

Roll No 26 (65)

George A Beard

Deayer Beard

vs Compt on note

Jacob Schindler

1861

By 14.

Deponent of Henry S. Lockheim
deposes and swears before me, a
Justice of the Peace in & for Mitchell County &
State of Indiana, at my Office in the Village
of Tisham in the County of Mitchell & State
of Indiana, on the 20th day of April 1862
pursuant to the enclosed notice

This deposition is taken on the part of
the plaintiffs in a certain action now
pending in the Common Pleas Court, of
Adams County, in the State of Indiana,
wherein George W. Brand and Elmer J.
Brand are plaintiffs and ~~Richard H. Brand~~
~~xxxxxx~~ Jacob Schmiedler is defendant.

The said Henry S. Lockheim being
duly sworn to testify the truth, the whole
truth and nothing but the truth, relating
to the said cause deposes as follows-

Examined by Plaintiff

Question Feb State your name, age, occupation
and place of residence?

Answer My name is Henry S. Lockheim, age
twenty eight years, occupation Clerk
in clothing store & residence Tisham,
Indiana.

Ques you State where you know the parties

plaintiff and defendant?

Answer I know one of the plaintiffs. I have seen the defendant. I know him when I see him. I made his acquaintance when the note was given & have not seen him since.

Question 3^d

State whether or not you had any deal with the defendant Schindler, owner of so. State all you know with reference to it?

Answer

I had some deal with defendant Schindler some time about the first of June 1861. It was probably about the fourth day of June. I took from him a note, on six months time, for the sum of Sixty dollars. Said note was made payable, at the time it was drawn, at the Bank of the State of Indiana, at Fort Wayne Indiana or the Branch of the Bank of the State of Indiana, at Fort Wayne Indiana.

I think it was made payable at the Bank of the State of Indiana, at Fort Wayne, Indiana. I am positive the note was made payable in Bank at Fort Wayne, Indiana, & this there is no possible doubt at all. I read the note carefully and distinctly to Mr Schindler, in showing that position

of it making the same payable in Bank
at Fort Wayne, and at the same time
I exhibited to him at least a dozen
other notes, that I had in my note-
book, all of which were made payable
in Bank, and at the same ^{time} State to
him, as the reason that I made the
note payable in Bank, was, that it
would be less trouble and expense for
me to collect, if they were made payable
in that manner, & that those giving
notes would then know just where they
would have to pay them. After I had
thus explained the reasons for having
the note thus drawn, and read the
same over to Shindler in the man-
ner stated, he signed the same in
German, & in signing it he made
a blot of ink upon his name -
Shindler asked me if the blotting on
his name would injure the note &
if the same had not better be torn
up & a new one given. I told him
I thought the note would do just as
well as it was. At the time that
the note was drawn, & read over to,
for and signed by, the depositor
Shindler, the only person present was

Shindler. John W. Gilmore & myself.
During the first part of the negotiation,
another person was present, who was
represented as Shindler's father, but
he was not present at the time of the
execution of the note. The last name
who was present at the time the
note was made and the note
executed, was a cousin of Eoshen
McDonnell, but he left ~~some~~ Eoshen some-
time in the month of March 1862, and
went into the State of Pennsylvania
on business, and will probably be absent
about some time.

Ques 4th Had either or not you known any
other matter or thing material to
either party, in this case, if so, state
the same fully and particularly?

Answer I only think of this gentleman, which
strengthens my recollection that the said
note was made payable in Bank, as
I have already testified in answer
to a former question, and that is this,
before I left Eoshen for Adams County,
I consulted my attorney with reference
to the difference of notes payable in
Bank, and a note not payable in Bank

and they advised me as to what the
appearance was, and also advised
me by all means to take notes pay-
able in Bank, and made them advise
I have taken all notes payable in
that manner - this one included.

The following I believe to be a substantial
copy of the note executed to me by
Schindler

\$60.00 French Township Ind June 4 - 1861
Six months after date, for value
received, I promise to pay H. S. Lorchheim
or order Sixty Dollars, without any
rejection whatever from redemption or ap-
propriation laws, payable at the Bank
of the State of Indiana, Fort Wayne, Ind.,
(Signed in German) Jakob Schindler

I may be mistaken about its being
French Township, or in the exact date,
or in the phraseology of its being pay-
able at the Bank, or at the the Branch
Bank of the State of Indiana, at Fort
Wayne, but I know it may made pay-
able in the State Bank at Fort Wayne
& the above I think to be a true copy -
Henry S. Lorchheim