

Jefferson County Circuit Court
Case Files - Civil
March 1836

Box 2 Folder 49

Bean, Jonathan L.

vs,

Chouteau, Therese C., exec.

Chouteau, Auguste

Specific performance of contract

Change of venue from St. Louis,
1,281 arpents in Cote Brillante

State of Missouri }
County of Saint Louis } We it Remembered that heretofore to wit, on the twenty third day
of June in the year of our Lord one thousand eight hundred and thirty five Jonathan
L Bean by his Solicitor filed in the office of the Clerk of the Circuit Court for the County
of Saint Louis his bill in Chancery against Therese C Chouteau executrix of Auguste
Chouteau deceased which said bill is in the words and figures following to wit;

To the Circuit Court of the County of St Louis, State of Missouri. - The petition of Jona-
than L Bean respectfully sheweth, That Auguste Chouteau now deceased in his life time
on the 24th day of May in the year 1826 at the City of St Louis in the County of St Louis
& State of Missouri executed his contract in writing under his hand & seal wherein after
reciting that George F Strother & Luke E Lawless attorneys & counsellors at law of the City of
St Louis, State of Missouri, had undertaken & agreed with him to institute such proceedings
as might be necessary to obtain a decree of confirmation from the proper tribunal of divers
tracts of land claimed by the said Chouteau & which were not then confirmed, among
which was a tract of land of 1281 arpens at Cote Brillante near the City of St Louis &
County aforesaid granted to said Chouteau by Lieutenant Governor Charles D Delassus
the 5th day of January in the year 1800; he the said Auguste Chouteau in consideration
of the services to be rendered as aforesaid did thereby promise & agree to convey to said
George F Strother & Luke E Lawless & their heirs as tenants in common the quantity of
ten arpens in each hundred arpens of said tract provided the same shall be confirmed
under & by virtue of any proper authority & provided further that said tract of land shall
be confirmed to the extent of one hundred arpens. - Your petitioner further sheweth
that the said Strother & Lawless instituted proceedings for the confirmation of said
land in the United States Court for the Missouri District & rendered such services
therein & in the further progress of the proceedings that at a term of the Supreme Court
of the United States held at the City of Washington on the day of January in
the year 1835, the said tract of land was confirmed to the legal representatives of the
said Auguste Chouteau, to the extent of the whole quantity of 1281 arpens. - Your
petitioner further sheweth that the said Strother & Lawless on the 2^d day of May in the year
1835, at the County of St Louis under their hands & seals bargained sold transferred &
assigned to your petitioner & his heirs the said quantity of ten arpens in each hundred
arpens of said tract of land covenanted to be conveyed to them as aforesaid & did direct
& agree that the legal representatives of the said Auguste Chouteau convey the same
to your petitioner & his heirs. - And your petitioner further ^{sheweth} ~~represents~~ that the said
Auguste Chouteau departed this life on the 24th day of February in the year 1829 having
previously made his last will & testament, that the said contract of conveyance executed
by the said Auguste Chouteau as aforesaid was not executed nor performed in his
life time & that no power was given by his will to carry the same into execution &
further that the same still remains to be executed & that the land which is the subject
of the contract is situate in the County of St Louis, that Therese Cere Chouteau is the

Executrix of the last will & testament of the said Auguste Chouteau & resident in the County of St Louis aforesaid, wherefore your petitioner prays a summons to issue requiring the said Executrix to answer this petition - Jonathan L Bean by his atto Beverly Allen. -

Summons

and the summons issued in said by the Clerk of the said Circuit Court is as follows to wit: - County of Saint Louis ss, The State of Missouri To the Sheriff of the County of Saint Louis - Greeting, We command you to summon Therese Cerre Chouteau Executrix of the last will and testament of Auguste Chouteau deceased that she be and appear before the Judge of our Circuit Court (sitting as a Court of Chancery) at the next term thereof to be held at the City of St Louis within and for the County of Saint Louis on the second monday of July next then and there to answer to a petition in chancery filed against her by Jonathan L Bean and have you then there this writ. ^(seal) Witness Archibald Gamble Clerk of our said Circuit Court at office this twenty third day of June One thousand eight Hundred and thirty five. Archibald Gamble Clerk. -

Sheriff's Return

and the return of the sheriff as endorsed on said summons is as follows to wit: Executed this writ by reading it to Therese Cerre Chouteau and delivering to her a copy of the bill furnished me by the clerk in the county of St Louis on the 23^d day of June 1835. James Brotherton Shff by M Brotherton D. Shff. - and at the said July term of the said Circuit Court on the twenty fourth day of July in the year Eighteen hundred and thirty five the said defendant by her attorney filed her answer in said cause which is as follows to wit: St Louis Circuit Court, Jonathan L Bean vs, Therese Cerre Chouteau Exors of Auguste Chouteau - And the said defendant comes and says that as to the matters in said petition contained she knoweth nothing & doth not admit the same; but submits the said matters to the court & prays that the petitioner may prove the same &c. J. Spalding for defendant. - and afterwards to wit; at the said July term of the said Circuit Court on the Fifteenth day of August in the year Eighteen hundred and thirty five the following order for a Change of venue was made in said cause to wit; Jonathan L Bean vs, Therese Cerre Chouteau Executrix of Auguste Chouteau - The Judge of this court being interested in this cause it is ordered by the court that this case be certified to the county of Jefferson in 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 appertaining to or filed in the cause to the Clerk of the Circuit Court for the County of Jefferson at the next term thereof. -

Answer of
T.C. Chouteau

Order for
Change of Venue

State of Missouri

County of Saint Louis } I, Archibald Gamble Clerk of the Circuit Court for the County of Saint Louis do certify that the above and foregoing is a full Transcript of the Record & proceedings in the case of Jonathan L Bean against Therese Cerre Chouteau Executrix of August Chouteau deceased as the same now remains of Record in my office and that there are no papers appertaining to or filed in the cause other than is above set out in said Transcript

In Testimony whereof I have hereunto set my Hand & affixed the Seal of the said Circuit Court at Office in St Louis aforesaid this Twentieth day of August One thousand Eight Hundred & thirty Five

Archibald Gamble Clerk

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Jonathan S. Wearn

vs

J. C. Chouteau Exrs^s of Aug^{to} Chouteau

Manuscript	\$ 1 ⁰⁰ 27
Certificate & Seal	0 ⁰⁰ 50
Tag	0 ⁰⁰ 62 1/2
	\$ 2 ⁰⁰ 39 1/2

Filed 7th March 1886
Attest in presence of Mr & T

Decease 4th March 1886 to be taxed

Jonathan L Bean

vs

Therese Cerre Chouteau Ex^{ix}

of Auguste Chouteau dec'd

Transferred from St Louis to Jefferson
County Missouri & now depending
in the Circuit Court of Jefferson
County.

The above named defendant admits ^{that} the facts set forth
in the petition filed in the above cause are true and consents
that this admission may be read on the trial thereof as evidence.
Cerre Chouteau
St Louis 30th October 1835.

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