

[Cover]

In Chancery

Gurney }

}

v }

}

Duckett }

Off(ice) Co(py)

Report

20th Feby 1852

filed 24th

Sharpe & Co
41 Bedford Row

[1]

[Circular stamp "Report Office" surrounding "I.T.F." appears at intervals in the margin throughout the document]

20th February 1852

Filed 24 Feby 1852

Messrs Sharpe & Co

0., 11. 4

Between Richard Hanbury Gurney ----- Plt (*Plaintiff*)
Sir George Duckett John Benjamin Heath John Druce Ellen Yatman William Hamilton
Yatman John Wright Edmund William Jerningham George Floyd Duckett and Isabella his
Wife George Burrard and Isabella his Wife Anthony George Wright Biddulph Sir Henry
Pottinger Walter Warde William Alexander Mackinnon the Younger Henry Birkbeck (since
deceased) Dominic John Corrigan Henry Robinson Margaret Campbell Mary Campbell Clare
Campbell Henry Burton Robert Burton John Bartlett William Eyke (since deceased) Anthony
John Wright Biddulph Vincent Eyre Thomas Barnewell William Blount Charles Weld
Michael Ellison George Charlewood and Edward Edwards-----Defts
(*Defendants*) By Original Bill
And Between Richard Hanbury Gurney-----Plt
Elizabeth Lucy Birkbeck Henry Birkbeck & John Henry

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Gurney-----Defts by Supplemental Bill

In pursuance of the Decree made on the hearing of these Causes bearing date the **19th day of March 1851** whereby it was (among other things) ordered that it should be referred to me as the Master of this Court in relation to take an account of what was due to the Plt for principal Interest and Costs on his Mortgage bearing date the **16th and 17th Days of November 1824** in the pleadings mentioned and whereby it was ordered that it should be referred to the taxing Master of this Court in relation to tax the Plts costs of this Suit and that I should Certify the total amount due for Principal Interest and Costs to the Plt and whereby upon payment to him by the Defts John Benjamin Heath John Druce Ellen Yatman and William Hamilton Yatman of what should be found due for such total amount within six months after I should have made my Report at such time and place as I should appoint it was ordered that the Plt should convey his interest in all the Premises comprized in the sd. Indres. (*indentures*) of the **16th & 17th days of November 1824** in the pleadings mentioned free and clear of and from all Incumbrances 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 Benjamin Heath John Druce Ellen Yatman and William Hamilton Yatman

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or as they should direct I have been attended by the respective Solicitors for the Plt and for the Defts John Wright George Burrard and Isabella his wife Isabella Elizabeth Lucy Birkbeck Henry Birkbeck and John Henry Gurney no person attending me on behalf of any of the other defts alth. (*although*) they have been duly summoned so to do as by oath appears and in their presence I have proceeded to take the sd. accounts and a state of facts has been laid before me on behalf of the Plt together with the follwg. affidavits (that is to say) and affidavit of the Plt sworn the **1st day of November 1850** and an afft. (*affidavit*) of George Seymour his agent sworn the **10th day of Novr 1851** and I find that the principal sum of £40,000 was secured to the Plt by his Mortgage bearing date the **16th and 17th days of November 1824** in the pleads. mentd. (pleadings mentioned) with Interest thereon at £4 per cent per annum and I find that part of the principal sum was paid off and that on the **11th day of Novr. 1846** the principal sum of £38400 remained due to the Plt with interest thereon at £4 per cent per annum from that day and I have computed such Interest accordingly from that day to the **20th day of August 1852** being the end of six months after the date of this my Report and I find that such Interest after deducting the property tax payable in respect thereof amounts to the sum of £8612. 3.10 and I find that the Plt has received several sums of money in account of such Interest

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the particulars whereof amounting in the whole to the sum of £1578. 4. 3 are set forth in the first Schedule to this my Report annexed and I find that in the Month of **November 1848** the Plt entered into the receipts of the rents and Tolls and profits of the Canal and Heredit. (*Hereditaments*) comprised in his sd. Mortgage and that he has received an account of such rents tolls and profits after deducting the outgoings payable in respect thereof up to the **18th day of October 1851** the sum of £4942. 10. 7 and in the second schedule to this my report annexed I have stated a summary of such receipts and set forth in the aforesd. (*aforesaid*) affidavits of the Plt and of his sd. agent such two sums of £1578. 4. 3 and £4942. 10. 7 making together £6520. 14. 10 and the same being deducted from the aforesd. sum of £8612. 3. 10 Interest computed as aforesd. reduces such Int. to the sum of £2091. 9. 0. and I find by the Certificate of Mr Baines one of the taxing masters of this Court bearing date the **16th of Feby 1852** he Certified that he had taxed the Plts Costs of these Suits at the sum of £396. 6. 6 which sum being added to aforesd. remaining principal sum of £38400 and to the sum of £2091. 9. 0 Balance of Interest as aforesd. they make in the whole the sum of £40,887..15. 6 which last mentioned sum I find will be due to the Plt for Principal Interest and Costs on his Mortgage on the sd. **20th day of August 1852** and I hereby appoint the sd. Defts John Benjamin Heath

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John Druce Ellen Yatman and William Hamilton Yatman to pay the said sum of Forty thousand eight hundred and eighty seven pounds fifteen shillings and sixpence to the sd. plt Richard Hanbury Gurney at the Chapel of the Rolls in Chancery Lane London on **Friday the 20th day of August 1852** Between the Hours of 11 and 12 o'clock in the forenoon All which I humbly Certify to this honourable Court

(signed) G Rose

The first Schedule referred to by the foregoing Report containing the particulars of the payments to the Plt on account of interest on his sd. Mortgage

		£	s	d
1847				
Sept 30 th	Received on account of Interest	200	-	-
Nov 22 nd	ditto	100	-	-
Dec 15 th	ditto	150	-	-
1848				
Jany 19 th	ditto	120	-	-
Feby 3 rd	ditto	150	-	-
21 st	ditto	100	-	-
Mar 22 nd	ditto	100	-	-
May 20 th	ditto	150	-	-
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June 23 rd	ditto	100	-	-
July 24 th	ditto	90	-	-
Aug 26 th	ditto	50	-	-
31 st	ditto	200	-	-
Oct 10 th	ditto	60	-	-
1849				
Jany 8 th	ditto	8	4	3

End of first schedule

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The second schedule referred to by the foregoing Report containing a summary of the receipts of the Plt in account of the rents Tolls and Profits of the Mortgaged Premises and of the Payments thereof

Receipts

	Cash Tolls	Tolls on Monthly Credits	Rents &c	Total Receipts	Expenditure
1848					
Novr	18. 0. 2	125. 5. 4	-	143. 5. 6	55. 0. 5
Decr	14. 7. 7	155.16. 2	1. 0. 0	171. 3. 9	104. 3. 3
1849					
Jany	15. 4. 1	195.11. 2	21. 7. 6	232. 2. 9	82. 4. 6
Feby	14. 7. 6	178. 8.10	19. 8. 4	212. 4. 8	97. 3. 6
March	14. 6. 7	199.19. 2	1. 0. 0	255. 5. 9	53. 3. 0
				(215.5.9)	
April	17.16.2	190.12. 9	20. 9.10	228.18. 9	122. 4. 5
May	32. 5. 4	116. 1. 6	21. 7.10	169.14. 8	104. 1. 4
June	23. 5. 9	151. 1. 6	17.12. 3	191.19. 6	61. 8. 2

July	27.19. 1	100.13.11	200. 1. 0	328.13. 0	64.14. 6
August	24. 2.11	82.11. 9		106.14. 8	36. 3.11
Septr	30. 1. 7	139. 6.11	1. 6. 0	170.14. 6	56.10. 3
October	31.14. 5	105. 4. 0	5.16. 4	142.14. 9	48.18. 9
Novr	29. 8. 7	135.11. 6		165. 0. 1	47.11.11
December	27.16. 1	169. 4.11	1. 6. 0	198. 7. 0	90.17. 2
1850					
Jany	25.17.11	159. 9.10	196.11. 8	381.19. 5	45. 1. 3
Feby	17. 1. 0	175.12. 6	25. 8. 4	218. 1.10	64.17. 2
March	12.10. 1	199. 6. 3	11. 0. 0	222.16. 4	134.14. 1
April	16. 5.10	161. 2. 1	23.11. 6	200.19. 5	46. 0. 6
May	19. 8. 1	126.17. 2	24.16. 8	171. 2. 4	37. 3. 3
				(171.1.11)	

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June	24. 4. 8	129. 9. 6	195.13. 3	349. 7. 5	81. 5. 3
July	20.10. 3	124.15. 8		145. 5.11	43.19. 0
August	22. 3. 6	106.13. 1		128.16. 7	53. 5. 5
Septr	26.14. 1	143.14. 4	1. 6. 0	171.14. 5	69. 8. 0
October	25.17.11	100. 3. 5	5.16. 4	131.17. 8	46. 5. 3
Novr	29.17. 1	161. 4.11		191. 2. 0	62.16. 8
Decemr	27. 7. 5	173. 5.10	17.16. 0	218. 9. 3	85. 5. 2
1851					
Jany	21.12. 7	164.18. 3	195.12. 3	382. 3. 1	71.19. 4
Feby	17. 4.11	166. 3. 9		183. 8. 8	68.11. 0
March	14.13. 8	178. 8. 2	37. 7. 9	230. 9. 7	114. 7. 9
April	14. 4. 0	163.12. 9	17. 4.10	195. 1. 7	47. 6. 9
May	18.17. 8	140. 8.10	39. 5. 6	198.12. 0	51. 6.11
June	19. 8. 6	137.16. 7	3.11. 9	160.16.10	69. 3. 1
July	21. 7. 1	128.18. 7		150. 5. 8	85.16. 0
August	11. 7. 7	100. 3. 5	388.14. 6	500. 5. 6	45.13. 7
Septr	9. 1. 4	126.17. 1	1. 6. 0	137. 4. 5	55. 19. 2

Total Receipts	7347. 0. 3	<u>2404.9.8</u>
	(7386.19.3)	
Total Payments	<u>2404. 9. 8</u>	
	<u>£4942.10.7</u>	

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