Davy, Francis et al v. Bompart, Aurora et al 1862 St. Louis 466/9

Old Box 615/15

commons of Prairie des Noyers

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ejectment

D = 1816 confirmation

B = 1812 conf.

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survey map
French
Spanish } translations

O = no error in ins.
no evidence of error in
verdict to warrant interference

The State of Missouri, ss.

The State of Missouri, to the Honorable the St. Louis Land Court **in said State—Greeting:**

WHEREAS, In the record and proceedings in a certain cause lately pending in the the St Louis Land Court held in and for the county of St. Louis in said State, Greeting

wherein Francis Davey and others are Plaintiffs and Aurora Bompart & others defendants

in a civil action manifest error hath intervened, to the great damage of said Plaintiffs as by their complaint we are informed.

NOW, being willing that the error, if any there be, should be corrected, and full and speedy justice done to the parties aforesaid, in that behalf, COMMAND YOU, that you send to us, certified under your seal, the record and proceedings in the cause aforesaid, as fully as the same remain of record before you in said Court, so that we may have them before us at our Supreme Court, to be begun and held in the City of St. Louis, in the County of St. Louis, in said State, on the third Monday in March next, so that our Judges of our Supreme Court, on inspecting the record and proceedings aforesaid, may cause to be further done therein, for correcting the error, what of right, and according to law, ought to be done.

WITNESS, WILLIAM S. GLANVILLE, Clerk of our said Supreme Court, at office in the City of Saint Louis, the fourteenth day of January in the year of our Lord one thousand eight hundred and ~~fifty~~ sixty

Wm S. Glanville

CLERK.

State of Missouri
County of St. Louis } SS.

I, Edward N. Tracy,

Clerk of the St. Louis Land Court in and for said County, in obedience to the within writ herewith furnish a true and complete transcript of the record and proceedings in the case therein named as fully as the same remains in my office.

In Testimony whereof, I have set my hand and affix the seal of our said Court at Office in the City of St. Louis this Fourteenth day of January A. D. 1860

Edward N. Tracy Clerk

Page 1

State of Missouri }
County of St. Louis } Ss.

Be it Remembered that on the Ninth day of January in the year of our Lord One Thousand eight hundred and fifty six there was filed in the Office of the Clerk of the St Louis Land Court, a petition.

Which Petition is in the words and figures following, to wit:

Petition.

Francis Davy. Ives Davy. Salomon Davy. Benoist Ney. Genevieve Boucher. Andrew N. Robin. Antoine Robin. Casimir Robin. Ducondray Lamorandier Adolph Lamorandier. Savinia Lamorandier, Clara Lamorandier, Francis Sensat and Josephine his wife. Simon Noble and Constance his wife Fritz L. Sandy and Clarisse his wife Andrew N. Lalonde and Azelima his wife Adelard Sanclos and Irma his wife Thaddeus A. Andrews and Sisma his wife. Joseph B. Gillard and Celestine his wife Christopher Medicis and Azema his wife James Colligan & Amelia his wife. John P. Close & Josephine his wife, Zephirine Close and Pauline his wife. David P. Saizan and Felicite his wife. Gerard Gaviere and Eliza his wife. Marcelin L. Melancon and Eulalie his wife. Alfred Sonailler and Azire his wife. James M. Moore and Coralie his wife, Joseph N. Garthreau and Laure his wife Celestin M. Guiramand and Marie Drene his wife Plaintiffs.

vs. } In the St Louis Land Court.
March Term 1856.

Aurora Bompart. Louis Bompart. Henry Bompart. Joseph Bompart, Marie L. L. Bompart and Melanie Bompart. Defendants.

St. Louis County, SS.

Plaintiffs state that they own, and on the fifth day of October 1855. were entitled to the possession of a certain tract or parcel of land in the County of St. Louis State of Missouri containing forty five arpents situated in the Prairie Denoyer Common Field bounded on the north by land formerly of Beaugenon and on the South by land formerly of Roy, on the East by the St. Louis Commons and on the

2

West by Henry Shaw, and is the most Eastward end of a tract of eighty arpents, being two arpents in width by forty arpents in depth. Surveyed under the Spanish Government to Belistre and which was confirmed by the act of 29th of April 1816. of Congress, and the same known and designated as United States Survey No. 1513.— A certified copy of which is herewith filed marked No. (1)— also a certified copy of said Spanish Survey marked No. 2. with a translation thereof in the English language.

Plaintiffs state that they are the only heirs at law and the only representatives of the said Belestre, who died many years past—

The said plaintiffs being so entitled to the possession of said tract of forty five arpents to wit on the first day of October 1855, they the said defendants on the second day of October 1855 entered upon and took possession of the same, and still continue unlawfully to withhold the possession thereof from the said Plaintiffs to their damage five hundred dollars

Plaintiffs pray judgement for the possession of said tract of forty five arpents and for said damages and for monthly rents, and costs.

P. C. Morehead
Atto for Pltffs.

Philip C. Morehead Attorney for the Plaintiffs in the foregoing petition makes oath and says that he believes the said petition and the matters therein as stated are true.

Philip C. Morehead.

Sworn to before me this 9th day of January 1856.

C. N. Mantz Clerk
By J. B. Walsh Deputy.

Upon the filing of the above petition, the Clerk then issued to the Sheriff of St. Louis County a Summons.

Which Summons is in the words and figures following, to wit:

Summon

County of St. Louis. S.S.

The State of Missouri,

3

To the Sheriff of St. Louis County. . . . . Greeting:

We command you to summon Aurora Bompart, Louis Bompart, Henry Bompart, Joseph Bompart, Marie C. L. Bompart and Melanie Bompart to appear before the Judge of our Saint Louis Land Court, on the first day of the next term thereof, to be held in the City of St. Louis, within and for the County of St. Louis, on the Second Monday March next, then and there to answer the complaint of Francis Davy, Ives Davy, Solomon Davy, Benoist Ney, Genevieve Boucher, Andrew N. Robin, Antoine Robin, Casimer Robin, Ducondrey Lamorandier, Adolph Lamorandier, Lavinia Lamorandier, Clara Lamorandier, Francis Sensat, and Josephine his wife, Simon Wable and Constance his wife, Fritz L. Sandoz, and Clarisse his wife, Andrew N. Lalande, and Angelina his wife, Adelard Sanders and Irma his wife, Thaddeus N. Andrews and Selma his wife, Joseph B. Gillard and Celestine his wife, Christopher Medicis and Azema his wife, James Gilligan and Amelia his wife, John P. Close and Josephine his wife, Zephirina Close and Pauline his wife, David P. Sauzan and Felicite his wife, Gerard Barrice and Eliza his wife, Marcelin S. Malancon, and Eulalie his wife, Alfred Lonaillier and Alzire his wife, James M. Morre and Emalie his wife Joseph N. Garthrean and Laure his wife, Celeste M. Guirmand and Marie Irene his wife as set forth in the annexed petition; and have you then and there this writ.

Witness, Charles N. Mantz, Clerk of our said Court with the seal thereof hereto affixed, at office in the City of St. Louis, this Fifteenth day of January in the year of our Lord eighteen hundred and fifty six.

Seal

Charles N. Mantz, Clerk

Upon which Summons the Sheriff made his Return in the words and figures following, to wit:

Shff's Return

Executed this writ in St. Louis County on the 23 day of January 1856 by delivering a copy of the same and petition as

4 furnished by the Clerk to Aurora Bompart Henry Bompart Joseph Bompart and by leaving a copy of this Writ and petition as furnished by the clerk at the usual place of abode of Louis Bompart Marie C. C. Bompart and Melanie Bompart with a white person over 15 years of age a member of their respective families.

Turner Maddox Shff.
By J. R. Jones Deputy.

And afterwards the following proceedings were had in this cause, to wit:

March Term 1856.
Saturday April 26th 1856

Ans.r filed.

Francis Davy, et, al.
vs.
Aurora Bompart et, al.
} Answer of Defendants filed.

Which Answer is in the words and figures following, to wit:

Answer.

Francis Davy and others Plaintiffs
vs.
Aurore Bompart and others Defendants
} In St Louis Land Court. St Louis County

Defendants Aurore, Louis, Henry, Joseph and Marie Bompart and Melanie Bompart a minor by Aurore Bompart her mother and natural guardian, by Alex & J. P. Garesche their attorney for answer to plaintiff's petition:

Deny that plaintiffs on 1st October A. D. 1855 or at any other time were entitled to the possession of the premises in petition described.

Defendants declare that they have no knowledge or information sufficient whereon to form a belief whether plaintiffs are the legal representatives and heirs at law of the Pelestre under whom they claim.

Defendants further deny that they owe plaintiffs

57 the said sum of five hundred dollars or any part thereof.

Defendants aver that they are in possession of the said premises, under lawful title thereto.

Defendants aver that they and those under whom they claim have been for more than twenty years in the peaceable and lawful possession of the premises sued for.

Defendants therefore ask judgement.

Alex. W. P. Garesche.

Atty of Defendants.

Louis B. Bompart one of the above named defendants makes oath and says that the above answer and matters as therein stated, he believes to be true.

Louis B. Bompart.

Sworn to and subscribed before me this 8th day of April 1856.

Liberty Waite Justice of the peace.

And afterwards the following further proceedings were had in this cause, to wit:

March Term 1859.

Thursday March 24th 1859.

Non suit by several Pltffs.

Francis Davy. Ives Davy. Salomon Davy. Benoist Ney. Genevieve Boucher, Andrew N. Robin. Antoine Robin Casimir Robin, Dacondrey Lamorandier Adolph Lamorandier. Lavinia Lamorandier. Clara Lamorandier Francis Lensat and Josephine his wife Simon Wable and Constance his wife Fritz L. Sandoz and Clarisse his wife Andrew N. Lalonde and Azelima his wife. Adelaid Lanclos and Irma his wife Thaddeus A. Andrews and Lesma his wife. Joseph B. Gillard and Celestine his wife Christopher Medicis and Azema his wife, James Colligan and Amelia his wife John P. Close and Josephine his wife. Jephirine Close and Pauline his wife, David P. Saizan and Felicite his wife Gerard Caurière and Eliza his wife Marcelin L. Melancon and Eulalie his wife Alfred Louaillier and Aziré his wife James M. Moore and Coralie his wife Joseph A. Garthrean and Laure his

6 wife. Celestin M. Guiramand and Marie Drene his wife.

vs.

Aurore Bompart, Louis Bompart, Henry Bompart, Joseph Bompart, Marie C. C. Bompart and Melanie Bompart.

Non Suit by several Plaintiffs.

Now at this day come said plaintiffs Andrew N. Robin, Adelard Lanclos, and Arela his wife, Thaddeus A. Andrews and Lisma his wife, Joseph B. Gillard and Celestine his wife, Christopher Medicis and Azema his wife, Angelina Lalonde, Antoine Robin, Cassimir Robin, James Colligan and Amelia his wife, John P. Close and Josephine his wife, Cepli-onie Close and Pauline his wife, David P. Sarzan and Felicite his wife, by their attorney, and take a Non suit, herein. It is therefore Ordered and adjudged by the Court, that the said plaintiffs, take nothing by their suit in this behalf. but that as to the said plaintiffs, the defendants go hence without day, and recover of said plaintiffs their costs and charges herein expended and have thereof Execution.

And afterwards "to wit" on the same day, the following further proceedings, were had in this cause, to wit:

Francis Davy, Ives Davy, Salomon Davy, Benoist Ney, Genevieve Boucher, Andrew N. Robin, Antoine Robin, Casimir Robin,

Jury sworn Ducondrey Lamorandier Adolph Lamorandier, Lavinia Lamorandier, Clara Lamorandier Francis Sensat and Josephine his wife Simon Wable and Constance his wife Fritz L. Sandoz and Clarisse his wife Andrew N. Lalonde and Azelima his wife Adelard Lanclos and Irma his wife Thaddeus A. Andrews and Lisma his wife Joseph B. Gillard and Celestine his wife Christopher Medicis and Azema his wife James Colligan and Amelia his wife John P. Close and Josephine his wife Zephirine Close and Pauline his wife David P. Saizan and Felicite his wife Gerard Carriere and Eliza his wife Marcelin L. Melancon and Eulalie his wife Alfred Lonaillier and Abzire his

7

wife, James M. Moore and Coralie his wife Joseph A. Garthwean and Laure his wife Celestin M. Guirmand and Marie Drene his wife.

vs

Aurora Rompart, Louis Rompart, Henry Rompart, Joseph Rompart, Marie L. L. Rompart and Melanie Rompart.

Trial Begun.

Trial comes 8 Cont.

Now at this day come the plaintiffs and defendants by their respective attorneys, and thereupon come also a Jury, to wit:- Oliver Duinette, George R. Judd, Edmund Burke, Chas Jueksch, John Clemens, Wayman Crow, Z. T. Knott, Louis R. Garnier, Edwin J. Bent, Jas P. Cuddy, John Pullis and Geo. Bowman, twelve good and lawful men, who being duly elected, tried and sworn, well and truly to try the issues joined between the parties herein, and a true verdict render according to the evidence, therefore the trial progressed and not being fully terminated is continued until to morrow morning.

And afterwards the following further proceedings were had in this cause, to wit:

Friday March 25th 1859

Trial Ended

Francis Davy, Ives Davy, Salmon Davy, Benoist Nay, Genevieve Boucher, Andrew N. Robin, Antoine Robin, Casimir Robin, Decondrey Lamorandier, Adolph Lamorandier, Lavenia Lamorandier, Clara Lamorandier, Francis Sensat and Josephine his wife Simon Vable and Constance his wife Fritz L. Sandoz and Clarisse his wife Andrew N. Salonde and Azelima his wife Adelard Sanclos and Irma his wife Thaddeus A. Andrews and Lisma his wife Joseph B. Gillard and Celestine his wife Christopher Medices and Azema his wife James Ellizan and Amelia his wife John P. Close and Josephine his wife Zephirine Close and Pauline his wife. David P. Lazan and Felicite his wife Gerard Caniere and Eliza his wife. Marcelin L. Melancon and Eulalie his wife Alfred Lonailler and Alzire his wife James M. Moore and Coralie his wife Joseph A.

8

Garthrean and Laure his wife Celestin M. Guiramand and Marie Drene his wife.

Vs.

Aurora Bompart, Louis Bompart, Henry Bompart, Joseph Bompart, Marie C. C. Bompart and Melanie Bompart.

Trial Ended Judgment.

Now again at this day, come said parties by their respective attorneys, and thereupon come also the Jury heretofore sworn in this cause, therefore the trial progressed and being fully terminated, the Jury as aforesaid, On their oaths aforesaid, find for the defendants. It is therefore on the finding of the Jury as aforesaid, Ordered and adjudged by the Court, that the Plaintiffs take nothing by their said Suit, but that the defendants go hence without day, and recover of said plaintiffs their costs and charges herein expended and have Execution therefor. Verdict filed in this cause.

Judgmt.

&c

Verdict filed.

And afterwards the following further proceedings were had in this cause, to wit:

Monday March 28th 1859.

Francis Davy, Ives Davy, Salomon Davy, Benoist Ney, Genevieve Boucher, Andrew N. Robin, Antoine Robin Casimir Robin, Ducondrey Lamorandier Adolph Lamorandier Lavinia Lamorandier Clara Lamorandier. Francis Sensat and Josephine his wife Simon Wable and Constance his wife. Fritz L. Sandoz and Clarissa his wife Andrew N. Lalonde and Azelima his wife Adelard Lanclos and Irma his wife Thaddeus A. Andrews and Lisma his wife Joseph B. Gillard and Celestine his wife Christopher Medicis and Azema his wife James Olligan and Amelia his wife. John P. Close and Josephine his wife Zephirine Close and Pauline his wife, David P. Saizan and Felicite his wife Gerard Carriere and Eliza his wife Marcelin L. Melancou and Eulalie his wife Alfred Lonaillier and Alzire his wife James M. Moore and Coralie his wife Joseph A. Garthrean and Laure his wife Celestin

9 M. Guiramand and Marie Irene his wife.

vs.

Aurora Bompart. Louis Bompart. Henry Bompart. Joseph Bompart. Marie C. C. Bompart and Melanie Bompart.

Mo. for New Trial filed

Motion for New Trial filed in this cause.

(For which motion for New Trial. See "Bill of Exceptions." Clk)

And afterwards the following further proceedings were had in this cause, to wit:

Wednesday May 11th 1859.

Francis Davy. Ives Davy. Salomon Davy. Benoist Ney. Geneviève Boucher Andrew N. Robin. Antoine Robin. Casimir Robin. Lucondrey Lamorandier Adolph Lamorandier Lavinia Lamorandier Clara Lamorandier. Francis Sensat and Josephine his wife. Simon Walle and Constance his wife Fritz L. Sandoz and Clarisse his wife Andrew N. Lalonde and Azelima his wife Adelard Lanclos and Irma his wife Thaddeus A. Andrews and Lisma his wife Joseph B. Gillard and Celestine his wife Christopher Medicis and Azema his wife James Colligan and Amelia his wife John P. Close and Josephine his wife Zephirine Close and Pauline his wife. David P. Saizan and Felicite his wife Gerard Carrière and Eliza his wife Marcelin L. Melancon and Eulalie his wife Alfred Lonailler and Azire his wife. James M. Moore and Coralie his wife Joseph A. Garthrean and Laure his wife Celestin M. Guiramand and Marie Irene his wife.

vs.

Aurora Bompart. Louis Bompart. Henry Bompart. Joseph Bompart Marie C. C. Bompart and Melanie Bompart.

Mo. for New Trial Overruled

Now at this day the Court being fully advised of and concerning the motion heretofore filed in this cause for New Trial doth Order and adjudge that said motion be overruled.

And afterwards the following further proceedings were

10. had in this cause. to wit:

Saturday May 28th 1859.

Francis Davy. Ives Davy. Salomon Davy. Benoist Ney. Genevieve Boucher. Andrew N. Robin. Antoine Robin. Casimir Robin. Ducondey Lamorandier Adolph Lamorandier Francis Sentat and Josephine his wife Simon Walle and Constance his wife. Fritz L. Sanders and Clausse his wife. Andrew N. Lalonde and Azelma his wife Adelard Sanclas and Irma his wife Thaddeus A. Andrews and Lisma his wife Joseph B. Gillard and Celestine his wife Christopher Medicis and Azema his wife James Colligan and Amelia his wife John P. Clase and Josephine his wife Zephirine Clase and Pauline his wife. David P. Saizan and Felicite his wife Gerard Caniere and Eliza his wife Marcelin L. Melancon and Eulalie his wife. Alfred Lonaillier and Alzire his wife. James M. Moore and Eralie his wife Joseph A. Garthrean and Laurée his wife Celestin M. Guiramand and Marie Drene his wife.

vs.

Aurora Bompart, Louis Bompart. Henry Bompart. Joseph Bompart. Marie C. C. Bompart and Melanie Bompart.

Bill of Excp.s filed.

Bill of Exceptions filed in this cause.

Which Bill of Exceptions is in the words and figures following. to wit:

Bill of Excp.s

Francis Davey and others, Plaintiffs vs. Aurora Bompart and others Defendants	In the St. Louis Land Court. March Term 1859.

Bill of Exceptions.

Be it remembered that on the trial of this cause the Plaintiffs first dismissed as to several coplaintiffs and then gave in evidence a connected plat of the United States Surveys in the Prairie Denoyer Common field.

11 Plaintiffs then read in evidence the following documents -- to wit:

1. Copy of Spanish concession to Pierre Belestre dated April 2d 1785. and translation thereof.

Spanish Concessn. to "Don Pedro Picote de Belestre.

Dn Franco Cruzat. Terl. Corl. grad. de Infanteria Comandte en gefe y Terl. de Governador de esta Partida occidental y districtos de los Ilinuenses. Visto lo expresto en el presente Memorial presentado por Dn Pedro Picote de Belestre, vezino de este pueblo de Sn Luis con fecha de primero de April de este coriente año, le he concedido a titulo de propriedad para el, sus herederos, y otros que representen su dro un arpan de tierra situado en la Araderia Adenoye, que confina por un lado a las tierras de Fify Bochenau, por el otro a las del nombrado Roy (Errero) con condicion de hacer la valer, y cultivarla dentro de un año, a contar desde el dia de la fecha, y de lo contrario sera incorporado dicho arpan, al Dominio Real, debiendo estar sujeto a los cargos publicos y otros que S. M. quiera imponerle. Dada en S. Luis de Illinuenses a los dos dias del mes de abril de mil setecientos ochenta y cinco.

Franco Cruzat.

Recorder's office. St. Louis 8. October 1838.

The above is correctly transcribed from folio 12 of Livre Terrien No. 4.

Adolphe Renard

U. S. Recorder of Land titles in the State of Missouri.

Translation of the above.

Translt.n

Don Peter Picote de Belestre

I. Don Francis de Cruzat. Lieutenant Colonel by brevet of infantry. Commander in chief and Lieutenant Governor of this western part and the districts of Illinois, having seen the statement in the present request from Don Peter Picote de Belestre, a resident of this town of Saint Louis, dated the first of April of the current year. I have granted to him his heirs or assigns, in fee simple, one arpent of land situated in the Prairie a Desnoyers, bounded on one side by the land of Fify Beaujenoux, on the other

by that of Roy (blacksmith) under the condition to improve and till the same within one year, counting from this day; and that upon the failure of this condition, the said arpent shall return to the Royal Domain; the same remaining subject to the public and other charges which his Majesty might impose thereon. Given in St Louis of the Illinois on the second day of the month of April One thousand seven hundred and eighty five.

Francis Cruzat.

St. October 1837. Correctly translated.

Adolphe Renard.

2. Copy of Spanish survey to — Belestre by Chouteau and Motard dated August 1788. and translation thereof.

Spanish Survey to Belestre by Chouteau & Motard.

Je Pierre Chouteau soussigné, en vertu du pouvoir dont Monsieur Don Emanuel Perez Capitaine d'Infanterie et Lieutenant Gouverneur de la partie occidentale des Illinois, m'a revetir a la requête des habitants de ce poste St. Louis, demandant que les dimentions, directions et limites des terres qu'ils possedent à la prairie à Denoyer soyent determinées par personne Competente et authorizée à cette fin, declare à tous qu'il appartiendra, qu'à la requisition de chacun d'eux des dits habitants, le vingt troisieme Juin mil sept cent quatre vingt huit, je me suis expres transporté de mon domicile sis dans ce susdit poste St Louis sur une terre au

Recorded book F. page 176

Sr Belestre, de deux arpents de large sur quarante autres de long à lui appartenant, partie labourée partie en friche, située à la prairie à Denoyer et tenant immédiatement à celle de Felix Beaujenon et de l'autre coté à celle de Roy forgeron, au bout de la dite terre joignant l'habitation du Sieur Charles Gratiot et l'autre bout au domaine du Roy, pour l'arpenter avec mon instrument et une chaine de quarante cinq pieds de long, dont la longueur prise quatre fois fait juste l'arpent usité en ce pays qui est de cent quatre vingt pieds sur chaque face, à l'execution de quoi me faisant accompagner du proprietaire et du dit Roy, dit voisin le plus immediat

13

pour me servir de temoin et m'indiquer exactement la veritable situation de leurs concessions respectives, je suis parvenu et l'ai fait borner en ma presence avec des pierres à ses quatre extrêmités après l'avoir mesureé sur ses lignes de largeur et longueur, dont les deux premières paralelles, c'est-à-dire de largeur vont au Nord Ouest en s'ecartant du Nord vers l'Ouest de onze degrés quinze minutes, et les deux autres dernières, c'est-à-dire de longueur, aussi paralelles, vont au Ouest quart Sud Ouest ou mieux s'ecartant de l'Ouest vers le Sud de onze degrés quinze minutes, sans aucun egard à la variation du compas qui peut y avoir et font, par consequant en dirigeant la vue et allant du point du departe vers le Nord quart de Nord Ouest et vers l'Ouest quart de Sud Ouest un angle obtus de cinquante degrés vingt deux minutes et demie. Compensation faite des différences causées par les inegalités des terres & inclinaisons des lignes les unes sur les autres, par rapport aux perpendiculaire, horizontales qui servent toujours à leur vraie mesure tant sur la largeur que sur la longueur.

Ainsi je l'atteste par mon seing et par l'aveu unanime de tous les proprietaires susnommés assemblés dans ce moment avec l'approbation de mon dit Sieur Don Emanuel Perez dans la chambre du Gouvernement pour se servir mutuellement de temoins et affirmer le fait, les uns par leurs seings, les autres par leurs declarations à défaut de savoir signer, en presence de Monsieur Don Emanuel Perez Capitaine du bataillon de la Louisianne et Lieutenant Gouverneur. Commandant en ce poste, afin d'approuver, Confirmer et ratifier ainsique par son seing en sa qualité de Lieutenant Gouverneur avec laquelle il est muni du même pouvoir de conceder les possessions accordées par les autres Commandants ses antécesseurs, et specifiés dans ce corps de livre qui je remets contenant dix pages écrites celle-ci inclusivement aux archives de ce Gouvernement pour y etre conservé à perpetuité pour servir au besoin, sureté, authenticité et temoignage de tout ce qui y est exposé — à St. Louis le — Août mil sept cent quatre vingt huit.

Pre Chouteau.

S. Notard.

Recorded. M. P. Leduc.

See Livre Terrien No. 2 pages 69, 70 & 78.

Office of the Recorder of Land titles.

St. Louis 1. May 1855.

I certify that the foregoing is correctly transcribed from pages 69, 70 & 78. of Livre Terrien No 2. in this office.

Adolphe Renard
Ex. S. Recorder of Land titles.

Translation

I the undersigned Pierre Chouteau by virtue of the power in me vested by Monsieur Don Emanuel Perez, Captain of Infantry and Lieutenant Governor of the Western part of Illinois, at the request of the inhabitants of this part of St Louis, asking that the dimensions courses, and boundaries of the lands they possess in the Prairie Denoyer be determined by a competent person authorized to that effect, declare to all those whom it may concern, That at the request of each of said inhabitants, the twenty third day of June One thousand seven hundred and eighty eight, I purposely went from my dwelling situated in the above said Part of St Louis on a track of land of Mr Belestre, of two arpents in width by forty others in length to him belonging, part ploughed, and part untilled situated in the Prairie Denoyer and adjoining immediately to that of Fifi Beaugenon, and on the other side to that of Roy Forgeron One side of the said land adjoining the habitation of Mr. Charles Gratiot, and on the other side by the domain of the King. to survey with my instrument, and a chain of forty five feet in length, which length taken four times just makes the arpent used in this Country, which has One hundred and eighty feet on each side. In the execution of which survey I was accompanied by the said proprietor, and of the said Roy, and by his said most immediate neighbor, to serve as assisting witnesses, and to indicate exactly the true situation of their respective concessions. I surveyed the same and had it bounded in my presence with stones at its four angles

15 after having measured it on its lines of width and length, which two first parallels, that is in width run to the North West; or deviate from the north towards towards the West of eleven degrees, fifteen minutes, and the two others, that is in length, also parallels run West one quarter, South west, or rather deviate from the West towards the South, eleven degrees, fifteen minutes, without regard to the variation of the compass, which may exist, making consequently in directing the sight from the point of departure, towards the north, one quarter of the North West and towards the West, one quarter of the South West; an acute angle of fifty degrees, twenty two and a half minutes, allowance being made for the differences caused by the unevenness of the land and inclination of the lines towards one another, relatively to the horizontal perpendiculars, which always serve to their true measure as well on the width as on the length —

And I do attest the same, with my signature, and with the unanimous consent of all the proprietors here above named, assembled at present with the approbation of my said Mr Don Emanuel Perez in the Government house to serve mutually as witnesses, and affirm the facts, some with their signatures, and others with their declarations not knowing how to sign, in presence of Mr. Don Emanuel Perez, Captain of the batallion of Louisiana, and Lieutenant Governor Commanding at this Post, in order to approve, confirm, and ratify, also by his signature in the capacity of Lieutenant Governor, by which he is invested with the same power to grant the possessions granted by other Commandants preceding him, and specified in the body of this book containing ten pages, written, including this, which I remit in the Archives of this Government to be therein perpetually preserved, and to serve in case of need, of Surety, authenticity and attestation in behalf of all therein stated — At St. Louis the — day of August, one thousand, seven hundred and eighty eight.

Pre. Chouteau

J. Motard

16 3. Abstracts from the registers of births and deaths in the Roman Catholic Church at the Cathedral in St. Louis, containing the following and translations thereof.

(1. Birth of Mary Felicite Belestre.)

Abst.s from Regs.ts of Births & Deaths &c.

Baptism of Mary Felicity de Bélestre

Le vingt cinq de Juen mil sept cent soixante dix par nous pretre Vicaire général de Monseigneur l'évêque de Quebec, au pays des Illinois, ont été suppleés les cérémonies du St Bapteme a marie felicité née le dix neuf Juillette mil sept cent soixante huit du légitime mariage de Louis Picoté écuyer Sieur de Bélestre et de dame Joachim de Coulon de Villiers son épouse; le parain a été messire louis Belle Rive de St Ange Capitaine reformé; Et la maraine dame felicite Robino de porneuf, épouse de Messire Don Pedro Piernas Lieutenant Gouverneur pour sa Majesté Catholique au pays des Illinois, lesquels ont signé avec nous ainsi que le pere et la mere presents.

St Ange felicité Portneuf piernas.

Louis picoté Belestre Gibault ptre Vicaire General

(2. Birth of Pierre Belestre)

Bapt. of Peter de Belestre

Le cinq Octobre mil sept cent soixante dix par nous Curé de notre Dame de l'immaculée Conception des Kaskaskias, et Vicaire general de monseigneur l'eveque de Quebec pour la partie des Illinois soussigné, a été Baptisé Pierre né la Veille du légitime mariage de Louis Picoté Sieur de Belestre officier de Belestre, officier réformé Et de dame Joachim de Corlong de Villiers son Epouse, nous en avon été le parain et la maraine a été Dame Elisabette coulong de Villiers Grouse du S.t Volsey qui a signé avec nous-

Elisabette Villers. Pre Gibault Ptre. V.G.

(3. Birth of Constance Belestre)

Bapt. of Constance de Belestre

L'an mil sept cent soixante et douze le dix Octo-bre je soussigné ay baptisé avec les ceremonies

17 ordinaires de L'eglise Constance fille du St Louis Peiquotte Bellestre ancien officier, et de damme Joachim de Villeé le parain a été le St Joseph piernace Cadet au bataillon de la Louisianne; et la maraine damme Marie Joseph Godon Beausoleille qui ont signés avec nous le jour et auque dessus-

Jph Piernas. Gondeau beausoleil L. picote Bélettre.

fr: Valentin Curé.

(4. Birth of Antoine Belestre)

Bapt. of Antony de Belestre — L'an mil sept cent soixante et quinze le vingt deux d'avril; je soussigne ai Baptisé avec les ceremonies ordinaires, de l'eglise Antoine ne le dix huit d'Octobre de l'annee derniere fils du St. Louis picquotte de Belestre et de damme Joachim de Villers; le parain a été le sieur antoine hubert Bellere, et la maraine demoiselle Marie Raphaïlé fermin de Piernace qui ont signé le jour et au que dessus.

Hubert Marie Piernas.

fr: Valentin Curé

(5. Birth of Marie Louise Belestre)

Bapt. of Mary Louise de Belestre — L'an mil sept cent soixante et seize le vingt huit d'octobre je prêtre, Cp: miss: apost: Curé de St. Louis pays des Illinois province de la Louisiane ai supplée les ceremonies de Bapteme a Marie Louise née en legitime mariage de Louis Pitodé de Bélétre et de Joachim Villier ses pere et mere, le parain a été Louis Dubreuil, la marine, Marie Louise Tayon lesquels ont signés avec moi le jour et auque dessus.

Louis Chauvet Dubreuil

Marie Louise Tayon. F. Bernard

(6. Birth of Marie Josephe Belestre)

Bapt. of Mary Josephe de Belestre — L'an mil sept cent soixante et dix neuf le sept de fevrier je prêtre Cp: miss: apost: Curé de St. Louis - ai supplée les ceremonies de Baptême, a Marie

18 Josephe née le quinze janvier en légitime mariage de Louis picoté Bélestre et de Joachim Villers. ses père et mère, le parain a été: Eugène Joseph, Pourrée, la maraine de moiselle Leyba. lesquels ont signés avec moi, le jour et au que dessus

Pourrée Joseph F. Bernard Miss:

(7. Death of Pierre Belestre)

Burial of Peter de Belestre } Le Vingt quatre May mil huit cent un: Pierre Picoté de Belleaitre décédé de hier, âgé de vingt cinq ans fils du de pierre picoté de Belle aitre et de Joachim de Villers ses legitimes pere et mere a été par nous soussigné inhumé au cimetiere de ce lieu; en presence de pierre l'abbody, de Jean Rte dufeau tous de cette paroisse qui declarent ne scavoir signer.

Janin Curé.

I, the undersigned Priest of the Roman Catholic Church at the Cathedral of St. Louis, in the City of St. Louis, in the State of Missouri and having charge of the Registers of Baptisms, Marriages, and Burials required by the Ordinances and Customs of the Roman Catholic Church at said Cathedral to be kept thereof, do hereby certify that the above are true copies of the Registry of Baptisms of Mary Felicity, Peter, Constance, Anthony, Mary Louise, Mary Joseph de Belestre, and besides of the Registry of Burial of Peter Picoté de Belestre, as contained in the Registers of Baptisms and Burials kept by me at said Cathedral.

In faith of which I signed and undersigned.

St Louis the 29th of September 1858.

Edm Saulnier.

State of Missouri } County of St Louis } SS. Before me, the undersigned (undersigned) a Justice of the peace within and for said County, this day came Edmond Saulnier, and made oath, that the matters set forth in the foregoing certificate, by him subscribed before me are true to the best of his knowledge and belief.

19 Given under my hand this 29 of September 1858.

Rud. Herckenrath

Justice of the Peace in and for St Louis County Missouri

Translation

The twenty fifth of June, One thousand seven hundred and seventy, the ceremonies of baptism were supplied by me priest vicar general of my Lord the Bishop of Quebec for the Country of Illinois — to Marie Felicite born the nineteenth July, one thousand seven hundred and sixty eight, of the lawful marriage of Louis Picote Esquire, Mr De Belestre and Madame Joachim de Coulon de Villiers his wife — The God father was Mr Louis Bellerive du St Ange, Captain (reformé) and the God mother Madame Felicite Robine de Portneuf wife of Mr Don Pedro Piernas, Lieutenant Governor for her Catholic Majesty in the Country of Illinois, which was signed with us also the father and mother present.

St. Ange. Felicite Portneuf } Gibault Ptre.
Piernas. Louis Picote Belestre } Vicar General

The fifth of October One thousand seven hundred and seventy, was baptised by me Pastor of our Mother of the immaculate conception, of Kaskaskia, and Vicar General of our Lord the Bishop of Quebec for this part of Illinois, Pierre, born yesterday of the lawful marriage of Louis Picote Mr Belestre, officer de Belestre, Officer (reformé) and of Madam Joachim de Coulon de Villiers his wife, I being the god father, and the God mother was Madam Elizabeth Coulon de Villier wife of Mr Volsey, who signed with us.

Elizabeth Viller Pre Gibault Ptre V. G.

In the year one thousand seven hundred and seventy two, the tenth of October, I the undersigned, baptized with the usual ceremonies of the Church, Constance, daughter of Mr Louis Picote Belletre, formerly an officer and of Madam Joachim de Villier, the God father was Mr Joseph Piernace Cadet of the batallion of Louisiana, and the God mother Marie

Joseph Godor Beauvoliel, who have signed with us, the day and year aforesaid.

Jph Piernace. Gondean Beauvoliel. J Picote Belester.

Fr. Valentine Pastor.

The twenty second of April in the year one thousand seven hundred and seventy five I the undersigned baptized with the usual ceremonies of the Church, Antoine — born the Eighteenth of October the last year son of Mr Louis Picote de Belester and of Madam Joachim de Villier — The God father was Mr Antoine Hubert Bellere, and the God mother Miss Marie Raphael Firmin de Piernace who has signed the day and year aforesaid.

Hubert, — Marie Piernas

Fr. Valentine Pastor.

The twenty eighth of October, in the year one thousand seven hundred and seventy six, I the Priest Cap. Miss. Apost.l Curate of St Louis supplied the ceremonies of baptism to Marie Louise born of the legitimate mariage of Louis Picote du Belester and of Joachim De Villier her father and mother, God father, Louis Du Breuil, god mother Marie Louise Tayon who have signed with me, the day and year aforesaid.

Louis Chauvet Du Breuil Marie Louise Tayon F. Bernard.

The seventh of February in the year one thousand seven hundred and seventy nine, I the Priest. Cap. Miss. Apost. Curate of St. Louis, supplied the ceremonies of baptism to Marie Josephi born the fifteenth of January of the legitimate mariage of Louis Picote Belestre and of Joachim Villier her father and mother. The God father to be Eugene Joseph Poursé, the God mother Miss Leyba who have signed with me the day and year aforesaid.

Poursee Joseph. F. Bernard. Miss

21 The twenty fourth May one thousand eight hundred and one, Pierre Picote de Belestre died yesterday aged about twenty five years son of Picotte de Belestre and of Joachim de Villier his legitimate father and mother, and was by me the undersigned buried in the cemetery of this place in presence of Pierre Labady and of John Bte Dufeau, all of this parish, who declare they cannot sign.

Janin Pastor.

4. Extract from report of confirmation by Recorder Bates as follows.

Ext. of Rept. of Confn. by Recor. Bates

Opinion of the Recorder of Land Titles for Missouri Terry as to claims entered under act of 13th June 1812, and proven before 1st January 1814, as provided by the act of the 3d March 1813, comprehending also the claims in the late district of Arkansas, which by act of 2d August 1813, were permitted to be entered until 1st January 1814, and proven until 1st of July 1814, together with the extensions of quantity provided by the 4th section of the act of 3d March 1813 and confirmations under the act of 12th April 1812.

Warrant or Order of Survey	Survey	Notice to the Recorder by Whom	Quantity claim
Prov. Land Book 2 p. 70	not platted	Belestre representatives	2 by 40 arpens.

Where situated	Pers. Inhabt. & Cultivation	Opinion of the Recorder.
F. 176. St Louis fields & B. des Noyers.	Pers. of Cultivation prior to 1803.	Confirmed 80 arpens to be surveyed.

Recorders' Office, St Louis 13th July 1854

I certify that the above is correctly transcribed from pages 1 and 4 in Book No 1 being one of the five small books in this office, with the following endorsement on the first, and also on the fifth book, believed to be in the handwriting of Frederick Bates, to wit, "These five small books are

22 "originals in the proper handwriting of the undersigned, being his decisions on "land claims since the adjournment of the late Board - They were arranged "and fairly transcribed for Report to the Commissioner of the General Land "office, but not yet recorded in the books, because they have no authority till "sanctioned by Government.

"St Louis Nov 1st, 1815 - Frederick Bates, Recorder of Land Titles"

Adolphe Renard

U. S. Recorder of Land Titles in the State of Missouri.

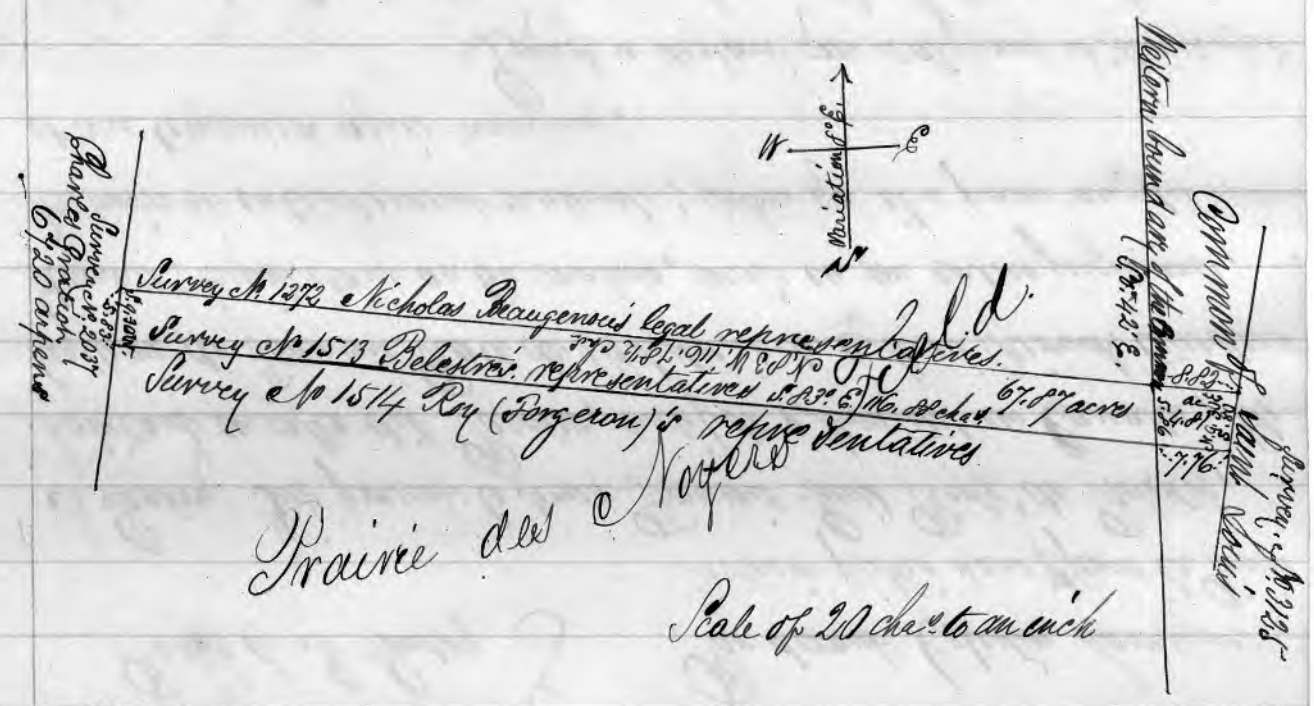
5. Copy of United States Survey No. 1513.

U. S. Surv: 1513.

Survey No. 1513.

Plat and description of the survey of a tract of 67 acres and 87/100 of an acre, of land, situated in the St. Louis, Prairie des Noyers field in Township 45 N of the base line, R. 7. E of the 5th P. M, in the State of Missouri, executed by Joseph C. Brown, D. Surveyor, in the month of October 1838 under his contract with the Surveyor of the public lands, in the States of Illinois and Missouri dated the 15th of Septr. 1835 - This lot as being one arpent in front, was granted to Pedro Picotte dit Belestre, by Francisco Cruzat, Lieutenant Governor of the Western part of Illinois; on the second of April 1785 (see Livre Terrien No. 4, folio 12.) and was surveyed as 2 by 40 arpens by Pierre Chouteau for - Belestre, in the month of August 1788. (Livre Terrien No. 2, p: 70.) It was confirmed as surveyed by Chouteau embracing 2 by 40 arpens to Belestre's representatives, by the act of Congress of the 29th of April 1816 entitled an act for the confirmation of certain claims, to land in the Western District of the State of Louisiana and in the Territory of Missouri, according to the reports of Frederick Bates, Recorder of Land Titles, of the 2nd, of February 1816. (see American States Papers Vol III. page 278 Duff Green's Edition 1834.

T. 45. N. R. 7. E. of the 5th P. M.



Description

Begin at a lime stone 18 in long, 12 in wide & and 3 in thick set 9 in in the ground, and marked with a cross on the top, the N. E. corner of this lot, and the S. E. corner of the lot of Beaugenou's Survey 1272, from which a pin oak 4 in in diameter bears S. 23° E. 19 lks - and a cedar post bears N. 80¾ W. 29 lks distant.

Thence N. 83 degrees, W. along the N. boundary of this lot and the S. boundary of Beaugenou's lot, at 1 ch. 26½ lks an old stone; at 116 ch. 7 lks 8½ a lime stone 18 in long 12 in wide and 4½ in thick, set 9 in into the Ground and marked with a cross on the top, the N. W. corner of this lot and the S. W. corner of the lot of Beaugenou, on the E. boundary of Survey No. 2037, in the name of Charles Gratiot.

Thence S 9° 30' W. along the W. boundary of this lot, and the E. boundary of Charles Gratiot's Survey, at 5 chains 83 lks - a lime stone 18 in long, 12 in wide and 4 in thick, set 13 in into the ground, and marked with a cross, on the top, the S. W. corner of this lot, and the N. W. corner of the lot of Roy Forgeron's representatives, Survey No 1514.

Thence S. 83° E along the S boundary of the lot, and the N. boundary of the lot of Roy Forgeron, at 116 chains 88 lks -

a lime stone. 14 in long. 14 in wide and 3 in thick. set 8 in into the ground, and marked with a cross on the top. the S. E. corner of this lot. and the N. E. corner of the lot of Roy Ferguson.

Thence N. 9°. 30'. E. along the E. boundary of this lot; at 5 chs. 80 lks. the begining corner.

Surveyors office, St Louis 13th of June 1846.

The foregoing plat and description of Survey No. 1513 in the name of Pelestre's representatives are this day approved as recorded on pages 211 and 212 of this book.

Signed. F. R. Conway.
Surveyor of the public lands in the States of Illinois and Missouri.

Office of the Surveyor General for Illinois and Missouri –
St Louis July 5th. 1854.

The foregoing plat and description of Survey No. 1513. and the certificate of Approval. thereto are correctly copied from pages 211 and 212. of Record book D. in this office.

Jno Loughborough Surveyor General.

6. Copy of Will of Francois Louis Picote de Pelestre and translation.

Will of Fs L. Picote de Pelestre.

State of Louisiana
Parish of St Landry } Par devant Celestin Lavergne Notaire public dans & pour la Paroisse St. Landry Fut present le sieur Francois Louis Picote de Pelestre, habitant en celle dit Paroisse, natif de Montreal en Canada; fils legitime de Francois Picote de Pelestre et de Mme Rivard, tous deux defunts; lequel étant au lit malade, mais en son entier jugement, mémoire et entendement naturel; selon qu'il a paru au dit Notaire et aux temoins ci après nommes;

Lequel a declaré que se sachant et être surpris par la mort vu l'incertitude de son heure, il voulant mettre ordre à ses affaires temporelles; a cet effet il a dict à haute & intelligible voix

25 aux dits Notaire & temoins, ses dernieres volantés, lesquelles ont été écrites par le sieur Dessessarts l'un des dits temoins. Comme suit savoir:

1° Comme Catholique. Apostolique & Romain. Je désire être enterré dans le cimetiere des Catholiques de cette Paroisse Et j'ordonne à mon Executeur testamentaire de me faire dire trois messes pour le repos de mon câme, car telle est ma volonté!

Item, Je declare avoir été marié en face de notre sainte meré Eglise avec feue Joachim Coulos. Devilliers; duquel mariage j'ai encore existant trois enfants majeurs nommés François De Celestre actuellement a la Havane au Service d'Espagne; Marie De Celestre épouse du Dr Yves D'arcy & Joachim De Celestre épouse de Benoit Ney ces deux dernieres residant en cette paroisse — Je declare en outre avoir eu une autre fille nommée Felicité épouse decedée de Mr. François Robin laquelle a laissé plusieurs enfants, ce que je declare afin qu'il soit constaté!

Item, Je donne & lequi a Constance a gée de six ans sévolus fille naturelle de ma fille Joachim épouse de Benoit Ney, la somme de quatre cents piastres, une fois payée a prelever sur la totalité de mes biens avant tout partage entre mes enfants et mes petits enfants.

Item. En cous, deration des bour & loyaux services sans interruption, pendant plus de trente ans, je donne la liberté à mon negre Samba age de cinquante deux ans: a cet effet j'ordonne à mon encenteur testamentaire, am, etot après mon déci de remplir les formalités voulues par la loi, et de lui en frasser cute en forme.

Item Je declare que dans le partage des biens de communauté entre ma defunte épouse & moi, il est revenu a chacun de mes enfants une somme de mille troje piastres qu'ils ont reçue et dont ils m'ont donné quittance; que ma fille Joachim Ney a acheté à l'encan qui a eu lieu une negresse nommée Sophie pour onze cent cinq piastres: Je déclare qu'elle m'a rembourse les quatre vingt douze piastres qu'elle me rest devoir, dont le présent lui servir a de quittance

Item. Je declare que ma dite fille Joachim, n'ayant pas de marque à elle pour ses animaux, elle s'est servie

pour marquer certaines bêtes cavalines à elle en propre lui provenant de ses épargnes, les a fait marquer sur l'épaule avec ma marque c'est pour quoi je déclare que les dites bêtes cavalines ainsi marquées lui appartiennent.

Item. Je nomme pour tutrice & curatrice ad litem la susdite même petite fille Constance, sa mere Joachim.

Item. Au état après la vente de mes biens et les ventres, J'ordonne a mon executeur testamentaire de placer en interets avec les meilleures suretés possibles, les quatre cents piastres que je lègue à ma dite, petite fille Constance, les interets en devront être payés à ma dite fille Joachim sa mere tutrice & Curatrice, pour subvenir à ses besoins, et à son entretien.

Item. Je declare que le peu de bêtes a corne marquées sur l'Epaule, appartiennent à ma susdite petite fille, provenant de deux vaches qui lui ont été données dans son bas agé.

Item. J'institue & nomme pour mes uniques & universels heritiers mes susdits trois enfants, François & Marie fr. d'Yves D'Ery & Joachim Betestre épouse de Benoit Ney ainsi que tous les enfants de feu ma fille, Feliate Epouse, décédée de François Robin; afin qu'après mon decès, ils heritent à portions égales du peu de bien que je possède, avec la volonté & benediction de Dieu et la mienne.

Item Je nomme pour mon executeur testamentaire le sieur Joseph Louis Charles Gauiques de Flan=geau, marchand en cette dite Paroisse; afin qu'aussitôt après mon decès, assisté de deux experts nommés l'un par lui & l'autre par mes heritiers, il fasse, extrajudiciairement & sans qu'aucune justice y intervienne, l'inventaire et l'estimation de mes biens qui seront vendus de la manière qu'il jugera ainsi que mes dits heritiers être la plus convenable.

Je revoque et annulle, rends nuls d'aucune valeur en effet tout autre testament ou codicile que j'aurais fait ou pu faire avant celui ci, lequel seul doit avoir son plein et entier effet. Fait & passé en la Paroisse St Landry, au domicile du tes=tateur, dans la salle de sa maison: le douzième, jour du mois de Decem-

27

-bre de l'année de N. S. mil huit cent vingt & un. En présence de Messieurs Jean. François Dominique Thomy. André Lastrapes et D. R. D. Dessessarts témoins requis lesquels ont signé avec le testateur et moi le susdit notaire, après lecture à haute & intelligible voix; que le dit testateur a affirmé bien entendre et comprendre et y persister; ajoutant que toutes les clauses contenues au présent testament tout sa volonté qu'il désire être exécuté en toutes et chacun de ses parties.

François Louis Picoté de Belestre

Thomy. A Lastrapes
D. R. D. Dessessarts.

Par devant moi
Celestin Lavergne. Not. Public.

State of Louisiana
Parish of St. Landry } I. A. Ganignes Clerk of the District Court in and for the Parish of St. Landry in the State of Louisiana do hereby certify the foregoing to be a true and correct copy of the last will and Testament of François Louis Picoté de Belestre deceased on file in my office.

Seal

Given under my official signature and seal this 10th March 1854.

A. Ganignes. Cl

State of Louisiana
Parish of St. Landry } I. A. Ganignes Clerk of the District Court in and for the Parish of St. Landry in the State of Louisiana. do hereby certify that the succession of Louis Picoté de Bélestre deceased, has been opened in this Parish on the 27th day of December A. D. (1821) Eighteen hundred and twenty one.

Seal

Given under my official signature and seal this 14th day of March A. D. 1854.

A. Ganignes Cl

United States of America. State of Louisiana.

28. By Paul O. Hebert, Governor of the State of Louisiana,

These are to certify, That A. Garrignes whose name is subscribed to the instruments of writing herein annexed is and was at the time of signing the same Clerk of the Court in and for the Parish of St Landry in this State, and that his attestation to the same is in due form of law and by the proper officer.

Seal

Given at Baton Rouge, under my hand, and the Seal of the State, this twentieth day of March one thousand eight hundred and fifty four and of the Independence of the United States the seventy eighth.

By the Governor, P. O. Hebert

Andrew J Henon. Secretary of State

Translation

State of Louisiana }
Parish of St. Landry } Before Celestin Lavergne Notary Public in and for St. Landry Parish, was present François Louis Picote de Belestre residing in this said Parish, born in Montreal Canada, lawful son of Francois Picoté de Belestre and Mm. Nevart, both of them deceased, who, being sick in bed, but sound of mind memory and natural understanding, as it appeared to the said Notary and hereinafter named witnesses, has declared that, in fear of being overtaken by death, as its hour is uncertain, he intended to settle his worldly affairs; to that effect, he has dictated, with a loud and intelligible voice, to the aforesaid Notary and witnesses, his last will, which has been written by Dessessarts, one of the witnesses as follows to wit:

1° As an Apostolic and Roman Catholic I desire to be buried in the Catholic Cemetery of this Parish, and I direct my testamentary Executor to cause three masses to be said for the repose of my soul, for, such is my will.

Also I declare to have been married before our holy mother the Catholic Church to Joachim Cantos Devilliers deceased; from which

29 marriage I have still living three children of lawful age named François de Bélestre now in the Service of Spain at Havana, Marie de Bélestre, wife of Dr Yves D'Arcy, and Joachim De bélestre wife of Benoit Ney, the two last ones residing in this Parish; I moreover declare to have had an other daughter named Félicité, deceased wife of François Robin, who has left several children; I declare this in order that it be proved.

Also: I give and bequeath unto Constance, aged six years, natural child of my daughter Joachim wife of Benoit Ney the sum of four hundred dollars, at once paid, to be levied upon the whole of my property before any distribution amongst my children and grand children.

Also; In consideration of his good and honest services, without interruption, during more than thirty years. I manumise my negro Samba aged fifty two years; to that effect, I direct my testamentary Executor, immediately after my decease, to fulfil all the formalities prescribed by law and to give him a deed thereof in due form.

Also; I declare in the distribution of the property in the community between my deceased wife and me, each of my children has inherited a sum of one thousand and thirteen dollars, which they have received, and of which they have given me a receipt; that my daughter Joachim Ney has purchased at the auction that has taken place, a negro woman, named Sophie, for eleven hundred and five dollars; I declare that she has repaid to me the ninety two dollars remaining due me by her, and of which she will be, by these presents discharged.

Also: I declare that my said daughter Joachim not having any particular of her own for her cattle, has caused certain horses, to her belonging by her savings, to be marked on the shoulder, with my mark; therefore I declare that the said horses thus marked belong to her.

Also: I appoint as guardian and trustee ad litem for my said grand child Constance, her mother Joachim.

Also; Immediately after the sale of my property,

and the money collected, I direct my testamentary Executor to put at interest, with the best possible securities, the four hundred dollars that I give to my said grand child Constance, the interest of which shall be paid to my said daughter Joachim her mother, as her guardian and trustee, to provide for his wants and maintenance.

Also: I declare that the few Cattle marked on the shoulder belong to my said grand child, coming from two tores that have been given to her, in her infancy.

Also: I appoint and name for my sale and universal heirs my aforesaid three children François Marie Yves D'Ary and Joachim Belestre wife of Benoit Ney, as also all the children of my deceased daughter Felicité, wife of François Robin, in order that, after my decease, they inherit, share and share alike, the property that I possess, with the blessing of God and mine.

Also: I appoint for my testamentary Executor Joseph Louis Charles Garrignes de Flangeac, a merchant in this said Parish, in order that, immediately after my decease, with the assistance of two experts, named, one by himself and the other by my heirs, he make extra-judicially and without the intervention of the law, the Inventory and estimation of my property which shall be sold in the manner he shall, together with my said heirs, deem the most convenient

I revoke and annull, as void and of no effect, all other testament or codicile that I might or could have made before the present one, which only can be valid and of full effect.

Done and executed in the Parish of St. Landry, in the house of the testator, the 12th day of the month of December in the year of our Lord one thousand eight hundred and twenty one, in the presence of Jean François Dominique Thomy, André Lastrapes, and D. R. D. Dessessarts witnesses, who, together with the testator and I the aforesaid Notary, have signed after the reading thereof with a loud and intelligible voice; which the said testator has declared to well hear and understand and stand by, confirming that all the clauses in the present will contained,

31 are his will which he wishes to be executed in all and each of its parts.

Francois Louis Pirote de Belestre,

Thomy. A. Lastrapes. D. R. D. Dessessarts.

Before me Celestin Lavergne Not. Public.

J. Extracts from Parish of St. Landry with certificates and affi=davits marked A. B. C. D. — Shewing Marriage of Etienne Lamorandier and Louise Felicite Robin. Marriage of Pierre E. Boucher and Marie Josephine Davey. Marriage of Simon Walke and Constance Belestre — and death of Etienne Lamorandier.

Extracts &c. marked A. B. C & D.

A.

Aujourd'hui, vingt Juin, mil huit cent quinze, Je, soussigné, Michel Bernard Barrière, prêtre desservant cette paroisse St. Landry des Opelousa, Après les Solennités de droit et la publication d'un Ban fête au prons de la paroisse, dimanche dernier, les parties ayant été pour de Justes causes dispensés des deux autres, et sans qu'il se soit présenté aucun empeche=ment Canonique ni civil, Je ai marié Solemnellement Mr. Etienne Robert de la Morandiere, natif de cette paroisse, et fils legitime de Mr. Etienne Robert de La Morandiere et de dame Marguerite de Gradenigys, de la paroisse de la pointe Coupée et habitants de cette paroisse. Le dit Sr. Etienne de Lamorandier, mineur d'age, et procédant du consentement de Mr son pere in présent d'une part, avec d elle Louise Felicite Robin native de cette paroisse, et fille legitime de Sr. Francois Robin docteur et l'un et l'autre droit et en Medicine, natif du Bourg St. Andiol, en vivarais en France, et de dame Marie Felicite Picote de Belestre, native des Illinois et habitants de cette paroisse. La dite d elle Louise Felicite mineure d'age et procédant du consentement de Mr son pere in present, d'autre; et les ayant interroyés l'un et l'autre par paroles de présent, et ayant obtenu leur mutuel consentement au dt Mariage, Je leur ai impanté la bénédiction nuptiale suivant les rs et coutumes de Notre Sainte Mere l'Eglis Romaine; En présence des témoins Sous signés, tous habitants de cette paroisse que ont signé

avec moi ; le dit Jour, mois et an pra dessus.

Etienne Lamorandiere ; Felicité Robin.

Etienne Lamorandiere fils. Robin # Lamorandiere. Augtin Gradenuje.
L. J. J. Robin André Robin Jalomel Robin.
J. Bte Castille. Antoine Robin. Michel Stelu.
Jean Baptiste Castille. Alexandre Castille.

Migl Berndo Darriere Pretre deservant

B.

L'an mil huit cent vingt sept, le dix neuf de mars, Je, soussigné, Curé de la paroisse de St. Landry des Opelousas, Etat de Louisiane, après une publication de bancs, et avoir dispensé les parties contractantes des deux autres publications, et après avoir remy li les formalités, prescrites par les lois, sans qu'il se soit présenté aucun empechement Civil ou Canonique, as reçu le mutuel consentement de mariage entre Sr Pierre Edouard Boucher natif de Montréal en Canada, fils legitime de François Jervin Boucher, et de dlle Geneviève Aubin Beauben, selon majeur d'age, et procédant comme maître en ses droits d'une part, et de Dlle Marie Josephine D'Avy, native de cette paroisse fette legitime de Ives D'Avy, et de Marie Josephine Picoté Belestre, icelle mineur d'age et procédant ava le consentement de ses parents d'autre part, leur ai donné la benediction nuptiale en face de notre mere la sainte Eglise Catholique et Romaine et en presence de messieurs Michel Prudhomme pere, Godfrey Holhel pere Antoine Robin, témoins a a requis, qui ont signé avec nous. temoin

T. Ed Boucher. Josephine D'Avy. L. Lepassier
Joseph Andrus Michel Prudhomme Gr. Holhel
Antoine Robin Joseph Anselm Joseph Hardy D'Avy
Bennedict Ney

D. Flavius H. Ross. Cure.

C.

33 L'an mil huit cent trente deux, le vingt cinq d'Octobre, Je, soussigné, Curé de la paroisse de St. Landry des Opelousas, après avoir accompte les formalities prescrites par les lois, et avoir dispensé les parties contractantes des publications des Bancs, sans qu'il se soit présenté aucun empechement ni civil ni Canonique ai reçu le mutuel consentement de mariage entre Simon Waible, natif de cette paroisse, fils legitime de feu Joseph Waible et de Celeste Gonor, icelui majeu d'Age, et procédant comme maitre de ses droits d'une part, et de demoiselle Constance Belestre, native de cette paroisse, fille naturelle de feu Joacim Picote de Belestre, et fr Marc. icelle mineure d'Age, mais procedant avec le consentement de ses parents d'autre part, leur ai donné la bénédiction nuptiale en face de notre mere, la sainte Eglise Catholique, Apostolique et Romaine, et en présence de messieurs Villeneuve Bordelon, Joseph Waible, Gustave Cahanin, et Ives D'Avy, temoins a ce requis, qui ont signé avec nous.

Simon Waible Constance Belestre.

V. X^sa Bordelon marque Joseph X^sa Waible marque G. Cahanin

D'Avy. D. Flavius H. Ross. Curé

D.

L'an mil huit cent cinquante et le neuf juin, j'ai enterré Mme Etienne Lamorandière, née Robin, agée de cinquante quatre ans, dont acte.

T. F. Raviol Curé

I the Undersigned, Priest of the Roman Catholic Church, in the Town of Opelousas, parish of St. Landry, State of Louisiana, and having charge of the Registers of Marriages and burials, required by the Ordinances and customs of the Roman Catholic Church at said town to be kept thereof, do hereby certify that the four above documents marqued A, B, C, D, are true copies from said registers as contained therein.

Signed, Opelousas, November 1st 1855.

G. Raymond Parish Priest of Op-

State of Louisiana
Parish of St Landry

Before me, the undersigned, a Notary Public in and for the Parish of St. Landry, State of Louisiana aforesaid, this day came, and appeared Gilbert Raymond, to me personally known as the Roman Catholic Priest of the Church of Opelousas, Parish aforesaid, and made oath that the matters set forth in the foregoing certificate by him subscribed before me are true to the best of his knowledge and belief:

Seal

In Testimony whereof I have hereunto set my hand and affixed my Notarial seal: this first day of November. Eighteen hundred and fifty eight.

Jack H. Landry, Not. Pub.

Plaintiffs then read in evidence the deposition of Joseph Hortiz as follows.

Deps.tn. of Jos Hortiz.

Francis Davey & others Plaintiffs vs Aurore Bompark & others Defendants	In the St Louis Land Court. State of Missouri.

To the above defendants.

You are hereby notified that depositions of witnesses to be read in evidence in the above cause on the part of the Plaintiffs will be taken at the dwelling of Joseph Hortiz senior in the City of St. Louis State of Missouri situated in the rear of the dwelling and lot of John B. Hortiz which is on the East side of Second Street, between Plum and Cedar Streets on the 20th day of this month to wit October 1858, between the hours of seven o clock in the forenoon and six o clock in the afternoon of that day.—

October 18th 1858.

Francis Davey & others Plaintiffs
By P. C. Morehead their Attorney.

35 Accepted and Objection of not sufficient time waived.

Alex J. P. Garesché Atty of Defts

Depositions of witnesses, produced, sworn and examined, on the Twentieth day of October in the year of our Lord 1858, between the hours of Seven O'clock in the forenoon and six O'clock in the afternoon of that day at the dwelling of Joseph Hortiz senior in the City of St Louis, State of Missouri, situated in the rear of the dwelling and lot of John B. Hortiz, which is on the East side of Second street, between Plum and Cedar streets, before me Eber Peacock a Notary Public in and for the County of St. Louis in the State of Missouri, in a certain cause, now depending in the St. Louis Land Court of the County of St. Louis and State of Missouri, between Francis Davey and others, plaintiffs and Aurora Bompart and others Defendants on the part of the plaintiffs.

Joseph Hortiz - of lawful age, being produced, sworn and examined, on the part of the plaintiffs, deposeth and saith, he is seventy eight years of age on the first of April, was born at Little Rock on Mississippi and has lived here at St. Louis and Florisant, ever since. knew the Prairie de Noyer fields before the change of Government, there was a fence around them. when the fence went down I was twenty years of age. the fence went down about 65 or 66 years ago. after the fence fell down which was around the Prairie de Noyer fields, there was no cultivation there except by those who had houses there; - knew Pierre Belestre well. -

Joseph his X mark Hortiz

Cross Examined by Mr. Shepley -

Dont recollect of ever hearing of fence of Barrier de Noyer fields being burned in 1807. - dont know anything of an agreement made in 1806 by those who claimed the Prairie de Noyer to keep up the fence - knows the fence went down in 1792 or 3 because some portion of those who claimed the fields did not want to go to any more expense to keep it

up; this fence spoken of was a part of the long range of fence that commenced at the town and run past Molard's place and down to Barrier de Noyer and then to Common fields of Carondelet — the whole fence fell down — they made a sort of abandonment of the fence, some people would not work on it — dont remember of the repairing or putting up any fence after this in front of the Barrier de Noyer fields — lived in St. Louis at that time — he is certain that it is 65 or 66 years since the fence fell and was abandoned — I am certain of it from the age I was when that took place — It is the time when it fell down — as just at that time I was twenty years old — I worked there then and before that time — I dont know how long I worked there — I worked when I was fifteen and until about the time I was twenty, when the fence went down — I worked for Philip Bacané — François Du Chouquette and Petit Liberge — François Du Chouquette had a piece of land and Pierre Lami had a piece of land there — François Du-Chouquette's land was bounded each side by his brother's land — as far as Sanguinette's Spring all the land joined together — this that I speak of is nearly at the corner of Vide poche fields — the tracts I spoke of of the Du Chouquettes were a little this side of South East corner of the Barrier de Noyer fields — dont recollect whose lands was along side of Fefe Bougineau's — old Fefé cultivated on one side and on the other side Louis Barré — Louis Barré was on the North Pierre — cultivated South of Fefe Bougineau — perhaps it might be Philip Bacanné who cultivated the second lot South of Bougineau's — was not after I left there, out there, as soon as fence went down — I had nothing more to do there — I did not go there any more after that — the fence went down gradually — piece by piece — when I ceased working there, the fence was down entirely, there were some few pieces left, but they could not be called a fence — Joseph Charleville cultivated a lot in the Barrier de Noyer — I dont remember any longer what part — cant recollect whether it was near Fefe Bougineau's knew of a tract of Roy's in Cul de Sac, but none in the Barrier de Noyer — certainly while I was cultivating there, Joseph Charleville

37
1

cultivated land — Pierre Lami and Pierre Du Chouquette are one and the same person.

Joseph his X mark Hortez

Subscribed and sworn to before me, on the day, at the place and within the hours first aforesaid.

Eber Peacock Notary Public.

I, Eber Peacock Notary Public within and for the County of St. Louis in the State of Missouri do certify that in pursuance of the within notice came before me, at the dwelling of Joseph Hortez Senior in the City and County of St. Louis State of Missouri, Joseph Hortez who was by me sworn to testify the whole truth of his knowledge touching the matter in controversy aforesaid; that he was examined and his examination reduced to writing and subscribed by him in my presence, on the day, between the hours and at the place in that behalf first aforesaid and his said deposition is now herewith returned, and I further certify that said Joseph Hortez is a resident of said County of St. Louis in said State of Missouri.

Seal

Given at St. Louis in the County of St. Louis this Twentieth day of October A. D. 1858.

Eber Peacock Notary Public.

Then the deposition of Francis Noise as follows.

Deposition of Francis Noise

Francis Davey & others Plaintiffs
vs
Aurora Rampart & others Defendants

In the St. Louis Land Court.
State of Missouri

To the above named defendants.

You are hereby notified that depositions of witnesses to be read in evidence in the above entitled cause on the part of the Plaintiffs will be taken on this day the 26th of October 1858. at the Law Office of Philip C. Morehead in the City of St. Louis State of Missouri No. 33. Pine Street between the hours of eight o'clock in the forenoon and six o'clock in

the afternoon.

October 25th 1858. Francis Davey & others Plffs
By P. C. Morehead their Attorney.

St Louis Mo 25 October 1858. Service of above accepted, and waiver of objection that the number of days required by Statute not given.
Alex J. P. Garesché Atty of Defts.

Deposition of _____ witness produced sworn cautioned and examined at the office of Philip C Morehead in the City of St Louis "at No 33 Pine St" in the County of Saint Louis and State of Missouri, before me William N. White a Notary Public in and for the County of Saint Louis and State of Missouri to be used in a certain cause now pending in the Saint Louis Land Courts in the State of Missouri wherein Francis Davey and others are plaintiffs and Aurora Pompart and others are defendants. Francis Noise of lawful age being produced sworn cautioned and examined on the part of the Plaintiffs deposeth and saith as follows. my name is Francis Noise I am seventy three years old I have lived in St Louis and in Illinois all my life. I was raised in the City of St Louis I have known the Prairie De Noyer Common fields there was a fence around the Common field before the change of Government. The fence fell down some five or six years before the change of Government. there was no cultivation from the time the fence fell down until the change of Government. After the change of Government up to the year Eighteen hundred nine ten and twelve I never saw any cultivation on said Prairie de Noyers. I know a man by the name of Pierre Belestre he died. He owned and cultivated the track of land in the Prairie De Noyer before the change of Government. two arpents wide and forty arpents deep Fifi Bua=genou was on the north Forgenon Roy was on the South. he culti=vated the land until he died.

Cross Examined by the Defendants Atty.

Pierre Belestre died fifty seven years ago last May in the City of

St. Louis. on the same lot of ground his Father had here, on the second street down, west side of the street dont know how old he was but thinks he was about Thirty seven or Eight years old. he cultivated this land up to the time of his death. I am positive of this. Yes he had Father Mother, Brothers and sisters a large family they all went down to New Orleans. to the best of my recollection it is about sixty three or four years ago. I cannot say howlong he cultivated it. I do not recollect. When he was young he cultivated it with his Father. I dont know when his Father first cultivated it, I dont know to what date Belestre(s) Father cultivated the land. Belestre Senior ceased to cultivate some sixty three or four years ago. I was born here. between Seventeen hundred and sixty and Eighteen hundred and seven I resided in St. Louis between Main and Second street, during this period I was frequently upon the land. I dont know whether Mr Charleville ever cultivated this land. Mr Pierre Duchouquette cultivated it, but I cant say what year, he cultivated it with Mr Pierre Belistre up to the time of his Belisterdeath, and I believe since, the departure of Belister Senior.

While the land was cultivated by Pierre Belestre did it belong to his Father. Yes certainly.

To Whom did the land belong Pierre Bellestre was cultivating. It belonged to his Father, perhaps I have had some conversation about this land but I dont recollect. I have had no conversation with Mr Morehead except since this deposition was being taken Mr Davy asked me if I knew the land of his Grand Father. I have had numerous conversations with Mr Davy but cannot say how often these conversations have all occured within the last fifteen days or three weeks. the fence at Barrier De Noyer did not burn down but fell down. there was no fire at that fence in Eighteen hundred and seven the fence fell down in Eighteen hundred and ten, thirteen or fourteen. it was standing in Eighteen hundred and ten, in Eighteen hundred and nine Mr. Baccane

made his last crop there in Eighteen hundred and ten and lost it by the fence falling down. I cant say how often I was on that land but I worked all around in the neighborhood. this was in Eighteen hundred and two three and four that I thus worked. I mean by this that I worked in the Barriere De Noyes Common fields. I was born here, and about twenty eight years ago I moved to Kahokia. during my youth I was occupied as a farm hand about forty years ago. I went up the Missouri River and stayed there three years I made a voyage also to New Orleans and stayed there eighteen months this was in the year following the change of Government. I was in St. Louis when the Government changed hands.

Re Examined Was the fence you spoken of in Eighteen hundred and ten the first or second fence. I dont know wether it was the first or the last.

This is objected to by the defendant on account of its leading character. It was the old fence on fourth street that fell down. this is also objected to for its leading character. Was there a fence in Eighteen hundred and ten.

Objected to for its leading character.

I was married in Eighteen hundred and eleven and then I was passing through the Prairie De Noés. there was no fence then.

After Pierre Belestes Father left here to whom did it belong.) It belong to Mr Belester Senior. The boy remained here and cultivated it with Pierre Pamé.

Did Pierre Belestre have any land in the Prairie De Noir.

He had not except what he cultivated for his Father and if his Father ever gave it to him I did not know it.

Re Examined on the part of the Defendant. Are you positive that Mr Baccane in Eighteen hundred and nine made his crop.

Answer. Yes I am certain of it for I worked for him and helped him get his grain.

Examined again on the part of Plaintiff

41 Had not Mr Baccane his own fence the Answer is there was one fence for all the lots.
Who cultivated Belester lot at that time.
Answer no one. Objected to by Defendants Counsell on account of not being drawn out on first examination.
the answer is no one.

Re Examined on part of Defendant.

no one cultivated Belesters lot in Eighteen hundred and nine. in Eighteen hundred and one or two Pierre Lami had lost his arm after that I saw no one cultivate the land. others may have cultivated but I did not see them. Pierre Lami ceased to cultivate the land because he lost his arm.

Francis his X mark Noise

I, William N. White a Notary public in and for the County of St. Louis Mo. do hereby certify that Francis Noise the deponent whose residence is Cahokia in the State of Illinois was by me sworn to testify the whole truth of his knowledge touching the matter in controversy in the cause aforesaid and that his deposition was reduced to writing and subscribed by him in my presence on the 26th day of October 1858 between the hours of 8 o'clock in the forenoon and 6 o'clock in the afternoon at the office of Philip C. Morehead No. 33 Pine St. in the City and County of St. Louis State of Missouri.

William N. White.

Notary Public in and for said City and County of St. Louis Mo.

Then the depositions of witnesses taken at Opelousas State of Louisiana on the 1st and 2d, days of September 1858. to wit. of John Close, Christopher Steel, Jean J. Louiellier Gilbert Raymond and S. Hollier.

Deps.ts of Wit.ns at Opelousas.

Francis Davey and others Plaintiffs

vs.

42 Aurora Pompart and others Defendants } In the St Louis Land Court

County of St Louis. State of Missouri.

To the above named defendants.

Or A. J. P. Garesche' Esq their Attorney of Record.

You are hereby notified that depositions of witnesses to be read in evidence in the above cause on the part of the Plaintiffs will be taken at the dwelling house of Salomon Davey Esqr in the town of Opelousas, Parish of St Landry in the State of Louisiana on Wednesday the first day of September 1858 between the hours of eight o clock in the forenoon and six o clock in the afternoon of that day. And that the taking of said depositions if not completed on that day, will be continued from day to day at the same place and between the same hours till completed. July 2d 1858.

T. C. Morehead
Attorney for Plaintiffs

St Louis 3d July 1858. Accept service Alex J. P. Garesche Esq.

Francis Davey Pall
vs
Henry Shaw } I admit service of a copy of above notice and agree that the deposition to be taken in suit in which the notice is given to be read in the above entitled cause with the same effect as if taken therein subject to all legal exceptions for relevancy and competency.

J. R. Shepley
Atty for H. Shaw.

The State of Missouri.

To any Judge, Justice of the Peace, or other Judicial Officer of the State of Louisiana . . . . . Greeting:

Know ye, that we, in confidence of your prudence and fidelity, do by these presents authorize you to cause to come before you, to be examined as witnesses in a cause depending in our St Louis Land Court, in the State of Missouri, wherein Francis Davey

43

and others are plaintiffs and Aurora Pomparb and others are defendants all and every such person, and at such time and place, as shall be named to you for that purpose by the said Plaintiffs, their Attorney or Agent. And we command you to examine all and every such person upon his oath or solemn affirmation fait made or taken before you, to testify the whole truth touching his knowledge of anything relating to the said matter in controversy between the said parties; and that you do take such his examination and reduce the same into writing. When you shall have so taken his examination you are to cause the witness to sign the same, and to that and each examination at the foot thereof, you are to append your certificate, setting forth the facts that the examination was subscribed and sworn to or affirmed by the witness, and the day, as well as between what hours of the day on which it was done, and also the place of residence of the witness, if known to you. Should any paper or exhibit be produced or proven, or be referred to by the witness, you are to describe the same in his examination, or cause it to be so marked by him as to establish its identity, and attach the same to his examination. The examination thus taken you will cause to be accompanied by a certificate of your offici-al character, attested by the seal of State; or should it be more convenient such authentication and proof of your official character may be made by the certificate and seal of the clerk of any Court of record of any County of the State, District, or Territory, in which you reside, stating also in addition to the facts of his being clerk, and that the Court is one of record, that at the time when the depositions were taken you were an acting judge, (or other such officer to whom this Commission is addressed,) and duly commissioned as such. And you will return the same and all exhibits produced to you, annexed hereto carefully closed up and under your seal, directed to the Clerk of the St. Louis Land Court, in and for the County of St. Louis, Missouri, with the names of the said parties litigant endorsed thereon,

44 with all convenient speed.

Witness, Charles A. Mantz, Clerk of our said Court, at the City of St. Louis, this second day of July in the year of our Lord one thousand eight hundred and fifty eight.

Seal

Charles A. Mantz, Clerk L.C.

State of Louisiana
Parish of St. Landry } Depositions of Witnesses produced, sworn and examined on the fifth day of September 1858. between the hours of eight o'clock in the forenoon, and Six o'clock in the afternoon of that day at the dwelling house of Solomon Davey Esq in the town of Opelousa, Parish of St. Landry, in the State of Louisiana before me Wm H. Spencer, a Justice of the Peace within and for the Parish aforesaid - in a certain cause now depending in the St. Louis Lande Court, in the County of St. Louis, State of Missouri, between Francis Davey and others plaintiffs and Aurora Bompart and others defendants, on the part of the plaintiffs.

(John Close's Deposition) John Close, of lawful age, being produced, sworn and examined on the part of the plaintiffs deposeth and sayeth;

1 Question by plaintiffs, Where do you reside?
Answer. In the Parish of St. Landry.

2nd Question by plaintiffs. How long have you resided there?
Answer. Ever since 1804.

3. Question by plaintiffs. How old are you?
Answer. Going on Seventy three.

4. Question by plaintiffs - Did you ever know a man by the name of Francois Louis Picoté De Belestre?
Answer. Yes.

5. Question by plaintiffs. When, where, and how long did you know said Belestre?
Answer. I knew him at his own house in Prairie Laurent in the

45 Parish of St. Landry in 1804, and was very intimate in his family from that time until 1810, and saw him occasionally from 1810 until his death — does not recollect the time of his death — heard of his death in this parish.

6 Question by the plaintiffs. How many children had he, and what were their names?

Answer. He had two daughters that were married when witness came to this parish — one to Dr. Francois Robin, he thinks the Dr's given name was Francois, the other to Figuant — he had three other daughters who were single at that time — one named Lizette who married Dr. Yves Davy, and died without issue, another named Marie who married the same Dr. Yves Davy after the death of her sister. Dr. Davy and his wife Marie are both dead — the other named Joachim, who married Benoit Ney — witness also knew two sons of said Belestre. Antoine and Louis, was told by Mr Belestre and others that he had another in the Spanish service — never saw him — (Note. this last answer is objected to by defen=dants, who are herein represented by John H. Overton Esqr.) on the ground that it is incompetent evidence — the same being the declarations of Belestre the alleged ancestor of the present plaintiffs)

7. Question by plaintiffs. What issue, if any did the said children of Francois Louis Picote De Belestre leave?

Answer. Marie the wife of Dr. Davey left the following chil=dren, to wit: Yves Davy. Solomon Davy. Francis Davy — thinks she had daughters — remembers one daughter, now the wife of Francois Jensat of the parish of St. Landry. knows no others. thinks there were more. Joachim, wife of Benoit Ney died leaving one son, named Benoit thinks she left daughters — dont know them. The wife of Dr. Francois Robin died leaving some children — does not know their names. Louis De Belestre died without ever having been married — Antoine died without issue —

8. Question by plaintiffs. Where did you understand that

Francois Louis Picote De Belestre came from when he came to this parish?

Answer. The old gentleman always told witness that he came from Illinoise to this parish.

(Note.— Objected to by defendants counsel on the ground, that the same is the declarations of the alleged ancestor of the plaintiffs and therefore incompetent)

9. Question by plaintiffs — Where were Francis Davy, Yves Davy, Solomon Davy and Mrs Sensat born?

Answer. They were all born in the parish of St. Landry.

10. Question by plaintiffs. Is not the wife of Francois Louis Picote De Belestre dead?

Answer. Yes, and has been for many years.

Cross Examined by defendants counsel, reserving to himself the objections already taken to the answers already given.

1 Question by Defendants. How was said Belestre known and by what name?

Answer. He was known as Monsieur Belestre — did not know his Christian name — knows he was the same man of whom witness has been testifying.

2. Question by defendants. What appeared to be the age of Mr. Belestre in 1804, when you first knew him?

Answer. He seemed to be then an old man, apparently about 60 years old.

3. Question by defendants. How long had Belestre been in this parish in 1804.

Answer. dont know, but thinks he must have been here some time;

4. Question by defendants. Did you ever know Mr Belestre by the name of Louis Picote?

Answer. Can not say that he ever did, in speaking of Francois Louis Picote De Belestre he means the man who was called Mr. Belestre did not know his Christian name was Francois Louis Picote De-

47

John Close.

Subscribed and sworn to before me on the day at the place and within the hours aforesaid.

Wm H. Spencer, J. P.

(Christopher Steel's Depn 15/7)

Christopher Steel, of lawful age being produced, sworn and examined on the part of the plaintiffs, deposeth and sayeth.

1. Question by the plaintiffs Did you know Marie Belestre, wife of Dr Davy and Joachim Belestre wife of Benoit Ney? if so are they living or dead?

Answer. I know them both and they are dead.

2. Question by plaintiffs. Did they leave any children; if yea, What were their names. Where were they born and where are they now?

Answer. Marie left the following children, to wit: Yves Davy, Francois Davy and Solomon Davy, two daughters the names of whom witness does not now recollect, one of them married a man by the name of Bouchet and the other married Francois Sensat.

Joachim left three children, to wit; Constance, now the wife of Simon Wable, Benoit Ney here present, and Clarisse, the wife of Frederick Sandoz — think they were all born in the parish of St Landry, knows all the Neys were; Yves Davy, Solomon and Mrs Sensat now live in this parish — Francois Davy is dead — dont know what has become of the others, Mrs Bouchet.

The children of Joachim Belestre all live in the parish of St Landry.

3. Question by the plaintiffs. How old are you and how long have you lived in this parish?

Answer. I am about 60 years old and have lived in St Landry since 1820.

4. Question by plaintiffs, How old is Benoit Ney the son of Joachim Belestre?

Answer. He was born in the year 1823.

Christopher Steel

Subscribed and sworn to before me on the day at the place and

48

within the hours aforesaid.

Wm. H. Spencer. J. P.

(Jean J. Louailler's Depn.)

Jean J. Louailler of lawful age being produced sworn and examined on the part of the plaintiffs deposeth and saydth -

1 Question by the plaintiffs. Where do you reside and how long have you resided there?

Answer. I reside in the parish of St. Landry and have resided here for the last 54 years

2. Question by the plaintiffs. How old are you?

Answer. I am in my seventy eighth year.

3. Question by plaintiffs. Did you ever know a man here by the name of Francois Louis Nicole De Belestre?

Answer. Yes.

4. Question by plaintiffs. Do you (know) where he came from when he removed to this Country ?

Answer. I don't know whence he came to this parish but he often told me he was a Canadian.

(Note. Objected by defendants' Counsel as incompetent, for the reason that it is the declarations of the alleged ancestor to the plaintiffs)

5. Question by plaintiffs. Did you know the wife of said Belestre, and are he and his wife living or dead, if dead, When, and where did they die ?

Answer. I knew his wife; he and she both died in this parish a number of years ago.

6. Question by plaintiffs. How long did you know said Belestre and wife?

Answer. I found them here when I came to the Country, and knew them well until their deaths.

7. Question by plaintiffs. How many children had said Belestre and what were their names?

Answer Six - to wit; a Son, Captain in the Spanish army,

49. whom witness knew but does (not) recollect his given name, Antoine, and Louis, the wife of Dr Yves Davy, the wife of Dr. Robin, and Joachim Belestre wife of Benoit Ney.

8. Question by the plaintiffs. What has become of the children of the said François Louis Picoté De Belestre?

Answer. They all died here, except the one who was a Captain in the Spanish Army who left here many years ago, and Witness has not heard of him since.

9. Question by plaintiffs. What issue did the wife of Dr. Davy leave?

Answer. Yves Davy, Solomon Davy, Francis Davy, a daughter who married Boucher, and another who married François Senalat.

10. Question by plaintiffs. What issue did Joachime, the wife of Benoit Ney leave.

Answer. Benoit Ney, – the wife – the wife (of) Frederick Sandy, and the wife of Simon Wable.

11. Question by the plaintiffs. Did Louis or Antoine Belestre, either of them, leave issue?

Answer. No.

12. Question by the plaintiffs, What issue did the wife of Dr François Robin leave.

Answer. Three children, André, Antoine Robin and Felicite Robin who was wife of Etienne Lamorandier, – all now dead.

13. Question by plaintiffs. What issue did all or any of these last mentioned persons leave?

Answer. I know nothing of the children of André and Antoine Robin, but I know the children of Felicite Robin, wife of Lamorandier who are Lise wife of Gerard Carriere, Laure wife of Gauthreau – the wife of Jules Melancon, – wife of Peter Collins, late wife of James M. Moore decd. Azire, wife of Alfred Fouaillier Adolphe Lamorandier, Ducondray Lamorandier – widow of Gauthreau – wife of Celestin Morel – all residing in the

parish of St. Landry except the last, who lives in New Orleans.

Cross Examined in behalf of defendants.

1. Question by defendants. When and where did you first become acquainted with old Mr. Belestre?

Answer. In 1864, in this parish.

2. Question by the defendants. Are the facts stated by you in reference to his descendants, within your own personal knowledge?

Answer. Yes Sir. they are.

3. Question by the defendants. What did Belestre give as his name in business transactions?

Answer. Nicole De Belestre

4. Question by Defendants. Did ever know any other person bearing the name of Nicole De Belestre in this parish except the one in question?

Answer. I never did.

5. Question by the defendants. Can you state about what time said Belestre died?

Answer. Many years ago - dont know how long.

7. Question by defendant. Were you an intimate with Mr. Bestre,

Answer. I was-

8. Question by defendants. Did you ever hear Mr Belestre during his life set up any claim to lands in Missouri?

Answer. I never did.

J. J. Louailler.

Subscribed and sworn to before me on the day, at the place and within the hours aforesaid.

Wm. H. Spencer. J. P.

Not being able to complete the taking of said depositions because of the absence of witnesses & and the want of time, I adjourned the further taking of the same till to morrow - then to be continued at the same place and between the same hours as mentioned in the notice.

Wm. G. Spencer J.P.

Pursuant to adjournment as above stated on the second day of September, 1858, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon at the dwelling house of Solomon Davy, Esqr. in the town parish and state aforesaid. I continued the taking of said depositions as follows, to wit:

(G. Raymond's Depn.) Gilbert Raymond of lawful age, being produced sworn and examined on the part of the plaintiffs deposeth and sayeth:

1. Question by the plaintiffs. Are you, the rector of the Roman Catholic Church of St. Landry, situated in the town of Opelousas and parish of St. Landry, and as such are you not the legal custodian of the register of baptisms in said Church?

Answer. Yes, I am.

2. Question by plaintiffs. Please look at the document marked A and say whether the same does or does not contain true and faithful copies from the register of baptism in the said Church of St. Landry, and were the said copies made by you in person?

Answer. Yes Sir, they are true and faithful copies made by me.

G. Raymond.

Subscribed and sworn to before me on the day, at the place, and within the hours last aforesaid.

Wm. G. Spencer. J.P.

(S. Hollier's Depn.) Sephalide Hollier, widow of Auguste Desbrets, of lawful age, being produced sworn and examined on the part of the plaintiffs, deposeth and sayeth:

1. Question by the plaintiffs. Did you know Josephine Davy, wife of Bauchet; if yea, what has become of her?

Answer. I knew her well, – she is dead.

2. Question by plaintiffs. Did she leave any children?

Answer. Yes, a daughter named Genevieve.

3. Question by plaintiffs. Where is said Genevieve, is she married,

52

and to whom?

Answer. She is married to Joseph Lance and now resides in Canada.

Sephalide Hollier

Subscribed and sworn to before me on the day, at the place and within the hours last aforesaid.

Wm. H. Spencer. J.P.

I, Wm. H. Spencer, a justice of the peace within and for the parish of St. Landry in the State of Louisiana, do certify that in pursuance of the annexed commission and notice, came before me at the dwelling house of Solomon Davy, Esqr in the town of Opelousas parish and State last aforesaid, John Close, Christopher Steel, Jean J. Louaillier, Gilbert Raymond and Sephalide Hollier, widow of Auguste Desbrit, who were by me severally sworn to testify the whole truth of their knowledge touching the matters in controversy aforesaid. That they were examined and their examination reduced to writing and subscribed by them respectively in my presence on the days, between the hours and at the place in that behalf first aforesaid, and their depositions are now herewith returned. And I further certify that said John Close, Christopher Steel Jean J. Louaillier, Gilbert Raymond and Sephalide Hollier, widow of Auguste Desbrit, are residents of said parish and State.

Given at Opelousas in the parish of St. Landry, and State of Louisiana, this the second day of September in the year of our Lord One thousand eight hundred and fifty eight.

Wm. H. Spencer. J.P.

State of Louisiana
Parish of St. Landry } J.P.

It is hereby certified that Wm. H. Spencer, Esqr. on the second day of September in the year of our Lord 1858, was, and now is a Justice of the Peace within and for the parish of St. Landry State of Louisiana, duly elected, commissioned and acting as such and that full faith and credit are due to his acts as

such.

In Testimony Whereof I Louis Lastrapes, Clerk of the District Court of the State of Louisiana in and for the parish of St. Landry, a Court of Record; have hereunto subscribed my name and affixed the seal of office this 2d day of September 1853.

Seal

L. Lastrapes Clk

(Doc "A" attached to Dep.)

Extrait des Registres de Baptême de la Paroisse de Saint Landry, Opelousas.

L'an mil huit cent, neuf, le quatre Novembre, Je soussigné, Curé des Opelousas, ai baptisé solennellement Ives, né le douze d'Octobre dernier, fils legitime et du Mariage Civil du Sieur Ives d'Avy, Originaire de Nantes et d- Marie Jos. Picoté de Belestre. Le parain a été le Seigneur Sr Louis Jos. Picoté de Belestre; la Marraine Constance Picoté de Belestre. En foi du quoi &

D'Avy

Louis Buhot.

L'an mil huit cent onze, le seize Juin, Je, soussigné, Curé du Opelousas, ai baptisé Josefine, né le quatre avril dernier, fille légitime du Sieur Ives D'avy, et de dme Marie Jos. de Beletre; le parain a été le Sr Louis Louillier, et la Marraine dlle Joachim de Beletre. En foi de quoi:

Louis Buhot.

L'an mil huit cent treize le vingt neuf Juillet, J'ai baptisé Salomon, né le vingt deux Janvier dernier, du legitime mariage de Mons. Ives D'avy, Officier d- Santé, Marié Civilement dame Marie Josephine Picoté d- Belestre, ses pere et mere, ayeux paternels Mons: Ives D'Avy et dame Elizabeth Pognand; ayeux maternels Mons: Louis fr. Picoté de Belestre et Joachim Coulon Deviller. Parain par Louis Picoté de Belestre, oncle de l'enfant; Marraine, dame Marie Cid alias de la Chaise, epouse de Mr Jean Thompson.

54 En foi de quoi J'ai signé avec les parrain et les parents d-l'enfant.

Gabl. Jrabey. Curé des Atak.

L'an mil huit cent quinze et le cinq de Mars, Je, soussigné, Michel Bernard Barriere, prêtre desservant cette paroisse St Landry des Opelousas, en baptisé Solemnellement un enfant né le cinq Octobre dernier, fille legitime suivant les lois d'Amerique de Sr Ives d'Avy, natif de Nantes, paroisse de Pelerin, et de dme Marie Joseph Picoté de Belestre, native de St. Louis des Illinois; les Ayeux fraternels sont Sr Ives D'avy et dme Elizabeth Poignon de Nantes; les Ayeux Maternels sont Sr Louis francois Picoté de Belestre et dame Joachim Coulon Devilliers Originaires des Illinois ou du Canada, et ayant exercé sur le dit enfant les ses Ceremonies et prieres Je lui ai donné pour nom Joachim; Les parrains ont été Sr Eustache Robin, et dlle Constance Robin, frere et sœur. En foi de quoi.

Mégl Bernd. Barriere, prêtre desert.

L'an mil huit cent dix sept, le dix sept fevrier, Je soussigné, Michel Bernard Barriere, pretre desservant cette paroisse, St. Landry des Opelousas, ai baptisé solemnellement un enfant, ne le neuf Octobre dernier, fils legitime, suivant les lois d'Amerique du Docteur Ives D'Avy, natif de Nantes en France, paroisse de Pelerin, et de dlle Marie Joseph Picoté de Belestre, native de St. Louis des Illinois; les Ayeux fraternels sont Sr Ives D'Avy et delle Elizabeth Poignon du dit Nantes; les Maternels sont Sr Louis François Picoté de Belestre et dame Joachim Coulon Devillers, Originaires du Canada ou des Illinois, et ai donné pour nome a l'enfant François. Les parrains ont été M. Chevalier Devillers pere, et dame Louis Felicité Robin epouse de Mr. Etienne Roberts de Lamorandiere En foi de quoi &c.

Louis Devilliers Mégl Bernd. Barriere pretre d'Illinois

D'Avy

55 L'an mil huit cent trente un le trente d Janvier a été baptisé par moi soussigné, Marie Geneviève, né le quatorze Jouvir de cette année, fille legitime de Pierre Edward Bouché et de Josephine D'Avy, ayeux Paternels, François Firmin Bouché et Marie Geneviève Udon Belican, — Ayeux Maternels Vves D'Avy et Marie Josephine Picoté de Belestre Parrain Vves D'Avy fils, et Joachim D'Avy.

En foi de quoi

d Flavius Henri Ross Curé.

L'an mil huit cent vingt Sept, le vingt de Mars a été baptisé par moi, soussigné Clarisse, née le premier Juillet dernier, legitime de Bénédict Noyd, et de Joachim Belestre, Ayeux Maternels Louis Belestre et Joachim Coulon Coulon Villiers Parrain Joseph Hardy et Constance Belestre. En foi de quoi

d Flavius H. Ross C.

L'an mil huit cent quinze, le trente de Decembre, Je, soussigné Michel Bernard Barrière, prêtre desservant cette paroisse St. Landry des Opelousas ai baptisé solennellement un enfant né le vingt six septembre dernier fille naturelle d-dame Joachim Picoté de Belestre native de St. Louis des Illinois, et suivant ce que m'a déclaré la dte dame, de Mr François Marc, Négot, dans cette paroisse, les ayeux maternels, sont Mr Louis François Picotté de Belestre, et dame Joachim Coulon Devillers, l'un natif de Montréal en Cade et l'autre des Causés, habitants de cette paroisse; on n'a su me donner les noms des ayeux paternels et ayant esera sur le dt enfant les dtes Cérémonies et prières je lui ai donné pour nom Constance; Les parrains ont été Mr Vves D'Avy, docteur en médecine dans cette paroisse et dame Marie Joseph Picoté de Belestre son epouse; En foi de quoi.

D'Avy. #) Picote D'Avy

Migl Bernd Barrière Prêtre desservant.

56. Document marked A annexed to and referred to in deposition of G. Raymond.
Sept 2nd 1858. Wm H. Spencer. J.P.

A. H. Evans' Test: A. H. Evans was then sworn as a witness for Plaintiffs and stated. — I came here in the year 1817. — Know the Prarie Denoyer Common field. they were all open, uncultivated, and no fence around them from that time till Mr Payne went there — Since that time part has been open, and part enclosed. The largest portion in cultivation since, I know the Belestre tract, it was unenclosed during said time, and is in said Prarie Des Denoyer field.

Thomas J. Payne's Test: Thomas J. Payne was then sworn as a witness for Plaintiffs and stated, — I am acquainted with the Prarie Denoyer fields. I purchased from Walker in 1835, adjoining the Belestre tract — and took possession.
There was no fence around the Belestre tract till 1836.
I leased this tract from Bompart in 1834 or 1835, and fenced it in, in 1836, and occupied it till 1842. Bompart then took possession, and continued ever since.

Plaintiffs here rested their case,

Defendants then read in evidence the following
1. Copy of Deed from Pierre Douchouquette to Louis Bompart, dated May 20th. 1835.

Deed from P. Douchouquette to L. Bompart. This Deed made this twentieth day of May in the year eighteen hundred and thirty five, by and between Pierre Duchouquette of the County of St. Louis, in the State of Missouri, of the one part, and Louis Bompart of the same place, of the other part, Witnesseth: that the said Pierre Duchouquette, the said party of the said first part, for and in consideration of the sum of one hundred dollars, lawful money of the United States, to him in hand well and truly paid by the said party of the said second part, at and before

57

the sealing and delivery of these presents. the receipt whereof is hereby acknowledged, and he the said party of the said second part, from the payment of the same; is hereby forever exonerated and discharged, hath this day granted, bargained sold and conveyed, as he doth hereby grant, bargain, sell and convey to the said Louis Bompart, his heirs and assigns a certain tract of land, situate lying and being in the County of St. Louis, at a place called the Barriere des Noyes, containing the quantity of two arpens in front, by forty in depth, being the same which was surveyed to a certain Pierre Belestre by Pierre Chouteau acting as Surveyor, by order of Piernes then Commandant as by certificate of Survey bearing date August seventeen hundred and eighty eight. the same bounded North by land surveyed to Nicholas Beauge (nord) and South by Roy Forgeron (Blacksmith, the same confirmed by Frederick Bates, Recorder of land titles, December 31st 1813, which said tract of land was conveyed by the said Bellestre to a certain Francois Sancier and by the latter to the said Pierre Duchouquette. To have and to hold the above granted, bargained, sold and conveyed premises, with the appurtenances, unto the said Louis Bompart, his heirs, and assigns forever, and the said Pierre Duchouquette for himself, his heirs, executors and administrators, hereby covenants and agrees to and with the said Louis Bompart, his executors, administrators or assigns, the premises above described, with the appurtenances, against the claim or claims of all and every person whatsoever; forever to warrant and defend by these presents.

In testimony whereof, the said party of the said first part, hath hereunto set his hand and seal, the day and year first above written.

Pierre his X mark Duchouquette (Seal)

Signed, sealed and delivered in the presence of F. Bompart.

A. Levin Jollet.

County of St. Louis. SS.

Personally appeared before the subscriber a Justice of the Peace within and for the County aforesaid, Francis Bompart,

58 who is personally known to said Justice to be the person whose name is subscribed to the foregoing instrument of writing, as a witness to the execution of the same, and made oath that Pierre Duchouquette whose name is subscribed to the said instrument of writing, as Grantor, is the real person who executed the same; that the said Pierre Duchouquette, subscribed, sealed and delivered the same in his presence, and acknowledged the same to be his act and deed for the purposes therein mentioned; and that he the said Francois Bompart, subscribed the said deed as a witness in the presence, and at the request of the said Pierre Duchouquette.

F. Bompart.

Taken and certified this ninth day of December A.D. 1835.

D. Haugh, Justice of the Peace, County Saint Louis.

Filed for record January twelfth 1836 and recorded 25th January 1836.

Jno Ruland Recorder.

State of Missouri }
County of St. Louis } Ss.

I, the undersigned, Recorder in and for said County, certify the foregoing to be a true and complete copy of a deed from P. Duchouquette to L. Bompart, as also of the certificate of acknowledgment, and the dates of filing and recording thereof, as fully as the same remains of record in my office in Book V. Page 338.

Seal

Witness my hand and official seal this 5th day of May 1854.

C. Keemle Recorder.

2. Extract of report of Recorder Bates confirmation to Beaugenon as follows.

Rep.t of Rec.r Bates Conf.tn to Beaugenon

Je Pierre Chouteau soussigné; en vertir du pouvoir dont Monsieur Don Emanuel Perez Capitaine d'Infanterie et Lieutenant Gouverneur de la partie occidentale des Illinois, m'a revetir à la requête des habitants de ce poste St. Louis demandant que les dimentions, directions et limites des terres qu'ils possedent à la Prairie Denoyer, soyent determinées par personne compétente et authorizée à cette fin, declare à tous qu'il appartiendra, qu'à

59 la requisition de chacun d'eux des dits habitants, le vingt troisieme juin mil sept cent quatre vingt huit, je me suis exprès transporté de mon domicile, sis dans ce susdit poste St. Louis sur une terre à Fify Beaujenon de trois arpens de large sur quarante de long, à lui appartenant, partie labourée partie en friche, située à la Prairie a De Noyer, tenant immediatement d'un coté à celle de Mr Beletre & Vautre à Dorlac. au bout de ladite terre joignant l'habitation du dit Sieur Charles Gratiot & l'autre bout au Domaine du Roy, pour l'arpenter avec mon instrument et une chaine de quarante cinq pieds de long. dont la longueur prise quatre fois fait juste l'arpent usité en ce pays, qui est de cent quatre vingt pieds sur chaque face; à l'execrition de quoi me faisant accompagner du dit proprietaire et du Sieur Beletre voisin le plus immediat pour me servir de temoins d'aide et à m'indiquer exactement la veritable situation de leurs concessions respectives, je suis parvenu et l'ai fait borner en ma presence avec des pierres à ses quatre extrêmités, après l'avoir mesurée sur ses lignes de largeur et longueur, dont les deux premières paralléles, c'est à dire de largeur, vont au Nord Ouest en s'ecartant du Nord vers l'Ouest de onze degrés quinze minutes, et les deux autres dernieres, c'est à dire de longueur aussi paralleles, vont au Ouest quart sud Ouest, ou mieux, s'ecartent de l'Ouest vers le sud de onze degrés quinze minutes, sans aucun egard à la variation du compas qui peut y avoir et font par consequant en dirigeant la vue et allant du point du depart vers le Nord quart de Nord Ouest et vers l'Ouest quart de sud Ouest un angle obtus de cinquante degrés vingt deux minutes et demy. compensation faite des differenier causées par les inégalités des terres et inclinaisons des lignes les unes sur les autres, par rapport aux perpendiculaires horizontales qui servent toujours à leur vraie mesure tant sur la largeur que sur la longueur -

Ainsi je l'atteste par mon seing et par l'aveu unanime de tous les proprietaires susnommés assemblés dans ce moment, avec l'approbation de mon dit. Sieur Don Emanuel Perez dans la chambre du Gouvernement, pour se servir mutuellement de temoins et affirmer le fait, les uns par leurs seings, les autres par leurs declarations à defaut

60 de savoir signer, en présence de Monsieur Don Emanuel Perez Capitaine du Bataillon de la Louisianne et Lieutenant Gouverneur Commandant en ce poste afin d'approuver, confirmer et ratifier, ainsique par son seing en sa qualité de Lieutenant Gouverneur avec laquelle il est muni du même pouvoir de concéder les possessions accordées par les autres Commandants ses antécesseurs, et spécifiées dans ce copy de Cadastre que je remets contenant dix pages écrites celle-ci inclusivement aux archives de ce Gouvernement, pour y être conservé à perpétuité et servir au besoin sureté, authenticité et témoignage de tout ce qui y est exposé; à St Louis le Aoust mil sept cent quatre vingt huit.

P. Chouteau - Motard - Recorded M. St Leduc.

See Livre Terrien No 2. pages 69. 70 & 78.

Minutes of the Recorder of Land titles, acting as Commissioner, under the act of Congress entitled "An act making further provision for settling the claims to land in the territory of Missouri" passed the 13 day of June 1812 - and other acts subsequently passed -

Frederick Bates Commissioner

St Louis Decr 28: 1813.

F. 176. Confirmed 120 Arpens to be surveyed	Nicholas Bougenon ale. Fifty clg. 3 arps by 40. Barrière des Noyers Com. from S. T. No 2. p 69. for 3 arps.

Paul Guitarne jr. duly sworn says that this track was cultd. in 1780 constantly till 8 or 9 years ago - by Clt.

St Louis Decr 31. 1813.

F 176. Confirmed 120 arps to be surveyd.	Nichs Bougenon clg 3 by 40 arps Barrière des Noyers S. T. No. 69.

Joseph Roy duly sworn says that when he came to the Country 27 years ago this lot was cultd. by Clt and continued till about 8 or 9 years.

Sally Adams duly sworn says that the fence of Barrière des Noyers was burnt in 1807.

61 (See Bates minutes pages 1. 116 118 & 133 135.)

A

Opinions of the Recorder of Land titles for Missouri Territory as to claims entered under act of 13th June 1812, and proven before 1st January 1814, as provided by the act of the 3 March 1813, comprehending also the claims in the late district of Arkansas which by act of 2d August 1813, were permitted to be entered until 1st January 1814, and proven until 1st of July 1814 - together with the extensions of quantity provided by 4th section of the act of 3d March 1813, and confirmations under the act of 12th April 1814.

Warrant or Order of Survey	Survey	Notice to the Recorder by whom	Quantity claimed
Prov. Land book 2, p. 69	not platted	Nicholas Bougenouis Repr.	3 by 40 arpens F. 176.

Where situated	Possn. Inhabn. & Cultn.	Opinions of the Recorder
St. Louis fields B. Des Noyers	Possn. & Cultn. prior to 1803	Confirmed 120 arpens to be surveyed.

Recorder's Office. St. Louis 20 October 1838

The above is correctly transcribed from pages 1 and 4. of book No 1. being one of the five small books in this office with the following endorsement on the first and also on the fifth book, believed to be in the handwriting of Frederick Bates, to wit: "These five small books are originals in the proper handwriting of the undersigned being his decisions on Land claims since the adjournment of the late Board. They were arranged and fairly transcribed for reports to the Commissioner of the General Land office, but not yet recorded in the books because they have no authority till sanctioned by Government. Saint Louis Novr. 1. 1815. Frederick Bates Recorder Land Titles".

Adolphe Renard
U. S. Recorder of Land titles in the State of Missouri.

Recorder's Office. Saint Louis 22 October 1858.

I certify that the foregoing is with the attached paper marked A. a full and correct transcript from the books, records, files and documents in this office, of the claim of "Nicholas Beaugenou's Rep.s" to one hundred and twenty arpents of land in the Common field of Barrière à Desnoyers as the same was confirmed by the act of Congress of the 29 April 1816.

Adolphe Renard
U. S. Recorder of Land Titles in the State of Missouri.

3. Extract of Report of Recorder Bates confirmation to Pierre Roy as follows.

Rept. of Rec.der Bates Conft.n to Pierre Roy.

Je Pierre Chouteau soussigné en vertu du pouvoir dont Monsieur Don Emanuel Perez Capitaine d'Infanterie et Lieutenant Gouverneur de la partie Occidentale des Illinois, m'a revêtu à la requête des habitants de ce poste St. Louis, demandant que les dimensions, directions et limites des terres qu'ils possèdent à la Barrière des Noyers, soient determinées par personne compétente et authorisée à cette fin, déclare à tous qu'il appartiendra qu'à la requisition de chacun d'eus des dits habitants le vingt troisième Juin mil sept cent quatre vingt huit, je me suis exprès transporté de mon domicile, sis dans ce sus dit poste St Louis sur une terre à

Roy forgeron d'un arpent de large sur quarante autres de long à lui appartenant partie labourée partie en friche, située a la prairie à Desnoyer, tenant immediatement d'un coté au sieur Belestre et de l'autre a la terre de François Fostin, au bout de la dite terre jusquant l'habitation du dit sieur Charles Gratiot et l'autre bout au Domaine du Roy, pour l'arpenter avec mon instrument et une chaîne de quarante-cinq pieds de long dont la longueur prise quatre fois fait juste l'arpent arité ca ce pays qui est de cent quatre vingt pieds sur chaque face, a l'exécution de quoi me faisant accompagner du dit propriétaire et du dit François Fostin, dit voisin le plus immediat pour me servir

63 de temoins d'aide et a m'indiquer exactement la veritable situation de leurs concessions respectives, je suis parvenu et l'ai fait borner en ma presence avec des pierres à ses quatre extremites apres l'avoir mesuré sur ses lignes de largeur et longueur dont les deux premieres parallèles, c'est à dire de largeur vont au Nord-Ouest en s'écartant du Nord vers l'Ouest de onze degrés quinze minutes et les deux autres dernieres, c'est à dire de longueur aussi parallelles vont au Ouest quart sud Ouest, ou mieux s'ecartent de l'Ouest vers le sud de onze degrés quinze minutes, sans aucun égard à la variation du compas qui peut y avoir et font par conséquent en dirigeant la vue et allant du point de départ vers le Nord quart de Nord Ouest et vers l'Ouest quart de Sud Ouest un angle obtus de cinquante degrés vingt deux minutes et demi, compensations faites des différences causées par les inégalités des terres et inclinaisons des lignes les unes sur les autres par rapport aux perpendiculaires horizontales qui servent toujours à leur vraie mesure tant sur la largeur que sur la longueur.

Ainsi je l'atteste par mon seing et par l'aveu unanime de tous les propriétaires sus nommés assemblés dans ce moment avec l'approbation de mon dit Sieur Don Emanuel Perez dans la Chambre du Gouvernement pour de servir mutuellement de témoins et affirmer le fait, les uns par leurs seigns, les autres par leurs déclarations à défaut de savoir signer, en présence de Monsieur Don Emanuel Perez, Capitaine du bataillon de la Louisiane et Lieutenant Gouverneur Commandant en ce poste, afin d'approuver, confirmer et ratifier ainsi que par son seing en sa qualité de Lieutenant Gouverneur avec laquelle il est muni du même pouvoir de concéder les possessions accordées par les autres Commandants ses antécesseurs et spécifiés dans le corps de ce cadastre que je remets contenant dix pages écrites celle-ci inclusivement aux archives de ce Gouvernement pour q'être conservé à perpétuité et servir aux besoins, sureté authenticité et témoignage de tout ce qui y est exposé. A St. Louis le — Aoust mil sept cent quatre-vingt huit.

P. Chouteau — Motard — Recorder M. P. Leduc.

64 See Livre Terrien No. 2 p. 2. 70. 71 & 78.

Minutes of the Recorder of Land titles, acting as Commissioner, under the act of Congress, entitled "An act making further provision for settling the claims to land in the territory of Missouri" passed the 13 day of June 1812, and other acts subsequently passed. Frederick Bates Commissioner.

St Louis 31 Decr. 1813.

Roy (Forgeron) clg 1 by 40. S. T. 2 p 70.

Confd. 40 arps. to be surveyed | Nic. Boujenon duly sworn says that at least 30 years ago till the fence was burnt in 1807 this land was cultd.

See Bates Minutes pages 1. 134 & 135.

A

Opinions of the Recorder of Land titles for Missouri Terry as to claims entered under act of 13 June 1812, and proven before 1 January 1814, as provided by the act of the 3 March 1813 - Comprehending also the claims in the late District of Arkansas which by act of 2 August 1813. were permitted to be entered until 1 January 1814. and proven until 1 of July 1814, together with the extensions of quantity provided by 4 Section of the act of 3. March 1813. and confirmations under the act of 12 April 1814.

Warrant or Order of Survey	Survey	Notice to the Recorder by whom	Quantity claimed
Prov. Land book 2, p. 70	not platted	Roy Forgeron's Reps.	1 by 40 arpens F 177.

Where situated	Possn. Inhabn. & Cultn.	Opinions of the Recorder.
St Louis fields B. des Noyers	Possn. & Cultn. prior to 1803	Confirmed 40 arpens to be surveyed.

Recorders' office. St Louis 22 October 1858.

The above is correctly transcribed from pages

65 1 and 4 of book No 1, being one of the five small books in this office with the following endorsement on the first and also on the fifth book, believed to be in the hand writing of Frederick Bates, to wit: "These five small books are originals in the proper handwriting of the undersigned being his decisions on Land claims since the adjournment of the late Board: They were arranged and fairly transcribed for report to the Commissioner of the General Land Office, but not yet recorded in the books because they have no authority till sanctioned by Government — Saint Louis Novr 1st 1815. Frederick Bates. Recorder Land titles.

Adolphe Renard
U. S. Recorder of Land Titles in the State of Missouri.

Recorders' Office St. Louis 22. October 1858.

I certify that the foregoing is with the attached paper marked A. a full and correct transcript from the books, records, files and documents in this office of the claim of Roy forgeron's Repsr to forty arpents of land in the Common field of Barrière à Desnoyers as the same was confirmed by the act of Congress of the 29 April 1816.

Adolphe Renard
U. S. Recorder of land titles in the State of Missouri.

4. Extract from minutes of Recorder Hunt claim of Pierre Douchouquette as follows.

Ex Mints Recdr Hunt of claim of P. Duchouquette

Testimony relating to Town and Village lots, out lots and Common field lots, in adjoining or belonging to the several Towns or Villages of Portage des Sioux, St. Charles, St. Louis, St. Ferdinand, Villa-a-Robert, Carondelet, Ste Genevieve, New Madrid, New Bourbon, Little Prairie and Mine-a-Burton in Missouri and the Village of Arkansas in the Territory of Arkansas as directed by an act of Congress passed May 26: 1824.

Theodore Hunt Recorder of Land titles

Pierre Duchouquet claims a Common field lot in the

Prairie Des Noyer near Saint Louis, containing two arpens in front by about forty in depth – Bounded North by the field lot claimed formerly by Lorein now claimed by Madam Vincent Bouis, South by the field lot claimed under Roy, East by the Saint Louis Common, and West by the claim of Charles Gratiot.

Henry Duchouquet being duly sworn says he knows the field lot claimed, that upwards of thirty years ago this field lot was owned and cultivated by Francis Beletre, who sold it to Francis Sancier and that twenty five years ago Sancier sold it to Pierre Duchouquette who has owned and possessed this same field lot ever since.

Henry Duchouquet.

Sworn to before me May 19th 1825.

Theodore Hunt Recorder L. T.

See Hunts minutes book No 1, pages 1 & 182.

Recorders Office.

St. Louis 22 October 1850.

The above is correctly transcribed from Book No 1, pages 1 and 182, of the minutes of the testimony on file in this office, taken by the Recorder of Land titles pursuant to the first section of the act of Congress of the 26 May 1824, supplementary to the act of 13 June 1812, making further provision for settling the claim to land in the Territory of Missouri.

Adolphe Renard

St. L. Recorder of Land titles in the State of Missouri.

Registry of Certificates of Confirmation on Town lots, out lots and Common field lots issued by the Recorder of Land titles.

In whose name issued	Date	Situation
Pierre Duchouquet.	1825 May 19th	Prairie des Noyer Common field

Remarks	Quantity in arpens
Bounded North by the field lot claimed formerly by Lorain. now claimed by Madam Vincent Bouis. South by the field lot claimed under Roy. East by the St Louis Common, & west by the claim of Charles Gratiot	2 (two) front, by about forty deep.

Recorders' Office.
Saint Louis. 22 October 1858.

The above is correctly transcribed from the original list in this office, which was prescribed by the 3 Section of the act of Congress of the 26 May 1824. supplemental to the act of 13 June 1812, making further provision for settling the claims to land in the Territory of Missouri.

Adolphe Renard.
U. S. Recorder of Land titles in the State of Missouri.

Bill of Exp^s. (This was objected to by Plaintiffs as irrelevant Overruled and Excepted to.—)

5. Inventory of the estate of Francis Louis Picote De Belestre from Opelousas Louisiana. It was admitted by Plffs that said inventory contained no land in Missouri and on such admission the document withdrawn.

The defendants then read in evidence the deposition of Victoire Charleville as follows.

Depos^tn of Victoire Charleville

Davy & als Plffs
vs
Bompart & Als defts

In the St Louis Land Court St Louis County.

To Plaintiffs (You are hereby notified, that depositions of witnesses, to be read in evidence in the above entitled cause, on the part of the defendants will be taken at the residence of the late Cap^n O'Flaherty on Eighth street between Chouteau Av and Gratiot

streets in the County of St Louis and State of Missouri on the seventh day of October 1858. between the hours of eight o'clock in the forenoon and six o'clock in the afternoon; and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place, and between the same hours, till completed.

Alexr J. P. Garesché
Atty of Defts.

(On the back of the above notice are endorsed the words and figures following, to wit. Clk)

Recd a copy of the within 4 o'clk Oct 4th 1858.
P. C. Morehead Atto

Depositions of witnesses produced sworn and examined at the residence of the late Captain O Flaherty on Eighth Street between Chouteau Avenue and Gratiot Streets in the City and County of St Louis and State of Missouri before me the undersigned a Notary Public duly commissioned and qualified within and for the County of St Louis and State of Missouri, in a certain cause now pending in the St. Louis Land Court of St Louis County in the said State of Missouri between Davy et als plaintiffs and Bompart et als defendants in accordance with the annexed notice handed to me by A. J. P. Garesche Esqr Counsel for defendants.

John B. Evans Not. Pub.

Victoire Charleville widow of Joseph Charleville of lawfull age, being sworn and examined on the part of the defendants deposeth and saith as follows: I am seventy nine years of age, I know the tract Ballestre, in the Prairie Du Noyer - I recollect well during the year the small pox first broke out here my husband was working for himself and for Mr Lami; the real name of Mr Lami was Pierre Du Chouquette - this was before the change of Government, for five or six years, uninterruptedly we cultivated it - we cultivated it before the change of government, and think we cultivated it after the change, but am not sure - Mr Du Chouquette had two arpents

69

in front by forty in depth, one my husband cultivated for himself and the other he cultivated for Mr. Du Chouquette - Mr Du Chouquette had one arm broke, and my husband was allowed to cultivate one for himself as compensation for his cultivating the other for Mr Douchouquette - Mr Bellestre left the Country but one of his sons remained here for eight or ten years after his father left; but I never heard that either he or his father ever laid any claim to this property - the son was then about thirty years of age. The cultivation by my husband was long after Mr Bellestre left for the lower Country - Mr Bellestre had sold this property and gone to the lower Country - Mr. Duchouquette always claimed this property as his own, and I never heard of any one else claiming it.

Cross Examined by Mr Morehead for pltffs.

As I have said already, I cannot say how long it was before the change of government that my husband cultivated the ground - I cannot remember dates, but I know that, it was during the year the small pox first broke out here - I remember it very well as my husband caught the small pox, and an old negro finished the harvesting for us - I cannot say when the change of Government took place, as I have said already; I was here, but I cannot remember dates. I cannot recollect whether Du Chouquette or my husband cultivated it at the change of Government, at the time my husband was cultivating this land we were living on Mr Du Breuil's land in town, and Mr Du Chouquette lived in the house of Mr Bellestre on third Street, in this town - Mr Du Chouquette bought it of Mr Saucier - Pierre was the name of the son who died here, he had another son named Antoine who went South and died at New Orleans - these two sons Pierre and Antoine refused to go with their father when he left the Country - they voyaged between New Orleans and St. Louis - Pierre died without ever having been married - I never knew of any other name than Bellestre - I have been on this land at least twenty

70 times whilst my husband was cultivating it — all the lots were included under one fence — I cannot say positively, but I think the fence was up at the change of government — I do not recollect when the fence fell down — I cannot say but I think one of the name of La Barge cultivated one of the adjoining lots — In all probability Mr Du Chouquette bought the land from Bellestre, as he always claimed it. — I cannot say whether Mr Bellestre cultivated this land before Du Chouquette or not; as I do not know it, but I do know that Du Chouquette cultivated it long after Bellestre left the Country — Mr Bellestre had sold all his property, and left the Country — I know that Du Chouquette cultivated it long after Pierre Bellestre died, and it was enclosed when Pierre Bellestre died. Pierre Du Chouquette cultivated no other land in this part of the Country, except that lot in the Common field.

Re Examined by Mr Gavesche for defendants.

When I say that I do not recollect the falling down of the fence or change of Government, I mean, I do not recollect the dates of these events, but I do recollect the events themselves — I do not recollect how long, before my husband cultivated this lot, that Du Chouquette was in possession, but I do know that he was in possession before — people did not cultivate any but their own lands in those days.

Re Cross-Examination —

I was 17 years old when I was married to Mr Charleville — I might have been married eight years to Mr Charleville when he cultivated this land.

Victoire X Charleville

Sworn to and subscribed before me this Seventh day of October A. D. 1858 John B. Evans Not. Pub.

State of Missouri
County of St. Louis } S. S.

I John B. Evans a

71

Notary Public duly commissioned and qualified within and for the County and State aforesaid do hereby certify that Victoire Charleville the deponent, whose place of residence is in the City and County of St. Louis State of Missouri was by me sworn to testify the whole truth of her knowledge touching the matter in controversy in the cause aforesaid; and that her deposition was reduced to writing, and subscribed by her in my presence on the seventh day of October A.D. Eighteen Hundred and fifty eight between the hours of eight o clock in the forenoon and six o clock in the afternoon of that day at the residence of the late Captain O. Flaherty on Eighth Street between Chouteau Avenue and Gratiot Streets in the City of St. Louis County of St Louis and State of Missouri

In Witness whereof I have hereto set my hand and affixed my Notarial seal this seventh day of October A.D. 1858.

Seal

John R. Evans Not. Pub.

Chas Roderman's Test:

Charles Roderman was then sworn as a witness for defendants and stated — I have known this land since 1833 — It was open when I first knew it and continued so till Payne fenced it in under a lease from Rampart in 1835. It has been continuously in possession of Payne and the Ramparts ever since.

Jno Porcelly's Test:

John Porcelly was then sworn as a witness for defendants and stated — I am seventy four years old, born in St. Louis, now live in Carondelet always lived in St. Louis and Carondelet — I know the property in suit, have known it ever since I was big enough to go in the fields, sixty four or five years ago. — It was in the possession of Pierre Dou Chouquette when I first knew it — He cultivated it till the fence fell — The fence went down six years before the change of Government, never saw any one but Pierre Douchouquette and Mr Charleville cultivate it, after the fence fell I never saw

any one there till Payne took possession — I have some recollection of Francis Belestre the old man. I was about ten years old when he left here. I knew Pierre Belestre, never heard him claim any land, nor cultivate any land in that quarter Pierre Douchouquette cultivated it thirty years not less than thirty years. He had his arm cut and did not work it any more. Mr Charleville's husband cultivated it for him — There was no fence there at the change of Government, some there afterwards — I have seen fences burnt down every year — Bacanné owned land there he cultivated about twenty years — before and after Charleville — ten years after, he quit when the other did — Mr Charleville cultivated there for Pierre Du Chouquette Francis Belestre left no property behind him — Saw Mr Douchouquette in the house after he left; Pierre Belestre died the first year of the Small Pox — he left no children —

Cross Examined —

Pierre Douchouquette never had but one track, The land he cultivated was bounded north by Lorain and South by Roy. — never knew Belestre to own any land there — This land is about the middle of the Prairie, Roy was between Bacanne and this tract — Roy had but one tract Bacanné was next South of Roy — Lorain was bounded north by Beaugenon South by Pierre Douchouquette — Never knew Francis Soulier to own any land there — I was twenty one years old at the change of Government — Pierre Douchouquette had two brothers Francis and Henry and they owned lands there.

It was admitted that defendants were the legal heirs and representatives of Louis Bompart, grantee in the deed from Douchouquette.

Plaintiffs then offered in evidence copy of a deed from Beaugenon to Christy dated Apl. 12. 1816 as follows.

Deed from Beaujenon to Christy.

This Indenture made this twelfth day of April one Thousand eight hundred and sixteen between Nicolas

73

Boujouno, alias Tefe of the County of St. Louis and Territory of Missouri of the one part, and William Christy of County and Territory aforesaid of the other part Witnesseth, that the said Nicholas for and in consideration of the sum of one hundred and ten dollars to him in hand paid before the sealing and delivery of these presents the receipt whereof is hereby acknowledged hath granted, bargained, sold, aliened, released, conveyed and confirmed, and by these presents do grant bargain, sell, release convey and confirm unto the said William his heirs and assigns forever a certain tract or parcel of land situate lying and being in the County of St. Louis Territory aforesaid, containing two arpens in width by forty in depth being part of the Common field lots lying in the Prairie called Baniere de Noie, and bounded on the north by land claimed by Dorlen or Charles Gratiot and on the South by Francis Peletre a more particular description of said two arpens in width by forty in depth may be had by reference to Record Livre tere. To have and to hold the said tract or parcel of land with all the appurtenances unto the said William Christy his heirs and assigns to their only proper use benefit and behoof forever: and the said Nicholas Boujounau further covenant to and with the sd. Christy his heirs and assigns that he the said Boujonu his heirs and assigns will forever warrant and forever defend the said tract or parcel of land above described to the said Christy his heirs and assigns &c. against the claim or claims of all and every person or persons lawfully claiming or to claim the same. In witness whereof the said Nicholas Boujouno hereunto set his hand and seal the day and year first written.

Nicolas Beaujenou his X mark alias Tefe (Seal)

The word forever interlined before signing Witnesses present.
The words "Charles Gratiot" being first interlined.

Ma. P. Leduc, J. Barton.

Missouri Territory }
County of St. Louis } S.S. Be it Remembered that on this thirteenth day of April in the year of our Lord one Thousand eight hundred and sixteen before me, Mary

Philip Leduc Clerk of the Circuit Court within and for the County of Saint Louis & Missouri Territory undersigned personally came and appeared the within named Nicolas Beaugenou alias Tefe and acknowledged the written instrument of writing to be his free and voluntary act & deed hand and seal for the purposes therein mentioned.

Seal

Given under my hand and private seal (there being no seal of office yet procured) at my office in St. Louis on the day, month and year above written. M. P. Leduc Clk.

Recorded this 13th of April 1816 M. P. Leduc Clk.

State of Missouri }
County of St. Louis } S.S.

I the undersigned Recorder in and for said County certify that the foregoing is a true Copy of an Instrument of writing executed by Nicolas Beaugenou alias Tefe and of the certificate of acknowledgment as also of the date of Recording thereof as fully as the same remains of record in my office in Book E page 431.

Seal

Witness my hand and official seal this the 9th day of October 1838. C. Keemle Recorder
pr. J. Conrad Dy

Which was objected to by defendants, objections sustained and excepted to by plaintiffs –

Plaintiffs then read in evidence the following copies.

1. Copy of deed from Francis Liberge to V. Bouis dated March 23d 1805. and translation.

Deed of F. Liberge to V. Bouis,

Sacent tous ceux qui ces presentes verront que moi François Liberge fils habitant demeurant en la ville et district de St. Louis dans le district de la Louisiane reconnais avoir cejourd'hui vendu, cedé, quitté, delaissé et transporté, comme par les presentes, je vends, cede, quitte, délaisse transporte et abandonne, des maintenant et a toujours et promets garanter de tout troubles dettes douaires hypoteques, evictions, substitutions et autres empêchements quelconques au Sieur Vincent Bouy, pour par lui ses hoirs ou ayant causes vendu aliener et disposer à

75 leur volonté, savoir une terre située a la prairie à Denoyers dans le district de St Louis la dite terre contenant un arpent de front, sur quarante de profondeur, tenant au Nord à Jh Charleville, au sud a Francois Liberge pere a l'Ouest à Mr Charles Gratiot et à l'Est au domaine, la vendant comme l'ayant echangé avec Joseph Morin en Mil sept cent quatre vingt dix-neuf et pour le prix et somme de cinquante piastres que je reconnais avoir recu comptant et a ma satisfaction des mains du dit Antoine Vincent Bouy et dont par ces presentes je lui donne pleine et entiere quittance et decharge voulant qu'il en soit mis en possession des ce jour et jouisse de la dite terre lui ses hoirs ou ayant causes comme de chose a eux appartenante et sans que mes hoirs executeurs ou administrateurs puissent rappeler ni entrevenir à la teneur des presentes par moi consenti en ce jour promettant &c obligeant &c, Renoncant &c. En foi dequoi j'ai signé et scellé ces presentes a St. Louis des Illinois le vingt trois Mars de l'année de notre Seigneur Mil huit cent cinq, et la vingt neuvieme de l'independance des Etats Unis d'Amerique.

Signé scellé et delivré en presence de Mr P. Leduc. C. Senouvel.

Marque de X François Liberge fils

Scelle

District de St. Louis dans le district de la Louisiane. Pardevant moi un des juges des Plaidoyers du dit district est comparu François Liberge fils qui a reconnu que la marque d'une croix cy dessus etoit la sienne et que l'acte aussi cy dessus était celui qu'il avait livré a Mr Vincent Bouy et que comme tel il desirait que le dit put etre enregistré; en foi de quoi j'ai signé et scellé le present a St. Louis le vingt trois Mars Mil huit cent cinq.

A. McNair Esqr

Recorded this twenty third day of March one thousand Eight hundred and five.

Mr. P. Leduc Recorder

Translation

H.
Translation

Know all men by these presents that I François Liberge Jr. inhabitant residing in the town and district of St. Louis in the district of Louisiana acknowledge to have this day sold ceded relinquished surrendered and transferred, and by these presents I sell cede relinquish, surrender, transfer and abandon now and forever and promise to warrant against all molestation, debts settlements, mortgages ejectments entails and other encumbrances whatsoever to Vincent Bony, to him his heirs or legal representatives, to sell, alien and dispose of at their will; that is to say; A land situated in the (prairie de Noyers) in the district of St. Louis, the said land containing one arpent in front by forty in depth, adjoining on the north Joseph Charleville, on the south, François Liberge Senr. on the west, Charles Gratiot and on the East, the domain selling it having exchanged it with Joseph Morin in 1799 and for the price and sum of fifty dollars which I acknowledge to have received in cash and to my satisfaction from the hands of the said Antoine Vincent Bony and for which by these presents I give him a full and complete receipt and discharge desiring that he be put in possession thereof from this day and enjoy the possession thereof himself his heirs or legal representatives as of a thing belonging to them and so that neither my heirs executors or administrators can revoke or annul the tenor of these presents, by me on this day agreed to promising &c. obligating &c. renouncing &c.

In testimony whereof I have signed and sealed these presents at St. Louis of Illinois the twenty third of March in the year of our Lord 1805. and the twenty ninth of the Independence of the United States of America.

mark of
Signed sealed and delivered in presence of François Liberge Jr (Seal)
M. P. Leduc, C. Lenouvel.

District of St. Louis in the District of Louisiana. Before me one of the Judges of the Court of Pleas of the district aforesaid appeared François Liberge Jr. who acknowledged the above mark, across, to be his own and that the above deed also was the same which he had delivered to Vincent Bony and that as such

77 he desired that he should be Recorded.

In testimony whereof I have signed and sealed the foregoing at St. Louis this twenty third March One thousand eight hundred and five.

A. McNair (Seal)

State of Missouri }
County of St. Louis } SS.

I, the undersigned Recorder in and for the County aforesaid certify the foregoing to be a true copy of a deed from Francois Liberge to Vi Bouis, of the Certificate of acknowledgment thereof, of the date of recording and of the translation, as fully as the same remains of record in my Office, in book A, page 58.

Witness my hand and official seal the 19 day of October 1838.

(Seal)

C. Keemle Recorder
per J. Conrad Dy

2. Copy of deed from Pierre Roy to James Morrison dated June 15th 1805.

Deed of P. Roy to Jas. Morrison.

Know all men by these presents that I Pierre Roy of the District of St Charles for and in consideration of the sum of Forty Dollars to me in hand paid by James Morrison of the same District the receipt whereof is hereby acknowledged and therefrom the said James Morrison his heirs and assigns is fully acquited and discharged have granted, bargained and sold and do hereby grant, bargain and sell unto him the said James Morrison his heirs and assigns forever one certain lot or track of land lying situate and being near the Town of St Louis in the District of St Louis containing one arpent in front and forty in the rear, and bounded on one side by lands of Pierre Lemma and on another by lands of Philip Buchannie or howsoever the same may be otherwise butted bounded or described or known or reputed to be butted bounded or described together with the appurtenances. To Have and to hold the said premises to him the said James Morrison his heirs and assigns forever.

In witness whereof I have hereunto set my hand and seal the fifteenth day of June in the year of our Lord one thousand eight hundred and five.

Pierre his X mark Roy (Seal)

Signed Sealed and delivered in presence of }
E. Hempstead — Jno Harvey

Territory of Louisiana
District of St Louis } S.S.

Be it Remembered that on the seventh day of Augusta in the year of our Lord one thousand eight hundred and seven personally appeared before me one of the Judges of the General Court Edward Hempstead who being sworn on his oath saith that he on the fifteenth day of June one thousand eight hundred and five saw the above named Pierre Roy make his mark as above said and seal and deliver the same to the said James Morrison.

Given under my hand the day and year first above said.

John B. C. Lucas

Recorded this twenty first day of June A.D. 1808.

P. Provenchere Dep. Recorder.

State of Missouri
County of St. Louis } S.S.

I, the undersigned Recorder for said County Certify the foregoing to be a true copy of an instrument of writing from Pierre Roy to James Morrison together with the certificate of proff of acknowledgement and of the date of Recording thereof as fully as the same remains of Record in my office in Book B, page 63.

Witness my hand & official seal this eighteenth day of October 1858.

(Seal)

C. Keemle Recorder
per J. Conrad Dy.

3. Copy of deed from Louis Bompart to Henry Taylor dated Nov. 27th 1835.

Deed of L. Bompart to H. Taylor.

This Deed made this twenty seventh day of November in the year Eighteen hundred and thirty five by and between Louis Bompart of the County of St. Louis, and Aurore his wife of the one part, and Henry Taylor of the same place, of the other part, Witnesseth that the said Louis Bompart and Aurore his wife, the said parties of the said first part for and in consideration of the sum of five hundred dollars lawful money of the United States, three hundred dollars whereof to them in hand paid by the said Henry Taylor, at and before the sealing and delivery of these presents, the receipt whereof they hereby acknowledge, and the ballance, to wit: two hundred dollars payable on or before the first day of April which will be in the year Eighteen hundred and thirty six, the payment secured by the note of the said Henry Taylor of that amount and endorsed by by James J. Purdy, have this day granted, bargained and sold, as they do by these presents, grant bargain and sell to the said Henry Taylor, a certain tract or parcel of land situate lying and being in the County of St. Louis, at a place called the Barriere des Noyers being the north west end of a tract of two arpens in front by forty in depth conceded by Pierre Pienas to a certain Pierre Belestre and surveyed to said Bellestre by Pierre Chouteau then acting as surveyor, in the month of August in the year seventeen hundred and eighty eight, and afterwards confirmed by Frederick Bates Recorder of land titles, December the thirty first 1813, and being the same which was conveyed to said Louis Bompart by Pierre Duchouquette by deed bearing date the twentieth day of May in this same year, the said tract being two arpens in front and running South easth ten arpens to the ballance of the tract aforesaid. Bounded north by land conceded to Nicholas Beaugenoux and south by land conceded to Roy blacksmith. To Have and to hold the above granted, bargained and sold premises with the appurtenances, unto the said Henry Taylor his heirs and assigns forever. And the said Louis Bompart and Aurore his wife, the said parties of the said first part, for themselves, their heirs, executors and administrators hereby covenant and agree to and with the

80 said Henry Taylor his heirs and assigns. the premises aforesaid with the appurtenances, against the claim or claims of all and every person whom=soever forever to warrant and defend.

In Testimony whereof the said parties of the said first part have hereunto set their hands and seals the day and year first above written.

Ls. Bompart (Seal)

Aurore his X mark Bompart (Seal)

The word whomsoever was interlined before signing.

Signed sealed and delivered in the presence of P. Walsh 3

County of St Louis S.S.

Personally appeared before the undersigned, a Justice of the peace within and for the County of St Louis. the above named Louis Bompart and Aurore his wife, who are personally known to such Justice to be the persons whose names are subscribed to the foregoing instrument of writing as having executed the same and acknowledged such instrument of writing to be their act and deed for the purposes therein mentioned and the said Aurore wife of the said Louis Bompart being by the said Justice examined separately and apart from her said husband, and by him made acquainted with the contents of the said deed, made her acknowledgment that she executed the same voluntarily and freely and relinquished her dower to the premises therein described.

In Testimony whereof I the Justice aforesaid have hereunto set my hand this eighth day of December 1835.

P. Walsh Justice of the Peace.

Recorded 11th December 1835. Archibald Gamble Recorder.

State of Missouri }
County of St. Louis } S.S.

I, the undersigned Recorder for said County do hereby certify that the foregoing is a true copy of a deed from Louis Bompart and wife to Henry Taylor, as also of the Certificate of acknowledgment and of the date of Recording thereof, as fully as the same is now of record in my Office Book V. page 222. and foll.

81

Seal

Witness my hand and official seal the date aforesaid.
C. Koemle Recorder
pr. J. Conrad Dy.

4. Copy of a deed from L. Picote Belestre and wife to Francois Saucier dated April 20. 1792. and translation.

Deed of L. P. Belestre Wife to F. Saucier

No. 568. a defecto de Sno ante me Dn. Manuel Perez Capitan del Regimiento de infanteria de la Luisa. teniente de Governador y comandante en Gefe de esta partida occidental y distritos de los Iluineses y en presencia de los testigos de assa. Dn. Ventura Collell y Manuel Gonzalez Moro, estubieron presentes en sus personas Dn. Luis Picote de Beletre y Da Eugenia de Villiers su esposa vecinos y residentes de este pueblo de Sn Luis los quales de comun acuerdo han confesado y declardo haber oy dia vendido cedido dexado, abandonado y transpasado tanto para aora como para siempre y prometen hacer gozar y preservar de todos deudas duarios y protecas y biciones y substituciones y otros quales quiera impedimentos generalmente todos los que serlo pudiesen a Dn. Francisco Saucier vecino actualmte. de Cahos y aqui presente aceptando y adquiriendo para el y sus herederos y otros que representen su derecho un terreno situado en este dicho pueblo de Sn Lugs de ciento y venite pies de frente sobre tres cientos de profundor cercado de estacas de diferentes calidades de madera, con una casa existente en dho terreno de potoes en tierra de venite y cinco pies sobre venite planchada alto y baxo, y cubierta en bardo. una grenja tambien de potoes en tierra cubierta en merin y otros deferentes bastimentos El referido terreno teniendo su primer frente a la segunda calle prinzipal lindando par el lado del norte al terreno de Antonio

Sr. Louis 13th January 1809. Herewith is annexed the obligation of Francis Saucier for the payment provided in the within deed of sale and a receipt in full thereto.
M. P. Leduc Recorder.

82 Moren por el del sur a ma calle de travieza que separa el de mada-
-ma Lamy y por detras al Dominio Real y que dicho comprador dice
saber y conocer por haberlo el todo visto y visitado y de que esta contento
y satisfecho sin nada reservarse ni retenerse ni retenerse por haber
lo adquirido legitimamente y conforme a las leyes por el precio y
suma de quatro crentos pesos dinero corriente del pays que seran
pagados en la forma signiente, cien pesos en todo el mes de noviembre
del corriente año, ciento y cinquenta pesos en todo el mes de mayo
del año proximo que viene de mil sete cientos noventas y tres y los
ciento y cinquenta pesos restantes en todo el mes de Mayo del año
de mil sete cientos noventa y quatro, y para la seguranza del
entero pagamento de la enunciada suma de quatro cientos pesos
el referido contracite Dn. Fran.co Saucier, acepta, e y poteca por
estas presentes y por privilegio especial el mismo terreno casa granza
y de mas bastimentos que se hallan existantes en dho terreno tales
como en el dia se hallan assi hem convenido y otorgado esta escritura
en esta sala de Govierno en presencia de los nominados testigos de assa.
que han firmado con niogo dicho teniente de Gobern.or y Comandante
y las partes interesantes a excepcion de Da Eugenia de Villiers que
por haber declarado no saber escribir hizo su señal de cruz acostumbrada
en Sn Luis de Ilinueses a los veinte dias des mes de abril del año
de mil sete cientos noventa y dos { Señal de Da Eug.a Belestre } F. Saucier

L. Picotee de Belestre = Manuel Perez.
Bonaventura Collell = Manuel Gonzalez Moro.

Filed this 13th day of January 1809. M. P. Seduc. Recorder.

Je soussigné reconnais devoir et prouest payer à Mr. Debellestre ou ordre la quantité de quatre cent piastres en argent courante de ce poste scavoir cent piastres dans le court de Novembre prochain cent cinquante au mois de may de l'année 1793 et les autres cent cinquante piastres restant au mois de may de l'annee 1794 et ce pour une maison grange terrin &c. tel qu'il est mentionné dans

83 vante qui m'en a été passé au gouvernement et dont je reconnais en avoir été mis en possession ce jourd'huy par mon dt. Sr. Debelletre a St. Louis le 8 May 1793.

F. Saucier

Registrado en my oficio en el libro que sirve a esta efecto a foxas treinta y siete Nueva Orleans veinte y seis de Enero de mil setos. noventa y cinco doy fee Pedro Pedosclan Esno. publico

J'ai recu de Monsieur f. cois Saucier la somme de quatre cent piastres mentionné en l'autre part.

St. Louis 10 Juillet 1797

Augte. Chouteau.

fondé des pouvoir de M. Laburte et Bariere.

Recorded June 8th 1847. S. D. Barlow

Recorder.

Payez a l'ordre de Messieurs Laburthe and Bariere. Nouvelle Orleans le 25 Juin 1793 Louis Picotte de Belestre

Translation

Translation

No. 568. In default of a Notary, before me Dn Manuel Perez, Captain of the Regiment of Infantry of Louisiana, Lieutenant Governor and Commander of the western part and districts of Illinois, and in presence of the attending witnesses Bentura Collell and Manuel Gonzalez Moro, personally appeared Dn Luis Picote de Beletre, and Da. Eugenia de Villiers, his wife, inhabitants and residents of this town of St. Louis, who by common consent, have acknowledged and declared to have this day sold, ceded, relinquished, abandoned and transfered, now and forever, and promise to put in possession and guarantee from all debts, dowers, mortgages, ejectments, entails, and other encumbrances generally, whatever, to Dn Francisco Saucier, now an inhabitant of Cahos, here present, accepting and purchasing for himself, his heirs or legal representatives a piece of ground situated in this said town of St. Louis, one hundred and twenty feet front by three hundred deep enclosed with stakes of various kinds of wood, with a house on said ground, of posts in the ground, twenty five feet by twenty, floored above and below, covered with shingles, and a barn of posts in the ground,

covered with clapboards, and various other buildings; the said ground fronting on the second principal street, bounded North by ground of Antonio Moreu, South by a Cross street which separates it from that of Madam Lamy, and on the rear by the Royal demesne, which the said purchaser says he knows, having seen and examined the whole, and is satisfied therewith, without any reservation nor drawback, having acquired them legitimately and conformably to the laws, for the price and sum of four hundred dollars, current money of the Country, payable in the following manner; One hundred dollars in all the month of November of the present year, one hundred and fifty dollars in all the month of May of next year, One thousand seven hundred and ninety three, and the remaining one hundred and fifty dollars in the course of the month of May of the year one thousand seven hundred and ninety four; and as security for the entire payment of the aforesaid sum of four hundred dollars, the aforesaid purchaser Dn. Franco. Saucier encumbers and mortgages by these presents, and by special preference, the said ground, house, barn, and other buildings remaining on the said ground, such as they this day exist. Thus they have covenanted and agreed. This Deed made and executed in this Government hall, in presence of the said attending witnesses, who have signed with me the said Lieutenant Governor and Commander and the parties interested, Madam Eugenia de Villiers excepted, who having declared she knew not how to write, made her customary mark of a cross, in St. Louis in Illinois, the twentieth day of the month of April one thousand seven hundred and ninety two.

L. Picotee de Belestre {mark of Madam Euga. + Beletre} F. Saucier
Manuel Perez.

St. Louis 13th January 1809. Herewith is annexed the obligation of Francis Saucier for the payments provided in the within deed of sale, and a receipt in full thereto.
M. P. Leduc Recorder.

85 Bonaventura Collell. Manuel Gonzalez Moro.

Filed this 13th day of January 1809.
Mr. P. Sedue Recorder.

I, the undersigned, acknowledged to be indebted to, and promise to pay to Mr. Debellestre, or order the sum of four hundred dollars in current money of this post, viz: One hundred dollars in the course of November of the present year, one hundred and fifty in the month of May, 1793, and the other one hundred and fifty remaining in the month of May, 1794, for a house, barn, ground &c. as mentioned in the above sale, which has been executed at the Government hall and of which I acknowledged to have been put in possession this day by the said Mr. Debellestre.

St. Louis, 8th May 1792. F. Saucier.

Registered in my office in the book used for this purpose, folio thirty seven, New Orleans, twenty sixth of January, One thousand seven hundred and ninety five, to which I bear testimony.

Pedro Pedesclan Notary Public.

Pay to the order of Messrs Laburthe and Barriere.
New Orleans 25 June 1792.
Louis Picote de Belestre.

I have received of Mr. Franco Saucier the sum of four hundred dollars mentioned on the other side. St. Louis 10. July 1797.

Augte Chouteau, Attorney of Mr. Laburte and Barière.

State of Missouri }
County of St. Louis } S.S.

I, the Undersigned Recorder for said County, certify the fore-going to be a true copy of a deed from L. Picote de Belestre and wife to F. Saucier, as also of the dates of filing the same, of the Recorder's note on the margin, and the translation of the deed as fully as the same remains of record in my office in the Vol. 2. No. 2. of the French and Spanish Archives, at page 364.

Seal

Witness my hand and official seal, this 1st day of October A.D. 1858.

C. Keemle Recorder

86.

Pr J. Conrad Dy.

Plaintiffs then offered to read in evidence copy of a deed from Francis Saucier to Pierre Douchouquette dated Jany. 23d 1794. and translation as follows.

No. 639.

Deed of F. Saucier to Pierre Douchouquette

Par devant nous Don Zenon Trudeau Capitaine au Régiment fin de la Louisiane. lieutenant de Gouverneur & Commandant en chef de de la partie occidentale des Illinois à defau de Notaire établi en cette ville fut presen Sieur Fois Saucier demeurant en celieu et poste de St Louis lequel a par ces présentes déclaré avoir vendu, cédé, laissé, abandonné et transporté tant dés aprésent que pour toujours, promet garantir et préser=ver de touts donaires hipothegues, substitutions, fidejussions ou autres empêchements quelconques à Pierre Dechouquet Demeurant en ce lieu in presen et acceptan tant pour lui que pour ses hoirs ou ayant cause ou tous autres qui pourraient representer ses droits, une maison poteaux en terre, une grange en bois de cèdre, un autre Batimen en bois ordinaire, letout bousillé en terre et couvert en bardeaux à chevilles, situé sur deux emplacements de la grandeur et étendue ordinaire de cette ville, circonstances et dependances, tels qu'ils se trouvent et comportent en cejour pour avoir acquis les sus dits emplacements, bâtiments et maisons, suivant les hoirs, de Mr Picoté de Belhêtre ci devan demeuran en cette ville lesquels emplacements se trouvent bornés du côté du Nord par les terreins apartenan à Mr Morin, le côté du sud par une rue de traverse qui sépare les sus dits emplacements d'avec celui de la dame Veuve Sami, par le côté de l'Est passe la seconde rue de cette ville qui conduit hors de cette ville & finalement par le derrière borné par une autre rue que le dit Sieur Pierre Dechoquet a dit bien seavoir et conoitre pour l'avoir vu et visité et en connaitre les dimensions proportions et étendues, letout pour et moye=nan le prix et somme de trois cent cinquante piastres en argent courant de celieu, payable au susdit vandeur ou au porteur de ses ordres et au 1er Mai prin Seavoir la quantité de deux cents piastres même argent et les cent cinquante restantes payables au premier du mois de May suivant de l'

87 année mil sept cents quatre vingt quinze, le tout convenu sous la garantie et hypothèque générale et speciale de tous les biens présents et avenir du susdit acquéreur & specialement des dits batiments maison & emplacements qui resteront et demeureront particulièrement affecté jusqu'à parfait payement. Ainsi sont d'accord les parties qui ont passé les présentes en la sale du Gouvernement de cette ville de St Louis en présence de Mr Jacques Clamorgan et Don Manuel Gonsalès Moro témoins d'assistance qui ont signé avec les parties et nous Lieutenant de Gouverneur ce vingt trois de Janvier de mil sept cent quatre vingt quatorze Ledit Pierre Dechoquet a fait sa marque ordinaire.

F. Saucier de X marque Pierre de choquet

Jacqs Clamorgan. Manl Gonzz Moro Zenon Trudeau

Par devant le commandant de la partie Occidentale des Illinois et en présence des sieurs Charles Sanginet et Manl Gonzz Moro fut présent Mr Francois Saucier lequel a déclaré reconnu et confessé avoir reçu de Pierre Duchouquet la somme de trois cent cinquante piastres argent courant du pay pour parfait payement de l'acquisition qu'il a fait paracte is dessus de la maison et terrain qui y sont énonées ce dont il tient quitte et décharge entièrement le dit Pierre Duchouquett sans avoir rien deplus à lui repetter ny demander pour raison de la dite vente car anity a été fait et passé à St Louis des Illinois le trente et unième jour du mois d'Aout mil sept cents quatre vingt seize en présence des susdits temoins qui ont signé avec le dit sieur Saucier et nous commandant.

Chles Sanguinet. F. Saucier.

Manl Gonzz Moro, Zenon Trudeau

Recorded June 14th 1847. S. D. Barlow Recorder.

Translation

Translation No. 639. Before me Dn Zenon Trudeau, Captain of the regiment of Louisiana, Lieutenant Governer and Commander in chief of the Western part of Illinois, in default of a Notary in this place appeared Francois Saucier, a resident of this town and post of St. Louis, who by these presents declares to have sold, ceded, relinquished, abandopyned

88

and transferred, now and forever, and promises to guarantee and defend from all dowers, mortgages, alienations, trusts and other encum=
=brances generally whatever, to Pierre Dechouquet, residing in this place here present and accepting, as well for himself as for his heirs or legal representatives, a house of posts in the ground, a barn built of cedar, and another small frame building, the whole mud plastered, and covered with shingles fastened with pegs, situated on two lots of ground of the ordinary front and depth of this town, and dependencies, such as they actually exist, having acquired said lots, buildings and houses, conform=
=ably to law, from Mr. Picoté de Belhêtre, formerly a resident of this town, which lots are bounded North by ground belonging to Mr Morin South by a cross street which separates them from that of the widow Sami, East by the second street of this town, which leads out from the said town, and in the rear by another street; which the said Pierre Dechouquet says he well knows, having seen and examined them, and knows the dimensions, proportions and extent thereof; the whole for and in considera=
=tion of the price and sum of three hundred and fifty dollars in current money of this town, payable to the said vender or to the bearer of these presents, and on the first of May next, the sum of two hundred dollars in the said money, and the remaining One hundred and fifty payable on the first of May following, one thousand seven hundred and ninety five, the whole by agreement under guarantee and general and special mortgage of all his goods actual and future, and especially the said buildings, house and lots, which will remain mortgaged by preference, until the full payment of said sum. Thus the parties have covenanted and executed these presents in the government hall of this town of St. Louis, in presence of Jacques Clamorgan and Manuel Gonzales Moro, attending witnes=
=ses, who have signed with the parties and me the Lieutenant Governor, this twenty third of January one thousand seven hundred and ninety four, the said Pierre Dechouquet making his customary mark.

F. Saucier | of X mark Pierre Dechouquet

Jacques Clamorgan. Manl. Gonz Moro. Benon Trudeau

89 Before the Commander of the Western part of Illinois, in presence of Charles Sanguinet and Manl. Gonz. Moro, appeared Francois Saucier, who declared, acknowledged and confessed to have received from Pierre Duchouquet the sum of three hundred and fifty dollars in current money of the Country, as payment in full of the purchase by him made, by the above deed, of the lot and house above mentioned, and hereby releases and entirely discharges the said Pierre Duchouquet, without making any further demand in virtue of said sale. For thus it has been passed and executed at St. Louis the thirty first day of the month of August, one thousand seven hundred and ninety five, in presence of the above named Witnesses, who have signed with the said Saucier and me the Lieutenant Governor,

Chles Sanguinet - F. Saucier - Manl. Gonz. Moro.

Zenon Trudeau.

State of Missouri }
County of St Louis } S.S.

I, the undersigned Recorder for said County, certify that the foregoing is a true Copy of a Deed from Francois Saucier to Pierre Duchouquette, of the receipt by F. Saucier, of the date of Recording, and of the translation of the foregoing, as fully as the same remains of Record in my office in Archives vol 11, page 397.

Seal

Witness my hand and official seal this 6th day of October 1858.

C. Keemle, Recorder

pr. J. Conrad Depy.

Bill of Exceps. which was objected to by Defendants Objections sustained, and excepted to by Plaintiffs.

Plaintiffs then offered to read in evidence the affidavits of witnesses on the claim of Pierre Douchouquette read in evidence by the defendant, for the purposes of location, when it was agreed that they were contained on the document read in evidence by the defendant.—

H. Shaw's Test: Henry Shaw was then sworn as a witness for plaintiffs and stated, that he purchased the tract of

land adjoining the Belestre tract now here in suit from Pierre Roy's heirs in 1837 and has it now in possession —

And the foregoing was all the evidence in the case.

Plaintiffs then asked the following instruction which was given

Pltffs Instn.

The Court instructs the Jury if they find from the evidence that the land described in the petition was conceded by the Spanish Government to Pierre Belestre, and was surveyed to him by the Spanish authorities and that he died about the year 1801, in the City of St. Louis, leaving no lawful issue and that he had cultivated and possessed the same prior to, and was the rightful owner thereof, at the time of his death, and that said land was confirmed to his representatives by the act of Congress of the 29th April 1816, and was surveyed to them by the United States authorities, and said survey duly approved, and that the Plaintiffs are lawful heirs of said Pierre Belestre they must find their verdict in favor of the Plaintiffs, according to their respective rights and interests in said land as such heirs. Unless they further believe from the evidence that the same land was cultivated or possessed by Pierre Duchouquette, after the death of said Pierre Belestre, and prior to the 20th December 1803, under a rightful claim —

Given March 24th 1859
C. B. Lord

Defendants then asked the following instructions Nos 1 and 2 which were given.

Deftts Instn.

If the Jury believe from the evidence that Pierre Duchouquette cultivated and possessed prior to the 20th day of December 1803 a lot of two arpents in front by forty in depth by himself or his agents, claiming to own the same; that the lot in controversy is included within said lot of 2 by 40 arpents; that said lot of 2 by 40 arpents was one of a range of lots adjoining and a dependency of the town of St. Louis; that said Duchouquette was an inhabitant of said town of St. Louis at the time of said cultivation and down to said 20th day of December 1803. That said Pierre

Given March 24th 1859
C. B. Lord

91

Given March 24th 1859. C. B. Lord.

Duchouquette was the last cultivator of said lot They will find for the defendants.

A confirmation by the act of the 13th day of June 1812 is a better title than any confirmation by the act of the 29th day of April 1816. of the Congress of the United States.

Refused March 24th 1859 C. B. Lord

And the following instruction which was refused.

The certificate of Recorder Hunt read in evidence by Defendant is prima facie evidence that said Pierre Duchouquette inhabited cultivated and possessed the tract of land therein described prior to the 20th day of December 1803. claiming to own the same.

The case was then argued and submitted to the Jury who returned their verdict for defendants as follows

Verdict.

Francis Davy. Ives Davy & others

vs

Aurora Bompart. Louis Bompart & others.

We the Jury find for the Defendants.

March 25th 1859 Geo. B. Judd Foreman.

And afterwards in due time Plaintiffs filed the following motion for a new trial.

Mo. for New Trial

Francis Davey & others Plffs.
vs
Aurora Bompart & others Defts

In the St. Louis Land Court. March Term 1859.

The Plaintiffs come and pray the Court to set aside the judgment in the above case and grant a new trial for the following reasons.—

1st Because the Court erred in admitting irrelevant and incompetent evidence on the part of the defendants.

2d. The Court erred in refusing relevant and

G2 competent evidence on the part of the Plaintiffs.

3d. The verdict of the jury was against law, against the instructions and against the evidence.

4th. On the law, evidence and instructions the verdict and judgement should have been for Plaintiffs.

5th. The instructions given on the part of the defendants were improperly given and against law.

P. L. Morehead. for Pltffs.

Bill of Excp.ns Which coming on to be heard was overruled by the Court. to which decision of the Court overruling said motion Plaintiffs excepted and now here pray that this their bill of Exceptions may be signed sealed and made a part of the record.—

C. B. Lord.

State of Missouri }
County of St Louis } SS.

I, Edward N. Tracy. Clerk of the St Louis Land Court within and for said County, do hereby certify that the foregoing Transcript is a true and correct copy of the Record and proceedings had (as required) in the case of Francis Davy and others plaintiffs and Aurora Bomparte and others defendants as fully as the same remains of Record in my office.

In Testimony Whereof, I hereto set my hand and affix the seal of our said Court at office in the City of St Louis this Fourteenth day of January A. D. 1860

Edward N. Tracy Clerk

Index

Petition . . . . . Page 1 & 2.
Summons & Sheff's Return . . " 2. 3 & 4.
Ans.r filed & Ans.r . . . . " 4 & 5.
Nonsuit by several Pffs. Jury Sworn, trial Comcs & Cont.ns " 5. 6 & 7.
Trial Ended. Judg.t verd.t fild. & M.o for new Trial filed " 7. 8 & 9.
M.o for New Trial Overruld. & Bill of Excp.s filed " 9 & 10.
Bill of Excp.s (Embodies the following, viz:) . . " 10 to 92 inclusive
a concd plat of U. S. Survey &c. & Spanish Conc.n Picote Belestre & Transl.tn " 11 & 12.
Spanish Sur: by Chouteau & Motard. & Transl.tn . . " 12 to 18 in.
Abs.ts from Reg.s of Births &c. & Trans.tn. Ex of Rep.t of Conf.tn by Rec.r Bates " 16 to 21 in. 21 & 22.
U. S. Sur. 1513. Will of Fr.s L. Picote de Belestre & Transl.tn " 22 to 24 in. 24 to 31 in
Extr.cts &c marked A. B. C & D. . . . " 31 to 34 in.
Deps.tn of Jos Hortez. Deps.tn of Francis Noise. " 34 to 37 in. 37 to 41 in.
Dep.ts of Witn.s at Opelousas. (Embodies the following Dep.s to wit) " 41 to 56 in
Deps.tn of Jno Close. Deps.tn of Chris.tphr Steel. . " 44 to 47 in 47 to 51 in.
" " G Raymond. & S. Hollier & Doc A. attached to Dep.s " 51 & 52. 53 to 56 in.
A. H. Evans & F. J. Paynes Test: . . . " 56.
Deed from P. Douchouquette to L. Bompart. . . " 56 to 58 in.
Rep.t of Rec.r Bates Conf.tn to Beaugenon . . . " 58 to 62 in
" " " " " " Pierre Roy. . . " 62 to 65.
Ex of Rec.r Hunt.s of claim of P. Duchouquette. . " 65 to 67 in
Deps.tn of Victoire Charleville. Test of C.s Roderman & Jno Porcelly " 67 to 71 in. 71 & 72.
Deed from Beaujenon to Christy. Deed of F. Liberge to V. Bouis & Trans.tn " 72 to 74 in 74 to 77 in
" " P. Roy to Ja.s Morrison. " " L. Bompart. H. Taylor. . " 77 & 78. 79 to 81 in.
" " L. P. Belestre to F. Saucier & Transl.tn . . " 81 to 86 in
" F. Saucier to Pierre Douchouquette & Transl.tn " 86 to 89 in.
H. Shaw's Test: . . " 89 & 90.
Instructions. & Verdict . . . " 90 & 91.
M.o for new Trial. . . . " 91 & 92.

15 102. ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~

March Term 1862

Francis Davy Vothers
Iffs in Er.

vs

Aurora Bompart Vothers
Defts in Er.

Land Court

Wm

P. C. Morehead Atty for Plfs

Shepley & Jno. P. Gaverne for Dfts.

Filed January 16th 1860.
Wm. S. Granville
Clerk

This Transcript $55.50 pd by
117 Atty Morehead

($10.00 paid by P. C. Morehead, atty for plfs.) (a sgt of errors filed)

1862 April 28. Submitted. Statement of Bill of deft filed
1862 May 26 Affirmed Opin filed Jn 63

35800 words 53.50
Plat 1.00
2 Certificate 1.00
$55.50

Francis Dancy & others
Plaintiffs in Error.
vs.
Aurora Bompart & others
Respondents

IN SUPREME COURT,
March TERM, 1860.

AND now come the said Plaintiffs in Error and say, that in the record and proceedings of the Court below, in the above entitled cause, there is manifest error, and for error said Plaintiffs in Error assign the following, to wit:

1. That said Court admitted improper and illegal testimony offered by Defendants
2. That said Court rejected proper and legal testimony offered by the Plaintiffs
3. That the Court gave to the Jury improper and illegal instructions.
4 ~~4. That the Court refused to give to the Jury proper and legal instructions offered by~~ That there was no evidence in the case on which the jury could lawfully find a verdict for Defendants
5. That the verdict was against the evidence.
6. That the verdict was against law. and against the instructions —
7. That the verdict was against both law and evidence, and against the law under the evidence.
~~8. That the verdict was against the weight of evidence~~
8 ~~9.~~ That the judgment was rendered in favor of the Respts. (Defendants below) when it should have been rendered for the Plaintiffs
9 ~~10.~~ That said Court overruled the motion for a new trial, made by said Plaintiffs

P.C. Morehead
for Plaintiffs in Error

And now come the respondents ——— and for joinder in error say, that there is no error in the record and proceedings of said ~~cause~~ Land Court in said cause, as assigned by said plaintiffs appellants

Gareschi & Shepley
Atty of respondents

Francis Dancy & others
Plaintiffs in Error
vs. Supreme Court
Aurora Bourpart &
others Respondents

Assignment of Errors

Filed January 16th 1860
Wm. S. Glanville
Clk

P.C. Morehead for Plffs in Error

(2)

Francis Davey & others
Plaintiffs
vs } Ejectment in the St Louis Land Court
Aurora Bompart & others
Defendants

To the above named defendants
Or their Attorney of record.
A. J. P. Garesche Esq

You are hereby notified that a writ of Error has issued from the clerks office of the Supreme Court in the above case returnable to the first day of the next term of the Supreme Court of the State of Missouri, to wit, the third Monday in March next, and that a Transcript of the above case has been filed in said office at St Louis, as required by law in such cases
St Louis Jany 16th 1860.

Francis Davey & others Plffs
By their Attorney
P. B. Morehead

Francis Dancy Sothers
Pltff.
vs
Notice
Aurora Bompart
Sothers Deft

Filed January 24. 1860.
Wm. P. Ranville
Clerk
Ed

Served this Notice in the County of St. Louis on the 24th day of January 1860 by delivering a Copy thereof to A. J. P. Garnesche Attorney of Record of the Within Styled Case

Thos. E. Courtenay
Sheff

By Jas. Owens Deputy

Fee 50¢ paid
by P C Morehead

(8)

Davy & al
vs
Bonapart. & al

In the Supreme Court

Statement of the case

The plaintiffs brought suit for the Eastern end of a tract of two by forty arpents in the Prairie Des Noyers Common Field, claiming the same as the heirs of Pierre Bellestre.

On the trial the plaintiffs gave in evidence the concession & survey by the Spanish government of two by 40 arpents to Bellestre, and the confirmation under the act of 1816.

and United States Survey of that confirmation

He gave evidence tending to prove that plaintiffs were heirs of Bellestre.

The defendants gave in evidence the certificate of Recorder Hunt taken under act of 1824, of the inhabitation & cultivation of the land by P. Duchon=quette prior to the 20th day of December 1803. & derivative title from P. Duchonquette

The defendants also gave evidence tending

Plaintiffs Instructions Given

The Court instructs the Jury if they find from the evidence that the land described in the petition was conceded by the Spanish Government to Pierre Delestre and was surveyed to him by the Spanish Authorities and that he died about the year 1801 in the City of St Louis leaving no lawful issue and that he cultivated and possessed the same prior to and was the rightful owner thereof at the time of his death, and that said land was confirmed to his representatives by the Act of Congress of the 29th April 1816 and was surveyed to them by the United States authorities and said survey duly approved, and that the plaintiffs are lawful heirs of said Pierre Delestre they must find their verdict in favor of the plaintiffs according to their respective rights and interests in said land as such heirs. Unless they further believe from the evidence that the same land was cultivated or possessed by Pierre Duchoquette after the death of said Pierre Delestre and prior to the 20th December 1803 under a rightful claim.

Defendants Instructions Given

If the Jury believe from the evidence that Pierre Duchouquette cultivated and possessed prior to the 20th day of December 1803 a lot of two Arpents in front by forty in depth by himself or his agents, claiming to own the same: that the lot in controversy is included within said lot of 2 by 40 Arpents: that said lot of 2 by 40 Arpents was one of a range of lots adjoining and a dependency of the town of St Louis: that said

Duchouquette was an inhabitant of said town of St Louis at the time of said Cultivation and down to said 20th day of December 1803. That said Pierre Duchouquette was the last Cultivator of said lot they will find for the defendants

Defendants Instruction Given

A Confirmation by the Act of the 13th day of June 1812 is a better title than any Confirmation by the Act of the 29th day of April 1816 of the Congress of the United States

Defendants Instruction Refused

The Certificate of Recorder Humbread in evidence by defendant is prima facie evidence that said Pierre Duchouquette inhabited, cultivated and possessed the tract of land therein described prior to the 20th day of December 1803 claiming to own the same.

The Jury found a verdict for the defendants a motion for new trial was made and the case comes here by writ of error.

Brief

I The instructions asked for defendants are proper & legal.

This seems to be conceded by the plaintiff. Such are the propositions of law that he starts out with on page 1st of his Brief. Indeed his own instruction given at his request maintains the same propositions of law contended for by the defendants & given by the Court and the only other legal proposition asked by defendants was refused by the Court though beyond question it should have been given for it only maintained that Wentz's certificate was prima facie evidence of inhabitation cultivation or possession which the Court has held often.

Indeed all though the argument it seems to be assumed that the law was declared correctly but that the Jury found against the weight of testimony. See the observations at top of 8th Page of pltff argument. That the verdict is against instruction and is thus far against the evidence. referring to pltff evidence & going on to consider whether the verdict is against the evidence adduced by defendants

~~II. There is no error in refusing instructions asked by plaintiff~~

So at the top of 15th page of pltffs argument it is said "We think we have shown that the evidence did not authorize a verdict for Dfts" – that the instructions given for Pltff was disregarded by the Jury.

If I understand the argument it is that 1st the verdict is against the weight of testimony, conceding that the instructions were correctly given & 2d that the instructions given by pltff are inconsistent with those given for Dfts.

Upon the 1st point the plaintiff seems to contend 1st That there was no evidence showing that Duclonquette claimed this land – Apart from any other evidence one would think that his own deed conveying it as acquired by him from certain named persons would seem to be some evidence of claiming to be owner. In addition to this we have the evidence of at least two witnesses proving that he cultivated it as owner – Mrs Charleville & Porrelli both testify to this fact.

& 2d That the weight of testimony is against the cultivation of Duclonquette. To this it may be remarked that as the possession of the land down to the present hour has always followed this claim of Duclonquette's it is likely

that we should find some thing to sustain it
In looking over the testimony, it is rather difficult to see how in the mind of any sane man there can be a doubt as to whether Duchouquette prior to the change of government & at that time was the cultivator of that Tract.
All this however was a question for the Jury entirely, though it is difficult to understand how they could have found otherwise

The plaintiff asked an instruction that the title he presented was a good title unless the Jury believed that the land in question was cultivated by Duchouquette ~~prior~~ after the death of Pierre Bellestre & prior to the 20th Dec 1803. This the court gave & plff could not object to it, though the defendants might, as Bellestre might have sold in life time by verbal sale & lived after 1803 & if Duchouquette had been last cultivator, he took title under the act of 13th June 1812

There cannot be a shadow of doubt as to this lot being the same lot proved up before Recorder Hunt & the certificate of which Defts gave in evidence but as the Court by refusing our instruction in relation to the effect of that certificate cut us off from all benefit of that proof & certificate, it is not worth the while to discuss it
Not being able to perceive where there is any difference between the plff counsel & ourselves except as to the effect of the evidence given in the case & what weight it should have had on the minds of the Jury

II II. Their evidence offered by Pltff & excluded. was properly excluded

We do not see that the Pltff complains of this in his brief. The only evidence excluded. was a Deed of a Lot in the town of St Louis. which by possibility could have no relation to the case.

Glover & Shepley for Defts

Dany & al
v
Rompart

Statement & Brief
for Defts

Gansche & Shepley
Atty for Defts

Filed April 28, 1862
A W Mead
Clerk

Francis Davey & others
Plaintiffs in Error
vs. } In the Supreme Court
} March Term 1862. No 114.
Aurora Bompart & others
Defendants in Error

Statement of the case by Plffs in Error

This suit is for possession of part of a common field lot in the Prairie Denoyer common field originally 2 by 40. bounded on the north by Beaugenon and on the South by Roy (forgerow) United States survey No 1513. a concession in 1785. and Spanish survey in 1788. to Pierre Belestre, the land was confirmed by the act of Congress 29th April 1816. to Belestre's reps. surveyed Survey approved No 1513. The Plaintiffs are the heirs at law and representatives of Pierre Belestre, possession is admitted by the answer, and a denial of Plffs right to the possession and avers a lawful title in themselves — On the question of error reserved upon the record Plaintiffs gave in evidence

1st A certified Plat of U.S. survey of the Prairie Denoyer com. field
2d Concession to Pierre Belestre 1785 of 1 by 40. north Beaugenon south Roy
3. Spanish survey to — Belestre 1788 2 by 40. same boundary
4. Bates report of same, to Belestre's reps. conf^d 29 Apl 1816.
5. United States survey No 1513. of same.

Plaintiffs then recall in evidence deposition of Joseph Hertz as follows. — 78 years old. Know the Prairie Denoyer fields before the change of government, there was a fence around them, I was 20 years old when the fence went down, the fence went down 65 or 66. years ago, after that there was no cultivating there except those who had houses, Knew Pierre Belestre well Cross examined — Dont recollect of fence being burnt in 1807. — nor of a grubbing in 1806 of money to keep up fence — Know it went down in 1792 or 1793. —

worked for Bacaune, Liberge, and Francis Lamy.
Pierre Lamy had a piece there, Francis Lamy's land was bounded both sides by his brothers. They were a little this side the N.E. corner of the Prairie Denoyer fields — near corner of carondelet field dont recollect who was aside of Beaugenon —— Louis Bourse was north Pierre ~~[illegible]~~ cultivated south of Beaugenon
Pierre Lamy & Pierre Donchonquette are one and the same. Joseph Charlwith cultivated a lot, dont remember any longer what part — (Taken oct 1858)

Plaintiffs then read in evidence, deposition of Francis Noise as follows ——
73 years old. Know the Prairie Denoyer fields, fence fell 5 or 6. years before the change of government. no cultivation there from that time till after the change of government Knew Pierre Belestre he owned and cultivated a lot of 2 by 40 arps. in the Prairie Denoyer field, bounded north by Beaugenon and South by Roy. before the change of government and till he died —
He died 57 years ago last May. he cultivated this land till his death certain — I think Francis Belestre's family left south 63 or 64. years ago. when Pierre was young he cultivated it with his father, Dont know when his father first cultivated it. after the father left it belonged to Mr Belestre senior. the boy remained here, and cultivated it with Pierre Donchonquette, he cultivated it with Pierre Belestre till Pierre Belestre died, while the son cultivated it, it belonged to the father. In 1801. or 1802. Pierre Donchonquette lost his arm. after that I saw no one cultivate it.
The fence did not burn down, but fell down
Fence went down in 1810. 13 or 14. standing in 1810. dont know whether it was the first or last fence no fence there in 1811. In 1809. Bacaune made his last crop. lost it by the fence falling — Pierre Belestre had no land unless his father gave it to him, of which

I do not know, I am certain Mr Bacanne, made his crop in 1809 — One fence for all the lots. no one cultivated Belestres lot at that time — (Taken Oct 1858.)

A.H. Evans was then sworn for Pltff and Stated as follows.
I came here in 1817. Know the Prairie Denoyer common field they were all open, uncultivated and no fence around them from that time till Mr Payne went there since that time part has been open & part enclosed. The largest portion in cultivation since — I know the Belestre tract, it was unenclosed during said time & is in said Prairie Denoyer

Thomas J. Payne was then sworn as a witness for Pltffs and stated as follows.
I am acquainted with the Prairie Denoyer fields I purchased from Walker in 1835. adjoining the Belestre tract — and took possession — there was no fence around the Belestre tract till 1836. I leased it from Bompart in 1835. and fenced it in in 1836. and occupied it till 1842. — Bompart then took possession & has continued it ever since —
Here Pltffs rested ——

Deft then read in evidence deed from Pierre Douchouquette to Louis Bompart dated May 20th 1835 for the land described in Petition reciting in "being the same land which was surveyed to a certain Pierre Belestre by Pierre Chouteau acting as surveyor by order of Piernas then commandant as by certificate of survey bearing date Aug 1788. bounded north by by land surveyed to Nicholas Beauguron and South by Roy forgeron — the same confirmed by Frederick Bates, Recorder of land titles Dec 31. 1813. which said land was conveyed by the said Belestre to a certain Francis Saucier and by the latter to the said Pierre Douchouquette

2 copy of Bates report for confer to Beaugeron of tract 3 by 40. Pra Denoyer, north Dorlac. South Belestre —

3 copy of Bates report for confer. 1 by 40 to Pierre Roy Prairie Denoyer North Belestre S. Fortier

4. Extract from Recorder Hunt's minutes of claim of Pierre Douchonguth Prairie Denoyer 2 by 40. north widow vincent Bouis, formerly Lorain, South claim under Roy. — (This was objected to by the Plffs. on the ground (of irrelevancy overruled & excepted to)

The defts then read in evidence deposition of Mad. Charleville as follows —

79. years old. Know the tract Belestre in the Prairie Denoyer. — when the Small pox broke out my husband was working for himself & Mr Lacey This was before the change of government, we cultivated it uninterruptedly for 5 or 6. years. before the change & I think after. but not sure — Mr Douchonguth had 2 by 40. one my husband cultivated for Mr Douchonguth and one for himself — Mr Belestre left but one son remained — never heard that he or his father claimed this property. The cultivation by my husband was long after Belestre left the country. he cultivated one for himself as compensation for working the other for Mr Douchonguth as Mr Douchonguths arm was broke. — Mr Belestre had sold this property and gone below; Mr Douchonguth always claimed it as his own. never heard of any one else claiming it — Cross Ex. — as I said cannot say how long before the change of government; know it was during the first year of the Small pox — Pierre Belestre was the son who died here without issue. all the lots were under one fence. Cannot say positive but think the fence was up at the change of government Think Libarge cultivated one side —

Probably Mr Donchonquith bought from Mr Belstra
I cant say whether Mr Belstra cultivated it or not. but
know Donchonquith did long after Belstra left. Mr
Belstra sold all his property & left. I know Donchonquith
cultivated it long after Prisis Belstra died & it was enclosed
when he died, Prisis Donchonquith cultivated no
other land in this part of the country except this
lot. — I was 17. years old when I married
might have been 8. years married when my
husband cultivated this land.
(Taken Oct 1858.)

Mr Rodenmen was then sworn for defts. and stated
I have known this land since 1833. It was open when
I first knew it. and continued so till Payne fenced it
in under a lease from Bonpart in 1835. it has
been continuously in possession of Payne & the
Bonpart ever since —

John Porcelly was then sworn for defts and stated
75 years old, born in St Louis. live in Carondelet. always
lived in St Louis & Carondelet.
I know the property in suit, known it ever since I was
big enough to go into the fields 64 or 65 years ago. it was
in the possession of Donchonquith when I first knew
it — he cultivated it till the fence fell, the fence went
down 6. years before the change of government, never
saw any one but him & Mr Charlevith cultivate it
after the fence fell never saw any one there till Mr
Payne took possession, I have some recollection of
Francis Belstra the old man, I was about 10 years old
when he left here, knew Prisis Belstra, never heard
him claim any land, nor cultivate any in that
quarter. Prisis Donchonquith cultivated it 30. years, not
less than 30 years, he had his arm cut, & did not work it

any more. Mrs Charleville husband cultivated it (8)
for him, There was no fence there at the change of
government — some there afterwards — I have seen
fences burnt down every year. Bacaune owned land
there, he cultivated about 20 years before & after
Charleville — 10 years after — he quit when the others
did, Mr Charleville cultivated there. Francis
Belestre left no property behind him — Saw Mr
Pierre Belestre in the house after he left — Pierre
Belestre died first year of the small pox, he left
no children,
Cross Ex —— Pierre Donchonquith never had but one
tract the land he cultivated was bounded north by
Lorain and south by Roy — Lorain was bounded
north by Beaugenou south by Pierre Donchonquith
never knew Francis Sancier to own any land there
never knew Belestre to own any land there, This land
is about the middle of the prairie. Roy was between
Bacaune and this tract, Roy had but one tract
Bacaune was next south of Roy. I was 21 years old
at the change of government, Pierre Donchonquith
had 2. brothers Henry & Francis ——

Plaintiffs then offered to read in evidence copy of a
deed from Beaugenou to Christy dated Apl 12. 1816, shewing
that he owned the land at that date.
which was excluded by the court & excepted to —
Plaintiffs then read in evidence
1. Copy of deed from Fris Liberge to V. Bouis 1 by 40. P.D.
One side Charleville. dated Mar 23d 1805
2 Copy of deed from Pierre Roy to James Morrison dated
June 15. 1805. One side Pierre Lemme (Donchonquith) other
side Bacaune.
4 Copy of deed from Bompart to Taylor dated Nov 27. 1835
for 20 aps west end the Belestre tract, cons. $500 Beaugen one side Roy other

~~[illegible]~~

4. Copy of a deed from Louis Picote De Belestre to Francis Saucier for a lot in St Louis dated Apl 20 1792 & a receipt on it shews he was in New Orleans that year.

Plaintiffs then offered to read in evidence a copy of deed from Francis Saucier to Pierre Douchonquette for same lot dated Jany 23. 1794 which was excluded & excepted to.

Henry Shaw was then sworn as a witness for Pltfs. & said. That he purchased the tract south of the Belestre tract from Pierre Roys heirs in 1837. & has it now in possession —

The Plaintiffs then asked the following instruction which was given by the court

The court instructs the jury if they find from the evidence that the land described in the petition was conceded by the Spanish government to Pierre Belestre and was surveyed to him by the Spanish Authorities, and that he died about the year 1801. in the city of St Louis leaving no lawful issue, and that he had cultivated and possessed the same prior to, and was the rightful owner thereof at the time of his death, and that said land was confirmed to his representatives by the act of congress of the 29th April 1816. and was surveyed to them by the United States authorities and said survey duly approved, and that the Plaintiffs are lawful heirs of said Pierre Belestre, they must find their verdict in favor of the Plaintiffs according to their respective rights and interests in said land as such heirs — unless they further believe from the evidence that the same land was cultivated or possessed by Pierre Douchonquette, after the death of said Pierre Belestre and prior to the 20th of December 1803. under a rightful claim —

The defendants then asked the following instructions
The first given by the court is as follows.
If the jury believe from the evidence that Pierre Donchonguette cultivated prior to the 20th day of December 1803. a lot of two arpents in front by forty in depth, by himself or his agent, claiming to own the same, that the lot in controversy is included within said lot of 2 by 40 arpents, that said lot of 2 by 40 arpents was one of a range of lots adjoining, and a dependency of the town of St Louis, that said Pierre Donchonguette was an inhabitant of said town of St Louis at the time of said cultivation, and down to said 20th day of December 1803. and that said Pierre Donchonguette was the last cultivator of said lot. they will find for the defendants

The 2d was also given and is as follows.
A confirmation under the act of the 13th day of June 1812. is a better title than any confirmation by the act of the 29th day of April 1816. of the Congress of the United States. ——

The 3d which was refused is as follows
The certificate of Recorder Hunt read in evidence by defendants is prima facie evidence that said Pierre Donchonguette inhabited, cultivated and possessed the tract of land therein described prior to the 20th day of December 1803. claiming to own the same.

The verdict was for defts. & the reasons for new trial as follows
1. Court erred in admitting irrelevant and incompetent evidence on the part of the defendants
2. Court erred in refusing relevant & competent evidence on the part of the Pltffs
3. The verdict of the jury was against law, against the instructions and against the evidence

4th On the law evidence and instructions the verdict and judgment should have been for the Pltffs

5th The instructions given on the part of the defendants were improperly given & against law —

Assignment of Errors

1. Court admitted improper and illegal testimony offered by defendants
2. Court rejected proper & legal testimony offered by Pltffs
3. Court gave to the jury improper & illegal instructions
4. That there was no evidence in the case on which the jury could lawfully find a verdict for defendants
5. The verdict was against the evidence
6. The verdict was against law & against the instructions
7. The verdict was against both law & evidence and against the law under the evidence
8. That the verdict was rendered in favor of defendants when it should have been for Pltffs.

The case was tried at March Term 1859 of St Louis Land Court —

The other evidence in the case relating to heirship contained in depositions, church transcripts &c —
The death of Pierre Belestre in 1801. in St Louis is shewn No 7. in church abstract. —
Louis Picote de Belestre the father was also known as Francis, shewn by the will & other evidence

No 114.

Francis Dancy & others
Plaintiffs
vs. } In the Supreme Court. March Term 1862
Aurora Bourgeat & others

Statement of case by Plaintiffs in Error

Filed May 6. 1862
A. W. Mead
Clerk

Moorhead for Plffs in Error

(A)

(1) Francis Davey & others Plffs in Error
vs. } In the Supreme Court } No 114.
} March Term 1862.
Aurora Bonpart & others Defts in Error
Plaintiffs Brief.

As this case was not argued, on account of the absence unavoidably of Plaintiffs counsel the brief contains more of argument than it ~~would have done~~ otherwise would have done

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The following propositions of law are claimed and conceded,

1. A confirmation under the act of 29th April 1816. is a valid title when standing alone.
2. That such a title may be defeated by a title or claim supported by proof of possession or cultivation prior to the 20th Decr. 1803. under the act 13th June 1812
3. In a conflict between possessions or cultivations prior to the 20th Decr 1803. the last if bona fide prevails

The nature of the dispute will be seen from the instructions and the character of the defence from the defts. first instruction, viz, the final defence, a pretence simply of cultivation prior to 20th Decr 1803. without color of title as we construe it, There is a distinction we apprehend between the terms claim and "claiming".

A claim rests upon some pretension of right, claiming may or may not, we may claim any thing justly or unjustly, proof of claiming is substituting the claim=ant as the witness.

We do not concede the relevancy or connection of this instruction with the testimony, or its consistency with the Plaintiffs instruction, for we have not been able to discover any evidence in the case to sustain it.

or if the jury were fascinated with its terms where

they found evidence to support them in their verdict,
(2) ~~nor are~~ we are not aware of any proof in the case that
Douchonquette was ever claiming the Belestee lot
or any other evidence than Noise's, that he ever
cultivated it, and that was with Belestee the owner.

But this is to be seen

After all that has been said about the act of 1812
the learning and studied ingenuity displayed in its
construction, there is a question or state of case possible
to arise still under it, that has not been settled,
We confess to be liable with some to the imputation of
dullness of comprehension in asserting as we do
that the cases of Guitard vs. Stoddard and Fine vs.
Schools which are looked to as ultimatums have not
determined; that mere cultivation without color of title
or a wrongful possession will operate as a confirmation
under the act of 1812, or as in this case that mere
claiming with cultivation is color of title, even if the
evidence showed such a state of case or further that
the Plaintiffs instruction is not strictly in accordance
with the meaning of the act, "inhabitancy & claim
both are essential to the confirmation." 11th Mo. p. 184.
See the words of the act, with our transposition,
"which have been possessed or cultivated according to their
several right or right" (but not without right) it is the right*
The motives and the intentions are not cold before it repeats
in the 2d section "which are not rightfully owned or
(rightfully) claimed" — The circumstances which led to this
act and the motives have been often discussed by the
courts, — It is said authoritatively that government intended
and did relinquish and quitclaim its right to these lots
to those intended to be its beneficiaries —
leaving them to the courts to settle their disputes about possession
or cultivation, that they had the power, and could make
such disposition of it as they pleased without reference to Spain
or the source of their title — and in the exercise

* and claim that is conf.d not the possession. 21. Mo 253. much less the cultivation

(3)

of that power, we believe there is an implied provision that could not be avoided that the character of those rights and possessions should be established by the rules of evidence and the meaning of them, at the time they existed such rights and possessions as were valid under Spanish law. The confirmation or grant was based upon possession under Spain or France.

And these contests occupy the same position in the courts that any other case upon any other question ~~did~~ does without reference to the act subject to the laws of the state — possession implies a right but the implication can be rebutted by proof that the one in possession is a trespasser — temporary isolated cultivation does not imply a right —

The case of ~~Guitard~~ Fine in its extent is that the possession or cultivation in that case was an implied right. this is an acknowledgement of the question and resting it on the construction of proof. Certainly it was in that case an implied right — but it does not follow that in any case counter proof may not be interposed — That the implication of a right from evidence may not be rebutted with facts of a contrary nature. — This case adopted all the Missouri cases as did the Guitard case but that was confined to the instruction and that had no reference to the question ~~and the case of Fine is schools adopted this as the highest authority~~.

The adverse claim to the Guitards was not a common field lot or a claim under the act of 1812. but if they had been met by a claimant having a concession & Spanish survey for the same land. Who had possessed or cultivated it, then there would have been a conflict of possessions and the last "legal owners or possessors would prevail" 3. Mo. 371.

The survey and possession could not be defeated by a wrongful possession or naked cultivation suppose the claimant with the concession & survey ~~with~~ and possession or cultivation under it had approached the

(4) party in possession, with these muniments, and they were resisted by a deed containing recitals like those in the deed of Donchonquetha to Bompart, introduced by the defts in this case - we acknowledge the validity of your title, but we claim it through your own deed - it turns out there was no such deed, can he stand on mere cultivation —

"He who alienates & he who receives the thing, must both act in good faith, believing they had a right to do so."

But to come nearer home. Suppose Donchonquetha had not sold to Bompart, and was found in possession in 1836. not before the Plffs call on him for possession backed with the concession spanish survey certifying cultivation, & with possession & cultivation prior to 20th Decr. 1803. he responds, I acknowledge the legality of your title but you have conveyed it to Mr Saucier, & Mr Saucier has conveyed to me, he is required to show these facts & fails, with what grace can he come into a court of justice or before a jury claiming the beneficence of the act of 1812. —

No deeds of conveyance have been shewn from Belestre to Saucier or from Saucier to Donchonquetha. The Plaintiffs read in evidence a deed from Belestre the father to Saucier for a lot in St Louis, in 1792 just before he left the country. & offered in evidence copy of deed from Saucier to Donchonquetha for same lot. dated 1794 * ~~which was excluded~~ which was excluded & excepted to. *

They probably account for the singular impression on Donchonquetha's mind in 1835 as to his derivation of title from Belestre. —

As to the evidence the points here raised are not within the leading cases of the supreme court, on the weight of evidence, which are believed to be 5th Mo 532. & 15th Mo. 193. — the principles in those cases and the reasons given do not apply here. —

Here all the evidence relating to possession or cultivation prior to 20th Decr 1803. was documentary or in writing except one, as to the question of error it is similar to the case of

see Mrs Chambers's deposition as to Francis Belestre, selling the land.

Dessaunier vs. Murphy 27. Mo. 48. The points in that case
(5) are not reported, but the record would show them similar
The documentary evidence in that case, which was admitted
did not seem to have any influence with the court or
jury. but with the supreme Court they were the basis of
the reversal, — see also 26. Mo. 76. —

This land rightfully belongs to the representatives of Pierre
Belestre, Heirs or purchasers — Pierre Douchouquette never owned but one lot
in the Pra Denoyer field, and that was the claim before
Hunt which was considerably south of Belestre —
If he had owned, or even claimed the Belestre lot
in 1825. is it not reasonable to presume from his knowledge
of the congressional act of 1824 shown by his presentation
of the latter claim, that he would also have presented
the Belestre claim for confirmation —

In 1785. the land described in the petition Beaugenou on
the north, Roy on the south was granted to Pierre Belestre
with the usual conditions, cultivation within a year & a day
In 1788. it was authoritatively surveyed to him with the
same boundary, certifying part in cultivation, part
untilled.
In 1797. the fence gave way and there were no cultiva
tions afterwards, but Pierre Belestre was the owner till he
died in 1801.
From 1797 to 1836. the Prairie was open & uncultivated
except perhaps Bacaune's habitation at the lower
end. ~~and Belestre's lot was uncultivated~~
In all that time the Belestre tract was uncultivated —
Up to 1835 the land was of little value
The owners did not even regard them with reasonable
respect, and if Douchouquette had ever paid taxes
on the Belestre lot we suppose it would have been
in evidence — But in 1835 the land began to

(6) rise in value — The Belestre family had disappeared (18)
The land was not of sufficient value for them to be about. But Donchonquith seeing no owners about, after the lapse of forty three years, pretended to believe, when he bought the lot of Sancier he also bought the land. ~~[illegible]~~ & sold to Bompart for $100.
They did not put a high value upon the title, as the value of the land at that day was $2000, as Bompart's deed to Taylor same year shows. $500 for 20 arps on the extreme west end.

we will see if the testimony sustains what we have stated.

Oct 1858. — Substance of Noisé's deposition —

Born 1785. — Know the Prairie Denoyer fields, — fence fell in 1797. — no cultivation from that time till after the change of government. Knew Pierre Belestre — he owned and cultivated a lot of 2 by 40 arpents in the Prairie Denoyer bounded north by Beaugeuse South by Roy, before the change of government & till he died, in 1801. — when he was young he cultivated it with his father, — It belonged to the father while the son cultivated it — after the father left it belonged to Mr Belestre senior (Junior) the boy remained here and cultivated it with Pierre Donchonquith Pierre Donchonquith cultivated it with Pierre Belestre till the latter died — In 1801. or 1802. Pierre Donchonquith lost his arm, after that I saw no one cultivate it —
Mr Bacanne made a crop in 1809 ~~[illegible]~~ ~~[illegible]~~ falling, no one cultivated Belestres lot at that time. ——

Substance of Hortiz deposition.

Oct 1858. Born 1780. Knew the Prairie Denoyer fields before the change of government, fence went down 1792 or 1793. after that there were no cultivations except those who had houses. — dont recollect who was aside of

171

Beaugenon — — Louis Bourn was north — Pierre — cultivated South of Beaugenon — I worked for Bacanne Liberge and Francis Lamy — Pierre Lamy had a piece there — Pierre Lamy & Pierre Douchonquette are one & the same Francis Lamy's land was bounded both sides by his brothers (Pierre & Henry) They were a little this side the N.E. corner of the Prairie Denoyer field, near corner of Carondelet field —

Evans came here in 1817 & proves there was no fence or cultivations of the Belestre tract or the fields from that time till 1836. —

Payne proves no fence around the Prairie Denoyer field till 1836. —

Thus far on the evidence, Pltffs have not only a grant and survey under the United States. a grant & survey under Spain. showing possession in 1788. but proof by Noisé of ownership & cultivation and we might add of Hortiz who says South of Beaugenon was cultivated by Pierre ———. evidently meaning Belestre for he says Pierre Douchonquette had a piece lower down by the side of his brother Francis — and it will be shewn that he had but one tract —

It could not be, with reason urged that what Noisé says as to the ownership of the father could affect the question for what is said on that point terminates in the fact that Pierre Belestre senior, (meaning Jr) the boy, & owned it & remained here and cultivated it with Pierre Douchonquette — besides if the father owned it. still the title is in the Plaintiffs. nor can what he says as to the joint cultivation of the two. give any effect to a joint right. after all that was previously said, and which is corroborated by Hortiz by Spanish survey. concession. ~~[illegible]~~ & proof before Bates. Belestre was the owner of the whole tract —

(8) Thus it is seen the instruction given for the Pltff is based upon the evidence, and that the verdict is against that instruction and thus far against the evidence —

We now turn to the evidence of the dfts. bearing in mind that there were no cultivations after 1797.
There were only four witnesses on the question of cultivation two on each side —

Substance of Mrs Charlevilles deposition.

Oct 1858. Born 1779. — Knew tract Belestre — when the small pox broke out (1801 says Porcelly) My husband was working for himself and Mr Lamy. — twas before the change of government ° — Mr Douchonquette had only 40. My husband cultivated one for himself, ~~as~~ compensation for cultivating the other for Mr Douchonquette who had his arm broke (1801 or 1802 says Noiro) we cultivated it uninterruptedly 5 or 6 years — (say to 1806) twas long after Mr (Francis) Belestre left the country — (1792) never heard the Belestres claimed it — Mr (Francis) Belestre had sold this property before he left the country — Mr Douchonquette bought it of Mr Saucier — I know he cultivated it long after Pierre Belestre died (1801) and it was enclosed when he died — he cultivated no other land in this part of the country except this, think Libarge was one side of this lot. was 17 years old when I married (1796) might have been 8 years married when my husband cultivated it (1804) Knew Douchonquette was in possession before my husbands cultivation. — Cant say how long.
° As to time of change of government & when fence fell cant recollect — ~~The cultivation was long after Belestre left (1792)~~

Substance of Porcelly deposition —

1859 — Born 1785. — Know the property in suit. Known it since 1794 — Pierre Douchonquette was in possession of
(9) it when I first knew it (1794) He cultivated it till the fence fell in 1797. — never saw any one cultivate it but Pierre Douchonquette & Mr Charleville (1801 to 1806 says Mrs Charleville) after fence fell never saw any one there till Mr Payne took possession (1836) no fence there at change of government some afterwards — This land about the middle of the prairie, It was bounded on the north by Lorain, on the South by Roy. Pierre Douchonquette had but one tract — Roy had but one tract (he had two) Pierre Douchonquette cultivated this tract 30. years. not less than 30 years (1767) — Bacaune had land there — Lorain was bounded north by Beaugeron South by Pierre Douchonquette — South of Roy was Bacaune, Pierre Douchonquette had two brothers, Francis and Henry. They owned lands there, Knew Pierre Belestre never heard him claim this land, or cultivate any in that quarter — Pierre Douchonquette had his arm cut. (1801 or 1802) and did not work it any more Mr Charleville did for him (1801 to 1806) Pierre Belestre died first ~~small pox broke~~ year of small pox (1801 he died) I was 21. years old at change (only 18) ~~out in 1801.~~ —

The defts answer it will be seen after denying Pltffs right sets up in themselves a valid title —
As before stated they introduce a deed from Douchonquette by which they claim title under Belestre. whether consistent with the answer or not, they nevertheless, also set up a title or confirmation under Hunt, as being the same land here in dispute, & finally rely on mere cultivation —
The claim before Hunt is 2 by 40. bounded north by widow Vincent Bouis, formerly Lorain, South by claim under Roy — This confirmation was read in evidence, against the objections of Pltffs —

(10)

(22)

It was afterwards ruled out by instruction — See 15. Mo. 153.

The claim in suit is bounded north Beaugeron South Roy

They are two distinct lots — No question of fact could be more clearly established by testimony, than the fact from the evidence here, that this claim before Hunt was distinct from the land in suit — and situated considerably south of the Belestre lot. — The court below must have been satisfied of this, as the instruction of the deft on that point was refused —

The evidence of Porcelly & Mrs Charleville alluded to this lot before Hunt, Porcelly says that the land he speaks of is bounded north by Lorain South by Roy
Mrs Charleville says she thinks Liberge (Liberge) was one side the land she is speaking of —
They both say Pierre Donchonquette had but one lot in the Prairie Denoyer.

We show by a deed from Liberge to Vincent Bonis 1 by 40 Pra Denoyer. *Charleville one side — 1805
Porcelly says Roy had but one tract, that Bacaune was south of Roy — Roy had two tracts, Bacaune was south of one —
We show a deed from Roy to Morrison, 1805. 1 by 40 Pra D. Pierre Lemme (Donchonquette) one side, Bacaune the other
The confirmation to Roy in evidence by defts. for the other tract Belestre north Fostin South was sold to Shaw in 1837. as proved by Shaw. —
Porcelly says Bacaune had land there. — and Francis and Henry Lamys brothers of Pierre had land there.
Hortiz says, he worked for Bacaune, Liberge and Francis Lamy. That Pierre had a piece there, and that Francis Lamys land had Pierre on one side

* Mrs Charleville says he cultivated Donchonquette lot.

(11) (and Piers had but one tract, that these tracts were near the N.E. corner of the Prairie, and near the corner of the Carondelet field — (see Plat)

But this is not all on that point, we will now show as conclusively from the evidence bearing upon the Belestre lot their want of identity —
In 1788. a period to which the memory of none of the witnesses could go back except Porcelly who did go back to 1767. — 17. years before they were born all the owners of lots in the Prairie Derwyn were surveyed and identified by a general authorized survey which included Beaugenon. Belestre, Roy Forgeron, & Fostin contiguous to each other —
See Plat Belestres Spanish survey.
Confirmations to Roy & Beaugenon

And it is a singular truth, that Beaugenon. Belestre and Roy or their heirs were the owners of their respective lots from that time till 1816. —
Neither Belestre or his heirs sold or conveyed.
Roys heirs sold to Shaw in 1837. south of Belestre as proved by Shaw himself; —
Beaugenon was still living in 1816. and sold and conveyed his tract to Christy as shewn by the deed offered in evidence by the Plaintiffs, but excluded by the court as we think improperly —
Because we believe it a material question on that point to show that he was still the owner as late as 1816. — undisturbed by any one from the beginning —

It is indisputably certain, that Lorain, Liberge, or Bonis, never did own or occupy the Beaugenon lot or the land north of that in suit —

(12) and that Roy Forgeron on the South of Belestre was never sold till 1837 to shaw — and that the South boundary of Douchonquette under Hunt viz. claim under Roy. meant Morrison under Roy. having Bacanne one side — and corresponding with Porcellys statement, who said Bacanne was South of Roy —

From the defendants first instruction it would seem however, that their final defence was based upon a statement of Porcelly "Know the land in suit. twas in possession of Pierre Douchonquette when I first knew it in 1794 — he cultivated it till the fence fell in 1797. —
He does not say how he knew it. whether he had been on the land in suit lying between Beaugeron & Roy. since the suit was brought. or whether it was in the nature of heansay —
Its a bold statement in the face of all the other evidence and without explanation — but he does explain it himself — He says it was bounded on the north by Lorain on the South by Roy. — the same boundary Same lot before Hunt — the statement that the land in suit was cultivated by Douchonquette is not strengthened by any of the balance of his testimony — stating it was about the middle of the Prarie detracts from the proper application of his stated knowledge of cultivation to the land in suit. — The word "about" is too vague a word for locality. in so important a matter. it expresses the uncertainty in his own mind of the true locality of the land in suit — we have found it difficult, from experience to identify this land when upon the field. in which it is situated. the lots are not separately enclosed a fact so notorious that it is not deemed improper

or unfair to speak of it. Besides it is not true within the scope of the word "about" The Plat will show
(13) the land in suit considerably north of the middle of the Prarie —
If he had stated I know the land in suit, it is bounded on the north by Beaugeron & on the South by Roy as the Petition describes it. then if standing alone unaffected by the other testimony, ~~then~~ there would have been some plausibility in it perhaps sufficient to authorize such an instruction, but not even then, would it or any statement Porcelly a single witness, could make, be sufficient against all the evidence here to authorize a verdict for the defts. But certainly the statement as made Lorain North Roy South destroys its own efficacy as help to the defts, so far as it relates to the land in suit and whether it relates to true locality or veracity —

As doubtless this is regarded by the defts as their most important point judging from the instruction, we will add further. The whole testimony of Porcelly is too inconsistent contradictory and uncertain, as to Douchonguith's cultivation of Belistry lot to affect the Plffs rights in any manner. Nor is it supported by the testimony of Mrs Charleville, on that point —
we do not impute to him or any of the witnesses a wanton intention to wrong — inconsistences to some extent are shown with all the witnesses, except Hortiz. but to a greater extent with Porcelly and Mrs Charleville They arise chiefly in cross examinations produced no doubt by embarrassment, but if there was no evidence on that point we have the title —
Porcelly has stated facts that it was impossible for him to know. — facts in opposition to a higher grade of evidence in the case, and contradictory and inconsistent facts.
Thus he stated Douchonguith had cultivated the land

he was speaking of thirty years. he was no doubt honest in this belief but it arose from hearsay likely —
He stated Lorain was south of Beaugenon & Pierre Douchouqueth south of him,
This would place Douchouqueth on Roy Forgeron & on Fostin. each 1740. — & Lorain on Belestre —
This statement is not injurious to Pl'ffs. but it is against documentary evidence that cannot be denied —
The Spanish survey & Beaugenons deed to Christy in 1816. which was improperly excluded, & other evidence
There are some facts they all concur in, the time the fence fell and no cultivations afterwards —
These facts have been so long & so often questions of proof that they have become almost recognized facts in the courts — and there are some statements corroborated by the documentary evidence —
The inconsistencies chiefly have arisen on ~~the questions of~~ cultivations prior to 1803. which we think we have fully explained here —
We do not perceive that the instruction has drawn on the testimony of Mrs Charleville, unless as to agency. we doubt whether a title could be established under the act of 1812 through an agent. and ~~we are not aware~~ whether there is any evidence on that point. even by Mrs Charleville —
It is true the Supreme Court has sanctioned cultivations by servants and also used the term agent, but not in the sense we apprehend meant here —
The whole of Mrs Charleville's testimony is directed to cultivations after 1797. and as before stated relative to a different tract from the one in suit
It was so blended with contradictions that it was shrewdly avoided —
Neither does she say her husband cultivated the Belestre tract, but merely that she knew it —
She allows to Douchouqueth only half. ~~[illegible]~~

We think we have shown that the evidence here did not authorize a verdict for deft—

(15) That the instruction given for the Pltff was disregarded by the jury, although it contained the law applicable to all the issues that could arise on the evidence & pleading That it not only contains the law as to act of 1816. & of 1812 and is based on the evidence, but is also open to proof of convenyance from Pierre Belestre as recited —

But the deft first instruction is inconsistent with it and was not authorized by any evidence and must have misled the jury and yet with all the verdict is against that instruction also. —

And the second instruction of the deft is not only a mere abstract proposition of law but an anomaly. There was not the slightest ground for it in the evidence and there was no issue on that point in the case Although the confirmation of 1816 when standing alone is valid. the Plaintiffs instruction shows that they did not stand upon that confirmation against a confirmation under the act of 1812. and this little instruction no doubt contributed its part in misleading the jury —

6. Mo. 43. — 14. Mo. 125. — 27. Mo. 26. 30 Mo. 175.

P.C. Morehead for Pltff in Error

No 114.

Francis Dawey & others
Plffs in Error

vs. } Plaintiffs
} Briefs

Aurora Bompart & others
Defts in Error

Supreme Court
March Term 1862

Filed May 9. 1862
A.W. Mead
Cl

Morehead for Plffs in Error

Davy & others

vs

Bompart & others

This is an action of Ejectment for the possession of part of a tract of land in the former Common Field of the Prairie Des Noyers, near the City of St Louis.

The plaintiffs gave evidence of a confirmation by the Act of Congress of 29th April 1816 to Belestre's representatives, and of their being the heirs and representatives of Belestre.

The defendants claimed to be the representatives of Pierre Duchouquette and gave evidence tending to prove a confirmation to Pierre Duchouquette by the act of Congress of 13th June 1812.

Some evidence was given that Belestre had cultivated the land prior to 1803 and also that Duchouquette succeeded him in the cultivation of the land, & also some evidence was given to show that Duchouquette claimed to hold by purchase under Belestre, and also some evidence to show that the lot cultivated by Duchouquette was a different one from that cultivated by Belestre.

The Court at the instance of the plaintiff gave to the jury this instruction:

"(here insert it)"

The Court at the instance of the defendant gave to

the Jury these two instructions.
"(here insert them)"
Verdict & judgment were given for defendant.
There is no error in any of these instructions, and in fact, the argument here made, is that the Jury made a mistake and applied to the lot in dispute testimony given as to the possession of another and different lot. That may be so, but the record does not show it so clearly as to authorize this Court to interfere with the verdict.

Judgment affirmed. Bartron Bates

Judges Bay & Dryden concur

114

Day
4 Bonpart

Affirmed

Opinion Bates

Filed May 26. 1862
A. W. Mead
Clerk

RG 600
Supreme Court of Missouri
Case Files

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