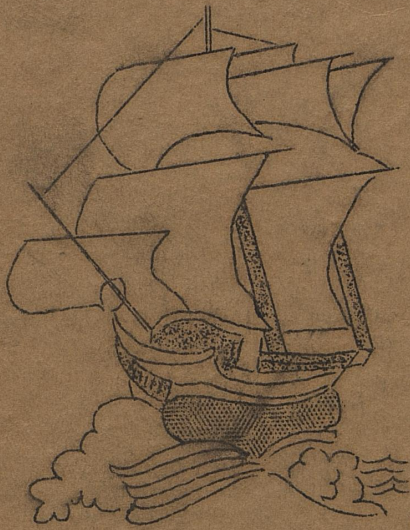


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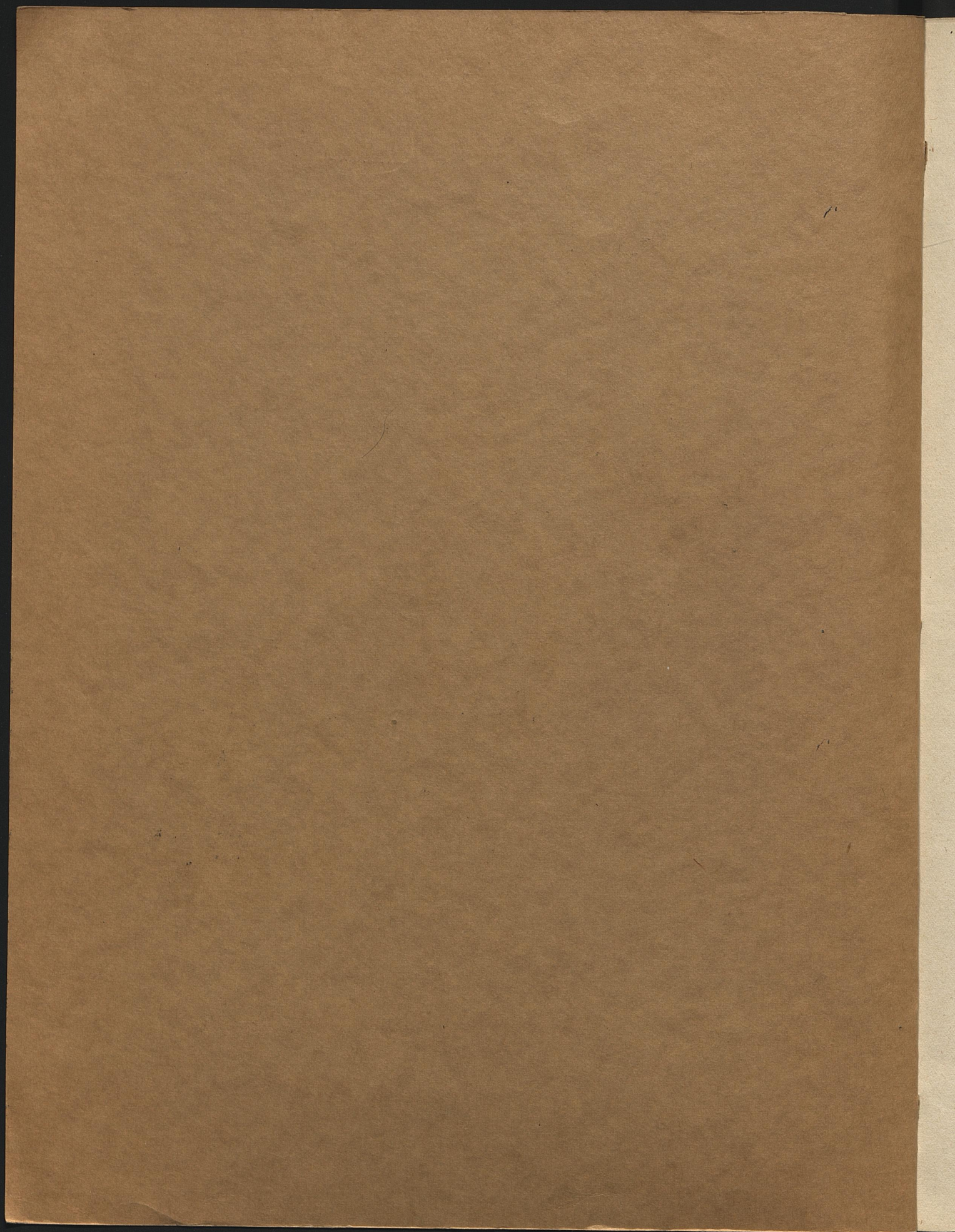
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EARLY HISTORY OF MISSOURI



Historical Records Survey  
Work Projects Administration  
1941

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EARLY HISTORY OF MISSOURI



Prepared by

The Missouri Historical Records Survey  
Division of Community Service Programs  
Work Projects Administration

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St. Louis, Missouri  
The Missouri Historical Records Survey  
August 1941

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PREFACE

The following brief essay and study on early Missouri history during the pre-territorial period was prepared and written by Mrs. Arthuie Acton, of the staff of the Missouri Historical Records Survey. It represents extensive research which was outlined and started by Raymond T. Kelly, former unit supervisor, and continued by Mrs. Acton.

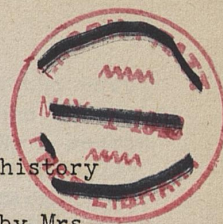
The preliminary purpose of the work is to give a historical background essential to an understanding of the development of the present system of county government in the State.

This essay is issued in a limited edition for the use of our editorial staff and research workers. If the demand is sufficient, and if it is found expedient to so justify, it will probably be issued in an enlarged edition further tracing the history of Missouri and containing a complete and comprehensive bibliography. Such a work would be designed for use in the public schools of Missouri.

*A. Loyd Collins*

A. LOYD COLLINS, State Supervisor  
Historical Records Survey

St. Louis, Missouri  
August 1941



## 1. HISTORICAL INTRODUCTION

The area now known as the State of Missouri was part of the vast region which was claimed for France and named Louisiana by the intrepid explorer, Robert Cavalier de la Salle, in the year 1682.<sup>1</sup> By a secret treaty signed November 3, 1762, at Fontainebleau, France ceded New Orleans and the Providence west of the Mississippi River to Spain.<sup>2</sup> However, the colonists were not informed officially of the transfer until 1764,<sup>3</sup> and Spain did not assume actual control until 1769, when Count Alexander O'Reilly abolished the authority of the French laws and established the Spanish system of government.<sup>4</sup> The Territory of Louisiana was retroceded to France on October 1, 1800, by the Treaty of St. Ildefonso,<sup>5</sup> but Spain retained actual possession of the colony until November 30, 1803.<sup>6</sup> During the intervening period negotiations whereby the United States gained possession of Louisiana were consummated. The Spanish Intendant at New Orleans suspended the right of deposit at that city to American shippers by a proclamation on October 16, 1802.<sup>7</sup> President Jefferson instructed James Monroe to join Robert R. Livingston, resident minister of the United States in Paris, to press negotiations for the restoration of privileges essential to American commerce.<sup>8</sup> Napoleon proposed the sale of the Territory of Louisiana, and the United States acquired this vast area which embraced the region that is now Missouri by a treaty signed April 30, 1803.<sup>9</sup>

These periods during which Missouri was part of the area under the domination of Spain and France, and later, an organized territory of the United States must be considered in order to completely understand the present system of county government in the State. An attempt has been made in this volume to present the evolution and changes in the functions and structure of the county government in a concise but comprehensive manner. To do this it has been necessary to treat the various phases in the political, economic, and social

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1. Francois Xavier Martin, The History of Louisiana from the Earliest Period, p. 78.
  2. Firmin A. Rozier, History of the Early Settlement of the Mississippi Valley, p. 55.
  3. Louis Houck, The Spanish Regime in Missouri, I, Introduction, p. XV; Rozier, op. cit., p. 55.
  4. Francois Xavier Martin, An Account of Louisiana, p. 84; Rozier, op. cit., p. 56; American State Papers, Class X, vol. I, pp. 363-376.
  5. Louis Houck, A History of Missouri, II, 355; Rozier, op. cit., p. 56.
  6. Houck, A History of Missouri, II, 355; Edward Channing, The Jeffersonian System, XII, 81.
  7. Dan Elbert Clark, The West in American History, p. 210; John W. Monette, History of the Discovery and Settlement of the Valley of the Mississippi, I, 548.
  8. Albert Phelps, Louisiana, A Record of Expansion, p. 186; American State Papers, Class I, vol. II, p. 501.
  9. Frederic Arthur Culmer, A New History of Missouri, p. 56; American State Papers, Class I, vol. II, pp. 507 f., Arts. 1-10; L.D.L. 1803, pp. 1-4, Arts. 1-10.

history of the State that have affected the pattern of powers delegated to the counties. Political issues and movements which have been contributing factors in the creation of new counties or the structure and functions of local government have been traced.

The government of the Providence of Louisiana was at first arbitrary, and the colonists had practically no political rights.<sup>1</sup> Military law prevailed in the small isolated settlements during the early period, and justice was administered by a tribunal composed of the Governor and the commissaire-ordonnateur.<sup>2</sup> Civil government was instituted in the colony when a charter conferring a 15-year monopoly of trade was granted to Antoine Crozat in September 1712.<sup>3</sup> The bounds of the province were specified by the charter,<sup>4</sup> and the government of the immense, sparsely populated territory was subordinate to and dependent upon that of New France.<sup>5</sup> The laws, edicts, and usages of France and the customs of Paris were ordained for the government of Louisiana,<sup>6</sup> and an edict of December 18, 1712, authorized the executive power to be vested in a superior council appointed for 3 years by the King from nominations made by Crozat.<sup>7</sup> The Governor and intendant of New France were designated as members of the council, but their membership was honorary and indicative of the subordinate position of the Providence of Louisiana.<sup>8</sup> Other members of the council were the Governor of the Territory, the intendant, the attorney-general, the king's lieutenant, a comptroller, a clerk, and two accredited agents of Crozat.<sup>9</sup>

The Governor or lieutenant-general had general supervision of the colony, particularly in civil and military affairs. The intendant, sometimes referred to as the commissaire-ordonnateur or royal commissary, exercised authority in matters relating to police, finance, and justice.<sup>10</sup> The attorney-general or procureur-general was more than a prosecutor for the province, for he also represented the person whose case was being tried.<sup>11</sup> The clerk was required to keep a record of all that was done or ordered by the intendant, and to deliver all necessary records to him.<sup>12</sup> The intendant presided over the meetings of the

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1. Henry E. Chambers, A History of Louisiana, I, 119; Martin, The History of Louisiana, p. 106.
  2. Herbert E. Bolton and Thomas M. Marshall, The Colonization of North America, p. 276; Walter Robinson Smith, Brief History of the Louisiana Territory, p. 26.
  3. Martin, The History of Louisiana, pp. 114 f.; Alcee Fortier, A History of Louisiana, I, 56-59.
  4. Reuben Gold Thwaites, France in America, p. 81; Houck, A History of Missouri, I, 269.
  5. Houck, A History of Missouri, I, 269.
  6. Chambers, A History of Louisiana, I, 75; Walter B. Davis and Daniel S. Durrie, An Illustrated History of Missouri, p. 9.
  7. Bolton and Marshall, op. cit., p. 277; Phelps, op. cit., p. 53.
  8. Chambers, A History of Louisiana, I, 271.
  9. Ibid., I, 120-122; Houck, A History of Missouri, I, 271.
  10. Chambers, A History of Louisiana, I, 122.
  11. Ibid., I, 123.
  12. Ibid., I, 122.

superior council, asked the opinions, collected the votes, and pronounced the judgments.<sup>1</sup> Thus, he was virtually chief justice of the council regardless of the presence of the Governor, for the latter official had authority to participate in the proceedings of the council, but not to dictate to it. The Governor and intendant were almost coordinate in rank, and both exercised executive or administrative duties, but they were independent of one another to a certain extent and served as a check on each other.<sup>2</sup>

The superior council was a judicial body and had no law-making powers; it was empowered to hear pleas, try causes, and render decisions in civil and criminal cases.<sup>3</sup> Decisions in civil causes were rendered by not less than three judges; and in criminal cases, by five. If fewer members attended than were prescribed, other persons capable of serving as justices were summoned.<sup>4</sup> The council was declared a court of last resort<sup>5</sup> and justice was free.<sup>6</sup> The power to interpret the laws was vested in the council, and executive authority was exercised by the Governor and intendant.<sup>7</sup>

Since the period for which the superior council had been established was about to terminate, a new edict was issued September 16, 1716, to make the institution permanent and irrevocable, and to clarify its jurisdiction and functions.<sup>8</sup> Provision was made for two puisne councillors to be members of the supreme council, and the meetings of that body were to be held monthly.<sup>9</sup> The verdict was reached by a vote of the council members.<sup>10</sup> Crozat relinquished his patent in August 1717,<sup>11</sup> and the affairs of Louisiana were entrusted to the Company of the West, which was established by John Law on the 6th of September.<sup>12</sup> The company was granted the exclusive privilege of trade in Louisiana for 25 years and was authorized to make treaties with the Indians, to grant land, levy troops, nominate colonial governors, appoint officers commanding the troops, and remove judges and officers of justice, except members of the superior council.<sup>13</sup> The inhabitants were exempt from any tax and the company's goods were free from duty.<sup>14</sup>

The "Illinois country" had been under the administration of New France, but on September 27, 1717, it was assigned to the jurisdiction

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1. Chambers, A History of Louisiana, I, 121.
  2. Ibid., I, 122.
  3. Ibid.
  4. Ibid., I, 123.
  5. Ibid., I, 120.
  6. Ibid., I, 123.
  7. Ibid., I, 124.
  8. Ibid., p. 123; Martin, The History of Louisiana, p. 122.
  9. Martin, The History of Louisiana, p. 122.
  10. Chambers, A History of Louisiana, I, 123.
  11. Henry E. Chambers, Mississippi Valley Beginnings, p. 59.
  12. Charles Gayarre, Louisiana, Its Colonial History and Romance, p. 198.
  13. Ibid.; Houck, A History of Missouri, I, 272; Chambers, Mississippi Valley Beginnings, pp. 62 f.
  14. Houck, A History of Missouri, II, 272.



of the Territory of Louisiana.<sup>1</sup> As used by the French authorities, the term "Illinois country" referred to an indefinite area in the Upper Mississippi Valley on both sides of the river.<sup>2</sup> On the west side of the Mississippi it was probably the region north of the Cinque Homme, or Apple Creek, in what is now Missouri.<sup>3</sup>

By an edict of May 1719, the Company of the West was merged with the Companies of the East Indies and of China and became known as the Company of the Indies.<sup>4</sup> The company was conceded the right on September 12, 1719, of having a voice in the government of the colony. It was prescribed that the superior council should be composed of the directors of the company who happened to be in the colony.<sup>5</sup> No provision was made for a governor, but the first place in the colony was given to the commandant-general.<sup>6</sup> Other members of the council were the senior councillor, two of the king's lieutenants, three other councillors, the attorney-general, and a clerk.<sup>7</sup> Sieur Lemoine de Bienville, the commandant-general, held the first place in the council, but Sieur Hubert, the first councillor presided over the meetings.<sup>8</sup> Through justice was to be administered free and the judges and attorney-general were to receive no money from litigants, the clerk was entitled to fees as fixed by the first councillor. If a deputy or deputies were sent to a distant place to hold court, they were allowed a per diem compensation. Authority was also granted the superior council to appoint one or more capable persons as sheriff with pay as provided by that body.<sup>9</sup>

Prior to 1719, the superior council was the only tribunal in the colony vested with the authority to exercise original jurisdiction. As the population increased, it had become evident that inferior courts must be established in the remote parts of the province.<sup>10</sup> Directors or agents of the company who were in the distant localities, together with two of the most capable and honest men of the vicinage acted in civil cases; or, with four notable inhabitants in criminal cases.<sup>11</sup> The judgments of the lower courts were subject to appeal to the superior council at New Orleans.<sup>12</sup> On May 12, 1722, the directors of the company ordered the establishment of a provisional council or court in Upper Louisiana with jurisdiction over the Illinois and Arkansas commanderies. The officers were the president or judge, the chief warden or garde-magasin, and a record keeper or secretary.<sup>13</sup> The area now within Missouri was under the jurisdiction of the commandant of Fort

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1. Schlarman, From Quebec to New Orleans, pp. 174 and 219.
  2. Eugene M. Violette, A History of Missouri, p. 3; Bolton and Marshall, op. cit., p. 281.
  3. Houck, A History of Missouri, II, 193.
  4. Schlarman, op. cit., p. 17.
  5. Martin, The History of Louisiana, p. 132.
  6. Chambers, A History of Louisiana, I, 123.
  7. Martin, The History of Louisiana, p. 132.
  8. Ibid.; Chambers, A History of Louisiana, I, 126.
  9. Chambers, A History of Louisiana, I, 125.
  10. Monette, op. cit., II, 229.
  11. Martin, The History of Louisiana, p. 132; Gayarre, Louisiana, Its Colonial History and Romance, p. 258.
  12. Monette, op. cit., II, 229.
  13. Schlarman, op. cit., p. 225.

Chartres, the headquarters of the Illinois District.<sup>1</sup>

The Province of Louisiana was made independent of Canada in 1723,<sup>2</sup> and was divided into nine districts for civil and military purposes.<sup>3</sup> Each division had a principal trading-post and a protecting fort and was under the jurisdiction of a commandant and a judge. The districts, posts, and forts were as follows: The district and post of the Alibamons with Fort Toulouse; the district of Mobile with Fort Conde de la Mobile; the district of Biloxi with Fort Maurepas; the district of New Orleans; the district and post of the Natchitoches with Fort St. John the Baptist; the district and post of the Yazooos with Fort St. Peter; and the district of Illinois with Kaskaskia, the principal of several posts, and with Fort Chartres, the chief fort; and the district and post of the Arkansas.<sup>4</sup> The districts were again grouped under four commanderies, one of which was composed of the Illinois and Arkansas districts. This commandery was assigned to the commandant of Fort Chartres, M. de Boisbriant, who was first lieutenant of the King.<sup>5</sup>

The increase in the Negro population was so rapid that laws known as the Black Code were promulgated in 1724. These laws served not only for the control and regulation of slaves, but also to establish the proper relation between master and slave and to safeguard the natural rights and spiritual welfare of the Negro.<sup>6</sup> By this code, masters were bound to feed, clothe, protect and furnish religious instruction to the slaves. Intermarriage between the two races was forbidden. Slaves were prohibited from gathering in assemblies and from carrying weapons.<sup>7</sup> The Black Code remained in force until the purchase of Louisiana by the United States.<sup>8</sup>

The Company of the Indies petitioned the Crown to be released from its charter in 1731.<sup>9</sup> The request was granted April 10, 1732, and the King declared the Province of Louisiana free to all his subjects, with equal privileges for trade and commerce.<sup>10</sup> As the superior council was reorganized by letters patent on May 7, 1732, it was composed of the Governor, king's commissary, two lieutenant-governors, the Commander of New Orleans, six councillors, an attorney-general, and the secretary.<sup>11</sup>

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1. Houck, A History of Missouri, II, 193.
  2. Monette, op. cit., II, 246.
  3. Joseph Wallace, The History of Illinois and Louisiana Under the French Rule, p. 265. Some authorities give 1721 as the date the colony was divided into districts.
  4. Chambers, A History of Louisiana, I, 126.
  5. Schlarman, op. cit., p. 219.
  6. Chambers, A History of Louisiana, I, 150 and 151; Martin, The History of Louisiana, p. 154; Fortier, op. cit., I, 86-97; Smith, op. cit., p. 27.
  7. Bolton and Marshall, op. cit., p. 280; Gayarre, Louisiana, Its Colonial History and Romance, pp. 537-546.
  8. Chambers, A History of Louisiana, I, 155; Gayarre, Louisiana, Its Colonial History and Romance, p. 368.
  9. Georges Oudard, Four Cents An Acre, p. 196.
  10. Gayarre, Louisiana, Its Colonial History and Romance, p. 461; Monette, op. cit., II, 275; Davis and Durrie, op. cit., p. 12.
  11. Martin, The History of Louisiana, p. 170; Monette, op. cit., I, 276; Gayarre, Louisiana, Its Colonial History and Romance, p. 461; Wallace, op. cit., p. 288.

The superior council functioned as a general court; rendering decisions in civil and criminal cases; receiving petitions and memorials, and issuing decrees thereon. It also authenticated and legalized contracts, mortgages, promissory notes, and any other written obligations incurred and required to be met. At first the operations of this body were simple, the plaintiff making his pleas, the council deciding if the cause was just, and if so, hearing the case and rendering the judgment. Later, the affairs of the council increased so that the attorney-general or his assistants were required to make preliminary investigations and decide whether the case should be brought before the council.<sup>1</sup> Gradually certain assessments and costs appeared in the records and litigation was not free. Special attorneys appeared for the parties involved, and the tribunal, with its clerks, sheriffs and complex functionings slowly came to resemble our present courts.<sup>2</sup> The superior council continued to exercise the powers delegated to it until Spain took possession of Louisiana.<sup>3</sup> It became necessary in August 1742 to enlarge the council, and four assessors were appointed by the Governor and the commissary ordonnateur to serve for a term of four years. The assessors sat in rank after the councillors, but they voted only if a case was referred to them, or to complete a quorum, or if there was an equality of votes.<sup>4</sup>

The early development of Missouri was largely due to the great importance the French placed upon the mineral wealth of the region.<sup>5</sup> Years before the first permanent settlement was established in 1735, the area now embraced in Missouri was traversed by Canadian-French missionaries, hunters, explorers, miners and traders who were greatly impressed by the salt, the lead, and the furs found there.<sup>6</sup> The region extending for about 70 miles from the headwaters of the St. Francois River to the Meramec and westward from the Mississippi, between the Meramec and Apple Creek was known as the mineral district of Louisiana.<sup>7</sup> The Indians had mined lead, hematite, and iron ore which they used in making implements and war paint. Steatite or soap stone was used for making pipes and cooking utensils.<sup>8</sup> In addition, copper, zinc, manganese, antimony, cobalt, arsenic, saltpeter, salt, nitre, plumbago, and small amounts of silver were later found by the white men.<sup>9</sup> The French made several exploring expeditions into the regions drained by the

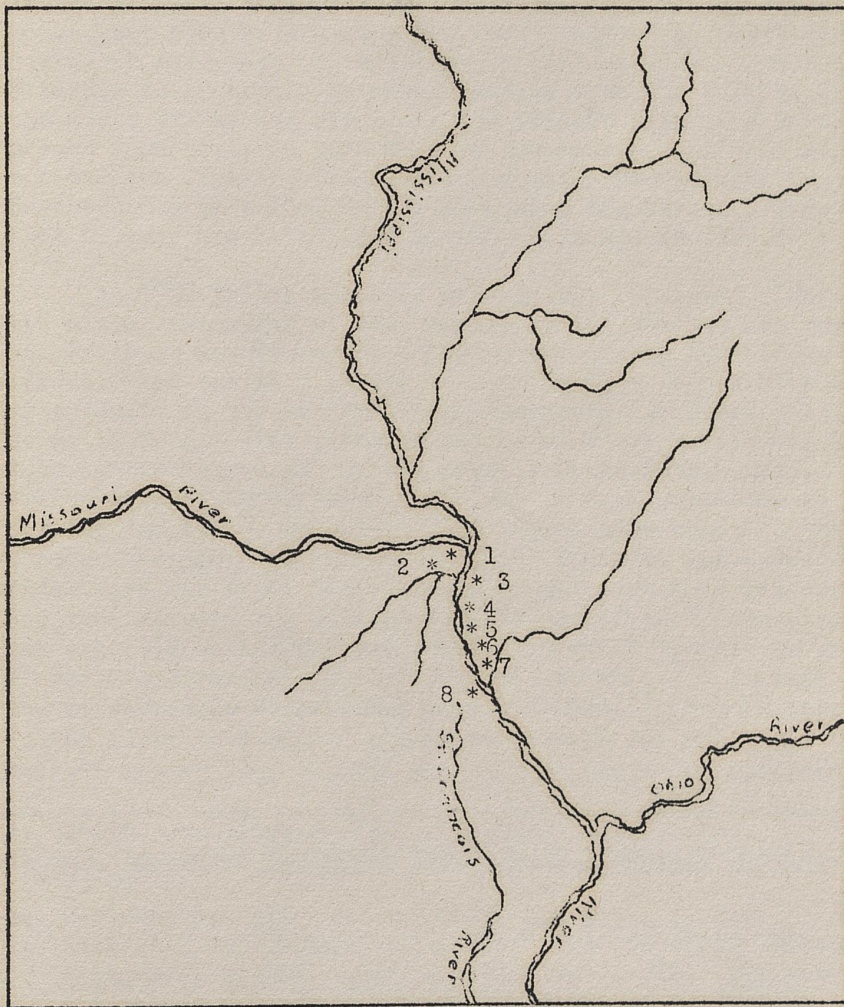
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1. Chambers, A History of Louisiana, I, 132.
  2. Ibid., I, 127 and 133. According to the historian, Henry Chambers, the records of the superior council are among the collections of the Louisiana Historical Society and are stored in the Cabildo at New Orleans.
  3. Chambers, A History of Louisiana, I, 132.
  4. Martin, The History of Louisiana, p. 179.
  5. Houck, A History of Missouri, I, 277 and 280; Violette, op. cit., p. 10.
  6. Francis J. Yealy, Sainte Genevieve, The Story of Missouri's Oldest Settlement, p. 19; Floyd C. Shoemaker, A History of Missouri and Missourians, pp. 39 and 45.
  7. Frederic A. Culmer, A New History of Missouri, p. 28.
  8. Earl A. Collins and Albert A. Elsea, Missouri, Its People and Its Progress, p. 43.
  9. Houck, A History of Missouri, I, 274.

Upper Mississippi and Missouri Rivers during the first decade of the eighteenth century in their search for mines.<sup>1</sup> Pierre Charles Le Sueur, a miner and mineralogist, was granted a commission in 1698 to mine and to trade in furs in the Upper Mississippi Valley. He led an expedition up the Mississippi in 1700. Penicaut, a member of the party who kept a record of the journey, relates that they were informed by Indians at the mouth of the Meramec-sipy (the Meramec) about a mine of lead 150 miles from there. In all probability he referred to the deposits of minerals on the headwaters of the Negro Fork. A few months later Father Gravier told of the same rich deposit.<sup>2</sup> The lead mines of southeast Missouri were well-known by 1700 and were being worked by the Canadian-French of Illinois.<sup>3</sup>

The first white settlement in Missouri was founded about 1700 in a Kaskaskia Indian mission near the mouth of the River des Peres by Jesuit Missionaries. After 2 or 3 years the settlers removed to Illinois.<sup>4</sup> Penicaut told also of another temporary settlement in 1700 located at the mouth of the Saline River. These settlers were engaged in the making of salt.<sup>5</sup> The government of France was not only interested in the lead mines of Missouri, but also hoped that there were rich silver mines in the district.<sup>6</sup> Governor La Mothe Cadillac actually visited the mines in southeastern Missouri in 1715, and Mine La Mothe or La Motte was probably named for him on account of that visit. The commandant of Cahokia also inspected the mines in 1719.<sup>7</sup> During the time the Company of the Indies exercised jurisdiction over the affairs of Louisiana, mining operations increased in Missouri, especially on the Meramec River, and the lead was sent to Illinois, Indiana, Canada, New Orleans, and even to France.<sup>8</sup> The first official exploration was undertaken in 1719 when Du Tisne was sent to explore the country of the Missouris, Osages, and the Panoussas in order to establish friendly relations with the natives.<sup>9</sup> Du Tisne ascended the Missouri to the village of the Missouri Indians near the mouth of the Gasconade but was turned back by these Indians. Returning to the Illinois, he later traveled up Saline Creek to the Osage tribe on the Osage River. From there he went southwest to the Arkanses where he made an alliance with the Pawnees.<sup>10</sup> Du Tisne fraternized with the Indians, learned much about the country, and opened a way across the Ozarks into western Missouri.<sup>11</sup>

1. James F. Ellis, The Influence of Environment on the Settlement of Missouri, p. 31.
2. Yealy, op. cit., p. 19; Houck, A History of Missouri, I, 246-249.
3. Shoemaker, op. cit., p. 39.
4. Yealy, op. cit., p. 21; Houck, A History of Missouri, I, 242.
5. Ellis, op. cit., pp. 30 f.; Violette, op. cit., p. 8.
6. Shoemaker, op. cit., p. 39; Houck, A History of Missouri, I, 277.
7. Yealy, op. cit., p. 19; Bolton and Marshall, op. cit., p. 282; Houck, A History of Missouri, I, 279 and 280.
8. Shoemaker, op. cit., pp. 39 f.; Bolton and Marshall, op. cit., p. 282.
9. Martin, The History of Louisiana, p. 133.
10. Houck, A History of Missouri, I, 255-258; Bolton and Marshall, op. cit., p. 283; C.H. McClure, History of Missouri, p. 2.
11. Shoemaker, op. cit., p. 41.

EARLY FRENCH SETTLEMENTS  
IN ILLINOIS AND MISSOURI  
(prior to 1765)



Legend

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|----------------------------------|-------------------------|
| 1. St. Louis                     | 5. Ft. Chester          |
| 2. River Des Peres<br>Settlement | 6. Prairie du<br>Rocher |
| 3. Cahokia                       | 7. Kaskaskia            |
| 4. St. Philippe                  | 8. Ste. Genevieve       |

With about a hundred men Pierre Boisbriant founded Fort Chartres in 1720, and this village became the seat of government of Upper Louisiana.<sup>1</sup> In 1722, Bienville ordered Boisbriant, commander of the Illinois, to build a fort on the Missouri River to prevent any encroachment of the Spanish. An expedition led by Captain De Bourgmont or De Bourgmond, as he is sometimes called, was dispatched up the Missouri to erect the fort.<sup>2</sup> This fort was called Fort Orleans and was located on the Missouri River near Malta Bend.<sup>3</sup> It was the first military post in the Missouri Valley and was established not only for military purposes, but also as a center for trade, minerals, and explorations.<sup>4</sup> De Bourgmont made several explorations throughout western and southwestern Missouri in an effort to make treaties with the Indians. He reached the mouth of the Kaw River, at the present site of Kansas City, proceeded some distance into what is now Kansas, and then southward. He visited the Otos and the Iowas, and also the Padoucas in western Kansas. He succeeded in making an alliance with the latter. The history of Fort Orleans was brief, for it was abandoned in 1726.<sup>5</sup>

In 1723 Philip Francois Renault was appointed director-general of the mining interests of the Company of the Indies, and the Company of St. Philippe was formed to carry on the mining operations in Upper Louisiana. The earliest grants of land in what is now Missouri were given to Renault<sup>6</sup> in the region of the "Marameig" or Meramec and of the Mine de M. La Mothe. The grant on the Meramec was located on the "Negro Fork of the "Marameig" in the present Washington County. Renault left France well-equipped for mining lead in Missouri, even to the bricks for the furnace.<sup>7</sup> He sailed from France with about 200 miners and laborers, and upon his arrival at Santo Domingo, purchased 500 slaves.<sup>8</sup> These were the first Negro slaves to be taken into Missouri, and it was thus slavery was introduced into the State.<sup>9</sup> Renault's mines were not actually on the Meramec but on Fourche or Renault or Renault's Fork of the Big River---a tributary of the Meramec.<sup>10</sup> Renault discovered the mines around Potosi that bear his name.<sup>11</sup> His headquarters were in the Illinois Country, somewhere between Kaskaskia and Fort Chartres.<sup>12</sup> About 1744 Renault sold his holdings and returned to France,

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1. Smith, *op. cit.*, p. 23.
  2. W.J. Ghent, *The Early Far West, A Narrative Outline, 1540-1850*, p. 25.
  3. McClure, *op. cit.*, p. 3; Yealy, *op. cit.*, p. 21.
  4. Gilbert J. Garraghan, S.J., "Fort Orleans of the Missouri," *Missouri Historical Review*, XXXV, (April, 1941), 373. See pages 373-384 for a complete account of the explorations of Bourgmont.
  5. McClure, *op. cit.*, p. 3; Viles, *A History of Missouri for High Schools*, p. 14.
  6. Lucien, Carr, *Missouri, A Bone of Contention*, p. 24.
  7. Houck, *A History of Missouri*, I, 281 and 282; Ellis, *op. cit.*, p. 36.
  8. Bolton and Marshall, *op. cit.*, p. 282; Houck, *A History of Missouri*, I, 282.
  9. Houck, *A History of Missouri*, I, 282; Viles, *op. cit.*, p. 13.
  10. Violette, *op. cit.*, p. 11; Collins and Elsea, *Missouri, Its People and Its Progress*, p. 44; Yealy, *op. cit.*, p. 22.
  11. Rozier, *op. cit.*, p. 29.
  12. Ellis, *op. cit.*, p. 36.

together with most of his miners.<sup>1</sup>

Across the river from Kaskaskia in what is now Ste. Genevieve County, there were numerous saline springs.<sup>2</sup> French settlers came to this part of Missouri for salt and to search for mineral wealth.<sup>3</sup> Soon cabins were built and a fort was established.<sup>4</sup> The settlement grew and became known as Sainte Genevieve. It was also called "misere," a name signifying poverty or misery.<sup>5</sup> Founded about 1735, Ste. Genevieve has the distinction of being the first permanent settlement in the country now within the boundaries of Missouri.<sup>6</sup> Ste. Genevieve was governed as part of the Illinois country, which was considered politically separate from the Missouri River District while under the dominion of both France and Spain. Therefore, when a census was taken in 1744, there were 200 white settlers and 10 negro slaves in the Missouri District, but this number did not include the inhabitants of Ste. Genevieve.<sup>7</sup>

At first the ore from the lead mines of Missouri was taken on pack horses to Ste. Genevieve; later, it was carried in two-wheeled French carts. From Ste. Genevieve, the land was taken to Fort Chartres, the seat of government, to await shipment to New Orleans.<sup>8</sup> The pack trains followed the most natural or convenient way from Ste. Genevieve to the mines, and a pioneer trace or path developed. Travel increased and a road was formed that later became the oldest wagon road in the State. This road is still used as a public highway from the mines to the Mississippi.<sup>9</sup>

As stated before, Spain acquired the land west of the Mississippi in 1762, but failed to assume control of colonial affairs until 1769.<sup>10</sup> Hence, despite the fact that this region was actually a Spanish possession, French authorities at New Orleans granted the firm of Maxent, Laclede and Company, or the Louisiana Fur Company, exclusive rights for 8 years "to trade with the Indians of the Missouri and those west of the Mississippi above the Missouri, as far north as the river St. Peters."<sup>11</sup> Having learned of the cession of the Illinois country east of the Mississippi to England, the French were desirous of increasing the number of settlements on the opposite side and of diverting the profitable fur

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1. Yealy, op. cit., p. 22; Houck, A History of Missouri, II, 283; Bolton and Marshall, op. cit., p. 282.
  2. Shoemaker, op. cit., pp. 45 f.
  3. Wallace, op. cit., pp. 305 f.
  4. Ellis, op. cit., p. 36 f.; Shoemaker, op. cit., p. 45 f.
  5. Wallace, op. cit., p. 306; Ellis, op. cit., p. 36.
  6. Violette, op. cit., p. 10; Yealy, op. cit., p. 21; Shoemaker, op. cit., p. 46. Some historians place the date of the founding in 1732. However, there is no definite proof of the actual time, for Ste. Genevieve probably had settlers prior to that date.
  7. Culmer, op. cit., p. 29; Houck, A History of Missouri, I, 286.
  8. Culmer, op. cit., p. 28; Rozier, op. cit., p. 29; Violette, op. cit., p. 12.
  9. Yealy, op. cit., p. 25.
  10. Houck, A History of Missouri, I, 287, and II, 193; Smith, op. cit., p. 33; Culmer, op. cit., p. 29.
  11. Ellis, op. cit., p. 37; J. Thomas Scharf, History of St. Louis City and County, I, 61; Smith, op. cit., pp. 34 f.

trade from the English.<sup>1</sup> Pierre Laclède Liguette, commonly called Pierre Laclède, being the younger member of the Louisiana Fur Company, was delegated to go with a party to select a site for the trading post to be established in the region that is now Missouri.<sup>2</sup> Starting up the Mississippi in August of the following year, Laclède arrived at Ste. Genevieve about 3 months later, but due to a lack of accommodations, he continued on to Fort Chartres where he stored his goods during the winter.<sup>3</sup> After making explorations along the west bank of the river during December, Laclède chose the site where St. Louis now stands for his trading post. He sent his stepson, Auguste Chouteau, in charge of a small group of men across the river in February 1764, to erect the necessary buildings.<sup>4</sup> The settlement was popularly known as "Laclède's Village" and later it was also nicknamed "Pain-Court" - a name signifying short loaf or short loaf of bread.<sup>5</sup> The English assumed control of Fort Chartres on October 9, 1765, and St. Ange de Bellerive, the French commandant, transferred his small garrison to St. Louis, which became the capital or seat of government of Upper Louisiana.<sup>6</sup> There was, at first, no organized civil government at St. Louis, although Laclède exercised civil authority unofficially for a time.<sup>7</sup> Upon the arrival of St. Ange, he served as de facto governor and controlled the affairs of Upper Louisiana until the Spaniards took possession of the region.<sup>8</sup> Associated with St. Ange was Judge Lefebvre, to whom was delegated control of legal affairs, and also, Joseph Labuscieri, who served as secretary and notary public. Later, two judges, an attorney-general, and a notary were appointed by Aubrey, the director-general of Louisiana.<sup>9</sup> The rapid growth of St. Louis during the first 5 years after its founding was primarily due to the exodus from Illinois of merchants and traders desiring to escape the domination of England.<sup>10</sup> The population of St. Louis and Ste. Genevieve increased so rapidly that by 1770 there were about 1,000 inhabitants. Some of the persons who fled from Illinois settled in the agricultural and others, in the region of the lead mines. Small groups became the nuclei of future towns. Carondelet and Potosi were two such settlements.<sup>11</sup>

The people of Louisiana bitterly opposed being governed by any power other than France.<sup>12</sup> Not until March 5, 1766, did Don Antonio de

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1. Scharf, op. cit., I, 61.
  2. Ellis, op. cit., p. 38.
  3. Scharf, op. cit., I, 62; Violette, op. cit., p. 14.
  4. Ghent, op. cit., p. 35; Dena Lange and Merlin M. Ames, St. Louis, Child of the River - Parent of the West, p. 274; I. H. Lionberger, The Annals of St. Louis, p. 6.
  5. Violette, op. cit., p. 17.
  6. Scharf, op. cit., I, 62; Walter Williams and F. C. Shoemaker, Missouri, Mother of the West, I, 65.
  7. Smith, op. cit., p. 38; Ghent, op. cit., p. 37.
  8. Williams and Shoemaker, op. cit., I, 65 and 66; Scharf, op. cit., I, 61; Smith, op. cit., pp. 38f.
  9. Smith, op. cit., p. 39.
  10. Houck, The Spanish Regime in Missouri, Introduction, p. xviii; Scharf, op. cit., I, 62; Violette, op. cit., p. 20.
  11. F. C. Shoemaker, A History of Missouri and Missourians, p. 49.
  12. Clark, op. cit., p. 36; Fouck, A History of Missouri, I, 287.



Ulloa arrive with two companies of infantry to take over the territory acquired by Spain in 1762.<sup>1</sup> When Ulloa, who had been appointed governor-general of the Province, refused to produce his authority as requested by the superior council, that body thereupon declined to make him a formal transfer of the province.<sup>2</sup> In March 1767, Ulloa sent an expedition from New Orleans under Captain Don Francesco Rui y Morales to erect two forts at the mouth of the Missouri River. Thus, was preparation made for the establishment of Spain's authority in Upper Louisiana.<sup>3</sup> Although Captain Rui was appointed commandant of the Missouri country---the area north of the Missouri River---by Ulloa,<sup>4</sup> there was no interference with the rule of St. Ange.<sup>5</sup> Captain Don Pedro Piernas was named in 1768 to replace Rui, but due to adverse weather and traveling conditions he was unable to reach the forts until March of the following year. Shortly thereafter orders were received to deliver the forts to St. Ange. Evidently Ulloa planned a separate and independent district to be known as the "Missouri District."<sup>6</sup> When trade with France was prohibited in 1768, colonial resistance flared, and Ulloa was expelled from the province.<sup>7</sup>

Actual possession of Louisiana was not assumed by Spain until the arrival in 1769 of Count Alexander O'Reilly with a sufficiently large military force to put down any semblance of insurrection and to establish the Spanish system of government.<sup>8</sup> The leaders of the insurrection were imprisoned or executed, and O'Reilly set about his appointed task of reorganization of the colonial government.<sup>9</sup> French laws were superseded by those based upon the laws of Castile and the Code of the Indies,<sup>10</sup> and the province became a dependency of Cuba.<sup>11</sup> Since the jurisprudence of both France and Spain was derived from the Roman Code, the essential principles were similar and the change was not marked.<sup>12</sup> The Black Code, however, was re-enacted by a special proclamation of O'Reilly.<sup>13</sup> Because the people were unfamiliar with the Spanish

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1. Houck, The Spanish Regime in Missouri, I, Introduction, p. xvi; Rozier, op. cit., p. 55; Chambers, A History of Louisiana, I, 275.
  2. Gayarre, Louisiana, Its History as a French Colony, p. 132.
  3. Bolton and Marshall, op. cit., p. 397; Houck, A History of Missouri, I, 287; Houck, The Spanish Regime in Missouri, I, Introduction, p. xvii.
  4. Houck, A History of Missouri, I, 289.
  5. Ghent, op. cit., p. 38.
  6. Houck, The Spanish Regime in Missouri, I, Introduction, pp. xvii and xviii.
  7. Gayarre, Louisiana, Its History as a French Colony, p. 211; Culmer, op. cit., p. 29.
  8. Rozier, op. cit., p. 56; E. Wilson Lyon, Louisiana in French Diplomacy, p. 52; Phelps, op. cit., p. 127.
  9. Carr, op. cit., pp. 37f.; Rozier, op. cit., p. 56; Ghent, op. cit., p. 38.
  10. Walter Williams and Floyd Calvin Shoemaker, Missouri, Mother of the West, I, 85, Carr, op. cit., pp. 38f.
  11. Arthur Weston Goodspeed, The Province and the States, I, 275; Bunner, E., History of Louisiana, p. 140.
  12. Houck, A History of Missouri, II, 196; Bunner, op. cit., p. 140.
  13. Goodspeed, op. cit., I, 277.

language, O'Reilly caused an abridgment of the Recopilacion de los Indios to be published in French in November 1769, to insure a general understanding of the Spanish system of government.<sup>1</sup> Though Spanish was declared the official language, French was commonly used in the judicial and notarial acts of the district commandants.<sup>2</sup> All causes instituted during French domination were ordered transferred to Spanish tribunals.<sup>3</sup>

A cabildo superseded the superior council and was composed of six perpetual regidores, two ordinary alcaldes, an attorney-general-syndic, and a clerk. It functioned in New Orleans and was presided over by the Governor.<sup>4</sup> Among the regidores were the following officers: Alferéz real, or royal standard bearer; alcalde provincial, who supervised affairs outside of New Orleans; alguazil-mayor, or sheriff of New Orleans; depositary general; and the receiver of fines.<sup>5</sup> At first the cabildo was given direct appeal to the council of the Indies. Louisiana was attached in 1771 for military purposes to Havana and for judicial affairs to the Audiencia of Santo Domingo. It was attached to the Audiencia of Havana in 1795.<sup>6</sup> The cabildo met annually on the first day of January to elect the syndic-procureur-general, or attorney-general-syndic, and the two ordinary alcaldes.<sup>7</sup> The latter were judges in New Orleans and decided without appeal those cases which involved less than 90,000 maravedis, or \$330.88. Cases of greater amount could be appealed to the cabildo, although that body did not itself hear the case but chose two regidores who, together with the alcalde rendering the decision, reviewed the case and passed judgment thereon.<sup>8</sup>

Officials receiving more than \$300 annually were appointed by the King; others, by the Governor.<sup>9</sup> The offices of clerk and perpetual regidor were purchased and were transferrable to other capable persons.<sup>10</sup> Among the more important officers of the province were the captain-general, who resided in Cuba; a governor; an intendant; and a contador or royal comptroller.<sup>11</sup> The Governor exercised both civil and military

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1. Charles Gayarre, History of Louisiana, the Spanish Domination, p. 8; Evans Casselberry, Discovery, the First Settlements and the First Laws of the Mississippi Valley, p. 191.
  2. Carr, op. cit., p. 38.
  3. Goodspeed, op. cit., I, 277.
  4. Gayarre, The Spanish Domination, p. 3; American State Papers, Class X, vol. I, p. 363; Phelps, op. cit., p. 129; Fortier, op. cit., I, 237; Martin, The History of Louisiana, p. 209.
  5. Williams and Shoemaker, op. cit., I, 84; Gayarre, The Spanish Domination, p. 3.
  6. Bolton and Marshall, op. cit., p. 398.
  7. Caroline Maude Burson, The Stewardship of Don Esteban Miro, p. 13; Phelps, op. cit., p. 129; Gayarre, Spanish Domination, p. 3; American State Papers, Class X, vol. I, p. 363.
  8. Fortier, op. cit., I, 237; American State Papers, Class X, vol. I, p. 365.
  9. Gayarre, The Spanish Domination, p. 6; Williams and Shoemaker, op. cit., p. 83; Bunner, op. cit., p. 140.
  10. Gayarre, The Spanish Domination, p. 3.
  11. Ibid., p. 6; Phelps, op. cit., p. 128; Chambers, A History of Louisiana, I, 298; Williams and Shoemaker, op. cit., I, 83.

powers throughout the province.<sup>1</sup> In addition to his judicial authority, he was chief of the army and militia as well as the head of the civil government. He was president of the cabildo and superintendent of Indian affairs; he promulgated laws for the betterment of the province; and he was authorized to grant lands until 1798, when that power was vested in the intendant.<sup>2</sup> The administration of the affairs of the colony relating to the revenue and to trade, commerce and foreign relations was vested in the intendant. The Governor and the intendant were each assisted by a secretary and an auditor. The auditor of war, or assessor, was the legal advisor to the Governor, and the auditor of intendency served the intendant in like capacity.<sup>3</sup> The Governor's conduct was always subject to investigation by the cabildo. To the attorney-general-syndic was delegated the duty of representing the people, of suggesting laws to the cabildo for the welfare of the inhabitants, and of enforcing such laws.<sup>4</sup>

The contador, treasurer, and interventor were subordinate to the intendant. The contador kept the accounts and records concerning the receipts and expenditures of the revenue. The interventor was in charge of public purchases and bargains. An administrator managed the affairs of the custom house.<sup>5</sup> Other officials were the commissaries, surveyors, notaries public, a harbor master, an interpreter of the French and English languages, and an Indian interpreter.<sup>6</sup>

In each parish or provincial district there was a commandant who had the rank of a captain and who exercised civil and military authority and performed notarial duties in his district. He was authorized to judge, without appeal, civil cases involving less than \$20. He took written depositions of other cases and sent them to the Governor, who referred them to the proper tribunal.<sup>7</sup> Power was vested in the commandant to arrest white persons accused of crimes; to take cognizance of and to punish offenses among the slaves; and to keep the records and send reports to his superior. As notary public, he made inventories and held sales of the property of intestates. The commandant also executed the judgments rendered in New Orleans against defendants in his district.<sup>8</sup> It was his duty to maintain the peace, superintend the police, examine the passports of travelers, and allow no stranger to settle without the proper official license or permit.<sup>9</sup>

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1. Chambers, A History of Louisiana, I, 298.
  2. Martin, An Account of Louisiana, Appendix, pp. LXXXVII and LXXXVIII.
  3. Gayarre, Spanish Domination, p. 6; Williams and Shoemaker, I, 83; Chambers, A History of Louisiana, I, 298; Martin, An Account of Louisiana, Appendix, p. LXXVIII.
  4. Phelps, op. cit., p. 132; American State Papers, Class X, vol. I, p. 367.
  5. Martin, An Account of Louisiana, Appendix, p. XC.
  6. Gayarre, Spanish Domination, p. 6; American State Papers, Class X, vol. I, p. 354; Williams and Shoemaker, op. cit., I, 83.
  7. Phelps, op. cit., p. 129; Bolton and Marshall, op. cit., p. 398; Carr, op. cit., p. 38; Bunner, op. cit., p. 140.
  8. Gayarre, Spanish Domination, p. 7; Burson, op. cit., p. 13.
  9. American State Papers, Class X, vol. I, p. 353; Houck, A History of Missouri, II, 195.

Spanish authority was actually established in the Illinois country in 1770, when Captain Pedro Piernas arrived in St. Louis and formally took over his office of lieutenant-governor. The appointment made by O'Reilly was confirmed by the King in August 1772, and Piernas was vested with the title of "lieutenant-governor of the village of San Luis, San Genoveva, the district of the Missouri River and the part of the Ylinnesse which pertained" to the King of Spain.<sup>1</sup> Piernas confirmed the acts, land grants, and judicial decisions of St. Ange. He made few new laws and did everything within his power to conciliate the French.<sup>2</sup> Although the post commandants were subordinate to the lieutenant-governor, the commandant of New Madrid was an exception. He exercised this independent jurisdiction and authority until 1799, when New Madrid was attached to Upper Louisiana.<sup>3</sup>

The lieutenant-governor was appointed by the Governor-General and exercised executive, judicial, and military functions; he served as a notary, ordered and conducted judicial sales, made land grants, and had charge of all public affairs of the area. All acts and judgments of the lieutenant-governor were subject to the approval of the Governor or intendant who exercised authority over the granting of land.<sup>4</sup> It was the duty of the lieutenant-governor to go to the place where a crime had been committed in order to hear any criminal or summary process, or the commandant might try the case, his decision being subject to appeal to the lieutenant-governor.<sup>5</sup> O'Reilly specifically instructed Piernas to "administer justice promptly, impartially, and according to law"; to encourage and protect commerce, to endeavor to maintain friendly relations with the English; to deal justly with the Indians.<sup>6</sup> To further encourage understanding and good-feeling among the colonists, Frenchmen were appointed to the minor offices.<sup>7</sup> Having accomplished his mission to establish the laws of Spain and to organize the government of Louisiana as a Spanish colony, O'Reilly turned over the affairs of the colony to Don Luis de Unzaga and sailed for Spain on October 29, 1770.<sup>8</sup>

During Spanish domination, the Territory of Louisiana was divided for administrative purposes into Upper and Lower Louisiana, the line of demarcation passing through the mouth of the St. Francois River.<sup>9</sup> The present State of Missouri was part of Upper Louisiana, and the lieutenant-governor at St. Louis had direct jurisdiction and control of the

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1. Chambers, A History of Louisiana, I, 297; Houck, A History of Missouri, I, 298; Houck, The Spanish Regime in Missouri, I, Introduction, p. XVIII.
  2. Chambers, A History of Louisiana, I, 297; Lange, op. cit., p. 30.
  3. Houck, A History of Missouri, II, 195; Violette, op. cit., p. 53.
  4. Houck, A History of Missouri, II, 199; Violette, op. cit., p. 54.
  5. Houck, A History of Missouri, II, 197; Violette, op. cit., p. 54; Williams and Shoemaker, Missouri, Mother of the West, I, 86.
  6. Houck, A History of Louisiana, I, 299.
  7. Smith, op. cit., p. 39.
  8. Gayarre, Spanish Domination, p. 37; Ghent, op. cit., p. 39; Lyon, op. cit., p. 53.
  9. Houck, A History of Missouri, II, 225 and 226; Violette, op. cit., p. 52; Floyd Calvin Shoemaker, Missouri's Struggle for Statehood, p. 11.

area. Appellate jurisdiction was vested in the Governor-General at New Orleans though very few cases were carried by appeal from the Upper Province.<sup>1</sup> As the population increased, syndics were appointed in the outlying settlements to hear petty cases and to police the roads, levees, travelers, and Negroes. Appointed by the commandants, to whom they were subordinate, the syndics served without pay.<sup>2</sup> Though the people had no voice in the government and there were no juries, the early settlers were well-pleased with the simple manner in which the laws were administered. Justice was rendered quickly and was inexpensive. Violations of criminal laws were few; seditious talk or offenses against personal character were prosecuted in a particularly severe manner.<sup>3</sup> Judicial sales were held at noon on Sundays at the church door. New laws, decrees, and ordinances of the Governor-General as well as the new rules of the lieutenant-governor were also read to the people on Sunday.<sup>4</sup>

There was a limited amount of taxation during the period of Spanish domination. In lieu of the payment of local taxes, the inhabitants were required to build and repair the roads, bridges, and embankments through their own property. A duty of 6 percent was levied upon imports and exports. Two percent was collected on legacies and inheritances that came from collaterals and exceeded \$2,000. Four percent was paid on legacies given to persons who were not relatives of the testator. Civil employees whose annual salary exceeded \$300 paid a tax amounting to one-half of the first year's salary. Nothing was paid by the first appointee to a newly created office, but all successors were taxed. Forty dollars was charged annually for each liquor license. A tax was also levied when the offices of regidor, notary, or attorney were sold.<sup>5</sup>

Commandants were required to have a register of the inhabitants in their districts made and to send a copy to the Royal Council of the Indies. Hence, one of the first acts of Piernas was an order for a census to be taken of the Western Illinois country. A total of 891 persons was recorded.<sup>6</sup> The first complete, statistical census was made in 1799 when DeLassus became lieutenant-governor of Upper Louisiana.

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1. Casselberry, *op. cit.*, p. 190; Houck, *A History of Missouri*, II, 200; Shoemaker, *op. cit.*, pp. 11 f.
  2. *American State Papers*, Class X, vol. I, p. 353; Martin, *An Account of Louisiana*, Appendix, p. LXXXVIII; Houck, *A History of Missouri*, II, 199; Baron de Carondelet, who served as Governor from 1791 to 1796 decreed that syndics were to be established every 3 leagues. This office was held for a time by Pierre La Forge in New Madrid, by Pierre de Treget at Carondelet, Joseph Duclos at Mine à Breton, Joseph Chartrand at Charette on the Missouri River, Richard Caulk at Bon Homme, Edward Hodges in the region north of St. Louis near Spanish Pond, James Sturgess on the Platin, Robert Owen at Marais des Liards, and Reazin Bowie in Tywappity Bottom.
  3. Shoemaker, *op. cit.*, p. 55; Houck, *A History of Missouri*, II, 200 and 201; violette, *op. cit.*, pp. 53-55.
  4. Houck, *A History of Missouri*, II, 208.
  5. *American State Papers*, Class X, vol. I, p. 354; Martin, *An Account of Louisiana*, Appendix, p. XCIII.
  6. Houck, *A History of Missouri*, II, 208.

The population for the Upper province was as follows: St. Louis, 925; Carondelet, 184; St. Charles, 875; St. Ferdinand, 276; Marais des Liards, 376; Maramec, 115; St. Andre, 393; Ste. Genevieve, 949; New Bourbon, 560; Cape Girardeau, 521; New Madrid, 282; Little Meadows (Prairie), 49. The total number was 6,028 persons, including 4,948 white persons, 883 slaves, and 197 free colored.<sup>1</sup> The number of settlements steadily increased in Upper Louisiana during the rule of Spain, and five districts were formed as follows: St. Charles, St. Louis, Ste. Genevieve, Cape Girardeau, and New Madrid. The districts extended westward indefinitely from the Mississippi River.<sup>2</sup>

The District of St. Charles embraced the area between the Missouri and Mississippi Rivers. St. Charles, the first settlement in this district, was founded in 1780 by Louis Blanchette. Portage des Sioux and La Charette were also located in the St. Charles District.<sup>3</sup> The St. Louis District extended from the Missouri to the Meramec River. Besides the village of St. Louis, early settlements located therein were as follows: Carondelet, Florissant, Creve Coeur, and Point Labadie.<sup>4</sup> The Ste. Genevieve District was bounded on the north by the Meramec River and on the south by Apple Creek. Ste. Genevieve, the first permanent settlement in Upper Louisiana, was located in this area. Mine à Breton and the settlements now known as Farmington and Fredericktown were other early settlements.<sup>5</sup> South of Apple Creek was the District of Cape Girardeau. Until 1802 Tywappity Bottom was the southern boundary of this district. At that time the boundary line was surveyed by Don Antonio Souldard, the surveyor of Upper Louisiana, to settle the question of territorial jurisdiction which had arisen between the commandants of the Districts of Cape Girardeau and New Madrid. The boundary was "fixed at a line running east and west about 4 or 5 miles south of the present town of Commerce, Scott County." Though no town was actually platted or established during the time of Spanish possession, the number of settlers and small settlements increased along the Mississippi and Whitewater Rivers, and by 1804 there were about 1200 persons in the district. In 1793 an Indian trading post was established on the site destined to become the town of Cape Girardeau. The founder, Louis Lorimier, brought a band of Delaware and Shawnee Indians with him to this area. The Indians had accompanied Lorimier to the Ste. Genevieve District in 1787 at the instance of the Spanish government as a safeguard against the Osages.<sup>6</sup> Prior to the establishment of the Cape Girardeau District, the jurisdiction of the commandant of the New Madrid District extended north to the Cinque Hommes Creek. The Tywappity Bottom was always part of the New Madrid District. The Southern boundary of the district extended westward from the mouth of the St.

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1. Houch, A History of Missouri, II, 209; Rozier, op. cit., p. 262.
  2. Violette, op. cit., p. 39; Culmer, A New History of Missouri, p. 43; Ellis, op. cit., p. 46; Viles, op. cit., p. 22.
  3. Violette, op. cit., p. 41; Houch, A History of Missouri, II, 79-92.
  4. Violette, op. cit., pp. 42f.; Houck, A History of Missouri, II, 66, 69, 72-74.
  5. Violette, op. cit., pp. 44-66; Houck, A History of Missouri, I, 284, 337, 362, 375, and 377.
  6. Violette, op. cit., pp. 46f.; Viles, op. cit., pp. 22f.; Houck, A History of Missouri, II, 154, 167-184.

Francois River. Though there was a permanent trading post in 1783 at the present town of New Madrid, it was not until 1789 that a military post was established. Other settlements were Portageville and Little Prairie, now called Caruthersville.<sup>1</sup> New Madrid was not attached to Upper Louisiana until 1719 when Don Carlos de Lassus, commandant of the district, became lieutenant-governor of the Upper Province.<sup>2</sup>

Various factors contributed to the rapid increase in population during the 34 years Louisiana was governed by Spain. The natural advantages of a favorable climate and rich soil, as well as the economic gains to be obtained from fur trading and the mining of lead and other minerals, were inducements to many persons.<sup>3</sup> The American Revolutionary War resulted in a great influx of settlers. Though the French in Illinois aided General George Rogers Clark in driving out the British, they disliked the military rule and the chaotic condition of affairs after the United States took over the country, and many Illinois-French crossed the Mississippi to the present State of Missouri.<sup>4</sup> Spain entered the Revolutionary War as an ally of the Americans and French in June 1779, but Upper Louisiana was not seriously affected by the war until the spring of 1780 when a British and Indian attack was made on St. Louis. The attack failed, and the English were prevented from acquiring a foothold on the country west of the Mississippi.<sup>5</sup> The first wave of immigration to Upper Louisiana by Americans was due to the passage of the Northwest Ordinance in 1787. This act prohibited slavery in the region north of the Ohio, and many slaveholders left that area to settle in what is now Missouri. Other immigrants from the southern states turned aside thereafter toward Upper Louisiana.<sup>6</sup> The Spanish policy of liberal land grants was an important factor in the growth of the province.<sup>7</sup> General George Morgan's unsuccessful colonization scheme lured a large number of settlers to the District of New Madrid in 1789.<sup>8</sup> Hardy pioneers from Kentucky and Tennessee and settlers from Virginia and the Carolinas migrated to Missouri.<sup>9</sup> The French usually remained near the large rivers and lived in towns, whereas the Americans scattered and established homes in isolated places.<sup>10</sup> The renowned Daniel Boone settled with his family in the District of St. Charles on the Femme Osage Creek.<sup>11</sup> Other famous American settlers

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1. Violette, op. cit., pp. 48-51; Houck, A History of Missouri, II, 106, 125, and 159.
  2. Houck, A History of Missouri, II, 135 and 137.
  3. Ellen Churchill Semple, American History and Its Geographic Conditions, pp. 99f.; Ellis, op. cit., p. 46.
  4. Violette, op. cit., pp. 35f.; Shoemaker, op. cit., pp. 42f.
  5. Perry S. Rader, Civil Government of the United States and the State of Missouri, pp. 12f.; Ghent, op. cit., pp. 57f.; Violette, op. cit., pp. 24-30.
  6. LeRoy R. Hafen and Carl C. Rister, Western America, p. 159; Shoemaker, op. cit., p. 51; J. N. Larned, The New Larned History for Ready Reference, Reading and Research, VIII, 6295-6298.
  7. Violette, op. cit., p. 37.
  8. Hafen and Rister, op. cit., pp. 159f.; Violette, op. cit., pp. 49f.
  9. Shoemaker, op. cit., p. 52.
  10. Ellis, op. cit., p. 66; Violette, op. cit., pp. 55 and 61.
  11. Williams and Shoemaker, op. cit., I, 214-224; Violette, op. cit., pp. 62-64.

were Moses Austin and family, who settled in the region of what is now Potosi,<sup>1</sup> and the Murphy family, who formed a settlement on the site of what is now Farmington.<sup>2</sup> The majority of settlers in the Cape Girardeau and New Madrid Districts were Americans.<sup>3</sup> By 1804 the population of Upper Louisiana had increased to 10,340, of whom 9,020 were white and 1,320 were Negroes.<sup>4</sup>

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1. Hafen and Rister, op. cit., p. 160; Shoemaker, op. cit., p. 52.
  2. Ibid.
  3. Ibid.; Ellis, op. cit., pp. 66 and 68; Violette, op. cit., pp. 48 and 51.
  4. Rozier, op. cit., p. 262.



