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Peoria French Claim Cases

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One of the earliest European settlements in Illinois stood along the Illinois River at what it now Peoria where French settlers established Fort Pimiteoui in the early 1690s. Pimiteoui was the Native American name of the natural lake at that location. Even though France ceded its claims to the Illinois area after the French and Indian War in 1763 to the British, the French customs remained until well after the American Revolution and even after Illinois became a federal territory in 1809. The small village of Peoria replaced Fort Pimiteaoui and at its height had 100 people living there in the French style with buildings on lots and common farming ground outside of the village.

When the War of 1812 broke out, Territorial Governor Ninian Edwards dispatched Captain Thomas Craig to deal with Native uprisings spurred by the British. Craig burned the French Peoria village and forced the French inhabitants onto open boats for passage to Alton. One of the Peoria residents was Thomas Forsyth, the U.S Indian agent. Most of the Peoria French residents never returned and ended up settling in St. Louis. Fort Clark was erected at the site but was abandoned after the War of 1812 ended. The land remained unoccupied until 1818.

In 1813, thirteen of the former Peoria inhabitants petitioned Congress for redress, but Congress did not pass a law to address their concerns until 1819 and 1823. Surveys of the old French lots did not occur until the late 1830s. By this time, a new Peoria had grown with Illinois settlers who completely built over any remnants of French settlements. By the 1840s, many of the French settlers had died, and Robert Forsyth, son of Thomas Forsyth, purchased the interests of many of the claimants. Charles Ballance was a Peoria attorney who owned several of the lots that overlapped the old Peoria French surveys. Ballance resisted the French claims by arguing that the French settlers never had formal title to the land, while Ballance was able to trace his ownership to the U.S. government by virtue of Indian treaties.

Forsyth and other claimants began ejectment proceedings in the late 1840s in the Peoria County Circuit Court in at least 36 separate cases. In most of the cases, the French claimant was successful. At least 6 cases went to the Illinois Supreme Court. *Ballance v. McFadden*, 11 Ill. 316 (1851) summarizes the appealed cases. McFadden, the assignee of the French claim, sued Ballance to recover the disputed land and was successful at the trial level. In his opinion, Chief

Justice Samuel Treat reversed and remanded the case because McFadden was not the original owner and had no standing to the French claim.

At the same time as the Peoria County Circuit Court cases, the claimants also filed suit in federal court. Once the Illinois Supreme Court consistently ruled for Peoria residents over the French claimants, the claimants then abandoned the state courts in favor of the federal courts. Over the next 20 years, a total of 46 cases went to the U.S. Supreme Court. Some were decided in favor of the French claimants, some were decided in favor of the Peoria residents.

In 1867, Charles Ballance agreed to pay Robert Forsyth $31,000 to settle all of the cases still pending. Forsyth gave Ballance a warranty deed for eight claims, ending the decades-long battle. Ballance later wrote that he “expended many thousands of dollars and some of the best years of my life in opposing a band of speculators, who, but for me, would have recovered a large portion of our city and stopped up our spacious streets and opening, in lieu of them running at different angles, ‘French cowpaths.’”