

Jefferson County Circuit Court
Case File - Civil
April 1838, *

Box

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Folder 57

Carrico, James Q;
Carrico, Daniel;
Carrico, Benjamin;
Carrico, Walter; etal

v.

De St. Vrain, Felicite Du Breuil;
St. Vrain, Cerren;
St. Vrain, Savien;
St. Vrain, Domitil; etal

Decree title

Involved 6,000 arpents of land and 4 separate
bonds or contracts; other plaintiffs Silas, James,
Vincent, Martha, Sasanna, Ann, Lydia Carrico, Burt +
Melinda Fugate, Reuben + Lydia Musick, John + Mary
Brown, Benjamin + Lydia Quick, Nancy + Patsy Crane;
other defendants Marcellin, Charles, Elizabeth, Julia,
Henrietta, Mary, + Emma St. Vrain, Lauriere + Emma
Freemon

(copy)

To the Wenerable the Circuit Court of the County of
Jefferson in Chancery Sitting. Humbly complaining
sheweth unto your honor, your petitioners, James L
Carrico, Daniel Carrico, Benjamin Carrico, Walter Car-
rico and Silas Carrico, children and heirs at Law of
Vincent Carrico, deceased. Burr Fugate and Malin-
da his wife also a child and heir at Law of said
Vincent Carrico deceased. Reuben Musick and Lydia
his wife, also a child and heir at law of the said Vincent
Carrico, deceased. James Carrico, Vincent Carrico, Martha
Carrico, Susanna Carrico, and Ann Carrico, infant
children and heirs at law of Asa Carrico deceased, who
was a child and heir at law of the said Vincent Carrico
deceased, by their next friend Reuben Musick; Lydia
Carrico, infant child and heir at law of Felix Carrico, who
was a child and heir at law of the said Vincent Carrico
deceased, by her guardian and next friend Reuben
Musick; Vincent Martin, George Martin and Susanna
Martin, infant children and heirs at law of Elizabeth
Martin, deceased, wife of Moses Martin, the said
Elizabeth having been a child and heir at Law of the
said Vincent Carrico deceased, by their next friend Mo-
ses Martin, John Brown and Mary his wife a child
and heir at law of the said Elizabeth Martin deceased
Benjamin Quick and Lydia his wife a child and heir
at law of said Elizabeth Martin deceased. Nancy
Crane and Patsy Crane infant children and heirs
at law of Rhoda Crane, deceased, wife of Silas Crane,
said Rhoda ^{Crane} having been a child and heir at law of
the said Elizabeth Martin deceased, by their next
friend Silas Crane, that the said Vincent Carrico
in his lifetime to wit, on the 23 day of April 1814

entered into a contract with a certain Jacques St Vrain for the purchase of two thousand arpens of Land, for which he paid on that day the whole amount of the purchase money, and the said St Vrain being then unprepared to make the necessary conveyances for the said Land, executed to the said Carrico, on the same day, a certain writing obligatory, whereby he acknowledged himself to be held and firmly bound unto the said Vincent, in the just and full sum of one thousand four hundred and twenty five dollars, good and lawful money of the United States of America to be paid to the said Carrico, or his certain attorney, his heirs executors administrators and assigns: for the true payment thereof he the said St Vrain bound himself, his heirs executors and administrators, with condition to be void if the said St Vrain do well and truly make or cause to be made unto the aforesaid Carrico his heirs executors administrators or assigns, a complete title, clear of all incumbrances, to two thousand arpens of Land, situate in the County of St Charles, in the then territory, now State of Missouri, to be laid out of the following tracts where the said Carrico thinks proper, to wit, one tract of eight hundred Arpens granted by the Spanish Government to Antoine Desjarlais, one tract of six hundred arpens granted to James Holf - one tract of six hundred arpens granted to Louis Griman - one tract of eight hundred arpens granted to Benjamin Quick, one tract of eight hundred arpens to Daniel Quick, also one grant of six thousand arpens to Antoine Flandrin, all granted by the aforesaid government, all of which will more fully appear by reference to the aforesaid writing obligatory with the condition thereto, which is hereto annexed and

prayed to be taken and considered a part of this bill,
That the said Vincent Carrico on the — day of
September, 1815, entered into another contract with the
said Jacques St Vrain for the purchase of the further
quantity of two thousand two hundred and seventy five
arpens of land, and for which he, the said Vincent Carrico
on the same day, paid to the said St Vrain the whole of
the purchase money, on the receipt of which, he the said
St Vrain executed to the said Vincent another writing
obligatory, whereby he acknowledged himself held and firmly
bound to the said Vincent in the just and full sum of one
thousand, one hundred and thirty seven dollars and fifty
cents, good and lawfull money of the United States of
America, to be paid unto the said Carrico, or his certain
attorney, his heirs, executors, administrators or assigns; for the
true payment thereof, the said St Vrain bound himself
his heirs, executors and administrators, with a condition
thereto annexed, that if the said Jacques St Vrain do well
and truly make or cause to be made unto the aforesaid
Vincent Carrico, or to his heirs, executors, administrators, and
assigns, a complete title clear of all incumbrances, to two
thousand two hundred and seventy five arpens of land
to be laid out of any of the land that is named in the
condition to the said writing obligatory first above mentioned
then the said writing obligatory to be void, all of which will
more fully appear by references to the said last mentioned
writing obligatory, and the conditions, which is hereto annexed
and prayed to be taken and considered as a part of this bill.

The said Vincent Carrico on the twentieth day of
October in the year last aforesaid, entered into another
contract with the said Jacques St Vrain for the purchase of
the further quantity of nine hundred and twenty five

arpens of Land, and for which on the day last aforesaid he paid to the said St Vrain the whole amount of the purchase money, and on the same day executed to the said Vincent one other writing obligatory, whereby he acknowledged himself to be held and firmly bound unto the said Vincent Carrico, or his certain attorney, his heirs executors administrators, or assigns, in the full and just sum of eight hundred and fourteen dollars, good and lawful money of the United States of America, to be paid to the said Vincent, or his certain attorney, his heirs executors administrators or assigns, and for the true payment thereof he bound himself, his heirs executors and administrators with condition to be void if the said Jacques St Vrain do well and truly make or cause to be made a good and sufficient deed, with a general warantee clear of all incumbrance, to nine hundred and twenty five arpens of land, to be laid out of the land that is mentioned in the condition of the aforesaid writing obligatory first above mentioned, all of which will more fully appear by reference to the said last above mentioned writing obligatory with the said condition thereto, and which is hereto annexed, and prayed to be taken and considered as part of this bill.

Your petitioners further charge that on the 20th day of October last aforesaid, the said Jacques St Vrain, sold to a certain Josiah Miles four hundred arpens of Land, and for which the said Miles on that day paid to him the whole amount of the purchase money, and in consideration thereof, he, on the same day, executed to the said Miles, a writing obligatory, whereby he acknowledged himself to be held and firmly bound unto the said Josiah in the full and just sum of three hundred and fifty two dollars, good and lawful

money of the United States of America to be paid to the said
Meles or his certain attorney, his executors, administrators or
assigns, with a condition thereto, if the said Jacques St Vrain
do well and truly make or cause to be made a good and
sufficient deed, with a general warrantee clear of all in-
-cumbrance to four hundred arpens of land, to be laid out
of the land that is mentioned in a bond that Vincent Carrio
hath against the said St Vrain for two thousand arpens bear-
-ing date the 23^d day of April 1814, the said deed to be made
when called for, then the said writing obligatory to be void;
that after the execution of the said writing obligatory last above
mentioned, to the said Josiah Miles, he the said Josiah for
a valuable consideration, on the 15th day of December, in the
year last aforesaid, by his certain writing, endorsed on the
back of said writing obligatory last above mentioned, assigned
the same to the said Vincent Carrio, who thereby acquired
right and title to a conveyance, and to demand and
require of the said St Vrain to make such conveyance to
the said Vincent for the aforesaid four hundred arpens of
land, according to the tenor and effect of the aforesaid
condition to the said obligation last mentioned, and which
said obligation, condition, and assignment last aforesaid
are hereto annexed, and prayed to be taken as a part
of this bill; that the said Vincent by means of the said
assignment, became entitled to the benefit, interest and
advantages and the rights, which appertained or belonged
to the said Miles under the contract with, and obligation
aforesaid, made and executed by the said St Vrain
who on due notice of the said assignment, promised and engaged
to make a deed to the said Vincent, according to the purport,
meaning and effect, of the aforesaid writing obligatory and
condition when he made conveyances to him of the aforesaid
land purchased of him the said St Vrain by him the

said Vincent. But now so it is, may it please the Court that the said Jacques St Vrain from time to time, put off and neglected to make the aforesaid titles for the said lands to the said Vincent, upon the ground as your petitioners are informed and believe, that the said several grants for the tracts of land in the condition of the said first obligation mentioned had not been confirmed by the Government of the United States, and that he wished to postpone the conveyances for the said lands, until he could ascertain whether the aforesaid grants would be confirmed; — that before he could obtain a confirmation thereof, he the said Jacques St Vrain departed this life, after having duly made and published his last will and testament, which was legally proven and admitted to probate, and that the said St Vrain in his said will made no disposition of the aforesaid lands, but the same descended to his children and heirs at law; — that soon after the death of the said St Vrain, the said Vincent Garrico also departed this life, having first duly made and published his last will and testament which was legally proven and admitted to probate, and that the said Vincent Garrico in his said will made no disposition of the aforesaid lands and that the said Jacques St Vrain left a widow, Felicite Du Breuil de St Vrain, and also seven children viz — Charles De St Vrain, Felix St Vrain, Gerren St Vrain, Savien St Vrain, Donat St Vrain, Emma St Vrain, and Marcellin St Vrain who were his heirs at law, that since the death of the said Jacques St Vrain, the said Charles De St Vrain has departed this life, leaving the following children his heirs at law viz. Charles St Vrain, Amelie St Vrain, who has intermarried with Edmond W Paul, Elizabeth St Vrain, Julia St Vrain and Henrietta St Vrain, some of not all of whom are now infants under the age of twenty one years, — that the said

Felix St Vrain, since the decease of the said Jacques St Vrain, has also departed this life, leaving the following children his heirs at law, viz: Mary St Vrain, Julia St Vrain and Emma St Vrain, all of whom your petitioners believe are infants under the age of twenty one years; — that the said Emma St Vrain child of the said Jacques, has since his decease intermarried with Lawrence Fremont; that your petitioners believe that the said heirs at law of the the said Jacques St Vrain are willing to convey to your petitioners as heirs at law and legal representatives of the said Vincent Carrio, the aforesaid, several tracts or parcels of land, according to the true effect and meaning of the said several conditions, to the said several obligations above mentioned, but, many of them being infants under age, are thereby incapable of making such conveyance unless decreed to do so by a court of equity; — that the reason for putting off the execution of such conveyance, which your petitioners believe prevented its execution, in the lifetime of the said Jacques St Vrain, no longer exists, as the said grant of the said tract of six thousand arpens to Antoine Flandrin has been confirmed by the Government of the United States to the said Jacques St Vrain or his legal representatives, as the assignee of said Antoine Flandrin, whereby a complete title to said tract is vested in the said Jacques or his legal representatives.

In tender consideration whereof, and for as much as your petitioners are remediless in the premises at law and only relieveable in a court of equity, where matters of this sort are properly cognisable, — to this end, therefore your petitioners pray that the said Felicite Du Breuil De St Vrain, and the said Gerren St Vrain, Harien St Vrain, Donite St Vrain, Marcellin St Vrain, Lawrence Fremont and Emma his wife, Charles St Vrain, Edmond W.

Paul and Amelie Paul his wife. Elizabeth St Vrain
Julia St Vrain, Henrietta St Vrain. Mary St Vrain
Julia St Vrain and Emma St Vrain be made defend-
-ants to this bill, that they be required to make on oath
full true and perfect answers to all and singular
matters and things herein contained, as if they were
herein repeated and they thereto particularly and
seperately interrogated, and that your honor would
decree the saide defendants to convey to your petition-
-ers out of the aforesaid confirmed tract of six thousand
arpens, titles to the aforesaid land, according to the
true intent and meaning and effect of the saide
several conditions to the aforesaid writings obligat-
-ory, and that your honor would grant to your petition-
-ers such other and further decrees in the premises as the
nature of their case may require, and to your honor
may seem just and consonant to the principles of
equity, and that your honor would grant &c

Primm & Drake
Solicitors for Complainants.

State of Missouri }
County of Jefferson } The State of Missouri to the Sheriff of St
Louis County Greeting. You are hereby commanded to
summon Felicite Du Breuil de St Vrain, Gerren St Vrain, Larice
St Vrain, Domitil St Vrain, Marcellin St Vrain Lauriere ~~St Vrain~~
and Emma his wife, Charles St Vrain, Edmond St Paul, and
Amelie his wife, Elizabeth St Vrain, Julia St Vrain, Henrietta
St Vrain, Mary St Vrain, Julia St Vrain, and Emma St Vrain
heirs at Law of Jacques St Vrain deceased, if they be found in your
bailliwick, that they be and appear before the Judge of our
Circuit Court at the next term thereof to be held in the
town of Merculaneum within and for the County of Jefferson
aforesaid on the second Monday in April next being the ninth
day of saide month, then and there to answer the complaint
of James L Carrico, Daniel Carrico, Benjamin Carrico, Walter
Carrico, Silas Carrico, Burr Fugate, and Malinda Fugate
his wife, Rueben Mousick and Lydia Mousick his wife, James
Carrico, Vincent Carrico, Martha Carrico, Susanna Carrico,
Ann Carrico, Lydia Carrico, Vincent Martin George Martin
Susanna Martin, John Brown and Mary Brown his wife
Benjamin Quick and Lydia Quik his wife, Nancy Crane
and Patsy Crane, heirs at Law of the said Vincent Carrico
deceased, by their Original bill in Chancery hereto attached
and have you then there this writ.

Witness John H. Mathew Clerk
of our said Circuit Court at Office
in the Town of Merculaneum this
nineteenth day of March in the
year of Our Lord eighteen hundred
and thirty eight

John H. Mathew

Clerk

Executed this ^{19th} by reading it to ~~Edmond~~

Jefferson Circuit Court

April term 1838

James L. Garrio, Daniel Garrio, Benjamin Garrio,
Walter Garrio, Silas Garrio, Burr Fugate,
Maudin de Fugate, Reuben Musick,
Lydia Musick, James Garrio, Vincent
Garrio, Martha Garrio, Susanna
Garrio, Ann Garrio, Lydia Garrio,
Vincent Martin, George Martin, John
Brown, Mary Brown, Benjamin Quick,
Lydia Quick, Nancy Crane, Patsy Crane,
heirs at Law of Vincent Garrio deceased

VS

Felicite Du Breuil de St Vrain,
Gerren St Vrain, Harien St Vrain,
Domitil St Vrain, Marcellin St Vrain,
Lauriere Fremon, Emma Fremon,
Charles St Vrain, Edmond W Paul,
Amelie Paul, Elizabeth St Vrain,
Julia St Vrain, Henrietta St Vrain,
Mary St Vrain, Julia St Vrain,
Emma St Vrain, heirs at law
of Jacques St Vrain deceased

Spue a summons to the Sheriff
of St Louis County

Primo & bare for Comptt

Filed March 19th 1838

Matthews Clerk

333

Primo & bare for Comptt
St Vrain, Harien
Bill in Chancery

Amelie Paul and Edmund
W Paul and delivering to him ^{Edmund} a copy of the
bill hereto attached on the 22nd day of March
1838 in the county of St Louis, and on the
same day and in the county aforesaid executed
this writ on Elizabeth St Vrain, Julia St Vrain
Henriette St Vrain, and Charles St Vrain,
by leaving a true copy thereof at their place
of residence with a free white member of the
family above the age of fifteen years, and
on the 23 day of March 1838 in the county
aforesaid read this writ to Felicite Du Breuil
De St Vrain, and Donat St Vrain, and on
the day last aforesaid in the county aforesaid
executed this writ on Lawrence Fremont and
Emma Fremont his ~~his~~ wife by leaving a true
copy thereof at their place of abode with a free
white person above the age of fifteen years
said person being a member of their family
Loren St Vrain, Xavier St Vrain, Marcellin
St Vrain, Mary St Vrain, Julia St Vrain
and Emma St Vrain not found in any
county

James Brotherton Sheriff

Service \$ 10.00
6 monests 3.00

\$ 13.00

State of Missouri, } ss.
COUNTY OF ST. LOUIS,

X, Henry Chouteau, Clerk of the County Court within and for the County aforesaid, do hereby certify, that at a County Court begun and held at the city of St. Louis, within and for the County aforesaid, on the first Monday of *November* — in the year of our Lord eighteen hundred and *thirty five* —, the County Court aforesaid, on the *Eleventh* — day of said month in said year, appointed *Reuben Musick* — Guardian of *Sydia Carrio* — a *minor* — aged *three years and six months* — and that said Guardian entered into bond, and gave security according to law, and the order of said Court, for the faithful discharge of his — office as such Guardian; and that he is — now duly appointed Guardian of the said *Sydia Carrio*

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court, at the city of St. Louis, this *Twenty eighth* day of *June* — in the year of our Lord eighteen hundred and *thirty eight*.

Henry Chouteau Clerk.

Reuben Musick Guardian

of Lydia Carrio -

Filed Aug 8th 1838

Wm. H. Lewis - Clerk

STATE OF MISSOURI, } *Sct.*

County of Jefferson,

In Jefferson County Circuit Court, sitting as a Court
of Chancery, April Term, 1828.

James Q. Carrico, Daniel Carrico, Benjamin Carrico, Walter Carrico, Silas Carrico, Burr Fugate, Malinda Fugate, Reuben Musick, Lydia Musick, James Carrico, Vincent Carrico, Martha Carrico, Susanna Carrico, Ann Carrico, Lydia Carrico, Vincent Martin, Susanna Martin, George Martin, John Brown, Mary Brown, Benjamin Quick, Lydia Quick, Nancy Crane and Patsy Crane, heirs at law of Vincent Carrico, deceased,

vs.

Felicite Du Breuil de St. Vrain, Cerren St. Vrain, Savien St. Vrain, Domitil St. Vrain, Marcellin St. Vrain, Lauriere Fremon, Emma Fremon, Charles St. Vrain, Edmond W. Paul, Amelie Paul, Elizabeth St. Vrain, Julia St. Vrain, Henrietta St. Vrain, Mary St. Vrain, Julia St. Vrain and Emma St. Vrain.

BILL IN CHANCERY.

AND now at this day came the complainants by their solicitors, and it appearing from the original return of the Sheriff on the original summons in this cause, that the defendants, Cerren St. Vrain, Savien St. Vrain, Marcellin St. Vrain, Mary St. Vrain, Julia St. Vrain and Emma St. Vrain, cannot be found, and the court being satisfied that said process cannot be served, on motion it is ordered, that said defendants be notified that the complainants have filed their bill herein, stating in substance that James Q. Carrico, Daniel Carrico, Benjamin Carrico, Walter Carrico and Silas Carrico, children and heirs at law of Vincent Carrico, deceased; Burr Fugate and Malinda his wife, also a child and heir at law of said Vincent Carrico, deceased; Reuben Musick and Lydia his wife, also a child and heir at law of the said Vincent Carrico, deceased; James Carrico, Vincent Carrico, Martha Carrico, Susanna Carrico and Ann Carrico, infant children and heirs at law of Asa Carrico, deceased, who was a child and heir at law of the said Vincent Carrico, deceased, by their next friend Reuben Musick; Lydia Carrico, infant child and heir at law of Felix Carrico, who was a child and heir at law of the said Vincent Carrico, deceased, by her guardian and next friend Reuben Musick; Vincent Martin, George Martin and Susannah Martin, infant children and heirs at law of Elizabeth Martin, deceased, wife of Moses Martin, the said Elizabeth having been a child and heir at law of the said Vincent Carrico, deceased, by their next friend Moses Martin; John Brown and Mary his wife, a child and heir at law of the said Elizabeth Martin, deceased; Benjamin Quick and Lydia his wife, a child and heir at law of said Elizabeth Martin, deceased; Nancy Crane and Patsy Crane, infant children and heirs at law of Rhoda Crane, deceased, wife of Silas Crane, the said Rhoda Crane having been a child and heir at law of the said Elizabeth Martin, deceased, by their next friend Silas Crane, that the said Vincent Carrico in his life time, to-wit, on the 23d day of April, 1814, entered into a contract with a certain Jacques St. Vrain, for the purchase of two thousand arpens of land, for which he paid on that day the whole amount of the purchase money; and the said St. Vrain being then unprepared to make the necessary conveyance for the said land, executed to the said Carrico on the same day, a certain writing obligatory, whereby he acknowledged himself to be held and firmly bound unto the said Vincent, in the just and full sum of one thousand four hundred and twenty-five dollars, good and lawful money of the United States of America, to be paid to the said Carrico or his certain attorney, his heirs, executors, administrators and assigns:—for the true payment thereof, he, the said St. Vrain, bound himself, his heirs, executors, and administrators, with condition to be void if the said St. Vrain do well and truly make or cause to be made unto the aforesaid Carrico, his heirs, executors, administrators or assigns, a complete title, clear of all incumbrance, to two thousand arpens of land, situate in the county of St. Charles, in the then territory, now State of Missouri, to be laid out of the following tracts where the said Carrico thinks proper, to-wit: one tract of eight hundred arpens granted by the Spanish Government to Antoine Desjarlais—one tract of six hundred arpens granted to James Half—one tract of six hundred arpens granted to Louis Grimau—one tract of eight hundred arpens granted to Benjamin Quick—one tract of eight hundred arpens to Daniel Quick—also one tract of six thousand arpens to Antoine Flandrin, all granted by the aforesaid government, all of which will more fully appear by reference to the aforesaid writing obligatory, with the condition thereto, which is hereto annexed, and prayed to be taken and considered as a part of this bill.

That the said Vincent Carrico, on the ——— day of September, 1815, entered into another contract with the said Jacques St. Vrain for the purchase of the farther quantity of two thousand two hundred and seventy-five arpens of land, and for which he, the said Vincent Carrico, on the same day, paid to the said St. Vrain the whole of the purchase money, on the receipt of which, he, the said St. Vrain, executed to the said Vincent another writing obligatory, whereby he acknowledged himself held and firmly bound to the said Vincent in the just and full sum of one thousand one hundred and thirty-seven dollars and fifty cents, good

That the said Vincent Carrico, on the ——— day of September, 1815, entered into another contract with the said Jacques St. Vrain for the purchase of the farther quantity of two thousand two hundred and seventy-five arpens of land, and for which he, the said Vincent Carrico, on the same day, paid to the said St. Vrain the whole of the purchase money, on the receipt of which, he, the said St. Vrain, executed to the said Vincent another writing obligatory, whereby he acknowledged himself held and firmly bound to the said Vincent in the just and full sum of one thousand one hundred and thirty-seven dollars and fifty cents, good and lawful money of the United States of America, to be paid unto the said Carrico or his certain attorney, his heirs, executors, administrators or assigns: for the true payment thereof, the said St. Vrain bound himself, his heirs, executors and administrators, with a condition thereto annexed, that if the said Jacques St. Vrain do well and truly make or cause to be made unto the aforesaid Vincent Carrico, or to his heirs, executors, administrators and assigns, a complete title, clear of all incumbrance, to two thousand two hundred and seventy-five arpens of land, to be laid out of any of the land that is named in the condition to the said writing obligatory, first above mentioned, then the said writing obligatory to be void, all of which will more fully appear by reference to the said last mentioned writing obligatory, and the condition, which is hereto annexed, and prayed to be taken and considered as a part of this bill.

That the said Vincent Carrico, on the twentieth day of October, in the year last aforesaid, entered into another contract with the said Jacques St. Vrain, for the purchase of the farther quantity of nine hundred and twenty-five arpens of land, and for which, on the day last aforesaid, he paid to the said St. Vrain the whole amount of the purchase money, and on the same day executed to the said Vincent one other writing obligatory, whereby he acknowledged himself to be held and firmly bound unto the said Vincent Carrico or his certain attorney, his heirs, executors, administrators or assigns, in the full and just sum of eight hundred and fourteen dollars, good and lawful money of the United States of America, to be paid unto the said Vincent or his certain attorney, his heirs, executors, administrators or assigns, and for the true payment thereof he bound himself, his heirs, executors, and administrators, with condition to be void if the said Jacques St. Vrain do well and truly make or cause to be made a good and sufficient deed, with a general warrantee, clear of all incumbrance, to nine hundred and twenty-five arpens of land, to be laid out of the land that is mentioned in the condition of the aforesaid writing obligatory first above mentioned, all of which will more fully appear by reference to the said last above mentioned writing obligatory, with the said condition thereto, and which is hereto annexed, and prayed to be taken and considered as a part of this bill.

Your petitioners further charge, that on the 20th day of October last aforesaid, the said Jacques St. Vrain sold to a certain Josiah Miles four hundred arpens of land, and for which the said Miles on that day paid to him the whole amount of the purchase money, and in consideration thereof, he, on the same day, executed to the said Miles, a writing obligatory, whereby he acknowledged himself to be held and firmly bound unto the said Josiah, in the full and just sum of three hundred and fifty-two dollars, good and lawful money of the United States of America, to be paid to the said Miles or his certain attorney, his executors, administrators or assigns, with a condition thereto, if the said Jacques St. Vrain do well and truly make or cause to be made, a good and sufficient deed, with a general warrantee clear of all incumbrance, to four hundred arpens of land, to be laid out of the land that is mentioned in a bond that Vincent Carrico hath against the said St. Vrain for two thousand arpens, bearing date the 23d day of April, 1814, the said deed to be made when called for, then the said writing obligatory to be void; that after the execution of the said writing obligatory last above mentioned, to the said Josiah Miles, he, the said Josiah, for a valuable consideration, on the 15th day of December, in the year last aforesaid, by his certain writing, endorsed on the back of said writing obligatory last above mentioned, assigned the same to the said Vincent Carrico, who thereby acquired right and title to a conveyance, and to demand and require of the said St. Vrain to make such conveyance to the said Vincent for the aforesaid four hundred arpens of land, according to the tenor and effect of the aforesaid condition to the said obligation last mentioned, and which said obligation, condition and assignment last aforesaid, are hereto annexed, and prayed to be taken as a part of this bill; that the said Vincent by means of the said assignment became entitled to the benefit, interest and advantages and the rights which appertained or belonged to the said Miles, under the contract with, and obligation aforesaid made and executed by the said St. Vrain, who, on due notice of the said assignment, promised and engaged to make a deed to the said Vincent, according to the purport, meaning, and effect of the aforesaid writing obligatory and condition, when he made conveyances to him of the aforesaid land, purchased of him the said St. Vrain, by him the said Vincent. But now so it is, may it please the court, that the said Jacques St. Vrain, from time to time, put off and neglected to make the aforesaid titles for the said lands to the said Vincent, upon the ground, as your petitioners are informed and believe, that the said several grants for the tracts of land, in the condition of the said first obligation mentioned, had not been confirmed by the Government of the United States, and that he wished to postpone the conveyances for the said lands until he could ascertain whether the aforesaid grants would be confirmed:—that before he could

obtain a confirmation thereof, he the said Jacques St. Vrain departed this life, after having duly made and published his last will and testament, which was legally proven and admitted to probate, and that the said St. Vrain in his said will made no disposition of the aforesaid and, but the same descended to his children and heirs at law;—that soon after the death of the said St. Vrain, the said Vincent Carrico also departed this life, having first duly made and published his last will and testament, which was legally proven and admitted to probate; and that the said Vincent Carrico in his said will made no disposition of said lands, and that the said Jacques St. Vrain left a widow, Felicite Du Breuil de St. Vrain, and also seven children, viz: Charles D. St. Vrain, Felix St. Vrain, Cerren St. Vrain, Savien St. Vrain, Domitil St. Vrain, Emma St. Vrain, and Marcellin St. Vrain, who were his heirs at law; that since the decease of the said Jacques St. Vrain, the said Charles D. St. Vrain has departed this life, leaving the following children, his heirs at law, viz: Charles St. Vrain, Amelie St. Vrain, who has since intermarried with Edmond W. Paul; Elizabeth St. Vrain, ~~Emma St. Vrain~~, and Henrietta St. Vrain, some if not all of whom are infants under the age of twenty-one years;—that the said Felix St. Vrain, since the decease of the said Jacques St. Vrain, has also departed this life, leaving the following children his heirs at law, viz: Mary St. Vrain, Julia St. Vrain and Emma St. Vrain, all of whom your petitioners believe are infants under the age of twenty-one years; that the said Emma St. Vrain, child of the said Jacques, has since his decease intermarried with Lauriere Fremon; that your petitioners believe that the said heirs at law of the said Jacques St. Vrain are willing to convey to your petitioners, as heirs at law and legal representatives of the said Vincent Carrico, the aforesaid several tracts or parcels of land, according to the true effect and meaning of the said several conditions to the said several obligations above mentioned, but many of them being infants under age are thereby incapable of making such conveyance unless decreed to do so by a court of equity;—that the reason for putting off the execution of such conveyance, which your petitioners believe prevented its execution in the lifetime of the said Jacques St. Vrain, no longer exists, as the said grant of the said tract of six thousand arpens to Antoine Flandrin, has been confirmed by the Government of the United States to the said Jacques St. Vrain or his legal representatives, as the assignee of said Antoine Flandrin, whereby a complete title to said tract is vested in the said Jacques or his legal representatives.

In tender consideration whereof, and for as much as your petitioners are remediless in the premises at law and only relievable in a court of equity, where matters of this sort are properly cognizable;—to this end, therefore, your petitioners pray that the said Felicite Du Breuil de St. Vrain, and the said Cerren St. Vrain, Savien St. Vrain, Domitil St. Vrain, Marcellin St. Vrain, Lauriere Fremon, and Emma his wife, Charles St. Vrain, Edmond W. Paul and Amelie Paul his wife, Elizabeth St. Vrain, Julia St. Vrain, Henrietta St. Vrain, Mary St. Vrain, Julia St. Vrain and Emma St. Vrain be made defendants to this bill;—that they be required to make on oath, full, true and perfect answer to all and singular matters and things herein contained, as if they were herein repeated and they thereto particularly and separately interrogated, and that your honor would decree the said defendants to convey to your petitioners, out of the aforesaid confirmed tract of six thousand arpens, titles to the aforesaid land, according to the true intent, meaning and effect of the said several conditions to the aforesaid writings obligatory, and that your honor would grant to your petitioners such other and further decree in the premises as the nature of their case may require and to your honor may seem just and consonant to the principles of equity, and that your honor would grant, &c. And it is further ordered that a copy of this order be printed in some newspaper in the State, for eight weeks successively, the last insertion thereof to be at least four weeks before the commencement of the next term of this court, to be held at Herculeaneum, on the first Monday of August next; and unless said defendants appear on or before said next term, and answer the complainants bill, the same will be taken for confessed against them and the prayer thereof decreed accordingly. A true copy of the order.

Attest, JOHN S. MATHEWS, Clerk.
PRIMM & DRAKE, Solicitors.

apr21-8w

STATE OF MISSOURI,
COUNTY OF ST. LOUIS.

Personally appeared before the undersigned, a Justice of the Peace, within and for the county aforesaid, R. F. Coningham who being duly sworn, deposeth and saith, that the annexed advertisement was published in the Missouri Saturday News, the newspaper of which he is Printer for the ~~Missouri~~ ^{Missouri} ~~News~~ ^{News} — weeks, successively, the first insertion being on the ~~Monday~~ ^{Monday} ~~first~~ ^{first} ~~of~~ ^{of} ~~April~~ ^{April} and the last insertion on the ~~Friday~~ ^{Friday} ~~16th~~ ^{16th} ~~of~~ ^{of} ~~April~~ ^{April} 1838

June 1838 as follows, to wit: In Qba. 16. 21 April 1838
in Qba. ~~17~~ April 28 1838 in Qba. 18 May 5. 1838
in Qba. 19 May 12 1838 in Qba. 20 May 19 1838
in Qba. 21 May 26 1838 in Qba. 22 June 2 1838
in Qba. 23 June 9 1838 in Qba.

Worth to and subscribed before me, this

6th day of ~~August~~ ^{August}

1838

J. P.

R. F. Coningham

Publication \$63.00
In Advance 9.00
Official 25
\$72.25

Barnico

Wm
H. Brown

W. H. Brown Aug 9/2/83

State of Missouri }
County of Jefferson } The State of Missouri to the
Sheriff of St Louis County, Greeting.

You are hereby commanded to summon
Felicite Du Breuil de St Vrain, Gerren St Vrain, Savien
St Vrain, Donat St Vrain, Marcellin St Vrain, Lauriere
Fremont and Emma his wife, Charles St Vrain, Edmond
W Paul and Amelie Paul his wife, Elizabeth St Vrain
Julia St Vrain, Henrietta St Vrain, Mary St Vrain
Julia St Vrain and Emma St Vrain, heirs at Law
of Jacques St Vrain deceased if they be found in your
bailiwick that they be and appear before the Judge of
our Circuit Court at the next term thereof to be held
in the Town of Mercuraneum (on the second Monday in
April next (being the ninth day of said month) within
and for the County of Jefferson, then and there to answer
the complaint of James L Carrico, Daniel Carrico, Benjamin
Carrico, Walter Carrico and Silas Carrico, children and heirs
at Law of Vincent Carrico deceased; Burr Fugate and
Melinda his wife also a child and heir at Law of said
Vincent Carrico, deceased, ^{Reuben Mewick of Molygia his wife} James Carrico Vincent Carrico
Martha Carrico, Susanna Carrico and Ann Carrico, Lydia
Carrico, Vincent Martin, George Martin, Susanna Martin
John Brown and Mary his wife, Benjamin Litch and Lydia
his wife, Nancy Crane and Patsy Crane, heirs at Law of the
said Vincent Carrico deceased, by their original bill in
Chancery and have you then there this writ.

Witness John S. Mathews Clerk of our
said Circuit Court at Office in the Town
of Mercuraneum this nineteenth day of March
in the year of our Lord Eighteen hundred and
thirty eight. John S. Mathews, Clerk

William Vincent Hunt
April Term 1838

James A. Harris et al
vs J. A. Harris
Petition on Petition of J. A. Harris

Copy

Original of Hunt's Petition
1838

Filed Aug 8th 1838

Wm. Vincent Hunt
Clerk

Copy of Bond No. 1 in the case of Carriac vs St Vrain
in Jefferson Circuit Court. The Original withdrawn
by leave of Court.

"Know all men by these presents that Jacques St Vrain
"of the Territory of the Missouri and County of Saint Louis
"are Well and Firmly bound unto Vincent Carriac of the
"territory and County aforesaid in the just and full sum
"of One Thousand Four Hundred and twenty five dollars
"of good and lawful money of the United States of America
"to be paid unto the said Carriac, or his certain attorney, his
"heirs, Executors, administrators or assigns for the true payment
"thereof. I bind myself, my heirs, Executors, administrators and
"assigns, sealed with my seal and dated This twenty third
"day of April in the year of our Lord one thousand eight
"hundred and fifteen

"The condition of the above obligation is such that if the
"above bounded Jacques St Vrain do well and truly make
"or cause to be made, unto the aforesaid Carriac his heirs
"Executors, administrators, or assigns, a complete title clear
"of all incumbrances to two thousand arpens of Land, situate
"in the County of Saint Charles in the aforesaid territory
"to be laid out of the following tracts, where the said
"Carriac thinks proper (to wit) One tract of eight hundred
"granted by the Spanish Government to Antoine Dejarlais
"One tract of Six hundred arpens granted to Louis Grimaud
"One tract of eight hundred arpens granted to Benjamin
"Quirk. One tract of eight hundred arpens, granted to Dan-
"iel Quirk, Also one Grant of six thousand arpens to
"Antoine Stauden all granted by the aforesaid government,
"the said St Vrain, doth bind himself his heirs Executors
"administrators, and assigns to make a deed agreeable to this
"obligation, on or before two years from this date unto the said
"Carriac his heirs or assigns, then this obligation to be void
"and of none effect. Else to be and remain in full

" power and virtue in law.

" Signed sealed and Delivered

" in presents of

" Giles Thompson

" Samuel Dolanier

Jacq St. Vrain

Seal

A True copy from the original Dec 21st 1840

Attest

Jno H. Weather Clerk

Jeff. Bird Count

Vol

Secrecy

or

St. Vrain

Copy of
Jones

(Original)

Giles Aug 8th 1838

J. H. Weather Clerk

Copy of bond No 2 in the case of Carrio vs St Vrain
in Jefferson Circuit Court. The Original withdrawn by
leave of Court.

"Know all men by these presents that J. Jacques St Vrain
"of the Territory of Missouri and County of Saint Louis. are held
"and firmly bound unto Vincent Carrio of the County of Jefferson
"in the just and full sum of One Thousand One hundred thirty
"seven Dollars or fifty cents of good and lawful money of the
"United States of America, to be paid unto the said Carrio
"or his certain attorney, his heirs Executors, administrators
"or assigns, for the true payment of the said St Vrain doth
"bind myself, my heirs, Executors and administrators
"firmly by these presents, sealed with my seal and dated
"this day of September in the year of our Lord
"One Thousand Eight hundred and fifteen. - - -
"The Condition of the above obligation is such that if the above
"bounden Jacques St Vrain do well and truly make or cause
"to be made unto the aforesaid Vincent Carrio, or to his heirs
"Executors, Administrators or assigns, a complete title clear
"of all incumbrance to two thousand two hundred and
"seventy five Acres of Land, situate in the County of Saint
"Charles in the aforesaid Territory to be laid out of any of the
"Lands that is named in a bond that the said Carrio
"hath against the said St Vrain for two thousand acres, the
"bond bears date of April the twenty third day One thousand
"eight hundred and fourteen, then the above obligation void
"else to remain in full force and virtue in Law, the
"deed to be made when demanded, the said Carrio to take
"his choice of the aforesaid Lands

Signed Sealed and Delivered }
in presents of Dennis Carrio }

J. Jacques St Vrain. (Seal)

A true copy from the original Dec 21st 1840

Attest.

Wm H. Wathen Clerk
Jeff-Circuit Court

1102

Barwick } Hedley
St. Helens } Barwick

(Original)

Index Aug 8th 1838

~~Alma Barwick~~
11/12

Copy of Bond No. 3 in the case of Carrico vs J. Vrain
in Jefferson Circuit Court. The original withdrawn by leave
of Court.

" Know all men by these presents that I Jacq. St Vrain of the
" County of Saint Louis and Territory of Missouri are here
" and firmly bound unto Vincent Carrico of the Territory and
" and County aforesaid, in the just and full sum of Eight
" Hundred and fourteen dollars of good and lawful money of
" the United States of America, to be paid unto the said Vincent
" Carrico, or his certain Attorney, his Executors and administrators
" or assigns for the true payment thereof since myself, my
" Heirs, Executors and administrators, sealed with my
" Seal and dated this Twentieth day of October one thousand
" Eight hundred and fifteen.

" The Condition of the above obligation is such that if the
" above bounden Jacq. St Vrain do well and truly make
" or cause to be made a good and sufficient deed with
" a general warranty, clear of all memorance to nine
" Hundred and twenty five acres of Land to be laid out
" of the Land that is mentioned in a bond that the said
" Carrico hath against the J. St Vrain for two thousand acres
" bearing Date twenty third of April 1844. The said deed to
" be made when called for, then this obligation void, Else
" remain in full force and virtue in Law.

" Signed, sealed and delivered "

" in the presence of

" William Miller

" Dennis Carrico "

Jacq. St Vrain Seal

A true copy from the Original Dec 21st 1840

Attest

Wm S. Mathews Clerk
Jeff Circuit Court

No 3

Received Copy of
the
Hills of Rome

(Original)

Filed Aug 8th 1840

Wm. H. H. H. H.

Copy of Bond. Vol in the case of Carrico vs St Vrain.
in Jefferson Circuit Court. the original withdrawn by leave of
Court.

"Know all men by these presents that I Jacq St Vrain of the
"County of Saint Louis and territory of Missouri are here
"and firmly bound unto Josias Miles of the Territory and County
"aforesaid in the just and full sum of three thousand and fifty
"two dollars of good and lawful money of the United States,
"of America, to be paid unto the said Miles or to his certain
"Attorney, his Executors, administrators or assigns, sealed with my
"seal and dated this twentieth day of October one thousand
"eight hundred and fifteen.

"The condition of this above obligation is such that if the
"above bounded Jacq St Vrain do well and truly make
"or cause to be made a good and sufficient deed with
"a general warrantee clear of all Incumbrances to four
"thousand acres of Land to be laid out of the land men-
"tioned in a bond that Vincent Carrico hath against the
"said St Vrain for two thousand acres bearing date the
"twenty third of April 1814. The said deed to be made when
"called for then this obligation void else to remain in full
"force and virtue in Law.

"Signed sealed and Delivered

"in presence of

"William Miller

"Dennis Carrico

Jacq St Vrain Seal

On which is the following endorsement.

"I do assign my Right, title and Interest of the within Bond to
"Vincent Carrico or his heirs and assigns for Value Rec^d as witness my
"hand this fifteenth day of December 1815.

"Test John House

Josias Miles Seal

A True Copy from the Original Dec 21st 1815

Attest,

John H. Matthews Clerk

Jefferson Circuit Court

Book.
Lancie 3 Copy 4
St. Martin. 2. Deere.

(Virginia)
Picard Aug 8th 1840
Wm. D. Macmillan
C. 112

James D. Carrico, Daniel Carrico,
Benjamin Carrico, Walter Carrico,
Silas Carrico, Burr Fugate, Malinda,
Fugate, Reuben Musick, Lydia Musick,
James Carrico, Vincent Carrico, Martha
Carrico, Susannah Carrico, Ann Carrico,
Lydia Carrico, Vincent ~~Martin~~, George
Martin, Susannah Martin, John Brown,
Mary Brown, Benjamin Dwick, Lydia
Dwick, Mary Crane, Patsy Crane heirs
at law of Vincent Carrico deceased,

Bill in Chancery.

vs
Felicite Du Breuil de St Brain, Ceren St.
Brain, Savien St Brain, Donitil St Brain,
Marcellin St Brain, Lawrence Fremont, Emma
Fremont, Charles St Brain, Edmund W. Paul,
Aurelia Paul, Elizabeth St Brain, Julia
St Brain, Henrietta St Brain, Mary St Brain, Julia St Brain, Emma
St Brain, heirs at law of Jacques St Brain deceased

This day came the complainants by their attorney and
it appearing to the satisfaction of the court that the order of
publication made in this cause at the last term of this
court had been duly published according to law and that
the said Defendants mentioned in said order to wit Cerren
St Brain, Savien St Brain, Marcellin St Brain, Mary St Brain,
Julia St Brain, & Emma St Brain, still failing to file
their answer, on motion of the complainants, their bill
is taken for confessed as to the said defendants mentioned
in said order of publication, and the remainder of said
defendants to wit Felicite Du Breuil de St Brain,
Aurelia St Brain, Edmund W. Paul, Aurelia Paul, Eliza-
beth St Brain, Henrietta St Brain, Charles St Brain,
Donitil St Brain, Lawrence Fremont, Emma & Fremont,
though solemnly called come not but make default
nor have they or either of them answered the complaint—

and according to the tenor of the decree of this court at
the last ~~at the last~~ term thereof, wherefore the com-
plainants according to the form of the Statute in
such case made and provided are entitled to have the
said decree of this court made final — Now
therefore all and singular the matters mentioned in
said bill are by the said ^{complainants} ~~plaintiffs~~ submitted to the
court and the said court after hearing the allega-
tions and proof in this case doth order, decree, and
adjudge, ~~that all the right to~~ and it is hereby,
ordered, decreed and adjudged, that all the right
title, interest, and estate, of all the said defenda-
nts in said bill, in, to and unto Five Thousand
Six hundred arpens of land, being the aggregate a-
mount of the whole number of arpens specified in the
several writings obligatory set forth in, said ^{com-}plainants
bill, to wit Two Thousand arpens specified in the
bond dated April 23^d in the year Eighteen hundred
and fourteen, and Two thousand two hundred and seven-
ty five arpens in the Bond dated — September 1815,
Nine hundred and twenty five arpens in the Bond dated
20 October 1815 and four hundred arpens in the
other bond dated 20 October 1815. Said Five thou-
sand ~~arpens~~ Six hundred arpens being part of
the said tract of land mentioned in the said bill,
to wit, the tract of Six Thousand arpens of land sit-
uated on Grand Glaire, District of St Louis being
the same tract ~~conceded~~ of land conceded by Don
Carlos Dehault Delaube, Lieutenant Governor
of Upper Louisiana on the fifteenth of January in the
year Eighteen hundred, surveyed on the twentieth of
January in the ^{of} Year Eighteen hundred and Six
by Graham Delemiere, on the Fork of the Grand

Glaise Creek and confirmed by the board of Commissioners for the St Louis District on the fourteenth Day of October in the year Eighteen hundred and thirty four unto Antoine Glandin or his legal representatives - be and the same is hereby vested in the said complainants specified in the said Bill and in their heirs and assigns forever. Provided however that if ~~the said defendants~~ the above decree will be subject to review by said defendants if they shall apply therefor according to Law within five years next after the rendition of this decree -

And it is further considered by the said court that the said ^{complainants} ~~plaintiffs~~ recover of the said Defendants, their costs and charges by them about their complaint in this behalf expended and that thereof they have execution.

Carrie & Co
21 Dec
St. Louis Mo

Chicago Aug 8th 1838
J. H. H. H.
W. H. H.

Carrie & Co
21 Dec
St. Louis & Co

Chicago Aug 8th 1838
Wm. H. H. H.
Wm. H. H. H.