

Jefferson County Circuit Court
Case Files - Civil
August 1837

Box 3 Folder 24

Auguste, by next friend
Bartibean, Pierre

vs.

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

Trespass, assault and battery, false imprisonment

Freedom Suit, other defendants Auguste Chouteau, Sr.,
Pierre Chouteau, Sr., Lequest Chouteau, Bartholomew
Berthold, Pelagie Berthold, Joseph Tayon, Francis
Tayon, Terrace Valle; Change of venue from St.
Louis County with Celeste v. same defendants

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

Auguste a free boy of color, held in Slavery, who is
permitted by the Court to sue by Pierre Barthelemy
his next friend as a poor person, by his Attorneys
Farris, Gamble & McGirk assigned as counsel by the
Court, complains of Lefrancis Chauvin, Administrator
of all and singular the goods and chattels rights &
credits which were of Helen Chevalier deceased, at the
time of her death, who died intestate, Lechaux Tayan,
Pierre Chevalier Senr, Auguste Chevalier Janr, Pierre
Chevalier Junior, Lefrancis Chevalier, Bartholomew
Berthold and Pelagie 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 Itawamba aforesaid, an assault did make upon
the body of the said Auguste, and then and there
beat bruised and ill treated him the said
Auguste, and then and there imprisoned him
the said Auguste against his will, without any
reasonable or probable cause whatsoever, and have
ever since kept & detained him in prison, and
still do keep & detain him in prison contrary
to the laws of this State, And the said defendants
other wrongs to him the said Auguste then and
there did, against the peace of the State. Wherefore
the said Auguste says he is injured and has
sustained damage to the amount of five hundred
dollars, and thereupon he sues &c.

Farris, Gamble & McGirk
Attorneys for self

We acknowledge service
of this writ

Berthold

P Berthold

Barthold Berthold his wife
was by their acknowledgment at
at his place of residence. - On the
in the highest Chouteau on the
to 23 of the same month in the
distinction to them to read & then
eg. - Charles Tagon - Berthold
Vallé not found in my book
John W. Walker Sheriff
By witnesses J. S. Telf

No 25

In the Circuit Court
July term 1825

Auguste

by
Seigneur Chouteau
and others

of the Clerk

This is an action of
trespas, assault & battery
and false imprisonment
upon a summons
for defendants

Theron, Gamble & McGinn
writs for 2500
filed 22nd June 1825
Archibald Gamble Clerk

Clerks fees up to term Term 1825 -

\$10.07 1/2

see fee book page 240

County of St. Louis

The State of Missouri

To the Sheriff of said County Greeting

We Command you to Summon Seigneur Chouteau Administrator of all and singular
the goods and chattels, rights & credits which were of Helen Chevallier deceased at the time
of her death who died intestate Charles Tagon, Pierre Chouteau Senior, Auguste Chou-
teau Junior, Pierre Chouteau Junior, Leguette Chouteau, Bartholomew Berthold, Pelagie
Berthold his wife Joseph Tagon, Francis Tagon and Tenace Vallé 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 Auguste a free boy 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 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

Executed this writ on Bartholo
June 11th 1825 in the City of St. L.
— on Lafrenier Chouvin June 10th
Chouteau Senr — Pierre Chouteau
Don Auguste Chouteau Senr on th.
of St. Louis, by giving the writ to
Acknowledging the service then
Tayon — Francois Tayon & Terna
July 9th 1825

Service	\$ 7.00
A non Ests	<u>2.00</u>
	\$ 9.00

In the Circuit Court
July Term 1825

No 21

Auguste
vs.

Seigneur Chouteau Adm'r.

and others

St. Louis County, ss.

We within is a Counterpart of the writ
issued to the Sheriff of the County of
St. Louis - 2^d June 1825

Arch^d Gamble clerk

St. Charles

The State of Missouri

County of St. Louis ss.

To the Sheriff of the County of Saint Charles

Greeting

We Command you to summon Charles Tagon, Joseph Tagon, Francis Tagon and
Benace Vable, impleaded with Pierre Chouteau Senior, Auguste Chouteau Senior Pierre
Chouteau Junior, Sequest 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 Mon-
-day in July next then and there to answer unto Auguste a free boy of Color who is per-
-mitted by the Court to sue by Pierre Barrebeau his next friend as a poor person of a
plea of trespass to the damages of said plaintiff of five hundred dollars, and leave
you then their 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 the within writ on 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 not found in my
County this 11th July 1825 } W. L. Mills Sheriff
Sheriff's Fees \$3.50 } of St Charles City Ma

Reuben Chausin
Charles Jayson
Pierre Chouteau
and others
ad.

Auguste a boy of color
by his next friend J. B. Bonvieu

C.C.C. Thomas July term 1825

And said Defendants, came and
defend the free and injury where
he and say that they are not
guilty of the said supposed
happens laid to them charge
or any part thereof in manner and
form as the said Auguste hath
above thereof complained against them
and of this they put themselves on their
country

And the said plaintiff
doth the like.

Josias Gamble & McGurk
Attys for plffs

Amos C. B. Jeff

John - Chamberlain

at

August

John - Chamberlain

file Aug 31 1893
Spauld & Co

Declaration

State of Missouri
County of St Louis } ss Be it remembered that heretofore to wit on
the second day of June in the year of our Lord eighteen hundred and
~~thirty~~^{twenty} five August a boy of color, suing by Pierre Barubeau his next
friend filed in the office of the clerk of the Circuit Court for said
County his declaration in the words and figures following to wit =
State of Missouri - County of St Louis ss = In the circuit Court Ju-
ly Term 1825 = Auguste, a free boy of color held in slavery, who is
permitted by the Court to sue by Pierre Barubeau his next friend as
a poor person, by his attorneys Farris Gamble & M'Girk assigned as
counsel by the court, complains of Sefrenier Chauvin, Administrator
of all and singular the goods and chattels, rights & credits which were
of Helen Chevalier deceased, at the time of her death, who died intestate
Charles Tagon, ^{Auguste Chouteau Junr} Pierre Chouteau ^{Junr} Senr, ^{Pierre Chouteau Junr} Requisite Chouteau, Barthol-
meu Chouteau ^{Senr} Bertholds and Pelagie Berthold his wife, Joseph
Tagon, Francis Tagon and Terence 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 Auguste and then and there
beat bruised and ill treated him the said Auguste and then and
there imprisoned him the said Auguste against his will, with-
out any reasonable or probable cause whatsoever, and have
ever since kept & detained him in prison and still do keep and
detain him in prison contrary to the laws of this State. And
the said defendants other wrongs to him the said Auguste then
and there did against the peace of the state, Wherefore the said
Auguste says he is injured and has sustained damage to the amount
of five hundred dollars and therefore he sues &c Farris, Gamble
& M'Girk = Atty for plff = " Whereupon ~~set~~ a summons issued
from the Office of the said Clerk which is in the words following to wit

Summons to St Louis Co " County of St Louis - The State of Missouri - To the Sheriff of said
County - Greeting = We command you to summon Sefreniere Chau-
vin 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 Tagon, Pierre
Chouteau Senior, Auguste Chouteau Junior Pierre Chouteau

Junior, Leguest Chouteau, Bartholomew Berthold and Pelagie Berthold his wife, Joseph Tagon, Francis 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 Auguste a free boy 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 - (25) Witness Archibald Gamble Clerk of our said Court at Office this second day of June 1825 - Archibald Gamble Clerk of our said Court at Office this And a counter part of the aforesaid summons was also directed to the Sheriff of

Summons to St Charles

County

St Charles County which is in the words following to wit "County of St Louis ss: The State of Missouri - To the Sheriff of And the upon

Sheriff's Return

the said writ was endorsed the following Sheriffs Return to wit - "Executed this ~~writ~~ writ on Joseph Tagon and Terrace Valle by ~~executing~~ ~~Exe~~ Bartholomew Berthold & Pelagie his wife June 11th 1825 in the City of St Louis by their acknowledgment above on Lafrenier Chouteau June 10th at his place of residence - On Pierre Chouteau Senr, Pierre Chouteau Jr & Leguest Chouteau on the 14th and on Auguste Chouteau Jr on the 23rd of the same month in the year City of St Louis by giving this writ and the declaration to them to read & their acknowledging the service thereof - Charles Tagon Joseph Tagon, Francis Tagon & Terrace Valle not found in my County July 7th 1825 - John N Walker Sheriff by Thos. Simonds Jr D^y Shff = " And the acknowledgment mentioned in the foregoing return is as follows to wit "We acknowledge service of this writ - B Berthold P Berthold" = And a counterpart of said writ of summons was also directed to the Sheriff of St Charles Co.

Summons to St Charles

County

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 Tagon Joseph Tagon, Francis Tagon and Terrace Valle (impleaded with 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

Return

Plea

Familiar

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 of in July next then and there to answer unto Auguste a free boy 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 L.S. 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 on said counterpart was endorsed the following Sheriffs Return to wit "Executed the within writ on 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 10th June 1825 by reading it to him; the within named Francis Tagon not found in my county this 11th July 1825. H S Mills Sheriff of St Charles 6th M^o" And afterwards to wit on the fifth day of August 1825 - the following plea was filed to wit "Saprenier Chauvin, Charles Tagon Pierre Chouteau & others - ads - Auguste a boy of color by his next friend Pierre Barribeau - 6th St Louis July Term 1825 - And said defendants 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 August hath above thereof complained against them & of this they put themselves on the Country - Lawless atty for deft" "And the said Plaintiff doth the like - Farris, Gamble & M'Girk Attys for plff" And afterwards to wit on the second day of December 1825 in the Circuit Court aforesaid the following further proceedings were had in said Cause to wit "Auguste - vs - Helence Chevaliers Adm^r & others - The death of the said Charles Tagon one of the said defendants suggested whereupon Saprenier Chauvin Executor of the said Charles Tagon appears and suit revived against him as executor as aforesaid" And the said Cause was continued from Term to Term & year to year until the 27th day of August in the year eighteen hundred and thirty six when the following further proceedings were had, in the Circuit Court aforesaid, therein to wit - "Select vs Helen

~~Helen~~ Chevaliers Adm^r ^{doth} Suit for Freedom = The Judge of this
court having been of counsel for the defendants above named,
as also in the case of Auguste against ^{the} same it is ordered that
the venue thereof be changed to the county of Jefferson in the
Judicial Circuit of this state, and that the clerk
of this court make out and transmit to the clerk of the Cir-
cuit Court for said County of Jefferson, a complete transcript
of the record and proceedings in said causes, together with
all the original ~~papers~~ ^{papers} appertaining to and filed in ~~said~~ the
same

State of Missouri
County of St Louis } I John Ruland clerk of the Circuit
Court in and for said County certify the foregoing to be a true
and complete transcript of the Record and Proceedings in
the case of Auguste vs Helen Chevaliers Adm^r et al: as
the same now remain of Record in my Office

In testimony whereof I have hereunto
set my hand and affixed the seal of
said Court at Office in the city of
St Louis this 29th June 1837

J. W. Ruland Clerk

Auguste

13

John Buchanan & Co

Recd Aug. 8. 1837
A. P. B. & Co

Manuscript \$ 1.35

Scientific Manual - 50

1.50

Two of Ruland's & Co's et - \$3.35

" J. B. B. - late clerk - 10.07 1/2

" Shuff. Walker of S. Lewis - 9.00

" H. S. Miller of S. Chas. - 3.50

" Francis Cailloux - m. h. - 4.00

\$ 29.92 1/2