

Jefferson County Circuit Court
Case Files - Civil
March 1834

Box 3 Folder 14

Joseph, by next friend
Bartibean, Pierre

vs.

Chouteau, Pierre, Sr.

Trespass, assault and battery, false imprisonment

Freedom suit; change of venue from St.
Louis; began July 1836; venue changed
on order in Michel v. Pierre Chouteau,
Sr.; Joseph son of Catliche, daughter
of Marie Scipion; bill of exceptions

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

Joseph a free man of color, who is permitted by the court, by his next friend Pierre Barthelemy to sue as a poor person, by his Attorneys Gamble and McGirk, against as counsel by said court complains of Pierre Lechateau 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 ~~four~~^{six}, with force and arms, at the County of St Louis aforesaid an assault did make upon the body of the said Joseph, and then and there beat bruised and ill treated him the said Joseph, and then and there imprisoned him the said Joseph, and kept and detained him in prison there against his will without any reasonable or probable cause - whatsoever, and has ever since kept and detained him the said Joseph in prison, and still keeps and detains him in prison against his will contrary to the laws of this State, and the said Pierre other wrongs then and did to him the said Joseph against the peace of the State. Wherefore the said Joseph says he is greatly injured by the said Pierre, and has sustained damage to the amount of five hundred dollars, and therefore he sues &c.

Gamble & McGirk
Atty for plff

Amount \$100

James C. Brown Esq.

John H. Walker Esq.

Executed this writ on Pierre Chouteau Sr May 18th 1826 on
the City of St Louis by his Acknowledging the service thereof after
being informed of its contents

No 8

In the Circuit Court

July Term 1825

Joseph

vs

Pierre Chouteau Sr

To the Clerk

This is an action of
Trespass. assault & battery
and false imprisonment

from a summons
for defendant

Gambell & Co
Attys J. C. C.

Filed May 15th 1826

Attest the

County of St Louis S. C.

The State of Missouri

To the Sheriff of St Louis County
Greeting

We command you to summon Pierre
Chouteau Sr that he be and appear before the
Judge of our Circuit Court at the next term
there of to be held at the City of St Louis within
and for the County of St Louis on the fourth Mon-
day of July next then and there to answer unto
Joseph a free man of color who is promised to
sue by Pierre Barrebow 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.

Witness Archibald Gambell Clerk
of our said Court at Office this
16th day of May 1826

Archibald Gambell Clerk

St. Louis Circuit Court

Pierre Chouteau Senr

vs

Joseph

July Term 1826

and the said Chouteau, comes and defends
by his attorney

the force and injury when &c, and 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 Joseph hath shown them
complained against him. and of this he puts himself upon the
Country &c,

and for a further plea in this behalf
the said defendant says that said Joseph ought not to have or maintain
his aforesaid action thereof against him because he says that
at the time when the said supposed trespasses &c of the said were
committed, the said Joseph was the slave of him said defendant
and this he is ready to verify, wherefore he prays judgment of the
said Plaintiff ought to have or maintain his aforesaid action
thereof against him &c,

Joseph says & prays
defy attys

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St Louis Circuit Court
July Term 1825

Joseph
Pierre Chouteau Senior

Rec'd July 27/1826
J. H. Smith
clerk

P. Chouteau
John
Clear.

Urbt Sander — \$8.95
July 21/11

Declaration

Summons

State of Missouri ss
County of S' Louis ss
Be it remembered that heretofore to wit on the ~~ten~~
~~to fifteenth~~ ^{May} of ~~July~~ in the year eighteen hundred and twenty six Joseph
a free man of colour by his next friend Pierre Barribeau filed in
the Office of the Clerk of said County his declaration in the words and
figures following to wit = "State of Missouri; County of S' Louis - ss - In
the Circuit Court July Term 1826 = Joseph a free man of color, who
is permitted by the Court, by his next friend Pierre Barribeau to sue
as a poor person, by his attorneys Gamble & M'Girk, assigned as
counsel by said 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
six, with force and arms, at the County of S' Louis aforesaid an assault
did make upon the body of the said Joseph, and then and there beat
bruised and ill treated him, the said Joseph, and kept and detained him
in prison, and then and there imprisoned him the said Joseph and
kept and detained him in prison there against his will without
any reasonable or probable cause whatsoever, and has ever since
kept and detained him the said Joseph in prison and still keeps &
detains him in prison against his will contrary to the laws of this
State, and the said Pierre other wrongs then & did to him the said
Joseph against the Peace of the State - Wherefore the said Joseph
says he is greatly injured by the said Pierre and has sustained
damage to the amount of Five hundred dollars and therefore
he sues &c Gamble & M'Girk Attys for plff -" Whereupon a sum=
mons issued from the office of the said Clerk of the Circuit Court
which is in the words and figures following to wit "County of S' Louis
ss = The State of Missouri = To the Sheriff of the County of S' Louis Greet=
ing = We command you to summon Pierre Chouteau Sr that he be
and appear before the Judge of our Circuit Court at the next term
thereof to be held at the City of S' Louis within and for the County
of S' Louis on the fourth Monday of July next, then and there to an=
swer unto Joseph, a free man of color, of a plea of Trespass to
the damage of the 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 10th day of May eighteen hundred

Sheriff's Return

Pleas

and twenty six - Archibald Gamble Clerk" - Endorsed on which said summons is the following Sheriff's return to wit " Executed this writ on Pierre Chouteau Senr. May the eighteenth, eighteen hundred and twenty six, in the city of St Louis, by his acknowledging the service thereof after being informed of its contents - John W Walker Sheriff by James Brown D Shff - And afterwards to wit at the July term of said Court to wit on the twenty seventh day of July A.D. 1826 pleas were filed in said cause which are in the words following to wit = " Louis Circuit Court - July Term 1826 - Pierre Chouteau - adm - Joseph - and the said Chouteau by his attorney comes and defends the ~~writ~~^{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 Joseph hath above thereof complained against him and of this he puts himself upon the country &c - And for further plea in this behalf the said defendant says that said Joseph ought not to have or maintain his aforesaid action thereof against him because he says that at the time when the said supposed trespasses & each of them were committed, the said Joseph was the slave of him the said defendant and this he is ready to verify, wherefore he prays Judgment if the said plaintiff ought to have or maintain his aforesaid action thereof against him &c - Lawless, Geyer & Spalding defts attys" And the said cause was continued from term to term and from year to year until the July Term of our said Court in the year eighteen hundred and thirty six to wit on the twenty seventh day of August in said year when the following further proceedings were had therein to wit " Michel vs - Pierre Chouteau Senr = Suit for freedom - The Judge of this court having been of Counsel for the above named defendant, it is ordered that the venue of this cause be change to the county of Jefferson in the Judicial District Circuit of this most State, as well as the cases of Carmelite against said Chouteau, Joseph against the same, and Mary against the same, for the same reason, and that the Clerk of the ~~lowest~~ Court of said County of Jefferson this Court make out and transmit to the Clerk of the Circuit Court of said county of Jefferson, a complete transcript of the records and proceedings in the said causes, together with all and singular the original papers appertaining to and filed in the same -

State of Missouri
County of St Louis } I John Ruland Clerk of the Circuit Court with
in and for said County do certify the foregoing to be a true and ~~correct~~
~~the~~ complete transcript of the Record and proceedings in the case of Joseph
a free man of color against Pierre Chouteau Senr as the same now re-
main of Record in my Office

In testimony whereof I have here unto set my
hand and affixed the seal of said Court at Office
in the City of St Louis this 27th day of March
A.D. 1837

J. Ruland Clerk

Joseph.

45

Peine Chouteau den



Manuscript \$4.84
Certificate \$0

\$4.84

From John Paulsen Clerk's Office Circuit Court \$2.84
" A. S. Smith, Cash. 8.95
" Sheriff Watkins's Service 1.00
\$12.79

Joseph

v.

Pierre Chateau Jr.

} In Jefferson Circuit Court

Be it remembered that
at the trial of the above cause it was admitted
that the Plaintiff is the son of a woman named
~~Catesby~~
who is the daughter of a woman named Marie
Lupin mentioned in the depositions herein after
set forth

The Plaintiff then read in evidence the
following depositions / here insert the depo-
sitions marked A as in Marguerettes case /
The Plaintiff also read in evidence the State-
ment of L B C. Lucas as follows
/ here insert the Statement marked A 2 /
The defendant then read in evidence the
following depositions / here insert the depositions
marked A 3 /

John Tazewell a witness for defendant
testified as follows. (here insert his testimony
as in Marguerettes case)

No other evidence being given the opinion
by his counsel was read to the court to instruct
the jury as follows

Here insert the instructions marked
A - - 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 & seal this
bill of exceptions which is done accordingly
this 8 day of Sept 1837.

James Evans *Proced*
Clerk

Filed Aug. 7th 1837.
J. P. Bates
Clerk