

Jefferson County Circuit Court
Case Files - Civil
October 1835

Box 2 Folder 31

Sophie, by next friend
Bartheau, Pierre

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

Trespass, assault and battery, false imprisonment

Freedom suit; other defendants Auguste Chouteau, Jr.,
Pierre Chouteau, Jr., Lequeste Chouteau, Bartholomeu
Barthold, Pilage Barthold, Joseph Tayon, Francis Tayon,
Terrace Valle; Change of venue for plaintiff and her
children Edward and William from St. Louis to St.
Charles 1828, cov to Jefferson County 1835; child
of Celeste

State of Mississippi }
County of St Louis } In the Circuit Court July Term 1825

Sophie a woman of color, held in slavery, who is permitted by the court to sue by Pierre Barthelemy her next friend, as a poor person, by her Attorneys, Harris Gamble and M. G. G. as counsel by the court complains of Lafrenier Chevalier Administrator of all and singular the goods and chattels rights and credits, which were of Helen Chevalier deceased, at the time of her death, who died intestate, Charles Gayou, Pierre Chevalier Senior, Auguste Chevalier Jr, Pierre Chevalier Jr, Leguiste Chevalier, Bartholomew Berthold & Pelagie Berthold his wife, Joseph Gayou, Francois Gayou 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, an assault did make upon the body of the said Sophie, and then and there beat bruised and ill treated her the said Sophie, and then and there imprisoned her the said Sophie, and kept and detained her in prison there against her will without any reasonable or probable cause whatsoever, and have ever since kept and detained her in prison, and do still keep and detain her in prison against her will contrary to the laws of this State, And the said Defendants other wrongs then and there did to the said Sophie against the peace of the State; wherefore the said Sophie says she is greatly injured and hath sustained Damage to the amount of five hundred Dollars, and therefore she sues &c.

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

+ No 22

In the Circuit Court
July Term 1825

Joseph

vs
James Williams & others

of the Clerk

This is an action of
assumpsit, set & balancing &
false imprisonment
upon a summons
for defendants
James, Gamble & Quirk
attys for plaintiff

filed June 1825
John Gamble clerk

We acknowledge service
of this writ

W. Benthall

J. Benthall

Execute this writ on W. Benthall & Benthall & Benthall his
wife June 11th 1825 in the City of St Louis, by their Acknowledgment
above — On September 11th at his place of residence —
On Pierre Chouteau & Co. — On Pierre Chouteau & Co. — On the 14th On Auguste Chouteau & Co. on the 23rd of the same
month, in the City of St Louis, by giving the writ & execution to
them to read & their Acknowledgment the service thereof. —
Charles Lagon — Charles Lagon — James Lagon — Pierre
Bentall & Co. in my County
July 9th 1825

John W. Walker Clerk
By W. Benthall & Co. attys

Service \$1.00
Lagon & Co. 2.00
\$3.00

+ No 22

In the Circuit Court
July term 1825

Sophie

vs
Saprenier Chouvin & others

of the Clerk

This is an action of
assumpsit, set of Balling &
false imprisonment

from a summons
for defendants

Garni, Gamble & Co. Clerk

Atty for plaintiff

Filed June 1825
Archibald Gamble Clerk

County of St. Louis, Mo.

The State of Missouri

To the Sheriff of said County Greeting -

We Command you to Summon Saprenier Chouvin Administrator of all and
singular the Goods and Chattels, rights and credits which were of Helen Chevallier de-
ceased at the time of her death who died intestate, Charles Tayon, Pierre Chouteau Sr.
Auguste Chouteau Junior Pierre Chouteau Junior, Leguest 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
Monday in July next then and there to answer unto Sophie a free woman of color
who is permitted by the Court to sue by Pierre Bamberac her 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 92.

Sophie

vs.
Sérenier Chouvin. Adm.

and others

Where within is a Counterpart of the writ
Issued to the Sheriff of the County of
St Louis, 2^d term 1825
Arch^d Gamble Clerk

St Charles

The State of Missouri

County of St Louis. ss

To the Sheriff of the County of St Charles

Greeting -

We Command You to summon Charles Tagon Joseph Tagon Francis Tagon and Terrace
Vallé (impleaded with Sérenier Chouvin Administrator of all and singular the Goods and
Chattels rights and credits 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 Sophie a free woman of color who is permitted by the Court to sue
by Pierre Banibeau her 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 return this writ.

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

Archibald Gamble Clerk

Presented the within writ on Joseph Tagon and Trassavalle
by reading it to them in the Township of St. Charles on the 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 Day of July 1825

Shenpps Fees \$3.50

W. L. Mills Sheriff
of St. Charles Co. Mo.

Stephen Thomson Esq

ad

Albany

John J. Thomson

filed Augt 5th 1895
at Saginaw Mich

Sophie, a woman of colour
vs
Sefnier J. Chauvin Admr
of Helen Chevalier dead

p. Suit for freedom in the
St Louis Circuit Court, 1828.

Edward vs same

same

William vs same

same

The Petition of Sophie, a woman of colour, the first named plaintiff above, represents to the honorable circuit court, that she is the mother of the two last named plaintiffs above named, to wit, Edward & William; that they are minor children under the age of ten years, and incapable of knowing or understanding the meaning or obligations of an oath, and are wholly incapable of understanding their own rights, owing to the tenderness of their years and understandings, and are consequently unfit to prefer their petitions to this court; your petitioner therefore for herself, and on behalf of her said infant children, represents to this honorable court, that she fears that she and her said children will not receive a fair trial in said court, in which their suits are now pending, on account that she verily believes the judge thereof is prejudiced against the claims of your petitioner & of her said children to their freedom, so that she cannot and does not expect a fair and impartial trial of said causes in said court; wherefore your petitioner prays a change of venue may be awarded by this court in all of said causes, and that said causes may be sent to some other court & county to be tried, where the causes complained of do not exist, and your petitioner will ever pray, &c. Sophie ^{her} X
Attest, J. C. McGirk mark

State of Missouri p. Personally appeared before
County of St Louis me the undersigned a justice of
the peace within and for the county aforesaid, Sophie, a
woman of colour, who being by me duly sworn, upon
her corporal oath saith, that the facts set forth in

the foregoing petition are true, as this affiant verily be-
lieves; and that she cannot and does not expect a fair tri-
al of said suits, in said petition mentioned, in said county
of St Louis, on account that the Judge thereof is prejudiced -
against her & her said children & her & their claim to freedom.

Taken, sworn to & subscribed
before me at the County & City
of St Louis, this 22^d day of
November, 1828

Dir

Sophie & Eschavallier
mark

Benjamin B. Purcell
Justice of the Peace

Petition of
Sophie & Eschavallier
for change of venue.

State of Missouri

County of St Louis

Be it remembered that heretofore to wit: At the March Term of the Circuit Court for the County of St Louis in the year eighteen hundred and twenty five on the nineteenth day of May in the year aforesaid Isaac C. McKim 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 Jefreniere 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 - Whereupon the Court permit the said petitioners to sue as aforesaid and assign Isaac C. McKim, Hamilton P. Gamble and Robert P. Harris as their Counsel and direct that an action of assault and battery be commenced against the said defendants in the name 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 year aforesaid Sophia one of the aforesaid petitioners by her attorney files in the office of the Clerk of the said Circuit Court her declaration against Jefreniere Chauvin Administrator as aforesaid and others which said declaration is in the words and figures following to wit -

State of Missouri

County of St Louis

In the Circuit Court July Term 1825

Sophia a woman of Color, held in slavery, who is permitted by the Court to sue by Pierre Barnebeau her next friend as a poor person by her attorneys Harris, Gamble and McKim assigned as Counsel by the Court complains of Jefreniere Chauvin administrator of ale and singular the goods and Chattels, rights and credits, which were of

Helen Chevalier deceased, at the time of her death, who died intestate
Charles Tayan, Pierre Chouteau Senior, Auguste Chouteau Jr, Pierre Chouteau Jr
Lequest Chouteau, Bartholomew Berthold & Pelagie Berthold his wife, Joseph
Tayan, Francis Tayan and Terrace Valle of a plea of trespass, for that the
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, an assault did make upon the body of the said
Sophie, and then and there beat bruised and ill treated her the said
Sophie, and then and there imprisoned her the said Sophie, and kept
and detained her in prison there against her will without any reason-
able or probable Cause whatsoever, and have ever since kept and
detained her in prison, and do still keep and detain her in prison
against her will contrary to the laws of this State. And the said defend-
ants other wrongs then and there did to the said Sophie against
the peace of the State; Wherefore the said Sophie says she is greatly
injured, and hath sustained damage to the amount of five hundred
dollars, and therefore she sues J. Harris, Gambel & McKim Att^{ys} for plaintiff
And thereupon on the said second day of June in the year aforesaid
a writ of summons issued from the Office of the Clerk of said Circuit
Court 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 Lefrenier Chauvin administrator of
all and singular the goods and Chattels rights and Credits which were
of Helen Chevallier deceased at the time of her death who dies intestate
Charles Tayan, Pierre Chouteau Sr Auguste Chouteau Junior ~~Pierre~~
Chouteau Junior Lequest Chouteau, Bartholomew Berthold and Pelagie
Berthold his wife, Joseph Tayan, Francis Tayan 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 Sophie
a free woman of Color who is permitted by the Court to sue by Pierre
Barnibrew ^{her 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



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

And the said Sheriff duly returned the same into Court with his return
thereon endorsed in the words and figures following to wit: Executed
this writ on Bartholomew Berthold and Polagie his wife June 11. 1825 in
the City of St. Louis by their acknowledgement above. On Lafrenier
Chauvin June 10th at his place of residence. On Pierre Chouteau Sen.
Pierre Chouteau Jr. Leguest Chouteau on the 12th of On Auguste Chouteau
Jr. on the 23rd of the same month, in the City of St. Louis by giving the
writ of declaration to them to read and their acknowledging the service
thereof. Charles Tayan, Joseph Tayan, Francis Tayan, Terrace Valle, not
found in my County, July 9. 1825. John H. Walker Sheriff by Ind.monds Dr.
S. H. H. And on the said second day of June in the year aforesaid the
Clerk of 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 SS.

The State of Missouri to the Sheriff of the County of St. Charles. Greeting
We Command you to summon Charles Tayan, Joseph Tayan, Francis
Tayan and Terrace Valle impleaded with Lafrenier Chauvin adm in-
-istrator of all and singular the goods and Chattels ^{rights and} ~~rights and~~ Credits
and effects which were of Helen Chevallier deceased at the time of
her death, who died intestate. Pierre Chouteau Senior August Chouteau
Junior Pierre Chouteau Junior Leguest Chouteau Bartholomew Berthold
and Polagie Berthold his wife that they be and appear before the Judges
of the 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 Sophie a free woman of
Color who is permitted by the Court to sue by Pierre Barribeau her
next friends 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.



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

And the Sheriff of the said County of St. Charles duly returned the same

with his return thereon endorsed in the words and figures following
to wit - Executed the within writ on Joseph Tayan and Terrasse vales
by reading it to them in the township of St. Charles on the 14 day of June
1825. And on Charles Tayan in the Township of St. Charles on the 16 June 1825
by reading it to him the within named Francis Tayan is not found in
my County. this 11th day of July 1825. H. P. Mills - Sheriff of St. Charles Co. Mo.
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 & figures following to wit
Le premier Chauvin, Charles Tayan, Pierre Chantreau^{Sen} and others - Ads.
Sophie a girl of Color by her next friend P. Barnebeau - And said
defendants by their Attorney Come and defend the force and injury
When &c. And say that they are not guilty of the said supposed
trespasses laid to their Charge or any part thereof in manner and form
as the said Sophie hath thereof above complained against them and
of this said defendants put themselves on the Country Lawless Att^s for Dft
And the said plaintiff doth the like - Harris Gamble J^r Clerk Att^s for plff^t
And the said Cause was continued from term to term until the Novem-
ber term of the said Circuit Court in the year eighteen hundred and
twenty eight at which said term the plaintiff by her attorney presents
her petition in behalf of herself and Edward and William her Chil-
dren verified by the affidavit of the said plaintiff stating that she
fears that she and her said Children will not receive a fair trial
in said Court in which their suits are now pending on account that
she verily believes the Judge thereof is prejudiced against the claims
of the said petitioner and of her said Children to their freedom so that
she 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 and forming a part of the record to the Clerk of the Circuit Court

for the bounty of St Charles at the next term thereof And the petition and affidavit aforesaid are in the words and figures following to wit-

Sophie a Woman of Color
Defendant J. Chauvin Adm. Suit for freedom in the Louis. Circuit Court
of Helen Chevallier dec. - 1828 -
Edward vs. Same. Same
William vs. Same. Same

The petition of Sophie, a Woman of Colour, the first named plaintiff above, represents to the honorable Circuit Court, that she is the mother of the two last named plaintiffs above named, to wit Edward & William; that they are minor Children under the age of ten years, and incapable of ^{the meaning or obligations of an oath and are wholly incapable of understanding} knowing or understanding their own rights, owing to the tenderness of their years and understandings, and are consequently unfit to prefer their petitions to this Court - Your petitioner therefore for herself, and on behalf of her said infant Children, represents to this honorable Court, that she fears that she and her said Children will not receive a fair trial in said Court, in which their suits are now pending on account that she verily believes the Judge thereof is prejudiced against the Claims of your petitioner & of her said Children to their freedom, so that she cannot and does not expect a fair and impartial trial of said Causes in said Court: Wherefore your petitioner prays a Change of Venue may be awarded by this Court in all of said Causes, and that said Causes may be sent to some other Court and County to be tried, where the Causes complained of do not exist, and your petitioner will ever pray &c. - Sophie ^{her} ~~X~~ _{mark} Attest, J. B. McKim

State of Missouri ss. Personally appeared before me the undersigned
County of St Louis ss. a Justice of the peace within and for the County aforesaid, Sophie, a Woman of Colour, who being by me duly sworn, upon her Corporal oath saith, that the facts set forth in the foregoing petition, are true, as this affiant verily believes; and that she cannot and does not expect a fair trial of said Suits, in said petition mentioned, in said County of St Louis on account that the Judge thereof is prejudiced - against her and her said Children & her & their Claim to freedom Sophie ^{her} ~~X~~ _{mark} & Chevallier _{mark}

Taken. Sworn to & subscribed before me, at the County of City of St Louis
 this 22nd day of November 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 Sophie a
 free woman of color against Lafreniere J. 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 Chouteau Senior, Auguste Chouteau Junior
 Pierre Chouteau Junior Leguest Chouteau, Bartholameus Berthold and
 Pelagie Berthold his wife, Joseph Tayan, Francis Tayan and Terrace
 Valle as the same remains of record in my Office —

In Testimony whereof I have herunto set my
 hand and affixed my Official Seal at Office this
 Eleventh day of March in the year 1829 —
 Archibald Gamble Clerk

Sophie

vs

Lafreniere J. Chauvin

Adm. of Helen Chevallier

and others.

Change of Venue to St. Charles

To the Clerk of the C.C. of St Louis b^y
 for this transcript — \$3.70
 .. Same for Costs in this Suit — \$5.21 1/2
 .. J. H. Walker late Shff. St. Louis b^y 9.00
 .. H. S. Mills. Shff. St. Charles b^y 3.50
 \$22.02 1/2

Twenty two dollars of two and half cents

A. Gamble Clerk

Filed 17th March 1829

Wm Chmors Jr. C. C. C.

* And afterwards held at the November Term of the said Circuit Court in the year
afore said the death of Charles Dargan one of the said defendants was ~~prosecuted~~
whereupon Defendant Dargan in answer of the said Charles Dargan appeared and was
arrested against him as at court afore said —

State of Missouri
County of St Charles } ss Be it remembered that on the seven-
teenth day of March in the year of our Lord eighteen hun-
dred and twenty nine, was filed in the office of the clerk of the
Circuit for the said County of St Charles, a transcript of the
record and proceedings in the case of "Sophie against the
Administrator of Helen Chevalier" certified from the circuit
court of the County of St Louis to the said County of St Charles, on an
order of change of venue; 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 of October aforesaid, the following
proceedings were had - to wit:

"Sophie } 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
thereof for the year eighteen hundred and thirty five, when
the following order was made - to wit:

"Sophie } Tuesday - June 9th 1835
vs } Petition for Freedom
"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, & 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, 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 above case of "Sophie against the administrators of Helen Chevalier, as the same now remain of record in my office, accompanied with all the papers appertaining to the said cause.



Given under my hand and the seal of said court at office in the Town of Saint Charles this 27th day of October A.D. 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 } 5. 00
fifty miles }
\$ 14. 55

Stephen
at
Helen Chandler's room } charge
of room

Clark St. Charles \$14.53-