

W. B. Pepper

vs.

G. L. Harris

A. W. Shaffer

This was an action to recover the value of certain personal property tried before Justice Judge at Spring Term 1877 of Wake Superior Court.

The property in question consisted of mules farming utensils fodder &c, belonging to the plaintiff and situated upon an island in the Roanoke river in Northampton county, which had belonged to the Plaintiff and was under mortgage to one Gollin-coffer - The Plaintiff had been adjudged a bankrupt and the property in question was set apart to him as exempt - The property was purchased by the deft Harris in his own name upon terms set forth in a written instrument introduced in testimony, a copy of which ~~is~~ is a part of the transcript in this case. It was sought to ^{affect} attach Shaffer with liability

on the ground that he had given the Plaintiff reason to believe that the ^{purchase} sale was made for his benefit. Evidence was introduced tending to prove that previous to the purchase by Harris Shaffer had had some negotiations with Pepper in regard to buying the plantation on which the property was and some of the ^{personal} property. It was also in evidence that Shaffer bought the interest of Mrs. Pepper, wife of Plaintiff in the mortgaged premises. That after the sale to Harris the defendants under an arrangement with Pepper went into possession of the plantation, made a crop upon it in the summer of 1872 and that the defendant Harris lived upon the premises and had the oversight and control of the crop. That the property bought by Harris remained upon the plantation and was used in making said crop. That ^{during} upon the summer the Mortgagee, Golleschaffer foreclosed and the property was sold. That thereupon the defendants gave up the possession and

a part of the property was removed ^{by Harris} to a farm
of Shaffer's near Raleigh, which the defendant
Harris ^{had} agreed to cultivate upon shares. This was
the same under the control and direction of Harris during the
years ~~1878 & 1879~~ ^{1878 & 1879} as the Spring of 1873, and part of said property was used
by said Harris in cultivating a crop on said farm in 1878.

The Plaintiff proposed to introduce letters of Shaffer
in order to show that the Plaintiff had reason to suppose him interested
to Gollicoffer the mortgage to which Shaffer ob-
in the purchase of the personal property ~~by~~ ^{was} made by Harris -
fected - Objection overruled and defendant

Shaffer excepted - (Copies of letters to be annexed)

The court charged the jury - as follows -

(Copy Charge)

The jury rendered the following verdict

(Copy verdict)

The defendant Shaffer moved for a new trial on
the ground that the 2nd ~~article~~ paragraph of the
judge's charge was error and calculated to mislead
the jury - by the use of the term "Shaffer's farm".

He also moved in arrest of judgment on the
ground that the verdict was inconsistent
and unreasonable - Both motions were overruled.

and the defendant Sheffer appeared -

D. G. Fowle }
Loring } Atty for
Appellant -

Shaffer

Cum