

G 690/1, Dogern, Nr. 379

Short Title: G 690/1, Dogern, Nr. 379
 Title: Fürsorgliche Besitz-Teilung für den für verschollen erklärten Josef Brutsche, Metzgers, aus Dogern, 1858
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 Distribution of the estate of Joseph Brutsche, butcher's son from Dogern, who on 17 April 1858 was declared to be missing ("Fürsorgliche Besitz-Theilung des am 17. April 1858 für verschollen erklärten Joseph Brutsche Metzgers von Dogern.")

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 1858 Jun 16, Dogern, done by Philipp Knoch, county notary [Distriktsnotar] in Waldshut
 Present as witnesses: Clemens Probst, citizen and farmer in Dogern, as mayor; Markus Nußbaumer, unmarried waiter in dogern
 Josef Brutsche, butcher's son from Dogern ("des Metzgers von Dogern"), has not made contact after the call issued by the district administration Waldshut on 13 Mar 1857, was declared missing and his estate, by way of security, transferred to his next-of-kin as trustees ("wurde für verschollen erklärt und sein Vermögen den nächsten Verwandten gegen Sicherheitsleistung in fürsorglichen Besitz übergeben"). Because it is unknown if he has any children, heirs-at-law are his siblings:
 1. Veronika Brutsche, wife of Johann Schrieder from Birkingen
 2. Maria Brutsche, deceased wife of the carriage-maker Joseph Merk from Dogern, resp. her children:
 1. Magdalena Merk, wife of Josef Winkler from Dogern
 2. Creszentia Merk, unmarried and of age, from Dogern
 3. Maria Merk, unmarried and of age, from Dogern

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 4. Katharina Merk, b. 25 Apr 1842
 5. Jakob Merk, b. 1 Feb 1829, unmarried and of age, from Dogern
 6. Joseph Merk, b. 10 Oct 1838, under guardianship of his father Joseph Merk, carriage-maker from Dogern
 III. [changes to Roman numbers here, after using Arabic ones in the beginning of the list] Regina Brutsche, deceased wife of Ludwig Ihner, carpenter in Bremen, and her children: Ludwig Ihner, carpenter in Bremen, unmarried and of age; the other children cannot be listed; resident Dünsner Straße next to the old churchyard in Bremen ("wohnhaft in Dünsner Straße beim alten Krichhof in Bremen")
 IV. Catharina Brutsche, wife of Joseph Gerteis, shoemaker from Dogern
 V. Sekunde Brutsche, wife of Joseph Merk, police assistant (Polizeidiener) from Dogern
 VI. Johann Brutsche, citizen and butcher from Dogern
 VII. Clemenz Brutsche, deceased, now his children: Johann Brutsche, b. 26 Mar 1840; Bernhard Brutsche, b. 24 Oct 1842, under guardianship of their mother Magdalena née Gerteis

The parties present, being:

1. Johann Schrieder and wife from Birkingen
2. Joseph Merk, carriage-maker from Dogern, as his children's guardian
3. Joseph Gerteis and wife, shoemaker, from Dogern
4. Joseph Merk and wife from Dogern
5. Johann Brutsche, butcher from Dogern

declare, in the women's case with their husbands' approval, that they ask to [p. 4] delay the distribution of Joseph Brutsche's property, because they intend to sue the city treasurer Indlekofer [from Waldshut] about reimbursement for loss of interest. It was never intended to take delivery of the estate, much less to let it lie idle since 16 Nov 1846 ("da wir vor Allem Klage gegen Stadtrechner Indlekofer auf Zinsenersatz führen werden, da es gar nicht beabsichtigt war, das Vermögen des Abwesenden in Empfang zu nehmen, am allerwenigsten aber dazu, dasselbe vom 16. Novbr. 1846 an, todt liegen zu laßen."). Until then, they request that the potential heirs living in Bremen shall be tracked and contacted, and shall be asked to give authorizations.

[Signed by Veronika Brutsche, Johann Schrieder, Joseph Merk, Katharina Brutsche, Joseph Gerteis, Sekunda Brutsche, Joseph Merk, Johann Brutsche butcher, Clemens Propst, Markus Nußbaumer, and

finally notary Knoche]

1858 Nov 15, Dogern, continued by Philipp Knoch

Present as witnesses: Joseph Gerteis, orphans' guardian from Dogern; Fridolin Ebner, mayor from Dogern; Markus Nußbaumer, unmarried and of age, from Dogern

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Present: all potential heirs, except Regina Brutsche's children, whose whereabouts are unknown and whose names cannot be given.

They declare that agent Indlekofer from Waldshut collected the estate, with a value of 80 fl. 29 x., on 15 [not 16th, as given before] November 1846, had it in his hands until then and did not invest it; they demand that he has to pay the interest from the capital from that day until its refunding. If he does not accept this, they will sue him. ("Agent Indlekofer in Waldshut hat das Vermögen des Abwesenden am 15. November 1846 im Betrage von 80 fl. 29 x. erhoben, solches seit jener Zeit in Handen gehabt und nicht angelegt, wir verlangen (...), daß Indlekofer den Zins aus dem Kapital vom Tage des Empfangs an, bis zum Tage der Heimzahlung zu ersetzen hat")

They assert that they do not know of any Last Will; there is none extant at the district administration.

Estate inventory

Real estate and movable property: none

Assets:

Joseph Brutsche inherited from his cousin, the widow of Joseph Gampp ("von seiner Baase des Joseph Gampps Wittwe"), according to the distribution list of 8 May 1826 79 fl. 19x., [p. 6] which he had to demand from Joseph Merk, shoemaker in Dogern. Agent Indlekofer, posing as authorized by Joseph Brutsche, collected his share of the inheritance on 15 Nov 1846, and stated the interest from 16 Feb 1846 to 16 Nov 1846 to be 2 fl. 5 xr., after deduction of 1 fl. 47 x. costs for the distribution.

Consequently, he [Brutsche] does not owe Merk anything.

1. To be demanded from Agent Indlekofer:

The collected inheritance: 80 fl. 29 x.

5% interest from 16 Nov 1846 to 13 May 1857: 42 fl. 57 x.

Sum: 123 fl. 26 x.

Paid on 13 May 1857: 82 fl. 16 x.

Remaining: 41 fl. 10 x.

5% interest for that, from then until 1 Jul 1857: 16 x.

Sum: 41 fl. 26 x.

2. At the penny bank ("Waisen u. Sparkasse des Amtsbezirks Waldshut"):

Bond issued 13 May 1857, according to an order from the district administration, bearing interest from 1 Jul 1857: 74 fl.

Sum: 115 fl. 26 x.

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3. In possession of Joseph Merk, carriage-maker in Dogern:

Received from Agent Indlekofer: 82 fl. 16 x.

Invested in a bond at the penny bank: 74 fl.

Remaining: 8 fl. 16 x.,

from which Merk as trustee (Abwesenheitspfleger) paid for costs in connection with the newspaper notices and related issues, total of 17 fl. 14 x., exceeding the cash portion by 8 fl. 58 x.

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Debts:

To Joseph Merk, carriage-maker, as trustee, additional costs: 8 fl. 58 x.

To Mayor Ebner, the orphans' guardian Gerteis and apparitor Merk: a total of 1 fl. 45 x.

Sum: 10 fl. 43 x.

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Remaining estate value: 104 fl. 43 x.

To the parish for an excerpt from the church records: 15 x.

Remaining sum: 104 fl. 28 x.

To be divided up in seven equal shares of 14 fl. 55 3/7 x. to Veronika Brutsche, Maria Brutsche's

children, Regina Brutsche's children, Catharina Brutsche, Sekunde Brutsche, Johann Brutsche, Clemens Brutsche's children

The heirs declare that they accept the inheritance only under condition that it is registered in the "Offenkundigkeitsbuch" [obviously some sort of public register originating in French civil law] of the district court (Amtsgericht) Waldshut.

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The orphans' guardian and the two next-of-kin as members of the family board ("die beiden zugezogenen nächsten Verwandten der Minderjährigen als Familienrathsmitglieder") - Matthias Kunz, citizen and farmer in Dogern; Joseph Binkert, citizen and farmer in Dogern - give their consent in the name of the heirs under age.

The heirs state that they will not give a security deposit and therefore ask the property to be deposited; they request that the share of the heirs living in Bremen is not given to them but deposited because they believe that they agree with this.

Costs: 23 x.

Remaining estate value: 104 fl. 5 x.

Inheritance tax ("Accis"), 2 x. per fl. [i.e. 3,33%]: 3 fl. 28 x.

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To be paid by the heirs in equal shares (most pay 30 x., two pay 29 x.)

The heirs are informed that they have to bring forward any objection against this tax within eight days.

This document was read to the heirs and then signed by:

Johannes Brudsche

Veronika Brudsche

Johann Schrieder

Magdalena Merk

Joseph Winckler

Kreszentia Merk

Jakob Merk

Maria Merk

Joseph Merk

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Katharina Brudsche

Joseph Gertis

Sekunda Brudsche

Joseph Merk

Magdalena Gertis

Joseph Gerteis, orphans' guardian

Matthias Künz

Joseph Binkert

Fr. Ebner, Bürgermeister

Markus Nußbaumer

notary Knoche

Decision, 1858 Nov 22, Waldshut:

1. Claim the inheritance tax of 3 fl. 28 x.; done 1858 Dec 2

2. Notice to the district administration [Bezirksamt] of the procedure done 15 Nov 1858; because the heirs cannot and will not furnish security, it was decided that the whole estate shall be deposited ("davon Kenntnis zu geben, daß die Einweisung in den fürsorglichen Besitz am 15. 1.Mts. [actually d.Mts.] stattgefunden hat. Da die fürsorglichen Erben eine Caution im Sinne des ... nicht einlegen können u. wollen, so wolle die Hinterlegung des ganzen Vermögens verfügt u. dem Abwesenheitspfleger aufgegeben werden."); expedited 1858 Nov 22

3. Request to the district court (Amtsgericht) regarding the entry in the Offenkundigkeitsbuch

1858 Nov 23, district court [Amtsgericht] Waldshut: Notice that the entry about accepting the inheritance was made today in the Offenkundigkeitsbuch

[from here on: attachments; virtual page numbers]

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District administration [Bezirksamt] Waldshut to the Amtsrevisorat [another section of the district administration], Waldshut, 1858 Dec 1: asks for the files regarding the providential distribution of the property of Joseph Brutsche who was declared missing on 12 April 1858

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Bezirksamt Waldshut to the Amtsrevisorat, Waldshut, 1858 Dec 7: they send back the files and ask them to do the property deposit

Note, 1858 Dec 11: Joseph Merk in Dogern shall be asked to come to the administration with the complete estate ("hat nach dem Amtstag mit dem anzen Vermögen des Verschollenen behufs dessen Hinterlegung dahier zu erscheinen").

Note, 1858 Dec 29: Security was paid today; therefore: the whole estate and the debts to be given to carriage-maker Joseph Merk, who has to divide it up among the heirs; prepare certificates of inheritance; costs for that: 33 x.

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Certificate from the parish, dated Dogern 1858 Nov 11, about the births of Joseph's siblings; death of Maria, wife of Joseph Merk; birth of her children. Clemens Brutsche, married to Magdalena Gerteis, died in Karlsruhe in the early 1840s, but is not registered in the Dogern death records ("Klemens Brutsche verehlichte sich mit Magdalena Gerteis, dieser starb anfangs der 40ger Jahre in Karlsruhe ist aber im Todenbuche dahier nicht eingetragen"); birth of Clemens's children

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District administration Waldshut, decision 1857 May 13: Trustee Joseph Merk, carriage-maker in Dogern, is requested to demand Joseph Brutsche's estate of 82 fl. 16 x. from city treasurer Indlekofer, to deposit 74 fl. in the local penny bank and to present confirmation of that

[p. 21]

District administration Waldshut, decision 1857 May 13: 74 fl. are to be deposited, note to the penny bank that neither the capital nor the interest shall be given out without the district administration's consent

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Deposit confirmation presented by Joseph Merk on 13 May 1857

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Various receipts about the costs of the procedures

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District administration Waldshut, decision 1857 Aug 7: Joseph Merk is demanded to present the receipts for the costs of the newspaper notices within eight days, or be fined 1 fl. 30 x.

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District administration Waldshut, decision 1857 Apr 25: Joseph Merk is, via the Dogern mayor, demanded to appear on 2 May 1857

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District administration Waldshut, decision 1857 May 7: Joseph Merk is, via the Dogern mayor, demanded to appear on 13 May 1857

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District administration, decision 1857 Jul 17: Joseph Merk is reminded to execute the decision of 26 Jun 1857

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Some notes about payments

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Bezirksamt Waldshut to the Amtsrevisorat, 1858 Oct 16: asks for sending back the files

Note: to notary Knoche for immediate fulfillment of the order of 1857 Jun 11; any obstacles are to be reported ("An Herrn Notar Knoch hier zur schleunigsten Erledigung des Auftrags No. 114 v. 11. Juni

I.J. Etwaige, der Erledigung entgegenstehende Hindernisse sind anher zu berichten.")

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1858 Dec 29

Registry ("Unterpfands-Verschreibung") for the estate of Joseph Brutsche, butcher's son from Dogern, which is given in providential possession. Appearing at the Amtsrevisorat Waldshut: Joseph Merk, widowed citizen and carriage-maker from Dogern. Joseph Brutsche has been declared missing by the district administration Waldshut on 17 Apr 1858, and his estate transferred into providential possession of his alleged heirs, at the total value of 104 fl. 28 x. Security was given by Joseph Merk, at a value of 225 fl., in the form of part of a meadow, and registered as such on 28 Dec 1858, until the providential possession will be declared to be irrevocable. Joseph Merk signs to confirm receipt of the estate.

Costs: 45 x.

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1858 Dec 28

Registry of the meadow being given as security

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Confirmation that the inheritance certificate was given to Joseph Merk for his children, 1859 Jan 15

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Bezirksamt Waldshut to the Amtsrevisorat, 1858 Apr 17: request to publish a notice (no. 8126) in the newspaper that Joseph Brutsche was declared missing

Newspaper notices, not in the file:

- Großherzoglich Badisches Allgemeines Anzeigebblatt, Nr. 29/1858

[not in the file; the newspaper StA Freiburg, NC Zg 118, Jg. 1858, Nr. 29, 1858 Apr 27:

"Verschollenheits-Erklärungen

(...)

D.315 Nr. 8126.Waldshut. Josef Brutsche von Dogern, welcher sich auf die Aufforderung vom 13.

März v.J. nicht gemeldet hat, wird für verschollen erklärt und sein Vermögen den nächsten

Verwandten gegen Sicherheitsleistung in fürsorglichen Besitz übergeben.

Waldshut, den 17. April 1858

Großh. bad. Bezirksamt

Dr. Schmieder"]

- Karlsruher Zeitung, Nr. 98/1858

- Amtliches Verkündigungs-Blatt für die großherzoglichen Amtsbezirke Waldshut, Säckinggen und

Jestetten, Nr. 23, 25 und 26/1857; Nr. 33/1858

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