Rol (1) No. 16

Lancaster

B 10 R 372

Lewis Beard
v.
Daniel Clark

Declon in Assumpsit
$200

Hooker & Williams

136,,88
27.42

Filed March 1st 1814.

Order for Judgment

This case being referred to the Clark to ascertain the sum actually due, & assess the damages of the Plaintiff to One hundred and thirty six dollars & 88/100 as the sum actually due, besides the cost of suit, 13 April 1814

Judgmt. May 14th 1814

DECLARATION ON NOTE—PRINTED BY F. M. BAXTER.

**South-Carolina,** } To wit,
Lancaster DISTRICT. }

Daniel Clarke otherwise called Daniel Clark was attached to answer to Lewis Board otherwise called Luis Bearde —— in a plea of Treſpaſs on the caſe, and ſo forth

AND WHEREUPON the ſaid Lewis —— by Hooker Williams his —— Attorney, complains, THAT WHEREAS the ſaid Daniel on the fourteenth day of June in the year of our Lord one thouſand eight hundred and Eleven at Lancaster Court house in the diſtrict of Lancaster in the ſtate aforeſaid, and within the juriſdiction of this Court, did make his certain note in writing, commonly called a promiſſory note, his own proper hand being thereto ſubſcribed bearing date the ſame day and year aforeſaid, and then and there delivered the ſaid note to the ſaid Lewis and thereby faithfully promised the said Lewis on or before the twenty fifth day of November ensuing the date of the said note that he the said Daniel would well and truly or cause to be paid to the said Lewis the sum of One hundred and twenty five Dollars ——

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, the ſaid Daniel —— became liable to pay to the ſaid Lewis —— the ſaid ſum of money mentioned in the ſaid note, according to the tenor and effect of the ſaid note, on or before the said twenty fifth day of November, ensuing the date of the said note and being ſo liable he the ſaid Daniel —— in conſideration thereof, afterwards, to wit, on the ſame day and year aforeſaid, at Lancaster court house —— aforeſaid, undertook and faithfully promiſed the ſaid Lewis —— to pay him the ſaid ſum of money mentioned in the ſaid note, according to the tenor and effect of the ſaid note when he should be afterwards thereunto requested

Yet the ~~p~~ said Daniel not regarding his said promises and undertakings so by him made as aforesaid, but contriving and fraudulently intending craftily and subtilly to deceive and defraud the said Lewis in this behalf hath not paid the said sum of money in the said note mentioned to the said Lewis, or any part thereof Although often thereunto requested by the said Lewis but the same to pay to him hath hitherto wholly refused and still doth refuse to pay the same to the said Lewis, wherefore the said Lewis says he is injured and hath sustained damage to the value of two hundred Dollars and therefore he brings suit and so forth.

Hooker Williams
Plffs Attory

(Copy Note)

"On or before the twenty fifth of November I promise to pay or cause to
"be paid unto Luis Bearde or order One hundred and twenty five dollars for
"Value recd as Witness my hand this 14 of June 1811
"Jacob Plilar

(Signed)

Daniel Clark

(Copy Recpt on back of note)
"Received Aprile 15th 1813 of the written note ten Dol

Lancaster

Lewis Beard v Daniel Clark } Jud. by Default on assessment

Hooker & Williams

assessment $136.88

attys cost

| | | |
|---|---|---|
| Writ | £1. | |
| Del. | 1.5. | |
| Sa Wr. | .5. | |
| Jud. | .15 | |
| Regt do | .1. | |
| Ex. | .6 | |
| | £3.12 | = $15.42 |

Witness

| | |
|---|---|
| Jacob Plitar 6 days — | 6.00 |
| Clks do. | 6.00 |
| | $27.42 |
| Shffs do. | |

JUDGMENT ON WRIT OF ENQUIRY.

Spring TERM, 1814

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 fourteen come the said Lewis by his Attorney aforesaid, and pray that the said Daniel to the Declaration of him the said Lewis may answer: And the said Daniel being solemnly called, come not, but make default, whereby the said Lewis remain thereof against him undefended. Wherefore it is considered by the court now here, that the said Lewis ought to recover against the said Daniel his damages by him 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 Daniel to the said Lewis 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 Lewis 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 and thirty six Dollars 98/100

THEREFORE it is considered by the Court now here, that the said Lewis do recover against the said Daniel damages so ascertained and assessed as aforesaid; and also Twenty Seven Dollars and forty Two 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 & Sixty four Dollars and forty Cents and be the said Daniel in mercy, and so forth.

Judgment Entered upon Signing May 14th 1814
Jn. Simpson Clk

EXECUTION IN CASE—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 as you have before been commanded without delay, that of the Goods and Chattles, Houses, Lands, and other Hereditaments and real Estates of Daniel Clark

you cause to be levied the sum of One hundred & thirty six Dollars 88 cents

which Lewis Beard

in the Court of Common Pleas, before the Associate Judges of the said Court, at Lancaster court house ~~for the non performance of certain~~ lately recovered against the ~~said~~ said Daniel for the damages which he sustained, as well by reason of the non performance of certain promises and assumptions also the sum of twenty dollars forty one cents

Costs and Charges by him expended in and about prosecuting his Suit in that behalf, whereof the said Daniel convicted as appears on record.

And that you have the money before the said Associate Judges at the said Court of Common Pleas, to be holden at Lancaster court house on the second monday after the ~~day of~~ fourth monday in October next, to render to the said Lewis for his Damages, Costs and Charges aforesaid. And have you this Writ before the Clerk of the said Court, at Lancaster court house fifteen days next before the sitting of the same.

WITNESS, *the Honorable* John F. Grimkè, *Esquire, Senior Associate Judge of the said State, at* Lancaster court house on ~~the~~ the second monday after ~~day~~ 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.*

Jno. O Simpson
Clerk

Hooker & Williams *Plaintiff's Attorney.*

Entered in my office
9th May 1815

Wm J Howe SLD

Returned & levied on two Hundred acres of land more or less as the property of Dft — on Wd. Wild Cat

30th May 1815

Wm J Howe SLD

123

633

Lancaster

Lewis Beard
vs
Daniel Clark

2 fi fa in Case

Hooker & Williams

ajudgt $136.88

| | | | |
|---|---|---|---|
| Atty cost | $15.42 | 16.49 | |
| Int | 1.07 | | |
| Clks cost | 6.00 | | |
| Int | 60 | | |
| Shff cost | 7.38 | | 30.41 |
| $ | | | $167.29 |

~~1st Fi Fa [illegible] 1814~~

1st Fi Fa May 8th 1815

Returned February 14 1816

Stayed by Plaintiffs Agent 4 Months

3d July 1815

Interest to be pd by me Daniel Clark

Stayed by Plaintiffs agent untill too late to be acted on the 25 October 1815

Wm J Howe SL

FI. FA. IN CASE.

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 Hereditaments and Real estates of Daniel Clark — you cause to be levied, the Sum of One hundred & thirty six Dollars 88 cents which Lewis Beard in the Court of Common Pleas, before the Judges of the said State, at Lancaster Court house lately recovered against the said Daniel for the non performance of certain promises and assumptions also the sum of 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 Lewis One Hundred and Sixty four Dollars & Thirty Cents — 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.

Jn Simpson
Clk

*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* fourteen *and in the* thirty Eighth *Year of the Sovereignty and Independence of the United States of America.*

Hooker Williams *Plffs. Att'y.*

Entered in my Office
15th May 1814
Wm Howe (SLD)

Levy made as within

[8]

(349)

Lancaster
v ss

Lewis Beard } fi fa
v } in
Daniel Clark } Case

Hooker & Williams

Ap'st $136.88

Attys Costs $15.42
Clk d° 6-00
Shff d° ——
Witness
Jacob Plilar 6.

Shff Cost on Ex $7-38

Sold and Purchased
by Lindsey Clarke @
$17-00 3d April 1815

Cash Paid

Renewed 5th May 1815

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Returned and levied on two Hundred Acres of Land beginning at Chesters line on the south side of ~~[illegible]~~ [illegible] Cat as the Property of Daniel Clarke
21st May 1814
Wm Howe (SLD)

I have this day Exposed to sale the above mentioned Land when Lindsey Clarke being the highest bidder became the Purchaser @ $17.00
3d April 1815
Wm Howe (SLD)

Cash Paid

17-00 - 2-6

201

Lancaster

Lewis Beard
v
Daniel Clark
} writ in aſs.

Hooker Williams

I accept the service of this writ for October term 1813 – 4 October 1813

Daniel Clarke

# 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 Daniel Clarke otherwise called Daniel Clark

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 Lewis Beard otherwise called Luis Bearde in a plea of trespaſs on the case and so forth; also for certain promises and aſsumptions by the Daniel to the said Lewis made and not performed to his damage two hundred Dollars

Jn.o Simpson
Clerk

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* thirteen *and in the* thirty fourth *Year of the Sovereignty and Independence of the United States of America.*

Hooker Williams *Plff's. Att'y.*s

on or before the twenty fifth of November I promis to pay or cause to be paid unto Luis Bearde or order one hundred and twenty five dollars for vallue recvd as Witnis my hand this 14 of June 1811

Jacob Philips

Daniel Clark

Received aprile 15th - 1813
of the within Note
Ten dollars

125
8,75
4.87½
13..12½

11..88
125
130.88

125
20..81
145..81
12 10.70
8.75 135..10
17.50
2.92
1.46
21..88

Note
~~John~~ James Clark
to
L Beard -
$125
will be due 25th
Novr. 1811 -
he Lives in Lancaster
District So. Carolina

Dellon filed