

# Records of the City Court of Charleston and the Police Court, 1842–1938

*The Charleston Archive, Charleston County Public Library  
Compiled by Kathleen Gray, 2009*

Collation: 5 linear feet

Description: This collection comprises both the records of the City of Charleston City Court and those of the City of Charleston Police Court. The City Court records include Delinquent Tax Files, Violations of Liquor Ordinance, Violations of Sunday Liquor Ordinance, Violations of License Ordinances, Violations of Measures Ordinance, Jury Summons, Miscellaneous City Court Papers, City Court of Charleston Minute Docket No. 2 & 3, List of Judgments in the City Court, Judge's Docket City Court No. 1, File Book, City Court, City Court Judgment Record, and City Court Journal. The records of the Police Court contain Individual Case Files, Appeals, Correspondence, and Miscellaneous Files. The collection also includes one Cash Charge Book whose provenance is unclear.

Delinquent Tax Files (1869–1897, Bulk 1877–1879) are files documenting legal action taken against individuals who have not paid their property tax. The files are arranged alphabetically by the last name of the individual. The majority of the files contain a Judgment by Default as well as supporting documents, such as: City Court Summons, Complaint for Nonpayment of Taxes, City Tax Return, Receipt for payment of Tax Execution, Summons and Complaint for Relief, Summons – For Money Demand, Assignment of Judgment, Tax Execution, Correspondence, Judgment Certified, Satisfaction of Judgment, Summons and Complaint for Money Demand, and Complaint for Non-Payment of Taxes. Individual files vary in completeness. These files may prove useful to those individuals doing property research, as the tax returns contain the address(es) of the property being taxed.

Violations of Liquor Ordinance (1901–1903) consist of court documents filed against individuals for violating "An Ordinance prohibiting the manufacture, sale, barter, exchange or other illegal handling of Spiritous Liquor" ratified 10 September 1901. These files are arranged alphabetically by the last name of the defendant and primarily contain Warrant or Information forms.

Violations of Sunday Liquor Ordinance (1889) is a single file which contains cases brought against individuals for violating an ordinance banning barrooms from opening on Sunday.

Violations of License Ordinances (1876–1879) contain court documents for cases involving individuals who have violated the City's ordinances regulating business licenses. The majority of the files date to 1879 and represent violations of "An Ordinance to regulate Licenses for the year A. D. 1879" ratified 17 December 1878. These files are arranged alphabetically by last name of the defendant and contain documents such as: Court Summons, Complaint for Doing Business without a License, Summons and Complaint for Money Demand, Summons for Money Demand, and Judgment by Default. The files vary in completeness.

Violation of Measures Ordinance (1886–1887) is a single file containing documents filed against persons for violating the City's ordinances regulating weights and measures. These documents, arranged alphabetically by last name of defendant, contain official court summons, as well as occasional explanatory correspondence. All but one of the cases included are citations for unstamped measures.

Jury Summons (1901) is a single file containing jury summons and excuses for not serving appointed jury duty.

Miscellaneous City Court Papers (n.d.–1904) is a single file that contains items removed from the City Court Journal. These items include handwritten notes, jury notices, correspondence, and official court documents. The majority of the items are blank court forms, specifically Warrant or Information, Writ of Venire Facias, and Rule to Show Cause.

The City Court of Charleston Minute Docket No. 2 & 3 (10/1883–09/1902 & 11/1902–10/1909) consists of two volumes, arranged by court term (month/year), which list plaintiff (always the City Council of Charleston), defendant, attorney, and miscellaneous remarks (e.g. judgment, continued, settled with sheriff, withdrawn, sentence, etc.).

List of Judgments in the City Court (labeled 10/1886–10/1895; actually 05/1886–06/1895) is a single volume, arranged alphabetically by first letter of defendant's last name and then arranged chronologically by case date within each letter. This volume lists defendant's name, date, and amount of judgment against the individual.

Judge's Docket, City Court No. 1 (03/1874–09/1883) is a single volume, arranged chronologically by court term (month/year). This volume includes plaintiff (always City Council of Charleston), defendant, attorneys, and remarks (e.g.: judgment, "continued", "struck off", "under appeal"). Despite the cover title, the volume actually includes dockets for courts No. 1 (03/1874–09/1883), No. 2 (n.d.–07/1883), and No. 6 (03/1874–09/1882).

File Book, City Court (02/07/1874–10/08/1879, 02/16/1888–04/24/1891, 08/20/1894–09/15/1894, 02/23/1897–06/10/1897, 09/26/1901–10/11/1901) is a single volume, arranged chronologically by date of filing. This volume includes title of case, class of paper (usually summons or summons & complaint; sometimes more detailed, violation of Sunday liquor law, answer, notice of appeal, information), date of filing, by whom filed.

City Court Judgment Record (03/1874–07/1897) is a single volume, arranged alphabetically by first letter of defendant's last name, then arranged chronologically within each letter. This volume lists roll number, defendant, plaintiff (always City Council of Charleston), date, amount of judgment, attorney name and date of satisfaction.

City Court Journal (03/06/1874–07/1/1938) is a single volume, arranged chronologically. This volume constitutes a record of the proceedings of the City Court and includes presiding judge (or, later, recorder), jurors, individual cases, judgments, etc.

Police Court Individual Case files (1892–1931) contain documentation pertaining to individual cases tried in the Police Court. These files, arranged alphabetically by the last name of the defendant, include documents such as: Return of Recorder, Brief of Respondent, Brief of Appellant on Appeal, Supplemental Report from Recorder, Return of Recorder on Appeal, police affidavits, testimony transcripts, case notes, bench warrant, and search warrant. The files vary in completeness.

Appeals files (1898–1930) contain documentation of individuals appealing verdicts handed down in Police Court, arranged alphabetically by the last name of the defendant. Some of these files also contain supporting documents such as affidavits, bonds, and appeal dismissals.

Correspondence files (1899–1932) contain letters received by the City Recorder (usually Theodore D. Jervey), arranged chronologically. Included in the correspondence are the responses of other municipalities to a circular letter sent out by the Recorder in 1899, inquiring into the jurisdiction of Police Courts around the nation.

Miscellaneous files (1899–1923) contain various documents related to the business of the Police Court and the City Recorder, arranged chronologically. Items in the files include: extracts from legal documents, reports, court briefs, copy of Return of Recorder, published ordinance, published S.C. Supreme Court cases, handwritten notes, Return to Rule to Show Cause, police affidavits, Writ of Habeas Corpus, Petition, Abstract of Acts Relating to the Police Court and City Court of Charleston, S.C., secondary evidence, and information on cases heard in the Magistrate's Court.

The Cash Charge Book (1842–1857, 1886; labeled "1844, 1845, 1846, 1847, 1848, etc.") appears to be an accounting ledger used by the Courts to keep track of service requests. The ledger has no identifying markers, so it is not possible to determine which Court(s) are represented. However, the time frame is consistent with both the City Court and Police Court. The ledger is arranged alphabetically by the name of the individual/entity with whom the court was interacting, usually an attorney or legal firm. Entries include the date of the transaction, a brief description, and the amount charged. Transactions include typical court business, such as issuing Certificates of Judgment, conducting records searches, recording Renunciations of Dower, copying orders, filing Returns of Garnishee, signing writs, etc. Most of the pages have been marked through, presumably when the account was paid in full.

Historical Note: When the City of Charleston was officially incorporated in 1783, the responsibility for performing judicial duties fell to the city Wardens. At least three of the Wardens were to meet twice a week "to hear and determine all small and mean causes, agreeably to the directions of the act of the General Assembly, and all other matters of complaint arising within the said city." To carry out their duties, each of the Wardens was vested with all the power and authority of a justice of the peace.<sup>1</sup>

The Court of Wardens continued to wield judicial power in Charleston until 1801. In that year, the General Assembly passed an act to establish a Court of Inferior Jurisdiction in the City of Charleston. This court was created "for the hearing and determining of causes of a civil nature,

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<sup>1</sup> *Ordinances of the City Council of Charleston, 1802*, pp. 4–5

arising within the limits of the said City of Charleston, and for the trial of all offences against the by-laws of the City of Charleston." The Inferior Court was presided over by the City Recorder. The judgments handed down by this court could not exceed one hundred dollars and could not include corporal punishment.<sup>2</sup> In 1820, the name of this court was officially changed to the City Court of Charleston.<sup>3</sup>

In 1836, City Council passed an ordinance that created a Police Court, to be presided over by the Mayor (otherwise know as the Intendant). The Mayor was charged with examining those individuals committed to the Guard House, as well as any others brought before him legally, and to dispose of the cases according to the law. The Mayor also had the right to issue warrants, compel the attendance of witnesses, and punish persons for contempt. This court was sometimes referred to as the Mayor's Court.<sup>4</sup>

The powers and jurisdiction of the courts and those presiding over them evolved over the years. The jurisdiction of the City Court increased several times, until finally it included cases bearing fines of up to one thousand dollars.<sup>5</sup> Fines and forfeitures in the Police Court, however, could not exceed one hundred dollars. In addition to monetary penalties, both courts were eventually permitted to imprison offenders in the Work House or jail<sup>6</sup>, and were also given the power to sentence lawbreakers to hard labor in the streets of the city.<sup>7</sup> In 1878, both the City Court and the Police Court were placed under the authority of the city Recorder. In addition, the Recorder was vested with all the power, authority, and jurisdiction of a Trial Justice.<sup>8</sup>

In 1911, the state created the Civil and Criminal Court for the city of Charleston and surrounding areas, effectively making the City Court of Charleston superfluous.<sup>9</sup> It appears that the City Court continued to convene on a regular basis until 1938; however, little to no judicial business was conducted at these meetings. Conversely, the Police Court continued to function well into the twentieth century. The City Court and Police Court were officially abolished in 1962, when the city of Charleston established the Municipal Court.<sup>10</sup>

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<sup>2</sup>*The Statutes at Large of South Carolina, Vol. 7, p.300*

<sup>3</sup>*The Statutes at Large of South Carolina, Vol. 7, p.322*

<sup>4</sup>*A Digest of the Ordinances of the City Council of Charleston, 1783–1844, p. 165*

<sup>5</sup>*The Statutes at Large of South Carolina, Vol. 7, p.325*

<sup>6</sup>*The General Ordinances of the City of Charleston, S.C., and the Acts of the General Assembly Relating Thereto, 1882, p.216*

<sup>7</sup>*The General Ordinances of the City of Charleston, S.C., and the Acts of the General Assembly Relating Thereto, 1882, p.217*

<sup>8</sup>*The General Statutes and the Code of Civil Procedure of the State of South Carolina, Adopted by the General Assembly of 1881–82, p.615*

<sup>9</sup>*Code of Laws of South Carolina, 1912, Vol. I, p.390*

<sup>10</sup>*Journal of the City Council of Charleston, 1959–63, p.581*

# Records of the City Court of Charleston and the Police Court, 1842–1938

## Collection Outline

### I. City Court of Charleston

A. Delinquent Tax Files	Box 1–3
B. Violations of Liquor Ordinance	Box 4
C. Violations of Sunday Liquor Ordinance	Box 4
D. Violations of License Ordinances, A–C	Box 4
D–W	Box 5
E. Violations of Measures Ordinance	Box 5
F. Jury Summons	Box 5
G. Miscellaneous City Court Papers	Box 5
H. City Court of Charleston Minute Docket, No. 2 & 3	Box 6
I. List of Judgments in the City Court	Box 6
J. Judge's Docket City Court No. 1	Box 7
K. File Book, City Court	Box 7
L. City Court Judgment Record	Box 8
M. City Court Journal	Box 9

### II. Police Court

A. Individual Case Files, B–R	Box 10
S–W	Box 11
B. Appeals	Box 11
C. Correspondence	Box 11
D. Miscellaneous Files	Box 11

III. Cash Charge Book	Box 8
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Police Court Individual Case Files		
Defendant	Date	Crime
Bell, Jake E.	11/15/1922	Violating ordinance "An ordinance to amend an ordinance entitled 'An ordinance prescribing the manner in which animals to be used for food shall be slaughtered in the City of Charleston'"
Brown, Sam	4/28/1917	Accosting a lady at night
Butler, Joe	7/5/1913	Disorderly conduct
Charleston Canning Co.	4/27/1907	Violating ordinance "An ordinance regulating the removal of oyster shells..."
Citizens Ice Co.	12/1/1900	Burning improper fuel
Conyers, James	10/6/1916	Selling lottery tickets
Enterprise Railroad Company	3/13/1896	Running over a child with car
Gladden, Samuel	3/17/1915	Larceny (stealing a box of salmon)
Gilliard, W. F.	n.d.	Violating Section 44 of the traffic ordinances (drunk driving)
Gates, George	6/00/1892	Murder
Green, William	5/31/1915	Larceny and Assault & Battery
Harley, John et. al.	2/12/1916	Writing and selling lottery tickets
Harley, Wallace et.al.	n.d.	Disorderly conduct and Assaulting a Police Officer
Healy, J. J.	10/16/1915	Carrying concealed weapon
Hedgepath, C. M.	2/22/1921	Disorderly conduct, Interfering with Citizens, and Exposing his person
Henneberry, M. J. and Schaidaressi, Ted	1/14/1924	Keeping a gambling house
Jakes, Elly	4/16/1931	Crashing a truck while intoxicated
Johnson, Richard	11/2/1927	Violating the traffic ordinance as to express avenues
King, Pat	12/14/1909	Selling lottery tickets
Laval, J.	10/30/1926	Disorderly conduct and Refusing to move on
Laurens, Ray	10/12/1931	Violating Prohibition
Maree, C. V. and Watkins, J. R.	9/21/1899	Disorderly conduct
Olsen, R. H.	4/00/1907	[illegible]
Pantole, Martha	n.d.	Selling cocaine without a prescription
Patani, Anna	n.d.	Keeping an indecent and disorderly house
Patla, J. A.	1/29/1916	Violating traffic ordinance
Patrick, J. W.	03/00/1906	Violating license ordinance
Prescott, J. W.	10/22/1927	Assaulting an officer
Richardson, Eddie	7/23/1900	Gambling
Roof, Bob	12/22/1930	Careless and reckless driving
Rosa, Tony	2/9/1917	Operating a slot machine
Sanders, J. G.	8/26/1916	Writing and selling lottery tickets
Sing, Sam	8/28/1916	Gambling
Singleton, W. H.	11/00/1901	Gambling
Smalls, Benjamin	11/11/1916	Writing and selling lottery tickets
Smith, George	5/5/1913	Disorderly conduct
Smith, John	5/14/1929	Violating traffic ordinance (drunk driving)
Southern Railway Co.	3/15/1909	Blocking an intersection
Spalverio, A. E.	11/23/1922	Receiving stolen goods
Thomas, Claud	12/16/1915	Reckless driving
Thompson, Charles	00/00/1904	Drunk and disorderly
Todson, William et.al.	11/27/1895	Selling lottery tickets (Marie Manning, running a house of ill fame)
Williams, Sam	n.d.	Not stated