

Jefferson County Circuit Court
Case Files - Civil
October 1835

Box 2 Folder 29

Antoine, by next friend
Barribeau, Pierre

vs.

Chauvin, Lefrenier, adm.
Chevalier, Helen
Tayon, Charles
Chouteau, Pierre, Sr, et al

Trespass, assault and battery, false imprisonment

Freedom suit; other defendants Auguste Chouteau, Jr.,
Pierre Chouteau, Jr., Legeste Chouteau, Bartholomeu
Berthold, Felagie Berthold, Joseph Tayon, Francis Tayon,
Terrace Valle; change of venue from St. Louis to
St. Charles County 1829, to Jefferson County 1835;
Child of Celeste

State of Missouri }
County of St Louis } p. In the Circuit Court July
Term 1825

Antoine, a free man of color, held in slavery who is permitted by the court to sue, by Pierre Barthelemy his next friend, as a poor person by Harris Gamble & M. G. G. his Attorneys, against as counsel by the court, complainants of Lefrancis Chauvin, Administrator of all and singular the goods and chattels credits and Effects which were of Helen Chevallier deceased, at the time of her death, who died intestate, Charles Tayan, Pierre Chautau Senior, Auguste Chautau Junior, Pierre Chautau Junior, Lefrancis Chautau, Bartholomew Berthold and Pilagie Berthold his wife, Joseph Tayan Francis Tayan and Terran Valle, of a plea of trespass. For that the said defendants, heretofore, to wit, on the first day of January, in the year of our Lord, one thousand Eight hundred and twenty five, with force and arms, at the County of St Louis aforesaid, an assault did make upon the body of the said Antoine, and then and there beat bruised and ill treated him the said Antoine, and then and there imprisoned him the said Antoine, and kept & detained him in prison against his will, without any reasonable or probable cause whatever and have ever since kept & detained him in prison and do still keep & detain him in prison, against his will, contrary to the laws of this state, and the said defendants other wrongs then and there did to him the said Antoine against the peace of the state, wherefore the said Antoine says he is injured and has sustained damage to the amount of five hundred dollars, and therefore he sues &c.

Harris, Gamble & M. G. G.
Atty for plff

+ No 58

In the Circuit Court
July term 1825

Antoine

vs
Jesse Lawrence & others

vs the Clerk.

This is an action of
Trespas, Assault & Battery
and false imprisonment

Upon a summons
for defendants
Gavin, Gamble & McKie

Atts for plff

Filed 2nd June 1825

Archibald Gamble clerk

We acknowledge service
of this writ

Wm Bentham
J Bentham

Executed this writ on Benjamen Bentham & Eliza his

wife June 11th 1825 in the City of St Louis by their Agents & judgment

above. On defendant's Objections June 18th at the place of residence -

on Benj Chouteau sen^r - James Chouteau & George Chouteau on

the 4th of August Chouteau & on the 23rd of the same month in

the City of St Louis by giving the writ & Execution to them to

read & their best understanding the service thereof. - Charles

Hayden - Joseph Hayden - James Hayden & Emma Clark not

found in my County. July 9th 1825

John H. Walker Sheriff
Benjamon & Eliza

Service \$7.00
4 non Res 2.00
\$9.00

152
We acknowledge service
of this writ

Colbert
J Berthold

Thomas Berthold Pelagie his
Wife by their Subscribed Agent
Jm W at his place of residence
on Chouteau St. August Chouteau on
the 23^d of the same month in
the writ of Sequestration to them to
the Service thereof. — Charles
Tayon & Jean Valle not
by 9th 1825
John W. Walker Sheriff
By Subscribers A. S. H. H.

+ No 58

In the Circuit Court
July Term 1825

Antoine

vs
Sefrenier Chouvin Administrator
of others

vs the Clerk.

This is an action of
Torture, Assault & Battery
and false imprisonment
upon a summons
for defendants
Garnier, Gamble & McKim
Attys for plaintiff

Filed 2nd Term 1825
Archibald Gamble Clerk

County of St. Louis

The State of Missouri

To the Sheriff of said County

Greeting

We command you to summon Sefrenier Chouvin Administrator of all and singular
the Goods and Chattels, credits and effects which were of Helen Chevallier deceased at the
time of her death who died intestate. Charles Tayon, Pierre Chouteau Senior Auguste
Chouteau Junior, Pierre Chouteau Junior, Lequiste Chouteau, Bartholomew Berthold
and Pelagie Berthold his wife. Joseph Tayon, Francis Tayon and Terrace Valle that
they be and appear before the Judge of our circuit Court at the next term thereof to be
held at the City of St. Louis within and for the County of St. Louis on the fourth Mon-
day in July next then and there to answer unto Antoine a free man of color who is
permitted by the Court to sue by Pierre Banibeau his next friend as a poor person
of a plea of trespass to the damage of said plaintiff of four hundred dollars. And have
you then return this writ.

Witness Archibald Gamble Clerk of our said
Court at office this second day of June 1825.

Archibald Gamble, Clerk.

In the Circuit Court
July Term 1825

No 58

Antoine
vs.

Seprenier Chouvin Adm^r

and others -

The within is a counterpart of
the writ issued to the Sheriff of
St Louis County - 2nd Term 1825
Archibald Gamble Clerk

St Charles -

The State of Missouri
County of St Louis
to the Sheriff of the County of St Charles
Greeting

We Command You to summon Charles Tagon Joseph Tagon Francis Tagon
and Tenace Valle impleaded with Seprenier Chouvin Administrator of all and
singular the Goods and chattels credits and effects which were of Helen Chevallier
deceased at the time of her death who died intestate Pierre Chouteau senior Auguste
Chouteau Junior Pierre Chouteau Junior Sequeste Chouteau Bartholomew Berthold and Pelagie
Berthold his wife, that they be and appear before the Judge of our Circuit Court at the next
Term thereof to be held at the City of St Louis within and for the County of St Louis on the
fourth Monday in July next then and there to answer unto Antoine a free man of
color who is permitted by the Court to sue by Pierre Barnibeau his next friend as a poor
person of a plea of trespass to the damage of said plaintiff of five hundred dollars and
have you then show this writ.

Witness Archibald Gamble clerk of our said
Court at office this second day of June One Thousand
Eight hundred and twenty five

Archibald Gamble Clerk

Executed this writ on the within named Joseph Tagon and
Terrace Valle by reading it to them in the Township of
St Charles this 14th day of June 1825 and on Charles Tagon in the
Township of St Charles on the 16th June 1825 by reading it
to him (the within named Francis Tagon is not found
in my County this 11th July 1825
Sheriffs Fees \$3.50

J. L. Mills Sheriff
of St Charles City Mo

Reuben Chauvin ~~Charles~~
Rayon Pierre Chouteau &
others

ads

Antoine a boy of Colo
by J. Barbican his next
friend

Chas. Louis Jayton 1825

And said Defendants come and
defend the force and injury when
he and say that they are not
guilty of the trespasses laid to their
charge in manner and form as
the said Antoine hath above
therein complained against them
and of this they put themselves
on the country.

And the said plaintiff doth
the like.

Harris, Gamble & McGirke
Attys for plff.

Order
at 5 for Def^s

John - Shaw
John Charles Shaw

28

Anton

Hea - you - in

John August 3rd 1825
299 and 10 cts

Chawm Solkey

adrm

Aulome

And the said dependants come and
defend the force and injury when &c. and say
that they are not guilty of the said several
supposed trespasses ^{or any of them} in manner and form as the
said Aulome hath above thereof complained
against them and of this they put themselves
upon the Country &c

Logans
for dyth

Chauvin & others
atm. 4 place
Autome

Filed August 31st 1825
A. Gambell

Antoine, a man of color } p. Suit for freedom in the
Lefrancis Chauvin Admr } St Louis Circuit Court, 1828
of Helen Chevalier dec'd }

The petition of Antoine, the
above named plaintiff, represents to the honorable cir-
cuit court, that he fears that he will not receive a
fair trial in the said court in which said suit is
now pending, on account that he believes the judge
thereof is prejudiced against the claim of your peti-
tioner to freedom, so that he cannot and does not ex-
pect a fair & impartial trial of said cause in
said court; wherefore your petitioner prays a change
of venue, & that said cause may be sent to some
other county to be tried, where the causes complain-
ed of do not exist, and your petitioner will ever
pray, &c.

Antoine +
mark

Attest. J. C. McGurk

State of Missouri } p. Personally appeared before
County of St Louis } me, (Antoine, a man of
color) who being by me, the undersigned, a justice
of the Peace within & for said county, duly
sworn, upon his corporal oath, that
the facts set forth in the above Petitions are
true, as this affiant verily believes; and that
he cannot & does not expect a fair trial of
said suit, above named, in said County of St Louis,
on account that the judge thereof is prejudiced -
against him & his claim to freedom.

Taken, sworn to & subscribed
before me at the County & City
of St Louis, this 21st day of
July 1828.

Antoine +
his
mark

Lucius B. Pearson
Justice of the Peace

William F. Sullivan
for change of name.

Charles C. Sullivan

State of Missouri
County of St Louis

Petition and order
for leave to sue

Be it Remembered that heretofore to wit; at the March Term of the Circuit Court for the County of St Louis in the year One Thousand Eight Hundred and twenty five on the nineteenth day of May in the year aforesaid Isaac C. McGirk presents here to the Court the petition of Celeste for herself and her children and Grand children namely Sophia Antoine, Paul, Auguste praying that she may be permitted to institute suit against Lefreniere J. Chauvin Administrator of Helen Chevalier deceased and against all or any of the legal representatives of the said Helen Chevalier for establishing her right and the right of her said children and Grand children to freedom and that they may be permitted to sue as poor persons. Thereupon the Court permit the said petitioners to sue as aforesaid and assign Isaac C. McGirk, Hamilton R. Famble and Robert P. Farris as their counsel and direct that an action of assault and Battery be commenced against the said defendants in the names of the said petitioners by their next friends. and it is ordered by the Court that the said defendants permit the said plaintiffs to have a reasonable liberty of attending their counsel and the Court when occasion may require it. and that the said petitioners shall not be taken or removed out of the Jurisdiction of this Court or be subject to any severity of Treatment on account of their said application for freedom and afterwards to wit on the second day of June in the

Declaration

year aforesaid Antoine one of the aforesaid petitioners by his attorneys filed in the office of the Clerk of the said Circuit Court his declaration against Lefreniere Chauvin Administrator of Helen Chevalier deceased - Charles Tagon and others which said declaration is in the words and figures following to wit; State of Missouri County of St Louis ss. In the Circuit Court July Term 1825. Antoine a free man of color, held in Slavery who is permitted by the Court to sue by Pierre Barribreau his next friend, as a poor person by Farris, Famble & McGirk his attorneys assigned as counsel by the Court complains of Lefreniere Chauvin, Administrator of all and singular the goods and chattels Credits and Effects which were of Helen Chevallier deceased at the time of her death who died intestate Charles Tagon, Pierre Chouteau Senior Auguste Chouteau Junior Pierre Chouteau Junior Legueste Chouteau, Bartholomew Berthold and Pelagie Berthold his wife Joseph Tagon Francois Tagon and Terrace Valle of a plea of trespass, For that the said defendants heretofore to wit; on the first day of January in the year of our Lord One Thousand Eight hundred and twenty five, with force and arms, at the County of St Louis aforesaid an assault did make upon the body of the said Antoine and then and there beat bruised and ill treated him the said Antoine and then and there imprisoned him the said Antoine and kept & detained him in prison against his will without any reasonable or probable cause whatever and have ever since kept & detained him in prison and do still keep & detain him in prison against his will contrary to the laws of the State and the said defendants other wrongs then and there did to him the said Antoine against the peace of the State wherefore the said Antoine says he is injured and has sustained damage to the amount of five hundred dollars, and therefore he sues of Farris, Famble & McGirk Attys for plff. - and afterwards to wit on the said second day of June in the year aforesaid the Clerk of the said Circuit Court endorsed thereon a writ of Summons in the words and figures following to wit; County of St Louis ss. The State of Missouri To the Sheriff of said County Greeting We Command you to summon Lefreniere Chauvin Administrator of all and singular the Goods and Chattels credits and Effects which were of Helen Chevallier deceased at the time of her death who died intestate Charles Tagon, Pierre Chouteau Senior Auguste Chouteau Junior Pierre Chouteau Junior Legueste Chouteau, Bartholomew Berthold and Pelagie Berthold his wife, Joseph Tagon, Francois Tagon and Terrace Valle that they be and appear before the Judge of our Circuit Court at the next term thereof to be held at the City of St Louis within and for the County of St Louis on the fourth Monday in July next then and there to answer unto Antoine a free man of color who is permitted by the Court to sue by Pierre Barribreau his next friend as a poor person of a plea of trespass to the damage of said plaintiff of five hundred dollars and have you then there this writ Read Witness Archibald Famble Clerk of our said Court at office this second day of June 1825. Archibald

Gamble Clerk and afterwards to wit; at the return term of the said writ the Sheriff of the County of St. Louis returned the same into Court with an acknowledgement of service by B. Berthold and Pelagie Berthold, and his return thereon endorsed in the words and figures following to wit; We acknowledge service of this writ B. Berthold P. Berthold, Executed this writ on Bartholomew Berthold & Pelagie his wife June 11th 1825 in the City of St. Louis by their acknowledgement above - on Lafrenier Chauvin June 10th at his place of residence on Pierre Chouteau Senr. - Pierre Chouteau Sr. & Leguest Chouteau on the 14th & on Auguste Chouteau Sr. on the 23rd of the same month in the City of St. Louis by giving the writ & declaration to them to read & their acknowledging the service thereof - Charles Tagon - Joseph Tagon - Francois Tagon & Terrace Valle not found in my County July 9th 1825. John H. Walker Sheriff by Dr. Simonds Jr. D. Shiff and on the said second day of June in the year aforesaid the Clerk of the said Circuit Court issued a counterpart of said writ of summons directed to the County of St. Charles which is in the words and figures following to wit; County of St. Louis for the State of Missouri To the Sheriff of the County of St. Charles Greeting; We Command you to summon Charles Tagon, Joseph Tagon, Francis Tagon and Terrace Valle impleaded with Lafreniere Chauvin Administrator of all and singular the goods and chattels credits and effects which were of Helen Chevallier deceased at the time of her death who died intestate Pierre Chouteau senior Auguste Chouteau Junior, Pierre Chouteau Junior Leguest Chouteau, Bartholomew Berthold and Pelagie Berthold his wife that they be and appear before the Judge of our Circuit Court at the next term thereof to be held at the City of St. Louis within and for the County of St. Louis on the fourth Monday in July next then and there to answer unto Antoine a free man of Color who is permitted by the Court to sue by Pierre Barribeau his next friend as a poor person of a plea of trespass to the damage of said plaintiff of five hundred dollars and have you then there this writ. *(Seal)* Witness. Archibald Gamble Clerk of our said Court at Office this second day of June One Thousand Eight hundred and twenty five. Archibald Gamble Clerk. - and afterwards to wit; at the July Term of the said Circuit Court in the year Eighteen Hundred and twenty five the said defendants by their attorney filed their plea in the words and figures following to wit; C.C. St. Louis July term 1825 - Lafreniere Chauvin, Charles Tagon Pierre Chouteau & others, ads, Antoine a boy of Color by P. Barribeau his next friend and the said defendants come and defend the force and injury when & and says that they are not guilty of the trespasses laid to their charge in manner and form as the said Antoine hath above thereof complained against them and of this they put themselves on the Country - Lawless Atty for Defts. - And the said plaintiff doth the like. Farris, Gamble & W. Gork Attys for plff. - and the said cause was continued from term to term until the November Term of the said Circuit Court in the year Eighteen Hundred and twenty eight at which said Term the Plaintiff by his attorney presents to the Court his petition verified by the affidavit of the said plaintiff stating that he fears that he will not receive a fair trial in the said Court in which said suit is now pending on account that he believes the Judge thereof is prejudiced against him Claim of your petitioner to freedom so that he cannot and does not expect a fair and impartial trial of said cause in said Court it is therefore ordered by the Court that the Venue be changed to the County of St. Charles in the second Judicial Circuit of this State and that the Clerk of this Court do certify and

transmit a full transcript of the Record and proceedings in this case together with all papers filed in the cause and appertaining to or forming part of the Record to the Clerk of the Circuit Court for the County of St Charles at the next term thereof and the petition and affidavit aforesaid are in the words and figures following to wit; Antoine a man of Color vs Lefrenier Chauvin. Adm^r of Helen Chevallier dec^d so Suit for freedom in the St Louis Circuit Court 1828- The petition of Antoine the above named plaintiff represents to the honorable Circuit Court that he fears that he will not receive a fair trial in the said Court in which said suit is now pending, on account that he believes the Judge thereof is prejudiced against the claim of your petitioner to freedom so that he cannot and does not expect a fair & impartial trial of said cause in said Court; wherefore your petitioner prays a change of Venue & that said cause may be sent to some other county to be tried, where the causes complained of do not exist, and your petitioner will ever pray &c. Antoine ^{his} ~~X~~ _{mark} Attest, J.C. W. Girk - State of Missouri County of St Louis, ss. Personally appeared before me (Antoine a man of Color) who being by me, the undersigned a Justice of the Peace within & for said County, duly sworn upon his corporal oath aforesaid saith that the facts set forth in the above petition are true, as this affiant verily believes; and that he cannot & does not expect a fair trial of said suit, above named in said County of St Louis on account that the Judge thereof is prejudiced against him & his claim to freedom. Antoine ^{his} ~~X~~ _{mark} Taken sworn to & Subscribed before me at the County & City of St Louis 21st day of July 1828- Clement B Penrose, Justice of the peace-

State of Missouri }
County of St Louis } ss. I, Archibald Gamble Clerk of the Circuit Court for the County of St Louis do certify that the foregoing is a full transcript of the Record and proceedings in the case of Antoine a ~~man~~ man of Color versus Lefreniere Chauvin Administrator of all and singular the goods and chattels Credits and Effects which were of Helen Chevallier deceased at the time of her death who died intestate Charles TAYON - Pierre Chouteau senior, Auguste Chouteau Junior Pierre Chouteau Junior, Leguest Chouteau, Bartholomew Berthold and Pelagie Berthold his wife, Joseph TAYON, Francis TAYON, and Terrace Valle as the same now remains in my office -

Given under my Hand and the seal of the said Circuit Court at Office this Twelfth day of February in the Year of our Lord One thousand Eight Hundred and Twenty Nine.

Archibald Gamble Clerk

The fees due in the above case to the following named Officers of the Court are, excluding Taxes

To the Clerk of the St Louis Circuit Court for this Transcript - (A Gamble)	\$ 3 ⁰⁰ 70
" same for costs in this suit	10 ⁰⁰ 82 1/2
" M ^r H Walker late Sheriff of St Louis County	22 ⁰⁰ 00
" H. L. Mills Sheriff of St Charles County	3 ⁰⁰ 50
	\$ 28 ⁰⁰ 08 1/2
Forty	40 ⁰⁰ 02 1/2
In all ~~Forty~~ Dollars two and one half cents	
A Gamble Clerk	

Antoine
103 Manuscript
Helen Chenevix's and

Change of Name to Charles

Manuscript ——— \$20.70
24 ——— 1.10
3" 70

Filed 17th March 1829
Wm Chas. & Co

State of Missouri
County of St Charles } ss: Be it remembered that on the seventeenth
day of March in the year of our Lord eighteen hundred and twen-
ty nine, was filed a transcript of the record and proceedings in
the the case of Antoine against the administrator of Helen
Chevalier, into the clerk's office of the circuit court for the said
county of St Charles, certified from the circuit court of the county
of St Louis, on an order of change of venue to the said county of
Saint Charles; in which said cause, at the October Term of
our said court for the year aforesaid, on the first day of said
Term, and the fifth day of October aforesaid, the following
proceedings were had = to wit:

"Antoine } Petition for Freedom.
vs
"Helen Chevalier's adm^r &c } On motion and affidavit filed
it is ordered that this cause be continued at the cost of the Defendant
And afterwards the said cause was continued from term to term
of our said court until the June Term of said court for the year
eighteen hundred and thirty five, when the following order was
made = to wit:

"Antoine } Petition for Freedom
vs
"Adm^r of Helen Chevalier } The Judge of this court having been
of counsel for one of the parties to this action, it is ordered by
the court, that the venue be changed to the county of Jefferson
in the seventh judicial circuit of this state; and that the
clerk of this court do certify and transmit a full transcript
of the record and proceedings in this cause - together with all
papers appertaining to, and filed in the same - to the clerk
of the circuit court for the said county of Jefferson, at the
next Term thereof.

State of Missouri
County of St Charles } ss J. William Christy Jr. clerk of
the circuit court for the said county of St Charles, certify

the above and foregoing to be a full and correct transcript
of the record and proceedings in the said case of Antoine
against The Administrator of Helen Chevalier, as the same
now remain of record in my office, accompanied by all
the papers appertaining to the said cause.



Given under my hand and the seal
of said court at office in the Town of
St Charles this 27th day of October 1835.

William Christy Jr

By Deputy - J. D. Johnston

Fees in St Charles
Circuit Court }

Clerk Christy for costs of suit \$8.10

" this transcript - - - - .32 1/2

certificate & seal .50

Tax - - - - .62 1/2

\$9.55

Forwarding papers
to Herculaneum }

fifty miles

5.00

\$14.55

Antoine

or

change

~~Helen Chautau~~

garmon

Helen Chautau

Clark Nicholas

\$14.53