Recorded in Book F

Page 525 & 26
Jas Adams
Clk

G Roll 62 — 36

Lancaster

M. Phelps et al
B 4 3 R 2032
v
John J Blackmun

Decl in Trespass to try titles

Rogers & Carter
Pff atys

IIIII

Filed 20 Feby 1830
Rule posted same day
Ord for jud^t 20 March
1830

We find for the
Defendant in this
Case John Miller
foreman

Ex 30 apl 1832

The State of South Carolina } In The Court of Common Pleas
Lancaster District } To Wit John G. Blackman was attached to answer
to Martin Phillips, Ann Elizabeth Phillips, now Carter, Alexander Carter, Rebecca Phillips
Nancy Phillips, now Brenan and Thomas Brenan and Zachariah
Phillips by his guardian Robert Yates heirs at law of Zachariah Phillips
Deceased of a plea Wherefore with force and arms the close or plantation of them the said
Martin, Elizabeth, Nancy and Zachariah situate in the District and State aforesaid
on the waters of Flat Creek, containing four hundred and twenty acres, more or less, the
said John G. did enter and them the said Martin, Elizabeth, Nancy and Zachariah
did eject and hold out and so forth And Whereupon the said Martin, Elizabeth
Nancy and Zachariah By Rogers & Carter their Attorneys complain for that the
said John G. on the day of 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, with force and arms, the close or plantation of
them Martin, Elizabeth Rebecca Nancy and Zachariah, situate in the District and State aforesaid
on the waters of Flat Creek containing four hundred and twenty two acres, more or less
bounded as follows, By a line running North East by William Johnson's land and
South East by William Blackman's land, South West and South East by Thomas
Small's land, South West by Thomas Frizzel's land, having such form and shape as
the plat annexed to the original Grant will shew, did break and enter, and them
the said Martin, Elizabeth Nancy, and Zachariah therefrom did eject and hold out
their soil did dig up and other wrongs and injuries to the said Martin, Elizabeth
Rebecca Nancy and Zachariah, then and there did contrary to the peace of the same State
aforesaid and to their damage five thousand dollars And therefore they bring
their suit and so forth

Rogers & Carter Plffs Attys

And the said deft by Williams his attorney comes and defends the wrong & injury when &c forth: Says he is not Guilty as plff above by pleading alledges & of this he puts himself on the Country &c forth.

Williams Defs Atty

& Plff doth the like.

Defendants also pleads liberum Tenementum.

Williams Defs Atty

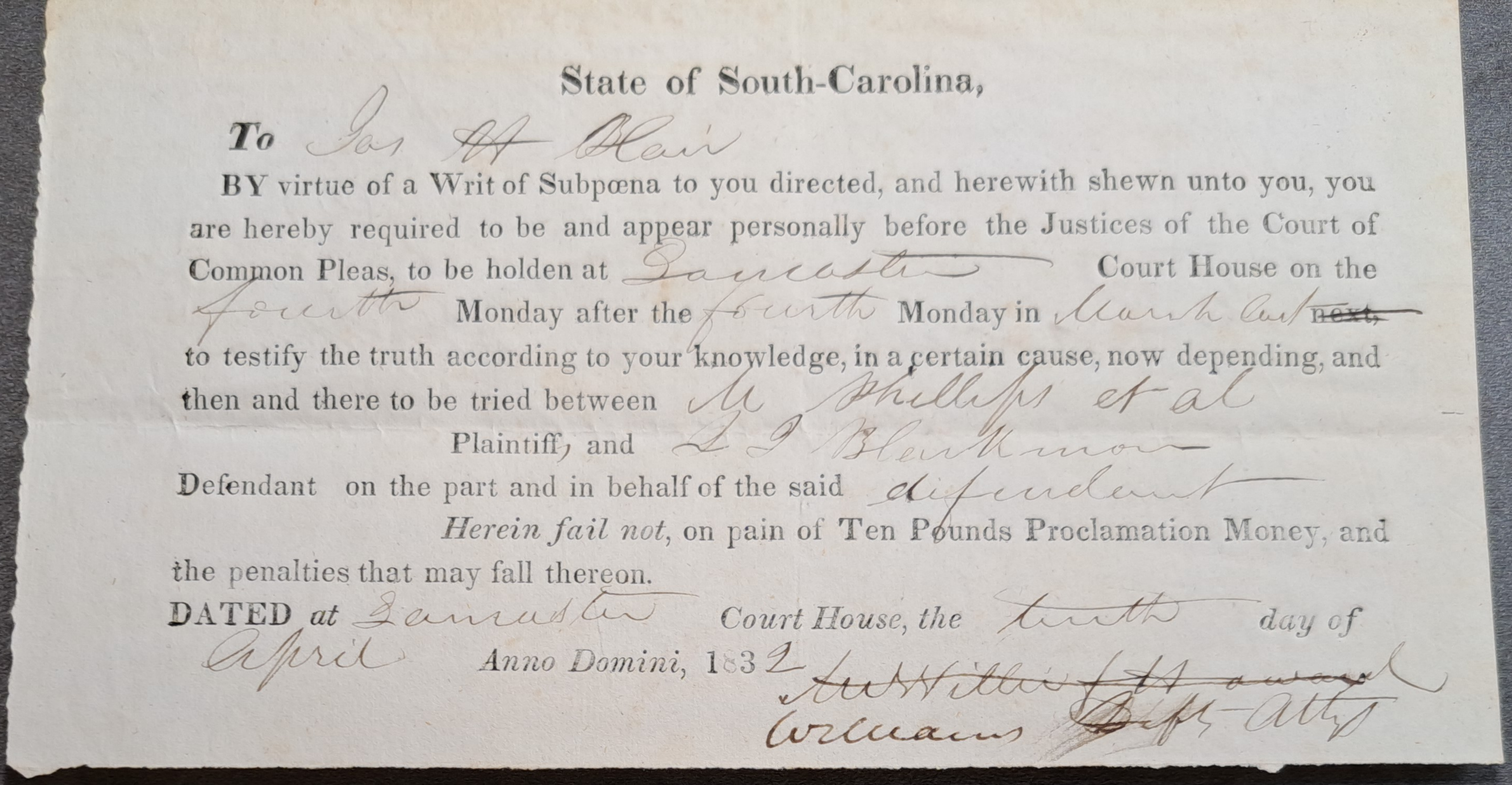
Surveyors Bill

4 Days attendance on survey	$12.00
2 — att.g Court —	2.00
3 — Surveying — 3$ —	9.00
6 — att.g Court —	6.00
3 — do — do —	3.00
1 — Surveying —	3.00
3 — att.g Court —	3.00
1 Platt 3 Representations	6.42
	44.42
deduct 2 Platts	4.28
	$40.14

South Carolina } Wiley Blackman Came before
Lancaster district } me and made oath that that he
Calld on by John J Blackman to Carry the Cain in a
Survay and lands in dispute between him and the Heirs
Philips and that he Servd four days as such –

Sworn to and Subscribd — Wiley Blackman
this 26 of April 1832
before me
John Hancock J.P.

Day 4
Ser 3
7



State of South-Carolina,

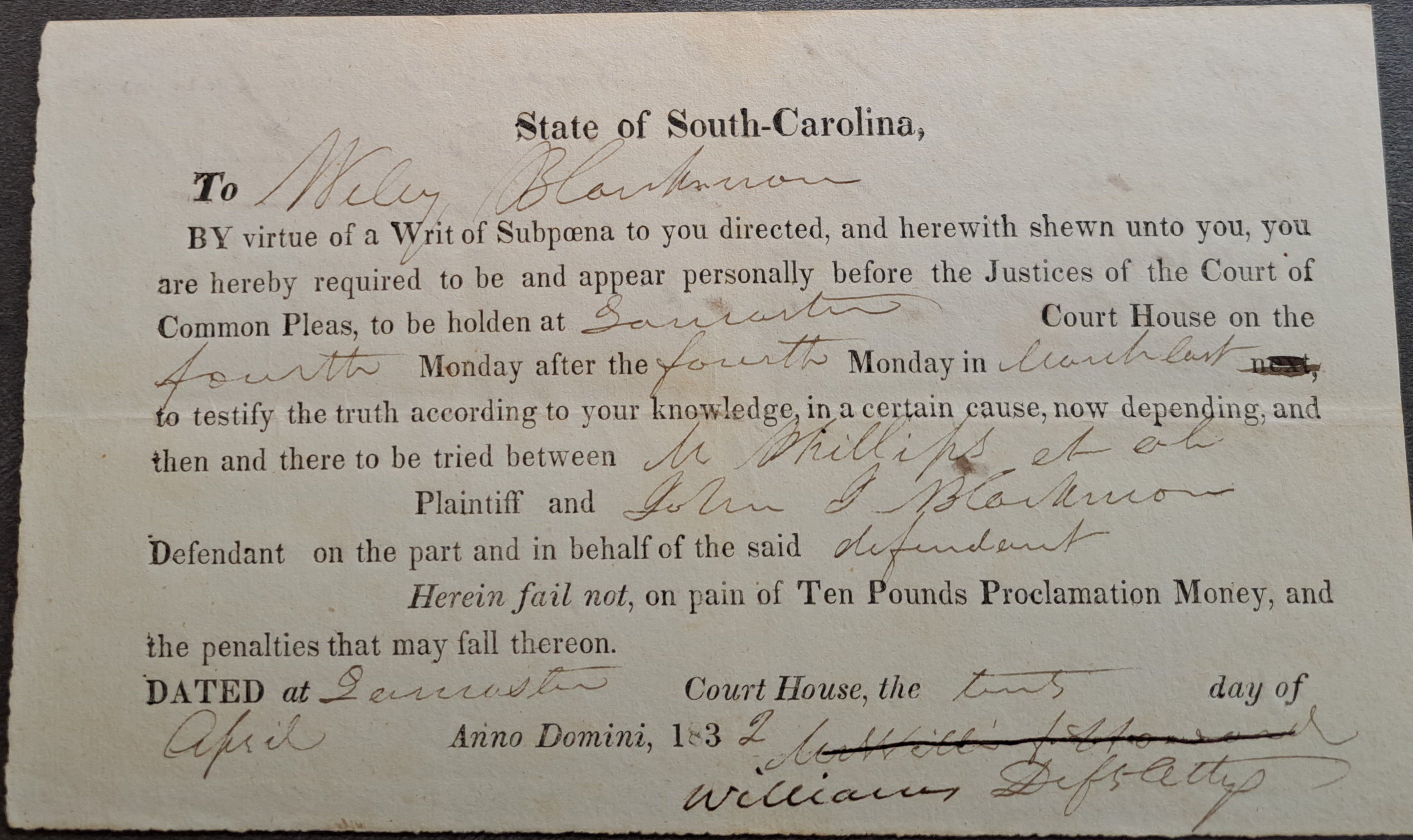
To Jas H Blair

BY virtue of a Writ of Subpœna to you directed, and herewith shewn unto you, you are hereby required to be and appear personally before the Justices of the Court of Common Pleas, to be holden at Lancaster Court House on the fourth Monday after the fourth Monday in March last ~~next,~~ to testify the truth according to your knowledge, in a certain cause, now depending, and then and there to be tried between M Phillips et al Plaintiff, and L J Blackmon Defendant on the part and in behalf of the said defendant

Herein fail not, on pain of Ten Pounds Proclamation Money, and the penalties that may fall thereon.

DATED *at* Lancaster *Court House, the* tenth *day of* April *Anno Domini*, 1832

~~McWillie & Howard~~
Williams Defts Atty



State of South-Carolina,

To Wiley Blackmon

BY virtue of a Writ of Subpœna to you directed, and herewith shewn unto you, you are hereby required to be and appear personally before the Justices of the Court of Common Pleas, to be holden at Lancaster Court House on the fourth Monday after the fourth Monday in March last ~~next,~~ to testify the truth according to your knowledge, in a certain cause, now depending, and then and there to be tried between M Phillips et al Plaintiff and John J Blackmon Defendant on the part and in behalf of the said defendant

Herein fail not, on pain of Ten Pounds Proclamation Money, and the penalties that may fall thereon.

DATED *at* Lancaster *Court House, the* tenth *day of* April *Anno Domini*, 1832

~~McWillie & Howard~~
Williams Defts Atty

So Carolina } Personally appeared before
Lancaster District } Mr C H Blair and on Oath
Sayeth that he has attended
on the Within Subpoena One Day
Sworn to before Me this 26th of April 1832

[illegible]
Q.U.

C H Blair

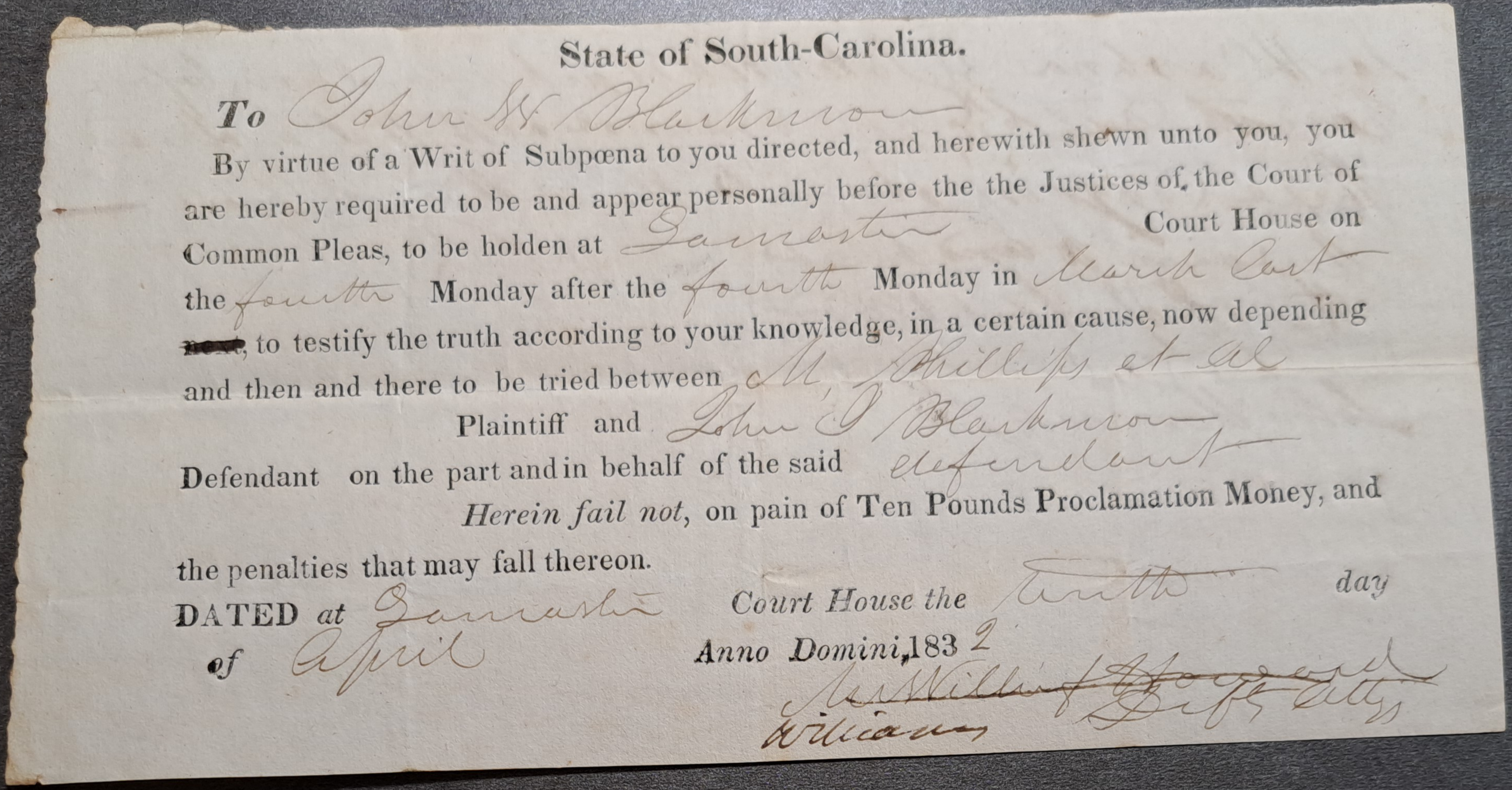
Sauth Carolina } Wiley Blackman Came before me
Lancaster Distrcl } and made oath that he attended three
Days in obedium to the wethen Subpeona

Sworn to and subscribed }
this 26th of April 1832 }
before me

John Hancock J.P.

Wiley Blackman

Wiley Blackman



State of South-Carolina.

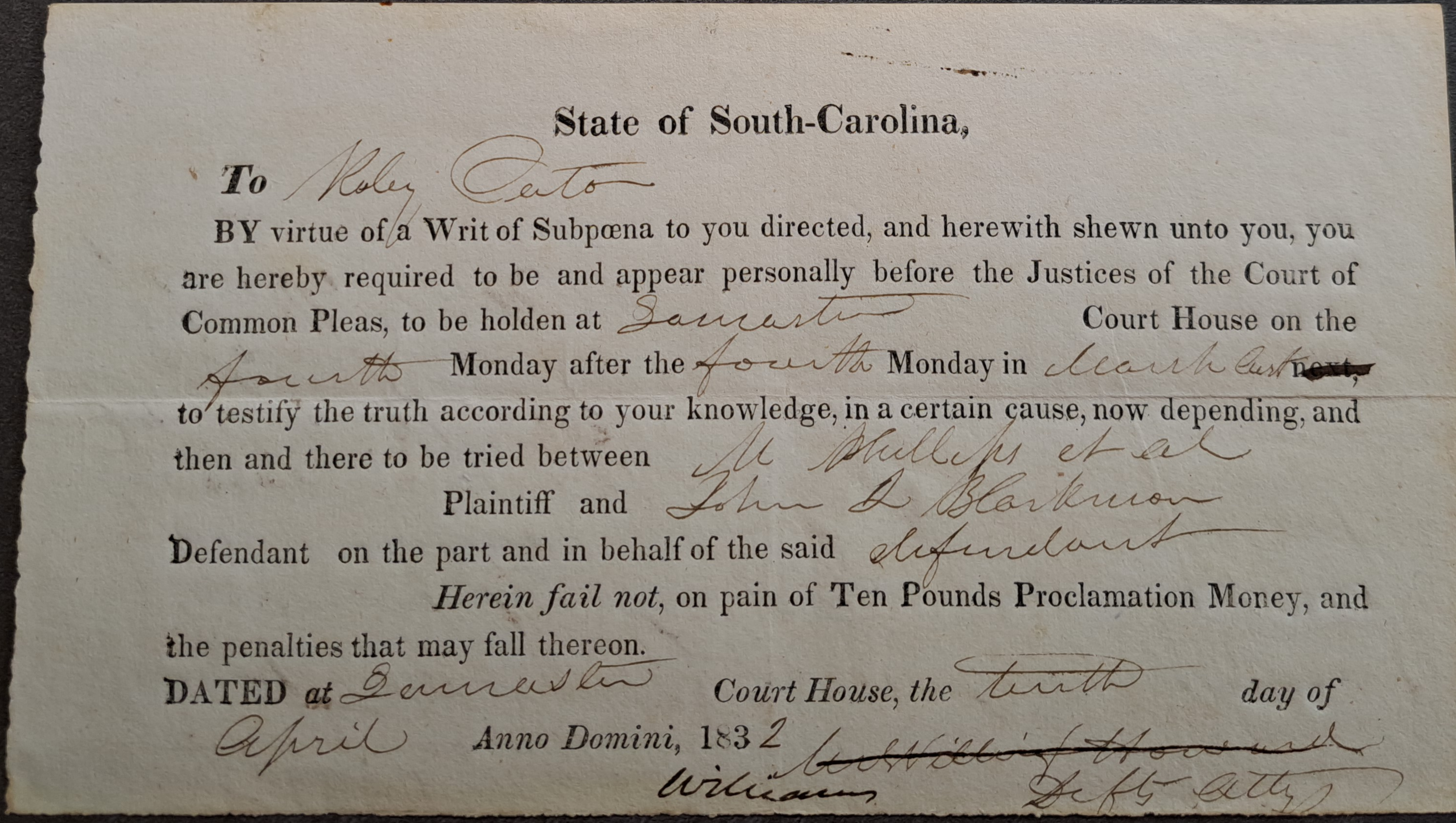
To John W Blackmon

By virtue of a Writ of Subpœna to you directed, and herewith shewn unto you, you are hereby required to be and appear personally before the the Justices of, the Court of Common Pleas, to be holden at Lancaster Court House on the fourth Monday after the fourth Monday in March last ~~next~~, to testify the truth according to your knowledge, in a certain cause, now depending and then and there to be tried between M. Phillips et al Plaintiff and John D Blackmon Defendant on the part and in behalf of the said defendant

Herein fail not, on pain of Ten Pounds Proclamation Money, and the penalties that may fall thereon.

DATED *at* Lancaster *Court House the* tenth *day of* April *Anno Domini*, 1832

~~McWillie & Howard~~ Defts Attys
Williams



State of South-Carolina,

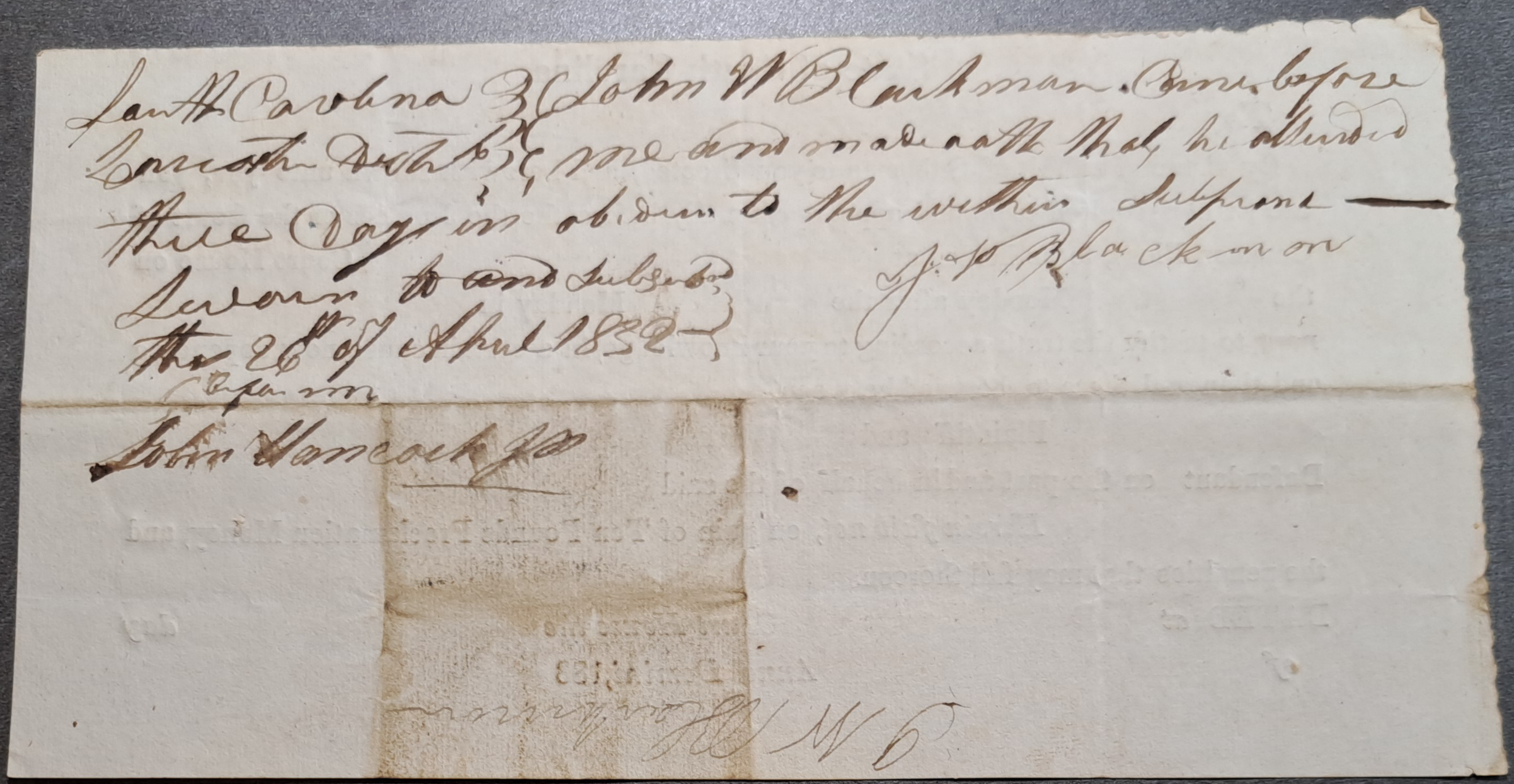
To Roley Cato

BY virtue of a Writ of Subpœna to you directed, and herewith shewn unto you, you are hereby required to be and appear personally before the Justices of the Court of Common Pleas, to be holden at Lancaster Court House on the fourth Monday after the fourth Monday in March last ~~next~~, to testify the truth according to your knowledge, in a certain cause, now depending, and then and there to be tried between M Phillips et al Plaintiff and John D Blackmon Defendant on the part and in behalf of the said defendant

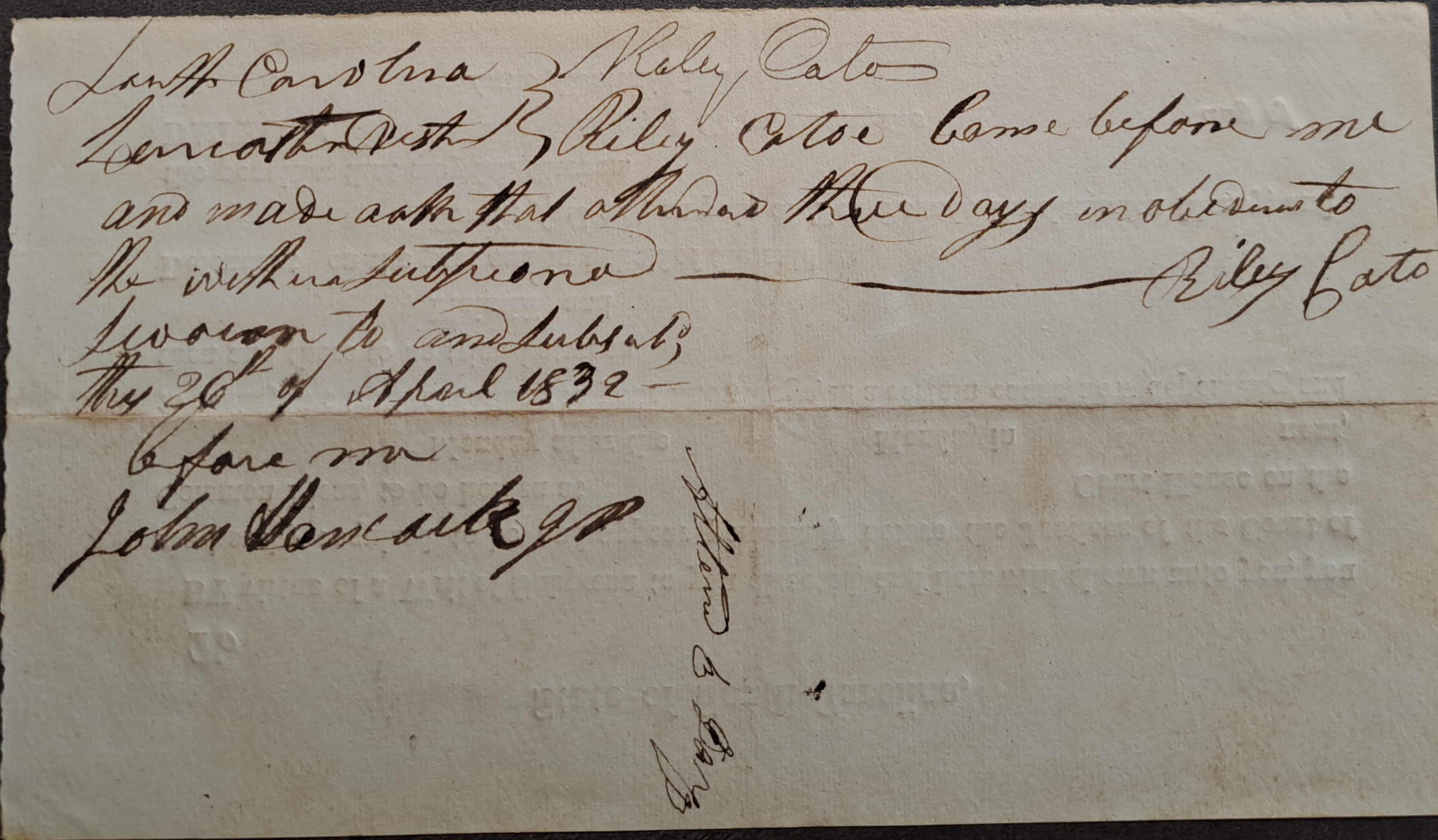
Herein fail not, on pain of Ten Pounds Proclamation Money, and the penalties that may fall thereon.

DATED *at* Lancaster *Court House, the* tenth *day of* April *Anno Domini*, 1832

~~McWillie & Howard~~
Williams Defts Attys

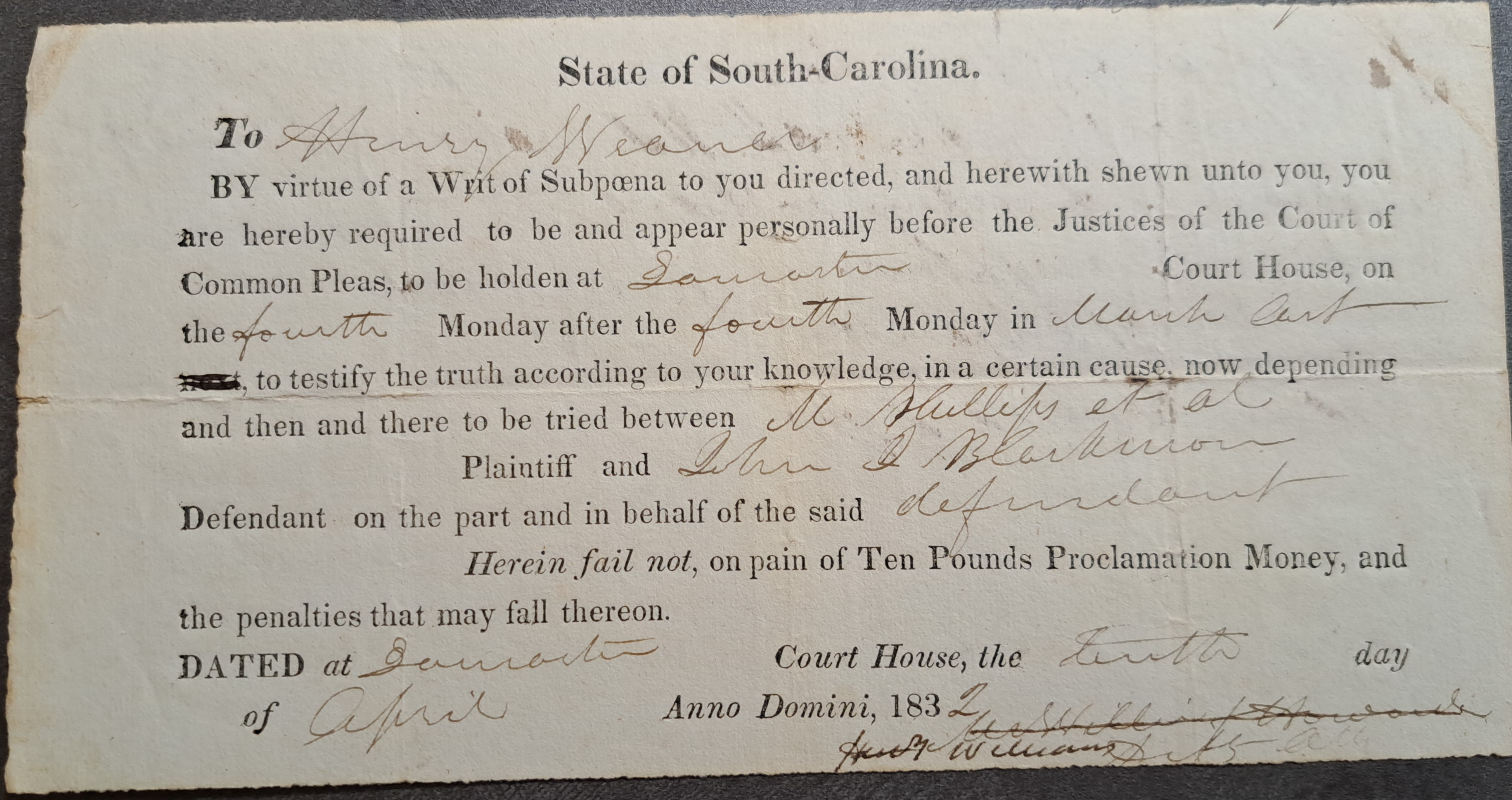


South Carolina } John W Blackman Came before
Lancaster District } me and made oath that he attended
three Days in obedience to the within Subpoena —
Sworn to and Subscribed } J. W. Blackmon
the 26th of April 1832 }
before me
John Hancock J.P.



South Carolina } Riley Cato
Lancaster District } Riley Catoe came before me
and made oath that attended three days in obedience to
the within Subpoena —— —— Riley Cato
Sworn to and Subscribed
the 26th of April 1832 —
before me
John Hancock J.P.

Attend 3 Days



State of South-Carolina.

To Henry Weaver

BY virtue of a Writ of Subpœna to you directed, and herewith shewn unto you, you are hereby required to be and appear personally before the Justices of the Court of Common Pleas, to be holden at Lancaster Court House, on the fourth Monday after the fourth Monday in March next ~~next~~, to testify the truth according to your knowledge, in a certain cause, now depending and then and there to be tried between M. Phillips et al Plaintiff and John D. Blackmon Defendant on the part and in behalf of the said defendant

Herein fail not, on pain of Ten Pounds Proclamation Money, and the penalties that may fall thereon.

DATED *at* Lancaster *Court House, the* tenth *day of* April *Anno Domini*, 1832

~~[illegible]~~

Hugh Williams D. C. C.

South Carolina }
Lancaster Dist }

Henry Weaner Came before me and made oath that he attended three days in obedience to the within Subpoena

Sworn to and subscribed this 26 April before me
John Hancock

Henry Weaner

Henry Weaner
Attend 3 Days

Martin Phillips
et al.
vs
John J. Blackman

Trespass to try titles

On Motion of Rogers & Carter
Plffs Attys. Ordered that, the names of Alexander Carter
and Thomas Brenan, be inserted in the declaration in this case
and that they be permitted, to become parties thereto, in the right of
two of the plaintiffs, with whom they have intermarried since
the issuing of the Writ in this case, and that they have leave
to insert the name of Robert Yates, who is the Guardian
in chief of Zachariah Phillips, a minor under the age of twenty one
year, and that they have leave to insert the name of Rebecca
Phillips in the Writ and declaration, who is is entitled to
a share of the land sued for, with the other parties to
this suit,

Marlin Phillips
et al
vs
G. G. Blackman

Order
to amend
& add
parties

Lancaster 30 March 1832

J. J. Blackman Esqr.

Dr. Sir —

You are hereby notified that I will attend on the Lands in Dispute between M. Phillips et al. vs J. J. Blackman on the 17th April next as plaintiffs Surveyor, for the purpose of Surveying the same & making a platt thereof —

Saml. Alston
D.S

Entd. 31st March 1832

William Williams
Shff

Shown by Wm M Burton
my lawful deputy
personally to W Blackman
with a copy of this
notice 2 apl 1832

Wm Williams
Shff

R M

190
Wm Phillips et al
v
L L Blackman

notice
of
survey

(Orig.)

120.67
119.70
.97

John D. Blackman
ads
Martin Phillips
E Phillips
N. Phillips &
J. Phillips
} Fi fa for costs

South Carolina
Lancaster District } Personally appeared William Williams Shff of Lancaster District and says on oath that the above fi fa is lost or mislaid.

Sworn to before me
14 Decr 1832 }
Jn. A. Williams
Clk

Wm Williams S

W. Phillips & others }
vs
John J. Blackman }

1829 Aug 7th	For	4	Days attending on the above Survey	$0:00
				0:00
	"	2	Days attending court	0.00
Fall term	"	1	Day coming to Court 45 Miles	0.00
			returning 45 "	~~0.00~~
1830		1	Days Surveying	0.00
March 1	"	3	Do coming & returning 60	0.00
1831	"	2	Day attending Court	0.00
Spring term	"	1	"coming to Court 45 Miles	0.00
		1	Do returning 45 Miles	0.00
Fall term	"	3	Days attending court	0.00
			Do coming to court 45 Miles	0.00
	"	1	Day returning " 45 Miles	0.00
1832	"	1	Day Surveying with (Alston)	0.00
March 17th	"	1	Days attending court	0.00
	"	3	Do coming to court 45 Miles	0.00
	"	1	Do returning 45 Miles	0.00
			One Plat in the above case 3 representations	0.00
				$00.00
			planner	$00.00

South Carolina }
Lancaster Dist. } Stephen H Boykin

Esqr. on oath saith that the above Bill of cost is correct to the best of his knowledge —

Sworn to this 27 Apl 1832 — } S. H. Boykin

Wm A Adams
Qu

Witness's
Papers

Clk

~~[illegible]~~	~~.00~~
~~I & E~~	~~.00~~
~~Re~~	~~.00~~
~~P & A~~	~~.00~~
~~In~~	~~.00~~
~~Copy record~~	~~.00~~
~~procuring & delivering~~	~~.00~~
	~~$ [illegible].00~~

COPY WRIT—CAMDEN PRESS.

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 John J Blackmon

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 fourth Monday after the fourth Monday in March Inst ~~next~~, to answer to Rebecca Phillips and Martin Phillips Elizabeth Phillips, Nancy Phillips and Zack Phillips heirs at law of Zachariah Phillips, decd by their guardian Robert Yates of a plea, wherefore with force and arms, ~~the~~ the close or plantation of them, the said Martin, Elizabeth, Nancy & Zachariah, situate in the ~~Dist~~ & State aforesaid, on the waters of Flat creek containing four hundred and twenty acres more or less the said John J did enter, and them the said, Martin Elizabeth, Nancy and Zachariah did eject & hold out &c their soil did dig up and other wrongs & injuries to the said Martin Elizabeth Nancy & Zachariah then & there did. Contrary to the peace & dignity of the said State & to their damage five thousand Dollars

of a Plea ~~of trespass on the case and so forth; also for certain promises and assumptions by the said~~ ~~to the said~~ ~~made and not performed, to the damage of the said~~

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

WITNESS John Adams *Esquire, Clerk of the Court of Common Pleas, for* Lancaster *District, the* 24 *day of* March *in the year of our Lord one thousand eight hundred and twenty-* nine *and in the* 53rd *year of the Sovereignty and Independence of the United States of America.*

Jno Adams
Clerk

Rogers & Hunter **Plaintiff's Attorney.**

Entered in my office
25 March 1829

Wm Williams
S.D.

I have personally served
the defendant with a
copy of this writ
26 March 1829
12 miles

Wm Williams SD

12
Lancaster

M. Phillips
et al
v
J. J. Blackman

Writ in Trespass to try titles

Rogers Harter
P atty

This action is brought
as well to try titles
as for damages
Rogers Harter
P atty

(Origl.)

~~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 to the Court of Common Pleas, to be holden at Court-House, for District on the Monday after the Monday in next, in order to make your defence in this action: and that in case of your refusal or neglect, during the sitting of the said Court, Judgment may be entered against you by default.~~

South Carolina }
Lancaster district }

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 Martin Phillips Elizabeth Phillips Nancy Phillips and Zachariah Phillips the plaintiffs by their Attorney and the said John J Blackmon by his Attorney, the said cause having been regularly at issue, which issue was regularly continued divers Terms to the day aforesaid, and the said parties by their attornies now come and say they are ready to try the truth of the issues so made and joined as aforesaid, and demanding a Jury, according to the acts of assembly in such cases made & provided It is ordered that the Sheriff of Lancaster district do summon forty Eight good and Lawful men according to the said act of assembly, which being done the Jurors aforesaid being summoned some of them to wit. John Mills Foreman

come and being empannelled & sworn to try the truth of the said Issues so made and joined as aforesaid, do by their verdict say the find the said Issues so joined for the defendant. Therefore It is considered by the said Court now, here, that the said defendant do recover against the said Plffs, the lands so described and set forth in the pleadings, and his costs and charges by him expended in and about prosecuting his defence in this behalf. ~~whereby~~ the Court now here with their assent adjudged: Which Costs and Charges in the whole amount to One Hundred & twenty Dollars Sixty seven cents, and be the said plaintiffs in mercy &so forth &c.

Williams Defts atty

Judg. Entd & Signed 30 Apl 1832
[illegible] Clk

Taxable

attys costs appear.	$4.00
For plea —	4.00
~~[illegible]~~ —	~~4.00~~
Judt & Fi Fa —	3.00
Argt Ct below —	5.00
Do Appeal Ct —	5.00
5 Sub writs from Spring term 30 to Sp Term 32 —	5.00
	$26.00
Clk —	7.00
Shff writs	1.60
order 1.10	1 10
witnesses	
Stephen Boykin —	40.14
John W Blackman —	3.00
Wylie Blackman —	7:00
Jos. H Blair	1.00
Henry Warner	3.00
Riley Cato —	3.00
	$92.84

John J Blackman
adv.
M Phillips et al: } Judt

Williams

The State of South-Carolina.

FI. FA. FOR PRINCIPAL AND INTEREST.—CAMDEN PRESS.

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, Lands and other Hereditaments and Real Estates of Martin Phillips Elizabeth Phillips Nancy Phillips and Zachariah Phillips you cause to be levied, the sum of One hundred & twenty seven Dollars & forty seven Cents and ~~also the interest which shall accrue on being the principal sum of the judgment in this case, from the day of in the Year of our Lord one thousand eight hundred and up to the day on which such levy shall be made and satisfaction entered on this execution~~, which John I. Blackman in the Court of Common Pleas before the Judges of the said State at Lancaster Court-house, lately recovered against the said Martin, Elizabeth Nancy & Zachariah for ~~damages~~ Costs sustained by the said John I. Blackman ~~as well by reason of promises and assumptions by the said to the said made and not performed as for Costs and Charges by~~ ~~[illegible]~~ ~~expended~~ in and about ~~prosecuting~~ defending his Suit in that behalf, whereof the said Martin, Elizabeth Nancy & Zachariah 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, according to Law, to render to the said John I. Blackman 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 John Adams *Esquire, Clerk of the Court of Common Pleas, for* Lancaster *District, the* thirtieth *day of* April *in the year of our Lord one thousand eight hundred and* thirty two *and in the* fifty sixth *year of the Sovereignty and Independence of the United States of America.*

Jno Adams
Clerk

Williams Defts ~~Plaintiff's~~ Attorney.

Entd 1st May 1832

Wm Williams Shff

Done by Wm H. Barton my lawful deputy. Levied on one tract of Land lying on the waters of Flat Creek Containing four hundred & ninety acres more or less adjoining lands of the Estate of Samuel Caston decd A. M. Caston, Wm J Blackmon & lands of the estate of Dr. B. Jones 9 August 1832

Wm Williams Shff

14m 3

R62

Lancaster

John J Blackmon
ads
M. Phillips et al
} Fi fa for Cost

Williams D atty

Atty	$ 24	
Clk	11	Paid
Shff	2.70	
Surveyor	63.97	
J.W. Blackmon	3.	
Wilie Blackmon	7	
L. H. Blair	1	
H. Weaver	3	
R. Cato	3	
	$120.67	

pd Blackmons witness & Surveyors cost WW

Atty appr & Plea	8 —
Int & fi fa fee	3 —
Argt Ct below	5 —
do Ct appeals	5 —
5 Sub writs	5 —
	$26

Clk

Wt & Decl	1.00	
L & Ex	1.00	
Pleas	1.00	
Records	2.00	
Judgt	1.00	
Copy 2 orders	1.00	
Swearing & witnesses	1.00	
Attendce	.50	
5 Jurats	2.50	$11.00

Paid to A Carter $20.46 his distributive share of the over plus of the Sale of land after paying of this Cost 16 Jany 1833 WW

The Land Levd in this case was bid off by N. B. Ingram at Two hundred & fifty Dollars. 8 Jany 1833 W Williams Shff

$100 Recd in part of bid. 8 Jany 1833

Bal paid Kelts under 15 Jany 1833