

Jefferson County Circuit Court
Case Files - Civil

April 1859, No. 16

Box 11 Folder 8

Foxton, William

vs.

Beal, James A.

Breach of contract

Defendant failed to provide lumber
for frame storehouse and discharged
plaintiff before building was complete;
\$180 damages

William Foxton, plaintiff } In the Circuit
Against } Court, Jefferson
James A. Beal, defendant } County,

Plaintiff states that some time in August 1887, he contracted with defendant to build for him, a ^{brame} Store House in said Jefferson County, situate near the St. Louis & Iron Mountain Rail Road, at Green McKees place, the Defendant agreeing to pay plaintiff for framing & putting up and completing the Carpenter work of said Store House ^{as soon as possible}, whatever the same should be worth, at the customary prices for work of that kind, which ^{would} have amounted to about \$180.⁰⁰, Plaintiff in pursuance of said contract went on and commenced the work, made the frame work & raised the house, but was then obliged to lie idle for some three weeks, for want of lumber to carry on the work, (the Defendant being bound by said agreement to furnish the lumber & all the materials for said building,) which loss of time, being so unemployable waiting for lumber was a damage to plaintiff of fifty dollars, - afterwards, the Defendant abandoned said work altogether and discharged plaintiff, after he had put up the frame of said building (which work was worth about \$33.00,) alleging that he had given out the idea of having said building finished, by which means plaintiff, (who is a Carpenter by trade) was thrown out of employ, and was unable to get

employment for some three or four months. Plaintiff further states that while he was at work at said building he was applied to, by L. J. Rankin, to build a store house for him, which job plaintiff declined taking on account of his engagement with defendant to finish his work as soon as possible. Plaintiff says that by reason of the defendant failing to perform his part of said contract, by furnishing lumber, and giving employment to plaintiff until said said store house was completed, & by outbidding plaintiff, & preventing his doing said work he, the plaintiff, was thrown out of employment and unable to get work at his trade as above stated, and that he has thereby sustained damage to the amount of one hundred & eighty dollars, for which he asks judgment,

{ A. Green
} Atty for plff.

William Foxton, plaintiff, makes oath and says the above petition, and the matters therein are stated, he believes, to be true.

Sworn to and subscribed
before me, Jan'y 6th 1859 }
Elias J. Honey clk }

Wm Foxton

In Circuit Court
Jefferson County

William Jackson

vs,

James M. Boice

Petition

Return

made at A. Enon
for 1859

Filed Jan'y 6th 1859

Clerk of Henry Co

COUNTY OF JEFFERSON, SS.

The State of Missouri.

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

We command you, that you summon James A Beal

----- if he be
found in your County; that he 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 Fox Torr

upon his 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 Seventh
day of January A. D. 1859

Elias J. Honey

CLERK CIRCUIT COURT.

No. 16

Jefferson Circuit Court

April Term 1859

1686

William Foxton

vs. Summons

James A. Beal

Dumped

Sheriff fees \$1.00

Filed June 30th 1859

Elias H. Horney
Clerk

I Executed the within writ at the County of Jefferson
on the 20th day of January 1859 by Delivering to James A. Beal
a true copy of the within writ and the annexed petition
(as furnished by the Clerk) Oscar Dover Sheriff
By Augustine Wiley Deputy