

SESSIONAL PAPER No. 18

"Another part of the index is of somewhat different character, for it contains a list of papers received by the clerk of the court, arranged by years. In this case the clerk has not separated his duties as notary and clerk, so that the index includes papers of all kinds. Only a few years of the record have been preserved; but since these represent different periods, we have data up on which to base an average. By years the number of acts is: 1737, 180 acts; 1752, 105 acts; 1758, 72 acts; 1783, 85 acts; 1794, 82 acts. This gives an average of 105 acts each year, which is only one less than obtained from the other data. Since this number does not include the official correspondence of commandants and judges, or military papers of any kind, or all the documents drawn up by the numerous officials of the governments, we must conclude that our estimate is too low, and that the total number was over 8,000. Since the papers discovered in Chester will not exceed 3,500, between 50 and 60 per cent, of the Kaskaskia papers have been lost.

"Although I have not as yet made a careful study of these papers, it is possible to indicate their character. The great majority of them are notarial minutes of instruments drawn up in Fort de Chartres or Kaskaskia. They are almost all in the French language and follow the formulæ of the French law. The royal French notary was a far more important official than the notary public of English law, for his acts had all the legal force of a judgment of an American Court. In all affairs of life he was as frequently present as the parish priest. He, in fact, plays the counterpart in civil life to that of the priest in ecclesiastical. Like the latter he participates in marriages and is found almost as frequently at the side of the dying. His assistance is required at the formation of partnerships, at the loan of money, at the return of the same, for drawing up leases, at the settlement of estates, at the taking of inventories, at auctions, at all contracts whether for the delivery of goods or for labour, and this last includes apprenticeship. Thus his points of contact with the business and social communities, in which he moved, were almost limitless, and his was one of the most familiar figures in any French town or village. In the Kaskaskia collection are examples of almost every kind of act redacted by these officials.

"No great addition to the sum of our knowledge of Illinois history has been made by the finding of hundreds of such documents as these. Relatively little is to be made out of their tiresome repetition of 'Before the royal notary in the Illinois.' Still they are not to be neglected for careful study will reveal much. Their information in regard to family histories, to business methods, about the whole business and social life of these Frenchmen is by no means small.

"The notarial instruments, although the most numerous, are by no means the most important. The palm must be given to the court records, whether in books or loose papers. With the aid of these, and they are fortunately numerous, may be traced the changing forms of government in this region as has never been done up to this time. Among the papers are many petitions for justice and for the assignment of land dating from all periods of the eighteenth century. Also depositions before various magistrates, reports of trials and the final executions of the decisions of the court are not lacking. There are twenty pages of a record of the sessions of the court under the French regime, very fragmentary in character, for so many pages have been lost. The first record is of a Session in the year 1737, the last in 1765. For the English period there is no similar document, for whatever court records had been spared by time were carried years ago to the Wisconsin Historical Library. There is evidence that the Virginia court founded by John Todd at Kaskaskia found difficulty in supplying its clerk with blank books, for the records of the sessions of the court are found scattered on loose sheets, and the blank pages of registers kept by previous clerks; but there is nothing among the Kaskaskia papers for the Virginia period comparable to the full record of the Cahokia court preserved at Belleville.

"Another class of papers corresponds to the books kept by our recorders. They contain the registry of promissory notes, donations, agreements of all kinds, occasionally an ordinance or proclamation, letters of instruction, and action taken by the community. For the French period there is a record book in which were kept the registry