

Jefferson County Circuit Court
Case Files - Civil
October 1835

Box 2 Folder 36

Helena, by next friend
Barthelemy, Pierre

vs.

Chouteau, Pierre, Sr.

Trespass, assault and battery, false imprisonment

Freedom Suit; change of venue from St. Louis,
from St. Charles; began July 1826; daughter
of Catliche, daughter of Marie Scipion;
Supreme Court found for Helena 1837

State of Missouri }
County of St Louis } In the circuit court of
St Louis County, July Term 1826-

Helen, a free girl of colour, who is permitted by the court to sue, by her next friend, Pierre Barribeau, as a poor person, by her Attorneys, Gamble and McGirk, assigned by the court, complains of Pierre Chautau Senr of a plea of trespass; For that the said Pierre, heretofore to wit, on the first day of January, in the year of our Lord Eighteen hundred and twenty six, with force and arms, at the County of St Louis aforesaid, an assault did make upon the body of the said Helen, and then and there beat bruised and ill treated her the said Helen, and then and there imprisoned her the said Helen, and kept and detained her in prison then, against her will, without any reasonable or probable cause whatsoever, and has ever since kept and detained her the said Helen in prison, and still keeps & detains her in prison against her will and contrary to the laws of this state, and of the united States; and the said Pierre other wrongs then and there did to her the said Helen, against the peace of the state, wherefore the said Helen says she is greatly injured by the said Pierre, and has sustained damage to the amount of five hundred dollars, and therefore she sues -

Gamble & McGirk
Atty, assigned, for plff

The State of Missouri County of St Louis ss
To the Sheriff of St Louis County
Greeting

We Command you to Summon
Pierre Chouteau so that he 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 of July next then
and there to answer unto Helen a free
girl of color who is permitted to sue by
Pierre Barbeau 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 10th day of May 1886

Archibald Gamble Clerk

Nov 11

In the first court
July term 1826

John

vs
J. M. M.

Pierre Chouteau Sr.

to the clerk

This is an action of
debt, a part of the debt of John
Chouteau and —

Have a decree made
for debt —

James & McQuinn
Attys B. C.

Filed May 15 1836

Wm. A. A. A.

Executed this writ on Pierre Chouteau Senr May 18th 1836 in the
City of St. Louis, by his acknowledging the service thereof after
being informed of its contents

John H. Walker Sheriff
By James P. Brown D. S. H.

Service \$ 1.00

W. Henry's Grant Court

Pierre Chouteau Jr
vs
Helen

July Term 1826

And the said Chouteau by his attorney comes and
depends the force and injury spoken &c, and says that he is not
guilty of the said supposed trespass above said to his charge
or any part thereof in manner and form as the said Helen
sets above thereof contained against him and of this he puts
himself upon the country &c,

And for a further plea in this behalf said de-
pendant says that said Helen ought not to have or maintain her afore-
said action thereof against him because he says that at the
time when the said supposed trespasses and each of them and every
part thereof (namely all that have) were committed the said Helen
was the slave of him said defendant and thus he is ready to verify
wherefore he prays judgment of the said plaintiff's ought to have
or maintain her aforesaid action thereof against him &c,

David H. Meyer & Francis
Attys for deft

Pierre Chouteau Jr
adsm.
Helen

M
M
M

pleas.

filed July 27th
1826
A Gamal clerk

Helen a girl of colour

In the St Louis Circuit Court

Pierre Chouteau

The petition of Helen the above named plaintiff represents to the Court that she fears she cannot receive a fair and impartial trial in this Court in the case now pending for her freedom on account that she verily believes the Judge of this Court is prejudiced against her and her claim to freedom so that she cannot and does not expect a fair trial of her said cause wherefore your petitioner prays this Court to award a change of venue in said cause to some other Court and County where the cause complained of does not exist and your petitioner do

attest, J. C. McGuck

Helen ^{her} + mark

State of Missouri }
County of St Louis }

Personally appeared before the undersigned a Justice of the Peace of St Louis County Helen a Girl of Colour who being by me duly sworn upon her oath said that the facts stated in the above petition are true

Sworn to & subscribed
before me this 22nd day of

Helen ^{her} + mark

Nov 1828
Jesse B. Purcell
Justice of the Peace

Shelton a pair of
Cotton
" " Cotton
Perm. Charleston

Shelton &
Co.

James C. Shelton
1852
Shelton & Co.

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 Eighteen Hundred and twenty six, on the Fifteenth day of May in the year aforesaid Isaac C. McGirk Esq^r presents to the Court the petition of Catiche alias Catherine Julie, Joseph and Helen persons of Color praying that they may be permitted to institute suits against Pierre Chouteau Sr to establish their right to freedom and that they may be permitted to sue as poor persons, and the Court being of opinion that the petition aforesaid contains sufficient matter to authorize the commencement of suits, doth order that the said petitioners be permitted to sue as poor persons to establish their freedom and assign Isaac C. McGirk and Hamilton R Gamble as counsel for said petitioners. and the Court doth further order that said petitioners have 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 nor be subject to any severity because of their application for freedom - and afterwards to wit, on the said Fifteenth day of May in the year aforesaid the said Circuit Court made an order in the words and figures following to wit: The Court being satisfied that the above petitioners have or are about to be subjected to severity because of their application for freedom doth order that a writ of Habeas Corpus issue returnable before this Court on Friday next at 11 o'clock A.M. requiring the Jailor of St Louis County, Pierre Chouteau Sr Bernard Bratte and Alexis Amelin to bring into Court the bodies of the said Catiche, Julie, Joseph and Helen together with the cause of their caption and detention, and afterwards to wit, on the said Fifteenth day of May in the year aforesaid the said Helen by her attorneys filed in the office of the Clerk of the said Circuit Court her declaration against the said Pierre Chouteau Senior which said declaration is in the words and figures following to wit: State of Missouri County of St Louis, ss. In the Circuit Court of St Louis County July Term 1826 Helen a free girl of Color who is permitted by the Court to sue by ^{her next friend} Pierre Baribeau, as a poor person by her attorneys Gamble and McGirk assigned by the Court complains of Pierre Chouteau Sen of a plea of trespass; For that the said Pierre heretofore to wit on the first day of January in the year of our Lord Eighteen Hundred and twenty six with force and arms at the County of St Louis aforesaid an assault did make upon the body of the said Helen, and then and there beat bruised and ill treated her the said Helen, and then and there imprisoned her the said Helen and kept and detained her in prison there against her will without any reasonable or probable cause whatsoever, and has ever since kept and detained her the said Helen in prison and still keeps & detains her in prison against her will and contrary to the laws of this State, and of the United States, and the said Pierre other wrongs then and there did to her the said Helen, against the peace of the State Wherefor the said Helen says she is greatly injured by the said Pierre, and has sustained damage to the amount of Five Hundred Dollars and therefore she sues H Gamble & McGirk Attys assigned for plff. - and afterwards to wit, on the Sixteenth day of May the Clerk of the said Circuit Court Endorsed thereon a writ of Summons which is in the words and figures following to wit County of St Louis ss The State of Missouri To the Sheriff of St Louis County Greeting, We Command you to summon Pierre Chouteau Sen that he 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 of July next then and there to answer unto Helen a free girl of Color who is permitted to sue by Pierre Baribeau her next friend as a poor

Declaration

Summons

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 16th day of May 1826 Archibald Gamble Clerk - and afterwards to wit at the said March Term of the said Circuit Court to wit: on the twenty fifth day of May in the year aforesaid, the Plaintiffs in this case being before the Court in the possession of the Sheriff the Court doth order and direct that the said Catiehe, Helen and Julie be hired out by the said Sheriff to the highest bidder from term to term untill the termination of these suits and that the said Sheriff take from the person or persons hiring the said persons of Color a bond in the sum of Five hundred dollars for each one conditioned that they and each of them shall have reasonable liberty of attending their counsel and the Court when occasions may require and that they shall not be removed out of the Jurisdiction of the Court or suffer any severity of treatment on account of their application for freedom and afterwards to wit at the July term of the Circuit Court in the year aforesaid being the return term of the writ of summons aforesaid the Sheriff of the County of St. Louis returned the same and the declaration of the said Helen aforesaid into Court with his return thereon endorsed in the words and figures following to wit:

Sheriff return
of summons

Executed this writ on Pierre Chouteau Senr May 18th 1826 in the City of St. Louis by his acknowledging the service thereof after being informed of its contents John K Walker Sheriff by James P Brown D Shff- and afterwards to wit at the July term of the said Circuit Court in the year aforesaid the said plaintiff by his attorneys filed his pleas in the words and figures following to wit: St. Louis Circuit Court July Term 1826 Pierre Chouteau Sr admn Helen and the said Chouteau by his attorney comes and defends the force and injury when & and says that he is not guilty of the said supposed trespasses above laid to his charge or any part thereof in manner and form as the said Helen hath above thereof complained against him and of this he puts himself upon the Country &c - and for a further plea in this behalf said defendant says that said Helen ought not to have or maintain her aforesaid action thereof against him because he says that at the time when the said supposed trespasses and each of them and every part thereof (& during all that time) were committed the said Helen was the slave of him said defendant and this he is ready to verify wherefore he prays Judgement if the said plaintiff ought to have or maintain her aforesaid action thereof against him &c Lawless, Geyer & Spalding Attys for deft. - and the said cause was continued from term to term until the November Term of the said Circuit Court

Pleas-

order for
Change of Venue

in the year Eighteen hundred and twenty eight at which said term - the said plaintiff by her attorney presents to the Court her petition verified by affidavit praying for a change of Venue in this case. 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: In the St. Louis Circuit Court. Helen a girl of Colour v. Pierre Chouteau. The petition of Helen the above named plaintiff represents to the Court that she fears she will not receive a fair and impartial trial in this Court in the case now pending for her freedom on account that she believes the Judge of this Court is prejudiced against her and

her claim to freedom so that she cannot and does not expect a fair trial of her said cause wherefore your petitioner prays this court to award a change of Venue in said cause to some other Court and County where the cause complained of does not exist and your petitioner ^{her} H. Helen ^{mark} attest J. C. McGirk - State of Missouri County of St. Louis personally appeared before the undersigned a Justice of the peace of St. Louis County Helen a girl of Colour who being by me duly sworn upon her oath saith that the facts stated in the above petition are true Helen ^{her} ^{mark} - Sworn to and subscribed before me this 22^d day of Nov-1828 Clement B Penrose Justice of the peace -

State of Missouri }
County of St. Louis } 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 Helen versus Pierre Chouteau senior 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 March 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 —

To A. Gamble Clerk of St. Louis Circuit Court for this Transcript (Excluding Tax)	\$ 1 " 67
Same for Costs in this Suit	4 " 70
Sheriff Walker of St. Louis	1 " —
	<u>\$ 6 " 37</u>

Make Six Dollars Thirty Seven Cents }
Archibald Gamble Clerk - }

Abelard
no 3 Manuscript
Pierre Chouteau senior

Change of Name to St Charles

Manuscript	—	\$1.67
Box	—	1.00
		2.67

Filed 17th March 1829
Wm Charles Jr. Secy

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 hundred
and thirty nine, was filed in the office of the clerk of the circuit
court for the said County of St Charles, a transcript of the record
and proceedings in the case of "Helen against Pierre Chouteau
senior"; certified from the circuit court of the county of St Louis,
to the said county of St Charles; in which said cause, at the
October Term of our said court for the year aforesaid, on the first
day thereof, and the fifth of said October, the following proceedings
were had = to wit:

"Helen } Petition for Freedom.
"Pierre Chouteau sr } On motion and affidavit filed, it is
"ordered by the court that this case be continued at cert. 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:

change of venue
"Helen } Tuesday -- June 9th 1835.
"as } Petition for Freedom
"Pierre Chouteau sr } The Judge of this court having been of counsel
"for one of the parties to this cause, it is ordered by the court 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: I, William Christy, Jr. Clerk of the cir-
-cuit within and for the county aforesaid, certify the above and
foregoing to be a full and correct transcript of the record and
proceedings in the above case of "Helen against Pierre Chouteau sr."

as the same now remain of record in my office - accompanied by
all the papers appertaining in any manner to the said cause.

Given under my hand and the seal of
said court at office this 27th day of October
A.D. 1835.



William Christy Jr
By Deputy - J. D. Johnston

Fees in St Charles
Circuit Court }

W ^m Christy Jr clerk for cost of suit	\$8.10
For this transcript	.32 1/2
" certificate & seal	.50
" Tax	62 1/2
	<u>\$9.55</u>
" forwarding papers to Herculanum - fifty miles	5.00
	<u>\$14.55</u>

Helen
vs
Peire Chautau
} change
of name

Clark D'Charles \$14.53

Helen
vs
Pierre Chausse &c } Sent for Frederic -
- 881 -

B - I remember that at the trial of this case it was admitted that the plaintiff is the daughter of a woman named Catherine alias Catherine, who is the daughter of a woman named Marie Tapis mentioned in the depositions hereafter set forth.

The following depositions were then read in evidence by plaintiff

(here insert the depositions marked A as in Marguerites case -)

Plaintiff also read in evidence the statement of John B C Lucas (Raydones) here insert the statement marked A No 2.

The defendant then read in evidence the following depositions - here insert the depositions marked A 3 -)

John Tagon a witness on the part of the defendant testified (here insert the evidence as in Marguerites case)

No other evidence being given the defendant by his counsel moved the court to instruct the jury as follows.

(here insert the instructions marked A as in Marguerites case)

Which instructions the court refused to give and the defendant excepts to the opinion of the court refusing said instructions -

And the said defendant prays the
Court to sign & seal this his bill of
exceptions which is done accordingly
10th Nov 1836.

Wm J. Ott Esq

In the Supreme Court - 3^d Judicial District June Term 1837
Monday 26th June 1837

Pierre Chouteau Appellant

vs

Helen - Appellee

Appeal from ~~the~~ Jefferson Circuit Court
Now at this day come again the parties aforesaid by their respective attorneys, and the court here being now sufficiently advised of and concerning the premises, do consider and adjudge, that the judgment aforesaid, in form aforesaid, by the said ^{circuit} court rendered, be in all things affirmed, and stand in full force, and it is further considered that the said Appellee recover of the said appellant, and of ~~William~~ De Mun and Henry Goulard, his securities in the appeal bond her costs and charges by her about her defence in this behalf expended, and have thereof execution

State of Missouri

3^d Judicial District
I John Ruland Clerk of the Supreme Court in and for said District certify the foregoing to be a true ~~copy~~ transcript of the ~~verdict~~ and judgment of the said Court in the case of Pierre Chouteau - vs - Helen as the same now remains of Record in my Office

In testimony whereof I have hereunto set my hand & affixed the seal of said Court, at Office in the City of St. Louis this 22^d day of July 1837

J. Ruland Clerk

In the Supreme Court June Term 1837

Pease Sherburne

vs
De laun & Phelps } Enquiryment }

Filed Oct. 7th 1837

Wm. B. B. Clerk

