Roll No 60

B6 R 213

John Love } Judgmt
vs } in
Gayden Pelly } assmpt

Blanding

Judgmt.		$ 106.63
Attor costs -	21.85	
Clk -	6.25	
Shff -	2.30	30.40
		137.03

June 3d 1811

Therefore it is commanded that the Sheriff of Lancaster 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 the second monday after the fourth monday in March next in the year of our Lord one thousand eight hundred and eleven of whom to make a jury by whom to try the issue aforesaid, because as well the said John Love as the said Gayden Petty have thereof put themselves on the Country— The same day is given to the parties aforesaid there and so forth

March Term 1811

At which day in the court of common pleas aforesaid come the parties aforesaid ~~and the jury aforesaid by consent of the said parties are continued till~~ by their attornies aforesaid and the Sheriff aforesaid having made due return of the venire facias aforesaid the jurors thereby summoned are called and certain of them to wit Zadock Perry foreman

an ~~called~~ drawn empannelled and sworn to speak the truth of and concerning the premises and upon their oath say that the said ~~William~~ Gayden Petty the promise and assume in manner and form as the said John Love has thereof complained against him and they assess the damages of him the said John by reason of the non performance of the said promises and assumptions besides his costs and charges by him expended in and about prosecuting his suit in this behalf to one hundred and six dollars and sixty three cents —

Therefore it is considered by the Court now that the said John do recover against the said Gayden his damages so as aforesaid assessed and also thirty dollars and forty 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 thirty seven dollars and three cents — —

and be the said Gayden in mercy

Judgment entered up and signed June 3rd 1811

Jn.o Simpson Clerk

South Carolina }
Lancaster court house } To wit

Gayden Pettey was attached to answer to John Love of a plea of trespass on the case and so forth, whereupon the said John by Abram Blanding his attorney complains that whereas the said Gayden on the ninth day of August in the year of our Lord one thousand eight hundred and nine at Lancaster court house in the District and State aforesaid made his certain note in writing commonly called a promissory note his own proper hand being thereunto subscribed, by which said note in writing the said Gayden ten days after the date of the said note promised to pay John Love or order the Sum of one hundred and ninety five Dollars and fifty Cents for value received by him of 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 Gaden became liable to pay to the said John the said Sum of money in the said note mentioned according to the tenor and effect of the said note and being so liable he the said Gayden in Consideration thereof afterwards to wit on the same day and year aforesaid at Lancaster court house in the District and State aforesaid undertook and then and there faithfully promised that he the said Gayden would well and truly pay the said John the said Sum of money in the said note mentioned according to the tenor and effect of the same whenever he should afterwards be thereunto required — Nevertheless the said Gayden in nowise regarding his promise and assumption so made in form aforesaid, but contriving and fraudulently intending craftily and subtilly to deceive and defraud the said John in this behalf has not paid the said John the said Sum of money in said note mentioned or any part thereof altho often thereunto afterwards requested to wit on the day and year aforesaid at Lancaster court house in the District and State aforesaid but has hitherto refused and still does refuse to pay the same to the damage of the said John four hundred Dollars therefore he brings suit and so forth

Blanding Pltffs atto

Copy note

Ten days after date I promise to pay or cause to be paid unto John Love or order the sum of one hundred and ninety five Dollars and fifty cents with interest from the date for value rec^d. as witness my hand this 9^th August 1809

Gayden Petty

And the said Gayden by Caleb Clarke his attorney comes and defends the force and injury when and where &c, and says he did not promise and assume in manner and form as the said John thereof complains against, of this he puts himself upon the Country &c.

Clarke
defts atty

And the said John does so like wise &c.

Blanding pltffs atto

John Love
vs
Gayden Petty

Declon
in
Assmpt

Blanding

Filed March 1st 1811
Rule posted the same day

We find for the plaintiff ninety five dollars and fifty cents and interest from 9th Augt 1809

Zadock Perry fore man

note —	95.50
Int —	11.13
	106.63
Attor costs —	21.85

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 Gayden Petty

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 second Monday after the fourth Monday in October — next, to answer to ~~[illegible]~~ John Doe of a plea of trespass on the case and so forth and also for certain promises and assumptions by the said Gayden to the said John made and not performed to his damage four 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 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* ten *and in the* thirty fourth *Year of the Sovereignty and Independence of the United States of America.*

Blanding *Plaintiff's Attorney.*

Tho: Sammonds
C. C. P.

~~**Y**OU 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 Monday after the fourth 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 Court, judgment may be entered against you by default.~~

Plaintiff's Attorney.

I have personally ~~served~~ left at the house of the within named Deft ~~with~~ a Copy of this Writ with the legal notice there on indorsed this 20th Octr 1810

Perry Shff

John Love
vs
Gayden Petty
} Writ in assumpt.

Blanding

Filed in my office 3d October 1810

Perry Shff

Service & Milage — $3.00

Nov. 1812

Sir:

I will thank you to send me the original note which is in the record of John Love & Gayden Petty – and also a copy of the assignment on the back of the note

Yr. Obt. St.

A. Blanding.

The above was sent to M^{r}. Blanding Nov. 19th 1812

John Simpson Esq.