

Jefferson County Circuit Court

Box

9 Folder 45

Casa Files - Civil

April 1858, #3

Patrick, William

Patrick, James

Warren, Griswold E.

vs

O'Fallon, William

O'Fallon, John, Jr.

Mechanics' Lien

Debt \$605.30 for lumber for a 2-story
frame house on west side of St. Louis &
Iron Mountain Railroad 1/2 mile above
Sulphur Springs Landing & Depot; depositions;
plaintiffs aka Wm. Patrick & Co.

W^m William O'Fallon & John O'Fallon Jr.

1854 Bot^y of W^m Patrick & Co.

Sept 30	Do: 108 of 4 ps 4x6 - 21	2½	\$ 4 20
"	144 " 4 " 4x6 - 18	"	3 60
"	192 " 4 " 4x8 - 18	"	4 80
"	80 " 4 " 4x6 - 10	"	2 00
"	1026 " 57 " 2½x4 - 18	"	25 65
"	420 " 40 " 2x4 - 18	"	18 00
"	704 " 20 " 2½x10 - 17	"	14 68
"	560 " 21 " 2x8 - 20	"	14 00
"	364 " 13 " 2x8 - 21	"	9 10
"	2200 " 2000 Whyming	4	88 00
"	800 " Weatherboards	2½	82 50
"	500 " Shingles	2¼	11 25
"	692 " Clear planed	48 ⁵⁰	33 56
"	120 " " 1 ^m	4½	5 40
"	80 " 2000 1 ^m	3½	2 80
	Hauling		4 50
Oct 7	" 128 " 3 ps 4x6 -	2½	3 20
"	414 " 23 " 2½x2½ - 18	"	10 35
"	324 " 6 " 6x6 - 18	3	9 42
"	225 " 5 " 6x10 - 9	" Hauling 1 ^m	4 75
Oct 12	" 1500 " 2000 Whyming	4	60 00
"	18 m Laths	48 ⁵⁰	81 00
"	5000 Whboards	2½	22 00
"	400 " Clear 1½	4½	18 00
"	200 " 6 ps 4x5 - 20	2½	5 00
"	378 " 21 " Clear 2x4 - 18	4½	16 31
13	" 344 " 13 " 2x8 - 20	2½	8 69
"	300 " 3 " 3x4 - 10	"	4 50
	Hauling		5 25
Nov 4	" 100 " Clear 1½	4½	4 50
"	100 " " 1½x6	"	4 50
"	20000 Shingles	5½	11 00
	Hauling		50
			\$ 605 31

State of Missouri }
 County of St Louis } William Patrick. being by me duly sworn
 upon his oath says that the foregoing is a just and true account of the
 demand due him, that the same is entitled to no credits, for materials fur-
 -nished by him and work and labor done by him for a building erected by William
 O'Fallon at whose instance and request the same was done & furnished
 that said building is a two story frame house situated near the
 bank of the Mississippi river, on the western side of the St Louis and
 Iron Mountain Railroad about a half mile north of Sulphur

Spring Landing, ^{ex dep. at} in the County of Jefferson State of Missouri in
Section twenty nine Township forty two of Range 6 East of the
fifth principal meridian, being the S & E 1/4 quarter }
Signed & sworn to before me
this 28th day of January A.D. 1858.



In Testimony whereof I hereto set my hand and
affix my official seal.

J. C. Burke
Not Pub St Louis Co

Wm Patrick St.

Wm & Geo Dutton Jr

Filed Jan 29th 1858

Oliver P. Honey
Clerk

Mr William O'Fallon & John O'Fallon Jr.
Bot of Wm Patrick & Co.

Bot of Wm Patrick & Co.

Sept 30.	To	168	f	4 p	4 x 6.	21.	2 1/2	\$4.20
"	144	"	4	"	4 x 6	18	"	3 60
"	192	"	4	"	4 x 6	18	"	4 80
"	80	"	4	"	4 x 6	10	"	2 00
"	1026	"	57	"	2 1/2 x 4	18	"	25 65
"	720	"	40	"	2 x 4	18	"	18 00
"	707	"	20	"	2 1/2 x 10	17	"	17 68
"	560	"	21	"	2 x 8	20	"	14 00
"	364	"	13	"	2 x 8	21	"	9 10
"	2200	2 Rate 4 ft pine flooring					4	88 00
"	3000	Weatherboard					2 3/4	82 50
"	500	Sheeting					2 1/2	11 25
"	692	clear 12 planed					48 50	33 56
"	126	" 1"					4 1/2	5 40
"	86	" 2 Rate 1"					3 1/2	2 80

Hauhin,

October 7	"	128	"	3	4 x 6	2 1/2	320
"	"	414	"	23	2 1/2 x 2 1/2	18	1035
"	"	524	"	6	6 x 6	18	972
"	"	225	"	5	6 x 10	9	775

Oct	12	"	1500	"	2 R 11h pine flooring	4	60 00
"	"	"	18 m	"	Laths	4 ⁵⁰	81 00
			500	p	11 Boards	20 ¹ / ₂	22 00
			400	"	Clear 12	4 ¹ / ₂	18 00
			200	"	6 p 4x8 20	2 ¹ / ₂	5 00
			3,787 ~~38~~	"	21 " Clear 2x4 18	4 ¹ / ₂	16 31
"	13		347	"	13 2x8 - 20	2 ¹ / ₂	8 69
"	"		200	"	30 3x4 20	"	7 50

Wauling

Nov 4		hauling	
" 100	Clear 176	4 1/2	450
" 100	" 12 16	4 1/2	450
" 2m	Pine Shingles	5 1/2	1100
		hauling	50

Hoarding

605.31

William Patrick Jeff. being duly sworn, upon his
oath says that the foregoing account and the
items as therein stated he believes to be true,
Signed & sworn to before me } W. Patrick
Jan 28-1858.



In Testimony whereof I hereto set
my hand and affix the seal of
my office,

J. C. Burke
Notary Public
St. Louis, Mo.

Filed Jan 29th 1858
Chas. O'Conley
Clerk

William Patrick, James Patrick
& Grinnold & Warner Partners
Trading & doing business under the
name & style of William Patrick & Co. Plaintiffs
against

William O'Hallon & John O'Hallon Jr. Defendants
In the Circuit Court of Jefferson County.

Memorandum

Plaintiffs state, that the defendant William O'Hallon owes them the sum of six hundred and five dollars and thirty one cents for lumber and materials sold and delivered by plaintiffs to the defendant William O'Hallon at his request, the particulars of which will appear by an account herewith filed and duly verified,

Plaintiffs further state that said materials were furnished by them to said William O'Hallon for a building put up upon the following described tract of land to wit, the South East 1/4 quarter of Section No twenty nine in Township forty two of Range No Six East, under a contract with said William O'Hallon the owner or proprietor thereof that said building is a two story frame house situated near the bank of the Mississippi River on the west side of the St Louis & Iron Mountain Railroad about a half mile above the Sulphur Spring Landing & depot. They further state that an account verified by affidavit for said sum of six hundred and five dollars and thirty one cents was filed by plaintiffs with the clerk of the Circuit Court of Jefferson County Missouri within ninety days after all the items of said account accrued and charges as a lien on said building and land,

Plaintiffs state that the defendant John O'Hallon Jr. owns or claims to own some interest or estate in the land above described, but what interest is unknown to plaintiffs

Plaintiffs ask judgment for said sum of

Six hundred and five dollars and thirty one cents, which
sum is due after allowing all just credits & set offs, and
that they have a lien against said building and the land
on which the same is situated until said sum is paid
in full.

Attaches for Plff,

William Patrick one of the plaintiffs being sworn says
that the foregoing petition and the matters therein as
stated he believes to be true,
Subscribed and sworn to before me

Jan 28th 1858,

In Testimony whereof, I hereto set my hand
and my official seal.



J. P. Parker, Not. Pub.
St. Louis Co., Mo.

Wm Patrick & Co
Per.
William D Wallon &
John D Wallon Jr.

Recd Jan 29th 1858
Geo J Hoarey
Clerk

William Patrick, James Patrick
& Grismold E. Harner, Partners, tra-
ding & doing business under the name
& style of William Patrick & Co. Plaintiffs
against

William O'Fallon & John O'Fallon J. Defendants.

In the Circuit Court, of Jefferson
County Missouri

Plaintiffs state, that the defendant William
O'Fallon, owes them the sum of six hundred and
five dollars and thirty one cents, for lumber and
materials sold and delivered by plaintiffs to the
defendant William O'Fallon, at his request, the par-
ticulars of which will appear by an account
herewith filed, and duly verified,

Plaintiffs further state, that said materials were
furnished by them to said William O'Fallon for a
building put up, upon the following described
tract of land, to wit: The South East $\frac{1}{4}$ quarter of
Section No Twenty nine, in Township forty two of
range No Six East, under a contract, with said
William O'Fallon, the owner or proprietor, there of
that said building is a two story frame house
situated near the bank of the Mississippi River
on the west side of the St. Louis & Iron Mountain
Railroad, about a half mile above the Sulphur
Spring Landing & depot. They further state that
an account, verified by affidavit for said sum
of six hundred and five dollars and thirty
one cents, was filed by plaintiffs with the

clerk of the Circuit Court of Jefferson County
Missouri, within ninety days after all the
items of said account, accrued, and charged
as a lien on said building and land.

Plaintiffs state that the defendant, John O.
Fallow Jr owns or claims to own some interest
or estate in the land above described but what
interest is unknown to plaintiffs

Plaintiffs ask judgment for said sum of
Six hundred and five dollars and thirty one
cents, which sum is due after allowing all
just credits & set offs, and that they have a
lien against said building and the land
on which the same is situated until said
sum is paid in full.

Hetcher for Plff.

William Patrick one of the plaintiffs being
sworn, says, that the foregoing petition and
the matters therein as stated he believes to be
true.

Subscribed and sworn to } W. Patrick
before me Jan 28th 1858 }



In Testimony whereof I hereto
set my hand and my official
seal. P. E. Burke Not. Pub
St Louis Co Mo

Endorsed & Filed January 29th 1858.

Elias F. Honey Clerk

A true copy of the original petition
and affidavit on file in my office

In Testimony whereof I hereto
set my hand and affix the
Seal of said Court at Office
Jan'y 30th A D 1858
Elias P. Honey Clerk

COUNTY OF JEFFERSON, SS.

The State of Missouri.

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

We command you, that you summon William O Fallon
John O Fallon Jr

----- 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 fourth Monday of April
next, then and there to answer unto Wm Patrick James
Patrick & Morold E Warner

upon ~~these~~ original petition, a copy whereof is herunto annexed and
accompanies this writ—and have you then there this writ.

Elias J Honey
Witness, THO. C. FLETCHER, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this Second
day of February A. D. 1858

Elias J Honey
CLERK CIRCUIT COURT.

No 3. 38

Josephson Esq and Court

April 20th 1858

1690

William Patrick

James Patrick

Arnold. E. Warner

at { Sumner and

William O Fallon

John. O Fallon & Co

Chy

Sheriff fees \$200

Debet July 13th 1858

John O'Honory

\$642.81 Ck

Recd for M^{rs} Anne J. 1859 285

I Executed the within writ at the County of Jefferson on the Tenth day of February 1858 on William O Fallon by reading the within writ and the annexed petition in his presence and hearing and also on John O Fallon Jr on the same day by leaving a true copy of the within writ and the annexed petition (as furnished by the clerk) at his usual place of abode with a free white person of the family over the age of fifteen years
Augustine Wiley Sheriff

William Patrick, James Patrick
& Griswold E. Warner Partners
Trading & doing business under the
name and style of William Patrick & Co. Plaintiffs
against

William O'Sallon & John O'Sallon Jr. defendants
In the Circuit Court of Jefferson County
Missouri

Plaintiffs state, that the defendant William O'Sallon, owes them the sum of six hundred and five dollars and thirty one cents, for Lumber and materials sold and delivered by plaintiffs to the defendant William O'Sallon at his request, the particulars of which will appear by an account herewith filed and duly verified.

Plaintiffs further state that said materials were furnished by them to said William O'Sallon for a building put up, upon the following described tract of land, to wit, The South East 1/4 quarter of section No. Twenty nine, in Township forty two, of Range No. six East, under a contract with said William O'Sallon the owner or proprietor thereof that said building is a two story frame house, situated near the bank of the Mississippi River, on the west side of the St. Louis & Iron Mountain Rail-Road, about a half mile above the Sulphur Spring Landing & depot. They further state that an account verified by affidavit for said sum of six hundred and five dollars and thirty one cents was filed by plaintiff with the Clerk of the Circuit Court of Jefferson County Missouri within

ninety days after all the items of said account accrued and charged as a lien on said building and land.

Plaintiffs state that the defendant John O'Fallon Jr., owns or claims to own some interest or estate in the land above described, but what interest is unknown to plaintiffs.

Plaintiffs ask judgement for said sum of six hundred and five dollars and thirty one cents, which sum is due after allowing all just credits and set offs, and that they have a lien against said building and the land on which the same is situated until said sum is paid in full.

Sketcher for Plffs.

William Patrick one of the plaintiffs, being sworn says that the foregoing petition and the matters therein as stated he believes to be true. W. Patrick.

Subscribed and sworn to before me
Jan. 28th 1858.



In Testimony whereof, I hereto set my hand and my official seal.

P. C. Burke not Pub.
St. Louis Co. Mo.

Endorsed.

"Filed January 29th 1858

Elias P. Honey clerk

A true copy of the original petition on file in my office

In Testimony whereof, I hereto set my hand and



after the Seal of said Court
at Office January 30th 1858
Elias D. Hoovey Clerk

COUNTY OF JEFFERSON, SS.

The State of Missouri.

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

We command you, that you summon William O'Fallon
John O'Fallon Jr

----- 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 fourth Monday of April
next, then and there to answer unto William Patrick James
Patrick & Asa Wood E Warner

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



Elias J. Honey
Witness, THO. C. FLETCHER, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this Second
day of February A. D. 1858

Elias J. Honey.

CLERK CIRCUIT COURT.

Small Court Order

Wm. C. Fletcher

William Patrick

as { Defendant

William C. Haller

John C. Haller Jr

Copy returned for defendant's

William Patrick, James Patrick and
Frederick & Thomas, Partners trading
and doing business under the name and
style of Wm Patrick & Co

vs.

John O'Fallon for
and William O'Fallon

On the District
Court of Jefferson
County
State of Missouri

TO THE above named John O'Fallon for and William O'Fallon

Take Notice, That depositions of witnesses in the above entitled cause, to be read in evidence

on the part of the Plaintiff will be taken at the office of Patrick
& Buckle a notary public, on the corner of Third & Chestnut
streets in the City of Saint Louis in the County of

Saint Louis and State of Missouri on the 25th

day of February 1858, between the hours of eight o'clock in the forenoon, and six
o'clock in the afternoon, of that day; and that the taking of the same will be continued from day
to day at the same place, and between the same hours, until completed

July 15th 1858,

Wm Patrick & Co
per Attorneys

I executed the within notice by delivering a true copy
of the same to the within named Richard C. Fuller and
also by delivering a true copy thereof to the
within named Henry C. Fuller on the 19th day
of February 1858

Lewis A. Waters

Signed and sworn to
before me this 19th day
of February 1858
J. B. Hubert Justice

Fee running within notice \$1.00

Depositions of witnesses produced sworn and examined before me the undersigned Patrick E. Burke a Notary Public within and for the County of Saint Louis in the State of Missouri in a certain Cause now pending in the Circuit Court of Jefferson County State aforesaid between William Patrick and others Plaintiffs and John O'Fallon Jr and William O'Fallon Defendants on the part of Plaintiffs on the twenty fifth day of February, 1858.

Henry H. Whiting of lawful age being produced sworn and examined on the part of the plaintiff deposed and said, I am an architect and builder at present reside in Carondelet St. Louis County Missouri sometime in the month of September 1857, I made a contract with William O'Fallon one of the defendants to build him a house, the house was to be built near the Mississippi river above Sulphur Spring landing some two hundred yards perhaps more above the Sulphur Spring landing and was to be a frame house two stories high with a basement. William O'Fallon the defendant was to furnish the lumber for the house and gave me ~~an~~ order to the plaintiff William Patrick & Co. for the necessary lumber, upon the order of said William O'Fallon the plaintiff furnished the lumber and materials mentioned in the annexed account, all of which they delivered at the St. Louis and Iron Mountain Railroad depot in St. Louis, which bill amounts to the sum of Six hundred and one dollar and seventy one cents, and said lumber and materials were used in and about the said building, the annexed account marked exhibit "A", is a correct bill of the lumber

RECORDED
FEB 25 1858
NOTARY PUBLIC
PATRICK E. BURKE

and materials furnished by plaintiff for said building, and is of the kind and quality ordered by me.

Cross examined, I gave orders for good timber, I gave no special orders for first, second or third quality, but the timber was first, second and third quality, I considered the whole of it as good as first quality and as the architect found no fault with it.

Subscribed and sworn to before me on the day between the house and at the place first aforesaid.

L. N. Whiting
J. C. Burke Not Pub.

Guadalupe C. H. Klages of lawful age being produced, sworn and examined on the part of the plaintiff, deponent and said I live in Saint Louis, Missouri, am clerk for William Patrick & Co. which firm is composed of William Patrick, James Patrick and Griswold E. Warner. I took down all the orders given by Mr. Whiting for William C. Fallon and for John C. Fallon ^{except the last order in November} ~~except the last order in November~~ and have examined the ^{except the last order in November} ~~except the last order in November~~ account marked "Exhibit C", and said account is correct as therein stated the lumber and materials were delivered as charged in said account, and at the usual prices amount to the sum of six hundred and one dollar and seventy one cents including the delivery of the same, said lumber and materials were delivered in the months of September, October and November 1857, as stated in said account, and were delivered at the St. Louis and Iron Mountain Railroad ^{depot} in St. Louis as directed by Whiting including the order in November 1857.

Cross examined, the lumber delivered was of a good quality such as is usually used for the same purposes in building, such of it is first quality as is ordinarily used for building purposes of that quality, that is inch and inch and a half lumber used for finishing, flooring joists &c are of 2nd

quantity of lumber, joists and scantling are not
as better than 2^d rate and not so good as second
quality of materials there is some of this in the bill.

Wm. C. Hays

Subscribed and sworn to
before me this 25th day of February 1838

J. E. Burke

Notary Pub.

J. Patrick E. Burke a notary Public
within and for the County of Saint Louis
State of Missouri, do hereby certify that
Henry H. Whiting and Gustavus C.
W. Klages who both reside in the ~~city of~~
~~Saint Louis~~ County of Saint Louis and
State of Missouri and who are the
deponents above mentioned, were
each by me sworn to testify the whole
truth of his knowledge touching the
matter in controversy in the cause afore
said; and that their respective depo-
sitions were reduced to writing and
subscribed by the deponents respec-
tively in my presence on the twenty fifth
day of February 1838 between the hours
of Eight O'clock in the forenoon and Six
O'clock in the Afternoon at my office
on the corner of third and Chestnut streets
in the city of Saint Louis aforesaid.

In testimony whereof I have hereunto
set my hand and official
seal the day & year last aforesaid.

J. E. Burke

Notary Public



St. Louis, 1858

WM. PATRICK & CO.
Corner of
N. MAIN & BIDDLE STS.
ST. LOUIS, MO.

McCormick & Co. Suffering Springs
Bought of WM. PATRICK & CO.

Dealers in White and Yellow Pine and Poplar Lumber, Flooring, Joists, Shingles, Lath, &c.

MANUFACTURERS (Firm Ladd, Patrick & Co.) OF

Sash, Doors, Blinds, Window and Door Frames, and all descriptions of Carpenter Work on hand and made to order.

1857

Sept 30	No. 108	4 ps 4+6-21	2 1/2	\$	4 25
	144	4 4+6-18			3 60
	192	4 4+8-18			4 80
	80	4 4+6-10			2 00
	1026	57 2 1/2+4-18			25 65
	720	40 2+4-18			18 00
	404	20 2 1/2+10-17			17 68
	560	21 2+8-20			14 00
	364	13 2+8-21			9 10
	2200	2 Sk. Wh pine flooring	4		88 00
	3000	Weatherboards	2 3/4		82 50
	500	Sheeting	2 1/4		11 25
	692	Clear 1" planed 1 side	48 3/4		33 56
	120	Clear 1"	4 1/2		5 40
	80	2 Skat 1" 16	3 1/2		2 80
		Hauling			7 50
Oct 27	80	2 ps 4+6-20 2 1/2 48 1 ps 4+6-24 2 1/2			3 20
	414	23 2 1/2+2 1/2-18			10 35
	324	6 6+6-18 3 0			9 72
	225	5 6+10-9 3 1/2 Hauling 1"			7 75
12	1500	2 Skat Wh pine flooring	4 1/4		60 00
	18 M	Laths	4 50		87 00
	800 ft	Weatherboards	2 3/4		22 00
	400	Clear 1"	4 1/2		18 00
	200	6 ps 4+5-20	2 1/2		5 00
	358	21 Clear 2x4 18	4 1/2		16 35
13	344	13 2+8-20	2 1/2		8 69
	300	30 3+4-10			7 50
		Hauling			5 25
Nov 4	100	Clear 1" 16	4 1/2		4 50
	100	1 1/2" 16			4 50
	2 M	pine Shingles	5 50		11 00
		Hauling			50
		Amount to be paid			\$ 531

W. Patrick et al

vs

J. O'Fallon Jr. et al

Deposited for perffs.

Recd per March 30th 1858

Filed by me E. J. Connelley
clerk

Fee of Notary \$4.85
Paid by perffs.

Exhibit "A"

By overcharge on 120th Clear Lumber &c Co

360

\$601.91

W Patrick O'Leary
vs
William O'Fallon et al }

In the circuit Court
of Jefferson County
Mo

The defendants come & move the Court to suppress the depositions, of Henry H Whiting & G W Klages, filed in the above cause for the following Reason.

1st Because the evidence of the witnesses were written down & reduced to writing by the attorney for the plaintiffs.

2nd The witnesses are parties for whose benefit the suit is prosecuted.

3rd Because the time specified & places between which the depositions were to be taken are uncertain & not sufficiently set forth in the notice.

Respectfully,
Attorney for Defendants,

Am Patricks and

vs

Wm Fallon et al

Question to the Honorable
Deputations of the
Court

Filed April 27 1818
Edw D Hooley
Clerk

520
385
115

William Patrick & Co

vs

William O'Fallon et al

} In the circuit court of
Jefferson County Mo

The Defendants come and demur to
the petition & the proceedings in the above cause
and set forth the following causes of demurrer,

1st Because John O'Fallon is improperly
joined as party to the suit

2^d Because the plaintiffs are not contractors
for the building of the house in petition mentioned
& have failed to settle with contractors in
writing

3^d Because the petition does not allege that
any settlement in writing has been presented
to the owner or proprietor of said land

4th The petition does not charge that the
plaintiffs within 30 days from the time
the things were furnished, that a settlement
was filed with the clerk of the circuit court
as required by law

5th No description of the property to be
charged with the lien was filed in the
clerk's office Jefferson County as required by
law

6th There is not any ^{intelligent} statement or account
of lumber filed & verified by plaintiffs officers, conta-
ing a correct description of property to be charged
and giving offsets as required by law

& The whole proceedings are illegal & void

Real Atty for Defendants

Patent No

24

Patent

Advanced

Patent April 29th 1858

Edw J Hovey

Clark

William Patrick and others

vs

William & John O'Fallon

} In the circuit court
of Jefferson County
Missouri

The Defendants state that they do not owe the plaintiffs the sum of six hundred and nine dollars and twenty one cents for lumber and materials sold and delivered by plaintiffs to defendants. Defendant William O'Fallon is indebted to W Patrick & Co for lumber & materials as a subcontractor in furnishing those things for a building in Jefferson County, but they deny that the lumber and materials so furnished were worth \$605.³¹ but they state that the materials & lumber were ^{to the} furnished at usual prices for the best quality. Instead of furnishing materials & lumber of the quality ordered by defendant to be put in the building, the said Patrick & Co furnished them of an inferior and secondary quality. By which his house is not so valuable and as fine as he ^{ordered it to be built} expected ~~it would~~ ^{in consequence of the inferiority of the quality supplied} be and defendant has sustained damage at least one hundred dollars, which he asks to be deducted out of the value of the lumber & materials furnished. Defendant further states that the lumber & materials furnished are not worth as much as charged by at least one hundred dollars according to the usual price of them ^{at the time} of delivery.

Defendants further state that Patrick & Co were not the contractors of said building and state that they were subcontractors, further state that they did not settle with the contractor & present

the settlement in writing signed by the contractor
& entered by him to be put, to the defendants or
either of them nor to his agent or trustee & left with
him, and did not within twenty days from the
time the things were furnished, file with the
clerk of the circuit court of Jefferson County
according to the requirements of law made for obta-
ining a lien. Defendant further denies that the
said Patrick & Co made a just & true statement
of lumber & materials furnished to the defendants or
their agent or trustee and also they deny that such
a statement verified by affidavit was filed with the
clerk of said Jefferson circuit court within twenty
days, containing a correct description of the property
to be charged with the lien as required by law
to secure a lien.

Defendants further state that they
have no knowledge sufficient to form a belief
whether the plaintiffs compose the firm
of Mc Patrick & Co.

Prud for Defendants

John O'Fallon being sworn states on oath
that the foregoing answer & the matters therein
stated, he believes to be true.

John O'Fallon Jr.
Sworn to and Subscribed
before me May 1st 1858
Elias & Mcnary clerk

Mr Patrick Cab

us

June 4 8 o'clock

Answer

Wed May 6th 1858

Chas D Honey

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *John Meier* *Wm H Meier*

GREETING :

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *next* Court for the County aforesaid, on the *tenth day of June next* at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein *William Patrick et al* Plaintiff and *John Wm D Hall et al* Defendant on the part of *defendants* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court
with the Seal thereof hereto affixed, at office this

29 day of *April* A. D. 185*9*
Elias F Honey
- Clerk.

To Circuit Court
June Term 1859

Wm Patrick & Co

vs.

Geo Wm O'Fallon

for debt

John Winer

Wm R Winer

Sheriff fees \$1.00

I Executed the within writ the County of
Jefferson on the 6th day of May 1859 by
Reading the same in the presence and
hearing of John Winer also on the 10th and
Wm R Winer Jas C Pomeroy Depts
Sheriff