

Barbados  
In Court

A Court of Chancery held by His Excellency S<sup>r</sup> Thomas Mordaunt  
Bar. His Majesty's Capt. General and Governour in Chief of this  
and all other his Majesty's Carribbee Islands To Windward of  
Guadaloupe &c. and Chancery of the said this Tenth day of  
November in Sixteen Year of the Reign of Our Sovereign  
Lord George the Second by the Grace of God of Great Britain  
France and Ireland King Defender of the Faith &c. And in  
the year of Our Lord 1742.

Present of the Honble the Council

The Honble	}	Ralph Wickes	}	Richard Salter	Esq.
		John Innes		Thomas Harrison	
		Thomas Maxwell		and	
		Thomas Applchaite		Reynold Hooper	

Masters Present

Nathaniel Haggarty Esq  
Walter Bennett Esq

Then Robert Cholmeley Esq. produced an Order of the King in Council  
for reversing several Orders made here in the cause wherein <sup>and by this Court</sup> ~~Suprema~~  
Broom & Co. are appellants and S<sup>r</sup> John Giles is appellee and pray  
that the same might be published which was done and Order's that  
the appellants do intermits security as directed by the said <sup>(Order)</sup> in  
a Month's time from the Date hereof

At true Copy examined

John Worlston  
Esq

Barbados.

On the twentieth day of November one thousand seven  
hundred forty two the Appellant Suprema Broom entered into  
Bond in the Register's Office pursuant to the above Order

Certified  
John Worlston  
Esq



Barbados  
In Pursuant

At a Court of Chancery held by his Excellency J. Thomas  
Robinson Baron, His Majesty's Capt. General and  
Governour in Chief of this and all other His Majesty's  
Caribbee Islands to Windward of Guadaloupe & and  
Chancellor of the same this eighth day of December  
in the sixteenth year of the Reign of our Sovereign  
Lord George the second by the Grace of God of Great  
Britain France and Ireland King Defender of the  
Faith &c. and in the year of our Lord 1742

Present of the Honble the Council

The Honble { Ralph Wickes } Richard Salter }  
                  { John Stone } Thomas Harrison } Esq<sup>s</sup>  
                  { Tho: Applebaste } Reynolds Hooper }  
                                  Masters Present  
                                  Walter Bennett Esq<sup>r</sup>

Then Rowland Blackman Esq<sup>r</sup> moved that the Security Bond  
entered into by Susanna Brome Widow pursuant to the Kings  
Order in Council in the cause of J. P. Brome may be  
cancelled, and a proper Bond taken in the room of it and the  
Question being thereupon put it was Ordered that the said  
Bond be cancelled, and that the said Susanna Brome do enter  
into a proper Bond pursuant to the Kings Order

A true Copy as aforesaid  
J. P. Brome Esq<sup>r</sup>

Barbados

On the fourteenth day of April one thousand seven hundred & forty three  
the Appellant Susanna Brome entered into another Bond in the s. Register  
Office pursuant to the above Order testified by J. P. Brome Esq<sup>r</sup>

Barbados  
In Pursuant

At a Court of Chancery held by His Excellency J. Thomas  
Robinson Bart. His Majesty's Capt. General and Governour  
in Chief of this and all other his Majesty's Caribbee Islands  
to Windward of Guadaloupe & and Chancellor of the same  
this twenty seventh day of April in the sixteenth year  
of the Reign of our Sovereign Lord George the second by the  
Grace of God of Great Britain France and Ireland King Defender  
of the Faith &c. and in the year of our Lord 1743

Present of the Honble the Council

The Honble { Thomas Maxwell } Thomas Harrison }  
                  { Thomas Applebaste } and } Esq<sup>s</sup>  
                  { Richard Salter } Reynolds Hooper }  
                                  Masters Present

Nathaniel Saggard Esq<sup>r</sup>  
Walter Bennett Esq<sup>r</sup>

Then Robert Cholmley Esq<sup>r</sup> Counsel for Mrs Susanna Brome  
moved



Moved that the attorney <sup>John</sup> ~~John~~ Lyles might be ordered to deliver to the  
 Commission of the total value of her husband's personal goods & that having  
 entered into a bond pursuant to his Majesty's Order in Council for that purpose  
 which bond being read and approved it was ordered accordingly & thereupon  
 Mr. Inlay sold for Mr. John Lyles delivered a written Order to Mr. Thomas  
 Solli signed by William Mauldin Esq. Attorney to Mr. John Lyles for that  
 purpose and then it was moved by Mr. John Lyles's Counsel that Mr. Thomas  
 might be ordered to give Issue on the Action of Judgment to be brought ag-  
 gainst him in fourteen days after Service here and came to Trial this Day before  
 the Court and the Question being thereupon put the Court was Divided

A true Copy examined

John Warstone Esq.

Barbados  
 Inherent

To His Excellency Sir Thomas Robinson Baron His Majesty's  
 Capt. General and Governour in Chief of this latter part of the said  
 Islands to the Ward and Guardian of the said Chancellor of the same  
 Sir Joseph Lyles Knight  
 In former Bond & Widow's

The humble Petition of Mr. John Lyles Baron of the last Will  
 and Testament of the said Comptroler by William Mauldin of the Island as

Esq. his Attorney  
 sheweth

That upon the appeal of the said Defendant to his Majesty's  
 in Council from the Decree heretofore made in this cause in the High Court of  
 said low appeal if Petn was made Respondent the said Defendant by Order in  
 Council bearing date the first day of April One thousand seven hundred & forty  
 Two was pleased to order that the order of this Court should stand in this cause  
 the thirteenth of October and sixteenth of March One thousand seven hundred  
 and thirty six heretofore and that the appellant Josephina bore cost to the process  
 of all the mortgages & Bonds upon her giving good & sufficient security in the  
 Registrar's Office of the Court of Chancery in Barbados to account upon Oath  
 to answer and pay the clear net rent & profits of the said mortgages & Bonds  
 to the Respondent from the first of December One thousand seven hundred &  
 thirty seven till delivery up possession of the same to the Respondent of the said  
 Court of Chancery in Barbados should be direct on the hearing of this cause &  
 Divided in the Order that the Decree of the first of December One  
 thousand seven hundred and thirty seven also stand in this cause to be here  
 after and that the Respondent shall be retained for two years from the date  
 of the said Decree in time he was to be at liberty to carry an Appeal ag-  
 ainst the appeal into either in his own name or in the name of the said Joseph Lyles in  
 the proper Court in Barbados for such parts of the mortgages & Bonds for which  
 Judgment will depend which Judgment the appellant having been first  
 sent to possession according to the directions herein before given and to admit them  
 to be in possession of the same of the Court on the Trial shall be

(appeal)



And the Court is to direct the Jury to find the same especially  
and after such Trial had and Judgment given thereupon the Parties in any  
or either of them were to be at liberty to apply to the Court of Chancery for  
Barbados for further Directions and it was further Order'd by Consent of the  
appellants that if Judgment in such Action should be given for the Respondent  
the part of Chancery in Barbados should order the possession of all the said  
mortgaged Estates for which the Respondent should recover Judgment to be  
delivered to the Respondent and also in such Order touching the  
Delivering up of the possession of such other part of the mortgaged Estates  
as by the laws & usage of those Islands no Justice would be done as to the  
Respondent as should be best & reasonable only upon facts & circumstances agreeable  
to the Equity and Justice should be given an Account of the Rent & profits  
of all the said mortgaged Estates for which the Respondent should so recover  
Judgment from the first of December last that sum seven hundred & thirty  
seven and three Pence the Balance thereof to be paid by the appellants & annexed  
to the Respondent towards satisfaction of what was due to him for Principal  
and Interest of his mortgage

That on the 20th Day of November One thousand seven hundred  
and forty two the Defendant *De J. Infama* caused the said Order to be Publicly Read in  
this Honorable Court but as the same turned up for to give such Security  
as was directed by the said Order to be given but on the contrary gave an  
affidavit which was adjudged by this Court to be no answer to the said  
Order and therefore rejected

That sometime afterwards being on the Twenty seventh day  
of April One thousand seven hundred and forty three the Defendant  
thought fit to comply with the said Order in Council by giving <sup>Security</sup> *De J. Infama*  
and *De J. Infama* the said *De J. Infama* appeared as a party duly sworn to the said  
Promo in possession of the said mortgaged premises *William* upon your Order  
Council made that inasmuch as his said Majesty's Order bears date  
the first day of April One thousand seven hundred and forty two and  
directs that the Respondent should be retained for two years  
only from the date of the said Order and if two years was already  
expired through the delays of the appellants in not giving the said  
Security pursuant thereto and for as much as the year was so far  
advanced that if the Common Course of the Courts in w<sup>ch</sup> the Action  
directed by the said Order to be brought against *De J. Infama* is triable was  
to be allowed in this Cause it was doubtful whether the same could  
be brought to Judgment within the time limited by the said Order  
Wherefore they moved that *De J. Infama* should be ordered to plead  
an *Speccable Plea* to the Action of Execution within fourteen  
days after service on her and that the said Action should be  
tried that day night which being the second Court in Council after  
such plea pleaded and that no delay should be given on either  
part in bringing it to Judgment in the Court below which said  
Motion being argued by Counsel on both sides and the opinions of the  
said Court taken thereon the said Court was divided  
That your Petitioner hath already brought his Action of Execution  
against the said *De J. Infama* who is now in possession of the







Our Court } A Court of Chancery held by his Excellency Thomas  
 Robinson Baron of His Majesty's Court General and Governour  
 in Chief of this and all other His Majesty's Leeward Islands  
 to Windward of Guadaloupe & Chancellor of the same  
 this Tenth day of May in the sixteenth year of the Reign  
 of our Sovereign Lord George the second by the Grace of  
 God of Great Britain France & Ireland King &c. &c. &c.  
 the Tenth of And in the year of our Lord 1743

By the Consent of the Honorable the Council

The Honorable	}	John Jones	John Galloway	Esqrs
		Thomas Maxwell	Thomas Harrison	
		Thomas Applbaum	John Maybank	
		Richard Carter	Reynold Hooper	

Master of the Court

Nathaniel Bagga & Co. Esqrs

Sir Joseph Lyles Knight Comptrol  
 Susanna Wynn & Widow & ad. Defend.

The Honorable Edition of the Honorable Sir Joseph Lyles Knight  
 and Testament of the Comptrol by William Baudin of the Honorable  
 Esq. his Attorney General <sup>his duty</sup> to be heard in this High and Honorable Court  
 doth testify that when the appeal of the said Defendant his Majesty in  
 Council from the Decree <sup>made</sup> made in this cause at the High  
 and Honorable Court to which appeal your Pet. was made to the said  
 his Majesty by Order in Council bearing date the first day of  
 April One thousand seven hundred and forty two was pleased to Order  
 that the Orders of this Honorable Court made in this cause the thirteenth  
 of October and sixteenth day of March One thousand seven hundred & thirty  
 six be reversed and that the appellants Susanna be restored to the possession  
 of all the mortgaged premises upon her giving good & sufficient  
 security in the High Court of Chancery in Barbados  
 to Account upon Oath and to answer and pay the clear Net Rent and  
 profits of the said mortgaged premises to the Respondent from the first  
 of December One thousand seven hundred and thirty seven and to deliver  
 up possession of the same to the Respondent if the said Court of Chancery  
 in Barbados should so direct in the hearing of the said Cause and that  
 was further Ordered that the Decree of the first of December  
 One thousand seven hundred and thirty seven also made in this cause  
 be likewise reversed and that the Respondent's Bill be retained for two  
 years from the Date of the said Order in which time he was to be at  
 liberty to bring an Ejectment against the appellants either in his own  
 name or in the name of the Heir of Sir Joseph Lyles in the proper  
 Court in Barbados for which part of the mortgaged premises for which  
 an Ejectment will lie in which Ejectment the appellants having been  
 first put into possession according to the Directions herein before given and  
 to admit themselves to be in possession and if either of the Parties on the



Trial shall do give a special verdict the Juris to direct the Jury to find  
matter especially and after such Trial had and Judgment given thereupon  
the Parties or any or either of them were to be at Liberty to apply to the Court of  
Chancery in Barbados for further Directions, And it was further Ordered by  
Consent of the appellants that if Judgment in such Action should be Given  
for the Respondent the Court of Chancery in <sup>Barbados</sup> should Order the possession of all  
the said mortgaged premises for which the Respondent should recover Judgment  
to be Delivered to the Respondent and also make such Order touching the  
Delivering up of the possession of such other part of the mortgage premises for  
which by the Laws & Usage of the said Island or Government would be  
a forfeiture to the Respondent as should be Just and reasonable in Justice  
seems as an Acquittance to the Court of Equity and likewise should Decree an  
Account of the Profits and profits of all the said mortgaged premises for use  
the Respondent should recover Judgment from the first of December  
thousand seven hundred and thirty seven and Order the Balance there  
to be paid by the appellant Usumama to the Respondent towards satisfaction  
of what was due to him for Principal and Interest of his mortgage of  
on the Tenth Day of November One thousand seven hundred and forty Two the  
said Defendant Usumama caused the said Order to be published in the Honble  
Court but at that same time refused to give such security as was Directed by  
said Order to be given but on the contrary gave in a Bond which was adjudged  
by this Court to be repugnant to the said Order and therefore rejected And  
sometimes afterwards to wit on the twenty seventh day of April One thousand  
seven hundred and forty three the said Defendant thought fit to comply  
with the said Order in full by giving proper security ~~and~~ the  
Barolin attorney as aforesaid directly put the said Usumama Brown in possession  
of the said mortgaged premises & he thereupon ~~was~~ <sup>did</sup> betwixt himself moved  
in as much as his said Majesty's Order bears date the first day of April  
thousand seven hundred and forty Two and directs that the Respondent's Debt  
in this Court be retained for two years only from the date of the said Order  
which year was already expired through the delays of the appellants in  
giving proper security pursuant thereto and for as much as the year was  
far advanced that if the common course of the Courts in which the Action  
Directed by the said Order to be brought against M<sup>rs</sup> Brown is Triable was  
to be allowed in this Case it was doubtful whether the same could be brought  
to Judgment within the time limited by the said Order wherefore they move  
that M<sup>rs</sup> Brown should be Ordered to plead an Speable Plea to the Action of  
Ejectment within fourteen days after service on her and that the said  
Action should be tried that Day eight Weekes being the second Court in course  
after such Plea pleaded and that no Delay should be Given on either part in  
bringing it to Judgment in the Court below which said motion being argued  
Counsel on both sides and the opinion of the said Court taken thereon the  
Court was divided That ~~you~~ <sup>you</sup> ~~had~~ <sup>had</sup> already brought his Action of Ejectment  
against the said Usumama Brown who is now in possession of the mortgaged  
premises and the said Usumama had been duly served with the said Action, That from the



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(Circumstances attending this affair and from the usual course of  
 Proceedings had in the said Court in which the said Queen's Petition  
 it was highly improbable that Judgment could be had therein within  
 the time limited by the said Order for retaining of the said Petition  
 the said Court by which it was ~~made~~ <sup>the</sup> Court conceived himself highly  
 distressed, wherefore the Petitioner prays that the said Defendant  
 Supra nom might be ordered by some short day to be appointed  
 by this Honble Court to join Issue and come to Trial on the said  
 Action without any delay so that the Proceedings had in the Court  
 below might in due time be returned into this High & Honble  
 Court pursuant to the Royal Order heretofore had in this Cause and  
 that which further and other Orders might be made for the better  
 relief in the Premises according to Justice & the constant Practice of  
 the said Court His Excellency Sir Thomas Robinson Bart Captain  
 General & Chancellor having heard the said Petition read  
 and the Arguments of Counsel on both sides and seriously cogitated  
 and considered the same Doth order that the said Defendant Supra nom  
 join Issue in the Action of Judgment in the Petition mentioned in  
 four bond days and come to Trial on the twenty second day of June  
 next ensuing which is hereby ordered accordingly

As true for me as I live

Thos. Mordaunt  
S. Reg.