

Jefferson County Circuit Court
Case Files - Civil
January 1877

Box

36

Folder

34

Hamnick, Willis P. adm.

Schaefer, John

vs.

Schaefer, Bernhard

Hague, John F

Hague, Salina

Kuhn, Jacob, et al

Estate settlement

Involved disbursement of notes under
Schaefer's will; other defendants Barbara
Kuhn, Henry + Margaret Dietz, Henry + Frances
Wallschmidt, John + Mary Huller, Joseph +
Clara Matti, Martin E. + Catharine Schaefer

"Willis P. Hamrick Public Administrator of
Jefferson County Missouri having in charge
the Estate of John Schaefer - Plaintiff

= vs =

Bernhard Schaefer, John A. Hague and Solina
Hague his wife, Jacob Kuhn and Barbara Kuhn
his wife, Henry Dietz and Margaret Dietz
his wife, Henry Mallschmidt and Frances
Mallschmidt his wife, John Mueller and Mary
Mueller his wife, Joseph Matti and Clara
Matti his wife, Martin E. Schaefer and
Catharine Schaefer - Defendants

In the Jefferson Circuit Court
January Term 1878.

Plaintiff states that he is the Public admin-
istrator within and for Jefferson County Mis-
souri duly commissioned and qualified as
such and is now and for a long time past
has been in the performance of the duties of
said office within the County aforesaid.

Plaintiff further states that about the day of
1877 one John Schaefer of Jefferson
County departed this life in the County aforesaid
said testate; that said John Schaefer
executed a Will in due form before his
death, which was on the 30th day of March
1877 duly probated by the Judge of Probate
of said County as his last will and testa-
ment and recorded in the office of said Judge

and that said will of William Teiderhuk was appointed by said Schaefer executor thereof, but the said Teiderhuk refused to accept said office of Executor under said will, and all the relations of said Schaefer who as right to administrator having failed to administer on the Estate of said Schaefer within the period required by Statute and thereupon the Probate Court of said County on the day of 1877 ordered this Plaintiff to take charge of and administer the Estate of said John Schaefer which he did, and he now has said Estate with said will annexed in his charge and under his control as such Public Administrator.

Plaintiff further states that said will of said Schaefer is as follows:

"I John Schaefer of the County of Jefferson and State of Missouri do make and declare this my last will and Testament.

1- It is my wish and will that my beloved wife Catharine for and during her natural - shall receive and enjoy all income from from rent for the two houses on half street between Monroe and Mercer st north side of the Railroad belonging to my estate in the City of St Louis Mo - She shall pay all taxes and repairs becoming due and necessary thereon and in case she should not accept the same she may then take a check

part in my estate, as the law directs and ~~she~~
should above mentioned property be sold based
she then to receive a child's part. Also all
the household and kitchen furniture to be hers
to do as she may see fit and proper with.

2 Having paid at different times the several
sums of money to the following named chil-
dren to us born by my first wife Catharine to
wit: Bernhard the sum of Eight Hundred
Dollars, Salina now Mrs Heck the sum of
Two Hundred dollar, Margaret now Mrs
Dietz the sum of One Thousand & sixty
Dollars; Barbara now Mrs Kuhn the sum
of One Thousand One Hundred and sixty
four dollars, Francisco now Mrs Hallschmidt
the sum of Eight Hundred dollar, Mary
now Mrs Hüller the sum of Eleven ~~Hundred~~
Hundred Dollars, Clara now Mrs Matti the
sum of Seven Hundred and forty dollars.
I direct all the remainder of my Estate
real to be evenly divided between them
and my youngest son Martin Edward
to me born by second wife the said Martin
having received the sum of Fourteen Hundred
Dollars to pay for the farm I now reside on
Also the sum of Two Hundred Dollars for
all my personal property now owned by
me (not including household and kitchen
furniture) making a total of sixteen hund

red Dollar to Martin Edward and deducting
therefrom the above mentioned amount as paid
each of the above children named.

3" I bequeath all my personal property to
my son Martin Edward he having paid me
the sum of Two Hundred dollars for the same.

4" I do hereby appoint William Keiderhult
of St Louis Mo executor of this my last will
and Testament, which will was dated the
15th day of February 1877.

Plaintiff states the party described in said
Will as Mrs Heck is as he is informed
the same as Mrs Salina Haque who and
her husband are made Defendants herein.

Plaintiff states he inventoried the property
belonging to said testator and he found
he was possessed of specific personal prop-
erty which was appraised at the sum of
dollars and was possessed of notes and
money amounting to the sum of dollar.

Plaintiff further states that from the phrase-
ology of said will it is doubtful whether
said testator intended to give all his per-
sonal property including said notes & money
to his son Martin Edward or not or whether
said testator died intestate as to said money
& notes, and Plaintiff in the execution of the
reposed in him by virtue of his said office
and having in charge said Estate is

unable to definitely and certainly determine who is entitled to the said notes & money and cannot therefore determine to who whom he ought to pay it and if he should pay it to the wrong person or persons he would become liable over to the persons or persons who are entitled to it. He has made all the legatees and devisees under said will defendants to this suit, who are also the only ~~heirs~~ heirs at law of said Schaefer the said Martin C. being a minor.

Wherefore Plaintiff prays the Court the premises considered, by a proper decree & judgment of this Court as a Court of Equity to give him Administrator of said proper instructions and directions for his guidance in the administration of the assets of said Estate and to grant him such further relief as he may be entitled to.

John L. Thomas & Bros

Attys for Plaintiff

A true Copy of the original petition

In Testimony Whereof I hereunto set my hand and affix the seal of the Circuit Court of Jefferson ^{City} at office in Hillsboro this 14th day of December A.D. 1897

C. Thos. Horing Clerk
By J. A. Green Supt.

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

The State of Missouri,

TO THE SHERIFF OF *the Gasconade* COUNTY OF ~~JEFFERSON~~ GREETING:

We command that you summon *Jacob Kuhn and*
Barbara Kuhn his wife

if ~~he~~ be found in your County, that ~~he~~ be and appear before the Honorable Judge of
our Circuit Court, on the first day of the next term thereof, to be begun and held at
the town of Hillsboro, within and for the County of Jefferson on the *Second*
Monday of *January* next, then and there to answer unto

Willis P. Hammett Public Administrator of Jefferson
County Missouri, having in charge the Estate
of John Schaefer

upon *his* original petition, a copy whereof is hereunto annexed
and accompanies this writ, and have you then and there this writ.

Witness, C. THO' HORINE, Clerk of our said
Circuit Court, with the seal thereof hereunto affixed, at
office in Hillsboro, this *15th* day of *December*
A. D., 187*7*.

C. Tho' Horine, CLERK CIRCUIT COURT.

4530

RETURNABLE
TO
JEFFERSON CIRCUIT COURT.

January TERM, 1877.

Almonick adms.
the slave for

vs

Jacob Kuhn
wife
et al

original

5
1000
4100

Sheriff's return

Executed the within writ and petition in Harrison County Mo. this 20th day of December AD 1877. by delivering a copy of the within writ and petition (as furnished by the clerk) to Jacob Kuhn, first named, and on the same day by delivering a copy of the within writ to Barbara Kuhn
Fees \$2.00 paid by Plaintiff.

Thos Berger
Sheriff

Geo L Kuhn
Deputy