

May 1868, No 135

Beck, Frederick

vs

Green, Abner

Harness, Elias

Conversion of  
Personal Property

Converted \$300 note and deed of  
trust to own use; \$500 damages

Fredrick Beck Plaintiff  
vs.  
Abner Green  
Chas Harness Defendants } In the Circuit  
Court of Jefferson  
County Missouri

The plaintiff states that on or about the 1<sup>st</sup> day of November 1867 the defendants obtained the possession of the following described goods and chattels the property of the plaintiff which were of the value of four hundred Dollars to-wit, one promissory Note, and a Deed of Trust made & executed by One Henry Greese in favor Charles W. Thomas for about the sum of three hundred and thirty Dollars, about the year 1863 which Note was <sup>Sold &</sup> delivered by said Greese to said Thomas and by said Thomas sold and delivered to plaintiff who thereby became the owner & was entitled to the payment of the said sum of money.

Plaintiff states that Defendants afterward to-wit on or about the 1<sup>st</sup> day of November 1867 converted said Note & the Deed of Trust, to their own use to the plaintiffs damage of five hundred Dollars for which plaintiff prays judgement & all other proper relief.

Fredrick Beck

25' 2nd level West  
East Flannery

Isaac Thomas Peckham

Filed Jan'y 17th 1868

Edna T. Horney Clark

#2 badly pff.

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

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon *Abner Green*  
and *Elias Harnes*

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 *Sixth* Monday after the  
fourth Monday of March next, then and there to answer unto  
*Frederick Beck*

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  
*Seventeenth* day of *January* A.D. 1868

*Elias F. Honey*  
Clerk Circuit Court.

No 135

2360

JEFFERSON CIRCUIT COURT.

Wally Term, 1868

Federick Beck

vs Edmunds

Chas Green

Alias Harpers

original

John Williams

Sheriff for Deo

660

I Executed this Writ in Jefferson County Mo on  
the 24<sup>th</sup> Day of March 1868 on Chas Green  
by Delivering to him a true copy of this Writ and  
Petition and I further Executed this Writ in  
Jefferson County Mo on the 18<sup>th</sup> Day of April  
1868 on Alias Harpers by Leaving a true copy  
of this Writ at his usual Place of abode with  
a White Person of his family over the age of fifteen  
years

John Williams  
Sheriff

Frederick Beck, - plaintiff } In the Circuit Court  
 Against } of Jefferson County  
 Abner Green & } Missouri, - May  
 Elias Barnes, - Defendants } Term 1868

Now at this day come the Defendants  
 and demur to the petition of Plaintiff for the  
 following grounds of objection;

- 1 - Because it is not averred in the petition that Defendants obtained possession of the promissory Note and Deed of Trust therein described, wrongfully, or by any illegal means or practice,
- 2 - It is not averred therein that Defendants unlawfully & wrongfully detain said Note and Deed of Trust from the Plaintiff.
- 3 - It is not averred that Plaintiff ever demanded of the Defendants the possession of said Note and Deed of Trust, - & that they refused to deliver the same.
- 4 - It is not averred that the Defendants or either of them, unlawfully & wrongfully converted said Note and Deed of Trust to their own use.
- 5 - It is not averred that Defendants wrongfully converted said Note & Deed of Trust to their own use by collecting any money on the same, or realizing any profit out of the same.

6- Because said petition does not state facts  
sufficient to constitute a cause of action.

Abner Green Treas  
V As Attorney for Elias  
Hornes, Deft.

Treasor's Book  
Abner Green  
Elias Hornes  
Deft  
to Petition

Filed May 12 1868  
Attorney Cl,

Fredrick Beets, Plaintiff

vs

Abner Green & Elias  
Harness, Defendants

In the Jefferson  
Circuit Court  
May Term 1868.

Now at this day comes the Plaintiff and  
for an amended petition state that on  
or about the 1<sup>st</sup> day of November 1867 the  
defendants at the County of Jefferson in the  
State of Missouri the defendants obtained  
wrongfully and unlawfully the possession  
of the following described goods & chattels  
& evidences of debt, being the property of the  
Plaintiff of the value of four hundred dollars  
to wit. One promissory note and deed of  
trust made and executed by one Henry Greese  
in favor of Charles M. Thomas about the year  
1863, for the sum of three hundred dollars,  
which note was sold and delivered by said  
Greese to Thomas to Plaintiff who thereby became  
the owner of and entitled to the same.

Plaintiff further state that defendants afterwards  
viz on the 1<sup>st</sup> day of November 1867 wrongfully  
converted said note & deed of trust to their own  
use and have failed & refused & still fail  
to deliver said note & deed of trust  
to Plaintiff although often requested so to do  
to the damage of the Plaintiff in the sum  
of Five hundred dollars for which he asks.

Judgment.

Seal & Thomas

Atty for Plain<sup>ff</sup>.

Fred. Beck

or

Abner Green et al

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Amended Petition

Filed May 14<sup>th</sup> 1868  
C. F. Winer Cl.  
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Shed Best  
vs  
Algren & Warnock } In the Circuit Court,  
of Jefferson County,

The Clerk of the Circuit Court  
is hereby ordered to dismiss the  
cause of above stated, as & will  
not further prosecute said cause,  
but voluntarily with draw my said  
motion this June 5<sup>th</sup> 1885,

Wm David Cook.

Attest  
J. H. Hines

Filed June 5 1887  
O. H. Honey Cb,