

Jefferson County Circuit Court
Case Files - Civil
June 1837

Michel, by next friend
Bartibeau, Pierre

vs.
Chouteau, Pierre, Sr.

Trespass, assault and battery, false imprisonment

Freedom suit; change of venue from St.
Louis; began July 1825; Michel son of
Marguerite, daughter of Marie Scipion;
bill of exceptions

Box 3 Folder 19

State of Missouri }
County of St Louis } In the Circuit Court
July Term 1825.

Michel, a free boy of color, who is permitted by the court to sue, by Pierre Barthelemy his next friend, as a poor person, by his Attorneys, Farris, Gamble and McGirk, appears as counsel by the court, came plains of Pierre Barthelemy Sr of a plea of Insufficiency; For that the said Pierre, heretofore, to wit, on the first day of January, in the year of our Lord Eighteen hundred and twenty five, with force and arms at the County of St Louis, unlawfully an assault did make upon the body the said Michel, and then and there did beat bruise and ill treat him the said Michel, and then and there imprisoned him the said Michel and kept and detained him in prison without any reasonable or probable cause whatsoever against the will of the said Michel and has ever since kept & detained him the said Michel in prison, and still keeps & detains him in prison against his will, without any reasonable or probable cause whatsoever, contrary to the laws of this State, and the said Pierre, other wrongs then and there did to him the said Michel against the peace & dignity of the State. Therefore, the said Michel says he is injured by the said Pierre, and has sustained damage to the amount of five hundred dollars, and therefore he sues &c

Farris, Gamble, & McGirk
Attys for plff

Shrove \$100

John H. Walker Sheriff
By J. H. Walker Sheriff
J. H. Walker Sheriff

Executed this writ on Pierre Chouteau Senr June 14th 1825 in the
City of St Louis, by giving the writ & Declaration to him to read & his
acknowledging the shrove thereof

No 95

In the Circuit Court
July term 1825

Michel

vs

Pierre Chouteau Senr

To the Clerk

This is an action of trespass
by assault & battery & false
imprisonment

Shrove a summons
for defendant.

Thos. Gamble & McGehee

Atty J. Q.

filed 22 June 1825

Archibald Gamble clerk

for book page 211

Archibald Gamble for \$100
10-382

County of St Louis J.S.

The State of Missouri to the Sheriff of said County Greeting-

We command you ^{to} summon 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 in July next
then and there to answer unto Michel a free boy of color who is permitted by the
Court to sue by Pierre Banibeau 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 Gamble Clerk of our
said Court at office this second day of
June 1825

Archibald Gamble Clerk

Pierre Chouveau sent { C.E. & Louis July term 1825
ad

Michel a boy of color
by his next friend p. Barthelemy

And said Pierre Chouveau by his
attorney comes and defends the force
and injury when he and says as to the
apauitly beating, beating, ill treating and imprisonment
=ing the said Michel as in said declaration ment
that said Michel ought not to have or maintain
his aforesaid action ^{his} ~~thereof~~ against ^{him} because he
says that before and at the time when he in said
Declaration mentioned to wit at St Louis aforesaid the
said Michel was a slave in the lawful possession and
service of said Pierre wherefore the said Pierre then and
there detained and still doth detain said Michel in his
service and possession which detention and possession
are the apauitly beating, ill treating, beating and imprisonment
=ing the said Michel in said declaration mentioned
and that the said Pierre is ready to verify where
=for he prays judgment if the said Michel ought to have
or maintain his aforesaid action against him -

Amly
J. P. } atty

410 August 4th
1890
J. J. Smith

Michel, by P. Baribeau
his next friend,
^{vs.}
Pierre Chouveau

And the said

plaintiff says that the said plea of
the said defendant, and the matters
therein contained, in manner and form
as the same are therein stated and
set forth, are not good and sufficient
in law to bar or preclude the said
plaintiff from having and maintain-
ing his aforesaid action thereof against
the said defendant, and that the
said ~~defendant~~^{plaintiff} is not bound
by the law of the land to answer
the same and this the said plain-
tiff is ready to verify; wherefore for
~~want~~ of a sufficient plea in this
behalf the said plaintiff prays
judgment &c.

McGirk & Harris
for p^lff.

King Charles last
~~cession~~ to them

at my Michel

and the said defendant
come and defend the force and injury
when he said that they are not guilty
of the said several supposed he had seen or
any part thereof in manner and form as
the said Michel hath above thereof
complained against them, and of this they
put themselves upon the Country &c

And the said Michel doth the like &c
Gravell, all rights
& profits, all things
for sale

County
for sale

P. G. Houtman Lovers
~~Charm~~ Solbury

adm 1/3 plea
Michel

Filed August 31st 1835
A. Gamble
clerk

Michel a free negro of color } 2d In the Circuit
Court of St Louis
County.
Pierre Choteau Sr- } In vacation before
the November Term.
1825

And the said Michel, by his attorneys, as to the said plea of the said Pierre by him first above pleaded, as to the said several trespasses in the introductory part of that plea mentioned, and therein attempted to be justified, saith that ^{he} the said Michel by reason of any thing, by the said Pierre in that plea alleged, ought not to be barred from having and maintaining his aforesaid action, thereof against him the said Pierre, because he saith that he the said Michel, was not at the time of the committing of the said several trespasses in his said declaration thereof set forth, by him the said Pierre, nor is he now a slave as the said Pierre in his said plea hath above alleged, but that he the said Michel was at the time of the committing of the said several trespasses, by the said Pierre, in his said declaration above set forth and he is now a free person, by & according to the usages customs & laws of the land, and ought not to be held and detained as a slave in the possession & service of the said Pierre, nor of any other person, by or under whom the said Pierre may claim, & This he the said Pierre prays may be enjoined of by the Court.

Gamble McGibbs &
Farris attys for plff

Michael } Representation
by }
Jesse Chautau sr

Gambell, McCune
& Harris Attys for
ppl

file Oct. 31st 1893 -
O A Gambell & Co

Declaration

State of Missouri
County of St Louis ss- Be it remembered that heretofore, to wit, on the second day of June, in the year eighteen hundred and twenty five Michel a free boy of color, by Pierre Baribeau his next friend, filed in the Office of the circuit clerk of the circuit court in & for said county his declaration in the words and figures following to wit = "State of Missouri - County of St Louis - ss- In the circuit Court - July Term 1825 = Michel a free boy of color, who is permitted by the court to sue, by Pierre Baribeau his next friend, as a poor person, by his Attornies - Farris, Gamble & M^c Gerk 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 five, with force and arms at the County of St Louis, unlawfully an assault did make upon the body - the said Michel, and then and there did beat bruise and ill treat him the said Michel, and then and there imprisoned him the said Michel and kept and detained him in prison without any reasonable or probable cause, whatsoever against him the will of the said Michel and has ever since kept and detained him the said Michel in prison, and still keeps & detains him in prison against his will without any reasonable or probable cause whatsoever, contrary to the laws of this State, - and the said Pierre other wrongs then and there did to him the said Michel against the peace and dignity of the state - Wherefore the said Michel says he is injured by the said Pierre, and has sustained damage to the amount of five hundred dollars, & therefore he sues - Farris Gamble & M^c Gerk Attys for Plff" Whereupon a summons issued from the Office of the said clerk which is in the words and figures following to wit = "County of St Louis ss- The State of Missouri - To the Sheriff of said County - Greeting - We command you to summon 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 in July next then and there to answer unto Michel a free boy of color who is permitted by the court to sue by Pierre Baribeau his next friend as a poor person of a plea of trespass to the damage of said plaintiff of five hundred dollars & have you then there this with Real Dues Testimo =

Summons

my whereof Witness Archibald Gamble Clerk of our said Court at
office this second day of June 1825 - Archibald Gamble Clerk" on
which said summons is endorsed the following Sheriffs return to wit -

Sheriffs Return

"Executed this writ on Pierre Chouteau Sen^r June 14th 1825 in the city
of St Louis by giving the writ & Declaration to him to read & his acknowl-
edging the service thereof - John N Walker Sheriff by Jno Simonas ^{Br}

D Shff - And afterwards to wit on the fourth day of August in the year
eighteen hundred and twenty five the following plea was filed

Plea

to wit "Pierre Chouteau Sen^r vs - Michel a boy of color by his next
friend P. Barribeau - C. C. St Louis July Term 1825 - And the said Pierre
by his attorney comes and defends the force & injury when &c, and says
as to the assaulting, beating, bruising, ill-treating and imprison^{ing}~~ment~~
the said Michael as in said Declaration mentioned, that said Michel
ought not to have or maintain his aforesaid action thereof against
him because he says that before and at the time when &c in said
declaration mentioned to wit at St Louis aforesaid the said Michel
was a slave in the lawful possession and service of said Pierre
wherefore the said Pierre then and there detained and still doth
detain said Michel in his service and possession which detention
and possession are the assaulting, beating, ill-treating bruising and
imprisoning the said Michael in said declaration mentioned &
this the said Pierre is ready to verify wherefore he prays judgment if
the said Michel ought to have or maintain his aforesaid action
action against him - Lawless defont atty" - And afterwards to wit
on the twenty second day of August in the year eighteen hundred and
twenty five a Demurrer to said plea was filed which Demurrer

Demurrer

is in the words and figures following to wit - "Michel by Pierre
Barribeau his next friend - vs - Pierre Chouteau - And the said Plain-
tiff says that the said plea of the said defendant and the matters
therein contained, in manner and form as the same are therein sta-
ted and set forth, are not good and sufficient in Law to bar or
preclude the said plaintiff from having and maintaining his
aforesaid action thereof against the said defendant, and that
the said Plaintiff is not bound by the Law of the land to answer
the same and this the said plaintiff is ready to verify, where-
fore for want of a sufficient plea in this behalf the said plain -

4
tiff prays judgment &c M^cGirk & Farris for plff = " And afterwards
to wit on the twenty second day of August in the year last afore-
said the following further proceeding were had in said Cause to wit =
"Michel vs - Pierre Chouteau Sen^r - Now at this day come the parties
aforesaid by their respective attorneys aforesaid whereupon all & sin-
gular the premises are by them submitted to the court which being
seen and heard and by the court here fully understood and ma-
ture deliberation being thereupon had for that it appears to the
court that the said plea of the said defendants and the matters
therein contained on manner and form as the same are therein
stated and set forth are not good and sufficient in law to bar
or preclude the said plaintiff from having and maintaining his
aforesaid action thereof against the said defendant and that the
said plaintiff is not bound by the law of the land to answer the same -
And afterwards to wit on the day and year last aforesaid the fol-
lowing further proceedings were had in said Cause to wit =

"Michel vs - Pierre Chouteau Sen^r - On motion of the attorney for the
said defendant leave is given him to plead the general issue" and
on the thirty first of August in the year aforesaid the following plea
was filed to wit = "Pierre Chouteau Sen^r - adm^r - Michel - And
the said defendants come and defend the force and injury when
&c and say that they are not guilty of the said several supposed
trespasses or any part thereof in manner and form as the said
Michael hath above thereof complained against them, and of
this they put themselves upon the Country &c = Cosens for depts"

"And the said Michel doth the like &c - Lamble M^cGirk & Farris, attys
for plff = " And the said Cause was continued from Term to Term &
from year to year until the July Term of the said Circuit Court
~~when the follow~~ in this year Eighteen hundred and thirty ^{six} ~~seven~~
when the following further proceedings were had therein to wit =
"Saturday 27th August 1835 = Michel vs - Pierre Chouteau Sen^r Suit
for freedom - The Judge of this court having been of counsel for the a-
bove named defendant, it is ordered that the venue of this cause
be changed to the county of Jefferson in the Judicial Cir-
cuit of this 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 this Court make out

Plea

Similiter

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 the original ~~causes~~ papers appertaining to and filed in the same =

State of Missouri }
County of S^t Louis } ss. = I John Ruland Clerk of the Circuit Court
in and for said county certify the foregoing to be a complete and correct
transcript of the record and proceedings in the case of Michel - vs
Pierre Choateau Sen^r - as the same now remain in my office

In testimony whereof I have hereunto set my
hand and affixed the seal of said Court at Of-
fice in the city of S^t Louis this 28th day of June
1837 -

J. W. Ruland Clerk



Handl.

Michel

vs

Pierre Chouteau Sen^r

Des John Rouleau de St Louis etc \$3.34
" Agamite, etc etc 10.38 1/4
" Sheriff Mackenys Sen^r 1.00
\$14.72 1/4

Office August 1st 1839

100
100
100

Michel
vs
Pierre Chateau } Superior Circuit Court

He remembered that at the time of the case it was admitted that the plaintiff is the son of Margueritte who is the daughter of Marie Tupper mentioned in the depositions herein after set forth.

The plaintiff then read in evidence the following depositions, (here insert the depositions marked A as in Margueritte's case)

The plaintiff also read to the jury the statement of L B & Lucas as follows here insert the statement marked A2 -

The defendant then read in evidence the following depositions (here insert the depositions marked A3 as in Margueritte's case)

John Tay on a witness for defendant testified as follows here insert the testimony as in Margueritte's case,

No other evidence being given the defendant prayed the court to instruct the jury as follows - (Here insert the instructions marked A4 of which instructions the court refused to give & the defendant excepted and prays the court to reverse this bill of exceptions which is done according to this 8 Aug 1837)

James Evans

Filed Aug 8th 1887

J. H. P. B. B. B.

above