

Jefferson County Circuit Court
Case Files - Civil

Box 17 Folder 53

May 1866, No, 55

Baker, Catherine

Baker, Henry

vs.

Schoeneman, E.S.

Schoeneman, Mary

Runkle, John

Runkle, Charles, et al

Partition

Heirs of John Conrad Runkle; 113

acres in Survey 877; other defendants

Matlana, Christina Runkle, Margaretta,

Amelia, Martin Rottel; Survey map

Catharine Baker formerly
Catharine Rucklee and } Plaintiffs
Henry Baker her husband }

^{vs}
E. S. Schoeneman and Mary
Schoeneman his wife }
John Rucklee }
Charles Rucklee } Defendants
Matthias Rucklee }
Christina Rucklee }
Margaretta Rotte and
Amelia Rotte + Mathias Rotte }

In the Circuit Court
of Jefferson County
Missouri

The plaintiff state, that the said Catharine Baker
is the widow of the late John Conrad Rucklee
deceased; that she has married the plaintiff
Henry Baker; that said Rucklee did seize
of the following described tracts of land
in Jefferson County Missouri to wit.

A tract containing seventy three $\frac{1}{2}$ acres of land
lying on the South side of the M aramee river,
being part of Lot 29 in subdivision of M. S.
Survey 877 (and which said survey is sometimes
designated as 2991). bounded on the North by said
river, on the North East by lot 38, on the South East
by lot 30 and South West by lot 27 and on the
North West by lot 28, of said subdivision

Also ^{part of} ~~part of~~ Lot No. 38 of said subdivision in
said survey beginning at the North East corner
of the aforesaid tract of land, thence with said
line N 38° W. 30 chains 25 links to a stake on the

South bank of said Maramba river thence
with said river N. 70° E 14 chains 94 links to a
stake, from which a maple six inches in diameter
bears S. 57° W 19 links, and an ash six inches in
diameter bears S. 80° East 18 links distant, thence
S. 38° East 25 chains 90 links to a stake from which
a black oak 20 inches in diameter bears S. 20°
44 links and a hickory 8 inches in diameter bears
North 49° W. 70 links distant, thence S. 52° W. 14
chains 35 links to a stake, the beginning corner
containing forty ²⁸/₁₀₀ acres.

Plaintiffs further state, that the said John C. Remcke
died without any child or other descendants in being,
capable of inheriting his estate; that his said widow
has elected to take her dower of one half of said
decedent's estate according to the statute in such
case made and provided, which election is duly
filed in the office of the clerk of the County
Court of Jefferson County, Missouri.

Plaintiffs further state, that said John C. Remcke

left surviving him one sister Mrs. Mary Schoeneman wife of defendant E. S. Schoeneman, one brother John Runkle, and the following named nephews and nieces, to wit. Charles Runkle, Mattena Runkle, and Christina Runkle, children of a deceased brother Charles Runkle, Margantta Rotte and Amelia Rotte, children of a deceased sister Christina Runkle, who married Martin Rotte.

Plaintiffs further state that said deceased owed no debts, or if any, they were very small, and that no part of his real estate will be required to pay said debts if there should be any.

Plaintiffs further state that the said Mattena & Christina Runkle, and the said Margantta & Amelia Rotte are all minors, under the age of twenty one years, and for them the plaintiffs pray the Court to appoint a guardian ad litem.

Plaintiffs therefore state that the above described tracts of land are owned and held by the parties to this suit as tenants in common, and that they are interested in the same in the following manner. The plaintiffs own the one undivided half of said tracts. Mary Schoeneman and her husband E. S. Schoeneman own one undivided eighth. John Runkle one undivided eighth. Charles Runkle, Mattena Runkle & Christina Runkle each one undivided twenty fourth part, Margantta Rotte and Amelia Rotte each one undivided sixteenth part, subject to the custody of their father the said Martin Rotte.

Plaintiffs further State that the above described tract of land constitute the homestead of said deceased and upon which his farm and mansion house are situated.

Plaintiffs therefore in consideration of the premises pray the Court to order adjudge and decree a partition and division of the premises aforesaid according to the respective rights of the parties interested, and that the Court will cause the dower of a said of one half to be admeasured and assigned to the plaintiffs, and for such other and further relief as the plaintiff may be entitled to.

P. Pipkin att. for the
Plaintiffs.

Philip Pipkin Attorney for the plaintiffs
makes oath and says that the foregoing
petition and the matters therein as
stated he believes to be true.

sworn to and subscribed Philip Pipkin
before me this 23rd day of

January A.D. 1866

John M. Pullen Notary

Public in and for St. Louis County Mo



Notary fees 50 cts
paid by P. Pipkin

In the afternoon
Circuit Court

Catharine Parker &

Henry Parker

E. J. Schenck

Wm. Schenck

John Schenck

Charles Schenck

Walter Schenck

Christina Schenck

Marion Schenck

Amelia Schenck

Marion Schenck

Defendants all reside in
St. Louis Mo.

Catharine
per [signature]

Filed Feb 6 1866.

Saml. A. Phelps Clerk

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

The State of Missouri St Louis

To the Sheriff of the County of ~~Jefferson~~ Greeting:

We command you, that you summon *E. S. Schaneman, Mary Schaneman, John Runckle, Charles Runckle, Matena Runckle, Christina Runckle, Margaretta Rott, Amelia Rott, and Martin Rott*

if they be found in your County, that they be and appear before the Hon. 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 after the fourth~~ Monday of *May* next, then and there to answer unto

Catharine Baker and Henry Baker

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

E. A. Peppy
Witness, ELIAS F. HONEY, Clerk of our said Circuit

Court, with the seal thereof hereunto affixed, at office in Hillsboro, this *Eighth* day of *February* A. D. 1866.

Saml A Peppy

Clerk Circuit Court.



TO JEFFERSON CIRCUIT COURT

11633-
1815

May 3rd, 1866

Catharine Baker &
Henry Barker
206 Summers
E.S. Schoenemann
Mary Schoenemann
John Kunkle
Charles Kunkle
Matthias Kunkle
Christina Kunkle
Franklin Kott
Anselm Kott &
William Kott

Filed for record 2/6/66

Filed May 4 1866
Saml H. Coffey clk

Resented this writ in the County
of St Louis on the 3rd day of March
1866 by delivering a copy of the writ
petition as furnished by the clerk
to E.S. Schoenemann and further
resented this writ by delivering a
copy of the writ as furnished
by the clerk to each of the within
named defendants Mary Schoenemann
and John Kunkle Charles Kunkle
Matthias Kunkle Christina Kunkle
and Margaret Kott Anselm Kott
Martin Kott

John C. Vogelfly
By S. Samerwein
By

fees 1350
mitage 450
\$18.00 paid by plaintiff

Catharine Baker & her husband
Henry Baker

E. L. Schaeleman & Mary Schaeleman
his wife, John Runkle, Charles Runkle,
Mallena Runkle, ~~Christiana~~ Runkle,
Margartta Rotte, Amelia Rotte &
Martin Rotte,

In the Circuit Court
Jefferson County Mo.
May Term 1866 -

Defendants come & for answer say
that the plaintiffs are entitled to the
share of the Real Estate in said petition
mentioned so far as anything known
to the Defendants is to the contrary,
and that the rights of the parties are
therein correctly set out, but the
said E. L. Schaeleman states that he
is the executor of the Estate of John Runkle
that plaintiffs right in said Land is in right
of Dower of Catharine ~~Runkle~~ Baker, as
widow of said J. Runkle & that the said
right of Dower in one half of said Real
Estate is subject to the payment of the debts of
the deceased that Dower ought not to be
assigned or partition made of said
Land until the debts are either paid or

till it is shown to the court that the same can be
done without sale of said Lands for that Purpose that
there are debts due by said Estate & unpaid to about
the amount of fourteen or fifteen hundred Dollars known
to said Executor, and that it may become
necessary for said Land to be sold for the payment of
said debts, that there is some twenty one or two hundred
Dollars charged against him on the inventory & sale Bill of
said Estate but that only about two hundred Dollars have been
collected and that the Executor may not be able to collect
sufficient of said sums to pay off said debts & pay
the court to not order partition of said Land or assignment
of power in the same till it can be ascertained whether
or not said debts can be paid without a sale of the Land
for that purpose

O J. Schoeneman says that he believes
the foregoing petition is true

Signed,

Sworne to &
Subscribed before
me this May 15th 1866
Saml A. Rappelyelt

J. Schoeneman

Bucher & Bader

in

Hohenemsen Str. 11,

Leipzig

St. Pauli 16/1800.
Gross. 11. 10. 1800.
11. 10. 1800.

Chathorne Baker &
Henry her husband Plaintiffs

E. L. Schoeneman & Mary his wife
John Runkle, Charles Runkle,
Mattena & Christian Runkle
Margaretta & Amelia Rotta &
Martin Rotta Defendants

In the Circuit Court of
Jefferson County Mo
May Term 1866

Now at this day comes E. L. Schoeneman
Isaachian Ad Litem & makes answer for
Mattena & Christian Runkle, & Margaretta
& Amelia Rotta minors under twenty one
years of age and says that he has examined
the petition of plaintiffs & that he believes
that the rights of the parties are correctly
set out therein & that the Defendants
are properly made parties in said
cause

And further says not

E. L. Schoeneman

Baker & Baker

in

Amelia Scott
Shaler

Sum of Money
ad libitum

Recd May 16 1856
Dana & Copy 6th

Catharine Baker

Partitions

^{as}
E. S. Schoeneman & al

The parties to this suit agree that this
cause be continued generally to next
term

J. P. Kim for Pff

Josef Williams Atty for Defs.

Baker & wife

"

E. J. Chapman

Perkins

Agreement to continue

Filed Nov-19 1866
Dane & R. A. May all

Catharine Baken Formerly Catharine
Kunkle and Henry Baken her
Husband Plaintiffs

vs
E. L. Schoeneman & Mary his wife
John Kunkle, Charles Kunkle —
Matthina Kunkle, Margaretha
Kotte, Amelia Kotte & Christina
Kunkle, Defendants

In the Circuit Court of
Jefferson County Missouri

Now at this day Come Matthina and
Christina Kunkle, and Margaretha and
Amelia Kotte minor heirs at Law
of John C. Kunkle Deceased and for
by E. L. Schoeneman their Guardian ad
Litem and for answer to plaintiffs
petition in this cause say that the
rights titles and interests of the respective
parties Plaintiffs and Defendants are
correctly set out in the petition of plain-
= tiffs So far as said Defendants are
informed concerning the same.

Matthina & Christina Kunkle &
Margaretha & Amelia Kotte, By
E. L. Schoeneman their
Guardian Ad Litem, Signed
by Jos. J. Williams Attorney.

E. Walker, Esq.

E. F. Schoenman
Esq.

Quitters of Mines
held by their
Heirs and Licens

Filed Nov 21st 1868.
E. F. Schoenman Esq.

State of Michigan } In the Jefferson Circuit
County of Jefferson } Court, May 21st 1868,
The following proceedings were had
to wit;

Catharine Baker ~~vs~~ Henry Baker, E. S. Schoeneman Mary Schoeneman John Runcle Charles Runcle Mallena Runcle, Christena Runcle Margaretta Rolfe, Amelia Rolfe, & Martin Rolfe,	} In Partition Order to appoint Commissioners
--	--

Now at this day comes
the parties aforesaid by their respective at-
torneys, and this cause coming on to be
heard, the court doth find that said plain-
tiffs and defendants are the owners and
tenants in common of the following des-
cribed Real Estate situate lying and
being in the County of Jefferson and State
of Michigan to wit: A tract containing
seventy three $\frac{1}{2}$ acres of land lying on
the South side of the Meramec River being
part of Lot 29, in Subdivision of U.S. Sur-
vey 877 (and which said survey is some-
times designated as 2991) bounded on the
North by said river, on the North East
by lot 38 on the South East by lot 30 on
the South West by lot 27, on the North West
by lot 28, of said subdivision. Also part
of Lot 38 of said subdivision in said

survey, beginning at the North East corner of the aforesaid tract of land, thence with said line N 38° W 30 chains 25 links to a stake on the South Bank of said Meramec River thence with said river N 71° E 14 chains 94 links to a stake from which a maple six inches in diameter bears S 51° W 19 links, and an ash six inches in diameter bears S 80° East 18 links distant thence S 38° East 25 chains 40 links to a stake from which a black oak 20 inches in diameter bears S 20° 44 links and a hickory 8 inches in diameter bears North 49° W 70 links distant thence S 52° W 14 chains 35 links to a stake the beginning corner containing forty $\frac{28}{100}$ acres. And the court having ascertained the right title and interests of said parties in and to the aforesaid Real Estate, doth declare the same to be as follows. The Plaintiffs Catherine Baker & Henry Butler are entitled to the one undivided half of said tracts of land, Mary Schoeneman and her husband E. S. Schoeneman are entitled to one undivided eighth, John Runckle one undivided eighth, Charles Runckle, Matilda Runckle & Christena Runckle each one undivided twenty fourth part of said Land, Margareta Rott and Amelia Rott each one undivided

Sixteenth part subject to the courtesy
of their father the said Martin Rott.
It is therefore ordered adjudged and
decreed by the court that Partition
of the aforesaid lands be made, be-
tween said parties, according to their
interests as above set forth, And
the court doth appoint C. S. Rankin
Jas J. Beckett and Oscar Dover as com-
missioners residents of the County of
Jefferson aforesaid to make partition
so adjudged, in accordance with the
statutes in such cases made and
provided, and to make a full and
complete report of their proceedings
to this court at its next term, which
report shall be in manner and form
as prescribed by the Statutes in such
cases, and this cause is continued

A true copy from the Record
Witness my hand and the
seal of said circuit court
herunto affixed at office
this June 19th 1868,

Elias H. Carey Clerk
By C. L. Horne Depy

Catherine Parker et al
= as =

W. J. Schoonman et al
"

Order appointing
Commissioners

Clerk's Fees.

Copied & p. \$ 1.60

3 " " notarial. 3.80

\$ 4.90

Edmund
J. J. Dickett } Commissioners
C. D. Over.

We the undersigned commissioners appointed
by the Circuit Court of Jefferson County
Missouri at its May Term A.D. 1868
to make partition between Catharine Baker
& Henry Baker. E. S. Schorrmann Mary
Schorrmann John Runckle, Charles Runckle
Mattena Runckle Christian Runckle
Margaretta Rotte Amelia Rotte and
Martin Rott of the following described
land to wit: A tract of Seventy three acres
and fifty hundredths lying on the south
side of the Meramec river being part of
Lot No 29 in Subdivision of U.S. Survey No
877 (and which said survey is sometimes
designated as Survey 2991) bounded on the
North by said River, on the ~~South~~ North
East by lot No 38, on the South East by lot
No 30 on the South West by lot No 27 and
the North west by lot No 28 of said subdivis-
ion. Also a part of Lot No 38 of said
subdivision in said Survey beginning at
the North East corner of the aforesaid tract
of land thence with said line N 38° W
30 chains & 25 links to a stake on the south
Bank of said Meramec River thence with said
River N 71° E 14 chains 94 links to a stake from
which a maple six inches in diameter bears
South 51° W 19 links and an ash six

inches in diameter bears S 80° E 18 links distant
Thence S 38° E 25 chains & 90 links to a stake
from which a black oak 20 inches in diameter
bears S 20° 44 links and a hickory 8
inches in diameter bears North 49° W 70 links
distant Thence S 52° W 14 chains & 35 links
to a stake the beginning corner containing
forty ²⁵/₁₀₀ acres after being duly sworn
according to law we did on the 19th
day of November A.D. 1868 proceed to
divide said ^{land} according to the interests of
said parties as set forth in said
order of court We did set off and
allot to said Catharine Baker & Henry
Baker the following described parcel of land
it being in value one half of said premises
To wit: Begin at the South West corner of said
~~tract~~ lot No 29 in Survey No 2991 from which
a white oak 24 inches in diameter bears N 40°
East 44 links distant also a white oak 20
inches in diameter bears N 69° W 59 links distant
Thence North 38° West along the ~~western~~ Western
line of said lot 11 chains & 85 links to a
stake corner from which a black oak 10
inches in diameter bears N 62° E 10 links
distant. Thence N 52° E 36 chains &
80 links to the North Eastern line of
said tract set a post from which

a hickory 3 inches in diameter bears $N 80^{\circ}$
It 3 links distant Thence $S 38^{\circ} E$ 11 chains &
85 links to the South East corner of said
tract from which a Hickory 8 inches in
diameter bears $N 49^{\circ} W$ 70 links distant. Thence
 $S 52^{\circ} W$ 36 chains & 80 links to the place of
beginning containing Forty ~~Three~~ ⁴⁰/₁₀₀ acres
Leaving Seventy ¹⁰/₁₀₀ acres to be divided
among the other heirs which we find could
not be divided without great prejudice
to said parties all of which is shown
by a plat accompanying this report

Commissioners { Ascar Dover
Jas J Beckett
Skelton Richardson

State of Missouri }
County of Jefferson } Be it remembered that
on this 10th day of November
AD 1868 personally appeared before me
the undersigned clerk of the circuit court
for the County aforesaid, Ascar Dover
Jas J Beckett & Skelton Richardson
personally known to me to be the
same persons whose names are sub-
scribed to the foregoing instrument
of writing and severally acknowledged

the same to be their act and deed for
the uses and purposes therein mentioned
In Testimony whereof I have
herewith set my hand and the
seal aforesaid count the day
& year last aforesaid

Chas J Honey Clerk
By Otho Horne Deft

Filed Nov 21st 1868,
C. J. Honey Clk

Fee Bill of Commissioners
in Division of Land in the
Partition suit Between Henry Baker
vs E. J. Shoeman & others

J. H. Bessett	3 days at 2.50 per day	\$ 7.50
Oscar Dover	3 days ..	7.50
Shelton Richardson	3 days ..	7.50
Surveyors fees to O. Dover		6.00
		\$ 28.50

State of Missouri } In the Jefferson Circuit Court
County of Jefferson, } November 27th 1868.

Be it Remembered, that in said Circuit Court on the day aforesaid, among other proceedings the following appears of record to wit:

Catharine Baker & Henry Baker,	In Partition
E. Schoeneman, Mary Schoeneman,	Renewed Order
John Runckle, Charles Runckle, Matilda	Appointing Com-
Runckle, Christena Runckle, Margaretta	Missioners
Potte, Amelia Potte and Martin Potte,	

Now at this day comes the Defendants by their attorney and file their objections to the report of Commissioners herein filed for the following reasons to wit; Because the the division of the lands in plaintiffs petition described made by Oscar Doven Ira J. Beckett and Shelton Richardson is inequitable and unjust 2nd Because said commissioners did not give defendants notice when they would divide said land, 3rd Because said commissioners did not take and subscribe the required oath to honestly and impartially execute the trust reposed in them 4th, Because said report is otherwise irregular, And now upon a hearing of said objections and the same being seen, heard and fully understood, It is considered by the court that the same be sustained; and that a renewed order be made appointing commissioners to again proceed to make partition and division of said lands to wit;

a tract containing seventy three and one half acres lying on the South side of the Meramec river, being part of Lot 29 in subdivision of U.S. Survey 877 (and which ^{said survey} is sometimes designated as 299) bounded on the North by said river, on the North east by lot 38 on the South East by lot 30, on South west by lot 27 and on the North west by lot 28 of said subdivision, Also part of lot 38 of said subdivision in said Survey beginning at the North east corner of the aforesaid tract of land, thence with said line N 38° W 30 chains 25 links to a stake on the South bank of said Meramec river thence with said river N 71° E 14 chains 94 links to a stake from which a maple six inches in diameter bears S 51° W 19 links and an ash six inches in diameter bears S 8° East 18 links distant thence S 38° East 25 chains 90 links to a stake from which a black oak 20 inches in diameter bears S 20° 44 links and a hickory 8 inches in diameter bears North 49° W 70 links distant, thence S 52° W 14 chains 35 links to a stake, the beginning corner containing forty ²⁸/₁₀₀ acres situated in Jefferson County Missouri, and the court having ascertained the rights and interests of said parties in and to said real estate doth declare the same as follows viz: That Catharine Baker and Henry Baker own the one un-

divided half of said tracts, Mary Schoeneman
and her husband E. J. Schoeneman own one undivided
eighth, John Runkle, one undivided eighth,
Charles Runkle, Matthena Runkle and Christena
Runkle one undivided twenty fourth part,
Margaretta Ratto and Amelia Ratto each one
undivided sixteenth part subject to the con-
tesy of their father the said Martin Ratto,
It is therefore ordered adjudged and decreed
by the court that partition and division of said lands
be made between said parties in accordance with
their interests herein set forth, and the court
doth appoint Oscar Dover, Ira J. Beckett and
Stelton Richardson as commissioners residents
of the County of Jefferson aforesaid to make par-
tition so adjudged in accordance with the statutes
in such cases made and provided and to make
a full and complete report of their proceedings
to this court at its next term, which report
shall be in manner and form as prescribed
by the statutes in such cases, and this
cause continued.

True copy from the record,

 Witness my hand and the seal of said
Court hereto affixed this 28 day of
January 1869.

Elias J. Horney Clerk,
By Charles J. Horney Deft,

Wm. J. Brown, Clerk of Court,
May 21. 1869

Dearest

My dear

Schweitzer

Copy for Commencement

C. Brown,
Dr. Buckell
Mell. Richardson

Book 5 - 279 & 25
at 5 - 130 & 14

1111 168
25-
2668
A. Brown, Clerk of Court
May 21. 1869

State of Missouri } In the Jefferson circuit Court,
County of Jefferson } November 27th 1868,

Be it Remembered that in said circuit court on the day aforesaid, among other proceedings the following appears of record to wit:

Catharine Baker & Henry Baker = vs = E. S. Schoeneman, Mary Schoeneman John Runkle, Charles Runkle Mallena Runkle, Christina Runkle, Margaretta Ratto, Amelia Ratto and Martin Ratto;	} In Partition Renewed Order Appointing Commissioners Now at this
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day comes the Defendants by their attorney and file their objections to the Report of commissioners, herein filed, for the following ~~petition~~ reasons to wit: Because the division of the lands in plaintiffs petition described made by Oscar Dozer, Ira J. Beckett and Stelton Richardson is inequitable and unjust,
2nd Because said commissioners did not give Defendants notice when they would divide said land
3^d Because said commissioners did not take and subscribe the required oath to honestly and impartially execute the trust reposed in them,
4th Because said report is otherwise irregular, and now upon a hearing of said objections and the same being seen, heard and fully understood, It is considered by the court that the same be sustained, and that a renewed order be made appointing commissioners to again proceed to make partition and division of said lands to wit:

A tract containing seventy three and one half acres lying on the South side of the Meramec river, being part of Lot 29 in subdivision of U.S. Survey 877 (and which said Survey is sometimes designated as 299) bounded on the north by said river, on the north east by lot 38 on the South East by lot 30 on South west by Lot 27 and on the North west by lot 28 of said subdivision. Also part of lot 38 of said subdivision in said survey beginning at the north east corner of the aforesaid tract of land thence with said line N. 38° W 30 chains 25 links to a stake on the South bank of said Meramec river thence with said river N 71° E 14 ~~x~~ chains 94 links to a stake from which a maple six inches in diameter bears S 51° W 19 links and an ash six inches in diameter bears S. 8° East 18 links distant thence S 38° East 25 chains 90 links to a stake from which a black oak 20 inches in diameter bears S 20° . 44 links and a hickory ~~8~~ 8 inches in diameter bears North 49° W 70 links distant, thence S 52° W 14 chains 35 links to a stake, the beginning corner containing forty ²⁸/₁₀₀ acres, situate in Jefferson county Missouri, And the court having ascertained the rights and ~~and~~ interests of said parties in and to said real estate doth declare the same as follows viz: That Catharine Baker and Henry Baker own the one undivided

half as said tracts, Mary Schoeneman and her husband E. L. Schoeneman own one undivided eighth, John Runkle one undivided eighth, Charles Runkle, Mattena Runkle and Christena Runkle one undivided eighth twenty fourth part, Margaretta Rott and Amelia Rott each one undivided sixteenth part subject to the Courtesy of their father the said Martin Rott, It is therefore ordered, adjudged and decreed by the court that partition and division of said lands be made between said parties in accordance with their interests herein set forth, and the court doth appoint Oscar Laver, Ira J. Beckett and Shelton Richardson as commissioners residents of the County of Jefferson aforesaid to make partition so adjudged in accordance with the statutes in such cases made and provided, and to make a full and complete report of their proceedings to this court at its next term, which report shall be in manner and form as prescribed by the statutes in such cases, and this cause continued.

A true Copy from the record

Witness my hand and the seal of said Court
hereto affixed this 28th day of January 1869

Chas. D. Honey Clerk

By *The Hon. L. J. [Signature]*

The within was served at Jefferson County Mo by hiring a
Copy thereof with Shelton Richardson, on February 2th
1869, and by receiving the same to the within named
Oscar Dyer on February 26, and to Jos J Becker
on March the 15th & 2 1869.

Fee \$3.00

Fred Luskemeyer Sheriff
Jeff Co Mo

W. H. Jefferson Circuit Court

May Term 1869

Catharine Baker et al
vs J. order Partition

E. J. Luskemeyer et al

Cop. of order App. to Comp.

Order Cvs. 1.50
" 1.00
\$ 2.50

Henry & Catharine Baker } In The Circuit
 vs } Court of
E. L. Schoeneman & others } Jefferson Co.
 } Missouri

Now at this day Come E. L.
Schoeneman and Mary his wife
as also E. L. Schoeneman Gu-
ardian Ad Litem for Matten
& Christina Kunkle & Margareta
& Amelia Kotte Minors and also
John Kunkle in his proper person
all Defendants in the above
Entitled Cause Legacies under
the Last Will & Testament of
John C. Kunkle Deceased and
Pray the Court to set aside the
Report of Oscar Dover, Ira J.
Becker & Skelton Richardson
Commissioners appointed by
the Court to make partition and
division of the Real Estate
described in the Judgment of
Partition in this Cause Filed
Nov. 21st 1868 and to appoint
new Commissioners to make
such ~~between~~ partition and
division of such Real Estate
Between the parties in interest
according to Justice and the

Respective Rights of the Parties
therein for the following
Reasons, To-wit,

1st Because the Division of Said
Land as made by said Commis-
-sioners as shown by their
Said Report is in equitable
and unjust in this that
Said Commissioners allotted
to and set apart for Plaintiffs
Catharine & Henry Baker a
portion of such tract of Land
worth from five to seven hund-
-red Dollars more than the
portion allotted to the Defend-
-ants who are entitled to one
half of said Land.

2nd Because Said Commissioners
did not give notice^{to} Said Schoen-
-eman or his said wife or his
said wards Mattena or Christina
Kunkle or Margaretta or Amelia
Kotte or said John Kunkle or
either of them or to the agents
or Attorney of them or either
of them of the time when they
Said Commissioners would

Proceed to make Partition &
Division of such Lands
between the Parties interested
in said Lands

3rd Because it does not appear from
the said Report of said Commission-
ers that they did before entering upon
the discharge of their duties make
an affidavit before some offi-
-cer qualified to administer
~~oaths~~ ^{that they would} honestly & imposi-
-ally execute the Trust reposed
in them, and Because no such
affidavit is returned & filed
with their said Report,

4th Because said Report is otherwise
irregular

Signed, E. L. Schoeneman &
Mary Schoeneman &
Matthias & Christine Runkle
& Margaritta & Amelia Kotte
Minors who appear by E. L. Schoeneman
their Guardian ad Litem
& John Runkle
By
Jos. J. Williams their
Attorney,

Henry & Barker
vs
E. J. Schoeneman
Pl. al.

Objections to Report
of Commissioners

Filed Nov 27 '88
E. J. Henry Pl.

Henry Baker & wife
vs
E. S. Schoeneman & others

In the Circuit Court of
Jefferson County Missouri

To the above named defendants

You are hereby
notified, that the undersigned Commissioners will
proceed to make partition of the real estate mentioned
in the above entitled Cause, in pursuance of an
order made at the last term of the said Court, on
the 27 day of November 1868 to make said
Division if Division can be made in
compliance of said Order
on the 3^d day of May 1869 (Oscar Dovel
Commissioner
S. S. Burroughs

This Notes came to Hand April 19. 1869 and I Expose
the same by delivering a Copy thereof to J. J. Williams
at Jefferson County Mo. This 19 day of April

fees 50 cts

Fred Luchtemayer Sheriff
by Fred Vollmar
Deputy

Henry B. Smith
or

Abraham Smith

Notice for return

Copy

Filed May 10 1869
W. J. Williams, Clerk

Henry Baker & wife } In the Circuit Court of
vs } Lefrus on Commt
E. S. Schoeneman & others }

Now Doan Ira J. Becket and
Stetson Richardson Commissioners appointed
by the Court to make partition in the above
entitled Cause, make oath and say that they
will honestly and impartially execute the
trust reposed in them as such Commissioners.
Sworn to & Subscribed
before me this day
of 1869 }

Henry Baker Smith
by

E. J. Schaefferman for

affidavit of commutation

State of Missouri }
County of Jefferson }

On this 3^d day of May 1869.
personall appeared Before me the Notary
Public duly commissioned for the County and State
aforesaid O Dove & Skelton Richardson, Commis-
sioners. Being duly sworn faithfully and impartially
to discharge the duties of commissioners, in partition
of a certain lot or parcel of Land lying and
Being in Jefferson County Missouri. Wherein
Catherine Baker & Henry Baker is plaintiffs
and E. S. Schaeleman & others Defendants,
and Described as follows, to wit Being part
of Lot no (29) also part of Lot no (38) in Survey
877. Containing in all one hundred and thirteen
acres, and seventy eight hundredths of an acre ($13\frac{78}{100}$)

Witnessed and sworn to Before } Oscar Dove
me the day and year first a } Skelton Richardson
Dove Written }
Robert V Hunt
Notary Public

Notarys Fees \$2.50

We the undersigned Commissioners appointed by the circuit court of Jefferson Missouri at its May Term A. D. 1868 and reappointed at its November Term there after to make partition between Catharine Baker & Henry Baker her Husband - E. J. Schoeneman, Mary Schoeneman, John Runkle, Charles Runkle, Mattena Runkle, Christian Runkle, Margareta Rotte Amelia Rotte and Martin Rotte of the following Described land, To wit. A Tract of seventy three Acres and fifty hundredths lying on the South side of the Merrimac River being part of lot No 29 in subdivision of U. S. Survey No (877) and which said Survey is sometimes designated as Survey (2991) Bounded on the North by said River on the North East by lot no 38 on the South East by lot no 30 on the South West by lot no 27 on the North West by lot no 28 of said subdivision - Also A part of lot no 38 of said subdivision in said Survey. Beginning at the North East corner of the aforesaid tract of land thence with said line N 38° W 30 chains and 25 links to A stake on the South Bank of said Merrimac River Thence with said River N 71° E 14 chains and 94 links to A stake from which A maple six inches in Diameter Bears S 51° W 19 links Dist and an Ash six inches in Diameter Bears S 80° E 18 links Dist Thence S 38° E 25 chains and 90 links to A stake from which A Black oak 20 inches in Diameter Bears S 20° 44 links Distant also A Hickory 8 inches in Diameter Bears N 49° W 70 links Dist. Thence S 52° W 14 chains & 35 links to A stake the Beginning corner containing $40 \frac{25}{100}$ Acres. After being duly sworn according to law we did on the 3^d day of May 1869

proceed to divide said land according to the interests of said parties as set forth in said order of court we did set of and allot to said Catharine Baker & Henry Baker the following parcel of land it being in value one half of said premises, To wit.

Beginning at the South West corner of said lot No 29 in Survey No 2991 from which A White oak 24 inches in Diameter Bears N⁴ E 44 links Dist also A White oak 20 inches in Diameter Bears N⁶ W 59 links Dist Thence N³ E W along the Western line of said lot 11 chains and 42 links to A Stake from which A Post 5 inches in Diameter S 77 E 25 links Dist Dito A Post 5 inches in Diameter Bears N 30 E 14 links Dist, Thence N 52 E 36 chains and 80 links to the North eastern line of said tract set A stake from which A Black oak 6 inches in Diameter Bears S 23 W 5 links Dist also A Hickory 9 inches in Diameter Bears N⁴ W 14 links Dist, Thence S 38 E 11 chains and 42 links to South East corner of said tract from which A Hickory 8 inches in Diameter Bears N⁶ W 70 links Dist, Thence S 52 W 36 chains and 80 links to place of beginning containing Forty two Acres (42) Acres to Catharine Baker & Henry Baker leaving to E. S. Schoeneman and other heirs Seventy one Acres and seventy eight hundredths of an Acre ($71\frac{78}{100}$) Acres not susceptible of those small Divisions between said parties all of which is shown by A plat accompanying this report

(Oscar Dover
State of Missouri } Commissioners { Skelton Richardson
County of Jefferson) Be it Remembered that on this 10th day of May 1869 personally appeared before me the undersigned clerk of the Circuit Court for the County of Jefferson came Oscar Dover & Skelton Richardson personally known to me to be the same persons whose names are subscribed to the foregoing instrument of writing and severally acknowledge the same to be their act and deed for the uses and purposes therein mentioned

In Testimony Whereof I have hereunto set
my hand and official seal this 10th day of
May 1869.
Elias F. Hooper, Clerk

Byd & Alfred

Commissioners fees for Division to May Term of Circuit
Court 1869

W. Dorr 3 days at 2.50 per day

\$ 7.50

Shelton Richardson 2 days at 2.50 per day

5.00

Over Surveying fees

3.00

\$ 15.50

Henry Baken & wife
as
Schonemann et al

Filed May 10th 1869
E. J. Henry clerk
By L. Hayward D.C.



I Began at the South West corner of Lot no (29) in Survey no 2991 on the Merrimac River in Jefferson County Missouri from which A White Oak 24 inches in Diameter Bears N 46 44 links Distant Dito A White Oak 20 inches in Diameter Bears N 69 W 59 links Dist. Thence N 38 W along the western line of said Lot 11.42 links and set A post from which A Poak 5 inches in Diameter Bears S 77 E 25 links Distant Dito 5 inches in Diameter Bears N 30 E 14 links Dist. Thence N 52 E 36 chains and 80 links to the North Eastern line of said Tract set A stake from which A Black oak 6 inches in Diameter Bears S 23 W 5 links also A Hickory 3 inches in Diameter Bears N 4 W 14 links Distant. Thence S 38 E 11 chains and 42 links to South East corner of the tract from which A Hickory 8 inches in Diameter Bears N 49 W 70 links Distant. Thence S 52 W 36 chains and 80 links to place of beginning containing 42 Acres to Catherine Baker & Henry Baker. leaving to E. S. Schoeneman and other heirs 71 ⁷⁸/₁₀₀ Acres not susceptible of those small Divisions between said parties

Oscar Dover Surveyor

Henry Becker and	} In the Circuit
Catharine Becker	
vs	
E. S. Schoenemann et al	} Court of
	} Jefferson County
	} Mo.

It is agreed by the defendants and plaintiffs in the above entitled Cause that the above suit is to be dismissed upon the following grounds of compromise to wit.

The plaintiffs hereby agree to pay the defendants the sum of thirty seven hundred dollars in full for the one undivided half of the tract of land which is the subject of partition in the said suit and which half is owned by defendants & for which said defendants have executed their warranty deed dated the 11th day of November 1869. Said sum of thirty seven hundred dollars to be paid as follows. Six hundred dollars to be paid when the Executor E. S. Schoenemann makes final settlement of the estate of John C. Runkle deceased; two thousand dollars to be paid in January 1870; five hundred dollars in January 1871, and six hundred dollars in January 1872. All of the three last payments to be

Secured by note with security and the two payments of five and six hundred dollars due in January 1871 & January 1872 to bear interest at the rate of six per cent per annum from the first day of January 1870.

Said defendants are to pay all the costs which have accrued in this partition suit, and all the costs which have accrued in the trial of a cause on a motion to return costs in the County Court and in the trial of a suit of said Becker & wife in said Court which was ^{taken} to Supreme Court on appeal except so much costs as have been paid by said Becker & wife.

The said plaintiffs are to pay one half of the taxes which have accrued on the real and personal estate of said deceased since his death and one half of the costs which have accrued on a trial of Conrad Egner v. Estate of said Ruckel and also one half of all just claims which have been proved in open Court according to law against the estate of said John C. Ruckel deceased except the claim and allowance made against said estate.

in favor of Catharine Baker the widow of
said John L. Runkle, and one of the
above plaintiffs

In witness whereof we have hereunto
affixed our signatures and seals this
Eleventh day of November 1869

Eliza Thompson

seal

Marion Thompson

seal

Margaretta Rott

seal

Emmy Louis Rott

seal

Martin Rott

seal

Carl Runkel

seal

Amos Runkel

seal

Christian Runkel

seal

Christina Runkel

seal

Jacob Runkel

seal

Sophia Runkel

seal

John Runkel

seal

Catharina Runkel

seal

mark

27/3-

Jefferson Circuit
Mount. Joy. Tenn
1869.

Henry Becker wife
"

E. J. Schremon and chs

Agreement

Made Apr. 17 1869
C. J. Winney atty