Steines, Frederick v. Laumeier, Herman H. 1862 Franklin 454/5

Old Box 613/5

L wants $1000 damages & poss.

Def = received no notice of sale as result of lien

LC = awarded $1.50 & poss. to L

M 62
F 62
aff N/c no transcript
Bates
R = AM & SH Gardner

trespass
32
220

Herman H Lammier
Respdt
vs
Frederick Steines
Appellant

Va Sup
Court
March Term/62

And now at this day comes the said Respondent and produces & files herewith a transcript of the Record and proceedings of the Court below in this cause and moves the Court to affirm the judgment ~~of~~ of the Circuit Court aforesaid for the reason that the Appellant has failed to file a transcript herein as required by law

A M & S H Gardner
Attys for Respdts

Herman H Lammeier
Respdt

vs

Frederick Steines
Appellant

Mo to affirm
Judgt

Gardners
for Appellant

Filed May 13. 1862
A W Mead
Clk

1 State of Missouri
County of Franklin } Be it remembered
that heretofore to wit: on the 14th day of February in the year of our Lord eighteen hundred and sixty there was filed in the Circuit Court of said County a certain petition in the words and figures following to wit:

Petition Herman A Laumeier Plaintiff
against
Frederick Steines Defendant.

Franklin County
State of Missouri
In the Franklin Circuit Court
April Term 1860.

Plaintiff Hermann A Laumeier states that on the twenty second day of April eighteen hundred and fifty nine, he was the legal owner and entitled to the possession of the following described lands and premises situate in the County and State aforesaid, to wit: —

A frame house situate upon the West half of the North West quarter of section twenty five in township forty four of range two east and known as Oak Field and built upon the South side of the State Road from St Louis to the City of Jefferson And in addition to the house aforesaid

and the ground upon which the same is built, being forty five feet front by thirty eight feet wide and the ground taken by the back porch and the front portico the said plaintiff is the legal owner and entitled to the possession of five hundred feet of ground around said building and clear of said building. And being so entitled to the possession of said house and ground and premises thereunto attached that the said defendant afterwards on the twenty fourth day of April 1859, entered into and upon said house and premises and unlawfully withholds from plaintiff the possession thereof to the damage of plaintiff of One thousand dollars. Whereupon plaintiff demands judgment for the recovery of the said house and premises and $1000 damages for the unlawfully withholding of the same from plaintiff and $84.00 monthly rents and profits from the rendition of judgment until the possession of the house & premises is delivered to plaintiff and for all other proper relief.

Herman A Laumier plaintiff makes oath

3 and says that he believes the above petition and the matters therein as stated are true Herman H Laumeier

Sworn to & subscribed before me the undersigned a Notary Public within and for the County of St Louis State of Missouri this thirteenth day of February AD 1860

Witness my hand and Notarial seal

John Grether Jr
Notary Public -

Attached to said petition is the following summons to wit:

Summons The State of Missouri
County of Franklin } ss

To the Sheriff of the County of Franklin

Greeting.

We command you to summon Frederick Steines to appear before the Circuit Court of said County, on the first day of the next term thereof to be begun and held at the Court House in Union within and for said County on the First Monday of April next, to answer the petition, and have you then and there this writ.

Witness E Butler Jr Clerk of

(L.S.) our said Circuit Court at office in Union with the seal of said Court hereto affixed this 14th day of February 1860.

E. Rutledge Clerk -

Endorsed on said petition is the following Sheriff's return to wit:
Served the within petition and writ in Franklin County on Frederick Steines on the 15th day of March 1860 by reading the within petition and writ in his hearing and by delivering to him a certified copy of the within petition and writ.

A. W. Maupin Shff -
By D. L. Bell
Sheriff's fee $1.00

And afterwards to wit: At a Circuit Court begun and held at the Court House in Union on the second day of April in the year of our Lord One thousand eight hundred and sixty and on the third day of said term being the 4th day of April in the year aforesaid amongst other proceedings the following appears of record to wit:

5

Record H. A. Laumeier
vs
Fred^k Steines } Leave given defendant to file his answer in vacation.

Which answer is as follows.-

Answer Hermann A Laumeier
against
Frederick Steines
In the Franklin Circuit Court Mo
Vacation Aug. 1860.

Defendant denies that on the Twenty second day of April eighteen hundred and fifty nine, the plaintiff was the legal owner and entitled to the possession of the lands and premises mentioned in plaintiffs petition, Defendant further answering denies that afterwards on the twenty fourth day of April 1859. He entered into and upon said house and premises, and unlawfully withholds from plaintiff the possession thereof, to the damage of plaintiff One thousand dollars or any sum whatever, nor is said defendant indebted to plaintiff in the sum of $84.00 monthly rents & profits nor in any sum for anything whatever.

Defendant further answering states that

in Lawry in the year 1856 the said plaintiff filed his lien as a Mechanic for work and labour done, upon the house described in plaintiffs petition as will appear by reference to Scire facias issued on said Lien, that at the April term of said Franklin Circuit Court 1858 a judgment was rendered against said defendant to a large amount, and the said house was condemned to be sold as subject to said lien and to satisfy said judgment. That the defendant never had notice of the issuing of the execution under which said house was sold and no notice from the Sheriff that such a Writ was in his hands and that without notice to him of the existence of such execution the Sheriff offered the said house for sale at public vendue, and the said Laumeier became the purchaser and defendant avers that without such notice to him by the Sheriff, the sale under which said Laumeier purchased was illegal & unjust, and the deed made in consequence thereof is null & void. That at the December

term of said Court an additional judgment was rendered against the said defendant without his notice knowledge or consent & without his being legally represented in said cause and not only the house upon which the lien was filed was ordered to be sold but all 500 feet of ground around said house, defendant avers that said second judgment is illegal and unjust because the Court caused not condemn more property under the lien than the lien itself covered, and because defendant was not present or represented in said cause or notified to appear therein before the rendering of said second judgment, all title that the defendant had in and to the property lying around said house and described in the petition of plaintiff was conveyed by fee simple absolute to one Frederick Ossenfort by deed bearing date 6th day of December 1858 and recorded in the Recorders Office of Franklin County (which is herewith filed) defendant states that there is an outstanding title to the premises described in plaintiff's petition as above stated, and invokes the said title for

his protection in this suit, and defendant pleads this title in bar to the action of said plaintiff, defendant having answered plaintiff's petition prays to be discharged with his costs and charges

Frederick Steines

Frederick Steines the defendant makes oath & say that the above answer & the matters therein as stated he believes to be true. Frederick Steines

Sworn to & subscribed
before me this 17th Sept 1860.
E Butler Jr Clk
By S W Holland Jr DC –

And afterwards to wit: At a Circuit Court begun and held at the Court house in Union on the seventeenth day of December in the year of our Lord Eighteen hundred and sixty ~~one~~ and on the 5th day of October at the term & in the year afore said the following appears of record to wit:

Record Herman H Laumeier vs Frederick Steines } Petition for possession of Real Estate Continued

9

And afterwards to wit: At a Circuit Court begun and held at the Court House in Union on the First day of April in the year of our Lord Eighteen hundred and sixty one and on the fifteenth day of said month in the year aforesaid the following appears of record to wit:

Record Herman A Laumeier vs Frederick Steines } Petition in ejectment

Now at this day come the parties aforesaid by their attornies and all and singular the matters in the premises being submitted to the Court sitting as a Jury, the Court finds the said defendant guilty of the trespass and ejectment aforesaid in manner and form aforesaid as the said plaintiff Herman A Laumeier complains against him and assesses the plaintiff's damages by occasion of the trespass and ejectment aforesaid to the sum of One dollar and fifty cents. Therefore it is considered by the Court that the said plaintiff recover against the said Defendant the aforesaid lands and tenements in his declaration mentioned to wit: A frame house situate upon the West half of the North West quarter of section twenty five in township forty

town of range two east and known as Oakfield, and built upon the South side of the State Road from St Louis to the City of Jefferson. And in addition to the house aforesaid and the ground upon which the same is built, being forty five feet front by thirty eight feet wide and the ground taken by the back porch and the front portico, Five hundred feet of ground around said building and clear of said building (the aforesaid land and premises lying and being in the County of Franklin, ~~together with his costs and charges by him about~~, the aforesaid sum of One dollar and fifty cents for his damages as also his costs and charges by him about his suit in this behalf expended, and that the plaintiff have thereof his writ of possession of the land and tenements aforesaid

And at the term of the Court aforesaid and on the day & year aforesaid the following further appears of record to wit:

Record Herman A Laumeier

vs

11 Frederick Steines } Petition in ejectment

Now at this day comes the said Defendant by his attorney and moves the Court to grant him a new trial in this cause for reasons filed which motion being seen and examined by the Court it is ordered that the same be overruled

Which motion is in the words & figures following to wit:

Motion for New Trial

A. H. Launcier
against
F. Steines

Defendant moves the Court to set aside the verdict and judgment in this cause and grant a new trial in this cause for the reason the Court received illegal and incompetent evidence offered for plaintiff and for the reason the Court gave judgment for the plaintiff for 500 feet of ground around the building for which the plaintiff had not prayed for in his cause

Nickerson & Frizell
for defendant.

And on the day and year aforesaid and at the term of the Court aforesaid

the following appears of record to wit.

Record

Herman A Laumeier
vs
Frederick Steines

Action in ejectment
Now at this day comes the said defendant by his attorney and files herein his bond and affidavit for an appeal in this cause to the Supreme Court which bond and affidavit being seen and examined by the Court, It is ordered that the same be approved and that said appeal be granted and that the Clerk of this Court make out and send certified to the Supreme Court a full and perfect transcript of the record and proceedings had in said cause together with all the original papers filed in said cause and forming a part of the record.

Which Bond is as follows to wit.

Bond for appeal

Know all men by these presents, that We Frederick Steines as principal and Frederick Ossenfort and A. W. Jeffries as securities, are held and bound unto Herman A Laumeier in the sum of Two Hundred dollars, for the payment

of which We bind ourselves our executors & administrators, Yet upon this condition That whereas the said Frederick Steines has appealed from the judgment of the Circuit Court of Franklin County Mo: wherein the said Steines is defendant and the said Laumeier is plaintiff. Now if the said appellant will prosecute his appeal with due diligence to a decision in the Supreme Court and shall perform such judgment as shall be given by the Supreme Court or such as the Supreme Court may direct the Circuit Court to give, and if the judgment of such Court or any part thereof be affirmed, that he comply with and perform the same, so far as may be affirmed, and will pay all damages & costs which may be awarded against the appellant by the Supreme Court, then this bond to be void otherwise to remain in full force

Frederick Steines (Seal)
Frederick Ossenfort (Seal)
A W Jeffries (Seal)

The following is a copy of the Affidavit to wit

affidavit for appeal

Herman A Laumeier
vs
Frederick Steines } In the Circuit Court of Franklin County Mo:

April Term 1861-

The Defendant on his oath, says that the appeal in the above entitled cause is not made for vexation or delay, but because the affiant believes that the appellant is aggrieved by the judgment and decision of said Court

Frederick Steines

Sworn to & subscribed before me this April 16th 1861-
E Butler Jr Clk -
By W Holland Jr D C -

And on the day and year aforesaid and at the Court aforesaid the following appears of record to wit.

Record

Herman A Laumeier
vs
Fred^k Steines } Action in ejectment
Bill of exceptions filed

15 Which Bill of exceptions is in the words and figures following to wit:

Bill of exceptions

A. A. Laumier
as
F. Steines

Be it remembered that the Plaintiff in support of the issue on his part read duplicate of entry by Steines, Offered to read in evidence the Sheriff's deed executed on the 7th day of October 1859 together with the judgment and amended judgment with the execution issued thereon together with the original account filed in the case with the papers thereto attached together with the process issued with the return of the Sheriff thereon

16 Which Sheriffs deed is in the words and figures following to wit:

Sheriffs Deed This Deed made and entered into this the 7th day of October A. D. 1859. by and between Amos W. Maupin Sheriff of Franklin County State of Missouri of the first part and Hermann H. Laumeier of the City of St Louis and State aforesaid of the second part Witnesseth, That whereas the said Hermann H. Laumeier on the 14th day of April 1858 at the Circuit Court within and for said County of Franklin before the Judges thereof did recover against Frederick Steines the Sum of Fifteen Hundred and Eighty-one Dollars and Seventy Seven cents together with his costs and charges by him about his suit in that behalf expended and whereas also on the 19th day February A. D. 1859 there was issued from the said Franklin Circuit Court a (Special) writ of Scire facias against the goods and chattels, lands, tenements of said Frederick Steines of said directed to the Sheriff of said Franklin County commanding him that of the goods, chattels, lands and tenements of the said Frederick Steines as aforesaid in his bailiwick he should cause to be made the aforesaid

debt and costs and that he should have the same before the Court of the fourth Monday of March then next to render to the said Hermann H. Lawrin the debt and costs afore=said and that he should certify to the Judge of said Court how he executed said writ and that he should have then and there said writ, which writ was received by said Sheriff on the 19th day of February 1859, and on which said writ the said Sheriff made return thereof to said Court that by virtue of said writ directed to him he executed the same by levying the same on the 19th day of February 1859 and levying upon the follow=ing described land (named in said writ and condemned by said Court and ordered to be sold to pay the debt and costs aforesaid) to wit: A frame house situated on a place called Oakfield in Franklin County Missouri on the North side of the State road leading from Jefferson City to St. Louis on the west half of the North west quarter of Section 25 in Township 44 Range 1 East of the fifth principal meridian together with five hundred feet of Ground around said building and clear of the building as the property of the said Frederick Stines and whereas also the said Amos W. Maupin the Sheriff of said County of Franklin as aforesaid and party hereto of the first part having first given twenty days

previous notice of the time terms and place of sale and what real estate was to be sold and where situated by notice published ~~to~~ Warsaw in the Weekly Advertiser a newspaper published at Washington in said County of Franklin at least twenty days before the day of sale and did expose said land and have to sale publicly by auction or outcry at the Court house door in the town of Union in said County of Franklin on the 8th day of April 1859 at the April term 1859 of the Circuit Court within and for the said County of Franklin Mo. between the hours of nine O'clock in the forenoon and five in O'clock in of the afternoon of said day of April 1859 for ready cash the said Circuit Court then being in Session all the right title interest and claim of the Frederick Steines in and to the above described lands and premises the said party of the second part being the highest last and best bidder therefor at the price and sum of Nine hundred dollars and the same being knocked off and sold to him at that price. Now therefore the said party of the first part - Sheriff of said County of Franklin as aforesaid for and in consideration of the premises

and of the sum of nine hundred dollars in hand paid by the said party of the second part the receipt of which is hereby acknowledged according to the Statutes in such cases made and provided hath given granted, bargained sold delivered and confirmed and by these presents doth give grant bargain sell alien and confirm unto the said party of the Second part all the estate right title interest claim and demand of the said Frederick Steines in and to the said land and real estate above described to have and to hold the same unto the said Hermann H Laumier and to his heirs and assigns forever. In testimony whereof the said party of the first part as Sheriff as aforesaid hath hereunto set his hand and seal the day and year first above written. Amos W. Maupin (Seal)

Sheriff of Franklin Co. Mo

State of Missouri
County of Franklin } SS Be it remembered that on this Seventh day of October in the year of our Lorde Eighteen hundred and fifty nine before the circuit Court of said County appeared Amos W. Maupin Sheriff of said County personally known to the Court to be the person whose name is subscribed to the foregoing instrument of writing as having executed the same and in open Court acknowledged the same to be his act and deed for the purposes therein mentioned.

20 In testimony whereof I have hereunto set my hand and seal of said Circuit Court at office in Union this the day and year aforesaid.

C. S. Jeffries Clerk.

State of Missouri } Sp
County of Franklin } Filed for record October 8th and duly Recorded December 8th A.D. 1859 in Book R. page 214. Witness my hand & officeal seal at office in Union the day and year last aforesaid.

C. S. Jeffries Recorder

The judgment and amended judgments referred to are in the words and figures following to wit:

Wednesday Mg
14th April 1858

Record Judgment

Herman H Laumien } Mechanics Lien
vs
Fredk Steines } Now at this day come the parties aforesaid by their attornies and all and singular the matters and things in the premises being submitted to the Court sitting as a Jury. The Court find for the

plaintiff the sum of Fifteen hundred and eighty one dollars and seventy seven cents, It is therefore considered by the Court that the said plaintiff recover against the said Defendant the aforesaid sum of Fifteen Hundred and eighty one dollars and seventy seven cents together with his costs and charges herein expended and that he have thereof execution against the premises mentioned in plaintiffs petition to wit. A frame house situated on a place called Oakfield in the County of Franklin State of Missouri on the south side of the State road leading from Jefferson City to St Louis and on the West half of the North West quarter of section twenty five in Township forty four Range two East of the fifth principal meridian said house is built of wood weatherboarded and filled in with brick in lower story, also lathed and plastered and painted, with double Porch in rear and Portico in front, is forty five feet front by 38 & 19 feet deep and if said property be not sufficient to pay the debt & costs aforesaid then the residue to be levied of other property belonging to defendant

22 sufficient to satisfy said judgment and costs.

Saturday Mng -
18th December 1858.

Amended Judgment

Herman H Laumeier
vs
Fedk Steines
} Mechanics Lien

On motion of said plaintiff by his attorney and also the said Defendant by his attorney and it appearing to the Court that the judgment rendered herein at the last term is erroneous in this that it does not specify the quantity of ground attached to and around the dwelling house in controversy on which a Mechanics lien is over by the plaintiff and which should have been condemned and ordered to be sold to satisfy said judgment Thereupon both parties appearing and consenting thereto, it is ordered that the Judgment and order aforesaid be amended accordingly and that the said dwelling house and five hundred square feet of ground around the same and clear of the building be condemned and ordered to be sold to

satisfy the Judgment aforesaid and if not sufficient to satisfy the debt aforesaid and all costs the residue to be levied of the other goods and chattels of the defendant.

The execution referred to is as follows-

Execution The State of Missouri To the Sheriff of the County of Franklin. Greeting —

Whereas Herman A Laumie on the 14th day of April in the year of our Lord eighteen hundred and Fifty-Eight at our Circuit Court hath recovered against Frederick Steines the sum of Fifteen hundred and Eighty one dollars and seventy seven cents for debt, together with costs and charges and afterwards to wit on the 18 day of December in the year 1858 it was further ordered adjudged and decreed, that the dwelling house mentioned in plaintiffs petition be sold to satisfy the debt and costs aforesaid to wit, a frame house situate on a place called Oakfield Franklin County State of Missouri on the south side of the State road leading from Jefferson City to St Louis

on the West half of North West quarter of section 25 in township forty four Range two East of the fifth principal meridian, said house is built of Wood, weatherboarded and filled in with brick in lower story all lathed and plastered and painted with double Porch in the rear and Porties in front and is forty five feet front by thirty eight and nineteen feet deep and together with five hundred feet of ground around said building and clear of the building and if said premises condemned as aforesaid be not sufficient to satisfy the debt and costs aforesaid then the residue of the debt be levied of the other goods and chattels of Defendant were adjudged as appears to us of record, These are therefore to command you that of the real estate of the said Frederick Steines, condemned by the Court, with the dwelling house as aforesaid you cause to be made the debt and costs and have the same before the Judge of said Court on the fourth Monday of March next, to satisfy the debt and costs aforesaid and that you certify how you execute this writ

Witness C. Jeffries Clerk of the said Court at Union

this 19 day of February in the year 1859.

C S Jeffries Clerk -

On the back of said execution was the following endorsement to wit:

No 102 -

To March Term 1859 -

Herman H Laumin

vs Special

Frederick Steines

Debt	$1587.77
Clerks fees	12.60
Sheriff Jones	5.75
Philip Wilson	16.20
Robert Galbreth	7.50
Fred Tieman	7.50
Wm Paust	7.50
Henry Dieman	7.50
Oscar Scheer	2.30
Gust. Huffschmidt	5.60
William Vieman	2.10
Thos L. Daly J P for Depositions paid by plff	8.50
Christian Allen wit	4.70
Wm Post	4.70
H. R. Sweet for fees paid J Pin St Louis	75
Philip Wilson referee	13.00
H R Sweet "	13.00
Julius A Detchmendy	1.00
Clerk fee for correction	75
This & former writ	2.00

Attached to said execution is the following Sheriff's return to wit:
Received this writ on the 19th day of February 1859, and levied the same on that day by seizing all the right, title, interest claim and demand of Frederick Steines of in and to the following real estate described in this writ, to wit a frame house situated on a place called Oakfield in Franklin County State of Missouri on the South side of the State Road leading from Jefferson City to St Louis on the West half of the North West quarter of section 25 Township 44 of Range 2 East of the 5th Principal Meridian, said house is built of wood, weatherboarded and filled in with brick in lower story all lathed and plastered and painted with double porch in the rear and portico in front and is forty five feet front by thirty eight and nineteen feet deep and together with five hundred feet of ground around said building and clear of the building and advertised the same for sale for ready cash to the highest bidder in front of the Court House in the town of Union while the Circuit Court was in session on the 8th day of April 1859, by notice

published in the Washington Advertiser (a newspaper published at Washington in said Franklin County) at least twenty days before the day of sale which notice contained the time, terms and place of sale and a description of the property to be sold and when situate and did further proceed in pursuance of said levy and notice on the said 8th day of April 1859 between the hours of nine O'Clock in the forenoon and five O'Clock in the afternoon of said day in front of the Court house door in Union and whilst the Circuit Court was actually in session, expose to sale and did sell publicly by auction or out cry to the highest bidder for ready cash, the above described property, and at the sale so made Herman A Laumeier was the highest, last and best bidder therefor at the price and sum of nine hundred dollars, and the same was struck off and sold to him accordingly, and there being nothing more made or paid on this writ, the same is hereby returned unsatisfied

D. W. Mangin
Shff.

Sheriff's fees
on amt of bid $21.00
on balance not
made — 8.99
Printers fee 3.50
Levy 1.00
$34.49—

~~To the reading of which~~
The original account filed in this case together with the process issued with the return of the Sheriff thereon are as follows.

29-

Mr Frederick Steines Dr
to Herman H Laumeier

1855			Dolls	Cts	
April	29	To Railroad fare	1.10		
	30	" " "	110		
May	2	" " "	220		
"	5	(H. H. Laumeier) to Carpenter work 5 days at $225.	11.25		
"	12	" " " " " 5 " " "	11.25		
"	19	" " " " " 6 " " "	13.50		
"	21	770 ft. 2d rate Lumber 2 by 8 at 3 cts per foot.	23.10		
"	"	120 " 3d " " " 2 X 8 " 2½ " " "	300		
"	"	Hauling	30		
"	"	To Plaining 385 ft 2 inch W. P. 1 side 300 at	115		
"	22	" " 100 " " 2 " 400	40		
"	"	Hauling	50		
"	"	to Plaining 250 ft " 1 side 4,00.	100		
"	"	Drayage	50	70.	55
"	23	259 ft. 1 inch W. P. Lumber at 3 cts per foot.	7.70		
"	"	190 " 2 " " " 3 " " "	5.70		
"	"	Hauling	25		
"	26	710 ft. 1½ inch W. P. Lumber at 4 cts per foot	28.40		
"	"	520 " 2 " " " 4 " " "	20.80		
"	"	50 " 1 " " " 4 " " "	200		
"	"	Hauling	75		
"	"	6 days Carpenter Work (H Laumeier at $225 per day	13.50		
"	"	3 " " " (T. S. Gibson) " 2,00 "	600		
"	28	To plaining 460 ft. 1½ inch W. P. Lumber	280		
"	"	Hauling	25		
"	"	2 pieces Lumber 24 ft. long 6 by 6 = 144 ft. at 2½ cts ft.			
"	"	3 " " 24 " " 3½ X 6 = 126 " " " "			
"	"	4 " " 24 " " 5 X 8 = 320 " " " "			
"	"	21 " " 23½ " 2½ X 5 = 515			
		1105 ft. 2½ " " "	27.62	115	77
			$	186	32

			Doll.	cts	
1855		Amount brought forward	186	32	
May	28	17 pieces Lumber 16 ft. Long 2 by 5 = 272 ft. at 2½ cts ft			
"	"	24 " " 12 ft. long 3½ by 5 = 420 " " " "			
"	28	15 " " 13 " " 3½ x 5 = 284 " " "			
"	"	74 " " 12 " " 2½ x 5 = 925 " " "			
"	"	9 " " 12 " " 3 x 4 = 108 " " "			
"	"	3 " " 19 " " 6 x 6 = 171 " " "			
"	"	6 " " 19 " " 4½ x 6 = 256 " " "			
"	"	2 " " 19 " " 3½ x 6 = 67 " " "			
"	"	57 " " 11 " " 2 x 6 = 627 " " "			
	31	3130 ft. at 2½ cts per ft	825		
	31	Railroad fare	220	80	2,5
June	1	To Planing 130 ft. 1½ inch W. P. Lumber 2 inches	52		
"	"	" Splitting 130 " 1½ " " " " 1 Cent	65		
"	"	1 piece Lumber 26 ft. Long 4 by 6 = 52 ft. at 2½ cts ft.	130		
"	"	120 ft. 1½ inch 1st rate W. P. Lumber at 4 cts per ft.	480		
"	"	220 " " " " " " " 4 " "	880		
"	2	65 " " " " " " " 4 " "	260		
"	"	To 6 days Carpenter work (Lyons) at $2.00 per day	1200		
"	"	" 6 " " " (Lauenier) " $2.25 " "	1350		
"	4	13 ft. 1 inch 3rd rate Lumber at 2½ cts	32		
"	7	26 " 1½ " 1st " " " 4 "	104		
"	8	61 pieces Lumber 12 ft. long 3 by 4 = 732 ft. at 2½ cts per ft			
"	"	27 " " 11 " " 2 x 6 = 297 " " " "			
"	"	10 " " 12 " " 4 x 4 = 160 " " " "			
"	"	20 " " 12 " " 3 x 4 = 240 " " " "			
"	"	1 " " 17 " " 5 x 6 = 42 " " " "			
"	"	17 " " 16 " " 2 x 5 = 272 " " " "			+
"	"	1743 ft. 2½ "	4357		
"	"	384 ft Bridging Lumber at 1½ cts per ft.	576		
"	"	6 pieces Lumber 16 ft. long 2 by 3 = 96 ft. at 2½ cts	192		+
"	9	1 " " 14 " " 3 x 4 = 14 " 2½ "	35		

				Dolls.	Cts.	
31						
"	"	17 ft. 1½ thick 2d rate at " 3 "	"	51	97	64
		Amount Carried forward		$	364	41
1855		Amount brought forward		364	41	
June	9	To Carpenter work (Lyons) 6 days at $2.00		12.00		
"	"	" " " (Gibson) 1 " " 1.75		1.75		
"	"	" " " (Farrell) 1 " " 150		150		
"	"	" " " (Laumier) 6 " " 2.25		13.50		
"	11	(Lyons) ½ " " 200		100		
"	13	3 pieces Lumber 19 ft. long 6 by 6 = 171 ft. at 2½ ct				
	"	3 " " 19 " " 4½ x 6 = 128 " " "				
	"	1 " " 19 " " 4 x 7 = 44 " " "				
	"	10 " " 23 " " 2½ x 5 = 240 " " "				
	"	2 " " 23 " " 3½ x 5 = 67 " " "				
	"	3 " " 20 " " 6 x 6 = 180 " "				
	"	1 " " 19 " " 4½ x 6 = 43 " "				
	"	2 " " 20 " " 4½ x 6 = 90 " "				
	"	1 " " 19 " " 4 x 7 = 44 " "				
	"	1 " " 23 " " 3 x 10 = 57 " "				
	"	1 " " 12 " " 4 x 7 = 28 " "				
	"	1 " " 15 " " 4 x 7 = 35 " "				
	"	2 " " 14 " " 2½ x 9 = 52 " "				
	"	5 " " 11 " " 5 x 5 = 115 " "				
	"	5 " " 10 " " 5 x 5 = 104 " "				
		1398 ft " 2½ "		34 95	64	70
"	11	30 pieces Lumber 20 ft. Long 2 by 6 = 1000 ft at 2½ ct		25 00	+	
"	"	67 " " 20 " " 2 x 12 = 2680 " " 2½ ct		67 00		
"	"	36 " " 20 " " 2 x 10 = 1200 " " "		30 00		
"	"	6 " " 22 " " 2 x 12 = 264 " " "		6 60		
"	"	Hauling ————————		2 25		
"	18	To Carpenter work (Gibson) 5¾ days at $1.75 per day		10 06		
"	"	" " " (Farrell) 5¾ " " $ 150 " "		8 63		
"	"	" " " (Laumier) 6 " " $ 2.25 " "		13 50		

			Dolls.	cts.	
"	19	18 pieces Lumber 5 ft. long 3½ by 5 = 131 ft. at 2½ cts	327		
"	"	2 " " 14 " " 2¼ x 9 = 47 " " " "	118		
"	"	7 " " 12 " " 3½ x 5 = 122 " " " "	305	170	54
		Amount carried forward		599	65
1855		Amount brought forward	599	65	
June	19	Hauling 150. Sand paper 50	200		
"	23	215 ft. W. P. Lumber 2 in 2d rate at 3 cents	645		
"	"	To carpenter work (Gibson) 4¾ days at 1.75 per day	831		
"	"	" " " (Farrell) 4½ " " 1.50 " "	637		
"	"	" " " (Allen) 6 " " 1.50 " "	900		
"	"	" " " (Lawrence) 6 " 2.25 " "	1350		
"	25	20 ft W. P. Lumber 1½ inch 2d rate at 3 cts	60		
"	27	1 piece Lumber 16 ft long 2 by 12 = 32 ft. at 2½ cts	80		
"	30	12 " " 16 " " 2 x 9 = 288 " " " "	720		
"	"	1 " " 20 " " 2 x 8 = " " " "	67		
"	"	To carpenter work (Gibson) 6 days at 1.75 per day	1050		
		" " " (Farrell) 6 " " 1.50 per day	900		
		" " " (Allen) 6 " " 1.50 " "	900		
		" " " (Lawrence) 6 " " 2.25 " "	1350	96	90
July	2	Railroad fare — — — — — — — —	1.50		
"	6	for help to load R. R. Car — — — —	1.50		
"	"	180 ft. W. P. Lumber 1 inch 2d rate at 3¼ cts	585		
"	"	3800 ft. " " Siding Lumber — — 2½ "	9500		
"	"	Hauling — — — — — — —	100		
"	"	17300 Pine Laths — — — — 400.	6920		
"	"	Hauling 3 loads — — — — — —	150		
"	"	To plaining and Edging 3800 ft Siding 400.	1520		
"	7	Railroad fare — — — — — —	110		
"	"	Hauling — — — — — — — —	25		
"	"	2000 ft. 1 inch 3d rate Lumber W. P. at 2¼ cts	4500		
"	"	16500 Shingles Pine at — — — — 550 "	9075		

			Dolls.	Cts.	
"	"	Hauling — — — — — — — — — — — —	200		
"	"	To Carpenter work (Gibson) 5 days at 1.75 per day	875		
"	"	" " " (Allers) 5 " " 1.50 " "	750		
"	"	" " " (Laumier) 5 " " 2.25 " "	1125		
"	12	To planing 600 ft. W. P. Lumber two sides 400.	240		
"	"	607 ft. 2d rate 1 inch W. P. Lumber at 3 cts	1827	378	02
		Amount carried forward — — — — —	A	1074	57
1855		Amount brought forward — — — —		1074	57
July	12	Hauling — — — — — — — — — — — —	25		
"	13	4 pieces Lumber 16 ft. Long 2 X 9 = 2¾ cts	297	+	
"	"	Hauling 1 Load — — — — — — — — —	50		
"	14	5 pieces Lumber 20 ft. long 2 by 8 = 133 at 2¾ cts	366		
"	"	2 " " 20 " " 2 X 4 = 40 " " "	110	+	
"	"	6 " " 16 " " 2 X 4 = 96 " " "	240	+	
"	"	To Carpenter work (Gibson) 4½ days at 1.75 cts day	788		
"	"	" " " (Allers) 5¾ " " 1.50 " "	863		
"	"	" " " (Laumier) 6 " " 2.25 " "	1350	40	89
"	16	700 ft. 1 inch clear W. P. Lumber at 4 cts	2800		
"	"	Hauling — — — — — — — — — — —	50		
"	17	76 ft 1 inch 3d rate W. P. Lumber 2½ cts	190		
"	"	32 oak — — — — — — — — 3¾ cts	132	+	
"	"	Ventilators — — — — — — — — — —	150		
"	"	Anchor wrought nails & Bolts (5) — — —	295		
"	18	Hauling 9 loads to R. R. Depot — — —	500		
"	19	Railroad fare 150 House hire 50 —	200		
"	20	93 14/32 perch Stone work at 65 cts per perch	6080		
"	"	45 ft. of Cancer work at 15 cts per ft.	675		
"	"	Rail road fare 440 extra Work 160 — —	600	116	72
"	21	265 ft. 1 inch 2d rate Lumber at 3¼ cts	854		
"	"	20 " " " " " " 3¼ "	65		
"	"	To Carpenter work (Allers) 6¼ days at 1.50 per day	937		

			Dolls	cts.	
"	"	" " " (Parent) 6 4 " " 1.50 " "	937		
"	"	" " " (Laumier) 6 " " 2.25 " "	1350		
"	23	37 ft. 1 inch 2d " rate Lumber W.P. at 3 cts	111		
"	24	1100 ft. 1 inch 1st " " " " 4 "	4400		
"	"	Hauling - - - - - - - - - - - - -	50		
"	"	30 ft 1st rate lumber W.P. 4 cts	127	+	
"	"	To plaining 1100 ft. Lumber " 500	550		
"	25	35 ft. Lumber 2d " rate W.P. 3 cts	105		
"	"	208 " " " " " " Dressed 3½ "	728	102	14
		Amount carried forward	$	1334	[illegible]
1855		Amount brought forward - - - - -		1334	32
July	25	70 ft. rough flooring Lumber 3 cts	210		
"	"	54 " " 3¾	202		
"	26	23 " 2d " rate Lumber 3¼	75		
"	"	31 " " " "	98		
"	28	6 pieces Lumber 24 ft. long 5 by 8 = 480 ft at 2½	1200		
"	"	1 " " 16 " " 5 x 8 = 53 "	132		
"	"	2 " " 24 " " 4 x 6 = 96 " . .	240		
"	"	To carpenter work (Allers) 6 days at 1.50 cts day	900		
"	"	" " " (H. Parent) 6 " " 1.50 " "	900		
"	"	" " " (Laumier) 6 " " 2.25 " "	1350	53	07
"	30	Bundling 4.800 ft. Siding	150		
"	"	4 Kegs nails - - - - - - - - 4.50	1800		
"	"	25 lbs Spikes - - - - - - - - -	125		
"	"	finishing nails - - - - - -	650		
"	"	Drayage - - - - - - -	50		
"	"	Hauling to R.R. Depot - -	700		
"	"	Railroad fare 4.40 freight for chest	490		
"	"	2070 ft. 1st rate flooring lumber 4½ cts	9315		
"	"	350 " 2d " " " 3¾ "	1237		
"	"	100 " " " " " 3¼ "	325		

			Dolls.	cts.	
"	"	Hauling — — — — — — — — — — — — — —	125	149	67
"	"	40 ft. 2d rate lumber W. P. — — — 3¼ cts	130		
"	"	1 Keg pure White Lead 100 lbs @ 900	900		
"	"	2 " " " " 50 " each " 450	900		
"	"	2 " " " Zinc 31/24 - 60 lbs 12½	750		
"	"	1 Can 90, 5 galls Turpentine 65	480		
"	"	1 " 90, 5 Linseed Oil 120	670		
"	"	3 half boxes 10 by 16 Glass best Pittsburg @ 250	750		
"	"	4 " " 10 x 18 " " " " @ 300	1200		
"	"	1 Box 25, 46 lbs. Putty 2.88, 10 lbs Whiting 30	343		
"	"	6 " Litharge 60, 2 lbs Lampblack 30 —	90		
"	"	3 Sash brushes No 1/10 No 2/15 No 6/20	45	62	78
		Amount carried forwarded	$	1599	84
1855		Amount brought forward		$1599	84
July	30	2 paint brushes copper bound 96/130	320		
"	"	1 " Duster	50		
"	"	Drayage to Depot	60		
August	4	To Carpenter Work (Allen) 3/4 day at 1.50 cts per du	112		
"	"	" " " (H. Paint) 4 " " 1.50 " "	600		
"	"	" " " (W. Paint) 6¼ " " 200 " "	1250		
"	"	" " " (Painting) 4¾ " 200	950		
"	"	" " " Lawrence 6 " 2.25	1350		
"	5	Railroad fare — — — —	110		
"	6	1000 Red Brick — — —	600	53	02
"	"	11 pieces Lumber 24 ft. long 3½ by 5 = 385 ft at 2¼	863		
"	"	10 " " 24 " " 2½ x 5 = 250 " " "	625		
"	"	Hauling 1 Load — — — — —	50		
"	7	Railroad fare — — — —	110		
"	"	Hauling Lumber — — —	130		
"	11	To Carpenter work (Allen) ½ day at 1.50 cts per day	75		
"	"	" " " (H. Paint) 3¾ " 150 " "	563		

			Dolls	Cts
"	"	" " " (W. Paust) 5½ " " 2.00 " "	700	
"	"	" " " Meinger —		
"	"	" " " (Launier) 6 " " 2.25	1350	
"	12	To Railroad fare (Allen) — — —	110	46 96
"	18	" " (Tiemann)	110	
"	18	To Carpenter Work (Allen) 4¾ days at 1.50 per day	713	
"	"	" " " (H. Paust) 4¾ " 1.50 " "	713	
"	"	" " " (W Paust) 4¾ " 2.00 " "	950	
"	"	" " " (Meinger) 4¾ " 2.00	950	
"	"	" " " (Launier) 6 " 2.25 " "	1350	
"	"	" Painting (Tiemann) 4½ " 1.75 "	787	
"	19	Railroad fare — — — — —	110	
"	20	17 ft. beam Ways for Sliding Doors 30	510	
"	21	Spikes 70 Railroad fare 110	180	63 73
		Amount carried forward	$ 1763	55

1855		Amount brought forward — —	1763	55
August	25	To carpenter work (Allen) 5 days at 1.50 per day	750	
"	"	" " " (H. Paust) 5 " " 1.50 " "	750	
"	"	" " " (W. Paust) 2½ " 2.00 " "	500	
"	"	" " " (Meinger) 4 " " 2.00 " "	800	
"	"	" " " (Launier) 6 " " 2.25 " "	1350	
"	2	Railroad fare	110	
"	3	400 ft. W. P. Siding at 2½ cts	1000	
"	"	Planing 500 ft. Siding & 1 inch lumber	150	
"	"	108 ft. 1 inch 2d rate Lumber 3 cts	324	
"	"	400 " " " 3d " " 2½ "	1000	80 97
"	"	Spikes 30 finishing nails 100. —	130	
"	"	Drayage 1.30. Railroad fare 1.10 —	240	
"	8	To carpenter work (Allen) 6 days at 1.50 per day	900	
"	"	" " " (H Paust) 6 " " 1.50 " "	900	
"	"	" " " (W. Paust) 5½ " " 2.00 " "	1100	

			Dolls.	Cts.	
"	"	" " " (Laumier) 6 " " 2.25 " "	1350		
"	"	" " " (Mimiger) 6 " " 2.00 " "	1200		
"	10	Railroad fare (Tiemann) — — — —	110	59	30
"	13	Half Bbl 1 doll. Linseed Oil 25 galls $1.00	2410		
"	"	8 lbs. yellow Ochre 40, Drayage & Box 70	110		
"	14	254 ft. 3d rate Lumber 1 inch thick at 2½ cts	635		
"	"	40 " 2d " " " " " " 3 "	120		
"	"	102 " 1st " " " " " " 4½ "	459		
"	"	Hauling — — — — — — — —	25	37	59
		Amount carried forward — — —	$1992	32	
1855		Amount brought forward — —	1992	32	
Sept.	15	To Carpenter work (Allen) 6 days at 1.50 cts per day	900		
"	"	" " " (H. Paust) 6 " " 1.50 " " "	900		
"	"	" " " (W. Paust) 6 " " 2.00 " " "	1200		
"	"	" " " (Mimiger) 6 " " 2.00 " " "	1200		
"	"	" " " (Laumier) 6 " " 2.25 " " "	1350		
"	"	" Painting " (Tiemann) 2 " " 1.75 " "	350		
"	17	25 ft. 2d rate flooring lumber 3¾ cts	93		
"	21	1 Keg nails 3 pennys (Lath)	750		
"	"	Railroad fare (5 men)	550		
"	22	freight and Drayage	160		
"	"	5 Sacks Corn Meal 25 bushels. at 30 cts	750		
"	"	10 bbls Lime 115	1150		
"	"	freight for 1 Keg nails 50, Railroad fare 150	200	95	53
"	"	To Carpenter work (Allen) 5 days at 1.50 cts per day	750		
"	"	" " " (H. Paust) 5 " " 1.50 " " "	750		
"	"	" " " (W. Paust) 4½ " " 2.00 " " "	900		
"	"	" " " (Mimiger) 5 " " 2.00 " " "	1000		
"	"	" " " (Laumier) 6 " " 2.25 " "	1350		
"	"	" Painting " (Tiemann) 6 " " 1.75 " "	1050		
"	24	100 lbs. Pure white Lead 900	900		

				Dolls.	cts.
"	"	10 " yellow Ochre 50, 2 lbs Spanish brown	10	60	
"	"	10 bushels Cowhair at 30 cts		300	
"	"	Hauling — — — — — — — — — — — —		50	71 10
"	25	20 bbls Lime — — —	1.15	2300	
"	"	Drayage — — — — — — — — —		70	
"	28	57 9/12 ft. 1 inch 1st rate W. P. Lumber	4	2316	
"	"	100 " 5/8 " " " " "	4	400	
"	"	61 " 1/2 " " " " "	4	244	
"	"	Planing 600 ft. both sides	4	240	
"	"	Hauling lime		75	56 45
		Amount carried forward		$	2215 40

1855		Amount brought forward			2215 40
Sept.	29	276 Lights Sash 10 by 16 & 10 by 18 at 11 cts		3036	
"	"	1 front door transom 100. 2 Side lights 100		200	
"	"	5 transoms 250, 2 Cellar Sash 100		350	
"	"	To Carpenter work (Allen) 5 days at 1.50 cts day		750	
"	"	" " " (Laumiud) 6 " " 2.25 " "		1350	
"	"	" Painting " (Tiemann) 6 " " 1.75			10 50
"	30	Railroad fare — — — — — —		285	
Oct.	6	To carpenters work (Allen) 6 Days at. 1.50 cts " day		900	
"	"	" " " (Laumiud) 6 " " 2.25 " "		1350	
"	7	Railroad fare — — — — — — —		175	
"	11	Glue 50. Sand paper 25 — —		75	
"	12	14 ft. 2d rate flooring Lumber	3 3/4	53	
"	12	To plastering 955 yds D.	13	12415	209 39
"	13	To Carpenter work (Allen) 6 days at. 1.50 cts day		900	
"	"	" " " (Laumiud) 6 " " 2.25 " "		1350	
"	17	70 ft. 1 1/2 inch thick 2d rate	3	210	
"	"	Strips of Lumber 15. 2 am 10.		25	
"	19	Laying 15.500 Brick Kill count D. 2.30		3475	
"	"	Extra work — — — — — — —		740	
"	"	Railroad fare (for Bricklayers) 6 men		1320	

				Dolls.	Cts.	
"	26	150 ft. 1 inch 2d rate Lumber	3	450		
"	"	42 " 2 " " " "	3	126		
"	"	69 " Joists @ 1.72 cts " 16 ft. yellow pine	40	212		
"	"	56 " 1 inch 1st rate w. P. Lumber	4	224		
"	"	27 " 1½ " " " " "	4	108		
"	"	Hauling — — — — — — —		40		
"	27	To Carpenter work (Allen) 12 days at 1.50 cts day		1800		
"	"	" " " (Laumier) 12 " " 2.25 " "		2700		
"	28	Railroad fare — — — — —		220		
"	31	11 Locks 6 inch @ 6.90 cts 1 Lock 6 inch upright	4.10	800		
"	"	5 Cupboard Locks @ 1.25 " 1 Knob Latch 25 cts		130		
"	"	17 pr Butts 3½ by 3½ and Screws		270	155	20
		Amount carried forward		$	2590	49
1858		Amount brought forward			2590	49
Oct.	31	1 pr Butts 4 by 4 & Screws		20		
"	"	39 " Pat. Blind Butts No 2		845		
"	"	1 Sliding Lock 1.75 1 Sett Shears @ 1.25 cts		300		
"	"	3 lbs fin. nails 1½ inch & O. 2 papers fin 1½ in. 20		50		
"	"	4 Gross Screws 1½ inch No. 11		204		
"	"	2 " " " " " 12		110		
"	"	2 " " 3/4 " " 8		60	15	89
Nov.	1	To Insurance & Policy		3100		
"	"	Drayage — — — — — —		100		
"	3	To Carpenter Work (Allen) 3½ days at 1.50 cts day		525		
"	"	" " " (Laumier) 6 " " 2.25 "		1350		
"	6	" Sash Locks & Screws		380		
"	"	Hauling — — — — — —		250		
"	"	Railroad fare — — — — — —		220		
"	10	To Carpenter Work (Allen) 4 days at 1.50 cts day		600		
"	"	" " " (Laumier) 6 " " 2.25 " "		1350		
"	10	To 6 Months Shop rent	4.00 M.	2400		
"	"	21 ft. Lumber 2d rate	3¼	68	103	43

			Dolls.	Cts.	
"	16	Railroad fare	110		
"	17	15 lbs Paris Green 40	600		
"	"	4 " Chrome " in Oil	100		
"	"	2 Bolts, Nails & Sandpaper	65		
"	"	1 Gal Japan — — — — — —	150		
"	"	To Carpenter work (Allen) 6 days at 150 pr day	900		
"	"	" " " (Saunier) 6 " " 2.25 " "	1350		
"	19	Railroad fare 1.10 — — — —	110		
"	23	3 papers Brads — — — —	20		
"	24	Railroad fare	110		
"	26	Brads	40		
"	27	Railroad fare 2.20 Nadding 20	260		
Decr.	1	To Carpenter work (Allen) 10½ at 1.50 pr day	1538		
"	"	" " " (Saunier) 12 " 2.25 " "	2700	80	53
		Amount carried forward	$	2790	34
1855		Amount Brought forward		2790	34
Decr.	1	To Painting work (Painter) 6 day at 2.00 pr day	1200		
"	4	Railroad fare	110		
"	5	2 Paint Brushes 20/140 Beads 30	190		
"	"	2 W. Glass 12. by 18. 40 cts. 5 Glass 10 by 14 - 35 cts	75		
"	"	Nails — — — — — — —	250		
"	"	1 Principal Stair Case	3000		
"	"	1 Spandrell under Do Do	500		
"	"	Steps leading from platform of Main Stairs to floor	800	111	25
"	6	Railroad fare — — — — — — — —	110		
"	8	To Carpenter work (Allen) 6½ days $1.50 pr day	937		
"	"	" " " (Saunier) 7 " " 2.25 " "	1575		
"	"	" Painting " (Painter) 7 " " 200 " "	1400		
"	15	Railroad fare	220		
"	15	50 lbs Pure white Lead	550		
"	15	To Carpenter work (Allen) 6 days $1.50 pr day	900		
"	"	" " " (Saunier) 6 " " 2.25 " "	1350		

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			Dolls.	Cts.
"	"	To Carpenters work by peace (Allers)	180	
"	"	To Painting work (Poutter) 7 days $2.00 per day	1400	86 02
"	"	25 lbs. Pure white Lead	315	
"	"	2 Galls Turpentine 130 Hauling 50	180	
"	20	Hauling — — — — — —	50	
"	"	2 pair Strap Hinges	65	
"	"	1/2 Gal Varnish & Bottle	145	
"	21	Railroad fare — — — — —	110	
"	2	" " — — — —	220	
"	"	To Carpenter work (Lournier) 6 days $2.25	1350	
"	"	" Painting " (Poutter) 6 " " 2.00	1200	36 85
			$	3023 96

Credits

By Cash at different times	$1568.43	
" Board of Carpenters	55.72	1624 15
Bal due	$	1399 81

He further States that the amount of thirteen hundred and Ninety nine dollars and eighty one cents the ballance due as appears in the above amount is justly due him and unpaid, and that said amount is a just and true amount of the demand due him after all credits. He further States that said work and labor was completed and performed on the twenty second day of December A.D. 1855. and the pay for same was due and payable on that day but that said Frederick Steines has failed and refused to pay the same and the same is now due and unpaid. He further States that the above demand is a just Lien upon the above described property and desires the same to be considered and declared as such. Sworn to and subscribed before me

This 30th day of January A.D. 1856.
Hermann W. Lournier
C. S. Jeffries clerk

Attached to said original acount is the following wit to wit:

42

County of Franklin } ss

The State of Missouri

To The Sheriff of Franklin County

Greeting

Whereas Hermann H. Laumier of the County of St Louis State of Missouri as having for work and labor performed and Material furnished by him for the House and building and improvement thereto attached hereafter described and claiming to have a lien upon said house and improvements and land upon which the same is situated and entitled for the purpose of perfecting the same did on the thirteenth day of January Eighteen hundred and fifty Six at the County of Franklin aforesaid file in the office of the Clerk of the circuit Court of said County of Franklin the County in which the house and land to be charged with the lein are situated and within Six months after his demand had accrued a just and true account of the demand justly due him after all just credits given which demand accrued on account of and for material furnished and work and labor performed by him for said house and building and improvements and used in and about and about and upon the same under contract with one Frederick Steines the owner of said House and land and improvements at the time of furnishing the same and also for work and labor done by him in and upon said house and building and improvements under the contract as aforesaid with the said Frederick Steins and which said demand was verified by affidavit of the said Hermann H.

Laumier and the demand amounting to the sum of thirteen hundred and ninety nine dollars and eighty one cents. The said material having been furnished and said work and labor done by the said Hermann H. Laumier at the special instance and request of the said Frederick Steines. And whereas the said Hermann H. Laumier and also at said County of Franklin at the same time file in said office of the said clerk of the Circuit Court aforesaid a correct description of the property to be charged with said Lien upon the land house and buildings improvements and land which said correct description of the said property is as follows to wit at a place called Oak field in the County of Franklin aforesaid on the South side of the State road bearing from Jefferson City to St Louis and on the west half of the North west quarter of Section twenty five in Township forty four Range two East of the fifth principal meridian he further states that said house is built of wood and is a frame house weatherboarded and filled in with brick in lower Story also lathed and plastered and painted with double Porch in rear and Portico in front is forty five feet front by 38 & 19 feet deep. And whereas the said Hermann H. Laumier has brought of us a writ of Scire Facias against the said Frederick Steines according to the provisions of the Statutes in such case made and provided and being willing that what is right in the premises should be

done. We command you to summon and make known to the said Frederick Steines if he be found in your County that he be and appear before our Honorable Circuit Court on the first day of next term thereof to be begun and held at the Court house in Union within and for said County on the first Monday of April next then and there to show cause if any he has or anything can say why judgement should not be rendered and entered of an execution had and issued against the aforesaid mentioned and described property, and have you there this writ with your return thereon how you executed the same.

Witness C.S. Jeffries Clerk of our said Circuit Court at office in Union with the Seal of said Circuit Court affixed this thirtieth day of January 1856.

C.S. Jeffries Clk.

Endorsed on said writ is the following Sheriffs return to wit:

Served the within writ on Frederick Steines in Franklin County Mo. by reading to him the same and also by delivering to him a true copy of the within on the 28th day of February 1856.

R. R. Jones Sheriff of Franklin County Mo.

Sheriffs fee $1.00

To the reading of which the defendant objected and his objections being overruled and the same read the defendant excepted and prayed that this his bill of exceptions be signed sealed and made a part of the record in the cause which is done. Plaintiff also offered evidence to show the yearly value of the house and 500 feet around it and that Defendant was in possession Defendant offered no evidence. And this was all the evidence offered in the cause. And the Court gave a verdict and judgment as follows.

Record Judgment

Herman H Laumeier
vs
Frederick Steine
} Petition in ejectment

Now at this day come the parties aforesaid by their attorneys and all and singular the matters in the premises being submitted to the Court sitting as a Jury, the Court find the said defendant guilty of the trespass and ejectment aforesaid in manner and form aforesaid as the said Plaintiff Herman H Laumeier complains against him and assesses the

plaintiffs damages by occasion of the trespass and ejectment afore-said to the sum of One dollar and fifty cents. Therefore it is considered by the Court that the said plaintiff recover against the said defendant the afore-said lands and tenements in his dec-laration mentioned to wit: A frame house situate upon the West half of the North West quarter of section twenty five in township forty four of range two east and known as Oak field and built upon the South side of the State Road from St Louis to the City of Jefferson. And in addi-tion to the house aforesaid and the ground upon which the same is built, being forty five feet front by thirty eight feet wide and the ground taken by the back porch and front portico, five hundred feet of ground around said build-ing and clear of said building (the aforesaid land & premises lying & being in the County of Franklin) together with the aforesaid sum of One dollar and fifty cents for his

47. damages, as also his costs and charges by him about his suit in this behalf expended and that the plaintiff have thereof his writ of possession of the land and tenements aforesaid.

The Defendant then filed his motion for a new trial as follows

Motion for new trial

A. B. Laumier
against
F Steines

Defendant moves the Court to set aside the verdict and judgment in this cause and grant a new trial in this cause for the reason the Court received illegal and incompetent evidence offered for plaintiff and for the reason the Court gave judgment for the plaintiff for 500 feet of ground around the building for which the plaintiff had not prayed for his cause

Nickerson & Frizell
for defendant

which motion being overruled by the Court, the defendant excepted and prayed an appeal to the Supreme

Court.

John A Stone (Seal)

State of Missouri }
County of Franklin } I. E. Butler Clerk of the Circuit Court within and for said County do hereby certify that the foregoing is a full and perfect transcript of the record & proceedings had in the case of Herman A Laumire against Frederick Steines as the same remain in my Office

In testimony whereof I have hereunto set my hand and seal of said Circuit Court at Office in Union this 7th day of May AD 1862 –

E Butler Clerk

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No ~~[illegible]~~ M. 62
142. (5)

Herman H. Laumeier
Respdt

vs

Frederick Steines
Applt

Appeal from Franklin Circt.

M

Filed by leave of Court
May 14. 1862
A. W. Mead
Clerk

1862 May 14. Motion to file Transcript and for affirmance of Judgment sustained Opinion filed Sp. 54.

Saumeier
vs
Steines

In this case an appeal was allowed the defendant by the Circuit Court of Franklin County on the 15th day of April 1861, and now at the March term 1862, the appellant having failed to file a transcript of the record in the office of the Clerk of this Court, the respondent produces to the Court a transcript of the record (from which it appears that an appeal was granted as above stated) and moves the Court to affirm the judgment of the Court below. No good reason being shewn why it should not be done, the motion is granted.

Judgment affirmed.

Barton & Bates

Judges Bay & Dryden concur.

Saumeier
vs
Steines

Affirmed — on motion —

Opinion
Bates

Filed May 14, 1872
A. W. Mead
Clerk