Assess.t	166.12	
Int. on $138.63 fr. 3rd Nov.r 1823		
Atto	21.64	
Clerks	6.69	
Shff	1.82	$30.15
		$196.27

Add for Witness
Burwel Blackman
2 days — $2.00

Roll 14.
June 119

Lancaster
1319 R 753

Hugh McCall & Co.
vs
Burwell Clarke.

Declon. in assump.t

Blair

Filed 19th February 1823
Ord. for Judg.t same day

Transferred

Plea withdrawn
& Ass.d

I assess the damage due to the plaintiff in this Case to One hundred and Sixty Six dollars and twelve Cents with Interest on One hundred and thirty Eight Dollars & Sixty three Cents from 3rd Nov.r 1823 till paid — Wm McKenna

Jud.t Ent. Sup & Ex.n Spued CCk
6th Dec.r 1823
William [illegible]
Recorder

The State of South-Carolina,
Lancaster ~~Chesterfield~~ DISTRICT. } To wit

Burwell Clarke was attached to answer to Hugh McCall, John J Blair and James H. Douglass merchants trading under the Firm of ~~Jas. H. Douglass & Co.~~ Hugh McCall & Co. ~~& Co~~ — by of a plea of trespass on the case, and so forth; *And whereupon the said* ~~James H. Douglass~~ Hugh McCall & Co. by George D. Blair their Attorney complain, *That whereas,* the said Burwell Clarke on the First day of September in the year of our Lord one thousand eight hundred and Twenty one at Lancaster Court-House in the District and State aforesaid, and within the jurisdiction of this Court, did make his certain Note in writing, commonly called a *Promissory Note,* with his own proper ~~hand writing thereunto subscribed, bearing date the day and year last-mentioned, by~~ some ten days of the same year ~~which said Note, the said~~ last mentioned did promise to pay, or cause to be paid, unto the said Hugh McCall James H. Douglass & John J. Blair or order, the full and just sum of one hundred and Thirty Eight Dollars and sixty three cents with ~~on or before the~~ interest from First of January one thousand Eight hundred and Twenty one by reason whereof, and by force of the statute in such case made and provided, and made of force in this State; the said Burwell Clarke became liable to pay to the said Hugh McCall and Company the sum of money in the said *Note* specified, according to the tenor and effect of the said Note: And being so liable, the said Burwell Clarke afterwards, to *wit,* The same day and year last-mentioned, at Lancaster Court-House aforesaid and within the jurisdiction of this Court, in consideration thereof, upon himself did assume, and to the said Hugh McCall & Co then and there faithfully promised that He the said Burwell Clarke would well and truly pay to the said Hugh McCall & Co. the said sum of money in the said Note mentioned, according to the tenor and effect of the said Note:

Yet the said Burwell Clarke His promise and assumption aforesaid, in form aforesaid, made, in no wise regarding, but contriving and fraudulently intending the said Hugh McCall & Co. in this behalf, craftily and subtly to deceive and defraud, the said sum of money above-mentioned, or any part thereof, to the said Hugh McCall & Co. Hath not paid (although oftentimes afterwards required to do so) but the same to the said Hugh McCall ~~[illegible]~~ & Co. to pay the said sum of money, hath hitherto altogether refused and still doth refuse; to the damage of the said Hugh McCall & Co Three Hundred Dollars and therefore They bring suit, and so forth.

Blair Plaintiffs Attorney.

(Copy note)

138 63/100

Ten days after date I promise to pay Hugh McCall & Co or order one hundred and thirty Eight Dollars Sixty three cents with Interest with Interest from 1 Jany. last, for value recd. Camden 1st Sept. 1821 } Burrel Clark

---

And the said Burrel by William Clinton his attorney comes and defends the wrong & injury when &c and saith he did not promise & assume in manner & form as the said Plaintiffs hath ~~alleged the matters~~ above alleged thereof against him and of this he puts himself upon the Country &c.

William Clinton
Dft. Atty.

And the said Hugh & Co. Atty. doth likewise

Blair
Pltff Atty

JUDGMENT IN ASSUMPSIT AT ISSUE AND PLEA WITHDRAWN; AND DAMAGES ASSESSED.—CAMDEN PRESS

Judgment Entered up and Signed 5th Decr 1823

Wm McKenna C.C.P.

And now at this day, to wit, The First monday after the fourth monday in October to which day the issue aforesaid was continued in the Court of Common pleas at Lancaster Court House — come the parties aforesaid, and the said Burrel Clarke relinquishes his plea aforesaid: Therefore it is considered by the Court, now here, that the said Hugh McCall & Co ought to recover his damages by him sustained by reason of the premises, but because it is unknown what those damages are, therefore it is ordered that the same be referred to the Clerk of the Court for assessment, and the said Clerk thereupon ascertains the sum really due to the said Hugh McCall & Co. — and assesses his damages aforesaid, besides his costs and charges by him expended in about prosecuting his suit in this behalf to One hundred and sixty six dollars and twelve cents

Therefore is considered by the Court now here, that the said Hugh & Co do recover against the said Burrel his damages so as aforesaid assessed, and also the sum of thirty two dolls and fifteen cents for his costs and charges aforesaid, to him by the Court, now herewith his assent adjudged, which said damages, costs and charges in the whole amount to One hundred and ninety Eight dollars & 27/100 and be the said S. Burrel in mercy, and so forth.

Blair

H. McCall &Co

vs

B. Clarke

Judgt nt —

Blair.

WRIT—G. W. TARBOX, PRINTER.

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 Burwell Clarke

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 First Monday after the fourth Monday in October next, to answer to Hugh McCall James K Douglass and John J. Blair merchants trading under the firm of Hugh McCall & Co

Wm McKenna
clk

of a Plea of Trespass on the case, and so forth—also for certain promises and assumptions by the said Burwell Clarke & the said Hugh McCall ~~and~~ Co, made and not performed to the damage of the said Hugh & Co, three 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 Elihu Hall Bay, *Esquire, Senior Associate Judge of the said State, at* Lancaster *Court-house the* first *Monday after the fourth Monday in* March *in the Year of our Lord one thousand eight hundred and twenty-* two *and in the forty* Sixth *Year of the Sovereignty and Independence of the United States of America.*

J Blair *Plaintiff's Attorney.*

Entered in my office
17 Octr 1822

Perry Shff

208

Lancaster

Hugh McCall & Co

vs

Burwell Clarke

Writ in Assumpt

Blair

Copy Left	5.0
15 Miles	3.6
	[illegible]
	8.6
	$1.82

I appoint C Carter my Special deputy to serve this Writ 19 Octr 1822

Perry Shff

C. L. by my deputy 19 Octr 1822

Perry Shff

Return proved before
Wm McKenna
C.C.P.

138 63/100

No. 616.

Ten days after date I promise to pay Hugh McCall & Co or order one hundred and thirty eight dollars sixty three cent with Interest from 1 Jany last for Value Recd

Camden 1 Septr 1821. Burrel Clark

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4 | 9 7 0

3 | 2.42½

80¾

7.28

8.08

138 63

27 49

166.12

138 63

7

9.70.41

2

19.40.82

8 08 75

27.49.57

CA. SA. IN CASE.—CAMDEN PRESS.

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 you take the body of Burrel Clarke wheresoever he may be found in your respective districts, and him safely keep, so that you have his body before the Associate Judges of the said State, at the Court of Common Pleas, to be holden at Lancaster Ct. House for the district of Lancaster on the first Monday after the fourth Monday in March — next, to make satisfaction to Hugh McCall & Co in the sum of One hundred and Sixty Six dollars — dollars and twelve — cents, and also the interest on the sum of One hundred and thirty Eight Dollars & 63/100 from the third — day of November in the year of our Lord one thousand eight hundred and twenty three until satisfaction shall be made of this execution; which Hugh McCall & Co — in the Court of Common Pleas, before the Judges of the said State, at Lancaster Court House in the court of Common pleas lately recovered against the said Burrel and also the Sum of thirty two Dollars & 15/100 for his Costs and Charges by him expended in and about prosecuting his Suit in that behalf, whereof the said Burrel is convicted, as appears on record.

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 ELIHU HALL BAY, *Esquire, Senior Associate Judge of the said State, at* Lancaster *Court-House, the* first *Monday after the fourth Monday in* October *in the Year of our Lord one thousand eight hundred and* twenty two *and in the* forty seventh *Year of the Sovereignty and Independence of the United States of America.*

McKenna

OK

Blair

Plaintiff's Attorney.

Entered in my Office
6th December 1823
Perry Pro.

Satisfied

1539
Lancaster

H. McCall & Co
vs
B. Clark

Ca. Sa.
in
Case

Blair

Dam.	$166.12
Int on 138.63 fr 3 Nov. 1823	2.42
	$168.54
Atty 21.64	
Clk 6.69	
Shff 1.82	
Writ 2.00	32.15

Mr Perry, I have examined the record and
Cant find that there ever was, any witnesses costs
in the case; therefore I expect B. Blackman
is the Witness as I see that, Blair has marked
his name on the back of the record —

McAdams

FI. FA. IN CASE.—CAMDEN PRESS.

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 Burrel Clarke you cause to be levied, the sum of One Hundred and sixty six dollars and twelve cents as also the Interest on the Sum of one hundred & thirty eight dollars and sixty three cents from the third day of November in the year of our Lord one thousand Eight hundred and twenty three up to the day of the satisfaction of this execution which which Hugh [illegible] & Co in the Court of Common Pleas, before the Judges of the said State, at Lancaster Court-house, lately recovered against the said Burrel Clarke for the damages sustained by the said Hugh & Co, as well by reason

as for their cost and charges by them expended in and about prosecuting their suit in that behalf, whereof the said Burrel was 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 first Monday after the fourth Monday in March next, to render to the said Hugh & Co.

damages, costs and charges aforesaid. **AND** have you there this Writ, before the Clerk of the said Court, fifteen days next fore the sitting of the said Court.

W SS *the Honorable* Elihu Hall Bay, *Esquire, Senior Associate Judge of the said State at* Lancaster *Court-House the* first *Monday after the fourth Monday in* October *in the year of our Lord one thousand eight hundred and* twenty three *and in the forty* seventh *year of the Sovereignty and Independence of the United States of America.*

Wm McKenna
CR

Blair **Plaintiff's Attorney.**

Entered in my Office
29th January 1824
Henry [illegible]

Given in by the Defendant three tracts Land first tract containing 100 acres more or less bounded by land of Jas. Blackmon & Jas Blackmon Senr & others, the second tract containing 100 acres more or less bounded by land of George Lyles A. Durren and others and the third tract containing 100 acres more or less bounded by land of Jesse Redding, John Hills and others as his property
30th January 1824

Jno McKenzie Jr
Dep Shff

Lancaster

H McCall &Co
vs
B Clarke

Fi Fa in Case

Blair

Dam. $166.12

Int on $138.63
fr 3 Nov. 1823

Atty 21.64

Clk 6.69

Shff 1.82

Att. 2.00