

Jefferson County Circuit Court
Case file - Civil

Box 19 Folder 15

May 1867, #34

Weiner, Theodore

vs

Walker, William

Mechanics lien

Debt \$38.75 for lime and cement for
1 1/2 story house and cistern in S14T41R5E

St Louis March 27 1864

E F Henry
Esq

Enclosed find a Statement
out for a lien for Theodore Wemer
& a petition for Court on the
lien. \$2 to pay issuing
fees. Please file the Statement
and issue on the petition. As
soon as possible.

Yours
J A Beal

PS

Wait one day after filing the
lien before you issue on the peti-
tion.

State of Missouri }
County of Jefferson }

Now at this day comes Theodore
Weiner with a view to avail himself of
the benefit of an act of the general assembly
of the State of Missouri, of mechanics liens
~~as provided~~ General Statutes of Missouri
Chapter 195 files his account below
Set forth for materials furnished by him
for William Walker under contract ~~and~~
as ^{original} ~~contract~~ for a building belonging to William
Walker of 26 feet front by 16 feet 6 inches
with an Ell 13 feet 8 inches long, one story and
a half high with three rooms below & 3 rooms above
also a cistern adjoining said house, all on
~~the North East qr of the South West qr of the~~
~~South East qr of the North West qr and the~~
~~South half of the North East qr of the North~~
~~West qr~~ of Section No 14
in Township 41 Range 5 East
containing about 40 acres of land, in Jefferson
County Missouri, which said account is as
follows

1866	William Walker	Dr
	To Theodore Weiner	
March 14	To 3 barrels of lime each \$1.75	\$5.25
"	" 2 " " Shells \$1.00	2.00
August 14	" 5 barrels lime each \$1.75	8.75
October 3	" 5 do do 1.75	8.75
		<u>24.75</u>

Comd by

1866 Subst for w & d 24.75
 October 3 Do Barrels Cement \$4.25 d 21.25
 (9 bushels have not used) 46.00
 less

1866 Mar 14 By Cash 7.28
 \$ 38.75

Thodore Weiner

Thodore Weiner being duly sworn on his oath says that the above and foregoing is a just and true account after all just credits have been given of the demand due to him Thodore Weiner for materials furnished by him to William Walker between the 1st day of March 1866 and the 3rd of October 1866 at the request of said Walker the owner of said building, for the building and improvements described in the foregoing statement, that the said Walker was the owner of said buildings & improvements, that said Weiner furnished said materials as contractor

That the description contained in the foregoing statement is a true description of the property upon which this lien is intended to apply & that the building described therein is the same for which said materials were furnished, that the Real Estate on which the said buildings & improvements were erected by him belongs to William Walker. Affiant further says that the aforesaid

claims accrued within six months preceding the filing
of this lien, that is to say on the 3^d day October
1866 the date of the last item in said account
~~at least ten days previous to the filing hereof~~, the
Theodore Weiner

State of Missouri
County of Lewis } ss

Theodore Weiner the claimant in the
above account states on oath that the foregoing
account & the matters and things as therein stated are
true and correct & that the same is a just and true
account of the demand due by the said William
Walker after allowing all just credits & set-offs
have been allowed & given

Subscribed & sworn to
before me this 28th day
of March 1867
John Mc Fuller
Notary Public
for St Louis Co. Mo.

T. Weiner:

Statement of Theodore
Greiner as 3rd Lien
William Procter

Filed March 29th 1863
Clad & Honey etc

dear
Recording fee. \$1.00 } Paid

Theodore Weiner Plaintiff }
 vs } In the Circuit Court
 William Walker Defendant } of Jefferson County Mo

The plaintiff states that the defendant owes and is indebted to him in the sum of thirty Eight dollars & seventy five cents for materials furnished by plaintiff as original contractor and used by defendant in the building erection and construction of a certain one and a half story house and addition thereto, and a certain cistern and the improvements thereto attached situate upon the following described tracts or parcels of land situated being in Jefferson County, Missouri to wit: ~~The north East qr of the South West qr and the South East qr of the North West qr and the South half of the North East qr of the North West qr of Section fourteen Township 41 Range 5 East~~ containing about 40 acres of land. The particulars of said materials as aforesaid furnished are as follows on account

1866	William Walker	Dr
	To Theodore Weiner	
March 14	To 3 barrels of lime at \$1.75 each	\$5.25
"	" 2 barrels Shocks lime at \$1.00	2.00
August 14	" 5 barrels of lime at \$1.75 @	8.75
	And carried forward	\$16.00

1866	Amt Bt forward	\$16.00
October 3 ^d	To 5 barrels lime at \$1.75	8.75
" "	" 5 do of cement at \$4.25	21.25
	(~~" 9 barrels hair net acid~~)	<u>46.00</u>

1866
 March 14 By Cash 7.25
 Balance due \$38.75

Plaintiff states contains a true just and true account for materials furnished by plaintiff as original contractor to defendant, after all just credits have been given. That said account accrued within six months before the filing, to wit on the 3^d day of October 1866 the date of the last item, that the said materials were furnished and at the request of the defendant in the construction & building of said house & the addition thereto upon the ground aforesaid, to wit, a one & half story frame house of 26 feet front by 16 feet 6 inches deep with an ell of 17 feet by 13^{8 1/2} feet. Plaintiff states that within six months after the said said account accrued, plaintiff filed with the clerk of the Circuit Court of Jefferson County Mo a just and true account of the above demand due him, after all just credits have been given with a description of the property for the purpose of taking a lien upon the above described building & improvements, in which his demand is a lien &

and was intended to apply, with a description
of the property charged with the same & with
the name of the owner and contractor as
~~before~~ the same herewith filed

Plaintiff further states that within ninety days
after filing his said lien he commenced suit
in the Jefferson Circuit Court against the defend-
ant

Plaintiff prays the Court for judgment against
the defendant for \$38⁷⁵/₁₀₀ & interest and to
establish & set up a lien for the same on
the aforesaid buildings improvements & additions
thereto upon a sale of the same to satisfy
the demand of plaintiff & for all other
proper relief

J. A. Beal
Atty for Plaintiff

Theodore Weiner being sworn on his oath
says that the foregoing petition & the matters
therein as stated he believes to be true

Declarer that the statement hereto annexed & the
matters as therein stated are true correct and the
balance
same is due by defendant after all just credits
have been given

Subscribed & sworn

before me this 28th
day of March

1864

John H. Pullan
Notary Public

J. Weiner

Thodore Meier
As

William Walker

View

Filed March 30 1867
Elias J. Ho



Also fees

copy fee.	50
advice	50
and-telegram	1 10
booklet	0 50
files	10

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

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon *Willard Walker*

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 *Sixth* Monday after the
fourth Monday of *March* ~~next~~, then and there to answer unto
Theodore Werner

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

First day of *April* A. D. 1867

Elias F. Honey
Clerk Circuit Court.

No 34
2379
TO

JEFFERSON CIRCUIT COURT.

May Term, 1867

Theodore Weiner
vs. J. Summers

William Walker

John Williams Sheriff fee
for serving Writ \$1.00

Filed April 30 1867
Edw. J. Hoovey clerk

I Executed this Writ in the County of Jefferson State
of Missouri on William Walker on the 2nd day
of April 1867 by leaving a true copy of
the Writ and Petition with a White Person
of his family over the age of fifteen
years

John Williams Sheriff

Theodore Miner, Plaintiff

Against

William Walker, Deft

} In the Superior
Circuit Court.

Now at this day comes said defendant and for answer to the petition of the Plaintiff denies that he owes and is indebted to Plaintiff in the sum of thirty eight ^{dollars} & seventy five cents, or any other sum, for materials furnished by Plaintiff as original contractor and used by defendant in the building of the house described in said petition.

Defendant for further answer by way of counter claim avers that Plaintiff is indebted to him twenty four $\frac{50}{100}$ dollars for seven cords of wood delivered to Plaintiff by defendant on the 27th day of April 1867 and that Plaintiff owes him twenty four $\frac{50}{100}$ dollars for seven other cords of wood delivered to Plaintiff by defendant on the 4th day of May 1867. Defendant asks judgment against Plaintiff for Forty Nine dollars.

John L. Thomas

Atty for Defendant.

Heedlow River

07

Wm. H. Allen

Answer

Given Oct 2nd 1867
S. J. Brown Oct
By J. J. Brown Oct 1867

COUNTY OF JEFFERSON.

The State of Missouri,

To

Samuel M. Crawford

You are Hereby Commanded, That setting aside all manner of excuse and delay, You appear before our Circuit Court for the County aforesaid, on the *Eighth day of May* 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 *Theodore Meiners is*

Plaintiff, and

William Spraker

Defendant, on the part of

Defendant.

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 *8th* day

of *May* A. D. 186*5*.

Elias F. Honey Clerk.

By his attorney ALB

SUBPŒNA.

TO
Jefferson Circuit Court

May... TERM, 1867
Theodore Heimer
vs.
William Walker
for Debt.
* Samuel W. Crawford
Sheriff fee 50
x

I Execute the Within in Jefferson County Mo
on Summes & after on the 8th day of
May 1867 by beating the drum to him

John Williams
Sheriff



Long
L. Hunt

COUNTY OF JEFFERSON.

The State of Missouri,

TO

Samuel H. Crawford.

You are Hereby Comanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the Eleventh day of November 1867 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

is

Plaintiff, and William Wacker is

Defendant, on the part of Edward 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 . . . 8th day of Nov A. D. 1867

Elias F. Honey Clerk.

SUBPŒNA.

TO

Jefferson Circuit Court

Nov. TERM, 1867

Theodore Wiener

vs

William Walker

for Deft.

Samuel H Crawford

Sheriff per 50

I Encounter the Within in Jefferson County
Mo on the 5th day of September 1867
by meeting the same to J W Crawford
J W Crawford
Sheriff

Theodore Weiner, } In the Jefferson Circuit Court
 vs. }
 William Walker, }

Summer Term 1867,

Dismissed and Plaintiff adjudged
 to pay costs herein. Nov 11th 1867, Book 5 page 467.

See Bill

Wm J. Noney, Atty gen. per, 50^c crs 50, writ & copy \$1.10 2.10
 Dock 10^c files 15^c motion 20^c rule 20^c and 33 Judge 50^c 1.30
 Dismissal 3, 5^c and 20^c Indors 10^c making cost 23^c 90
 Dec bill 30^c appr 10^c, 2 Spas. 50^c 90

\$5.20

John Williams Sheriff Sec Deft, \$1.00 calls 10^c 1.10
 Serv 2 Spas, 1.00

2.10

Samuel Crawford, witness

\$2.00

\$9.90

Wm
Muller

Dec 13th

\$9.90