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## How the West Was Stolen: A Closer Look at the St.Louis Treaty of 1804

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# How The West Was Stolen : A closer look at the St.Louis Treaty of 1804

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## Introduction

A Sauk tribe member was arrested for murder of three white settlers near the Cuivre River Neighborhood settlement on November 3, 1804. On that same day, the Treaty of St.Louis was signed. This treaty ceded 50 million acres of Sauk and Fox tribal land. The alleged murder coerced the tribe into coming to Saint Louis. The arrest and imprisonment of the Sauk tribe member forced the few Sauk tribe members present at the St.Louis meeting, to sign a treaty for his release. He was not released upon treaty signing, he was murdered by James Major James Bruff six month later when the Sauk and Fox returned to St.Louis to retrieve their fellow tribe member. US. Officials pardoned him and their official statement was that he was killed because he escaped.

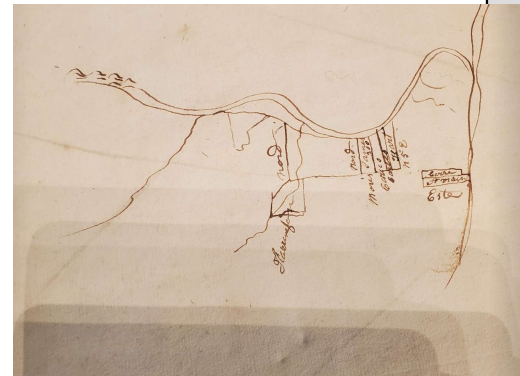
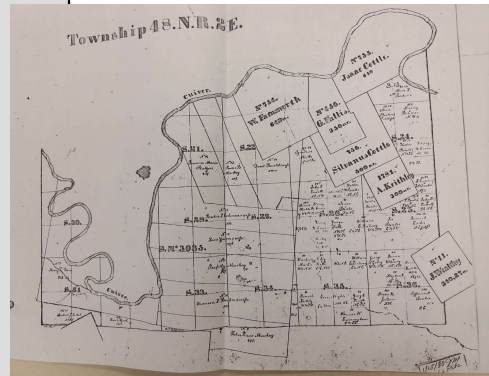
## Methodology

I primarily focused on establishing the credibility of the murder claims as an entity to be either proved or disproved. Then, I focused on the credibility of the persons involved based their associations financially with Pierre Choteau and how each person benefitted from the St.Louis Treaty of 1804.

My research was done through land records in 1804 , burial records from St. Charles Historical Society and Pierre Chouteau's account book located at Missouri History Museum Archives.

## Results

In addition to documenting payments made to the three key individuals who reported the murder of the three white settlers, Warren Cattle, Major James Bruff and Mackay Wherry from Pierre Chouteau's account book in 1804, there is no historical record of Cuivre Neighborhood Settlement, no burial records matching the description of the alleged victims and I was able to confirm all persons who owned land on Cuivre river in 1804 and then cross reference their death dates. None of the landowners died in 1804. Also, in the back pages of Pierre Chouteau's account book from 1804 is a handwritten drawing of Cuivre river at the Mississippi At the 3-mile mark, where the Cuivre River Settlement was said to be located, is a hand drawn floodplain. For comparison is a Platt map of the Cuivre River from 1880.



Right: handwritten map from Pierre Chouteau's Ledger book in 1804 \*note the flood plain drawn near the 3mile mark of the Cuivre River (artist unknown), Left: Platt map of Cuivre River near the Mississippi River in 1880

## Conclusions

There was never a murder by a Sauk Tribe member on the Cuivre river.

The U.S. government and Pierre Chouteau a local wealthy and powerful fur trader in St.Louis, staged the murder to coerce the uncooperative Sauk and Fox tribe to sign the St.Louis Treaty of 1804, ceding 50 million acres of Sauk and Fox tribal land.

Nervous that he would be caught in a lie, Major James Bruff, who oversaw the Sauk prisoner, murdered him and told U.S. officials that he was killed while escaping. Congress had pardoned the Sauk tribe prisoner a week before he was murdered.

Pierre Chouteau, in order to keep his land claims under the new American government, orchestrated a plan to help the Americans obtain the Sauk and Fox territory and keep his land claims along with full trading rights.

# How the West was Stolen: A closer look at the St. Louis Treaty of 1804

LISA KOZIEJA

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Land back is a social movement of indigenous groups in North America. Land justice is a high-priority topic in current society. Exploring the indignities of indigenous removal from tribal land in the United States implores us to open our minds and look closer at the methodology of westward expansion. As modern-day historians, we must incorporate long-hidden truths into the historical record. The gaslighting of indigenous groups through historical texts must be re-assessed and checked for accuracy. Who is telling the story? Who benefited? These are questions that need to be re-asked under a closer lens. Land justice isn't just for the benefit of indigenous groups; it's for the greater humanity. My area of research is focused on the acquisition of the Upper Louisiana territory and the Upper Louisiana territory annex through the St. Louis Treaty of 1804, and the method by which the Americans coerced the uncooperative Sauk and Fox tribes into signing over 50 million acres of their tribal land. The arrest of a Sauk tribe member for the alleged murder of three white settlers on November 3, 1804, was the perfect rouse articulated by the Americans to lure the Sauk and Fox into signing away their territory. This alleged murder occurred in early September of 1804, in present-day Missouri, three miles from the mouth of the Cuivre River near the Mississippi River. Historians currently represent this event as the Sauk brutally attacked and murdered three white settlers in this region while they were in a hunting lodge, just outside the 'Cuivre River Neighborhood'. This murder has been described by historians as

simply as it is described in the Territorial Papers of the United States.<sup>1</sup> Three white men were murdered and scalped by members of the Sauk tribe. There is no further examination of these murders in historiographical accounts. Historians have otherwise focused on the overarching themes of the role treaties played in Westward Expansion and the perspective and goals of the Americans during this period. According to Max Edling in his article, *Peace Pact and Nation: An International Interpretation of the Constitution of the United States*, the United States used state power as a means for larger, long-term contributions to the central government. States could govern themselves through expansion, and they could also fund themselves through settlement taxes and taxes on trade. A union that saw its most remarkable expansion under President Thomas Jefferson in the 1790s-1809. Edling outlines Jeffersonian Ideology as expansion at all costs and protecting the central government<sup>2</sup>. In his book, *American Indian Treaties: The History of a Political Anomaly* by Francis Paul Prucha, Prucha begins by defining a treaty as a ‘formal agreement between two or more fully sovereign and recognized states operating in an international framework...’ negotiated by officially designated commissioners of ratified by the government<sup>3</sup>. This excellent definition of a treaty highlights the negligence of Americans to give the indigenous tribes proper concessions for treaty negotiations, and that treaties negotiated between the Americans and the indigenous tribes did not meet the rules and guidelines of international treaties, they often contained terms that were contradictory to proper diplomacy terms. Treaties dictated by the Americans to the indigenous tribes claimed to provide tribes with a means for income while allowing

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<sup>1</sup> Carter, Clarence, 1948. “Territorial Papers of the United States”. Volume 13. P 322-323. United States Government Printing Office. Washington. Haithi Trust online.  
<https://babel.hathitrust.org/cgi/pt?id=mdp.39015010694183&view=1up&seq=7>

<sup>2</sup> Edling, Max, 2018, “ Peace Pact and Nation: An International Interpretation of the Constitution of the United States”, *Past & Present*, Volume 240, Issue 1, August 2018, Pages 267–303, <https://doi.org/10.1093/pastj/gty019>

<sup>3</sup> Prucha, Francis Paul, 1994, p 122, “ American Indian treaties: The History of a Political Anomaly”, University of California Press, Berkley and Los Angeles.

them to have some rights on their land while offering tribes the protection of the United States government. According to Prucha, what they provided to the government was a way for the government to put tribes on paper and give them formal recognition to the United States, placing them under the control of the United States while forcing themselves onto newly acquired treaty land through a large influx of American settlers, overwhelming the territory with whites who did not observe ingenious laws or land practices of indigenous nations the respect and right of sovereignty in terms of proper diplomatic negotiation. Prucha briefly outlines the Treaty of St. Louis as a large area of land that the Sauk and Fox “gave up their claims to”. Stuart Banner, however, in his book *How the Indians Lost their Land*, argues that the American government was always interested in Indian removal rather than territory control. Banner says that in 1803, after the Louisiana Purchase, the U.S. government started negotiating land trades and land transactions through treaty language. As early as 1804, Congress established a territorial government and gave authority to the president, Thomas Jefferson, “to stipulate with any Indian tribes owning lands on the east of the Mississippi and residing thereon for an exchange of lands, property of the United States on the west side of the Mississippi in case said tribes shall remove and settle thereon”.<sup>4</sup> This land exchange language, set in motion by Congress in 1804, was the first blueprint for the Indian removal act of 1830. Treaties, like the Saint Louis Treaty of 1804, nonetheless, were getting more aggressive and abusive in their terms.

The murder of these white settlers by the Sauk had seemingly perfect timing. It seemed like a stroke of good luck for the Americans that the Sauk just happened to murder three white settlers, within their tribal territory, just one month before William Henry Harrison took control of the Upper Louisiana territory on October 1, 1804. But it was Bruce Lee who said, “You have to create your own Luck. You have to be aware of the opportunities around you and take advantage of them”. I believe that the

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<sup>4</sup> Banner, Stuart, 2005, p 194 “*How the Indians Lost Their Land*”, Harvard University Press, London, and Cambridge.

Americans did just that. The timing of the murders was too perfect, so I decided to view the murders as an entity I would either prove or disprove. I gathered all the claims made against the Sauk by the Americans to see if these historically accepted details hold up under closer scrutiny.

## Why did the Americans want Sauk and Fox tribal land?

Understanding the details of the Treaty of St. Louis and its significance lends us to understanding that the crux of the St. Louis treaty lies within the Sauk arrest. The Upper Louisiana Territory boundary line in 1804 was located north of the 33d latitude line in present-day St. Genevieve, Missouri, to Saint Louis, Missouri, within the current east-to-west boundaries of Missouri.<sup>5</sup> The Upper Louisiana territory Annex was the land ceded from the Sauk and Fox tribes through the St. Louis Treaty of 1804. In this transaction, the United States Government gained 50 million acres of Sauk and Fox tribal land, that stretched from north of the Mississippi River in east central Missouri, through northwest Illinois between the Illinois River and the Mississippi River, all the way to southwest Wisconsin just below the Wisconsin river.<sup>6</sup> A sizable tract of land for the Americans to add to their Western Expansion portfolio. Right: St. Louis Treaty of 1804 land cession in yellow.<sup>7</sup>



<sup>5</sup> Billion, Frederick, "The Annals of St. Louis", 1888 p5

<sup>6</sup> Missouri State Archives :: Missouri History:: Timeline of Missouri History : 1673-1820

<sup>7</sup> Map Courtesy of: Digital Research Library of Illinois History Journal™

Western Expansion efforts such as this were daily 'business as usual' transactions for the United States Government in 1804. The United States, under the leadership of President Thomas Jefferson, created a highly productive method of land acquisition. Jefferson followed the playbook of Great Britain's colonialism and created his own similar method. By 1790, The U.S. had expanded by 900,000 acres and became the fourth largest country after Russia, Turkey, and China<sup>8</sup>. In 1804, it added another 50 million acres to its territory. Between 1778 and 1871, 370 land treaties were negotiated with various indigenous groups in the United States<sup>9</sup>. The New Republic of the United States was growing at a rapid and expensive rate. Large land purchases, such as the Louisiana Purchase on April 30<sup>th</sup>, 1803, for 15 million U.S. dollars, meant that the United States had to get a return on its investment, or it could face financial ruin. The Louisiana Territory and Upper Louisiana Territory Annex were located within the Louisiana Purchase. The region needed to be organized, and posts needed to be assigned. At the March 26<sup>th</sup> 1803 session of Congress, it was determined that the Louisiana territory would be organized by "dividing Louisiana by the 33<sup>rd</sup> degree of latitude, the southern portion to be called the "District of New Orleans," and the northern portion "District of Louisiana" — to be attached to Indiana Territory", with William Harrison as Governor of Indiana Territory. They established five districts, St. Charles, St. Louis, St. Genevieve, Cape Girardeau and New Madrid<sup>10</sup>. At the time of the Louisiana Purchase, The Upper Louisiana Territory Annex was an unceded Indigenous territory. The land it contained had already produced large sums of money for the French fur traders who inhabited the territory along the rivers. After taking control of the territory from the French, the Americans prioritized regulating who inhabited the land and how they

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<sup>8</sup> Hammalainen, Pekka. Indigenous Continent: The Epic Contest for North America. United States: Liveright, 2022.

<sup>9</sup> Bureau of Indian Affairs, <https://www.bia.gov>

<sup>10</sup> <sup>10</sup> The Papers of William Henry Harrison, 1800-1815, microfilm, reel 1: December 2, 1799-October 30<sup>th</sup>, 1804, p071, Indiana Historical Society, Indianapolis

profited from it. No parcel of land was to go untaxed. The first order of business post-St. Louis Treaty of 1804 was to validate land claims in The Upper Louisiana Territory Annex. The United States Government needed to determine whose land claims were valid and whose were not. The meeting of Congress on December 10<sup>th</sup> 1804, would outline terms and qualifications necessary for validating land claims in the newly acquired upper Louisiana Territory. Those individuals who had a significant investment in the Upper Louisiana Territory Annex needed to be on the good side of the Americans.

## The Chouteau Dynasty

Pierre and August Chouteau operated a successful fur empire in St. Louis, Missouri. They owned large tracts of land in the upper Louisiana Territory Annex, along Missouri, Mississippi and Cuivre Rivers in present-day Missouri. The Chouteaus predated the Americans by 40 years. August Chouteau arrived in St. Louis at fourteen years old alongside his mother's boyfriend, Pierre Laclède Ligest in 1763<sup>11</sup>. His ten-year-old half-brother, Pierre Chouteau, was the biological son of Pierre Laclède Ligest and Marie-Therese Bourgeois Chouteau. August and Pierre Chouteau's mother, Marie-Therese Bourgeois Chouteau, and Pierre Laclède Ligest never married. Her legal husband, Rene August Chouteau, a successful business owner and pastry chef, was an abusive man who abandoned his family. When Laclède arrived on a new tract of land along the Mississippi in 1763, he wanted to find an ideal location to grow his fur empire. He built a block house on the west bank of the Mississippi and named the new town, Saint Louis, after the patron saint of King Louis IX of France. As the founding family of St. Louis, the Chouteau's amassed a great deal of wealth and power. Early on, they realized they needed to be

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<sup>11</sup> Gitlin, Jay, 2010, "The Bourgeois Frontier: French Towns, French Traders, and American Expansion (The Lamar Series in Western History)" Yale University Press. New Haven and London.



allied with the large and fierce Osage tribe that occupied the area. The Chouteaus embedded themselves among the Osages with trade and kinship ties over the years, and the Chouteaus were among the few white settlers the Osages would do business with. The Chouteaus and Osages became notorious amongst other tribes and white settlers. By his own account, August Chouteau wrote to Baron De Carondelet, summarized in the Anna Price collection as “the death of the three Osage [sic.] chiefs frightened everyone, and there was only Chouteau and his brother who could go among these nations without risk”<sup>12</sup>. They became a reckless and powerful alliance. Through regime changes in the Louisiana Territory, French, Spanish, then back to French, the Chouteaus maintained their power and managed to win the favor of the reigning governments. When the Americans took over, the Chouteaus needed to become their ally to maintain their power and wealth.

## **The Thomas Jefferson Westward Expansion play book.**

The United States Senate named William Henry Harrison Governor of Indiana on May 13<sup>th</sup>, 1800.<sup>13</sup> Harrison was also privileged to be the primary signer of all treaties negotiated in Indiana territory on behalf of the United States.<sup>14</sup> With this level of responsibility, President Jefferson trusted Harrison with privy information on how the U.S. intended to gain territory from indigenous groups. In a letter to William Henry Harrison dated February 27, 1803, President Thomas Jefferson summarizes his intentions for handling the indigenous tribes in the Louisiana Territory.

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<sup>12</sup> Anna Price Collection, 1990, File CUBA209, Memo A, p634-635, “September 19, 1794 Letter From August Chouteau to Baron de Carondelet” Missouri Historical Society online collection. University of Missouri-Columbia microfilm. Department of Anthropology.

<sup>13</sup> The Papers of William Henry Harrison, 1800-1815, microfilm, reel 1: December 2, 1799-October 30<sup>th</sup>, 1804, p071, Indiana Historical Society, Indianapolis

<sup>14</sup> The Papers of William Henry Harrison, 1800-1815, microfilm, reel 1: December 2, 1799-October 30<sup>th</sup>, 1804, p072, Indiana Historical Society, Indianapolis

“I may with safety give you a more extensive view of our policy respecting the Indians, that you may the better comprehend the parts dealt out to you in detail through the official channel, and observing the system of which they make a part, conduct yourself in unison with it in cases where you are obliged to act without instruction. Our system is to live in perpetual peace with the Indians, to cultivate an affectionate attachment from them, by everything just and liberal which we can do for them within the bounds of reason, and by giving them effectual protection against wrongs from our own people. The decrease of game rendering their subsistence by hunting insufficient, we wish to draw them to agriculture, to spinning and weaving. The latter branches they take up with great readiness, because they fall to the women, who gain by quitting the labors of the field for those which are exercised within doors. When they withdraw themselves to the culture of a small piece of land, they will perceive how useless to them are their extensive forests, and will be willing to pare them off from time to time in exchange for necessaries for their farms and families. To promote this disposition to exchange lands, which they have to spare and we want, for necessaries, which we have to spare and they want, **we shall push our trading uses, and be glad to see the good and influential individuals Misunderstandings to Massacres 16 among them run in debt, because we observe that when these debts get beyond what the individuals can pay, they become willing to lop them off by a cession of lands.** At our trading houses, too, we mean to sell so low as merely to repay us cost and charges, so as neither to lessen or enlarge our capital. This is what private traders cannot do, for they must gain; they will consequently retire from the competition, and we shall thus get clear of this pest without giving offence or umbrage to the Indians. In this way our settlements will gradually circumscribe and approach the Indians, and they will in time either incorporate with us as citizens of the United States, or remove beyond the Mississippi. The former is certainly the termination of their history most happy

for themselves; but, in the whole course of this, it is essential to cultivate their love. As to their fear, we presume that our strength and their weakness is now so visible that they must see we have only to shut our hand to crush them, and that all our liberalities to them proceed from motives of pure humanity only. Should any tribe be foolhardy enough to take up the hatchet at any time, the seizing the whole country of that tribe, and driving them across the Mississippi, as the only condition of peace, would be an example to others, and a furtherance of our final consolidation.”<sup>15</sup>

This letter is a play-by for which the Americans viewed and handled indigenous nations during the conquest of Westward Expansion. In Jefferson’s own words to William Henry Harrison, he states that we [Americans] shall indebt them [indigenous tribes] to us through ‘misunderstandings to massacres’, for which they will trade off their land to settle their debts to us. This letter was written the year before the 1804 Treaty of St. Louis. So, just to recap, we have a murder (a debt) by the Sauk tribe, then a land cession, all on the same day. A debt, a land cession. Right out of the Thomas Jefferson Westward Expansion playbook. How convenient for the Americans.

## **Post Louisiana Purchase in Upper Louisiana Territory. .**

Post Louisiana Purchase, the Americans began to gain intelligence on the region.

At the behest of President Jefferson, William Henry Harrison began making inquiries with Spanish military officials who were familiar with the new territory on how many white and black people inhabited the region. Along with demographics, Harrison needed to have a clear understanding of indigenous territories

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<sup>15</sup> The Papers of William Henry Harrison, 1800-1815, microfilm, reel 1: December 2, 1799-October 30<sup>th</sup>, 1804 Indiana Historical Society, Indianapolis

and mapping of the region. He referenced maps made by explorer John Evans<sup>16</sup> of the Missouri River and demographic data collected by Charles Dehault Delassus. Delassus served as the Spanish lieutenant of Upper Louisiana and resided in St. Louis in 1803. Delassus was invaluable to the Americans. He had a detailed knowledge of the geography, demographics, and politics of the region. Harrison acquainted himself with Delassus. Delassus provided the demographics of each territory, indigenous relations, and territory along with local politics to Harrison. Delassus and Harrison created a friendly alliance of shared knowledge and privilege. On June 24<sup>th</sup>, 1804, Harrison wrote to President Jefferson to recommend Charles Dehault Delassus father, Mr. Pierre Dehault Delassus De Luziere, as Military Commandant of The Upper Louisiana Territory.<sup>17</sup> President Jefferson appointed Major James Bruff instead. Major James Bruff took over the commandment in June 1804.

## **The meeting of Pierre Chouteau and William Henry Harrison.**

The meeting of Harrison and Pierre Chouteau likely happened between May 1<sup>st</sup> 1804 and May 26<sup>th</sup> 1804. Harrison wrote a series of letters on Pierre Chouteau's behalf. First with the recommendation of Antonio Soulard as principal surveyor of Upper Louisiana Territory. Antonio Soulard was the brother-in-law of August Chouteau and was a close and trusted friend of the Chouteaus. Soulard had already performed several surveys of land in the Upper Louisiana Territory Annex for the Chouteaus between early 1803 and May 1804<sup>18</sup>. Congress appointed Antonio Soulard principal surveyor of Upper Louisiana

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<sup>16</sup> The Papers of William Henry Harrison, 1800-1815, microfilm, reel 1: December 2, 1799-October 30<sup>th</sup>, 1804, p786, Indiana Historical Society, Indianapolis

<sup>18</sup> The Papers of William Henry Harrison, 1800-1815, microfilm, reel 1: December 2, 1799-October 30<sup>th</sup>, 1804 Indiana Historical Society, Indianapolis

Territory on May 26<sup>th</sup> 1804. This appointment meant that all the surveys done by Antonio Soulard in the past 18 months would not be re-examined by an outside surveyor and would be accepted as is by Congress. Antonio Soulard's surveys would later come into question and Soulard would be described as having "nefarious and notorious conduct".<sup>19</sup> Then William Henry Harrison wrote a letter to President Thomas Jefferson asking him to allow Pierre Chouteau's son and nephew admission to West Pointe. Finally, a letter to Lt. Gray Otis, asking Otis to show Pierre Chouteau respect and to greet him well in Boston, Massachusetts. These letters show a clear meeting and alliance between Pierre Chouteau and William Henry Harrison. The extent for which Williams Henry Harrison put his reputation on the line for Pierre Choteau, a man he just met, would indicate that Pierre Chouteau had something valuable in return to offer William Henry Harrison. Pierre Chouteau was the most powerful man in the Upper Louisiana Territory; it was in Harrison's best interest to keep him happy and maintain a good partnership with him.

## Clearing Westward Expansion roadblocks

Although the Chouteaus greatly influenced the Osages, they had little to no influence on the Sauk and Fox tribes. The Osages were a long-time enemy of the Sauk and Fox nations. Unlike the Osages, the Sauk ad Fox tribes were not friendly with the Americans. When the Americans gave the Sauk tribe an American Flag as a gift, they strung it up behind their horse and dragged it on the ground, to show disrespect.<sup>20</sup> The Sauk and Fox were not interested in cooperating or negotiating with the Americans. Understanding the roadblock the Sauk and Fox created and the priority of President Thomas Jefferson to

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<sup>19</sup> Carter, Clarence, 1948. "Territorial Papers of the United States". Volume 13. P 322-323. United States Government Printing Office. Washington. Haithi Trust online.  
<https://babel.hathitrust.org/cgi/pt?id=mdp.39015010694183&view=1up&seq=7>

<sup>20</sup> Wherry, Mackay. " Letter from Mackay Wherry to Amos Stoddard on September 15<sup>th</sup>. 1804". Territorial Papers vol. 13 P 64.

further westward expansion, William Henry Harrison did his best to articulate the need for a treaty for the Sauk and Fox. On May 12<sup>th</sup> 1804, William Henry Harrison wrote a letter to Thomas Jefferson stating “ I take the liberty to suggest that no time be lost on commencing the negotiation” of a treaty with indigenous tribes in Upper Louisiana. Harrison further suggested that the tribes tend to get irritated at the notion of the Americans buying their land and that we should proceed with treaty negotiations in a different method, thus the land in this area is a “most desirable” tract of land to obtain.<sup>21</sup>

Harrison advocated the worth of the Upper Louisiana territory land and how it would be wise to negotiate a treaty with the indigenous groups who held territory there. Four months later, an opportunity to bring The Sauk and Fox tribes to treaty negotiations appeared.

## **The Murders.**

The validity of the claims that Sauk tribe members murdered three white settlers near the Cuivre River Settlement In early September 1804 hinged solely on the word of three men. In September 1804, four letters were written about the murder of three white settlers near the settlement called Cuivre River Neighborhood, located on Cuivre River, three miles from the mouth of the Mississippi. The first letter from Warren Cattle (Cottle) to James Bruff on September 9<sup>th</sup>, 1804, states:

“SIR This comes to inform you of the present distresses of the People of this neighbourhood-last thursday I received an Express from this Neighbourhood-setting forth that the Indians had com- mitted hostilities in the neighbourhood of the Cuivre I proceeded to raise a small company of about 20 men-on Friday morning we went on the ground-we found three persons murdered in a most barbarous manner, with thier scalps taken off—we buried the dead bodies as decently as the nature of the case would admit of—I am now about to start home leaving the People in great distress, with the expectation of further hostilities; the frontier inhabitants have left

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<sup>21</sup> The Papers of William Henry Harrison, 1800-1815, microfilm, reel 1: December 2, 1799-October 30<sup>th</sup>, 1804 Indiana Historical Society, Indianapolis

their Farms, and are collecting in small bodies, in order to be the better able to defend themselves—The People look up to the authority of the United States for Protection, and as Your honour is perfectly acquainted with every source of redress—I conclude by subscribing myself Your very Humble servant "signed" WARREN; CATTLE;<sup>22</sup>

A Letter From Mackay Wherry to Amos Stoddard on September 12, 1804:

“ DEAR SIR The late accident that has happened with the savages

gives a very considerable alarm, together with some news that has since been received from an Indian, that has come in, who says, that the Sacks, Pottowatomies and Iwais, have all held a council to make war on the inhabitants, and that they are determined to drive them all from this side of the river—Whether the news of this gentlemen is true or not, we are not able to determine; but the consequence is, that the People are all moving in, and know not what to do—a great many have neither arms nor ammunition to make a stand with—if it could be possible to assist us with some arms and ammunition, that the People could know that they could have them in case of necessity, it would make us more brave—If Sir yourself and Major Bruff, should think it fit and could send us some, it would be thankfully received by the inhabitants—we are tomorrow to have a meeting to fix for Building a Block house and make preparations for the worst—

I am Dear Sir Yours with Respect  
Signed—M WHERRY”<sup>23</sup>

Then a Second letter was sent from Mackay Wherry to Amos Stoddard on September 15<sup>th</sup> 1804.

”Mackay Wherry to Amos Stoddard S: CHARLES 15th Sep 1804. DEAR SIR I at this place received Yours of Yesterday 18 and agreeably to Your request have sent on the Indian, that gave the News I informed You of—I have taken some trouble to inform myself of the general character of the Indian by the inhabitants of this place, that are best acquainted with him—They say, they have always found him to be of a good disposition towards the white People—the American Inhabitants who know him, give the same character of him—I have Yesterday been informed, that there was a Kickapoo came in here, that says, on his way to this place, he met with four Sacks, that was of the Party that murdered those men on Cuivre—but I have not been able to see him, or I would have endeavoured to have sent him forward, also that Major and yourself could have talked with him, for Your better information—It was M' Prugh of this place that told me and the Indian told him I have also been informed by a Mr. Dezomet that the Sacks last Spring on receiving the American Flag at their Nation, treated with a great deal of disrespect, and went so far as to trail it at the tails of their horses—if this was the case You may judge of their disposition towards our Government—if there should be any more disturbance, I will send you

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<sup>22</sup> Cattle (Sic) Cottle, Warren. September 9, 1804. P81. Territorial Papers of The United States, Vol 13.

<sup>23</sup> Wherry, Mackay, “Letter Mackay Wherry to Amos Stoddard”, September 12. 1804, Volume XIII, Territorial Papers of the United States. P 63

information as soon as possible I have the honor to be Dear Sir Yours with respect  
"Signed" M WHERRY <sup>24</sup>

These four letters give us a description of the murders as; three white settlers who were hunting in a hunting lodge just outside of the settlement, the Cuivre neighborhood, located on the Cuivre River in Missouri, three miles from the Mississippi River were murdered by Sauk warriors. The letters above detail an indigenous-like murder, scalps taken, that was corroborated by a member an un-named member of the Kickapoo tribe, an enemy of the Sauks nation, that informed the illegal white settlers, it was four Sauk warriors, who committed these murders. Those are the historically documented facts of the murders. Now, let's look at the response of the Americans. Major James Bruff wrote to James Wilkenson on September 29<sup>th</sup>, 1804 stating:

"James Bruf to James Wilkinson St LOUIS— UPPER LOUISIANA September 29th 1804. SIR Since I had the honour to address you last, two chiefs of the Sockeys "under the protection of a French Trader, who resides among have been at this post; they acknowledge the late Murders on the river Cuivre were committed by four of their Nation; from a hunting Lodge near our Settlements - Enclosed is my Message to the Saukies —the Language is strong, but I hope not more so than circumstances Justify—there is but one opinion here—that is—unless those Murderers are demanded; given up and examples made of them; our Frontier will be continually harrassed by Murders and Robberies—I hope suffering their chiefs to return will at least induce a large proportion of them to attend the Treaty they are invited to by Governor Harrison—when measures may be taken that will produce those warriors ews from the council at D'Etroit where they were going—we have indeed various reports from"<sup>25</sup>

This letter gives a much more detailed, yet contradictory account. Bruff identifies the persons who identify the murderers as Sauk as a spy, yet Mackay Wherry identifies the informer as an indigenous person from the Kickapoo tribe.

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<sup>24</sup> Wherry, Mackay. " Letter from Mackay Wherry to Amos Stoddard on September 15<sup>th</sup>. 1804". Territorial Papers Vol. 13. P 64

<sup>25</sup> Bruff, James. " Letter to from Major James Bruff to James Wilkenson on September 29<sup>th</sup>, 1804. Territorial Papers. Volume 13. P58.



## The Treaty of St. Louis 1804.

The details of this treaty can be first explained by reading the letter that was sent to the Sauk nation from the United States government. In this letter to the Sauk tribe, there is no specific language for terms of a planned treaty negotiation between the Sauk, Fox and the Americans. The intentions of the Americans to negotiate a treaty are not mentioned or even vaguely hinted at in this letter. Instead, the letter tells the Sauk that they murdered 'his sons, some time ago' and demands that they come to St. Louis and will be treated as allies. Unbeknownst to the Sauk and Fox on the pending treaty, they journeyed to St. Louis with a party of four Sauks and one Fox. No official chiefs or delegates were present in this party.

"To the Chiefs of the Nation Sakias and Foxes St. Louis, October 18, 1804. My brothers. Since the great chief of the 7 great cities of America, having chosen me to maintain peace and union between all the Red Skins and the government of the United States, I have in consequence just received the order of the great Chief of our country, which came from the post of Vincennes, to end for the chiefs of your villages with some important men, and with to bringth those of you who recently killed his children. I enjoin you to come at once, and if good reasons prevent you from bringing the murderers with you, this still ought not to prevent you from obeying the orders which I transmit to you . When you carry them out, you will be treated like chieftains and you will come home after having heard the word of your Father, and then you can make it heard by your elders and your young people ; so open your ears and come at once. You will be treated as friends and allies of the United States." <sup>26</sup>

In this letter, there is no mention of a treaty negotiation. The letter is vague, with no exact time or location of the said murder. The Sauks were said to of arrived in St. Louis on October 31<sup>st</sup>, 1804. Once they arrived, they took custody of one of the Sauk tribe members and put him in the garrison at St. Louis, Mo, and held him as a prisoner. Major James Bruff was in charge of the garrison in St. Louis, Mo. There were no Sauk Chiefs or Fox Chiefs preset in St. Louis. To sign a treaty, the Sauk and Fox nation needed a delegation of five or more members, one being the chief of the nations. The Americans had no plans to release the Sauk Prisoner. Qushishame, a Sauk tribe member, was visibly distraught after learning that the Americans were

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<sup>26</sup> Not signed. Pierre Chouteau letter book (pp . 2-3). " Letter to Sauk tribe from The United States: October 18<sup>th</sup>. 1804" Missouri History Museum Archives. St. Louis.

keeping his fellow tribe member imprisoned. Four days later, he signed the Treaty of St. Louis with three other members from the Sauk tribe and one member of the Fox tribe. None of the treaty signers had authorization to do so from their respective tribes. The Americans did not release the Sauk prisoner upon treaty signing, as promised in their letter that “you’ll be treated as friends and allies of the United States”. An angry Quashishame left St. Louis with the promise of a war party upon his return. In late April of 1805, he made good on his promise. Quashihsame returned to the St. Louis garrison to retrieve his fellow tribe member. He brought a war party from his tribe, The Sauks, and warriors from the Fox tribe. They set up camp near the garrison and demanded to see their tribe member. Pierre Chouteau was the Indian agent for St. Louis, and on their behalf, he tried to persuade Major James Bruff, reigning military commandment, to allow the tribe to visit their tribe member. Major James Bruff was not willing to be flexible. He did not want any warriors near the prisoner. Pierre Chouteau offered him a deal. If Chouteau accompanied the prisoner out of his irons, he would see that the prisoner would safely return to his irons. Bruff agreed and allowed the prisoner to go outside the garrison to be seen by his tribe. Chouteau, according to his letter, made good on his promise and returned the prisoner to his irons after the visit. Quashishame was not happy. He demanded that the Americans release his tribe member, or they would go back to Lake Reynard and form a war party. The Americans did not relent, and the Sauk and Fox returned to their tribe a few days later. News of the possible impending battle with the Sauk and Fox sent shock waves through the government channels and William Henry Harrison petitioned Thomas Jefferson for a pardon of the Sauk prisoner. Thomas Jefferson agreed and pardoned the Sauk prisoner on April 23rd, 1805. Once news of the pardon reached Pierre Chouteau, he did not immediately release the prisoner from the garrison as issued by the president. Instead, he said in a letter On May 8<sup>th</sup> 1805 to Governor William Harrison that said :

” Sir. I receive just now your letter of the 23th April which has been delivered to me by Mr. Parkes and also the pardon granted by the President of the United States to the Sakias who was detained in this place, you will see by my last letter and copy of

the counsel with the Indians both here annexed, that the party of Sakias and Foxes lastly in this town have not asked in a peremptory manner the release of the prisoner on the contrary t heir conduct here has been very submissive, the information given to you were not correct but I hope that you ~ will ~ put only your confidence in the information which I will give you in every circumstance. <sup>27</sup>

Two nights after the Sauks left St.Louis, the Sauk prisoner went missing. Major James Bruff informed Pierre Chouteau that the Sauk prisoner escaped the garrison. Chouteau wrote that he did not tell the Sauk and Fox about the prisoner pardon until fall. About a week later, the body of the Sauk prisoner was found on the bank of the Mississippi River near the garrison with a bullet in the back of his neck. There were no irons on the body. In a letter to the Secretary of War, Henry Dearborn on May 11<sup>th</sup> 1805 Pierre Chouteau wrote:

“About seven miles from this town the body of a savage had been found. I consequently sent my interpreter to identify him, and according to his report it was the body of the Sac recently detained at the fort, whose flight I reported to you . This savage had received a buckshot in his neck, which was undoubtedly the cause of his death. It is probable that the soldiers of the fort fired two shot s at him which struck him”.<sup>28</sup>

A free man was most likely murdered by a paranoid James Bruff, since there were no irons on the Sauk tribe member’s body, and Major James Bruff was the only keeper of the key. My research takes a closer look at how the United States got the Sauk and Fox tribes to the negotiating table. The Americans had reached out to the Sauk and Fox tribes previously, and the Sauk and Fox made it clear they would not

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<sup>27</sup> Chouteau, Pierre, May 8<sup>th</sup> 1805. “Pierre Chouteau’s letter about the Sauk prisoner to William Henry Harrison”. Pierre Chouteau’s letter book, Missouri Historical Museum Archives, St.Louis

<sup>28</sup> Chouteau, Pierre, 1805. “Pierre Chouteau’s letter about the Sauk prisoner to Henry Dearborne”. Pierre Chouteau’s letter book, May 11<sup>th</sup>, 1805. P.37. Missouri History museum Archives, St.Louis.

be negotiating with the Americans. When gifted an American flag, “they dragged the American flag behind their horses”.

## **Disproving the murder claims.**

My research is focused on the details of the murders. I came up with a series of questions I wanted to answer: who had the most to lose, who had the most invested in this tract of land, who wanted to obtain the land, and is there proof that those murders happened? First, I looked at who had the most to lose. In the Chouteau collection, I came across a series of receipts of payments made to Antonio Soulard. One right after another, five in total. I learned that the receipts were for land surveys performed by August Chouteaus brother-in-law, Antonio Soulard. These surveys were for tracts of land in Sauk and Fox territory done just six months before the murders. One survey performed on March 20<sup>th</sup>, 1804, was for a 75-mile tract of land along the Cuivre River in Missouri<sup>29</sup> Antonio Soulard did not become the Principal Surveyor of Upper Louisiana until May 26<sup>th</sup>, 1804. If Soulard were not named principal surveyor, all surveys performed by Soulard would have to be re-done after the United States took over the Upper Louisiana territory. These surveys would come to the attention of the United States government at a later date. Pierre and August Chouteau needed the approval of the Americans to maintain their land claims in the Louisiana Territory. It was in their best interest to be of good use to the Americans. At the time of the Murders, William Henry Harrison was set to take over command of the Upper Louisiana territory on October 1<sup>st</sup>, 1804. Hoping for a future presidential nomination, William Henry Harrison made it his mission and duty to fulfill the ambitions of his boss, President Thomas Jefferson. It’s clear that Pierre Chouteau and William Henry Harrison acquainted themselves with one another in May 1804, since William Henry

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<sup>29</sup> Soulard, Antonio. March 20<sup>th</sup>, 1804. “Survey performed by Soulard for Chouteau on the Cuivre River”. Missouri Historical Society. St.Louis

Harrison began writing a series of letters recommending Pierre Chouteau to members of the American government. Although there is no known written communication between the two, underlining their alliance, we have other letters to prove the alliance was formed. Harrison needed the Sauk and Fox territory, Chouteau needed to remain in power and keep his fruitful land claims.

Next, I looked at the connection between Major James Bruff, Warren Cottle and Mackay Wherry. The only solid connection between all three men is Pierre Chouteau. In Pierre Chouteau's account books from 1804, there is a series of payments made to all three of these men.

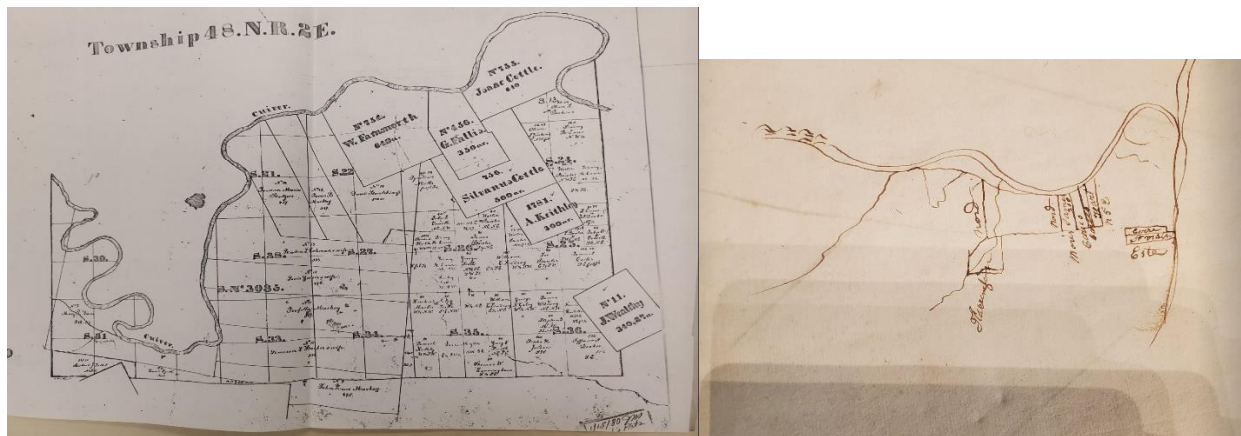
Mackay Wherry (listed as Mr. Mackay) received 16 payments totaling \$529.80 between May 3<sup>rd</sup> 1804 and October 30<sup>th</sup>, 1804. Nine payments were less than \$20, and seven were greater than \$20. Joseph Cottle (Warren Cottle's Brother) received 20 separate payments totaling \$334.65 From May 2<sup>nd</sup> through October 31<sup>st</sup> 1804. Thirteen payments were made in amounts less than \$20 and three total payments greater than \$20. Major James Bruff received three payments totaling \$62.50 between August 7<sup>th</sup> 1804, and August 30<sup>th</sup> 1804. Also, In the back of the account book of Pierre Chouteau for the months of July through August in 1804, written in the middle of a blank page is "bruft. Major Bruft "in August Chouteau's handwriting.<sup>30 31</sup> I believe that Major James Bruff was brought into the fold last, since his payments weren't received until after he wrote his letter to James Wilkenson on September 29<sup>th</sup> 1804. The payments began on May 2<sup>nd</sup> 1804, when Pierre Chouteau first met with William Henry Harrison and concluded on October 31<sup>st</sup> 1804, the same day the Sauks arrived in St.Louis. Also listed in Pierre Chouteau's ledger in 1804 are payments to Amos Stoddard and Charles Dehault Delassus. In the back of Pierre Chouteau's account book for October through December in 1804, there is a handwritten map of what looks like the mouth of the Cuivre River at the Mississippi River. On the map, small sections of land

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<sup>30</sup> Chouteau, Pierre Sr., "Handwritten Bruff" account book 1804, folder 5, p 399-496, July -August. Missouri History Museum Archives, St.Louis.

<sup>31</sup> Chouteau, Pierre Sr., "Account book 1804" , Account book 1804, June through December, folder 7, p 556-680. Missouri Historical Society Archives, St.Louis.

parcels are handwritten. In comparison to, a Platt map of the mouth of the Cuivre River near the Mississippi River from the 1880s, indicates that the handwritten map in Pierre Chouteau's ledger book from 1804 is most likely of the mouth of the Cuivre River near the Mississippi River. A noteworthy detail to mention is, about three miles up the Cuivre River near the Mississippi River, it looks like a handwritten floodplain with no occupants listed on the map. No Cuivre neighborhood is listed on the map. There is no record of a Cuivre Neighborhood settlement at the Saint Charles Historical Society in any records or maps. This settlement seems to be a fictitious detail of the story. If no one settled in the flood plain, no one would know the wiser if a murder occurred there. No witnesses. The only persons who could corroborate this story would be highly respected locals like MacKay Wherry and Warren Cottle.



Right: handwritten map from Pierre Chouteau's Ledger book in 1804<sup>32</sup> \*note the flood plain drawn near the 3mile mark of the Cuivre River(artist unknown), Left: Platt map of Cuivre River from 1880<sup>33</sup>

<sup>32</sup> Chouteau, Pierre sr, "handwritten map" , October- December, account book 1804, folder 7, 565-680. Missouri History museum Archives, St.Louis.

<sup>33</sup> Township 48 N.R .2E. "Plat map 01/15/1880" , 1880, Maps of saint Charles county, Saint Charles Historical Society Archives, Saint Charles, Mo

This handwritten map does not, however, answer definitively if three white settlers were murdered near a settlement on the Cuivre River. I pulled all the land claims on the Cuivre River in 1804 to investigate if any of these persons died in 1804. Their names and death dates are:

1. Michael Crow- 350 arpens on main fork of Cuivre River in district of St. Charles- Survey certified by Antonio Soulard on January 20<sup>th</sup> 1804. Death Date: 1828
2. George Fallis- 350 arpens on Cuivre River, surveyed by Antonio Soulard February 10<sup>th</sup> 1804. Dies July 25<sup>th</sup> 1832.
3. Jacob Grojean (related to Michael Crow)- 400 arps, Surveyed on January 20<sup>th</sup>, 1804 by Antonio Soulard. Died: 1826
4. Francis Hostetter- 500 arps on Cuivre River, surveyed by Antonio Soulard on February 10<sup>th</sup>, 1804. Died: 1851
5. Anthony Keller- 401 arps on Cuivre River, surveyed January 8<sup>th</sup> 1800, Death: 1817
6. Abraham Kichelie- 30 arps on Cuivre River, surveyed by Antonio Soulard on February 20<sup>th</sup> 1804. Died: 1813
7. James Lens- 400 arps on Cuivre River, surveyed by Antonio Soulard on January 20<sup>th</sup> 1804. Died: 1822
8. Nathaniel Simmonds- 410 arps on Cuivre River, Surveyed by Antonio Soulard February 1804. Died: 1850
9. Robert Spencer- 320 arps on Cuivre River- surveyed by Antonio Soulard March 1804. No death date. Served as St. Charles County Court Judge from 1821- 1825.
10. William Tarbet-300 arps on Cuivre River- surveyed April 1804. Died: no death date
11. Zadock Woods- 400 arps on Cuivre River, surveyed on January 20<sup>th</sup> 1804 by Antonio Soulard. Died: 1842

12. Joseph Cottle- 450 arps on Cuivre River, surveyed by Antonio Soulard January 20<sup>th</sup> 1804. Died: 1832

13. Andrew Cottle-350 arps on Cuivre River-surveyed January 20<sup>th</sup> 1804 by Antonio Soulard. Died: 1848

14. Warren Cottle Sr- 898 arps on Cuivre River, surveyed by Antonio Soulard 1800. Died: 1811<sup>34</sup>

In addition to cross-referencing land claims and death dates of individuals who had land claims on Cuivre River, I accessed the burial records of St. Charles Borromeo Church in St. Charles, Missouri, from 1791-1934. No recorded burials matched the description of three adult white males in the burial records of St. Charles Borromeo Church, which held all burial records of all individuals, catholic or otherwise, before the establishment of government records in Saint Charles in 1805.<sup>35</sup>

Finally, I looked at how Pierre Chouteau, August Chouteau, Warren Cottle and Mackay Wherry benefitted post-Treaty of St. Louis in 1804.

1. MacKay Wherry- was appointed as the first Sheriff of St. Charles in January 1805 by William Henry Harrison<sup>36</sup>

2. Warren Cottle Sr.- was granted permission to settle on his land claims September 27<sup>th</sup> 1806. Became the namesake of Cottleville.

3. Pierre Chouteau- was appointed Indian Agent by William Henry Harrison on October 1<sup>st</sup> 1804, and validated land claims by congress 1806.

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<sup>34</sup> Papers of original claimants (1777-1851). " Land Claims on Cuivre River in1804". Finding Aid 951.1. U.S. Recorder of land titles first board of land Commissioners Papers of original Claimants, 1777-1851. Missouri State Archives. Cuivre River. P 1-169.

<https://www.sos.mo.gov/CMSImages/Archives/resources/findingaids/landcomm/rg951-1.pdf>

<sup>35</sup> St.Charles Borromeo Church Burial Records. 1791-1934. Saint Charles Historical Society, St.Charles

<sup>36</sup> The Papers of William Henry Harrison, 1800-1815, microfilm, reel 1: December 2, 1799-October 30<sup>th</sup>, 1804 Indiana Historical Society, Indianapolis



4. August Chouteau- was appointed Court of Common Pleas Judge on October 1<sup>st</sup> 1804, Land Claims validated by congress 1806.

## **Summary of findings.**

Connections of payments made through Pierre Chouteau's account book from 1804, the cross references of deaths of white males in 1804 with Spanish land grants of surveys of land claims on the Cuivre River in early 1804, the cross reference of death and burial records with St. Borromeo Church record in 1804 and finally the investigation of how the key players of the fictional tale of murder by the Sauks on the Cuivre River benefited greatly from the Treaty of St. Louis in 1804, leaves little room for argument that this event, the murder of three white settlers never happened. This murder was an act of coercion to lure the Sauk and Fox to St. Louis, where the American Government would force the Sauk and Fox tribe members to sign the Treaty of St. Louis on November 3, 1804, by arresting a member of the Sauk tribe for the murder of the three white settlers and holding him as a prisoner without release upon signing. This plan was masterminded in early May between Pierre Chouteau and William Henry Harrison and carried out by Pierre Chouteau beginning in May 1804. We can follow the letters written on behalf of Pierre Chouteau by William Henry Harrison beginning in May 1804 and then payments made to MacKay Wherry, Joseph Cottle (the brother and neighbor of Warren Cottle), and Major James Bruff beginning on May 2<sup>nd</sup>, 1804 and concluding the day the Sauk and Fox arrived in St. Louis, October 31<sup>st</sup> 1804. The Thomas Jefferson Westward Expansion playbook was implemented utilizing the debt of 'misunderstandings to massacres' that led to land cessions. William Henry Harrison studied this playbook well and put it into motion through this fictitious murder that ceded 50 million acres of Sauk and Fox tribal land.

## **Conclusions**

The United States has condemned and most likely murdered an indigenous man for the alleged murder of three unnamed white men after coercing a treaty from his tribe members and stealing 50 million acres of his tribal land. The violent practices of Westward Expansion in the United States were forceful. The language of Indigenous treaties set the stage for Indian Removal in the United States, displacing hundreds of thousands of Indigenous persons from their land and robbing them of their culture. Land justice is a high-priority topic in the United States. Indigenous groups are demanding justice for the violence of colonialism in the United States and the illegal means for coercing Treaty agreements from Indigenous tribes across the U.S. From “Sea to Shing Sea,” we will take a closer look at every treaty negotiated, scrutinize the language it contained and identify the means for which it was initiated. It’s historically significant to report the facts of Colonialism in the United States for land reparations and education of future generations.

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