

Jefferson County Circuit Court
Case Files - CIVIL

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August 1871

Foster, Thomas

Foster, Mary L

vs

Martin, George Adm'n

Westereck, Henry, Dec

Appeal

\$772⁹¹ owed for rental of

Block 36 of the City of St.

Louis; defendant appealed

from County Court

Know all men by these presents that we Mary L
Foster and Thomas Foster husband of the said Mary L
Foster of the City of Galena County of Jo Davenport State
of Illinois do hereby make constitute and appoint
E. C. Lockland of the City of Saint Louis and
State of Missouri our true and lawful attorney for
us and in our name to ask, demand, sue for, collect
and receive all such sum or sums of money debts,
rents, dues, accounts and other demands whatsoever
which are or shall be due, owing, pay able and belonging
to us or determined for us in any manner whatsoever
by the Circuit & District of the County of State of Missouri
them being execution administrators on any of them
or by any person or persons residing or being in the State
of Missouri - Healy ratifying and confirming whatever
our said attorney may lawfully do or cause to be
done in the premises -

Witness our hands and seals this twelfth day of January
A.D. 1870.

Witness -

W. Hoeksteadt Stakel

Mary L. Foster Seal

Thos. P. Foster Seal



To George Martin Administrator of the
Estate of Henry Westrick dec'd

You are hereby notified that
we have a demand against the Estate of Henry
Westrick dec'd in the sum of \$772.91 of which
the following is a true copy.

To Henry Westrick & Geo Decher
for Thos Foster & Mary L. Foster.

For two Quarters rent of lot of ground and
improvements thereon in Block N^o 36 of the City of
St. Louis, due on the 30th September 1869, 31st Dec.
1869 and 31st March 1870 at the rate of
\$250⁰⁰ per quarter

\$750.00

Interest to be added according to a stipulation in the
lease from Mary Lisa to Westrick & Decher from day
rent was due at 10%.

On \$250⁰⁰ from 30th Sept^r 1869 to 30th April 1870.

14.58

On \$250⁰⁰ from 31 Dec. 1869 to 30 April 1870.

8.33

Allow in c^o exp^s

\$772.91

And that said claim will be presented at the next
term of the County Court of Jefferson County to be held
on the third Monday of May 1870 at the Court
House in said County, where and where you can
appear.

Thomas Foster & Mary L. Foster
by Edgar C. Lockland
att^y in fact.

\$823.75
91 65
4732.10

Witnessed and sworn to at the Court of Jefferson County Court May
18th 1870 the sum of seven hundred seventy two & 91st Cents
and placed in the hands

Wm. M. M. M.

Demand of Thomas
Foster & Wife
vs.

Henry Matlock's
Estate
\$772 21

Served the
5th of May

Served the within notice this 5th day of May 1870
by delivering a copy thereof to the within named
Attn: George Martin at Jefferson County
Mo

Dec 30 65

Fred Suchtemeyer Clerk
by Fred Matlock

Wm T. Evans

State of Missouri } In the County Court
County of Jefferson } May 18th 1870

The following proceeding was had, to wit
Thos Foster and Mary L Foster } On Account,
vs } Est. of Henry Westrick Decd. } The demand of the plaintiff
is allowed by the Court for the sum of seven hundred seventy
two & $\frac{91}{100}$ Dollars and placed in the 6th Class.

Thos Foster and Mary L Foster } On Ap,
vs } Est. of Henry Westrick Decd. } Now again at this day
comes George Martin Admr. of the estate of Henry Westrick Decd,
and files his affidavit for an appeal from the decision of
the Court made in this cause to day, and the Court doth order
that the appeal be granted to the Circuit Court of Jefferson County,

I, R. W. McMullin, Clerk of the
County Court in and for the County of Jefferson aforesaid,
truly certify the above and foregoing to be a full and
correct transcripts of proceedings in said cause as fully
as the same remains of record in my office,
Witness my hand and the seal of said
Court hereat attested May 21st 1870
R. W. McMullin Clk

Wm. T. May 29

60
Col. of Henry Woodcock

2883

R. M. Mullin 1.50

Money count 2.37

W. J. Boyce 2.50
at 10 1/2 Sub 35 Sub 1/2
2.13 1/2 Mowing 3.18 1/2
2.13 1/2 2.50 Sub 3.18 1/2
2.13 1/2 2.50 Sub 3.18 1/2

95
~~3.18 1/2~~
~~2.13 1/2~~
1.65

Sept 6 2870

Money & many others

W. J. Boyce 2.50

Cont. Gen.

Boyce 2.37
1.90

R. M. Mullin 1.50

W. J. Boyce 2.18 1/2

W. J. Boyce 2.18 1/2

Continued Vol 6, 167
Sub 10 1/2
April 7 1871
Vol 6 Page 332

Thomas Foster & Mary L. Foster,
~~Edgar C. Lockland, Administrator of the Estate~~
~~of Mary Lisa, deceased~~

against
George Martin, Administrator of the Estate
of Henry Westwick, deceased,

In the County Court
of Jefferson County
Missouri.

Now on this day comes, ^{defendant by} Henry F.
Shelton, Attorney of the defendant,
in the above case, and asks, that an
appeal be granted the defendant from
the decision of the Court in the above
case to the Circuit Court, and for
this purpose, ^{Henry F. Shelton, Attorney} states upon oath, that
such appeal is not made for ret-
ardance or delay, but because this
affair is believed, that the appellant
is aggrieved by the decision or
Judgment of the Court,

Seen to and sub-
scribed before me
this 18th day of May
A.D. 1878.
Wm. M. Mullins

Henry F. Shelton

Thomas Foster and Mary
L Foster, plaintiffs

vs.

George Martin, Adminr of the
Estate of Henry Westersack,
deceased.

The Court declares the law to be as
follows:

If it appears from the evidence,
that Mary Liza leased certain premises
to John Decher and Henry Westersack; then
said Decher and Westersack were partners
as to such premises; and therefore,
if said Henry Westersack has since died,
and the reversion in said premises been
conveyed to plaintiffs, this suit, being
for rent, accruing from said lease,
~~should have~~ cannot be maintained against
the General Administrator of the Estate
of Henry Westersack, but should have
been brought against the Administrators of
the Partnership Property of Henry Westersack
in the premises, leased; and un-
less, this suit has been brought against the
Administrators of such Partnership Property,
the plaintiffs cannot recover.



Thomas Fadden
& Martin's wife

no.

George Martin's
Edmund, of Henry
Westbrook, died

190
230
420

180

180
50
230

290

190
280
20

Christianization, and
by defunct

Filed Aug 7 1871
proposed

State of Missouri }
County of St Louis }

E. C. Lackland on oath says that he is the agent and is get the agent for the owner of a lot of ground in Block N36 in the City of St Louis in the collection of the rent for said lot from Henry Westcott Dec'd and that Thomas Foster and Mary L. Foster the present owners of said lot have given all just credits and offsets to which the Estate of Henry Westcott Dec'd is entitled and that the claim filed by them in the Jefferson County Court on the 18th day of May 1870 for the sum of \$772.91 with the interest thereon is justly due said Thomas and Mary L. Foster from the Estate of Henry Westcott Dec'd.

E. C. Lackland

Subscribed and sworn to before me this 5th day of April, 1871.

J. C. Garland
Notary Public, St. Louis }
County Missouri }

Thomas Hordley

27

Letter of Henry Puth
and Deceased

affidavit as
to office.

Filed April 6 1871
and Recd



In the Circuit Court of the County of Jefferson
State of Mississipi,

March Term 1871,

Friday April 7th 1871

Among other proceedings the following
appears of record to-wit:

Thomas Foster & Mary L Foster } On account
vs } Appeal from County Court
Estate of Henry Westrick Decd.

Now at this day come the parties
aforesaid by their respective attorneys and said
cause and all and singular the matters at issue
between said parties are submitted to the court,
and the court after hearing the evidence adduced
by said parties doth find that said defendant
is indebted to said plaintiffs in the sum of
Seven hundred and thirty two & 100/100 Dollars, for their
debt and damages, It is thereupon considered by
the court that said plaintiffs have and recover of
and from said defendant the aforesaid sum of
Seven hundred and thirty two & 100/100 dollars the amount
so found by the court as aforesaid with interest
from judgment at ten per cent per annum, and
also their costs herein expended, ordered that
said judgment be certified

R. M. McMullin ^{\$1.50} & F. Hines ²⁵ M. J. Boyce ^{2.90} Jno Williams ^{\$50} Total \$5.15

I hereby certify that the above and foregoing is
a true complete and full copy of the judgment

rendered in said cause, in the circuit court
of said county in the day aforesaid, as fully
as the same appears of record in my office,
and that the foregoing statement of costs
is correct,

Witness my d. hand at said circuit
court with the seal thereof hereunto
affixed at office in Melbourne this
August 17th 1871

W. D. Joyce Clerk
of the District Court

Thomas Foster and
Mary L Foster
~ ~ ~
Est Henry Westrick,
" "



Judgment \$ 732.10
Cash. 5.18
\$ 737.28

Filed August 18/71
W R Donnell *AK*