

Jefferson County Circuit Court
Case Files - Civil

Box 21 Folder 52

May 1868, No. 195

Walters, Ellen, by her guardian
Parker, Horace M.
vs

Greene, Michael W.

Debt

Debt \$150 received by defendant
for use of plaintiff

Ellen Waters, a minor, By }
Horace M. Parker, her Guardian, - Plaintiff }
Against }
Michael W. Greene, - Defendant }
In the Circuit Court of }
Jefferson County Missouri }
May Term 1868.

Ellen Waters, a minor, By her Guardian Horace M. Parker (who has been ^{duly} appointed Guardian of the person and property of said minor and given bond as such) Plaintiff, states that the Defendant some time in the year 1866, received on deposit, the sum of One hundred and fifty dollars, belonging to said Ellen Waters, sent to her by her father, and to be paid over to her proper Guardian, for her sole use and benefit where demanded. That the said Horace M. Parker having been duly appointed Guardian of the person and property of said minor, did on the ^{a about} 1st day of March 1868, demand said money of the Defendant, but who refused to pay over to said Horace M. Parker as such Guardian said money or any part of it. - Plaintiff therefore states that she is the legal owner of said money, so deposited with Defendant, and is entitled by

her said Guardian to the possession of the same.
Plaintiff therefore asks Judgment against De-
fendant for the sum of One hundred and
fifty dollars, with ten per cent interest
on the same from ^{the} time said money should
have been paid over to her Guardian for her
use until the same is received, and for
other proper relief.

H. M. Parker
Att Guardian for Ellen Waters

is the Jefferson Circuit
Court, May Term 1868

Ellen Weston, by her
Attorneys J. M. Parker
vs.

Michael H. Greene

Petition

For summary sale
of Greene
vs. Webb

Dues are 25 cents

J. H. Henry

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 *M W Greene*

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 ~~sixteenth~~ Monday after the
fourth Monday of March 1868 ~~and~~, then and there to answer unto

Ella Waters by her Guard
A M Parker

upon *her* 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

Tuesday fifth day of *April* A.D. 1868,

Elias F. Honey
Clerk Circuit Court.

Per C. D. Hume Depy

no 196

27033

JEFFERSON CIRCUIT COURT.

May Term, 1868.

Wm. H. H. H.

by Edward H.

M. W. Greene

original

John Williams Sheriff

fee

\$1.00

Oct 21

I executed this writ in Jefferson County Mo, on the 21st day of October 1868 on M. W. Greene by delivering to him a true copy of this writ and petition

John Williams Sheriff

Ellen Waters, By her	} In the Circuit
Guardian, H. M. Parker. — Plaintiff	
Against	
Michael W. Greene, Defendant	} Court of Jef-
	} ferson County
	} Missouri,

The Plaintiff by her Guardian, H. M. Parker, for replication to Defendant's Answer, denies that the money he claimed to have received, belonged to Peter Waters, when received by Defendant. — But Plaintiff avers that ~~the~~ said money so received by Defendant (and which was 153 dol lars) was money which said Peter Waters, (who was the father of said Ellen Waters) had sent to his daughter for her own use and benefit and as her own property, — And Plaintiff avers that said money belonged of right to said Ellen Waters when Defendant received it, — and Plaintiff denies that said money belonged to said Peter Waters when Defendant received it, and denies that David Glover, as Administrator of said Peter Waters had any right, or title as such, or otherwise, to said money, or any part of it, — and denies that Defendant ever paid it to said Glover, — and avers, that if he did, it was a wrongful act in Defendant, And that Defendant is therefore still liable for said money to Plaintiff.

} H. M. Parker
 } Guardian, by
 } J. Green, his Atty.

In Circuit Court
Jefferson County

Ellen Waters, By
Mandarin

vs,

N. W. Greene

Replication

Filed May 12th 1869
E. F. Hoony Clerk
By S. H. Ayers D.C.

Ellen Waters, By
Horace M. Parker, her
Guardian, — Plaintiff
Against
Michael W. Greene, Defendant

The Plaintiff asks the Court to decide of the above case, as follows, —

- 1- If the Court, sitting as a Jury believes from the evidence that the money in controversy, to wit, one hundred and fifty dollars, was placed in possession of ~~John, only Peter Waters~~, while in the Army, with directions that, if his daughter Ellen Waters survived him, said money should belong to her, — and that after the death of said Waters, said John brought the money here in Missouri, and delivered it to Defendant ^{or Glouge} for said Ellen Waters, then Plaintiff as her Guardian is entitled to recover the same, with interest.

Refused

Filed May 20th 1869