

SC.042 JUDGEMENT FILED IN THE COURT OF COMMON PLEAS IN
 CHARLESTON COUNTY, S.C. BY WILLIAM MCCLEOD AGAINST
 CHARLES HILL AND THOMAS HILL ON 12TH SEPTEMBER
 1798.

Entered in April of 1991 by Robert R. Hill of Brandon,
 Florida.

Source: S.C. Archives on Micro Film Number 433A

Note of Explanation: Apparently in Charleston, a Charles &
 Thomas Hill had purchased some merchandises from William
 McCleod in 1791 and in March of 1792 and then failed to pay
 for it, so McCleod filed a judgement against both Charles &
 Thomas Hill, who's relationship to each other is unknown.
 The two Hills apparently had left Charleston because a state
 wide warrant for their arrest was issued on 10th July 1798.
 Whether they were ever found and McCleod ever got his money
 is unknown.

Ledger Entry for Messrs. Charles & Thomas Hill

To William McCleod Dr. (sic)?
 (It definitely was not Sr.)

1791				
Sept 16	To: 17 bushels Salt		1 14 -	
	1 crate Earthenware		6 10 4	
1792				
March 4	Sundries as pr. account rend		16 8 0 1/2	
" " 19	ditto ditto		8 4 7	
" " 23	ditto ditto		135 15 1	
			<hr/>	
			168 12 1 1/2	
	CR. CREDIT			
June 4	By Cash on Account	5.-.-		
Sept 29	Your note on our favor	58.6.8		
	By Cash	<u>.15.2</u>	<u>64</u> <u>1</u> <u>10</u>	
			104 10 2 1/2	

The following was a hand written note as follows:

Wm. McLeod
 vs
 Chas. & Thos. Hill

Filed 18th September 1798

Entered August 21st 1798

Signed ? Hard (Hardy?) Sheriff

(Signature not legible)

C L Pr. Turner to Chas. Hill

N. Att)5

N E as to Thos. Hill

out of state

SIGNED BY/ Turnbull

It is believed that this was the deputy sheriff's Turner's report that he attempted to serve Charles Hill the judgement papers but could not find him and that Thomas Hill was out of the state.

The following was a printed form (bold print) and the gaps were filled in by handwriting (underlined wording).

(Declaration on Account)

SOUTH CAROLINA)
Charleston District) To Wit.

Charles Hill and Thomas Hill otherwise called Charles & Thomas Hill were attached to answer to William McCleod in a plea of trespass on the case and so forth And whereupon, the said William by Robert James Turnbull, his attorney complains That whereas, the said Charles and Thomas on the twenty third day of March in the year of our Lord one thousand seven hundred and ninety two at Charleston in the district and state aforesaid, and within the jurisdiction of this court were indebted to the said William in the sum of One Hundred and (paper torn here and not legible) twelve shillings and one half pence for such goods, wares and merchandises by the said William, sold and delivered to the said Charles and Thomas at their special instance and request: And being so indebted, the said Charles and Thomas in consideration thereof afterwards to wit: On the same day, in the year, and at the place aforesaid upon Their offers (orders?) assumed, and to the said William then and there faithfully promised that they the said Charles and Thomas afterwards, to wit: On the day, in the year, and at the place aforesaid, in consideration, that the said William had at the like special instance and request of them the said Charles & Thomas before that time sold and delivered to them the said Charles and Thomas divers other goods, wares and merchandises they the said Charles and Thomas on the day, in the year, and at the place aforesaid, upon their (not legible) assumed, and to the said William then and there faithfully promised that they the said Charles and Thomas would well and truly pay the said William so much money as the said last mentioned goods, wares and merchandises were reasonably worth at the time of the sale and delivery thereof,

At this point the document is torn but starts of again as follows..... never they the said Charles and Thomas (document is again torn and not legible) be thereunto afterwards required: And the said William in fact says that the goods ware and merchandises mentioned were reasonably worth at the same time of the sale and delivery thereof, another sum of One Hundred & Sixty Eight Pounds, Twelve Shillings and One half Pence like money to wit, at Charleston aforesaid, whereof the said Charles & Thomas their several promises and assumptions aforesaid made, in no wise regarding, but contriving and fraudulently intending the said William in this behalf, craftily and subtlety to deceive and defraud, the aforesaid several sums of money, or any part thereof, to the said William have not paid nor him for the same in any manner however contented, although so to do the said Charles and Thomas afterwards, to wit, on the Tenth day of July in the year of our Lord one thousand seven hundred and ninety eight at Charleston aforesaid were thereunto required by the said William but the same to the said William to pay or him for the same in any manner however to content the said Charles & Thomas hitherto have altogether refused and still do refuse, WHEREFORE the said William says he is Worse and hath sustained damage to the value of One Thousand Dollars thereof he bring suit, and so forth.

Signed by/Turnbull
Attorney for Plaintiff

The following was a printed document or application (bold print) and he gaps were filled in by hand writing (underlined wording). The document was not dated:

I HAVE by S. W. Turner my lawful deputy, endeavored to find the within named defendant, but could not; I therefore, by my said deputy, have left a true copy of the annexed writ, with a notice thereon endorsed, at the usual and most notorious place of the defendant's residence, pursuant to an act of the general assembly.

Signed by/ ?Hart (Sheriff)

Note: The following was a machine printed document (in bold print) with the underlined words being wrote out and filled into the gaps by handwriting. It appears to be equal to today's warrant (state wide) for the arrest of Charles & Thomas Hill (a state wide warrant), issued the 10th July 1798.

STATE OF SOUTH CAROLINA.

To all and singular the Sheriffs of said State, Greeting.

YOU and each of you are hereby commanded without delay to attach the body of Charles Hill and Thomas Hill, otherwise called Charles & Thomas Hill.

wheresoever they may be found, within your and each of your Districts, so that you compel them to be and appear before the justices of the said Sate, at the Court of Common Pleas, to be holden at

CHARLESTON on the third Tuesday in August-----
next, to answer to William McLeod in a plea of trce hass?? on the case and so forth and also for certain promises and assumptions by the said Charles & Thomas to the said William made and not performed to his damage One Thousand Dollars-

and have you them and there this Writ.

WITNESS the Honorable A.Edgnus Barke Senior, Associate Judge of the said State, at Charleston the Tenth day of July in the Year of our Lord One Thousand Seven hundred and ninety-eight and the twenty-third Year of Sovereignty and Independence of the United Sates of America.

(Signed by) TURNBULL, Plaintiff's Attorney

The following was another printed document (bold print) and the gaps were filled in by handwriting:

Printed by W.P. Young, No. 43, Broad Street.

(Interlocutory Judgement by Default)

May TERM 1799

And now at this day, to wit, the fourth Monday in May in the year of our Lord one thousand seven hundred and ninety nine to which day the said Charles Hill and Thomas Hill had leave to answer to the declaration of the said William McCleod before the justices of the court of Common Pleas, holden at Charleston, come the aforesaid William by his attorney aforesaid, and pray that the said Charles & Thomas to declaration aforesaid may answer; and the said Charles and Thomas although solemnly required, do not come nor for any thing in bar or preclusion of the action aforesaid of the said William but have made default whereby the said William remains against the said Charles & Thomas thereof undefended; wherefore the said William ought to recover against the said Charles & Thomas

his damages sustained by reason of the premises; but because it is unknown what damages the said William hath sustained by reason of the premises in this behalf; therefore it is commanded, that the Sheriff of CHARLESTON District so summon thirty good lawful men, to be drawn by ballot, pursuant to the act of the General Assembly in that case made and provided, to be and appear immediately before the justices aforesaid, to make a jury, according to the act aforesaid, to enquire what damages the said William hath sustained by reason of the premises and so forth.

Note: On the left hand side margin was wrote the following:

"Judgement signed January 1799."

Signed by Jacob Drayton C. C. P (Clerk of Common Pleas Court)

END OF SC.042 DATA