

[Cover]

In Chancery

17th Dec 1852

Gurney	}	Order of foreclosure absolute
	}	
v	}	
	}	
Duckett	}	

To be entered

8/1/53

Sharpe Field & Jackson
41 Bedford Row

[1]

Vice Chancellor Stuart }
Mr Leach Regr.
148

(Stamp "REPORT OFFICE" with initials RHL at intervals in the margin to authorise alterations throughout the rest of the document)

Wednesday the 3rd 17th day of December in the 16th Year of the Reign of Her Majesty Queen Victoria 1852

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 Campbell Henry Burton Robert

1470

195

[2]

Burton John Bartlett William Eyke (since deceased) Anthony John Wright Biddulph Vincent Eyre Thomas Barnewell William Blount Charles Weld Michael Ellison George Charlewood Edward Edwards-----Defts (*Defendants*) By Original Bill

And Between Richard Hanbury Gurney-----Plt

Elizabeth Lucy Birkbeck Henry Birkbeck and John Henry Gurney-----Defts by Supplemental Bill

Upon Motion this day made unto this Court by Mr Prior of Counsel for the Plts. It was alleged that by the Decree made in these Causes bearing date the 19th day of March 1851 It was (amongst other things) Ordered that it should be referred to the Master of this Court in rotation to take an account of what was due to

[3]

the Plt for Principal Interest and Costs on his Mortgage bearing date the 16th and 17th days of ~~March~~ November 1824 in the pleadings mentd. (*mentioned*) And it was Ordered that it shod. be referred to the Taxing Master of this Court in rotatn. to tax the Plts Costs of these suits And it was Ordd. that the said Master shod. certify the total amount due for Princ. Intt. and Costs to the Plt. And upon payment to him by the Defts John Benjn. Heath John Druce Ellen Yatman & Wm. Hamilton Yatman of what shod. be found due for such total amot. within six months after the said master shod. have made his Report at such time and place as the said Master shod. appoint It was Ordered that the Plt shod. convey his interest in all the premes. comprised in the said Indres. of the 16th and 17th days of November 1824 in the pleadings mentioned free and clear of and from all incumbrances done by him or

[4]

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 Jno. Benjn. Heath John Druce Ellen Yatman & Wm. Hamilton Yatman or as they shod. direct But if the said Defts Jno. Benjn. Heath John Druce Ellen Yatman & Wm. Hamilton Yatman shod. not redeem the Plt within the time afsd. then the said Defts Jno. Benjn. Heath John Druce Ellen Yatman & Wm. Hamilton Yatman 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. comprised in the said Indres. dated the 16th and 17th days of Novr. 1824 That in pursce. of the said Decree the Master made his report dated the 20th day of Feby. 1852 which stands absoly. confirmed by an Order dated the 24th day of March 1852

[5]

and thereby certified that these would be due to the Plt on the 26th day of August 1852 being six months from the date of his Report up to which time the same had had been calculated pursuant to the said Decree for Principal Interest and Costs on his said Mortgage Security the sum of £40,887..15..6 which sum the Master did by his said report direct the said Defts John Benjamin Heath John Druce Ellen Yatman and Wm. Hamilton Yatman to pay to the Plt at the Chapel of the Rolls in Chancery Lane London on Friday the 20th day of August 1852 between the hours of Eleven and twelve of the Clock in the forenoon of the same day That it appears by the Affidt. of Reginald Francis Douce Palgrave that he did by virtue of a Power of

Attorney duly executed by the Plt dated the 18th day of August 1852 and in pursuance of the said Report on the 20th day

[6]

of August 1852 personally attend and wait at the Chapel of the Rolls afsd. from before 11 of the Clock in the forenoon of the said 20th day of August 1852 until after the hour of 12 at noon being the time and place mentioned in the said Masters Report in order to receive from the said Defts John Benjamin Heath John Druce Ellen Yatman and Wm Hamilton Yatman the said sum of £40,887..15..6 at which time and place the said Defts did not nor did any or either of them or any other person or persons on their or either of their Account on behalf attend or pay to Dept. (*deponent*) the said sum or any part thereof and that the said sum of £40,887..15..6 still remains due and unsatisfied as Dept. verily believes. That it appears by the Affidt. of the Plt that the said sum of £40,887..15..6 had not nor has any part throf. been

[7]

paid to Dept. or to the best of the Depts. knowledge and belief to any one on Depts. behalf or for his use but the same sum still remains due and owing to Deponent It was therefore prayed that the said Defts might stand absolutely foreclosed Whereupon and upon hearing the said Decree dated the 19th March 1851 the said Report dated the 20th day of Feby. 1852 and the Order confirming the same the said Affidavit of Reginald Francis Douce Palgrave and the said Affidavit of the Plt read It is Ordered that the said Defts John Benjamin Heath John Druce Ellen Yatman and Wm. Hamilton Yatman do from henceforth 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 dated the 16th and 17th days of November 1824

EWd EA