

THE PACIFIC REPORTER VOLUME 18

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National Reporter System



This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1888 edition. Excerpt: ...by the plaintiff as an office. The defendant, desiring to secure said indebtedness, urged the plaintiff to secure it by mortgage on his effects. The plaintiff executed to the defendant a chattel mortgage, to secure the rent of the office, upon certain personal effects and goods. The defendant insisted upon a chattel mortgage for the amount of the board bill, but the plaintiff refused to do so, but said that all the effects and goods he then had in the room in the hotel should remain there until his board bill was paid, and that the defendant could retain those goods as security for the claim. This was denied by the plaintiff. The jury having found for the defendant, we shall presume the claim of the defendant to be true. Plaintiff now brings the case here for review. D. 3. Hadley and / . W. Jenkins, for plaintiff in error. Hale & Miller and Stevens & Utegens, for defendant in error. Clogston, C, (after stating the facts as above.) The errors alleged, and which we are asked to review, are the refusal to give certain instructions asked for by the plaintiff, and to certain instructions given at the request of the defendant, and that no evidence was offered to show the value of the goods. The instructions asked for by the plaintiff, and refused by the court, are as follows: (2) If you find plaintiff was the owner of the property, then, to give defendant the right of possession, the owner could give him that right in one of two ways: First, by a mortgage second, by a pledge or power. (3) If you find that defendant has the right to take possession by reason of a pledge or power, then defendant must have actual possession to give him that right, and the burden of proof is upon him to show, by a preponderance of evidence, that he...

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