Roll 24 13

Lancaster

936 R 1845

Matheson & Vernon

E Deelon

on

note

Ely Clark

Vaughan & Lee

Plffs Attys

Filed

Filed 13th Dec. 1831

Dd for pltf June Day

Dl Adams

Clerk

I find the Amount

due the Plaintiff in

this case to be One

Hundred & seventy two

Dollars & 32 Cents -

One Hundred & forty

seven Dollars & 58 Cents,

to bear interest from

the 1st May 1832

Dl O Adams

Clerk

Ent'd May 1832

Aprl $172 52

Int 147.58 from

May 1832

Acct 12

Ck 5.25

Sky 2.40 $19.65

$192.17

Recorded in Book

H Page 501 & 2

Dl O Adams

Clerk

DECLARATION ON NOTE.—CAMDEN PRESS.

$147.58
1.03 3/4
30.00
3.44
34.94
147 58
2.50

The State of South-Carolina,
Lancaster DISTRICT.

Ely Clark was attached to answer to
Matheson & Vernon merchants trading under the firm of Matheson and Vernon
of a plea of trespass on the case, and so forth; *And whereupon* the said Matheson & Vernon by their
Attorney complain *That whereas*, the said Ely Clark

on the third day of January
in the year of our Lord one thousand eight hundred and twenty nine at Lancaster Court-House in the
District and State aforesaid, and within the jurisdiction of this Court, did make his certain Note in writing, commonly called
a *Promissory Note*, with his own proper hand writing thereunto subscribed, bearing date the day and year last mentioned; by which
said Note, the said Ely Clark

did promise to pay, or cause to be paid, unto the said Matheson & Vernon
or order, the full and just sum of one hundred & forty seven dollars
& fifty eight cents on or before the first of December next

by reason whereof and by force of the statute in such case made and provided, and made of force in this State, the said Ely Clark
became liable to pay to the said Matheson & Vernon

the sum of money in the said *Note* specified according to the tenor and effect of
the said Note: And being so liable, the said Ely Clark

afterwards; to *wit*, The same day and year last mentioned, at Lancaster Court-House aforesaid and within the jurisdiction of this
Court, in consideration thereof, upon himself did assume, and to the said Matheson & Vernon
then and there faithfully promised that
he the said Ely Clark
would well and truly pay to the said Matheson & Vernon
the said sum of money in the said Note mentioned, according to the tenor and effect of the said Note:

Yet the said Ely Clark
his promise and assumption aforesaid, in form aforesaid, made, in no wise regarding, but contriving and fraudulently
intending the said Matheson & Vernon in this behalf, craftily and subtly
to deceive and defraud, the said sum of money abovementioned, or any part thereof, to the said Matheson & Vernon
hath not paid (although oftentimes required to do so)

but the same to the said Matheson & Vernon
to pay the said Ely Clark hath
hitherto altogether refused and still doth refuse; to the damage of
the said Matheson & Vernon Three hundred dollars
and therefore he bring suit, and so forth.

Copy of note
Vaughan & Lee
on or before the first day of December next we or either Plaintiff's Attorney.
pay to the order of Matheson & Vernon one hundred & forty seven dollars
& fifty eight cents for value recvd Beckham Clark
3rd January 1829 Signed Ely Clark

147.58.

Camden 3 January 1829

On or before the first day of December
Next we or either of us promise to pay to the
order of Matheson Vernon One hundred and forty
Seven dollars and fifty Eight Cents For Value Rec'd

No 136

Bucknell Clark

Ely Clark

Rec'd in part the within Note Ten dollars
25 dec'r 1829 Matthew Vernon

Rec'd Camden 27 Jany 1830 for Eby Clark Ten
dollars in part the within Note
Matthew Vernon

Eby Clark

1 Issued to Oct'r Term 1831
Lancaster

COPY WRIT—CAMDEN PRESS.

State of South-Carolina.

TO ALL AND SINGULAR THE SHERIFFS OF SAID STATE—*GREETING:*

YOU, and each of you, are hereby commanded, without delay, to attach the bodies of Buckner Clark & Ely Clarke wheresoever they may be found within your and each of your respective districts, so that you compel them 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 third Monday after the fourth Monday in October ~~next~~, to answer to C Matheson and W Vernon Merchants late by trading under the firm of Matheson & Vernon of a plea of trespass on the case and so forth; also for certain promises and assumptions, by the said Buckner & Ely to the said Matheson & Vernon made and not performed; to the damage of the said Matheson & Vernon Three hundred dollars

L. S.

Thos P Evans

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

WITNESS Thos P Evans *Esquire, Clerk of the Court of Common Pleas, for* Kershaw *District,*
the first *day of* October *in the year of our Lord one thousand eight hundred and* thirty one
and in the fifty sixth *year of the Sovereignty and Independence of the United States of America.*

Vaughan & Lee **Plaintiff's Attorney.**

Buckner & Clarke

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 Lancaster Court-house, for Lancaster District, on the Third Monday after the Fourth Monday in October next, in order to make your defence in this action; and that in case of you refusal or neglect, during the sitting of the said Court, Judgment may be entered against you by default.

Lancaster

Matthew & Vernon
vs
Buckner Clarke
& Ely Clarke

Writ
in
Assumpsit

Copy for
Buckner Clarke

ORIGINAL WRIT—CAMDEN PRESS.

State of South-Carolina.

TO ALL AND SINGULAR THE SHERIFFS OF SAID STATE—*GREETING:*

YOU, and each of you, are hereby commanded, without delay, to attach the bodies of Buckner Clark & Ely Clark

wheresoever they may be found within your and each of your respective districts, so that you compel them 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 third Monday after the fourth Monday in October at ~~next~~, to answer to Matheson and W Vernon merchants trading under the firm of Matheson & Vernon

Wm. P. Evans. C.C.P.

of a plea of trespass on the case and so forth; also for certain promises and assumptions, by the said Matheson & Vernon to the said Buckner & Ely made and not performed; to the damage of the said Matheson & Vernon three hundred dollars

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

WITNESS Wm P Evans Esquire, Clerk of the Court of Common Pleas, for Kershaw District, the first day of October in the year of our Lord one thousand eight hundred and thirty one and in the fifty sixth year of the Sovereignty and Independence of the United States of America

Vaughan & Lee Plaintiff's Attorney.

Entd 20 Oct 1831

Wm Williams

I have by & thereof my lawful deputy left a copy of Writ at the House of Eli Clarke, & made due Search for B. Clarke but can't find him nor learn that he has any fixed place of abode in this district

14 miles
14 Search
28 miles

Wm Williams

1.40
1.02

170

Lon Easter

Pratt & Vernon

v

Writ in agst

Buckner Clark
& Eli Clarke

Vaughan & Lee
Plffs Attys

original

JUDG. ON WRIT OF ENQ. DAMAG. ASS'D. BY CLERK—CAMDEN PRESS.

Spring Term, 1832

AND now at this day, to wit, the fourth Monday after the fourth Monday in March in the year of our Lord one thousand eight hundred and thirty two come the said Matheson & Vernon by Ely Clarke their Attorney aforesaid, and pray that the said Ely Clarke the Defendant, to the declaration of them the said Plaintiffs may answer; and the said Defendant being solemnly called, come not, but make default, whereby the said Plaintiffs remain thereof against him undefended. Wherefore it is considered by the Court now here, that the said Plaintiffs ought to recover against the said Defendant the damages by them sustained by reason of the premises: But because it is unknown to the Court what those damages are:

It is therefore Ordered, That the same be referred to the *Clerk* of the said Court, to ascertain the sum actually due by the said Defendant to the said Plaintiffs pursuant to the direction of the Act of the General Assembly of the said State, in such case made and provided; and the said *Clerk* thereupon having ascertained the same, and *assessed* the *Damages* of the said Plaintiffs by reason of the premises; besides their costs and charges by them expended in and about prosecuting their suit in this behalf, to

Therefore, it is considered by the Court now here, that the said Plaintiffs do recover against the said Defendant the damages so ascertained and assessed as aforesaid; and also Seventeen Dollars 65 Cents for their costs and charges aforesaid, to them by the Court now here, with his assent adjudged; which said damages, costs and charges, in the whole, amount to One Hundred Twenty two Dollars & Seventeen Cents and be the said defendant in mercy, and so forth.

Ind.t Ent.d & Signed 7th May 1832

Jno Adams Clk

Lancaster

Mathews & Vernon
Eq Judgm't
Ely Clark

Vaughan & Lee
plff's Atty