[illegible] ster Di

R 103 Roll 10

ustavus Rape

v

Daniel Clarke

Declon for a Malicious Prosecution

Brevard & Blanding

Filed January 13th 1802 —

Rule to plead posted the same day

Ord.^{a} for Judgment 22d March 1802 set aside by order of court.

Plea & iſsue 29. March 1802.

May 1802

D. Brown appears

South Carolina
Lancaster District } to wit.

Daniel Clarke was attached to answer to Gustavus Rape in a plea of trespass on the case and so forth. And thereupon the said Gustavus by Joseph Brevard and Abram Blanding his attornies complains, for that the said Daniel contriving and wickedly and maliciously intending unjustly to aggrieve the said Gustavus and to hurt injure and prejudice the said Gustavus in his good name fame and reputation and to cause him to be esteemed and reputed among his neighbors and others guilty of theft and to cause him to undergo the pains and penalties by the laws of this state made against hogstealing and under a pretice and color of justice to put him to great expence, without any probable or reasonable cause and of his malice aforethought, at Lancaster court house in the district and state aforesaid and within the jurisdiction of this court, on the seventeenth day of January in the the year of our Lord one thousand eighteen hundred and one, did, falsely and maliciously complain upon oath, before Richard Hunley one of the justices assigned to keep the peace in and for the said district of Lancaster, and inform that the said Gustavus had feloniously taken one hog of the said Daniels' property, and then and there before the justice aforesaid falsely and maliciously did impose upon the said Gustavus the crime of hogstealing; upon which said false information and complaint, he the said Richard Hunley Esquire did, on the same day and year aforesaid, issue a warrant directed to any lawful officer, requiring them to apprehend the said Gustavus and to bring him before the said Richard Hunley or before some other justice for the said District to answer to the said complaint and to be further delt with according to law. By virtue of which said Warrant, the said Gustavus, afterwards, to wit, on the same day and year aforesaid, at the place aforesaid, was unjustly and without any probable or reasonable cause apprehended and restrained of his liberty, and carried before the said Richard Hunley esquire, before whom the said Daniel did further falsely and maliciously and without probable cause prosecute and cause to be prosecuted the said complaint against the said Gustavus, untill afterwords, to wit, on the twentieth day of January in the year aforesaid, at the place aforesaid, the said complaint having been fully examined and understood by the said Richard Hunley esquire, he the said Gustavus, before the said Justice was acquitted of the said charge in due manner according to law, the said information and complaint being without foundation, or reasonable cause, or in any manner sufficient to authorise the said Richard Hurley to bind over the said Gustavus to answer further to the same or to keep him longer in custody. By reason of which said false and malicious proceedings of the said Daniel he the said Gustavus not only suffered a long and grievous imprisonment, to wit, for the space of two days, but also has been obliged to undergo divers labors and expences for his acquittal and discharge in this behalf, and has been greatly hurt and dammified in his good name, fame and reputation and has been brought into great infamy and discredit among his neighbors and others, to his damage one thousand dollars lawful money; and therefore he brings suit and so forth.

Broward & Blanding Plffs Atty

And the said Daniel Clarke by Daniel Brown his attorney comes and defends the force and injury when and so forth and says that he is not guilty of of the complaint above alleged against him in manner and form as the said Gustavus thereof complains against him: and of this he puts himself upon the country and so forth. Brown Defts Atty

And the said Gustavus does so likewise Abram Blanding Plffs Atty

...r 103
Roll 11
...ustavus Rape
Declon for a Malicious Prosecution
v
Daniel Clarke

Broward & Blanding
Filed January 8th Do 1802 —
Rule to plead posted the same day
Ord. for Judgment 22d March 1802
set aside by order of court.
Plea & issue 29. March 1802.

May 1802
D. Brown appears

We the Subscribers being Chosen as Arbitrators between Augustavas Rape & Daniel Clark -- Saith that the sd Clark is to pay all Cost & three dollars to sd Rape Given under our hands this 28th day of October 1802

Hugh Coffey

Jno Welch

William Nelson

Joseph Hough

John Craig

Lau. Dis. Tr Nov.r 1801.

Gustavus Rape
vs.
Daniel ~~David~~ Clarke

Writ
Case
for
Mal.
Prosecn.

Brevard & Harding.

Lodged in Sheriffs Office April the 3 1801

Sept. 16th 1801
Served the defend.t personally with a Copy of this writ
Service — 7
Milage — 4
11
S. Barr D.S.

Service proven before
Jn.o Simpson Clk

I have by Stephen Barr my lawfull deputy personally served the within named defendant with a true Copy of this writ, with a legal notice thereon endorsed —

Thos. H. Ware Shff. L.D.

~~YOU are arreſted by Virtue of, or ſerved with this Writ or Proceſs, to the Intent that you may, by your Attorney, be and appear at the Court of Common Pleas, to be holden at Court-houſe, for diſtrict, on the day of next, in order to make your Defence in this Action; and that in Caſe of your Refuſal or Neglect, during the Sitting of Court, Judgment may be entered againſt you by Default.~~

Plaintiff's Attorney.

The State of South-Carolina.

To all and ſingular the Sheriffs of the ſaid State, greeting.

YOU, and each of you, are hereby commanded without delay, to attach the body of ~~[illegible]~~ Daniel Clarke

whereſoever he may be found within your and each of your reſpective Diſtricts, ſo that you compel him to be and appear before the Aſſociate Judges of the ſaid State, at the Court of Common Pleas, to be holden at Lancaster court house in and for the Diſtrict of Lancaster on the first Monday after the fourth monday in October next, to anſwer to Gustavus Rape in a plea of trespass on the case for falsely and maliciously causing and procuring the said Gustavus Rape to be prosecuted for hog-stealing to the damage of ~~the~~ said Gustavus one thousand dollars, lawful money

Jn° Simpson
Clerk

And have you there this Writ, before the Clerk of the ſaid Court, Fifteen days next before the ſitting of the ſaid Court.

WITNESS the Honorable John Faucheraud Grimke Esqr. *Senior Aſſociate Judge of the ſaid State, at* Lancaster court house *the* first *Monday* after the fourth monday in March ~~Octo~~ *in the Year of our Lord One thouſand eight hundred* and one *and in the twenty-* fifth *Year of the Sovereignty and Independence of the United States of America.*

Brevard & Harding. *Plaintiff's Attorney.*

1803

Gustavus Rape } Fi. Fa
55 vs } in
Daniel Clarke } Case

Award	$ 3. –
Atto^s costs	42..35^c
Sheffs do	2..35^c
Clks do	12–25

Abram Blandig
Lodg'd in my office Feb^y
19^th 1803
Tho^s H. Wade S.L.D.

Wait orders

Levying	$1–50
milage	"–86
advertising	2:
Filing & retg	:–96
	$5: 32
cost on writ	3: 41
	8 73

Satisfy'd

By virtue of this writ to me directed I have caused to be made of the goods and chattels of the within named Daniel Clark, the within debt & Costs in full, which I have ready as within commanded &c.

Tho^s H Wade S L D

SOUTH-CAROLINA.

THE STATE OF SOUTH-CAROLINA: *To all and ſingular the Sheriffs of the ſaid State, greeting.*

YOU, and each of you, are hereby commanded, without delay, that of the goods and chattels, houses, lands, and other hereditaments and real eſtates of

Daniel Clarke

you cauſe to be levied, the Sum of

which Gustavus Rape in the Court of Common Pleas, before the Juſtices of the said ſtate, at Lancaster court hous lately recovered againſt the said Daniel for his damages which he sustained as well by reason of a certain trespass [illegible] the said Daniel to the said Gustavus done as for his Coſts and Charges by him expended in and about prosecuting his Suit in that behalf, whereof the said Daniel is convicted, as appears on Record.

And that you have the said Monies before the said Juſtices, at the Court of Common Pleas, to be holden at Lancaster court house on the first Monday after the fourth Monday in March next, to render to the said Gustavus for his Damages, Coſts and Charges aforesaid. And have you there this Writ, before the Clerk of the said Court, fifteen days next before the ſitting of the said Court.

WITNESS the Honorable John Faucheraud Grimke *Eſquire, Senior Aſſociate Judge of the ſaid State, at* Lancaster court house *the* first *Monday after the fourth Monday in* October *in the Year of our Lord one thouſand eight hundred and* two *and in the* twenty-seventh *Year of the Sovereignty and Independence of the United States of America.*

Jn Simpson
Clerk

Abram Blanding
Pltffs ~~Atty~~

Gustavus Rapp
vs
Daniel Clark } Judgmt.

Attys costs

Writ —	£ 1.. —
Declon —	1.. 5 —
Rule —	2.. 4
2 Subpas	— 10 —
Specl. Matter	1.. 5 —
~~Inq~~ . —	~~2~~ —
Judgmt.	— 15 —
Exon —	6.
Reg. of Judgmt.	1 —
	5.. 4.. 4
Equal to	$ 22.. 35.
Counsels fee	— 20.. —
	$ 42 . 35
Shffs do —	2.. 35.
Clks do —	5 " 50
	$ 50 " 20

And now at this day, to wit, the twenty ninth day of March in the year of our Lord one thousand eight hundred and two before the Justices aforesaid at the court of Common pleas aforesaid at Lancaster court house come the parties aforesaid in their proper persons, and by rule of the said court do summit the matters in dispute between them to the arbitrament and award of Hugh Caffey, John Welsh, William Nelson, Joseph Hough and John Craig, arbitrators indifferently chosen and agreed upon by the parties aforesaid, so that the said award be made and returned to the said court on or before the sitting thereof to be holden at Lancaster court house on the first day of November next.

At which day before the Justices aforesaid, at Lancaster court house aforesaid come the parties aforesaid by their attornies aforesaid, and the said arbitrators having made their award in the premises do return the same to the said court; whereby it is awarded that the said Daniel Clarke do pay the said Gustavus Rapp three dollars and all costs of suit. And thereupon the said Gustavus prays Judgement and that the said award may be affirmed. Therefore it is considered that the said Gustavus do recover against the said Daniel as well his damages aforesaid to him by the arbitrators aforesaid awarded to three dollars as also the sum of

for his costs and charges by him about his suit in this behalf expended, to him by the court now here with his assent adjudged. Which said Damages costs and charges in the whole amount to

and be the said Daniel in mercy &c.