1 Role Jan 16

Lancaster

B10R308

Elijah Clark
V
Nathaniel Clark &
Danie Clark

Debt
in
Assᵗ

$200

Hooker & Williams

Filed Feby 10th 1815
Rule posted the same day
Ordered for Judgment
March 29th 1815

Service set aside as to
Nathaniel Clark—

I assess the damages as to
Danl Clarke to One hun-
-dred & Sixteen dollars 30/100

Jno Simpson
Clerk

April
Execution Issued April 24th

South Carolina }
Lancaster District } Towit

Nathaniel Clark and Daniel Clark were attached to answer to Elijah Clark in a plea of trespass on the Case and so forth; and Whereupon the said Elijah by Hooker & Williams his attornies complaining that Whereas they the said Nathaniel and Daniel on the fourth day of december in the year of our Lord one thousand eight hundred and ten, at Lancaster Court House in the district and State aforesaid did make their certain promissory note and did then and there deliver the said note to him the said Elijah by which said note they the said Nathaniel and Daniel ~~on the twenty fifth~~ faithfully promised to pay the said Elijah or order the just sum of One hundred Dollars on the twenty fifth day of december 1812 for Value received; by reason whereof, and by force of the statute in such case made and provided, and made of force in this State, they the said Nathaniel and Daniel became liable to pay to the said Elijah or order One hundred dollars being the sum mentioned in the said Note, on the said twentyfifth day of december 1812, and upon being so liable they the said Nathaniel and Daniel, on the day and year last aforesaid, at the place aforesaid, in consideration thereof, upon themselves did assume, and unto the said Elijah then and there did faithfully promise to pay unto him the said sum of money in the said Note mentioned, according to the tenor and effect of the said Note, when they should be afterwards thereunto required.

Yet the said Nathaniel and Daniel not regarding their said several promises by them in manner and form aforesaid made, but contriving and fraudulently intending craftily and subtilly to deceive and defraud the said Elijah in this behalf, the said sum of money in the said Note mentioned or any part thereof to the said Elijah, they the Nathaniel and Daniel hath not as yet paid, although often thereunto requested, to wit on the same day and year aforesaid at the place aforesaid, but the same to pay hath hitherto wholly refused, and still do continue to refuse to pay the same, to the said Elijah, Wherefore the said Elijah says he is worse, and hath suffered damage to the Value of two hundred Dollars, and therefore he brings suit and so forth.

Hooker & Williams Plffs Attys

(Copy Note)

"We or Either of us do promise to pay to Elijah Clark or order
"the just sum of One hundred dollars payable the twentyfifth day of
"december 1812 for Value received of him, witness our hands and seals this
"fourth day of december 1810.

(Signed) Nathaniel Clark
Daniel Clark

Entered in my Office 12th Sept 1814

Wm Howe (SL)

Copy Left

(434)

Lancaster
v
Elijah Clark
v
Nathaniel Clark &
Daniel Clarke

Writ in Case
$200

Hooker Williams

Original

P.S. Daniel Clark
22 Sept 1814
P.S. Nathl Clarke 21 Oct
1814 by A Causar

Shff Cost. for one $2:43
Do Do 2:43
$4:86

I have by my lawfull deputy served Daniel Clarke with a copy of this writ with the legal Notice thereon indorsed 22d Sept 1814

Wm Howe (SL)

I have by my special deputy Archd Causar Personally served the Defendant Nathl Clarke with a copy of this writ with the legal notice thereon indorsed 21st Oct 1814

Wm Howe (SL)

ORIGINAL WRIT—Printed by F. M. BAXTER.

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 to [illegible] attach the body's of Nathaniel Clark and Daniel 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 on the second Monday after the fourth Monday in October next, to answer to Elijah Clark in a plea of trespass on the [illegible] case and so forth, to his damage two hundred Dollars

Jn. Simpson
Clk

And have you this writ before the Clerk of the said Court, at Lancaster Court-House fifteen days next, before the sitting thereof.

WITNESS *the Honorable* JOHN F. GRIMKE, *Esquire, Senior Associate Judge of the said State, at* Lancaster *Court-House on the* second *Monday after the fourth Monday in* March *in the year of our Lord one thousand eight hundred and* Fourteen *and in the thirty* Eighth *year of the sovereignty and independence of the United States of America.*

Hooker Williams Plaintiff's Attorney. 5

Lancaster

Elijah Clarke
v
Daniel Clarke

Judt

Cts
asses.t $116. 30

Attys Costs
Writ £ 1. 0. 0
Declon · 1· 5·
CallRl. 7. 6.
1 Subpa. 5. 0
Jud. ·15. 0
Regr. do. 1. 0.
Ex. 6. 0
£3.18. 6 = 16. 81/4

Clk do. 5. 24. 5. 24

Sff do. 4.86. 4.86

Witn.
B Deacon 3.00. 3.00

$146.21¾

Lancaster District }
Spring Term 1815 } And now at this day to wit the second monday after the fourth monday in March in the year of our Lord One thousand eight hundred and fifteen comes the said Elijah Clarke ~~and~~ for by his said attornies, and prays that the said Daniel Clarke to the declaration of him the Elijah may answer, and the said Daniel, although solemnly called come not, but makes default, whereby the said Elijah remains thereof against him undefended; Wherefore it is considered by the Court here, that the said Elijah ought to recover against the said Daniel his damages so by him sustained by reason of the premises, but because it is unknown to the Court what those damages are, It is ordered that the same be referred to the Clerk to ascertain the sum actually due by the said Daniel to the sd Elijah pursuant to the directions of the acts of the general assembly in such case made and provided And the said Clerk having thereupon ascertained the same, and assess the damages of the said Elijah by reason of the premises besides his costs and charges by him expended in and about prosecuting his suit in this behalf to One hundred & fifteen dollars & thirty cents

Therefore it is considered by the said Court that the said Elijah ~~ought~~ do to recover against Elijah his damages so ascertained and assessed as aforesaid, as also the sum of ~~Twenty~~ ~~nine~~ thirty — dollars ~~twenty five~~ seventeen & 1/4 — cents for his costs and charges expended in and about prosecuting ~~th~~ his suit in this behalf, which damages costs and charges in the whole amount to One hundred & forty six — dollars ~~Seventy one 1/4~~ forty seven & 1/4 — cents

And be the said Daniel in mercy and so forth.

Judgment entered up & signed April 10th 1815 — Jn Simpson Clerk

Lancaster

Eli. Clark
v
Nathl. & Danl Clark } Sub writ

A Williams

N. B. Deason Esqr

SOUTH-CAROLINA, } District. }

THE STATE OF SOUTH-CAROLINA,

TO Benjn Deacon

YOU, and each of you, are hereby ſtrictly required and firmly enjoined, that all buſineſs being laid aſide, and all excuſes ceaſing, you do, in your proper perſon, appear before the Aſſociate Judges of the Court of common Pleas

to be holden at Lancaster Ct. house now setting

next, then and there to teſtify the truth, according to your knowledge, in a certain cauſe now depending and to be tried, between

Eliz Clark

Plaintiff, and Nathl & David Clark

Defendant, on the part and behalf of the Plff

Herein fail not, on pain of the forfeiture of Ten Pounds Proclamation Money, as well as the conſequences that may fall thereon.

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

Hooker Williams Clk

STATE OF SOUTH-CAROLINA.

TO Brysn Dawson Esqr

BY Virtue of a Writ of Subpœna to you directed, and herewith ſhewn to you, you are required to be and appear, personally, before the Aſſociate Judges of the Court of Common Pleas of the said State, at the Court of Common Pleas, to be holden for Lancaster diſtrict, at Lancaster Ct House on the second Monday after the fourth Monday in [illegible] next, to teſtify the Truth, according to your knowledge, in a certain Cause now there depending, and to be tried, between Elijah Clark Plaintiff, and Nathl & Davd Clark Defendant, on the part and behalf of the said Defts Herein fail not, on pain of the forfeiture of Ten Pounds Proclamation Money, as well as the consequences that may fall thereon.

Dated at Lancaster *the* 10th *day of* April *Anno Domini,* 1815

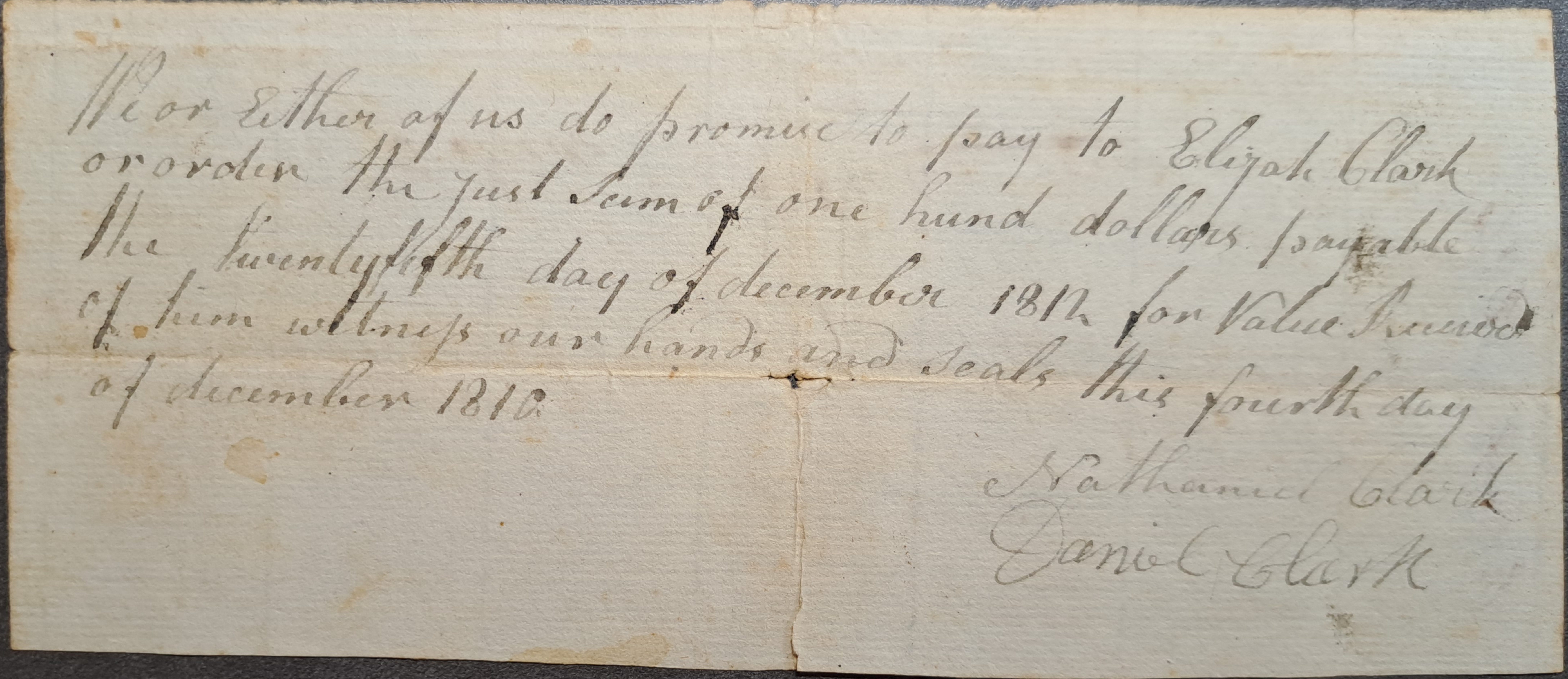
John Williams Atty

South Carolina } Personally appeared Benjamin
Lancaster District } Dearon and after being duly
Sworn Saith he attended
Three Days on this [illegible] in Subpoena
and Never rec'd any part thereof

Sworn to before Me
April 13th 1811
Thomas Lee QU

B Dearon

B Dearon Esqr



We or Either of us do promise to pay to Elijah Clark
or order the just Sum of one hund dollars payable
the twentyfifth day of december 1812 for Value Received
of him witness our hands and seals this fourth day
of december 1810

Nathaniel Clark
Daniel Clark

Clark ads Bb

Ƶ Sued   Ƶ Declar filed

SOUTH-CAROLINA. *The State of South-Carolina.* *FI. FA. IN CASE.*

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 Clark

you cause to be levied, the Sum of One hundred and fifteen dollars & 30 cents which Elijah Clarke in the Court of Common Pleas, before the Judges of the said State, at Lancaster Court house lately recovered against the said Daniel by reason of the non performance of certain promises and assumptions by the said Daniel to the said Elijah made and not performed, as also the sum of twenty nine dollars 91¼ cents 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 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 Elijah 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* fifteen *and in the* thirty ninth *Year of the Sovereignty and Independence of the United States of America.*

Jn. Simpson
Clerk

Williams *Plffs. Att'y.*

Rec^d Plantiffs Rec^t for —	$ 50:25
Rec^d my self	81:12½
Rec^d Real Plantiffs Rec^t say John Massey for	30:00
Rec^d my self ~~and atty~~ —	35:00
	$ 196:37½
Am^t of Debt & Cost	$ 166:26¼
	$ 30:11¼
P^d to Defendant	35:00
to be P^d back to W Howe	$ 4:89¼

$45-45-3¼ balance

Entered in my Office
29th April 1815

Wm Howe SLD

Returned & Levied
on one Hundred
acres of Land more
or less as the Property
of Deft. on the 10th of said
Cat
31st May 1815 —

Wm Howe SLD

Satisfied

Recd five dollars of
[illegible]
Atty Pd Ele Williams
ball. in full his Cost

Recd $30=00 4th March
1816 Recd $81:12½ ~~[illegible]~~
Proceed by order of
Plantiff 10th Apl 1816
Stayed by Plantiff until
Court

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182 | 2 | 620

Lancaster

Elijah Clarke } 4th Ju
v } in
Daniel Clarke } Case

Williams

Apt $116.30.

Atty Costs	$16.87¼
Clks do.	5.50
Shffs	4.86
Wt	
B. Deacon	3.00
	~~$30.11¼~~ . 30.11¼
Lev'y for	~~$146.21¼~~
Levy for	$146.47¼
Shff on Exr up 4th March 1816	14.90 —

60
180
550
430

Ju Within

Debt	$116:30
	16.87¼
Clk	5:50
Shff	4:86
Do on Exn	14-90
3 Levis	7:89
	$166:26¼

$5-53¼ ballance due of Cost —
to Wm Howe at this
time 4 March 1816 —

~~Recd Plantiffs Note for $50-25~~
~~Recd of Wm Howe Shff $12 50~~
~~in [illegible] of ballance~~
~~of Debt~~ ~~62 75~~
~~Pd by Deft to Pltff 53 55~~
~~$116 30~~

Attys Cost Pd by
Wm Howe