

Jefferson County Circuit Court
Case Files - Civil
May 1869, No. 319

Box 24 Folder 12

Hammel, Gustav, adm
Shuesmann, Wolrad

vs.
Foster, C.L.

Debt, note

Debt \$400 for 3 lots in DeSoto

Li Soto June 21st 1867

\$4.00.00

For value received I promise
to pay Notrad Schurmann or bearer four
hundred dollars as follows to wit: fifty
dollars one month from date, fifty dollars
two months from date, fifty dollars
three months from date, fifty dollars
four months from date, fifty dollars five
months from date, fifty dollars six
months from date, fifty dollars
seven months from date, and
fifty dollars eight months from date
making in all the sum of four hundred
dollars.

C. L. Foster



Received this 21st day of July on this note
the sum of Fifty Dollars W. J. Schumann

Received this 21st day of August on this
note the sum of Fifty Dollars. W. J. Schumann

\$ 400

W. J. Schumann
Note

Gustav Hammel, Administrator
of the Estate of Walrad Sheurmann, deceased, plaintiff,
against
C. L. Foster, debtor.

In the Circuit Court of Jefferson Co. Mo.
May Term 1869.

Gustav Hammel, plaintiff, states, that at the October Term 1867. of the county court of Jefferson County, Missouri, he was appointed and still is the by said court and still is the administrator of the Estate of Walrad Sheurmann deceased; that the above named defendant on the 21st day of June 1867. executed and delivered to said deceased his certain promissory note, (herewith filed) dated said day, by which said defendant promised, for value received to pay to said deceased, Walrad Sheurmann, or bearer four hundred dollars, as follows, to wit: fifty dollars one month from date; fifty dollars two months from date; fifty dollars three months from date; fifty dollars four months from date; fifty dollars five months from date; fifty dollars six months from date; fifty dollars seven months from date; and fifty dollars eight months from date of said note, that said defendant has paid on said note the first two installments to wit: fifty dollars on the 21st day of July 1867. and fifty dollars on the

21st day of August 1867, that the balance on said note, being three hundred dollars, and payable as aforesaid, with interest thereon from the time the installment here became due, has not been paid, but remains due, although the defendant was demanded to pay the same.

Plaintiff therefore asks judgment for said three hundred dollars with interest as aforesaid and costs of suit.

Henry T. Allen
Atty for plaintiff.

Guatar Hammet
Admiral of the Fleet of
Princed Thaurman
Seed

re.
L. Q. Foster, depld,

Admiral in chief,

Petition

Filed June 23/1862
Clerk of the Court

THE STATE OF MISSOURI, }
COUNTY OF JEFFERSON. } SS.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon

J. Foster,

if he be found in your County, that
he do 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 7th Monday after the
fourth Monday of March 1869 next, then and there to answer unto

*Gustav Hamel, Adm'r of Estate of
Morris Shumman*

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

Witness, ELIAS F. HONEY, Clerk of our said Circuit Court,
with the seal thereof hereunto affixed at office in Hillsboro, this

23rd day of April A.D. 1869

E. F. Honey

Clerk Circuit Court.

By *W. H. H. H.*

10319

TO

JEFFERSON CIRCUIT COURT.

McCady Term, 1869

Walter Vance

Heir of Est of Wm. Vance's

vs

C. J. Foster

(Original)

\$282.88-

\$282.88

The within was served on the 24th Day of April a D 1869
and Petition as received from Circuit Clerk
by Delivering a True Copy Here of to the Defendant C. J. Foster
at Jefferson County Mo

fees 1.00

Fred Lusteney or Sheriff

Gust. Hamel, Administrator of the Estate of W. Schurman Decedent, Plaintiff.	} In Jefferson Circuit Court. May Term 1869.
C. L. Foster, Defendant	

Now at this day Comes said
 Defendant and for answer by way of counter
 claim to the Cause of action sued on
 in Plaintiff's petition states that on the
 21st day of June 1867 the said ~~Walrod~~
 Schurman, now decedent Heuted, and
 delivered to Defendant his warranty deed
 to lots 13, 14 & 15 in Block 7 of the Town
 of De Soto, which warranty deed contained
 the words "grant, bargain and sell" and
 contained the following Covenant
 viz: "The said Walrod Schurman hereby
 Covenanting that he, his heirs, successors &
 administrators shall and will warrant
 and defend the title to the premises to the
 said party of the second part and to his
 heirs and assigns forever against the
 lawful claims of all persons whomsoever
 except a deed of trust held by L. J. Rankin
 of two hundred dollars and interest." which
 deed containing said words and said
 Covenant was duly signed by said Schur

man and sealed with his seal. all of which will more fully appear by reference to said deed herewith filed.

Dependant avers that by the words "grant bargain & sell" the said Schurman covenanted with Dependant ~~that~~ said town lots at the date of said deed were free from incumbrances done or suffered by himself. Dependant further states that said Schurman has broken the said implied Covenant contained in said words "grant bargain & sell" and also the above recited Covenant in this, that is to say, on the 21st day of June 1867 said town lots were encumbered by State, County, road and School taxes, then levied and assessed on said lots for the year 1867 amounting to twenty ⁵⁰ ~~one~~ dollars and which were a lien on said lots at that time, which taxes the said Schurman or his administrator has failed to pay off and discharge as he was bound by said Covenants to do, by reason of which failure on the part of said Schurman or his administrator to pay off and discharge said taxes, said lots were sold for said taxes in October 1868 to W. H. H. Moore & John Williams

and in order to redeem said land from
such sale the Defendant was Compelled
to pay the sum of ~~Forty~~^{forty-five} ~~thousand~~^{and 5/100} dollars, being
the amount of taxes & preaid on said land
for 1867 with the permtts allowed by
law, interest & Costs. Defendant

therefore asks judgment against said
Plaintiff for ~~Forty~~^{forty-five} ~~thousand~~^{and 5/100} dollars & ninety
five cents.

Defendant says that he paid Nicholas Wehner
at the request of said Schurman on the
17th Sept 1867, the sum of four dollars
which sum the said Schurman owed
the said Wehner. Defendant asks
judgment for four dollars.

Defendant further states that he offered
to pay said Administrator the balance of
the notes sued on after deducting the
above items but said Admr. refused
to accept the same but brought this
suit.

Defendant therefore asks judgment
for Costs.

C. L. Foster

By Thomas atty.

Schurmon's Estate

by

C. L. Foster

Answer -

Filed May 11th 1867
Elias, D. Honey

Gustav Hammel, Administrator of the Estate of W. Schuurmann, decd.	} In the Jefferson County Circuit Court, May Term 1869.
vs.	
C. L. Foster, deft.	

Now on this day comes the plaintiff by his attorney and by leave of court files the following reply to the answer of defendant in the above case:

Plaintiff says, that he has no knowledge or information sufficient to form a belief, whether or not defendant at the request of W. Schuurmann deceased, on the 17th of Sept. 1867, paid to Nicholas Mehner the sum of four dollars, and therefore demands proof thereof.

Plaintiff denies, that defendant offered to pay him the balance of the Notes sued on after deducting the ~~above~~ items set off by defendant in his answer against the claim of plaintiff, and that he plaintiff, refused to accept the same.

Henry F. Ahlvers
Atty for plaintiff.

Gust. Hammel, Admr
of the Estate of
W. Scheuermann
decd;

^{vs,}
C. L. Foster

Reply of plff
to answer of
defdt,

Filed Oct 5 1869
Elias F. Honeyok

Hamel } The Bill
Hastr }

Honey Creek Cap Pet Cas 85-

Files 15 Ind. 15 Unit & Copy 110 Dicks 15 155-

ans 25, order 15 Cont. 25 Just. 50 put 10 125-
3,65-

J. Luchman's Sheriff's fee & call 120
485-
200
685-
850

282 85
3
8,4855-

15,35-
1000
25,35-
282 85
30,820.

Free Bill

Harriet

Goslin