

1752-002
Lunenburg County

Chancery Causes: Samuel Herston vs James Johnson

VSL
Box 1

George the second by the Grace of God of Great Britain France
& Ireland King Defender of the Faith &c To the Sheriff of
Lancashire County Greeting We Command you ^{many times} as heretofore
to Summon James Johnson to appear before the Justices of
our said County Court at the Court house on the first Tuesday
in September next then and there to answer a certain Bill
in Chancery exhibited against him by Samuel Hurston
and this he shall in no wise omit under Penalty of £100
Witness our self at the Court of our said County Court the
20th Day of August in the 20th Year of our said

Wm. Road

How to }
Johnson } Sh in
Chap

Too late to Hand

James Mitchell

Smith

George the Second by the Grace of God of Great
Britain France and Ireland King Defender of the
Faith & To the Sheriff of Dunenburgh County greeting
We Command you that you Attach James Johnson so
that you have his Body before our Justices of our said
County Court at the Courthouse of the said County on
the first Tuesday in next Month to answer us at will
of and concerning a certain Contempt by him done & offered
as upon those things which by our Justices of our said
County Court shall be then and there objected against
him And have then there this Writ With of Clement Head
Clerk of our said County Court at the Courthouse the 20th
Day of September in the XXVI Year of our Reign

Wm. & David

At a Court cont. and held for Lunenburg County the
Second Day of September 1752

Between } Samuel Hurstons — Compl.
 } and
 } James Johnson — Defend. } In Chancery

The said Defendant failing to put in his Answer to the
Complainant's Bill of Complaint Ordered on the Motion
of the Compl. by his Council that an Attachment issue
against the Defend. Body for a Contempt returnable
here to the next Court

Test: Chas. Proudcl. Ck

Attest
a. s. l. 1752
James Johnson
Clerk

To the Worshipfulle Court of Lunenburg County sitting in Chancery

Humbly complaining sheweth unto your Worships
your Orator Samuel Herston That your Orator in Partnership with
one James Johnson purchased of Thomas Yuelle Good Amounting
to Seventy Nine Pounds Ten Shillings or thereabouts, for which
Goods they Bound themselves Jointly and Severally to the said
Yuelle by an Obligation payable in July in the Year One Thousand
Seven Hundred and Fifty. And that your Orator and the said
James Johnson likewise purchased of one Alexander Spier other
Good to the Value of Fifty Pounds or thereabouts and ~~the~~ of one
Alexander Coshine other goods to the Value of Five Pounds
some odd Shillings for all which goods they gave their Obligations
Jointly and Severally; And your Orator further sheweth to
your Worships that it was Mutually agreed upon between your
Orator and the said James Johnson that your Orator should
sell out the Goods and keep the Books and Acc^ts of the same at
the said James Johnson's House, and that the said James should
find your Orator Victuals and other necessaries. During the time
the said goods were selling, and that your Orator and the said
James should Equally Divide the Profits or ~~or~~ Bear the Loss
Arising from the sale of the goods aforesaid. And your Orator fur-
ther sheweth unto your Worships that he believes he hath sold
about three fourths of the Goods so purchased by your Orator and
the said James Johnson as aforesaid, to Divers persons for
Credit as by the Books kept by your Orator (could your Orator
procure the same) would more fully and at large appear
But that he hath yet received no Consideration for the
same But now so it is may it please your Worships
That

That the said James Johnson hath taken into his own Hands all
the remains of the said Merchandizes. (Except the Good so sold by Your
Orator as aforesaid) all the Books of Accounts relating to the Part-
nership between your Orator and the said James together with
all the Debts due upon Bonds, Bills, or other Specialties, and upon
Notes, Promises Accounts and Otherwise And when your Orator
Applied to him for a sight of the same in Order to settle the Partnership
between your Orator and the said James and the several Acc^ts rela-
ting to the same, he Absolutely refused your Orator a sight thereof
And hath taken all the Books, Bills, Good, and Effects into his
Own hand and now refuses to render unto your Orator any
share or Account thereof. All which Acting and doing of the said
James Johnson are contrary to Equity and Good Conscience in Trade
Consideration whereof and for as much as your Orator is remediless
in the Premises unless by the Aid and Assistance of this Worship-
ful Court and that your Orator may have a particular Discovery
thereof by the Oath of the said James Johnson, who will know
and is satisfied in his Conscience of the truth of all and singular
of the Premises herein before set forth. who when called to answer the
same upon his Corporal Oath your Orator well hopes will discover
the same. to the End therefore that he may so do. and particularly
that he may set forth and Declare whether the said James and your
Orator did not jointly and ~~severally~~ purchase of the several persons
before mentioned Goods amounting to One Hundred and Thirty four
Pound odd Money or some other Considerable sum and if it was not
agreed upon between the said James and your Orator that your
Orator should sell and Dispose of the same ^{except the Books relating to the Partnership} at the House of the said
James who was to Supply of Orator with Victuals and other necessary
the better to enable him to do the same. and Whether your
Orator

Orator was not to be Equally concerned with the said James in
the Profit or loss that should arise from the sale of the said Good
And whether your Orator did not sell a considerable part of the said
Good to Divers persons on Credit and if your Orator was not willing
and ^{did not offer} to have sold the remaining part according to his agreement
with the said James. if the said James hath not taken the same
in to his Own hands. together with the Books of Accounts Bond
Notes and other papers. relating to the Partnership Account betwixt
your Orator and the said James. without the consent and Approba:
tion ^{and quite contrary to the} of your Orator. and for what reason he hath done the same
if he hath since settled any of the Accounts ^{relating to the Partnership}
with the Creditors how much he hath received and of whom
and that he may come to a true and fair Settlement with your
Orator touching the Premises Aforesaid as if the same were
again repeated and in the prayer of this Bill particularly
Interrogated May it please Your Worship to grant unto
your Orator his Majesty's Most gracious Writ of Subpoena.
therein requiring the said James Johnson. at a certain time and under a
certain Penalty there is to be mentioned personally to appear before
this worshipfull Court and to answer all and singular of the
Premises. And further to Abide such Order and Doce as your
Worship shall think proper. for Your Orator's relief in
the Premises and Your Orator shall ever pray &c.

Ben Harris for Compt.

Horston }
or } Bill Can.
Johnson }

to Lancaster Jan. Court

1749/50.

Carried

August 1752

~~Bill of Sale~~

Sept 1752

Att^r Contempt

October
Court

Nov.

Dismissed