

Jefferson County Circuit Court
Case Files - Civil
June 1837

Box 3 Folder 21

Carnilite, by next friend
Bartibeau, Pierre

^{vs.}
Chouteau, Pierre, Sr.

Trespass, assault and battery, false imprisonment

Freedom suit; change of venue from St. Louis
1837; began July 1825; plaintiff alias Millit;
change of venue granted on basis of freedom
suit, Michel vs. Pierre Chouteau, Sr.

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

Carmillite, alias Millet, a free woman of color who is permitted by the court to sue by Pierre - Barribeau her next friend as a poor person by her Attorneys ^{Farris, Gamble and Mc Girk} assigned as counsel by the court, complains of Pierre Lehou- teau Senior of a plea of trespass, For that the said Pierre, hitherto, to wit, on the first day of January in the year of our Lord, one thousand eight hundred and twenty five, with force and arms, at the County of St Louis, unlawfully and against the body of the said Carmillite, and then and there beat bruised and ill treated her the said Carmillite, and then and there imprisoned her the said Carmillite and kept and detained her in prison without any reasonable cause or probable cause whatsoever against the will of the said Carmillite and has ever since kept and detained her in prison and still keeps and detains her in prison without any reasonable or probable cause whatsoever, against her will, and contrary to the laws of this state, and other wrongs the said Pierre then and there did to the said Carmillite against the peace of the state, Wherefore the said Carmillite says that she is greatly injured by the said Pierre, and hath sustained damages to the amount of five hundred dollars, and therefore she brings her suit by

Farris, Gamble & Mc Girk
Atty for plff

No 27

In the Circuit Court
July Term 1825

Carmillite
vs
Pierre Barthelemy Sr

vs the Clerk

This is an action of tre
pass, appt & Battery &
false imprisonment

Upon a summons
for Pierre Barthelemy Sr
Farris, Gamble & L. Kirk
Atty P. D.

2nd June
filed & stay set at 1825
J. Gamble Clerk

clerk Gamble \$10.86 1/2
he took 2.11

Adverse \$100

Executed this writ on Pierre Barthelemy Sr June 14th 1825 in the City
of St Louis, by giving the writ & return to him to read this return
and the return thereof
By J. Gamble & L. Kirk

The State of Missouri
County of St Louis
To the Sheriff of said County

Greeting
We command you to summon Pierre Barthelemy 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 St Louis within and
for the County of St Louis on the fourth Monday in July next
then and there to answer unto Carmillite alias Millet a free woman
of color who is permitted by the Court to sue said Pierre
Barthelemy 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 twenty first
day of May 1825

Archibald Gamble Clerk

Carmelite, Mary, Joseph, Marguerite
Helen, Antoine, Baptiste & others

Pierre Chouteau Senior

Isaac C. McGirk presents hers to

the Court the petition of Mary, Carmelite, Joseph, Julie Helen Marguerite Cathiche, Antoine, Baptiste, Michel and Francois, praying that they may be permitted to institute suit against Pierre Chouteau senior for establishing their right to their freedom and that they may be permitted to sue as poor persons Thereupon the Court permit the Mary, Carmelite, Helen, Marguerite, Antoine Baptiste Michael and Francois to sue as aforesaid and direct that an action of Assault and Battery and false imprisonment be commenced in the name of the said Mary, Carmelite, Helen, Marguerite, Antoine, Baptiste, Michael and Francois by their next friend against the said Pierre Chouteau Senior and ^{assign} Isaac C. McGirk, Hamilton E. Gamble and Robert P. Harris as their counsel - And it is ordered by the Court that the said defendant permit the said plaintiffs to have a reasonable liberty of attending their counsel and the Court when occasion may require it And that the said plaintiffs shall not be taken or removed out of the Jurisdiction of this Court and that the said plaintiffs shall not be subject to any severity of treatment on account of their said application for freedom -

A Copy of the Rule

H. Gamble clk

Carmelite Mary Joseph Forth

Wm

Pierre Chouteau Senr

Copy of Order

Served the within Notice or Order on Pierre Chouteau Senr June 14th 1825 in the City of St Louis by giving him a copy thereof

John R. Walker Sheriff

By L. Simonds & A. Hoff

Price \$0.50

Barre Choiseau sent
Eds.

Carmelite a woman of
color by her right friend
p. Baribeau

Chc Louis for term 1825

and said Barre Choiseau by his

attorney comes and defends the force and
injuring when he and says as to the assaulting
beating bruising ill-treating and imprisoning
the said Carmelite as in said declaration
mentioned that said Carmelite ought not to have
or maintain her aforesaid action thereof against him
because he says that before and at the time when he
in said declaration mentioned to work at Thomas of
the said Carmelite was a slave in the lawful pos-
session and service of said Pierre wherefore the said
Pierre then and there detained and still doth detain
said ~~Carmelite~~ ^{Carmelite} in his service and possession which
detention and possession are the assaulting beating
ill-treating bruising and imprisoning the said
Carmelite in said declaration mentioned and
thus the said Pierre is wad to satisfy wherefore he prays
judgment of the said Carmelite ought to have or
maintain her aforesaid action against him -

Chc Louis
for term 1825

Montana
at
Carmichael

Filed August 4th 1885
Osgood & Co

Carmillite, by P. Baribeau
her next friend,
D. Chouteau^{vs.}

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 stated
and set forth, are not sufficient in
law to bar the said plaintiff from
~~having~~ and maintaining her afore-
said action thereof against the
said defendant, and that the said
plaintiff is not bound by the law
of the land to answer the same;
wherefore for want of a sufficient
plea in this behalf the said plain-
tiff prays judgment &c.

McGirk & Harris
for Plff.

Complite

¹⁰¹
Johnston

Democrat

July 29th 1877

Johnston

Chas.

Carmelite, a free woman of color

vs
Pierre Lehoultier &c

do. In the Circuit
Court of St Louis County,
In vacation before
the November Term 1825

And the said Carmelite, by her 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 she
the said Carmelite, by reason of any thing, by
the said Pierre in that plea alleged, ought not
to be barred from having and maintaining her
aforesaid action thereof against him the said
Pierre, because she saith, that she the said Car-
melite was not, at the time of the committing of
the said several trespasses in her said declara-
tion thereof set forth, by him the said Pierre,
nor is she now a slave, as the said Pierre
in his said Plea hath above alleged, but
that she the said Carmelite, was at the time
of the committing of the said ^{several} trespasses, by the
said Pierre, in her said declaration above set
forth, and is now a free person, by and accord-
ing to the usages, customs and laws of the land,
and ought not to be held and detained as a
slave in the possession and service of the said
Pierre, nor of any other person by or under whom
the said Pierre may claim, and this she the said
Carmelite prays may be enquired of by the coun-
try &c.

Gamble, McKerke &
Harris, Atty for plff

Carmelite

By
Gene Chautau
Sr

Reblications to 2nd
plate

Filed Oct. 3 1875
Carmelite
C. H. C.

Prime & Montague & Co.
~~Lawson & Co.~~

adms

Comme l'le

and the said defendant by their attorney
has come and argued the wrong and injury when
etc. and say that ~~they are~~ ^{he is} not guilty of the said
substantial supposed trespass or being present there
of in manner and form as the said Commette
has set above thereof complained against them and
of this they put themselves upon the Country etc
And the said Commette doth the like
Commette, de Esquire
& Charmer, attys for self
Corymy
forack

Piero Chontano
~~Channon & others~~

adm 3 plea
Carmelite

Filed August 31st 1893
J. Gamble clk

Carmelite
vs
A. Thoutenau }

The defendant by his counsel moves
the court to set aside the verdict in
this case for the following reasons

1. The verdict is against-law and evidence
2. The verdict is against the instruction
of the court as prayed for by defendant
3. The court misdirected the jury in
giving them the instructions prayed for
by plaintiff -
4. The verdict is without evidence

Cogens - Lawless & Co.
for defts

Carmelite
" "
From Charleston

Reason for a
New trial -

Filed & signed at
1826
J. J. Carmelite
— " —

Petition

State of Missouri ss
County of St Louis ss
Be it remembered that heretofore to wit, at the
March Term of the Circuit Court within and for said County to wit on
the nineteenth day of May in the year eighteen hundred and twenty five
the following proceedings were had therein viz = "Carmelite, Mary, Joseph
Marquise, Helen, Antoine, Baptiste Others = vs = Pierre Chouteau Senr Isaac
McGirk presents here to the court the petition of Mary, Carmelite, Joseph
Julie, Helen, Marquise, Catharine, Antoine, Baptiste, Michael and Fran-
cois praying that they may be permitted to institute suit against Pierre
Chouteau Senr for establishing their right to their freedom and that they
may be permitted to sue as poor persons = Thereupon the court permit the

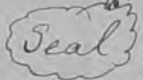
Order

Mary Carmelite, Helen, Marquise, Antoine Baptiste, Michael and
Francois to sue as aforesaid and direct that an action of assault and
battery and false imprisonment be commenced in the name of the said
Mary, Carmelite Helen Marquise, Antoine, Baptiste Michael and
Francois by their next friend against the said Pierre Chouteau Senr
and assign Isaac McGirk, Hamilton R Gamble and Robert P Farris
as their counsel - And it is ordered by the court that the said defendant per-
mit the said plaintiffs to have reasonable liberty of attending their counsel
and the court when occasion may require it and that the said plaintiffs
shall not be taken or removed out of the jurisdiction of this court and
that the said plaintiffs shall not be subject to any severity of treatment
on account of their said application for freedom" And afterwards to wit

Declaration

on the second day of June in the year eighteen hundred and twenty five
in the office of the clerk of said court, was filed the following decla-
ration to wit = "State of Missouri - County of St Louis = ss = In the Circuit
Court Sully Term 1835 = Carmillite, alias Millit, a free woman of color
who is permitted by the court to sue, by Pierre Barribean her next
friend as a poor person, by her attorneys Farris 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, one thous-
and eight hundred and twenty five, with force and arms at the county
of St Louis, unlawfully an assault did make, upon the body of the
said Carmillite, and then and there beat, bruised, and ill-treated
her the said Carmillite, and then and there imprisoned her the said

Summons

Carmelite and kept and detained her in prison without any reasonable or probable cause whatsoever against the will of the said Carmelite and has ever since kept and detained her in prison and still keeps and detains her in prison without any reasonable or probable cause whatsoever, against her will, and contrary to the laws of this State, and other wrongs the said Pierre then and there did to the said Carmelite against the peace of the State. Wherefore the said Carmelite says that she is greatly injured by the said Pierre and hath sustained damage to the amount of five hundred dollars and therefore she brings her suit vs Farris Gamble & M. Gerk Atty for plff. Whereupon the following summons issued from the Office of the said Clerk = "County of St Louis ss - The State of Missouri = To the Sheriff of said County - Greeting - We command you to summon Pierre Chouteau Senr: 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 to then and there to answer to Carmelite alias Mutter a free woman of color, who is permitted by the court to sue by Pierre Baribeau her next friends 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 twenty first day of May 1825 = Archibald Gamble Clerk = " And endorsed on said writ of summons was

Return

the following Sheriffs Return = to wit = "Executed this writ on Pierre Chouteau Senr June 14th 1825, in the city of St Louis by giving the writ and declaration to him to read & his acknowledging the service thereof = John N Walker Sheriff by John Simonds Jr D Shff = " And afterwards to wit on the fourth day of August in the year aforesaid the following plea was filed to wit =

Plea

"Pierre Chouteau Senr - ads = Carmelite a woman of color by her next friends P Baribeau = C. C St Louis July Term 1825 - And the said Pierre Chouteau by his attorney comes and defends the force and injury when &c and says as to the assaulting, beating bruising, ill-beating and imprisoning the said Carmelite as in said declaration mentioned that said Carmelite ought not to have or maintain here 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 af^o the said Carmelite was a slave in the lawful possession and service of said Pierre Chouteau wherefore the said Pierre then and there detained and still doth detain said Carmelite in his service and possession which detention and possession are the assaulting, beating - ill treating, bruising and imprisoning the said Carmelite in said declaration mentioned and this the said Pierre is ready to verify wherefore he prays judgment if the said Carmelite ought to have or maintain her aforesaid action against him - Lawless & Cozens = Atty fr Deft = " And afterwards to wit on the twenty second day of said month in the year aforesaid ~~th~~ a demurrer to the plea above pleaded was filed which is in the words following to wit = "Carmelite by P Barbéau her next friend = vs = P Chouteau = 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 sufficient in Law to bar the said Plaintiff from having and maintaining her 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; wherefore for want of a sufficient plea in this behalf the said plaintiff prays judgment &c - M^c Girk & Farris for plff = " And on the same day and year last aforesaid, the following proceedings were had in said cause - to wit = "Carmelite vs Pierre Chouteau Ven^{rs}. Now at this day come the parties aforesaid by their respective attorneys aforesaid whereupon all and singular the premises are by them submitted to the Court which being seen and heard and by the Court here fully understood, and mature deliberation being thereupon had, for that it appears to the Court 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 sufficient in Law to bar the said plaintiff from having and maintaining her 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 ~~after~~ on the same day and year aforesaid the following further proceedings were had to wit =

Demurrer

"Carmelite vs - Pierre Chouteau Sen^r - On motion of the attorney for the said defendant leave is given him to plead the general issue" And afterwards to wit on the thirty first day of August in the said year the following plea was filed to wit - "Pierre Chouteau Sen^r - adm^r - Carmelite and the said defendants by their attorney come and defend the wrong and injury when &c and say that he is not guilty of the said several supposed trespasses or any part thereof in manner and form as the said Carmelite hath above thereof complained against them and of this they put themselves upon the country &c - Cosens for deft -"

Similiter

"And the said Carmelite doth the like - Gamble, M'Girk & Farris, attys for plff -" And afterwards on the thirty first ^{day} of October in the year last aforesaid the following was filed to wit - "Carmelite a free woman of color - vs - Pierre Chouteau Sen^r ss - In the Circuit Court of St Louis County - In vacation before the November Term 1825 - And the said Carmelite by her 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 she the said Carmelite, by reason of any thing by the said Pierre in that plea alleged ought not to be barred from having and maintaining her aforesaid action thereof against him the said Pierre, because she saith that she the said Carmelite was not at the time of the committing of the said several trespasses in her said declaration thereof set forth against, by him the said Pierre, nor is she now a slave, as the said Pierre in his said plea hath above alleged, but that she the said Carmelite was at the time of the committing of the said several trespasses by the said Pierre, in her said declaration above set forth, and is now a free person, by and according to the usages customs and laws of the land, and ought not to be held and detained as a slave in the possession and service of said Pierre nor of any other person by or under whom the said Pierre may claim, and this she the said Carmelite prays may be enquired of by the Country &c - Gamble, M'Girk & Farris, Attys for plff -" And afterwards at the March Term of the said Court in the year eighteen hundred and ~~twenty~~ ^{forty} six - to wit on the twenty sixth day of April in

Verdict =

said year the following further proceedings were had in said cause to wit "Carmelite by her next friend Pierre Barubeau vs Pierre Chouteau Senr. Now at this day come the parties aforesaid by their respective attorneys aforesaid whereupon also came a jury to wit - Jacob Howdeshell, Jesse G Lindell, Nathaniel B Atwood - Britton Mount, William R Grimsley, John M Farland, Benjamin Wilder, James S Lane, William Christman, George W Harris, John Alexander, James C Hawkins, twelve good and lawful men who being duly elected tried and sworn well and truly to try the issues within joined between the parties aforesaid upon their oaths aforesaid do say as to the first issue within joined between the parties aforesaid that the said defendant is guilty of the said trespass in manner and form as the said Carmelite hath above thereof complained against him. And as to the second issue within joined between the parties aforesaid the jury aforesaid upon their oaths aforesaid do say - that the said Carmelite was not at the time of the committing of the said several trespasses in her said declaration thereof set forth by him the said Pierre nor is she now a slave as the said Pierre in his said plea hath above alleged but that she the said Carmelite was at the time of the committing of the said several trespasses by the said Pierre in her said declaration above set forth and is now a free person by and according to the usages customs and laws of the lands and ought not to be held and detained as a slave in the possession and service of the said Pierre nor of any other person by and under whom the said Pierre may claim and they assess the damage of the said plaintiff by her sustained by reason of the trespass in the declaration mentioned to the sum of six and one fourth cents = " And on the same day in the same year and in the court aforesaid the following further

Mov: to set aside

Verdict

Reasons

proceedings were had to wit = "Carmelite vs Pierre Chouteau Senr. The said defendant by his attorney moves the court to set aside the verdict in this case and files his reasons therefor" = which said reasons are in the words following to wit = "Carmelite vs P Chouteau The defendant by his counsel moves the court to set aside the verdict in this cause for the following reasons = 1 The verdict is against Law & evidence. 2. The Verdict is against the instanc

tion of the Court as prayed for by defendant. 3- The Court misdirected the jury in giving them the instructions prayed for by plaintiff - 4- The verdict is without evidence - *Cogens, Lawless & Geyer for deft* - and after mards to wit on the ninth of September 1825 - the following appears upon the Record "*Carmelite vs Pierre Chouteau* - The motion for a new trial in this case continued" - And also on the twelfth day of January in the year 1827 the following further proceedings were had in said cause to wit "*Carmelite vs Pierre Chouteau* - The attorney for the Plaintiff moves the court to enter up judgment in this case which motion is continued" And on the eighth of May of the year last aforesaid the said last mentioned motion was again made and again continued - And the said cause was continued from term to term and year to year until the ^{July} ~~March~~ term of the said Circuit Court in the year eighteen hundred and thirty six when on the twenty seventh day of August of said year the following further proceedings were had in said cause 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 changed to the county of Jefferson in the Judicial Circuit 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 and transmit to the Clerk of the Circuit Court of said County of Jefferson, a complete transcript of the Record and proceedings in the said causes, together with all the original papers appertaining to & filed in the same

State of Missouri
County of St Louis }
I John Ruland clerk of the Circuit Court in and for said county certify the foregoing to be a true and complete transcript of the Record & proceedings in the case of Carmelite vs Chouteau as the same now remains of Record in my office

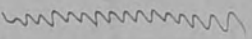
In testimony whereof I have hereunto set my hand and affixed the seal of said court at Office in the city of St Louis this 29 day of June 1837

J. Ruland Clerk

Barometre

N^o 3

St. Louis



Price of Railroad stock	\$4.44
" " " "	11.86 1/2
" " " "	2.25
Total	\$18.55 1/4

Barometre



St. Louis

