Missouri Judicial Records Historical Database

New Search | Back to Search Results

Title	James Talbot v. Delford Benton, et al.
Series	Case Files
Parties	Benton, Delford - Defendant Benton, Susan - Other Bird, Gustavus A. - Other Chuck, Jesse - Other Musick, David - Other Musick, James C. - Defendant Musick, Prudence - Defendant Talbot, James - Plaintiff
Cause of Action / Subject	Trespass, assault and battery
Term of Court, Year	1839
Term of Court, Month	3
County	Saint Louis
Court Type	Circuit Court
Case Type	Civil
General Notes	See also March 1841, No. 162
Case Summary	Freedom suit; plaintiff originally slave of Jesse Chuck who took him to reside in Illinois; later taken to Missouri and sold to David Musick, now deceased; Musick left plaintiff in will to his daughter Susan, wife of Delford Benton; plaintiff kidnapped an
Case Number	92
Box	0020
Folder	0090
Microfilm Roll Number	c71113
View Images (Some images may be very large and can be slow to open. Some	- View Image -

images are unavailable as they are still being scanned and added to the collection.)

To request copies of records, please email the citation for the record you want to the Missouri State Archives at archref@sos.mo.gov. The record will be located, the number of pages counted, and you will be notified by email of the cost of the copies. Upon receipt of a check, the copies will be made and mailed to you.

Missouri Judicial Records Historical Database documents are available on this website in the **.pdf** format. In order to view or print them, you **must** have Adobe Reader installed on your computer. To download a free copy of Adobe Reader, click on the icon below.



St. Louis Circuit Court
Case Files
March Term 1839 No. 92

Box 20 Folder 90

Talbot, James

v

Benton, Delford
Musick, James C
Musick, Prudence

Trespass; assault and battery

Freedom Suit

Plaintiff originally the slave of Jesse Chuck who took him to reside in Illinois; was later taken to Missouri and sold to David Musick, now deceased; Musick left plaintiff in will to his daughter Susan, wife of Delford Benton; Plaintiff kidnapped & taken aboard St. Charles Ferry & later Steamboat up the Missouri River, removing him from jurisdiction by Benton & others.

pltff atty: Bird, Gustavus A.

See also: March 1841 No. 162

County of St. Louis, ss.

THE STATE OF MISSOURI,

To the Sheriff of the County of St. Louis---*Greeting:*

We command you to Summon Delford Benton, James C. Music & Prudence Music, if they be found in your county, to appear _____

_____

before the Judge of our Circuit Court, on the first day of the next term thereof, to be held at the City of St. Louis, within and for the County of St. Louis, on the second Monday of March _____ next, then and there to answer unto ~~Daniel~~ James Talbot, a man of colour, of a plea of trespass assault & Battery _____

_____

~~to the damage of said plaintiff~~ _____

~~_____ dollars~~: And have you then there this writ.

WITNESS, JOHN RULAND, Clerk of our said Court, with the seal thereof hereto affixed, at office, in the City of St. Louis, this twenty fourth ——day of December _____ in the year of our Lord eighteen hundred and thirty-eight

John Ruland & Clerk.

In the Saint Louis Circuit court_ November Term 1838

Monday December 24th 1838.

~~Daniel~~ James Talbot_a man of colour

vs.

Delford Benton, James C. Music & Prudence Music } The said ~~Daniel~~ James Talbot, by Mr Bird, his attorney, presents to the court here his petition, verified as the law requires, praying for leave to sue as a poor person in order to establish his right to freedom and the said petition, in the opinion of the court, containing sufficient matter to authorize the commencement of a suit, it is ordered that the said plaintiff be permitted to sue as a poor person to establish his right to freedom, & the court doth assign him Gustavus A. Bird Esquire for his Counsel_ And the court doth further order that said plaintiff have reasonable liberty to attend his counsel & the court_as occasion may require_that he be not removed out of the jurisdiction of the court, and that he be not subject to any security on account of his application for freedom."

A true copy of the order of court
Attest John Ruland Clerk

No 92
St Louis Circuit Court
March Term 1839

James Talbot
vs
Delford Benton, James C. Musick
& Prudence Musick

Suit for freedom

Filed Dec 24th 1838
Jno Richard Clk

Fiat atto

Executed this writ in the county of St Louis by offering to read it and the declaration to James C Musick on the 16th day of January 1839 all of which he refused to hear but acknowledged the Service, and by reading it and the declaration to Prudence Musick on the 16th day of February 1839 Delford Benton not found in my county

Marshall Brotherton Sheriff By
Benjamin Lacy Dpt Sheriff

Service $2.00
Mileage .50
$2.50

To the Honorable Luke E Lawless
Judge of the St Louis Circuit Court

The Petition of James Talbot a Man
of Color Respectfully Shewith that about
twenty one years past he was the Slave
of one Pope Chuck — that his said
Master Chuck then took him into the
then State of Illinois where said
Chuck bargained for a Farm & placed
your Petitioner upon it as a Laborer &
kept your petitioner there at Labour
between 11 & 12 months as his Slave, this
your petitioner thinks was in the year
of our Lord eighteen hundred & seventeen
when Illinois was a Territory — after your
Petitioner had been kept in the Territory
of Illinois as aforesaid Said Chuck
took your Petitioner to Mr Jarvis Territory
& Sold him as a Slave to Daniel
Music deceased — Said Music by his last
will bequeathed your petitioner to his
Daughter Susan now the wife of Bedford
Benton — Your Petitioner is now in
the Possession of Prudum the Widow of
said Daniel Music in St Louis county where he has been
placed as a Slave by James C Music, who
acts as the Executor of the last will
of said Daniel Music your Petitioner
is enfranchised & believes that he is Justly
and legally entitled to his freedom for the
causes above stated And he prays that
he may be permitted to sue as a poor
person to establish his freedom

that Counsel may be appointed to
him & such orders made in his
behalf as his case requires & the Law
requires & he will ever pray &c

his
James + Talbot
mark

James Talbot the Petitioner aforesaid
says that the facts in the foregoing
petition stated are true

his
James + Talbot
mark

Sworn to and subscribed
before me this 11th day
of November 1838

W. Wash Justice

James Talbot a man of colour
vs
James C. musick Exr of David Musick dcd

In the St Louis circuit court November Term 1838

The said James Talbot by Mr Bird his attorney pre-
sents to the court here his petition verified as the law requires praying to be permitted to bring his
suit in this court for freedom, and the said petition on the opinion of the court containing
sufficient ground therefor it is ordered that said plaintiff be permitted to sue in forma pauperis
and that Gustavus A. Bird Esquire be assigned him as counsel

State of Missouri St Louis Circuit Court

March Term AD 1839

James
~~Daniel~~ Talbot a man of Color complains of Delfard Barton James C Music & Prudence Music of a plea of trespass assault & Battery for that heretofore to wit on the first day of January in the year of our Lord eighteen hundred & thirty eight at St Louis in said County the said defendants with force and arms made an assault upon the said plaintiff & there imprisoned the said plaintiff & him detained any Legal or probable cause for a long time from the day last aforesaid until the day of the Commencement of this suit and other wrongs then and there did against the peace and the Law of the Land And the plaintiff avers that he was and at the time of the Committing of the said Several Grievances he was and still is a free person & that the said defendants detained and still detain the said plaintiff in slavery and therefore for his liberty he sues G. Reed Atty for Plaintiff

Daniel Talbot
a Man of Color
vs
Delford Benton
James C Musick
Prudence Music

Action for Trespass
under the Statute
The Clerk will please
issue a Summons

G. F. Bond atty
for Plff

Filed Decr 24th 1838
Jno Reuvis Clerk

The State of Missouri

To any Sheriff of any county in the State of Missouri

Greeting

Whereas Satisfactory evidence has been adduced before the Circuit Court of Saint Louis County and State aforesaid now in Session that Daniel Talbert a man of color who has been permitted to sue for his freedom Sarah E Musick Prudence Musick & Milford Benton has been removed from the Jurisdiction of said Court in violation of the order of said Court made in said suit, you are therefore commanded forthwith to take said Daniel if to be found & forthwith bring him before said Court or the Judge thereof in vacation & do you notify said defendants in said suit of the time & place when & where you shall have said Daniel before said Court or Judge In testimony whereof I John Ruland Clerk of said Court at the Court house in St Louis in said County do hereto subscribe my name & affix the seal of said Court this 30th day of November in the year of our Lord eighteen hundred & thirty nine

John Ruland Clerk

Seal

Daniel Talbot
a man of color
vs
James C Music
Prudence Music
Delford Bunton

In St Louis Circuit Court

Gustavus A Bird on
his oath says he is informed & believes
that some time in the night time on
or about June last said plaintiff was
taken in a clandestine manner &
removed privately from the Jurisdiction of
this court This affiant has good grounds
to suspect & believe & does suspect &
believe that Delford Bunton a forsaid
aided by others so took & removed said
plaintiff This affiant has been
informed & believes that said Bunton
crossed St Charles Ferry with said plaintiff
that he staid at St Charles one
night about June last & put said
plaintiff in Jail for safe keeping &
the next day left there on Board
of a Steam Boat bound up the Missouri
river with said plaintiff on board

G A Bird

Sworn to & subscribed in open
court this 30th Nov 1839
W Ridland Clerk

No. 92
March term 1839

Daniel Talbot
vs
James C Musick Talbot

Affidavit

Filed Nov. 30. 1839
John Rutland Clerk

James Talbot a
Man of color
Petition for leave
to sue for freedom

Leave to sue book G page 314