

Elizabeth Lucy Birkbeck Henry Birkbeck & John Henry Gurney-----Defts By
Supplemental Bill

Upon Motion this day made in

[3]

this Court by Mr Prior of Counsel for the Plt It was alleged that by the Decree made on the hearing of ~~these~~ the sd.. Causes dated the **19th day of March 1851** It was Ordered that if it should be referred to the Master of this Court in rotn (*rotation*) to take an Account of what was due to the Co Plt for Principal Interest and Costs on his Mortgage bearing date the **sixteenth & seventeenth days of November One thousd. eight hundred and twenty four** in the pleadings mentioned And it was Ordered that it should be referred to the Taxing Master of ~~this~~ the sd. Courts in rotation to tax the Co Plts Costs of these suits And it was Ordered that the said Master should certify the total amount due

[4]

for principal Interest and Costs to the Co Plt And upon payment to him by the defts John Benjamin Heath John Druce Ellen Yatman and Willm Hamilton Yatman of what should be found due for such total amount within six months after the said Master should have made his report at such time and place as the said Master should appoint It was Ordered that the Co Plt should convey his Interest in all the premises comprised in the sd. Indentures of the **sixteenth & seventeenth days of November One thousand eight hundred and twenty four** in the pleadings mentd. free and clear of and from all Incumbrances

[3] [5]

done by him or any other person or persons claiming by from or under him and deliver up all deeds and Writings in his custody or power relating thereto on oath to the said Defts John Benjn. Heath John Druce Ellen Yatman Wm. Hamilton Yatman or as they should direct But if the said Defts John Benjn. Heath John Druce Ellen Yatman Wm Hamilton Yatman were thenceforth to stand absoly. debarred and foreclosed of and from all right title interest and Equity of Redemption of in and to the premes. Compd. in the said Indres dated the **16th and 17th days of Novr. 1824** And in that case It was ordered that it should be referred to the said Master to calculate subsequent Intt. on the Co-Plts Mtge. And it

[4] [6]

was Ordd. that the Taxg. Master should tax the Co-Plt his subsequent Costs And it was Ordered that the said Master shod. certify the total amount which shod. be due to him and on the Defts Anthony Geo. Wright Biddulph and Jno. Wright Dominic John Corrigan Henry Robinson Edmd. William Jerningham Margaret Campbell Mary Campbell Clare Campbell and Henry Campbell and Henry Burton Robt. Burton and John Bartlett Anthony John Wright Biddulph Vincent Eyre Thomas Barnewall Wm. Blount Chas. Weld Michael Ellison Geo. Charlewood and Edwd. Edwards and the sd. John Wright & Edmund William Jerningham as their Trustees as in the pleadings mentioned paying to the Co Plt what the said Master shod. certify to be such total amount within three months after the sd. Master shod. have made his Report therein at such time and place as the sd. Master should appoint It

[5] [7]

was Ordd. that the Co Plt shod. convey the sd. Mtgd. Premes. comprized in the sd. Indres. of the **16th and 17th days of November 1824** free and clear of and from all Incumbces. done by him or any other person or persons claiming by from or under him and deliver up all deeds and Writings in his custody or power relating thereto on oath to the sd. Defts John Wright & Edmund William Jerningham as such Trustees as afsd. but in default of the said Defts Anthy. Geo. Wright Biddulph and John Wright Dominic John Corrigan Henry Robinson Edmd. William Jerningham Margt. Campbell Mary Campbell Clare Campbell and Henry Campbell and Henry Burton Robert Burton and John Bartlett Anthy. John Wright Biddulph Vincent Eyre Thomas Barnewall Wm. Blount Chas. Weld Michael Ellison Edwd. Edwards and the sd. Jno Wright & Edmund Wm Jerningham as their Trustees as afsd. or any

[6] [8]

of them so redeeming the Co Plt within the time last aforesaid the sd. last named Defts were thenceforth to stand absolutely debarred and foreclosed of and from all right title Interest and Equity of Redemption of in and to the premes comprized in the said Indres dated the **16th and 17th days of November 1824** And in that case it was ordered that the said Master shod. calculate subseqt. Interest on the Co Plts said Mortgage And it was Ordd. that the said Taxing Master shod. tax him his furr. subseqt. Costs And it was Ordered that the said Master shod. certify the total amount due therein And in the Defts Sir George Duckett Geo. Floyd Duckett & Isabella his wife George Burrard and Elizabeth (sic) his Wife Sir Henry Pottinger Walter Warde & Wm. Alexander MacKinnon the Yr. or any of them paying to the Co Plt what the sd. Master should certify to be such last mentioned

[7] [9]

total amount within three months after the said Master shod. have made his Report therein then It was Ordered that the Co Plt shod. convey the sd. Mtgd. premes. Compd. in the sd. Indres. of the **16th and 17th days of Novr. 1824** and also reassign the Annuities & premes. comprized in the sd. Indre. of furr. Security of the **23rd day of July 1844** and thereby assigned free and clear of and from all Incumbces. done by him or any other person or persons claiming by from or under him and deliver up all deeds and Writings in his custody or power relating thereto resply. to the sd. Defts. Sir George Duckett Geo. Floyd Duckett & Isabella his wife George Burrard and Isabella his Wife Sir Henry Pottinger Walter Warde & Wm. Alexander MacKinnon the Younger or to whom they shod. appoint but in default of the sd. Defts Sir George Duckett Geo. Floyd

[8] [10]

Duckett & Isabella his wife George Burrard and Isabella his Wife Sir Henry Pottinger Walter Warde & Wm. Alexander MacKinnon the Yr. or any of them so redeeming the Co Plt within the time last aforesaid the sd. last named defts were thenceforth to stand absoly. debarred and foreclosed of and from all right title interest and Equity of Redemption of in and to the Mtgd. premises compd. in the said Indres. dated the **16th and 17th days of Novr. 1824** and of and to the sd. Anns. and premes. assigned by the sd. Indre. of the **23rd day of July 1844** That in pursuance of the said Decree the Master made his Report dated the **20th day of February 1852** which stands absoly. confirmed by an Order dated the **24th day of March**

1852 and thereby certified that there would be due to the Co Plt from the Defts John Benjamin Heath John Druce Ellen Yatman and

[9] [11]

William Hamilton Yatman on the **20th day of August 1852** being 6 months from the date of his said report for principal Interest and Costs of in his said Mortgage Security the sum of Forty thousand eight hundd. and eighty seven pounds fifteen shillings and six pence and the Master by his said Report appointed a time and place for the payment of the said sum to the Co Plt by the said Defts Jno. Benjn. Heath John Druce Ellen Yatman and William Hamilton Yatman but default having been made in such payment It was by an order dated the **17th day of December 1852** ordered that the said Defts John Benjamin Heath John Druce Ellen Yatman and Willm Hamilton Yatman should from thenceforth stand absol. debarred and foreclosed of and from all right title interest and Equity of Redemption of in and

[-] [12]

to the premises compd. in the Indres of Mtge. dated resply. the **16th and 17th days of Novr 1824** That in consequence of the said last mentioned Order the Master proceeded in furr. pursuance of the said Decree dated the **19th Day of March 1851** to compute subsequent Intt. upon and carry on the Amounts relating to the Co Plts said Mtge. Security as regarded the several other Defts in the said Decree married and by his subsequent Report dated the **22nd day of March One thousd. eight hundred and fifty three** wch. stand absol. confirmed by an order dated the **3rd day of May One thousd. eight hundred and fifty three** the Master certified that there would be due to the said Co Plt Richard Hanbury Gurney from the Defts Anthony George Wright Biddulph

[-] [13]

and John Wright Dominic John Corrigan Henry Robinson Edmund William Jerningham Margaret Campbell Mary Campbell Clare Campbell and Henry Campbell and Henry Burton Robert Burton John Bartlett Anthony John Wright Biddulph Vincent Eyre Thomas Barnewall William Blount Charles Weld Michael Ellison Geo. Charlewood and Edwd. Edwards and the said John Wright & Edmund William Jerningham as their Trustees the sum of Forty thousand three hundred and thirty three pounds nine shillings and two pence on the **twenty second day of June One thousand eight hundred and fifty three** for principal Interest and Costs in respect of the said Mortgage Security And the said Master accordingly appointed a time and place for payment of the said sum to the Co Plt

[-] [14]

by the said last named defts on the said **twenty second day of June One thousand eight hundd and fifty three** That in the meantime however it was discovered that the said Co Plt had received certain Tolls or monies on account of the said Mortgage Security between the **20th day of February 1852** (the date of the said Masters said first Report and the said **30th 20th day of August 1852** the day appointed by the said last mentioned Report for the payment to the Co Plt by the said Defts John Benjamin Heath John Druce Ellen Yatman and

William Hamilton Yatman And accordingly by an Order dated the **twenty ninth day of July One thoud eight hundred and fifty three** It was Ordered that the Order dated

[11] [15]

the **17th day of December 1852** shod.be discharged And it was Ordd. that the sd. Defts Jno. Benjn. Heath John Druce Ellen Yatman and Willm. Hamilton Yatman shod. pay the sum of £39,395..16..4 the amount due to the Co Plt for prinl. Interest and Costs on his Mtge. of the **16th and 17th days of November 1824** up to the **19th day of July 1853** to the said Co Plt at the Chapel of the Rolls in Chancery Lane London on **Monday the 29th day of August 1853** between the hours of 11 and 12 o'clock in the forenoon. And in default of such payment It was ordred that the said Defts should stand foreclosed accordg. to the Decree dated the **19th day of March 1851** And in default of such payment by the sd. last named defts It was Ordered that the Defts Anthony Geo. Wright Biddulph John Wright Dominic John Corrigan Henry Robinson

[12] [16]

Edmund William Jerningham Margaret Campbell Mary Campbell Clare Campbell and Henry Campbell & Henry Burton Robert Burton and John Bartlett Anthony John Wright Biddulph Vincent Eyre Thomas Barnwell Wm. Blount Chas Weld Michael Ellison Geo. Charlewood Edwd. Edwards & the sd. John Wright & Edmund Wm. Jerningham as their Trustees shod pay the sum of £39,395..16..4 to the said Co Plt at the Chapel of the Rolls afsd on **Thursday the 29th day of September 1853** between the hours of 11 and 12 o'clock in the forenoon and in default of such payment It was ordd. that that the said Defts should stand foreclosed accordg. to the said Decree the Co Plt appropriating the net monies recvd. by him for Tolls and orwise. in respect of the Mtged. Premes. after the said **19th day of July** towards the payment of the subsequently accruing Intt. and if the sums so received

[13] [17]

shod. be less than the subsequently accruing Intt. waive all claim to the balance of such interest. That it appears by the Affidavit of John Hockley and Geo Hockley that the Deponent Geo Hockley by virtue of a power of Attorney duly executed by the said Co Plt Richd. Hanbury Gurney dated the **21st day of December 1852** did on the **29th day of August 1853** personally attend and wait at the Chapel of the Rolls in Chancery Lane London from before eleven of the clock in the forenoon of the said **29th day of August 1853** until after the hour of 12 at noon on the same day in Order to receive from the said Defts Jno. Benjn. Heath John Druce Ellen Yatman and Wm. Hamilton Yatman the said sum of £39,395..16..4 at which time and place the sd. Defts did not nor did any or either of them or any other person or persons

Deponent : An individual who, under oath or affirmation, gives out-of-court testimony in a deposition.

[14] [18]

persons (sic) on their or any or either of their account or behalf attend or pay to the said Deponent the said sum of £39,395..16..4 or any part thereof That the dept. John Hockley did also by virtue of the said power of Attorney on the **29th day of September 1853** personally attend and wait at the Chapel of the Rolls afsd. from before eleven of the clock in the

forenoon of the said **29th day of September 1853** until after the hour of 12 at noon on the same day in Order to receive from the said Defts Anthony Geo. Wright Biddulph Jno. Wright Dominic John Corrigan Henry Robinson Edmd. Wm. Jerningham Margt. Campbell Mary Campbell Clare Campbell and Henry Campbell and Henry Burton Robert Burton and John Bartlett Anthony Jno. Wright Biddulph Vincent Eyre Thomas Barnewell Wm. Blount Chas. Weld Michael Ellison Geo. Charlewood Edwd. Edwards and the said John Wright &

[15] [19]

Edmund William Jerningham as their Trustees the said sum of £39,395..16..4 at which time and place the said last named defts did not nor did any or either of them or any other person or persons on their or any or either of their account or behalf attend or pay to the said Deponent the said sum of £39,395..16..4 or any part thereof. That it appears by the Affid. of the Co Plt that the said sum of £39,395..16..4 was not paid either on the said **29th day of August 1853** or the said **29th day of September 1853** as directed by the sd. Order dated the **29th day of July 1853** and that the same has not since been paid to him but that the whole of the said sum still remains due to him It was therefore prayed that the said Defts John Benjamin Heath John Druce Ellen Yatman William Hamilton Yatman

[16] [20]

and also the Defts Anthony Geo Wright Biddulph and John Wright Dominic John Corrigan Henry Robinson Edmund Wm Jerningham Margaret Campbell Mary Campbell Clare Campbell & Henry Campbell and Henry Burton Robert Burton John Bartlett Anthony John Wright Biddulph Vincent Eyre Thomas Barnwell William Blount Chas Weld Michael Ellison George Charlewood Edward Edwards and the said John Wright & Edmund William Jerningham as their Trustees Do severally stand absolutely debarred and foreclosed of and from all right title Interest and Equity of Redemption of in and to the premises comprised in the Indentures of Mortgage dated the **16th and 17th days of November 1824** ~~Which upon hearing the said Decree dated the **19th Day of March 1851** the said Orders of the **17th day of December 1852** and the **29th day of July 1853** the said Affidavits of the said John and George Hockley and of the Co Plt and the said Power of Attorney read Is ordered accordingly~~
This last deletion in pencil and a...

[-][21]

...pencil note scribbled at bottom of page. Not entirely readable, that which follows is best guesswork:

That the Interest of all Parties in property in question these suits except the Plt's and the interest of the Defts In Sir Geo Duckett Geo Floyd Duckett & Isabella his wife Sir Henry Pottinger Walter Warde & Wm Alexander MacKinnon and Elizabeth Lucy Birkbeck & Henry Birkbeck from by reason of the most recent Order of 2nd November 1852 ceased determined that (back to Statement)