The Court Archive:
French Law in Illinois

John A. Lupton
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The Illinois Country was first visited by French Europeans in the 1600s, when they built forts and small settlements at sites such as Starved Rock and Lake Peoria. A few decades later, the French founded larger settlements along the Mississippi River at sites such as Kaskaskia, Cahokia, and Nouvelle Chartres. These communities formed links in the chain connecting the twin New France capitals of Quebec in the north and New Orleans in the South.

The Custom of Paris served as the legal system governing France and eventually, New France. In 1717, the Illinois district was formally attached to the Province of Louisiana. The Illinois district was bounded by the Ohio River on the south, the Missouri and Illinois Rivers on the north, and extended indefinitely east and west. The village of Kaskaskia served as the seat of royal justice until the mid-1750s, when the seat was moved to Nouvelle Chartres.

Within a few years, Pierre Dugue de Broisbant, the Commandant of the Illinois, created the *Counceil Provinciall des Illinois*. This seven-member body had jurisdiction over both criminal and civil matters throughout the territory. In addition to its judicial functions, the Council also served as the principal legislative body, issuing royal ordinances to govern the area.

One of the first cases heard by the Provincial Council of the Illinois concerned the "enticement and ravishment" of a Kaskaskia's citizen's daughter. The Council ordered reparations to be paid to the father. Another case involved Pierre Perico, who was accused of stealing from a warehouse at Fort Chartres. During the trial, an African American named Pirrobe testified against Perico, who was convicted and sentenced to be hanged. Often a royal attorney would appear for the government, but there were no indications that individuals hired or even had access to lawyers.

The Custom of Paris and its informal manner of equity remained the governing judicial system in the Illinois district until 1763, when the British defeated the French in the Seven Years War, ending French colonial pursuits in the future United States. However, the British failed to fully implement English common law into their new western territories, and French officials remained in control in many areas. Although many French residents moved across the Mississippi River into Spanish territory, quite a few remained in Kaskaskia and other communities along the river.

For more than two decades, the Custom of Paris continued to operate alongside English common law.

The final blow to the French legal system in Illinois occurred in 1787, when the new United States government passed the Northwest Ordinance. Migrants from the Upper South began moving to the fertile lands in Illinois, bringing with them American legal institutions. British- and American-trained lawyers soon followed. The first lawyer to settle in what is now Illinois was likely John Rice Jones, who arrived in Kaskaskia in 1786. After his son was murdered on the streets of Kaskaskia in 1809, he left for Missouri and became one of the first justices on the Missouri Supreme Court. Jones arrived in Illinois as the Custom of Paris and English common law were yielding to an American system of justice. When he moved to Missouri, he carried American justice farther west, as others for the next century would do.