Nathan Cato

Lancaster

Bk R171

Roll ## 42

John Love } Debtor

v

in

Tho: Hilliard
John Hilliard } aſsut.
& Gayden Pettey

Blanding

Filed March 9th 1809

Rule posted the same day

Ordᵈ for Judgment April 10th 1809

Plea & iſsue

We find for the Plaintiff seventy five dollars with Costs —

Saml. Dunlap
Foreman

Judgement P Sum
16 [illegible] 1809

State of South Carolina }
Lancaster District } SS.

Thomas Hilliard, John Hilliard and Gayden Petty were attached to answer to John Love of a plea of trespass on the case &c. And whereupon the said John Love by Abram Blanding his attorney complains that whereas the said Thomas, John and Gayden, did on the sixth day of August in the year of our Lord one thousand eight hundred and five, at Lancaster Courthouse, in the district and state aforesaid make their certain note in writing commonly called a promissory note, their own proper hands being thereunto subscribed, by which said note, the said Thomas, John and Gayden, promised to pay unto the said John Love five months after the date of the said note three hundred and seventy five dollars and thirty three cents, for value received of him the said John Love. By reason whereof, and by force of the statute in such case made and provided, & made of force in this State, the said Thomas, John and Gayden became liable to pay to the said John Love, the sum of money in the said note mentioned according to the tenor and effect of the said note.

And whereas, also, the said Thomas, John and Gayden, afterwards, to wit on the day and year aforesaid, and at the place aforesaid made their certain other note in writing commonly called a promissory note their own proper hands being thereunto subscribed by which said note the said Thomas, John and Gayden, promis to pay unto the said John Love, a further sum of three hundred and seventy five dollars and thirty three cents, in twelve months after the date of the said note for value received of him the said John Love. By reason whereof, and by force of the statute in such case made and provided, and made of force in this State, the said Thomas, John and Gayden, became liable to pay to him the said John Love, the sum of money in the said note last mentioned according to the tenor and effect of the said note.

And whereas, also, the said Thomas, John and Gayden, afterwards, to wit, on the day and year first aforesaid, and at the place aforesaid made their certain note in writing, commonly called a promissory note, their own proper hands being thereunto subscribed by which said note the said Thomas, John and Gayden promised to pay unto the said John Love, in two years after the date of the said note a further sum of Three hundred & seventy five dollars and thirty five cents, for value received of him the said John Love. By reason whereof and by force of the Statute in such case made & provided and made of force in this State, the said Thomas, John and Gayden, became liable to pay to the said John Love the sum of money in the note last mentioned according to the tenor and effect of the said note.

And being so indebted they the said Thomas, John and Gayden, afterwards, to wit, on the sixth day of August, in the year of our Lord one thousand eight hundred and seven, at Lancaster Court House aforesaid undertook and then and there faithfully promised the said John Love that they would well and truly pay him the said several sums of money in the said notes mentioned, whenever they should be thereunto afterwards requested.

Yet the said Thomas, John and Gayden, in no ways regarding their said several promises and assumptions, hath not paid the said several sums of money nor any of them although they hath been thereunto often requested, but hath refused and still doth wholly refuse to pay the same. Whereupon the said John saith he is injured and hath sustained damage to two thousand dollars, and therefore he brings suit and so forth.

Blanding Plff. Atto.

(Copy Notes)

Five months after date we or either of us do promise to pay unto John Love or order the sum of three hundred and seventy five dollars and thirty three cents for value received as witness our hand this 6th August 1805.

Thomas Hilliard
John Hilliard
Gayden Pettey

Jas. Ballard

Twelve months after date we or either of us do promise to pay or cause to be paid unto John Love or order the sum of three hundred and seventy five dollars and thirty three cents it being for value received as witness our hands this 6th August 1805.

Thomas Hilliard
John Hilliard
Gayden Pettey

Jas. Ballard

Two years after date we or either of us do promise to pay or cause to be paid unto John Love or Order the sum of three hundred and seventy five dollars and thirty five cents it being for value received as witness our hands this 6th August 1805

Thomas Hilliard
John Hilliard
Gayden Pettey

Jas. Ballard

And the said Thomas John and Gayden by John S. Richardson their attorney come and defend the force and injury when and so forth and say that they did not promise and assume in manner and form as the said John Love has thereof complained of against them and of this they put themselves on the country and so forth

John S Richardson
Dfts Atto

And the said John Love does so like wise

Blanding Pltffs Atto

Lancaster
Bk R171 Roll ~~44~~ 42

John Love } Dicto
v
Tho: Hilliard
John Hilliard } Asst.
& Gayden Pettey

Blanding

Filed March 9th 1809
Rule posted the same day
Ord.a for Judgement April 10th 1809
Plea & Issue
We find for the Plaintiff seventy five dollars with Costs —

Saml. Dunlap
Foreman

Judgement P Sum
Mole 1809

Nathan Cato

THE STATE *of* SOUTH-CAROLINA.

To all and ſingular the Sheriſſs of the ſaid State, **GREETING.**

YOU, and each of you, are hereby commanded without delay, to attach the bodies of Thomas Hilliard John Hilliard and Gayden Pettey

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 second Monday after the fourth Monday in October - - next, to answer to ~~Thomas Hilliard~~ John Love of a plea of trespass on the case and so forth and also for certain promises and assumptions by the said Thomas John and Gayden to the said John Love made and not performed to ~~them~~ his damage two thousand dollars

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

Tho: Salmond Clk

C. C. P.

WITNESS the Honorable JOHN FAUCHERAUD GRIMKE, *Eſquire, Senior Aſſociate Judge of the ſaid State, at* Kershaw court house *the* third *Monday after the fourth Monday in* March *in the Year of our Lord, one thouſand eight hundred and* eight *and in the thirty* second *Year of the Sovereignty and Independence of the United States of America.*

Blanding PLFF'S. ATT'Y.

Filed in my Office
Octr 13th 1808
Thos Lee D.S.

John Love
v
Wms Hilliard
John Hilliard &
Geyden Pettey

Writ
in
Assumpt

Blanding

Personally Served by
Jonas Vick —
Proven before me
Joseph Lee J.P.

Enterd

I have by Jonas Vick my Lawful Special Deputy Served the Within Named Defendants personally with a Copy of this Writ with the Legal notice thereon Indorsed pursuant to an Act of the General Assembly

Thos Lee D.S.

his damages so as aforesaid assessed and also thirty nine dollars and eighty four cents for his costs and charges aforesaid, to him by the court now here with his assent adjudged which said damages, costs and charges in the whole amount to one hundred and fourteen dollars and eighty four cents and be the said Thomas John and Gayden in mercy and so forth.

Blanding Plffs Atto

John Love
vs
Tho: Hilliard
John Hilliard
Gayden Petty
} Judgmt in Assumpt —

Blanding

Verdict —		75.
Attos costs	23 —	
Clks do	8.34	
Shffs do	6.50	
Needham Cato	2 —	39.84
		114.84

Judgement entered up and Signed June 16th 1809
Jno. Simpson Clerk

Therefore it is commanded that the Sheriff of Lancaster district do summon forty eight good and lawful men drawn by ballot pursuant to the directions of the acts of the general assembly of the said State in such case made and provided personally to be and appear at the court of common pleas to be holden at Lancaster court house on the second monday after the fourth monday in march next of whom to make a jury by whom to try the issue aforesaid. because as well and so forth - The same day is given to the parties aforesaid there and so forth.

April Term 1809.

At which day in the court of common pleas aforesaid come the parties aforesaid and the sheriff aforesaid having made due return of the venire facias aforesaid, the jurors thereby summoned come and certain of them, to wit, Samuel Dunlap foreman,

are drawn impannelled and sworn to speak the truth of and concerning the premises and upon their oaths say that the said Thomas John and Gayden did promise and assume in manner and form as the said John Love has above complained against them and assess the damages of the said John Love by reason of the premises besides his costs and charges by him expended in and about prosecuting his suit in this behalf to seventy five dollars - Therefore it is considered by the court now here that the said John Love do recover against the said Thomas John and Gayden

Filed in my office 20th
July 1809
Perry CCP

John Love
vs
Tho: Hilliard
John Hilliard &
Gaypen Petty } Fi. Fa in Asmpst

Blanding

Verdict	$75.–	
Attor costs	$23.–	
Clks do	8.34	
Shffs do	6.50	
Recd. Cato	2 –	39.84
		114.84
Ent'y & Return of Shff of Lancaster		96.

Ent'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 heredements and real estates of Thomas Hilliard, John Hilliard and Gayden Petty you cause to be levied the sum of one hundred and fourteen dollars and eighty four cents which John Love in the Court of Common Pleas, before the Judges of said State, at Lancaster court house lately recovered against the said Thomas John and Gayden for his damages which he sustained as well by reason of the nonperformance of certain promises and assumptions by them to him made as for his Coſts and Charges by him expended in and about prosecuting his Suit in that behalf, wherefore the said John ~~Love~~ Thomas and Gayden are convicted, as appears on record. And that you have the said Monies before the said Judges, at the court of Common Pleas, to be holden at Lancaster court-house on the second Monday after the fourth Monday in October next, to render to the said John Love 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* second *Monday after the fourth Monday in* March *in the Year of our Lord one thouſand eight hundred and* nine *and in the* thirty third *Year of the Sovereignty and Independence of the United States of America.*

Jn. Simpson
Clerk

Plaintiff's Attorney.

Blanding