

REGIS LOISEL.

1799—1804.

Block Seventeen, South Atchison, had merely a potential existence in those ancient days. That oblong rectangle, fronting upon a postliminous Third Street, was unapparent among the hazels and chinquapin oaks which feathered the rounded summit of the bold projecting headland, visible to the keen eyes of Regis Loisel for leagues along the broad, deep, solitary valley; dimly desecrated through autumn's melancholy haze and the azure mist of April, southward from the porphyry bluffs, whose receding vistas converge to the horizon above the columnar cottonwoods of Cow Island Bottom, and northward from Blacksnake's barren tumuli of tawny sand.

S Street was not. White Clay crawled sluggishly on its useless errand through muddy ooze, and idly emptied its turbid urn. Sumner, Port William, and Leavenworth had not disturbed the wilderness with the decline and fall of their ineffectual dreams of fortune and empire. The great railroad center was an ovum in the unimpregnated womb of the future when Regis Loisel first moored his bateaux and lighted his camp-fire beneath a rugged elm at the foot of Block Seventeen, in 1799; the central point in the arc of the "Grand Détour," or "Great Western Bend of the Missouri."

George the Third was King of England, France was a republic. Paul the First was Emperor of Russia. Selim the

Third was Sultan of the Eastern Empire. John Adams was the imperious President of a Federal Union, comprising sixteen States, Kentucky and Tennessee being the outposts and extreme western frontier. The first Territorial Legislature of Ohio had just met at the huddle of log huts called Cincinnati. Kansas was a Spanish province under the dominion of Charles the Fourth and Manuel Godoy, Duke of Alendia and Prince of the Peace.

The haughty hidalgo with sable drooping plume and subtle rapier was the predecessor of the border ruffian, the Jayhawker, and the bullwhacker, upon the banks of the Missouri. To his successors he bequeathed an unsubstantial heritage, and laid deep in the soil the substructure and underpinning of that fragile architecture which has given to every creek, cross-roads, and slabtown its airy *chateaux en Espagne*. The Spanish sway in Kansas was brief and barren of results. The Castilian emigrants lingered by the shores of the Gulf and seldom penetrated far inland. They were a race of buccaners and pirates, sensual, selfish, avaricious, haunting the coral groups and tranquil lagoons of the tropics, alternating between frenzied raids for silver in the mines of Zacatecas, and aimless wanderings in search of the Fountain of Youth in the land of perpetual flowers.

France was the owner in fee simple of Block Seventeen till 1762, though the muniments of title will be sought in vain among the records of the Atchison County registry of deeds. The real-estate abstracts of Rust & Co. contain no reference to this proprietorship, nor the conveyance in 1762 to Spain, by which nation it was held till 1800, when Napoleon Bonaparte acquired the fee in trust for France, and sold it in 1803 to the United States.

Napoleon was not a fortunate speculator in real estate. He had no use for Western lands and town lots. He did not participate in that sublime and universal faith which believes that property will be higher in the spring. He closed out his entire interest in the Atchison town-site, together with all the adjacent land lying west of the Mississippi and south of the British Possessions, for three million dollars, which is at the rate of more than a hundred acres for a cent. Real estate in Atchison was cheap at the close of the eighteenth century. The Hannibal and St. Joseph extension had not been completed. The bridge had not been definitely located. Forty-eight trains were not arriving and departing daily. The new hotel slept in the clay-pits at the foot of the bluffs. And yet it may be that Bonaparte was right. He had, perchance, a premonition of the twenty-one different kinds of taxes and assessments that would be annually levied on Block Seventeen, and concluded that he had better sell out before Baker was elected treasurer—in 1872.

For there were no taxes in that halcyon time. Larceny had not been legalized. Confiscation by statute, in time of peace, had not been invented. Ten per cent penalty and fifty per cent interest was the hope of the thieves in their most daring dreams of speculation. The avarice and cupidity of that primitive epoch did not demand the sanction of law, but were content to evade its penalties. Strange as it may appear, no pompous official emerged from the thickets of elders and pawpaws to collect wharfage of Regis Loisel as he tied up his fleet at the steep levee, and his motley crew of *voyageurs* and *couveurs de bois* scrambled up the crumbling bank, weary with rowing, cordelling, and poling against the yellow current of the capricious and turbid stream.

Contrasted with Jamestown and Plymouth, this was not many years ago; but all antiquity is comparative. The day before we were born is older than Adam. To manhood the recollections of infancy recede into a past as remote as Noah. To those whose memories reflect the ruined images of Quindaro and Leecompton, earth has no profounder solitudes, time no more ancient epoch, than the Kansas of Regis Loisel in seventeen hundred and ninety-nine. And yet successive emigrations had even then overflowed and subsided from these tranquil plains, leaving no memorials that time has not obliterated. The Aztec, the Mound Builder, the savage, with their mysterious industries, their unknown avocations, their rude commerce, the trepidations of their wars, the awful sacrifices of their religions, the inexorable sanctions of their laws, have vanished like the smoke of their altars and the blood of their victims. The temple, the devotee, and the god have sunk into common oblivion. Day was as night save for the alternations of sun and clouds. The earth grew green and turned white again, with nothing to mark the succession of the unchanging years.

History does not record whether such meditations occurred to Regis Loisel. Thoughts of Hélène Chauvin may have floated in his ambitious and scheming brain as he recalled the desolate wastes of cottonwood and sand that intervened between the "Grand Détour" and the little French hamlet where she dwelt, or the weary voyage of months to the northward before he could return. But he was no idle dreamer on a sentimental journey, in search of objects over which his sensibilities could expand. The past had no charm for him. He felt the sublime agitations of youth. Its prophesies of the future stirred him like a passion.

The sullen gray bars of the river were vocal with sonorous flocks of brant, halting for a night on their prodigious emigrations from the icebergs to the palms. Triangles of wild geese harrowed the blue fields of the sky. Regiments of pelicans performed their mysterious evolutions high in air—now white, now black, as their wings or their breasts were turned to the setting sun. The sandhill crane, trailing the ridiculous longitude of his thin stilts behind him, dropped his gurgling croak from aerial elevations, at which his outspread pinions seemed but a black mote in the ocean of the atmosphere. In all the circumference of the waste wilderness beneath him, he saw no tower or roof or spire upon the hills of Atchison, no cabin on the prairie, no hollow square cleared in the forests of Buchanan and Platte; heard no vibration of bells, no scream of glittering engine, no thunder of rolling trains, no roar of wheels, no noise of masses of men like distant surf tumbling on a rocky shore; no human trace along the curves of the winding river, save the thin blue fume that curled upward through the trees at the base of the bluff from the camp-fire of Regis Loisel.

The geographies and atlases of twenty years ago presented this favored region to the wondering eyes of the ingenuous youth of that period as a dotted area of irregular outline, labeled, "*Great American Desert*," in which groups of Holes-in-the-Day, conical lodges of pelts, epizoötic buffalo, and wild gazelles with silvery feet were scattered in reckless and illogical profusion. So profound has been the ignorance upon this topic that it is even now the general belief that the pioneers of '54 and '55 entered upon an untried and trackless solitude. To such it may be necessary to explain the presence of this intruding explorer with his flotilla at the

Achison levee in 1799, in company with Antoine Tibeau and his brother Pierre.

The connection appears remote, but it is historically accurate to say that he was here because that eminent navigator, Jacques Cartier, sailed from St. Malo in 1534, and entered the river St. Lawrence, taking possession of the country in the name of Francis I., King of France. The early settlers of Canada, in 1535, immediately learned the immense value of the furs of the animals that swarmed in the pure, cold lakes and streams and the lonely forests of those vast territories. Collecting them in great quantities, they found an increasing demand with every new arrival from the mother country, and the fabulous profits of the traffic, combined with the wild romance of the chase, stimulated enterprise and capital to the inauguration of gigantic schemes. Beads, liquors, and gaudy apparel were shipped from French seaports to Quebec, and thence distributed among the Indian tribes to induce them to pursue their congenial occupation. The Frenchmen, naturally adventurous and flexible, readily assimilated to the Indian habits, and became hunters and explorers. Hardy and courageous, yet mild and peaceable, they penetrated remote regions with safety, and conciliated savage tribes by their superior address. Accompanied by the priests of their religion, they planted the standard of the cross by the flag of their country upon the forts which they established in the trackless solitudes of the St. Lawrence and the Lakes. Gradually extending the area of their explorations, they crossed the continent southwesterly during the century following their first settlement, penetrating the region since known as Wisconsin, Michigan, and Illinois, descending the Mississippi to the Gulf of Mexico in 1682, and

founding, in 1718, the city of New Orleans, which became thenceforward the southern seaport of their commerce, outranking in importance both Mackinaw and Montreal in the north.

The vast region bordering the Missouri and its great tributaries was a boundless and unexplored field for the fur-traders. It is now occupied by the States of Arkansas, Missouri, Iowa, western Minnesota, Nebraska, Kansas, and the Indian Territory. The fur-bearing animals had gradually receded westward before that daring and mysterious emigration which subsequently vanished, leaving its history written in the nomenclature of the streams, peaks, passes, and plains, from the Yellowstone to the Gulf, from the Missouri to the Pacific.

In 1762 the Director-General of Louisiana, Monsieur D'Abadie, granted to a company of New Orleans merchants the exclusive right to trade for furs with the Indians upon the Missouri River, under the title of "Pierre Liguette Laclède, Antoine Maxan & Company."

Laclède, the projector of the enterprise, was a mercantile adventurer of noble descent from Bordeaux, long domiciled in New Orleans, where he had fallen a victim to the voluptuous charms of Madame Chouteau, the wife of a baker of bread and pies for the hungry, and a vendor of ale and wine for the thirsty villagers. Monsieur Chouteau, the baker, was presumably a crusty fellow, neither well bread nor in the flour of his youth; a dough-faced loaf-er and a pie-biter of the deepest dye. Be this as it may, Madame preferred the plume and sword of her dashing lover to the paper cap and rolling-pin of her liege lord, and "lit out" in the summer of 1763 with the expedition for Ste. Genevieve, arriving on November 3d, where they went into winter quarters. After

a careful examination of the topography of the surrounding country, Laclède selected the present site of St. Louis, and established a trading-post February 15, 1764, erecting a large house and four stores on the levee. In due time he died, bequeathing his name to a street and a hotel in the city he founded. Madame Chouteau long survived him, residing in St. Louis till her death, leaving a numerous progeny of Chouteaus, and a name that smells sweet and blossoms in the dust. She was a woman of great strength of character and marvelous personal beauty, and ruled St. Louis with despotic sovereignty.

In 1770 the village comprised forty families, protected from savage incursions by a small garrison. On August 11, 1768, Captain Rion, with a detachment of troops, took possession of the town in the name of the King of Spain, under whose dominion it nominally remained till transferred to the United States in 1803; at which time it continued to be merely a trading-post with a few hundred inhabitants, its annual traffic in furs amounting to about \$200,000. The first brick house was erected in 1813. The first boat left its wharf in 1819, and as late as in 1822 it contained only about 5,000 inhabitants.

Here, in 1798, landed Regis Loisel, a youth of twenty, born near Montreal, a soldier of fortune, who conceived the idea of extending the fur trade to the head waters of the Missouri and its tributaries in the extreme northern fastnesses of the Rocky Mountains. It was a bold and audacious scheme, and implied the possession of extraordinary powers of body and mind. The distance alone was appalling. Months were consumed in the transportation of stores and supplies by rude boats, driven against the turbulent current

by favoring gales, or drawn by men walking along the shore, toiling at a rope attached to the mast-head. The navigation was inconceivably slow and dangerous. Tribes of implacable savages resented the invasion of their domains, adding to the labors of the voyage the terrors of ambush from the impenetrable forests that darkened the shores.

Associated with him in the daring enterprise was Pierre Chouteau and Jacques Clamorgan, under the mercantile name of "Clamorgan, Loisel & Company." Chouteau was a descendant of the beautiful bakeress of New Orleans. Clamorgan was a French creole from Guadaloupe, educated at Paris, whose dusky amours have given to St. Louis a race of laundresses and barbers like Shakespeare's "cuckoo-buds of yellow hue."

In the promotion of the purposes of their commercial venture, Loisel ascended the river in 1799, and established a trading-post on an island in the Upper Missouri, where he subsequently made a field and garden, and built a four-bastioned fort of cedar logs. This locality is in the present territory of Dakota, and directly in the route of the Northern Pacific Railroad.

Returning to St. Louis in the development of his plans, the partnership being dissolved, he anticipated the policy of the Government by promptly applying for a land-grant in the following terms:

"To Mr. Charles Dehault Delassus, Lieutenant-Colonel of the Stationary Regiment of Louisiana, and Lieutenant-Governor of Upper Louisiana, &c.:

"Sir: Regis Loisel has the honor to submit that having made considerable sacrifices in the Upper-Missouri Company in aiding to the discoveries of Indian nations in that quarter in order to increase commerce hereafter, as also to inculcate to these different nations favorable sentiments towards the Government and have them devoted to the service of his Majesty, so as to be able to put a stop to the contraband trade of foreigners who, scattering themselves among those Indians, employ all imaginable means to make

them adopt principles contrary to the attachment they owe to the Government. The petitioner has also furnished with zeal, presents, in order to gain the friendship of those different nations for the purpose to disabuse them of the errors insinuated to them, and to obtain a free passage through their lands and a durable peace. The petitioner, intending to continue on his own account the commerce which his partners have abandoned in that quarter, hopes that you will be pleased to grant to him, for the convenience of his trade, permission to form an establishment in Upper Missouri, distant about four hundred leagues from this town, and which shall be situated on the said Missouri between the river known under the name of Rivière du vieux Anglais, which empties itself in the said Missouri on the right side of it, descending the stream, and lower down than Cedar Island and the river known under the name of Rivière de la Côte de Médecine, which is on the left side, descending the stream, and higher up than Cedar Island, which island is at equal distance from the two rivers above named. That place being the most convenient for his operations, as well in the Upper as in the Lower Missouri, and it being indispensable to secure to himself the timber in an indisputable manner, he is obliged to have recourse to your goodness, praying that you will be pleased to grant to him a concession in full property for him, his heirs or assigns, for the extent of land situated along the banks of the said Missouri, and comprised between the river called the Old Englishman's and the one called the Medicine Bluff, here above mentioned, by the depth of one league in the interior on each side the Missouri, and including the island known by the name of Cedar Island, as also other small timbered islands. In granting his demand, he shall never cease to render thanks to your goodness.

"St. Louis of Illinois, March 20, 1800."

"REGIS LOISEL."

To which ingenious petition the Governor was pleased to respond by his concession, in manner following, that is say:

"ST. LOUIS OF ILLINOIS, March 25, 1800.

"Whereas, It is notorious that the petitioner has made great losses when in the company he mentions, and as he continues his voyages of discoveries conformably to the desires of the Government, which are the cause of great expense to him, and it being for the commerce of peltries with the Indians necessary that forts should be constructed among these remote nations, as much to impress them with respect as to have places of deposit for the goods and other articles which merchants carry to them, and particularly for those of the petitioner, for these reasons I do grant to him and to his successors the land which he solicits in the same place where he asks, provided it is not to the prejudice of anybody; and the said land being

very far from this post, he is not obliged to have it surveyed at present; but however, he must apply to the Intendant-General in order to obtain the title in form from said Intendant, because to him belongs, by order of his Majesty, the granting of all classes of lands belonging to the royal domain.

"CARLOS DEHAULT DELASSUS."

The tract thus secured was about fifteen miles long by five miles in width, with special advantages for trade, and as a military post to which the trappers could resort for protection in winter, a depot where supplies were distributed and furs collected for shipment by canoes and mackinaws to St. Louis, on the "rise" from the melting of the mountain snows.

Loisel prosecuted his venture with varying fortunes till 1804, making several voyages, and opening a farm to furnish his garrison with vegetables and grain. In the autumn of this year he descended the Mississippi from St. Louis to New Orleans, for the purpose of engaging the assistance of capitalists in a scheme to penetrate the Rocky Mountains and establish the fur trade in the extreme northwest upon the Pacific Ocean. Falling ill upon his journey, he went immediately to the house of Monsieur Joseph Perillat, where he became rapidly worse, and on the first of October made his will before a notary, who gave the following copy, which was filed in the succeeding February in the probate court of St. Louis, before Judge Marie P. Ledue:

"This day, first October, eighteen hundred and four, and the twenty-ninth year of the Independence of America, we, Narcisse Brontin, Notary Public of the United States of America, resident of the town of New Orleans, transported ourselves at the demand of Monsieur Regis Loisel in his domicile, (house of Monsieur Perillat,) situated at about one-half league from the town of New Orleans, where being we have found the said Mr. Loisel sick abed, but in his full judgment, memory, and natural understanding, and in presence of the witnesses hereinafter named, he told us that fearing death, which is natural to all creatures, its hour uncertain, he

wished to put his affairs in order and makes his testament, which he dictated to us in the form following:

Item: He has declared himself C. A. R. native of Assumption, in Lower Canada, legitimate son of Registre Loisel and Manette Massin, both defunct.

Item: He has declared to us that he was married with Miss Helène Chauvin, resident of St. Louis of Illinois, of which marriage he has two daughters, named Manette, aged three years, and Clementine, aged sixteen months, and that his spouse is at present pregnant.

Item: He declared to us that he owed several persons, as will be established by his notes, obligations, and accounts, and that there were due him amounts according as they shall be established by bills, accounts, and obligations which shall be found in his possession. He orders his testamentary executors to pay his debts and to receive what is due to him.

Item: He declared to us that his property consisted of a mulatto and a farm at St. Louis of Illinois, in a house and lot, the title papers of which are at Mr. Clamorgan's; in horned cattle, &c.

Item: He declared to us, naming for his sole and universal heirs his above named two daughters, Manette and Clementine, and also the child of which his spouse is pregnant, in case he live, shall inherit an equal portion with the children before named.

Item: He has declared to us, naming for tutrix and curatrix of his children his said spouse, relieving her from all legal responsibility.

Item: He declared to us, naming for testamentary executors of his estate the Sieurs Auguste Chouteau and Jacques Clamorgan, merchants of St. Louis of Illinois, to whom he gives power to make inventory sale and subdivison of his estate between his heirs, without the intervention of law under any pretext. He supplicates them also to have the kindness to have three masses said for the repose of his soul.

Item: He declared to us that he had here in town, in his trunk, a bundle of law-papers concerning Mr. Peignoux and Mr. Lafourcade, which said papers, in case any accident should happen him, he desires that Mr. Manuel Lisa should take charge of and remit them to Mr. Clamorgan.

Item: He declared to us having merchandise on the Upper Missouri, in the care of Mr. Pierre Tabean. He prays his testamentary executors to cause the whole to be brought to St. Louis of Illinois. He declared to us also having here in town forty buffalo-robbs, which he prays Mr. Eugene Dorcier to have the kindness to sell them, and to pay with the proceeds the debts which might be occasioned by his sickness, and to remit the balance, if perchance any be left, to his executors testamentary.

Item: He declared to us to have an account current with Mr. Clamorgan, extending many years back; that he had signed an account of forty thousand and some hundred livres, but that since that time he had

paid the said Clamorgan, at divers times, a greater amount than the said sum.

Item: He declared to us that the said House of Clamorgan, Loisel & Company owed him five thousand livres at least.

Item: In case that the goods in possession of the testator in the Upper Missouri are not sufficient to pay that which he owes Mr. Chouteau, he prays him to have a kind regard for his family.

Item: The testator declared to us that he annulled all other testaments, codicils, powers or dispositions which he has made before this one, declaring null and of no effect, or effect all such except this.

"Which having read to him, he signed in presence of Manuel Lisa, Antoine Promentin, and Joseph Perillat, witnesses domiciled in this town.

"In testimony whereof, we said notary have affixed our hand and the seal of our office the day and year before written.

[L. S.] (Signed) "REG. LOISEL.

"ANTOINE PROMENTIN.

"MANUEL LISA.

"JOSEPH PERILLAT.

NARCISSE BRONTIN,
Notary Public.

"I certify that the present copy conforms to the original which rests in my hands.
 NARCISSE BRONTIN, *Notary Public.*

"New Orleans, this fourth of October, 1804."

Having executed this testament, Monsieur Brontin took his ink-horn and departed. The sick man became impatient at the restraints of his illness and anxious to join his family before approaching winter had closed the river above with ice. Borne to his boat upon a couch of buffalo-robbs, he started on the long journey to St. Louis. His strength was not equal to the fatigue and exposure of the voyage. Near the mouth of the Arkansas he died and was buried, and his grave no man knoweth. Death baffled his ambitious dreams at the early age of twenty-six, but the three masses for which he supplicated could not give repose to his soul. The child with which his wife was pregnant was born, became a priest, and died. Hélène, his widow, married again, bore other children, and died full of years. His two daughters became mothers, and died, and their children

followed them to the cathedral graveyard, and still he was not at rest.

In the Treaty of Cession the Government recognized the validity of the land-grants made by the Spanish and French governors, and appointed boards of commissioners to report those that were genuine to Congress for confirmation. After the death of Loisel, the concession of Delassus at Cedar Island was ostensibly sold to his executors for ten dollars, payable in shaved deer-skins at forty cents per pound. The different boards refused to recognize the claim, and it slept until 1858, when Congress passed an act confirming the title, and authorizing the issue of a patent for 38,111 10/100's acres of land to the legal representative of Regis Loisel, to be located upon any vacant lands of the United States. In 1859 the lands were entered in the counties of Nemaha, Marshall, Jackson, and Pottawatomie, Kansas, and remained vacant ten years longer under an accumulated burden of unliquidated taxes.

Meanwhile legislatures enacted laws, courts adjudged and decreed, and generations of lawyers wrangled in fruitless effort to determine who was entitled to this imperial inheritance—whether the title descended to the lineal posterity of the testator, or whether it passed in 1805 to the executor, Jacques Clamorgan, by the alleged sale for twenty five pounds of shaved deer-skins, that did not appear to have been paid.

And thus at last, in the strange vicissitude and mutation that accompanies human affairs, it chanced that the protracted strife finally closed in the courts of Nemaha, and it was there determined who were the "heirs of Regis Loisel."

Had the bandage been removed from the eyes of the Goddess of Justice upon that wintry day, she would have dropped the idle scales and brandished the avenging sword.

They have built her a stately temple since, whose harmonious and symmetrical mass is the poem of a landscape that was enchanted before a cheap railway had spanned the Nemaha with its skeleton truss, and dumped its black grade diagonally across the great military road that trailed westward through the village and over the level prairie toward Salt Lake and the Pacific Ocean. But upon the day aforesaid, the goddess dwelt like the apostle in her own hired house, a chosen sanctuary of cottonwood that stood four-square to all the winds that blew. Here were the ægis, the palladium, the forum, the ermine, the immortal twelve, and all the paraphernalia inseparable from the administration of law even in its most primitive form—essential to its sanctions, the staple of its orators; without which, we are assured by its ministers, the proud edifice of our liberties would incontinently topple and fall headlong from turret to foundation-stone.

The two windows rattling in their rude casements were curtained with frost of the thickness and consistency of tripe. Between them, with his head dangerously near the rough mortar of the ceiling, sat his honor the judge, surveying the scene from an inverted packing-box, his boots interrupting his vision, and his chair inclined against the wall. The harangues of the advocates were enlivened by the musical clinking of glasses, the festal notes of the rustic Cremona, and boisterous bursts of inebriated laughter from the dog-gery beneath. Planks of splintered pine, sustained by a beggarly account of empty boxes, soap and cracker, spice and candle, from adjacent groceries, afforded repose to a group of dilapidated loafers who crouched and shivered around the smoking stove. As they masticated their "flat tobacker," they

meditatively expectorated in the three ply saw-dust that carpeted the floor, and listened to the will of Regis Loisel.

The subtle potency of the soul of the bold adventurer spoke imperiously from the abyss of a forgotten past. His voice emanated from an unknown grave, across the interval of three-quarters of a century. His restless and uneasy ghost animated the mysterious syllables at whose utterance arose the phantom of Law, which irresistibly forbade intrusion upon sixty square miles of Kansas prairie, in the name and by the will of Regis Loisel.

And so the drama ended. Three generations had passed away. The squalid hamlet had expanded into an opulent metropolis, of which his descendants are eminent and honored citizens. States had sprung like an exhalation from the wilderness. An intense civilization pervaded the profoundest solitudes. Nothing remained unchanged in the wild world of his brief life save the impassive and desolate river which wears as then, and will forever wear, the impervious mask of its sullen mystery; which bears as then, and will forever bear, the burden of its secret unrevealed, yielding no response to the living who tempt its inconstant wave, nor the dead who sleep by its complaining shore.

May his soul rest in peace!