

An Abstract of the St. Louis Court System, 1804 to 1875

*Compiled by the Missouri State Archives, Local Records Program
for use in processing the case files of the St. Louis Circuit Court*

The St. Louis Courts

The nineteenth-century St. Louis judicial system was complex and changed constantly as St. Louis evolved erratically under the impact of forces that transformed it from a French colonial village into America's fourth largest city. Following the Louisiana Purchase in 1803, a federally-governed court, under a series of territorial administrative organizations – the Louisiana District [1804-1805], the Territory of Louisiana [1805-1812], and the Missouri Territory [1812-1821] – undertook the burden of untangling an array of complex problems arising from the French and Spanish colonial past. The United States Congress established the earliest territorial courts of Quarter Sessions and Common Pleas. The territorial legislature established the first St. Louis Circuit Court in 1815. By the time Missouri entered the union in 1821, the judicial system had been reshaped and reorganized several times.

Case files contain petitions, pleas, responses of defendants, summons, subpoenas, calls for witnesses or jurors, testimony, depositions, judgments, verdicts, and a variety of original and copied documents supporting the pleas of the plaintiffs or defendants. Case files often contain inventories of personal or commercial property, wills, accounts of money owed or paid for goods or services, maps, plats, surveys, or similar items illuminating the matter under dispute in the courts.

Many of the cases do not include the verdict, judgment, or final resolution of the case. This information can be found in the corresponding indexed record books in the Circuit Court.

I. General outline for St. Louis Circuit Court administrative history

This is a basic outline of the various forms and functions of the circuit court in St. Louis as gleaned from research in the Revised Statutes of Missouri (published every ten years from 1825), the Laws of Missouri from 1804-1875, and a variety of primary and secondary sources.

A. French and Spanish Administration

As a result of the Treaty of Paris that ended the Seven Years War (French and Indian War), France yielded control of Upper Louisiana west of the Mississippi to Spain and east of the Mississippi to England. The area of St. Louis (west of the Mississippi River) was never under British control and thus began its judicial system under Spanish and French civil codes rather than British common law similar to eastern territories and states. St. Louis was founded in 1764. The area's population increased because French inhabitants moved west of the Mississippi to escape British rule. Formal Spanish assumption of administration of Upper Louisiana occurred on May 20, 1770.

- French and Spanish officials established five administrative districts--St. Louis, St. Charles, Ste. Genevieve, Cape Girardeau, and New Madrid.
- The Spanish Lieutenant Governor for Upper Louisiana could also decide judicial disputes.
- The Spanish and French administration gave judicial power to the military commandants for the districts, with appeal to the Lieutenant Governor.
- Civil codes did not provide for trial by jury, with many cases settled through arbitration.
- Lesser civil officers known as syndics settled disputes in local areas. Citizens could appeal their judgments to commandants.

- France regained control of Louisiana from Spain on October 1, 1800 by the secret Treaty of San Ildefonso.
- France ceded Louisiana to the United States on April 30, 1803.
- On October 31, 1803, Congress gave President Jefferson authority to take possession of Louisiana.

B. American Administration

When American administration began in 1803, laws and practices in force under the civil codes or previous territorial administrations remained in effect unless specifically changed by Congress, the Governor, or the General Assembly. Earliest court activity in 1804 cited reliance on common law in practice as well as the precedents of civil code or territorial administration.

1. District of St. Louis, March 26, 1804 - November 30, 1812

- In Louisiana District of Indiana Territory, *March 26, 1804 - July 3, 1805*

By an Act of March 26, 1804, Congress divided Louisiana into the District of Louisiana of Indiana Territory (area above the 33rd parallel) and below that the Territory of Orleans, which later became the state of Louisiana. Congress authorized superior court judges of Indiana Territory to meet twice a year in the Louisiana District, but eliminated this provision in October of 1804 with the establishment of courts for Louisiana district including a superior court called the General Court. Congress established the courts noted below for each of the five administrative districts.

- In Louisiana Territory, *July 4, 1805 - November 30, 1812*

Court of Quarter Sessions of the Peace (Precursor of the county court)

October 1, 1804 - November 30, 1812

Criminal and administrative jurisdiction for the district

Appeal from Justice of the Peace

Appeal to General (Superior) Court

Court of Common Pleas

October 1, 1804 - November 30, 1812

Civil jurisdiction for district

Appeal from Justice of the Peace

Appeal to General (Superior) Court

Probate Court

October 1, 1804 - November 30, 1812

All matters relating to probate of the estates of persons who died.

Appeal to General (Superior) Court

Orphan's Court

September 1, 1807 - November 30, 1812

Judges of the Court of Common Pleas dealt with all matters relating to orphans & minors, guardians

Appeal to General (Superior) Court

General Court sat as Court of Chancery, January 1, 1811-1815

General (Superior) Court for the territory sat as a court of chancery for each administrative district (later counties) within each of two judicial districts. The general court shared chancery jurisdiction with circuit courts for each county after establishment of circuit courts in 1815.

2. St. Louis County replaced the District of St. Louis, October 1, 1812-

- The governor replaced the former administrative districts with counties by proclamation, October 1, 1812.
- Attorneys and clerks began writing "St. Louis County" in the Territory of Missouri in March, 1813.
- Physical boundaries of St. Louis and other counties established by General Assembly on December 31, 1813.

3. Missouri Territory, December 1, 1812 - August 9, 1821 replaced Louisiana Territory.

Congress created the territory of Missouri by act of June 4, 1812. The act ensured judicial proceedings according to common law and the laws and usages in force in the territory. The territorial legislature affirmed in 1816 that "...common law of England which is of a general nature and all statutes of the British parliament in aid of, or to supply the defects of the said common law...shall be the rule of decision in this territory until altered or repealed by the legislature...."

Quarter Sessions of the Peace continued

December 1, 1812 - August 31, 1813

Criminal jurisdiction for county

Appeal from Justice of the Peace

Appeal to General (Superior) Court

Common Pleas continued

December 1, 1812 - August 31, 1813

Civil jurisdiction for county

Appeal from Justice of the Peace

Appeal to General (Superior) Court

Orphan's Court continued

December 1, 1812 - August 31, 1813

Judges of the Court of Common Pleas dealt with all matters relating to orphans & minors, guardians

All matters relating to orphans & minors, guardians

Appeal to General (Superior) Court

Probate Court continued

December 1, 1812 - August 31, 1813

All matters relating to probate of the estates of persons who died.

Appeal to General (Superior) Court

All matters relating to probate, executors, and administrators. This included taking proof of last wills and testaments, granting letters testamentary and of administration, and all other matters related to probate.

Letters of administration dealt with the goods and chattels of persons who died intestate.

Quarter Sessions of the Peace, Common Pleas, Orphan's Court, and Probate Court

Abolished and replaced by:

Court of Common Pleas

September 1, 1813 - February 14, 1815

Civil, Criminal, and Probate jurisdiction for county

Appeal from Justice of the Peace

Appeal to Supreme Court

Circuit Court

February 15, 1815 - January 30, 1839 (continued in form and practice through the early statehood period).
Civil and Criminal jurisdiction for county (Separate criminal sessions, 1831-1839)
Chancery (Equity) jurisdiction for county
(Supreme Court also retained original and appellate chancery jurisdiction)
Probate jurisdiction for St. Louis County, January 21, 1815 - November 27, 1820 (yielded probate to county court November 28, 1820)
Appeal from Justice of the Peace
Appeal to Supreme Court

C. State of Missouri

- Missouri became a state by presidential proclamation on August 10, 1821.
- Territorial legislative action establishing or regulating courts through 1820 and 1821 was styled as the "State of Missouri" while awaiting the official congressional and presidential proclamation of statehood.

St. Louis Circuit Court

February 15, 1815 - January 30, 1839 (continued in form and practice through the early statehood period).
Civil and Criminal jurisdiction for county
(Separate criminal sessions, 1831-1839)
Chancery (Equity) jurisdiction for county
(Supreme Court retained original and appellate chancery jurisdiction)
Probate jurisdiction for St. Louis County, January 21, 1815 - November 27, 1820 (yielded probate to county court November 28, 1820)
Appeal from Justice of the Peace
Appeal to Supreme Court

February 1, 1839 - December 31, 1865
Civil and chancery (equity) jurisdiction and superintending control of inferior courts

NOTE: The Missouri Legislature abolished chancery/equity distinctions
effective July 4, 1849; all actions in law or equity were "civil" thereafter.

Courts Under Superintending Control of St. Louis Circuit Court 1841-1865**Criminal Court**

February 1, 1839 - 1897 (when it became the Circuit Court for Criminal Causes)
Criminal jurisdiction for St. Louis County till 1876, then only for St. Louis City)
Under superintending control of Circuit Court
Appeal from Justice of the Peace
Appeal to Circuit Court

Court of Common Pleas

January 21, 1841 - December 31, 1865
Concurrent original jurisdiction with circuit court in civil actions
Concurrent jurisdiction with justices of the peace
All appeals from justice of peace
Appeal to circuit court

Law Commissioner's Court

January 14, 1845 - December 31, 1865 (acknowledged as court of record February 17, 1851)

To take testimony from courts of record;

To take depositions and certify deeds and instruments of writing;

To act as justice of peace in criminal cases;

All actions of contract less than \$150; trespass less than \$100;

All appeals in civil cases from Justices of the Peace

Appeal to circuit court or supreme court

Land Court

February 23, 1853 - December 12, 1865

All actions in law or equity related to title or possession of real estate,
including liens of mechanics, builders, and artisans

Appeals (as relates to land) from probate, law commissioners, and justices of peace

Appeals to circuit court or supreme court

Probate Court

The Probate Court in St. Louis operated under the administration of the circuit court and its predecessors as well as the county court until 1841. The legislature established the St. Louis Probate Court effective May 1, 1841. The court continued in form and practice through the 1875 Constitution to the present day. This court retained probate jurisdiction for St. Louis County until 1876 and for St. Louis City only beginning in 1876. The legislature transferred all powers and duties relating to probate from the county court.

Courts after the Civil War and Constitution of 1865**St. Louis Court of Common Pleas, Law Commissioner's Court, and Land Court**

Abolished as of January 1, 1866 and replaced by

St. Louis Circuit Court, January 1, 1866-present

All civil jurisdiction

Appeal from Justice of the Peace and Inferior Courts

Appeal to Supreme Court

St. Louis Criminal Court

February 1, 1839 - 1897 (when it became the Circuit Court for Criminal Causes)

Criminal jurisdiction for St. Louis County till 1876, then only for St. Louis City)

Under superintending control of Circuit Court

Appeal from Justice of the Peace

Appeal to Circuit Court

St. Louis Court of Criminal Correction

March 15, 1866-1980s

Jurisdiction for all misdemeanors

(cases punishable by fine or imprisonment in the county jail)

Appeal to Supreme Court

St. Louis District Court of Appeals

1865-1870

Appeal from circuit court

Appeal to Supreme Court

- The Constitution of 1865 divided the State of Missouri, except for St. Louis County, into judicial districts, which served as courts of appeal from the circuits. Appeals from the district courts went to the Supreme Court. St. Louis County was given three circuit judges, who sat individually as circuit judges for general terms and together in special terms as a district court of appeals for cases from the circuit courts, with appeal to the Supreme Court. These district courts were abolished in 1870, and appeals from circuit courts continued to go to the Supreme Court. The steadily increasing case load of appeals to the Supreme Court led to the creation of an intermediate appeals court:

St. Louis Court of Appeals, 1875-present

All appeals from circuit or criminal courts for

St. Louis, St. Charles, Warren, and Lincoln counties

Appeal to Supreme Court

Related courts for St. Louis County:

County Court

February 15, 1815 - 1816; November 28, 1820-

To deal with county business

Probate jurisdiction at various times (see below)

Justices Courts

Justices of the peace for each township and county from 1804 forward dealt with actions of debt and injury to person or property for which damages were for relatively minor amounts. These actions were generally less than \$100 and were the first line of action for plaintiffs. Appeals from justices of the peace decisions went to the circuit court and were often brought forward on writs of error or certiorari. Justices of the peace worked with constables in issuing summons and subpoenas or executions of judgment. Later circuit and court of common pleas courts held concurrent jurisdiction over certain actions and amounts, but the bulk of minor claims continued to originate and be settled in justices courts.

Probate jurisdiction path for St. Louis District/County:

Probate Court

October 1, 1804-November 30, 1812 in Louisiana District and Territory

December 1, 1812-August 31, 1813 continued in Missouri Territory

The probate court, under the administration of various courts as shown below, dealt with all matters relating to probate, executors, and administrators for St. Louis District and County. This included taking proof of last wills and testaments, granting letters testamentary and of administration, and all other matters related to probate. Letters of administration dealt with the goods and chattels of persons who died intestate.

Appeal to General (Superior) Court

Court of Common Pleas

September 1, 1813-February 14, 1815

Civil, Criminal, and Probate jurisdiction for St. Louis County

Appeal from Justice of the Peace

Appeal to Supreme Court

Circuit Court

January 21, 1815-November 27, 1820

Probate jurisdiction for St. Louis County, (yielded probate to county court November 28, 1820)

County Court

November 28, 1820-January 7, 1825

Probate jurisdiction for St. Louis County

Probate Court

January 7, 1825-April 30, 1827

County Court

May 1, 1827-April 30, 1841

Probate jurisdiction for county

St. Louis Probate Court

May 1, 1841-PRESENT

Probate jurisdiction for St. Louis County until 1876; only for St. Louis City from 1876.

END OF ABSTRACT OF ST. LOUIS CIRCUIT COURT SYSTEM, 1804-1875, 2/06/2004