

# Incriminating letters from century-old crime found

By **BILL ELLZEY**

Courier columnist

The spelling is irregular, the ink has faded, pages have yellowed, the old handwriting difficult to read, but the "criminal" case against Henry Detiveaux, Terrebonne merchant, provides an interesting window on legal and social matters nearly a century and a half ago, several years before the Civil War that ultimately ended slavery in Louisiana.

Detiveaux, a Frenchman, was charged with violating laws that tightly restricted the activities of slaves. He was accused of buying certain merchandise from slaves, and with selling to them, without the consent of their owners. He was indicted, tried, convicted and sentenced to a month in jail. The name was spelled variously in the original documents; "Detiveaux" has been adopted as a compromise.

The original grand jury indictment stated the formal charges at great length. "The Grand Jurors for the State of Louisiana duly empanelled and sworn to Inquire in and for the Body of the parish of Terrebonne and herein acting in the name & by the authority of the State of Louisiana upon their oath present that Henri de DeThivaux, Store-Keeper, late of the Parish of Terrebonne, on the First day of December in the year of our Lord One Thousand Eight Hundred and Fifty Four at the Parish of Terrebonne being then and there a Store-Keeper did then & there unlawfully sell and Deliver Spirituous and Intoxicating Liquor to certain slaves without the consent in writing of the Master or Masters, Owner or Owners, Overseer or Overseers, Employer or Employers of said slaves; contrary to the Form of the Statute of the State of Louisiana in such case made and provided and against the peace and dignity of the same."

Translation: The grand jury believed that on Dec. 1, 1854, Terrebonne storekeeper Henri de Dethivaux illegally sold liquor to slaves.

That was merely the first count. Detiveaux was further charged with illegally purchasing goods from slaves; that on the same day, "certain Slaves, without the consent in writing of their Master... certain Commodities & Articles Supposed for Sale, did then there carry into and not Bring the same out of the Store House... of Henry de DeThivaux."

In other words, slaves had been seen entering Detiveaux's store carrying certain goods, and leaving without those goods. The presumption being that they had traded them for money or something else. The second count against the merchant was illegal trade with slaves; buying something from slaves.

The third count was that he had illegally sold or traded something to slaves. It is not clear from the original hand-written indictment, signed by District Attorney Jean Jacques Roman, exactly what Detiveaux was supposed to have bought from the slaves or what they bought from him.

The grand jury returned "a true bill" on each of the three counts. The indictment was signed by foreman J.W. Pelton, and filed May 28, 1855 by then clerk of court J. Aycock.

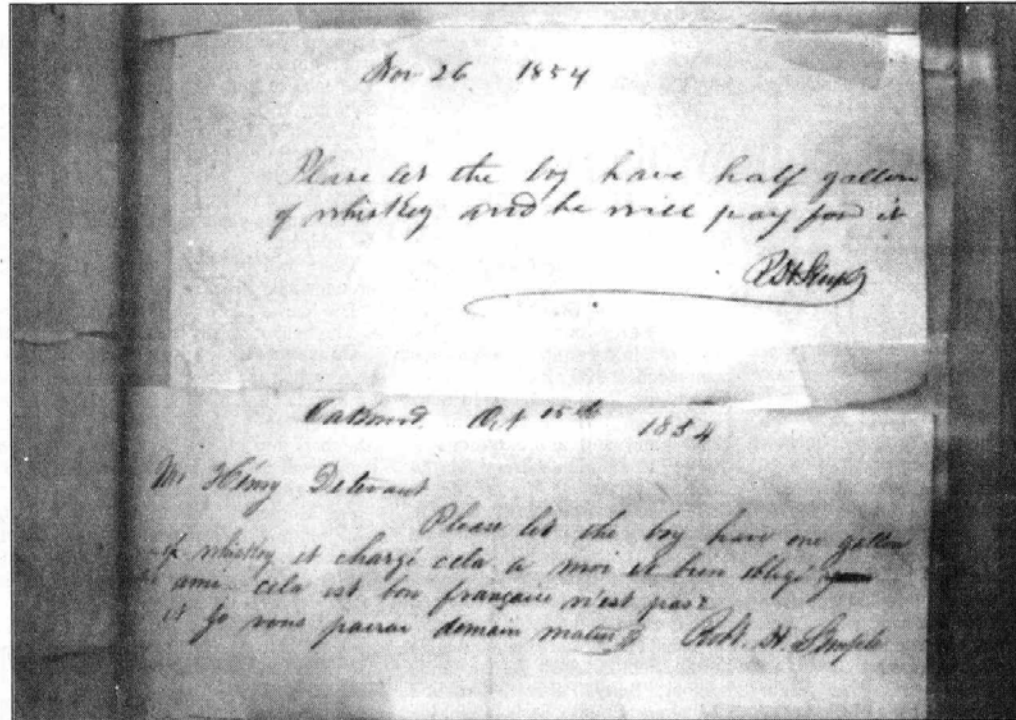
Judge James L. Cole issued a warrant the following day. Detiveaux was arrested and promptly released when his \$250 bond was posted by C. Tremoulet.

Detiveaux was tried by jury two days later, May 31, 1855.

There are witness statements among the trial documents on file in the Terrebonne Courthouse, but the lists of witnesses can be compiled from the subpoenas that are in the record.

Florentin Moutardier, Marcellin Henri and L.S. Chauvin were subpoenaed May 16, 1855 to testify before the grand jury. L.S. Chauvin received a second subpoena to testify as a prosecution witness at the trial itself. Other prosecution witnesses included August Javot, Elisee Duplantis and Emile P. Bascle.

The names of Thomas Buford, Euphrosin Guidry, Jerome Guidry,



COURTESY PHOTO

Two of Robert Semple's notes ordering whiskey from storekeeper Henry Detiveaux. The upper note reads: "Nov 26 1854, Please let the boy have half gallon of whiskey and he will pay for it." The second note "Oakmond. Oct. 15th 1854, Mr. Henry Detevaut, Please let the boy have one gallon of whiskey et charge' cela a moi et bien oblige'votre ami - cela est bon francaise n'est pa? et je vous pairai demain matin."

Thomas Ellender, Rich Peters, Nicholas Lirette, Joseph Toups, A.V. Woods, A. Woods, F.E. Robertson, J.F. Hawthorne, Charles Fanguy, H. Newell and S. Wolfe are found in a list labeled witnesses for the defense. But the list may have mixed witnesses with jurors.

A "Joseph Toups" signed the jury verdict as foreman.

The old trial record also includes some of the evidence, handwritten notes, signed by plantation owners asking that Detiveaux send them whiskey or tobacco by a slave.

Some mix English and French words.

"Mer: Arre," begins one note. "Dear sir you will please send me one gallon of good whiskey by this boy Henderson. Charge to me. J.F. Hawthorne May the 9th 1855." On the back of the same scrap of paper, Hawthorne added to the shopping list, "send twenty cents worth of c(hew)ing tobacco ten cents of smoking tobacco."

Similar notes written by Robert H. Semple of Oakmond Plantation are shown in the accompanying photograph.

Those notes and accompanying testimony apparently persuaded the jury. They found Detiveaux "not

guilty" of illegally selling liquor to slaves.

But on the two counts of illegal trade with slaves, the verdict was "guilty." Judge Cole agreed with the verdict. "...the law & evidence being in favor of said judgment, It is ordered, adjudged & decreed, that Henri de DeThivaux be imprisoned for thirty days in the Jail of the Parish of Terrebonne, pay a fine of fifty dollars and the costs of prosecution."

The sentence was imposed June 5, 1855. Another record shows that the fine was paid 30 days later, possibly as the store keeper was released from jail.