippi, settling on lands that belonged neither to them nor to the United States, establishing farms and settlements on Sauk and Meskwaki lands. The tribes were enraged and complained bitterly to the American authorities but nothing was done. To make matters worse, the Americans were cozying up to the Osage, giving them gifts and offering them protection. The Americans even stopped a Sauk and Meskwaki war party on their way to attack the Osage. The warriors were furious. The Chiefs of the two tribes were torn: they were angry about the new developments but not sure how best to handle the changed circumstances. Was it in their peoples' best interest to alienate their new American Father?

Then, in September 1804, disaster struck. Four Sauk hunters encountered some whites living illegally north of St. Louis along the Cuivre River. This was Sauk land! An altercation broke out resulting in the killing of three of the white men. The killings sent shock waves along the frontier. Settlers moved into the protection of hastily built stockades and called for arms and ammunition from the government. They heard, and believed, rumors that the Sauk and Meskwaki were allying themselves with other tribes for another attack on the Missouri settlements. Many called for a retaliatory strike on the Sauk villages that were nearest to them.

At first, the Sauk hunters who had killed the whites were jubilant. Take that Americans! But the chiefs were not jubilant and neither were their fellow townspeople. They feared retaliation and so abandoned their lower villages and retreated north of the Des Moines River. Three weeks later, two Sauk village chiefs were sent to St. Louis to discuss the situation and discover what was demanded by way of satisfaction. They said they disapproved of the killings and hoped that not all would be punished for the transgressions of a few. The Americans demanded the murderers be brought to St. Louis. The chiefs said they would try but lacked the authority to command it. The killers would have to agree to give themselves up.

In the meantime, William Henry Harrison, Governor of the Indiana Territory—which included Illinois—was planning a trip to St. Louis. He had learned of the

Cuivre River murders and saw this as an opportunity to bring the Sauk and Meskwaki to the bargaining table. He wrote authorities in St. Louis, telling them to send a message to the Sauk and Meskwaki to come see him and to bring the murderers with them and that if they didn't comply the Americans might rise up in anger and destroy them. Harrison arrived in St. Louis on October 12. He met with representatives of several Indian tribes and gave them a few presents to demonstrate the friendship of the United States. To the Osage, though, he lavished many handsome gifts along with assurances of the United States friendship and offer of protection from their enemies. Word of this undoubtedly filtered back to the Sauk and Meskwaki. Now not only were the Americans threatening retaliation for the Cuivre River incident but they were putting the Osage, their bitter enemies, under their protection! Something had to be done.

On October 27, five head men—four Sauk and one Meskwaki—accompanied by one of the Cuivre River killers, arrived in St. Louis. The Tribal Council had charged the head men with settling the dispute between their nations and the United States. The head men came prepared to give satisfaction to the victim's families in their customary way, that is, by "covering the dead." This custom offered compensation, usually horses and other goods, to the families of murder victims. If the families accepted the gifts, the issue was settled and no retaliation could be expected. A pardon would be given to the murderer and all would be well. The delegation was also charged with making friends with the United States in order to counter their new friendship with the Osage. Maybe the United States would stop Osage war parties coming to attack the Sauk and Meskwaki.

Harrison saw his chance. For years he had tried to get the Sauk and Meskwaki to cede their lands only to be rebuffed time and again. Now he had them where he wanted them. He promised to seek a pardon for the Sauk prisoner and extend the protection of the United States to the two nations against their enemies in exchange for some land, just a little land. This, he assured the delegation, would make their American Father happy, would secure to the two nations protection from the Osage, and would calm the cries for retaliation from the whites.

Harrison knew that five men had no authority to cede one inch of tribal lands on their own. He knew that legitimate treaties called for strict protocol. First an invitation to treat must be sent to the Tribal Council. After discussion, the Tribal Council sent back a reply—either affirmative or negative. If the Tribal Council decided to move forward with the negotiations, a full tribal meeting of men, women, and children was held. They decided how much land would be sold and at what price. If the women opposed the sale or were not consulted, however, no land sale could be valid. If, though, a sale was agreed to then a large tribal delegation attended the treaty signing where many speeches were made and wampum belts exchanged.

But the Treaty of 1804 was done in the shadows. No formal invitations, no consultations with the Tribal Council, no approval by the women...nothing. Just sign

on the dotted line. Since no journal was kept of the proceedings historians are not sure exactly what transpired. Many speculate that the five men who signed the treaty didn't understand that they were selling so much of their tribal lands. Certainly the five men denied that they had sold any land higher than the Des Moines River. Perhaps they thought they were giving the United States rights to cross their land or that the signing of the treaty would "cover the dead." But one thing is certain, for the next 28 years the Treaty of 1804 dogged the relationship between the Sauk and Meskwaki and the United States leading ultimately to the tragedy of the Black Hawk "War."