

Jefferson County Circuit Court
Administrative Records
Jan, 1888

Box

39

Folder

26

Eggers, Julia H.

Eggers, Ernst

Eggers, Johanna

Eggers, William

Eggers, Henry F.

Eggers, Christoph

Schumacher, Frederick W.

Partition

160 acres in S34T42R3E

Julia H. Eggers,
Ernst Eggers,
Johanna Eggers,
William Eggers, and
Henry F. Eggers, minors
By Christoph Eggers
Curator of their Estates,
and

Frederick W. Schumacher
Ex parte Petitioners.

In the Circuit
Court of
Jefferson County
Missouri.

January Term
A.D. 1888.

Now at this day come the Petitioners, and state that the Petitioners Julia H. Eggers, and Johanna Eggers, are minors under Eighteen years of age, and that the Petitioners Ernst Eggers, William Eggers, and Henry F. Eggers, are each minors under twenty one years of age, and that they are all residents of Jefferson County, Missouri. Petitioners further state that all said minors having at the time of the appointment and qualification of Christoph Eggers as Curator of their Estates as herein stated, been residents of Jefferson County, Missouri, the Probate Court of said Jefferson County, Missouri, in the month of January 1884, appointed Christoph Eggers, their father and natural Guardian, Curator of their

Respective Estates, who thereupon, in the same month, duly gave bonds, as such Curator of the Respective Estates of said Minors, which were respectively filed in, and approved by, said Probate Court, and Petitioners state that said Christoph Eggers is now, and ever since his said Appointment and qualification has been, Curator of the Estates of said Minors.

Petitioners further state that the Petitioners Julia H. Eggers, Ernst Eggers, Johanna Eggers, William Eggers, and Henry F. Eggers, and Frederick W. Schumacher, are owners of, and tenants in common in, the following described Real Estate situated in Jefferson County, Missouri, to wit:

The West half of the North West quarter, and the South East quarter, of the North West quarter, and the North West quarter, of the South West quarter, of Section Number Thirty four, in Township Number Forty two, North of the Base line, in Range

Number Three, East of the Fifth Principal Meridian. Containing one Hundred and Sixty acres. Except two and one half acres, to be deducted from the South East Quarter, of the North West Quarter, of Said Section Thirty four, bounded as follows, namely: Commencing at the South East Corner of Said South East Quarter, of the North West Quarter, and running due North one hundred and forty five yards to a post; from thence due West Seventy yards, to a point; from thence running South one hundred and Seventy five yards; thence back to the starting corner, Seventy yards.

Petitioners state that they are severally interested in said Real Estate as follows, namely: the Petitioner

Frederick W. Schumacher is the owner, in fee simple, of the undivided two thirds of said Real Estate. And that the Petitioners Julia H. Eggers, Ernst Eggers, Johanna Eggers, William Eggers, and Henry J. Eggers, are each owners, in fee simple, of the

undivided one fifteenth part of
Said Real Estate.

The Petitioners therefore
pray the Court that it will adjudge,
and Decree, that Partition of Said
Real Estate be made between the
Petitioners, in accordance with their
respective rights and interests therein,
if the same can be done without great
prejudice to Said parties in interest
therein, And that the Court ^{will} adjudge,
and Decree, that Said Real Estate be
Sold, and that the proceeds of the same
be divided between the Petitioners, in
accordance with their respective rights
and interests therein, if the same can
not be divided in kind between them
without great prejudice to their respective
interests therein.

Jos. J. Williams
Attorney of
for, Petitioners
Frederick W. Schumacher,
and
Christoph Eggers
Curator of the
Estates of Julia H. Eggers,
Johanna Eggers,
Ernst Eggers,
William Eggers &
Henry F. Eggers, minors

Christoph Eggers
Curator of the Estates
Julia Eggers
Johanna Eggers
Ernst Eggers
William Eggers
Henry F. Eggers

Frederick W. Schumacher

and others

Cooperate Petitioners

Petition for
Parliament

Filed Feb 28/1888

W. D. Mearns
Clerk

F. W. Schumacher
 Plaintiff
 vs
 Louis Rogge Defendant

In the Circuit
 of Jefferson
 County,
 Missouri.
 Jan'y Term
 1888.

George H. Brackmann, ~~being~~ this
 affiant makes oath and says that
 he saw the defendant Louis
 Rogge standing in his yard this
 morning, overseeing the pulling
 of hogs.

George H. Brackmann
 Subscribed and sworn to before
 me this 16th day of Jan'y A.D. 1888
 W. B. Veazey
 Clk. Cir. Ct.

Dr W. M. Munnich

vs

Louis Boege

Attest
Geo H Backman

Filed January 16/1880
J. H. Boege
Clerk

F. W. Schumacher
vs. Plaintiff
Louis Rogge, defendant } In the Circuit
Court of
Jefferson
County, Mo.
Jan. Term. 1888

F. W. Schumacher, this affiant, makes
oath and says that he saw
the defendant Louis Rogge standing
in his yard this morning
overseeing the rolling of his
logs and this affiant further
states that said Louis
Rogge appeared to be in good
health

F. W. Schumacher
Subscribed and sworn to
before me this 16th day of Jan.
A.D. 1888

D. B. Hays
clerk

J. W. Hummer

20

Louis Beage

Richard of
J. W. Hummer

Tested January 16/1888
R. D. Meyer
Clerk

Frederick W. Schumacher
Plaintiff

vs.

Louis Rogge
Defendant

In the Circuit Court of
Jefferson County Missouri

Now at this day comes The
Defendant and for answer
to the Petition of Plaintiff in
this Cause states that after
he executed and delivered the
note sued on in this action
to Fritz Hunt the payee therein
named he fully paid the
same to said Fritz Hunt
a long time before said Hunt
endorsed, or sold, or delivered it
to Plaintiff and that Plaintiff
received it from said Hunt
with knowledge that it had
been paid in full.

Jos. Williams
Attorney for Defendant.

Frederick W Schumacher

vs
Louis Rogge

Order of
Defendant

Filed January 16 / 1888
H. G. W. W. W.
Clerk

Fredrick W. Schumacher
Plaintiff
vs
Louis Rogge, deft. } In the Circuit
Court of Jefferson
County, Missouri
January 1888
Now at this day comes the plaintiff
in the above entitled cause
and for reply to defendants
answers denies each and
every allegation thereof.
W. B. Jensen & Blundinwell
Atty. for Plaintiff.

Frederick W. Schumacher
D.H.H.

to
Louis Rogers
Sept 4

Reply

Filed January 17/1888
H.B. Meyer
Clerk

Sheriff's Sale in Partition.

Julia H. Eggers, Ernst Eggers, Johanna Eggers, William Eggers and Henry F. Eggers, minors, by Christoph Eggers, curator of their estates, and Frederick W. Schumacher—ex-parte petitioners.—In the Circuit court of Jefferson county, Missouri.

By virtue and authority of an order made by the Circuit court of the County of Jefferson, State of Missouri, at its January term, 1888, I will, on the 18th day of May, 1888, at the courthouse door in the Town of Hillsboro, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of that day, offer for sale, at public auction to the highest bidder, the following described land or real estate to-wit—the west half of the northwest quarter and the southeast quarter of the northwest quarter, and the northwest quarter of the southwest quarter, of section number thirty-four (34), in township forty-two (42), north of the base line of range number three (3), east of the fifth principal meridian, containing 150 acres, except two and one-half acres to be deducted from the southeast quarter of the northwest quarter of said section 34, bounded as follows: commencing at the southeast corner of said southeast quarter of the northwest quarter and running due north 145 yards to a post, thence due west 70 yards to a point, thence south 175 yards, thence back to the place of beginning 70 yards, situate in Jefferson county, Missouri,—for the purpose of making partition between said parties, for which the purchaser will be required to pay twenty-five per cent. of the purchase money in hand at the time of sale, the balance in twelve months, the purchaser giving his bond with approved security, bearing interest at the rate of six per cent. per annum from date, or all cash at the option of the purchaser.

GEORGE W. McFEE,

April 25, 1888.

Sheriff.

STATE OF MISSOURI,

COUNTY OF JEFFERSON, } S.S.

Be It Remembered, That on this 16th day of May, 1888, before the undersigned Henry Duleck Court of Jefferson County, Mo., came R. W. McMULLIN, who, being by me duly sworn, says the annexed advertisement was published in the JEFFERSON DEMOCRAT, a newspaper printed and published in the County of Jefferson, State of Missouri, of which he is printer, for 4 weeks, the first insertion being on the 25 day of April, 1888, and the last insertion on the 16 day of May, 1888, as follows, to-wit:

In No. 19,	Apr 25	1888
In No. 20,	May 2	1888
In No. 21,	" 7	1888
In No. 22,	" 16	1888

Sworn to and subscribed before me, this 16 day

of May, 1888

Geo. Maester Notary Public
My term expires May 7th 1892

Received Payment,

Printer's Fee, \$11
Affidavit, \$ 25
11, 25

CERTIFIED COPY OF ORDER.

(Rev. Stat., Sec. 2321.)

STATE OF MISSOURI,

COUNTY OF

Jefferson

SS.

January

Term, 1888

In the

Circuit

Court of said County, on the

Fifth

day of

March

, 1888,

the following, among other proceedings, were had, viz:

Julia H. Eggers, Ernest Eggers
 Johanna Eggers, William Eggers and
 Henry F. Eggers Minors by Christoph
 Eggers Curator of their Estate and
 Frederick W. Schumacher ex parte
 petitioners

Partition

Now at this 5th day of March
 1888 come the petitioners Julia H.
 Eggers, Ernest Eggers, Johanna
 Eggers, William Eggers and Henry F.
 Eggers, by Christoph Eggers Curator
 of their Estates, and also the petitioners

Frederick W. Schumacher by his Attorney and file their petition
 Alleging among other averments that the petitioners Julia H. Eggers,
 Ernest Eggers, Johanna Eggers, William Eggers and Henry F. Eggers
 are minors, and that said Julia H. Eggers and Johanna Eggers are
 each under the age of eighteen years, and that said Ernest Eggers,
 William Eggers and Henry F. Eggers are each under the age of twenty one
 years, and that they are all residents of Jefferson County Missouri
 and that said Christoph Eggers is curator of their Estates by appoint-
 ment of the Probate Court of said County, in which they had at the
 time of his appointment had, as they still have their residence.
 That he duly qualified and gave bond as such Curator to
 the said Probate Court. And alleging further that the petitioners
 are owners in fee simple of, and tenants in common in the fol-
 lowing described Real Estate, situated in Jefferson County Missouri
 to wit The west half of the North West quarter, and the South East
 quarter of the North West quarter, and the North West quarter of the
 South West quarter of section number thirty four in Township
 number forty two, North of the base line, in range number three
 East of the fifth Principal Meridian, containing one hundred
 and sixty acres, except two and one half acres to be deducted
 from the South East quarter of the North West quarter of said
 section thirty four, bounded as follows. Namely: Commencing
 at the South East Corner of said South East quarter of the North
 West quarter, and running due North One Hundred and
 forty five yards to a post, from thence due West seventy yards

to a point, from thence running South One Hundred and Seventy five yards; Thence back to the starting point seventy yards. And that said petitioner Frederick W. Schumacher is the owner in fee simple of the undivided two thirds of said real estate, and that the petitioners Julia H. Eggers, Ernst Eggers, Johanna Eggers, William Eggers & Henry F. Eggers, are each owners in fee simple of the undivided one fifteenth part of said Real Estate, and praying for a decree that partition of said Real Estate be made between said petitioners, in accordance with their respective rights and interests therein as set out in said petition if the same can be done without great prejudice to their interests in the same, And that the Court will adjudge and decree that said real estate be sold and that the proceeds thereof be divided between the petitioners, in accordance with their respective rights and interests in the same if the same cannot be divided in kind between them without great prejudice to their said rights and interests. And the Court here having seen and understood said petition, and the petitioners having proven to the satisfaction of the Court, that Julia H. Eggers, Ernst Eggers, Johanna Eggers, William Eggers & Henry F. Eggers, are minors, as stated in said petition and that Christoph Eggers is curator of their Estates, as in said petition stated, and the petitioners having also proven to the satisfaction of the Court that they are owners in fee simple of and tenants in common in said real estate as is in said petition alleged, and that their rights and interests in the same are correctly set out and stated in said petition. The Court doth thereupon find from the evidence in said cause the petitioners Frederick W. Schumacher is the owner of and entitled to the undivided two thirds of said real estate and that the petitioners Julia H. Eggers, Ernst Eggers, Johanna Eggers, William Eggers, & Henry F. Eggers are each the owners in fee simple of and entitled to the undivided one fifteenth part of said real estate, and that said petitioners are entitled to partition thereof, as prayed in said petition and it being apparent to the Court from the ~~evidence~~ nature and amount of the property sought to be divided, and the number of the owners of the same that partition of said real estate in kind cannot be made between said petitioners without great prejudice to said owners.

It is thereupon considered adjudged and decreed by the Court here that partition and division of said real Estate be made among the parties aforesaid, according to their respective rights and interests as herein declared by the Court, and because said real estate cannot be divided in kind, it is ordered by the Court here that the Sheriff of Jefferson County, State of Missouri proceed to advertise and sell said real estate at public auction to the highest bidder for twenty five per cent of the purchase money, cash in hand and the balance in twelve months, or all cash at the option of the purchaser, and for the deferred payment take from the purchaser a bond or note with approved security bearing interest at the rate of six per cent per annum from date of sale until paid. That said sale take place on some day during the next regular term of this Court, and be governed by the same regulations prescribed by law for sales of real estate under execution, notice thereof being given in the manner provided by law for such sales, and it is further ordered by the Court that out of the proceeds of said sale, he shall pay, first the cost and expenses incurred in these proceedings and the balance divide among the parties according to their interests as aforesaid and report his proceedings hereunder to the Court at said next term.

Ordered that these proceedings be certified and cause continued for said report

STATE OF MISSOURI,

COUNTY OF

Jefferson
Circuit

ss.

I,

D. B. Veazey

Clerk

of the

Court, in and for said County, hereby certify the above and foregoing

to be a true copy of the proceedings of our said

Circuit

Court, on the day and

year above written, as the same appears of record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed

the seal of said Court, at office in

Hillsboro

, this

the

10th

day of

April

18*88*.

Clerk

D. B. Veazey

Circuit

Court.

By

D. C.

No.

CERTIFIED COPY OF ORDER

—OF—

Circuit

Court,

MADE AT

January

Term, 18

IN THE MATTER OF

J. W. Schumacher et al

vs *Parte*

SHERIFF'S REPORT OF SALE.

To the Honorable, the Circuit Court,

County of Jefferson, in the State of Missouri,

May Term, 1888.

I, George W. McFry Sheriff of Jefferson

County, beg leave respectfully to report that in pursuance of an Order of Sale made at the

January Term, 1888, by the Circuit Court

in said County of Jefferson, in the cause of

Julia H. Eggers, Ernst Eggers, Johanna Eggers, William Eggers & Henry F. Eggers minors by Christoph Eggers Curator of their estates, and Frederick W. Schumacher Ex parte
Petitioners

in partition, a certified copy of which has been to me delivered, I did cause the Real Estate described in said Order of Sale, to wit: The West half of the North West quarter

and the South east quarter of the North West quarter and the North West quarter of the South West quarter of Section number thirty four (34) in township forty two (42) north of the base line of range number three (3) east of the fifth principal meridian containing 160 acres except two and one half acres to be deducted from the South east quarter of the North west quarter of said Section 34, bounded as follows: Commencing at the South east Corner of said South east quarter of the North West quarter and running due north 145 yards to a post thence due west 70 yards to a point, thence South 175 yards, thence back to the place of beginning 70 yards, situate in Jefferson County, Missouri

To be advertised for sale by advertisements in the Jefferson Democrat a newspaper printed in said County of Jefferson containing a particular description of the

Real Estate to be sold, and stating the time, place and terms of said sale, for a period of not less than twenty days next preceding the day of sale: that on the 18th day of May

1888, being the day by me appointed for sale, as stated in said notices, being the 15th day of the

May Term of the Circuit Court

for the year 1888, and while said Court was in session, between the hours of nine o'clock A. M., and five o'clock P. M. of said day, I did proceed to offer and expose to sale at public auction to the highest bidder, at the Court House door in the town of Hillsboro, in the said County of

Jefferson, the Real Estate above described, on the following terms, to wit: twenty five per cent of the purchase money in hand at the time of sale, the balance in twelve months, the purchaser giving his bond with approved security bearing interest at the rate of six per annum from date, or all cash at the option of the purchaser

and having then and there publicly and openly cried the same for a long space of time, as aforesaid, and Frederick W Schumacher

being the highest, best and last bidder for the

For the sum of Eighteen hundred ^{and} eighty Dollars and the same was struck off and sold to him for that price, and that the said Frederick W Schumacher has paid the whole per cent of the purchase money, the amount by him bid for said Real Estate as aforesaid, and executed to me for the residue of the amount by bid as aforesaid, with good and sufficient security, according to law, and the order of Court. All of which is respectfully submitted.

Sheriff of Jefferson County.

And I hereby certify that the costs and expenses attending the execution of the order of said Court as aforesaid, have been as follows, viz :

COSTS DUE TO WHOM AND FOR WHAT.	AMOUNT.
D B Veazey Cir Clk	560
Jos J Williams Atty	50 00
R W McMullin Printing & Affs	1125
Ges W McTay Sheriff	
Calls ¹⁰⁰ Order Sale ¹⁰⁰ Adv ¹⁰⁰	
Com on \$500, ^{15.00} On \$1380 ^{27.60}	4470
	<u>11155</u>
TOTAL COSTS AND EXPENSES, \$	

G W McTay Sheriff.

REPORT OF SALE.

Julia M. Rogers, Grand
AGENTS
Rogers State Exchange
Gettysburg

Filed *May 21*, 18*88*

W. B. Tenney
CLERK.

By
DEPUTY.

F. W. Schumacher et al }
 & party }

Bill of cost

D. B. Veazey Clerk	
2 files ¹⁰ / 2 doc ¹⁰ / Loan to file petition ³⁰	50
Cont ²⁵ / ord. Sale ³⁰ / Order to Certify ³⁰	85
Verdict ⁴⁵ / Judgt ⁵⁰ / Copy decree	95
and order Sale ¹⁵⁰ / CTS ⁵⁰	200
Ord for atty fee ³⁰ / final Judgt ⁵⁰	80
Fee bill ¹⁰ / Making com ²⁰ / copy ²⁰	50
	<u>560</u>

Jos J. Williams Atty

50 00

Geo. W. Mc Fry Sheriff
 Calls¹⁰ / Ord. Sale¹⁰⁰ / Advertising¹⁰⁰

210
 67 70

R. W. McMullin Printer & affr.

1125

Shff Geo W Mc Fry Com on Sale
 on \$500^{15.00} on \$1380^{27.60}

4260
 111.55

6386

No. 6386 Box

Concord Court,

Telferson County.

Eggen, Schmuck
et al

Robert vs.

Cause of Action Partnership

Filed July 28th 1888

W. O. Nease
CLERK.

PLAINTIFFS ATTORNEY.

DEFENDANT'S ATTORNEY.

LIST OF PAPERS IN THIS SUIT.