

Jefferson County Circuit Court
Case Files - Civil
October 1835

Box 2 Folder 38

Julie, by next friend

Baribean, Pierre

^{vs.}
Chouteau, Pierre, Sr.

Trespass, assault and battery, false imprisonment

Freedom Suit; change of venue from St.
Charles, from St. Louis, began July 1826;
Julie daughter of Marguerite, daughter
of Marie Scipion; Supreme Court upheld
decision for Julie, July 1837; bill of
exceptions

State of Missouri }
County of St Louis } In the Circuit Court July Term 1826

Julie, a free girl of color, who is permitted
by the court to sue, by Pierre Barthelemy her ~~next friend~~
~~next friend~~, as a poor person, by her attorneys —
Gamble and McGirk assigned as counsel by the court
Complains of Pierre Lehoucq^{senior}, of a plea of Insuper
For that the said Pierre, heretofore, to wit, on the
first day of January in the year of our Lord Eight
ten hundred and twenty ~~five~~^{six}, with force and arms
at the County of St Louis aforesaid, an assault did
make upon the body of the said Julie, and then
and there beat bruised and ill treated her the
said Julie, and then and there imprisoned her
the said Julie, and kept and detained her in
prison there against her will, without any reason
able or probable cause whatsoever, and has ever
since kept and detained her in prison, and
still keeps and detains her in prison against
her will, without any reasonable or probable
cause contrary to the laws of this State; and
the said Pierre, other wrongs then and there
did to her the said Julie, against the peace
of the State. Wherefore the said Julie says she
is greatly injured by him the said Pierre, and
has sustained damage to the amount of
five hundred dollars, and therefore she sues
for

Gamble & McGirk
Atty for plff

John Vincent Court

Pierre Boutreau Jr

vs

Julie

July Term 1826

And the said Boutreau by his attorney says
and deposes the force and injury when &c, says that he is not guilty of
the said supposed trespasses above said to his charge or any part thereof
in manner and form as the said ~~pleads~~ ^{pleads} hath above shewed, come
pleaded against him. and of this he swears himself upon the country &c.

And for a further plea in this behalf the
said Boutreau says that said Julie ought not to have and maintain
her aforesaid action thereof against him because he says that at
the time when the said supposed trespasses and each of them were
committed the said Julie was the slave of the said defendant. and that
he is ready to verify. Wherefore the said defendant prays judgment
the said Julie ought to have or maintain her aforesaid action
thereof against him &c,

Leahy & Co
attys for deft.

Pierre Aboulean Dr

adm

Julie

Pleas.

paid July 27 1826
J. G. Clark

Julie a girl of colour

In the St Louis Circuit Court

Pierre Chouteau

The petition of Julie the above named plaintiff
represents to the Court that she fears she cannot receive
a fair and impartial trial of her said suit for free-
dom in this Court on account that she verily be-
lieves the Judge of the said Court is prejudiced a-
gainst her and her claim to freedom so that she
cannot and does not expect a fair and impar-
tial trial of the said cause in this Court where-
fore she prays a change of venue in this suit
to some Court and County where the cause com-
plained of does not exist & your petitioners
attest, J. C. McGist } Julie ^{her} mark

State of Missouri }
County of St Louis } Personally appeared before the undersigned a Justice of the Peace of the County of
St Louis Julie a Girl of colour who being by me
duly sworn upon her oath saith that the facts
stated in the above petition are true
sworn to & subscribed } Julie ^{her} mark
before me this 22 day

of Novr 1828

James B. Pearson,
Justice of the Peace

Julie a girl of colour

3 1/2 Pethers

Perre Chantreau

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 Saint 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 matters to authorize the Com-
mencement 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
Famble 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 re-
moved 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 applica-
tion 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 Pratte 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 Julie by her attorney 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 July
Term 1826 Julie a free girl of color who is permitted by the Court to sue by Pierre
Barribeau her next friend as a poor person by her attorneys Gamble and McGirk
assigned as counsel by the Court complains of Pierre Chouteau Senior 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 with force
and arms at the County of St Louis aforesaid an assault did make upon the
body of the said Julie and then and there beat bruised and ill treated her the said
Julie and then and there imprisoned her the said Julie 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 in prison and still keeps and detains
her in prison against her will without any reasonable or probable cause con-
trary to the laws of this State, and the said Pierre other wrongs then and there did
to her the said Julie against the peace of the State wherefore the said Julie
says she is greatly injured by him the said Pierre and has sustained damage
to the amount of Five Hundred Dollars and therefore she sues & Gamble & McGirk
attys for plff. and afterwards to wit; on the Sixteenth day of May in the Year
aforesaid the Clerk of the said Circuit Court endorsed thereon a writ of summons
in the words and figures following to wit; County of St Louis Set The State of
Missouri To the Sheriff of St Louis County Greeting; We command you to sum-
mon Pierre Chouteau senior 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 Julie a free girl of Colour who is permitted by the Court to sue by Pierre Barribeau her next friend as a poor person of a plea of trespass to the damage of said plaintiff five hundred dollars and have you then there this writ ~~Real~~ ^{Real} Witness Archibald Gamble Clerk of our said Court at office this 16th day of May 1826 Archibald Gamble Clerk. - and afterwards 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 Catiche, 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 occasion 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 said 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 Julie aforesaid into Court with his return thereon endorsed in the words and figures following to wit; 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 the contents of the writ & declaration John H Walker Sheriff by James P Brown D^y Shff. - and afterwards to wit at the said July term of the said Circuit Court in the year aforesaid the said defendant by attorney filed his pleas in the words and figures following to wit; St. Louis Circuit Court July Term 1826 Pierre Chouteau Sr adm Julie and the said Chouteau by his attorney comes and defends the force and injury when &c 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 Julie hath above thereof complained against him and of this he puts himself upon the Country &c - and for a further plea in this behalf the said Chouteau says that the said Julie ought not to have and maintain her aforesaid action thereof against him because he says that at the time when the said supposed trespasses and each of them were committed the said Julie was the slave of the said defendant and this he is ready to verify wherefore the said defendant prays Judgement if the said Julie ought to have or maintain her aforesaid action thereof against him &c Lawless, Peyer & Spalding attys for deft and the said cause was continued from term to term until the November term of the said Circuit Court in the Year Eighteen Hundred and twenty eight at which said term the 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 a 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. - Julia a girl of Color, vs, Pierre Chouteau. - The petition of Julie the above - has she cannot receive a fair & impartial trial of her said suit for freedom in this court on account that she named plaintiff represents to the court that she verily believes the Judge of the said Court is prejudiced against her and her claim to freedom so that she cannot and does not expect a fair and impartial trial of the said cause in this court wherefore she prays a change of Venue in this suit to some court and County where the cause complained of does not exist & your petitioner & Julie ^{her} ~~mark~~ - attest J. C. W. Girk - State of Missouri County of St Louis Personally appeared before the undersigned a Justice of the peace of the County of St Louis Julie a Girl of colour who being by me duly sworn upon her oath saith that the facts stated in the above petition are true Julia ^{her} ~~mark~~ sworn to & subscribed before me this 22^d day Nov^r 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 Saint Louis do certify that the foregoing is a full transcript of the Record and proceedings in the case of Julia 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 officers of the St Louis Circuit Court are -

To Gamble Clerk of St Louis Circuit Court for this transcript	\$ - 1 ⁰⁰ 62
Same for fees due in this suit	5 ⁰⁰ 26
To H. Walker late Sheriff of St Louis County	1 ⁰⁰ -
	<u>7⁰⁰ 88</u>

Small Seven Dollars Eighty Eight-Cents
Archibald Gamble Clerk

Julie
203
Pierre Chouteau Junior

Change of Name to St Charles

Transcript - \$11.02
Tax - 1.00

Filed 17th March 1829
Wm. Chas. P. D. B. & Co.

State of Missouri
County of St Charles } ss: Be it remembered that on the seventeenth
day of March, in the year of our Lord eighteen hundred and twenty 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 "Julie against Pierre Chouteau senior", certified from the
circuit court of the county of St Louis on an order of change of
venue 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 day of said month, the following proceed-
ings were had to wit:

"Julie } Petition for Freedom
" Pierre Chouteau sr } On motion and affidavit filed, it is ordered
" that this case be continued at the cost of the Defendant."

And afterwards the said cause was continued in our said
court from term to term until the June Term thereof for the year
eighteen hundred and thirty five, when the following order was made
to wit.

change of venue "Julie } Tuesday - June 9 - 1835.
" vs } Petition for Freedom.
" Pierre Chouteau } The Judge of this court having been of counsel for
" one of the parties in this cause, it is ordered by the court that the ven-
" ue be changed to the county of Jefferson in the seventh Judicial cir-
" cuit of this state; and that the clerk of this court do certify and trans-
" mit a full transcript of the record and proceedings in the 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 circuit
court for the county aforesaid, certify the above to be a full and correct
transcript of the record and proceedings in the above case of "Julie

"versus Pierre Chouteau sr," as the same now remain of record
in my office—accompanied by all the papers appertaining to &
filed in 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 above case in st
Charles Circuit Court }

Clerk Christy, for this transcript \$00. 32 1/2

" certificate & seal - . 50

" Tax - - - - . 62 1/2

" costs of suit - - - 8. 10

" forwarding papers - 9. 54

" forwarding papers

to Herculaneum

fifty miles 5. 00

\$14. 54

Julie
vs
Pierre Chantreau } change
of venue

clerk D Charles \$14.55

Lulu
vs
Pierre Chateau &c } Sent for freedom -

Be it remembered that at the trial of this cause, it was admitted that the plaintiff is the daughter of a woman named Marguerite who is the daughter of a woman named Marie Scipion mentioned in the depositions hereinafter set forth

The following depositions were then read in evidence by the Plaintiff

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

The plaintiff then read to the jury the statement of E B C Lucas as follows here insert the statement marked A 2.

The defendant then read to the jury the following depositions - here insert the depositions marked A No 3 -

John Taya a Clerk on the part of defendant testified & here insert the evidence as in Marguerites case)

No other evidence being given, the defendant 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 prays the court to sign and seal this

bill of exceptions which is done accordingly
this 10th Nov 1836 -

Wm Jolly (seal)

3

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

Pierre Chouteau

vs

Appeal from Jefferson Circuit Court

Julie

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 Court rendered, be in all things affirmed, and stand in full force, and it is further considered that the said Julie then appellee, recover of the said Chouteau, the appellant and of Julien Denuin & Henry G. Soularde, 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 ~~Circuit~~ ^{Supreme} Court within and for said District certify the foregoing to be a true transcript of the judgment of said Court in the Case of Pierre Chouteau as the same now ^{of Record} remains 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 22nd day of July 1837

J. W. Ruland Clerk

In the Supreme Court since Term 1837

Gene Chouteau

15

Julie

Assignment

Office Oct 2th 1837

Wm Bate Clerk

