

Case No. 813.

BALL V. PATTERSON.

[1 Cranch, C. C. 604.]¹

Circuit Court, District of Columbia.

Dec Term, 1809.

TROVER—PLEADING—EVIDENCE.

In trover for “a chest containing sundry tools,” and a “trunk containing sundry clothes,” the plaintiff cannot give evidence of the value of the tools and clothes; the defendant being charged only with the conversion of the chest and trunk containing the tools and clothes, and not of the tools and clothes themselves.

[See *Bali v. Patterson*, Case No. 814.]

At law. Trover for “a chest containing sundry tools” and “a trunk containing sundry clothes.”

Mr. F. S. Key, for the defendant, objected to the evidence of the value of the tools, the conversion of the chest and trunk only, being averred. The conversion is the gist of the action.

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Mr. Law, contra. The trover is of a "chest containing sundry tools," and "a trunk containing sundry clothes." The conversion is of the said chest, and the said trunk; that is, the chest containing the tools, and the trunk containing the clothes.

Mr. Caldwell, for the defendant. If it is a charge for converting the tools and clothes, it is too vague and uncertain.

THE COURT (THRUSTON, Circuit Judge, doubting) was of opinion that the defendant was charged only with converting the trunk and the chest, and not the tools and clothes, and of course evidence of the value of the tools and clothes was immaterial.

¹ [Reported by Hon. William Cranch, Chief Judge.]