Confession $108..50

Int. fr. 25 Dec. 1804 to 10 Nov. 1805 } 6..64

115..14

Lancaster District

B3R97 Roll #16

Thomas Blakeney vs. Daniel Clarke } Debt in Assum on Note

A Blanding

Filed August 28th 1805 —

Rule to plead posted the same day

Plea filed & issue joined Nov. 11th 1805

We find for the plaintiff one hundred & eight dollars and fifty cents and interest from 25 December 1804.

Wm Barkley Foreman

Std. 6 months

SOUTH-CAROLINA, } To wit.
Lancaster Diſtrict. }

Daniel Clarke was attached to anſwer to Thomas Blakeney

in a plea of treſpaſs on the caſe, and ſo forth: WHEREUPON, the ſaid Thomas by Abram Blanding his attorney complains that Whereas the ſaid Daniel on the twenty fifth day of October in the year of our Lord one thouſand eight hundred and three at Lancaster Court Houſe, in the diſtrict and ſtate aforeſaid, and within the juriſdiction of this Court, made his certain note in writing, commonly called a Promiſſory Note, with his own proper hand thereunto ſubſcribed, bearing date the day and year laſt mentioned; which ſaid note, the ſaid Daniel promiſed to pay, or cauſe to be paid, unto the ſaid Thomas Blakeney or order the just sum of one hundred and eight dollars and fifty cents fourteen months after the day and year above mentioned

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 Thomas the ſaid ſum of money in the ſaid note mentioned, according to the tenor and effect of the [illegible] Daniel afterwards, to wit: on the ſame day and year firſt above mentioned, at Lancaster Court-Houſe aforeſaid, and within the juriſdiction of this court, in conſideration thereof, upon himself did aſſume, and to the ſaid ~~Daniel~~ Thomas then and there faithfully promiſed, that he the ſaid Daniel would well and truly pay the ſaid Thomas whenever he ſhould be thereunto afterwards required, the ſaid ſum of money in the ſaid note mentioned, according to the tenor and effect of the ſaid note. Yet the ſaid Daniel his promiſe and aſſumption aforeſaid, in form aforeſaid made, in no wiſe regarding, but contriving and fraudulently intending the ſaid Thomas in this behalf to deceive and defraud, the ſaid ſum of money above mentioned, or any part thereof, to the ſaid Thomas he hath not paid, (although often thereunto required)

but the ſame the ſaid Thomas Blakeney to pay he the ſaid Daniel Clarke hath hitherto altogether refuſed, and ſtill doth refuſe, to the damage of the ſaid Thomas two hundred and fifty dollars and therefore he brings ſuit, and ſo forth.

Abram Blanding Pltf's Atty

$ 108 – 50 October 25th day 1803

Fourteen months after date I promise to pay or cause to be paid unto Thomas Blakeney or order the just sum of one hundred and eight dollars and fifty cents it being for value received of him ~~as~~ witness my hand and seal

Daniel Clarke

Test.
Cad Lucy

And the said Daniel Clarke, by Richardson his Attorney, comes & defends the wrong & injury when & so forth; and says he did not promise & assume as before alleged by the said Thomas Blakeney & of this he puts himself upon the Country & so forth

Richardson
Dft's Atty

And the said Thomas Blakeney does so likewise

Blanding

Lancaster District
B3R97
Roll #16

Thomas Blakeney
vs.
Daniel Clarke

Decln in Assumpsit on Note

A. Blanding

Filed August 28th 1805 —
Rule to plead posted the same day

Plea filed & issue joined Nov. 11th 1805

We find for the plaintiff one hundred & eight dollars and fifty cents and interest from 25 December 1804.
Wm Barkley Foreman

H.° 6 months

Confession	$108.50
Int. fr. 25 Dec. 1804 to 11 Nov. 1805	6.64
	115.14

Lancaster District

Filed in my Office March 2
1805 Thos. Lee S.L.D.

Thos. Blakeney
vs
Daniel Clarke
} Writ in Assumpsit

Blanding

Personally Servd. March 4

I have personally Servd. the within Named defendant with a true Copy of this ~~Annexed~~ Writ with the legal notice thereon indorsed pursuant to an act of the General Assembly —

Thos. Lee S.L.D.

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

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 March next, to anſwer to Thomas Blakeney of a plea of trespass on the case and also for certain promises and assumptions by the said Daniel to the said Thomas made and not performed to his damage two hundred and fifty 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 Lancaster Court-Houſe, the first Monday after the fourth Monday in October in the year of our Lord, one thouſand eight hundred and four and of the Sovereignty and Independence of the United States of America the twenty ninth

Jn:o T[illegible]son Clk

Blanding Plaintiff's Attorney

Thos. Blakeney
v
Daniel Clark } Judgmt.

Blanding

Damages — Note	$108..50
& Int ————	6..64
	115..14

Attos costs

Writ —	1.—
Declon	1..5
Rule -	2..4
Appt. ——	1..5-
Subpa.	5.
Jury ——	5.
Judgmt. -	15-
Exon ——	6.
Reg. Judgt. —	1.
	£5..4..4
Equal to	$22..35.
Shffs do	
Clks do -	7..37
Cod. Levy	3.—

Whole amt — $

Judgement entered up and Signed December 6th 1805
J. Simpson Clerk

Therefore it is commanded that the Sheriff of Lancaster District 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 on the second monday after the fourth monday in October next. Of whom to make a jury by whom to try the issue aforesaid, Because as well the said Thomas Blakeney as the said Daniel Clark have thereof put themselves on the country. The same day is given to the parties aforesaid there and so forth.

November Term 1805.

At which day before the associate Justices aforesaid at the court of common pleas aforesaid holden at Lancaster court house, come the parties aforesaid and the Sheriff aforesaid having made due return of the venire facias aforesaid. The jurors thereby summoned are called and return of them to wit, William Barkley foreman,

are drawn empannelled and sworn to speak the truth of and concerning the premises and upon their oaths say that the said ~~Thomas has sustained~~ Daniel did promise and assume in manner and form as the said Thomas has thereof above complained against him and they assess the damages of the said Thomas by reason of the nonperformance 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 fifteen dollars and fourteen cents. Therefore it is considered by the court now here that the said Thomas do recover against the said Daniel his damages so as aforesaid assessed and also

for his costs and charges by him as aforesaid expended to him by the court now here with his assent adjudged, which said Damages costs and charges in the whole amount to

and he the said Daniel in mercy &c.

Thos. Blakeney
v.
Daniel Clark } Judgmt.

Blanding

Damages — Note		$100..50
& Int	———	6..64
		115..14
Attos costs		
Writ —	1..—	
Declon	1..5	
Rule -	2..4	
Apt. ——	1..5-	
Subpa.	5-	
Jury ——	5.	
Judgmt. -	15-	
Exon ——	6.	
Reg. Judgt. —	.1.	
	£5..4..4	
Equal to	$22..35	
Shffs do		
Clks do -	7..37	
Cod. Levy	3. —	

Whole amt. $

Fi. Fa. in Case, *Printed by* D. & J. J. Faust.]

Thomas Blakeney
vs } Judgment in assumpsit.
Daniel Clark

I agree to pay the amount of the above Judgment by next court if the defendant does not. Nov. 14. 1805

his
Wit. Elijah X Clark
A. Blanding. mark

e Honorable John Faucheraud Grimke, *Eſquire, Senior Aſſociate Judge of the ſaid State, at* Lancaster

the second *Monday after the fourth Monday in* October

Fi. Fa. in Case, *Printed by* D. &

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 Clarke

you cause to be levied the sum of

which Thomas Blakeney in the Court of Common Pleas, before the Justices of the said state, at Lancaster court house lately recovered against the said Daniel for the damages which he sustained as well by reason of the nonperformance of certain promises and assumptions by the said Daniel to the said Thomas made as for Costs and Charges by him expended in and about prosecuting his Suit in that behalf, wherefore the said Daniel convicted, as apppears on record. And that you have the said Monies before the said Justices, at the Court of Common Pleas, to be holden at Lancaster court house on the second Monday after the fourth Monday in March next, to render to the said Thomas 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 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* October *in the Year of our Lord one thouſand eight hundred and* five *and in the* thirtieth *Year of the Sovereignty and Independence of the United States of America.*

Jn. Simpson Clerk

Blanding Plffs Atto

Filed in my Office Jany
31th 1806 Thos. Lee L.L.D.

Lancaster

Thomas Blakeney
vs
Daniel Clarke

Fi Fa
in
Case

Blanding

Note Pass $108..50.

Int. p. 25 Dec. 1804.

Atty cost $17.
Sheffs do
Clks do 7.37.
Cod. Levy 3 —

Fully Satisfied

Stand till court —