

1820-044 Chancery Causes ' Benjamin Harrison vs Lewis Johnson

Isle of Wight County

In the consideration thereof being remembered in the
memory except by the intervention of a Court of Equity
to the end that speedy & full justice be done if Compt.
in regard to said transactions - R^d Compt. prays that the said
Lewis Johnson be compelled to answer this bill on his
oath in every respect & as fully as it again
interests - particularly, that he render a full &
true act of his said proceedings in regard to the business
aforesaid - & more especially say what money he has
already received - what paid to the Compt. & what is
due to him? how? & by whom? & that if Compt. wishes
decree that said debt pay over so much money to
the Compt. as from a full act of the business shall appear
just & proper - & make such other & further relief
in the premises as may comport with equity &
the nature of this case -

Attest for Compt.

Harrison

11

Bill

Johnson

Jan^y 1816

Bill filed

Chanc^y 1816

will be over

July 1816

Bill filed

May 1820 cont^d for Compt.

To the worshipful Court of Sirs. Justices in Chancery. I humbly
complaineth beneath is of ~~the~~ ^{the} worshipful ~~of~~ ^{of}
Benjamin Harrison, that some time ^{a certain Lewis Johnson} ~~in the year of~~
past came into an agreement with ~~the~~ ^{the} ~~defendant~~
to furnish him with a stud horse called ---
to be kept by the said Johnson in the County of Allegheny
for one season, & let to mares at the price
of \$8. per season, for the mutual ~~but~~ ^{and} interest
& benefit of the Comp^{ts} & said Johnson - and
the Comp^{ts} states that in conformity to such undertaking
the s^d Comp^{ts} did duly & faithfully deliver over
in the purpose as mentioned, the said stud horse
which said stud horse of Comp^{ts} has been ~~well~~
well informed, whilst under the control of
Johnson, & acquiesced Lemph, as to have
made a season, greatly beneficial to the ~~defendant~~
which will more particularly appear to be the
fact by inspection of a letter addressed to
Comp^{ts} by the ~~defendant~~ ^{defendant} ~~which~~ ^{which}
which is now herewith annexed & prayed to be taken
& considered a part of this bill. & y^e Comp^{ts} further
represents that, altho s^d def^t has returned to him
the s^d stud horse he has never as yet ~~remitted~~
to him ^{a full} ~~any~~ ^{paid} each of the profits of the s^d business, ^{and}
any monies arising from the same, - that
from the distance of y^e Comp^{ts} place of residence,
he has been compelled to rely on the defendant
for a full statement & each of his sole acting
doings in regard to s^d business - Nevertheless
the s^d defendant tho frequently requested to
has hitherto failed to render the a full
his transactions as aforesaid - as to ~~pay~~ ^{pay} ~~the~~
what he conceives should be his just proportion
a conduct of oppressive & arbitrary tyranny towards

concerning the Horse, and was procured alone by the advertisement
of the said Horner respecting the standing of the Horse. That
as he kept the said Horse he should feel himself bound to pay
to the plaintiff the profits, if any there had been. That by
an act he rendered it will appear to your honors that
nothing is due from your respondent to the complainant;
and had he not expected the horse would have proven
better he would not have had him at his Horse. That
he always intended to do what was right & proper respecting
the care of the Horse, and has always been ready & willing to
render to the said Horner a fair & just account of the
transactions of said, and has never denied so to do.

Your respondent also states that the money due at present for
the services of the said Horse, is due by the following persons
to wit

but that if it was all collected he should not owe Horner
one Cent. — ~~The debts all granted with which he has been~~
~~charged and pays him to be discharged.~~ — He offers him
to the Court an account of his transactions as aforesaid which
is prayed to be taken and considered as a part of this cause.
He denies all grants to George, him to be discharged.

Attest p. 9

Sever to before me this 1st July 1816.

James Selby J.P.

James Selby
J.P.

To the Honorable Court of the County of Wright in the City of
The answer of Lewis Johnson to a bill of complaint
exhibited against him in the County Court of the County of Wright
by Benjamin Harrison -

This respondent saving & reserving to himself now & at
all times hereafter all and every right of exception to the errors &
discrepancies in the bill contained for answer thereto or to so
much as he is advised it is proper for him to answer
unto, answering saith That it is true that a horse
belonging to the said plaintiff Harrison did stand at his house
one horse in the year . . . That the said horse
was brought to his house in this County by the servant of
the said Harrison with the saddle & said horse, and the
terms upon which he was to stand, which terms were to this
effect, to wit That the said horse should stand by the
saddles for eight dollars on each side which might
prove in fact - that nothing would be demanded unless
the said horse should so prove in fact -
which terms it is further alleged and proved to the effect
that after the said horse came to his house he was
informed that he might let the horse go to mow by the
leap - That about ten or twelve men did prove in
fact at the rate of eight dollars to each, which was
the price fixed on by the said Harrison or mill officer
by the said advertisement which is enclosed hereto and that
about eight ~~men~~ that were put by the leap did also prove
in fact but as they were put by the leap, your respondent
got therefore the sum of three dollars each man ^{only} - That
the proceeds of the standing of said horse did not exceed
the sum of eighty or ninety dollars, out of which he has
not collected more than the sum of fifty dollars, the
balance being yet due and unpaid - Your respondent
also states that the keeping of the said horse and groom at
his house during the same was worth more than the
benefit ^{as which is due for the horse} ~~received~~ - That the said horse & groom
remained at his house from the 1st of April till the tenth
day of August ensuing, and that the expenses for of keeping the
said horse and groom did far exceed the ~~profits~~ ^{amount} of amount
due for the services of the said said horse - Your respondent
also denies having made any agreement with the said plaintiff

Harrison

as my Sp. in City

Johnson

Heins for
complainant

Procter -

John Holloman
for James Robertson

The Commonwealth of Virginia to the Sheriff of Isle of Wight
County greeting: You are hereby commanded to Summon
Lewis Johnson

to appear before the Justices of our County Court of Isle of Wight
at the Court house of the said County on the first Monday
in March next, to answer a bill in Chancery exhibited
against him by Benjamin Harrison

And this he shall in no wise omit under the penalty of
£100 - and have there this Writ. - Witness
Nathaniel Young Clerk of our said Court at the Court house
the 4th day of January 1814 in the 38th year of the
Commonwealth.

Nathl. Young

Executed Jonas Holleman Dr
for Full Boyken off

Received
of
Wm
Chambers

Isle of Wight County, to wit
Benjamin Harrison
against
Lewis Johnson

April Court 1818
Comptroller
Jas. LeFrancq
Deft. J

The defendant in this cause having failed to file his answer to the bill of complaint exhibited against him by the Complainant. It is ordered that unless the said defendant appear here at Judge's court next and file his answer, Judgment will be entered for the Complainant against him agreeable to the prayer of the said bill.

Wm. N. Goring Clk

A

Dr Sir I have sent your horse home & I have
look all possible care of him that was in my
Power & I have made the Best Season that I
could but the horse standing in the manner
he did will cause us not to get our money so
soon by it But as soon as the money can be
collected I will do it & I hope you will stand
the same horse at my Stable the ~~same~~ ^{same} ~~insuring~~ ^{season}
the horse will make a powerful season if he
could stand at my Stable again the horse has
covered 62 mares this season & if his colts
has good eyes he will cover upwards of a
hundred the next season in the same County

August 9th 1811

I Remain your sincere friend

To Mr Benjamin Harrison

Pencegeorge County

Lewis Johnston

of the of wright

THE CELEBRATED HORSE,



PHENOMENON,

WILL STAND, THE PRESENT SEASON,

At my house in Shenandoah County Virginia,

AT Eight Dollars the season, and one dollar to any mare put to Phenomenon, failing to prove in foal, the season money will be remitted.

PHENOMENON

IS a horse of uncommon size, of great muscular powers, and has been allowed, by the best racers to be of great speed.

PHENOMENON

by the imported horse Wonder, and a fine bred Wild-Air mare.

LEWIS JOHNSTON.

The above horse, Phenomenon.—"He is, in my opinion, a horse of the best blood in Virginia, and is acknowledged to be a horse of great speed."

BENJAMIN HARRISON.

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