

This is a partition record for the estate of Casper Emerick, dated 16 June 1831. It proves that Catherine, the wife of Frederick Heck, was the daughter of Casper Emerick.

Marriage records in Fairfield County and Perry County, Ohio, show that Kitty Overmyer married John Henry on 2 Jul 1815, and then Catherine Henry married Frederick Heck on 25 Mar 1828. This is the same Catherine Heck and Frederick Heck who signed the deeds in 1834 along with the five children of George Overmier.

Catherine Heck was the wife of George Overmyer and the mother of his five children. Her maiden name was Emerick (Emerich in some records).

Many thanks to Patsy Kishler for this record. It is of poor quality due to the deterioration of the book, but you can make out the names in several places. Perry County will not copy this book anymore because of its delicate condition. Perhaps someone can try to get a digital image of this record at some point.

From: Sandy Walkenhorst [mailto:sjwalken@msn.com]
Sent: Saturday, September 06, 2003 4:53 PM

nick, Frederick Beck and
his wife Margaret his wife
his wife Margaret his wife
his wife Margaret his wife
his wife Margaret his wife
his wife Margaret his wife

The State of Ohio Perry County
Pleas at the Court House in
Township in said County before
the Honorable Alexander Rankin
President of the first Judicial
Circuit of Ohio and Clerk of

PETITION for Partition

How Thomas Davis and James Wilson Executors of said
Pleas within and for said County on the first day of November
Eighteen hundred and thirty one

Remem bered that here before to wit on the County Sixth day of March and
eighteen hundred and thirty one said Petitioner by J. B. Eaton Esq his Attorney filed
in the office of said Court his Petition in the words and figures following to wit

Know all the Court of Common Pleas of Perry County and State of Ohio
that Casper Enrick late of said County Decd did the times and
places of one hundred and one acres or thereabouts situated in the
East 1/4 of section three in Township fifteen of Range sixteen and all of the

threabouts situated in the South East quarter of the Section Township
of said County and in the United States Chillicothe land district
and that the surviving heirs at law and children of said Casper Enrick Decd
are your

Petitioner, Jacob Enrick, Catharine intermarried with Frederick
Margaret intermarried with Philip Wolf Elizabeth intermarried
with Jacob Heiser all of said County also Susan who was intermarried with
John and now Decd and Barbara intermarried with David Holt
man all

the latter of the County of Stark in the State of Ohio except said
Susan who lives in Medina County in said State This Petitioner desires that
said Jacob Enrick Frederick Beck Catharine Beck Barbara Coleman
John Susan Coleman Philip Wolf Margaret Wolf Jacob Heiser
Elizabeth Heiser may be made Defendants to this Petition through

holding the said premises in Parsenary and this Petitioner desires
partition thereof among all the said Heirs and he prays the Court do
Partition thereof to be made accordingly in due course of law
and this Petitioner as in duty bound will ever pray

And after wards to wit at the April Term a D Eighteen hundred and thirty
said Court it appearing to the satisfaction of the Court that demand
of the Presidency of said Petition had been given It is ordered and adju-
ced by the Court that Partition be made of the said premises
as set forth in said Petition and that a writ of Partition issue to that effect

and that by the oath of Nicholas Stroble of said
County commanding him that by the oath of Nicholas Stroble of said
County For say the free holders of said County he certify the said
Perry County Ohio Court of Common Pleas Partition

October Term 1831

to be partitioned and set off agreeably to law and the Prayer of said Petition and make report to the next Term of this Court and Cause Continued

And thereupon afterward to wit on the 18th day of May 1831 our writ of Partition issued to the Sheriff as aforesaid in the words and figures following to wit

Writ The State of Ohio Perry County So. To the Sheriff of said County greeting
Whereas John Emrick did on the 16th day of March A.D. 1831 file in the office of the Clerk of the Court of Common Pleas for said County his Petition praying for the Partition of one hundred and one acres or thereabouts of land situated in the 6th with 1/2th quarter section three in Township fifteen of Range sixteen and also of three acres or thereabouts situated in the south west quarter of the section Township and Range aforesaid among the children and heirs of Casper Emrick deceased (who died the owner and possessor of said land) to wit John Emrick the Petitioner Catherine Beck wife of Frederick Beck, Margaret Wolf wife of Philip Wolf - Elizabeth Haisel wife of Jacob Haisel Susan Kolman and Barbara Kolman wife of Jacob Kolman who hold said land as tenants in common

And whereas afterwards to wit at the April Term A.D. 1831 of said Court it was ordered by the Court that Partition be made of the lands aforesaid & We therefore Command you that by the oath of Nicholas Strohl, John Vanatta and Samuel Foy of the year 1831 with the lands aforesaid to be partitioned agreeably to law and the prayer of said Petition and that you have the report of the said Partitioners before the Court at or said on the 16th day of July next together with this writ. Witness the Honorable Alexander Harper President of our said Court at Summit this 18th day of May 1831

William P. Hest et al.

And the Sheriff of the County aforesaid to whom the foregoing writ was in form aforesaid directed makes return thereof to the Court here thereon indorsed that is to say

Writ The State of Ohio Perry County So. Agreeably to the command of this writ on the 16th day of June I summoned the within named Nicholas Strohl, John Vanatta and Samuel Foy and having caused them to meet on the within mention premises on the day and year aforesaid and having caused them to be duly sworn on the law in this behalf directs and they did on the day and year last aforesaid under their hands and seals return to me that the said premises could not be partitioned agreeably to the commands of said writ and that they had appraised the same at four dollars and fifty cents per acre and the said report is herewith returned and made a part of my return for Do. B. Pease Shff P.C.

The State of Ohio Perry County So. We the said Nicholas Strohl, John Vanatta and Samuel Foy the being summoned by the Sheriff of said County and being first duly sworn in this behalf as the law directs met on the land within directed to be partitioned on the 16th day of June A.D. 1831 and having on actual view examined the said premises are of opinion that the said land cannot be

partitioned among the heirs named in this writ
without prejudice to or spoiling the whole of said
premises do therefore on our said oath and actual
view of the said lands value and appraise
the lands aforesaid to be worth \$4 and 50 cents
per acre to be the same more or less - Given
under our hands the 16th day of June 1831.

John Vanatta (seal)

Nicolas Strahl (seal)

Samuel Forsythe (seal)

... at the said Court the Sheriff of said County having returned here into Court his writ of partition with the report of the Partitioners heretofore appointed setting forth that they had viewed the land named in said writ and that the same cannot be divided without manifestly injuring the whole of said land and the value thereof and upon actual view of said land appraised the same at four dollars and fifty Cents per acre and nine of the heirs appearing and electing to take the said premises at its appraised value. It is ordered by the Court that an order issue to the Sheriff commanding him to sell the land aforesaid after giving notice of the time and place of such sale according to law on the following terms: viz one third in hand one third in one year and the remaining third in two years from the day of sale with interest on each payment from the day of sale.

Such now at this day to wit at a Court of Common Pleas holden within and for the County aforesaid before the Judge aforesaid and at the time and place first herein before mentioned the Sheriff of said County returned here into Court his order of sale in the aforesaid Cause endorsed thereon that he had in pursuance to the command of said order advertised the aforesaid tracts of land for sale in the Western Pacific News Paper printed in Summit in said County for thirty days successively from the view to the day of sale and that on the thirty first day of October A.D. eighteen hundred and thirty one offered the same for sale at public outcry at the door of the Court house in Summit in said County and that John Adcock having bid four dollars and sixty six Cents per acre and no person bidding more, he being the highest and best bidder and that sum being more than the two thirds of the appraised value thereof it was struck off and sold to him at that price. And the Court having carefully examined the proceedings of said Officer in the premises find the same to be in all respects in conformity with law. As therefore ordered and direct that the Sheriff aforesaid make to the purchaser aforesaid a deed for the land and premises aforesaid in due form of law upon the payment of all the purchase money as aforesaid.

John Harper Sheriff

-----Original Message-----

From: Sandy Walkenhorst [mailto:sjwalken@msn.com]

Sent: Saturday, September 06, 2003 4:53 PM

1. I have the deeds where George Overmyer's (b. 1755) estate is settled (stating that Levi and Nancy were two of five heirs of son, George Overmier, who was by then deceased) in 1832.
2. I have the deeds where his son, the above George Overmier, bought three lots in Middleton or Middletown (later Somerset), Fairfield (later Perry) County, Ohio in 1812.
3. I have the deed where these same lots in Somerset, Perry Co, OH were sold, showing his 5 children and spouses signing along with Catherine and Frederick Heck in 1834.
4. I have a deed where Catherine Heck, widow of Frederick Heck, sold property to George Overmyer in 1849.
5. I also have a deed showing that on the same day George and Susan Overmyer sold the property to someone else. (This would be my George Overmier and Susannah Houtz, youngest of George Overmyer and Catherine Emerich's five children.
The above deeds are readable - they tire the eyes, but they are readable.
6. I have Patsy's partition record, which shows that Catherine Heck was Catherine Emerich.
7. Evelyn sent me a deed (poor copy) which shows that Frederick Heck and wife Catherine sold property to John Heck in Perry Co in 1825.

Does anyone have a copy of the marriage record of Catherine (Kitty) Overmier to John Henry on 2 Jul 1815? Fairfield Co records in Lancaster, Ohio - the 1803-23 Vol. pg. 94

Does anyone have a copy of the marriage record of Catherine Henry to Frederick Heck on 25 Mar 1828? Vol 1, pg. 94 - records in New Lexington (is this Perry Co, OH?)

I originally got these deeds because my goal is to somehow prove this lineage to DAR - their standard of proof is very high. I just don't know if it will work when we don't have a birth record for George or a marriage record for him and Catherine Emerich. However, thanks to all of you my arguments are getting stronger. I will have to wait for Catherine's other marriage records, however. I have about 10-15 other Revolutionary War direct ancestors, but I just really want to do this line first, since it is my patriarchal line. Overmier was my maiden name.