

[HIGH COURT OF CHANCERY, ENGLAND, 1737] [1]

[Petition that funds of the Mico charity for redemption of poor  
slaves should go to Admiral Sir Charles Wager]

[1] 16 March 1736 [2] Reynardson [3]

**To the Right Honourable Philip Lord  
Hardwicke Baron of Hardwicke in the  
County of Gloucester Lord high Chancellor  
of Great Britain** [4]

[1] **I**nforming Showeth unto your Lordship Dudley Ryder his Majestys Attorney General [5] at the Relation of Sr Charles Wager Knight That Dame Jane Micoe

by her will dated the first day of July in the Year of our Lord One thousand Six hundred and Seventy Did give One thousand pounds to redeem Poor Slaves

which she willed should be put out as her Executors should think best for a yearly Revenue to redeem the same Yearly and

of such her will appointed her Brother William Robinjon and her Sister Elizabeth to be Executors

[2] and his Majestys Attorney General at the Relation aforesaid Showeth

that sometime in or about the Year of Our Lord One thousand Six hundred and eighty his then Majestys Attorney General [6] having Exhibited an Information in this Court against the said William Robinjon and Andrew Barker and the said Elizabeth his wife to have an Execution of the said Charity It was thereupon Decreed

that the said One thousand pounds should be laid out in a Purchase to be approved by Sr John Franklin then a Master of this Court and

that the Rents and Profits of what should be purchased should be applied according to the direction of the said Will and

that accordingly by Bargain and Sale enrolled in this Honourable Court and allowed of by the said Master and dated the twenty third day of November One thousand Six hundred and Eighty and made between

John Pollexfen Henry Pollexfen and Edward Pollexfen of the One part and

the said William Robinjon and Andrew Barker of the other part

the said John Pollexfen in Consideration of the said One thousand pounds did Grant unto the said William Robinjon and Andrew Barker and their Heirs the Wharfe in the Parish of St Andrew Wardrobe and Sr John Bennetts Pauls Wharfe in the City of London therein mentioned to be demised to Thomas Davies by Indenture of Lease Dated the eighteenth day of July One thousand Six hundred and seventy for Sixty One Years from Christmas then last past under the Yearly Rent of fifty pounds payable Quarterly

and his Majestys Attorney General at the Relation aforesaid further Sheweth [3]

that sometime in or about the Second Year of his present Majestys Reign [7] His Majestys then Attorney General [8] at the Relation of John Marrott did Exhibit his Information in this Honourable Court against Frances Barker Esther Barker an Infant John Miles and against Ralph Harwood thereby Setting forth the said herein before mentioned Decree and

that the said William Robinjon and Andrew Barker were both long since dead and

[1] UK National Archives, C11/2550/1

[2] By modern calendar years this date is 16 March 1737. Most legal documents in this era were dated using a legal (or fiscal) year that began on 25 March; so, any date from 1 January to 24 March 1737 would still be given the previous legal (or fiscal) year number 1736.

[3] Samuel Reynardson was one of the six clerks in chancery from 1734 to 1797.

[4] Philip Yorke, 1st lord Hardwicke, was lord chancellor from 21 February 1737 to 19 November 1756 (modern calendar).

[5] Dudley Ryder was attorney general from 28 January 1737 to May 1754.

[6] Creswell Levinz, attorney general from 27 October 1679 to 24 February 11681.

[7] c 1728-29

[8] Philip Yorke, attorney general from 1 February 1724 to January 1734.

that the said Andrew Barker Survived the said William Robinſon and had left Samuel Barker his only Son and Heir and

that the said Elizabeth Barker by the Death of the said William Robinſon became the Sole Surviving Executrix of the said Dame Jane Micoe And

that the said Elizabeth Barker was ſince dead and by her will had deviſed the ſaid Purchaſed [P]remiſſes and all the [-----] the Manner and Nature of diſpoſing thereof to Samuel Barker her Son and had made him Sole Executor and

that the ſaid Samuel Barker was alſo dead and by his will had given the reſidue of his Real & Personal Eſtate to his own right Heirs and had made his Siſters Dame Elizabeth Delves and Mary Barker his Executr[ic]es who had pr[---] the Same and

that the ſaid Elizabeth Delves had Survived her Siſter the ſaid Mary Barker and died Inteſtate and

that the ſaid Frances Barker the Widow of the ſaid Samuel Barker had taken out Administration to the ſaid Dame Elizabeth Delves and alſo Administration of the Goods not Adminiſtred of Samuel Barker who lef[t] one Daugh[ter] Elizabeth and the ſaid Eſther and Elizabeth the Daughter dying without Iſſue Eſther was become Sole Heir to Samuel and that as ſuch or otherwiſe was Seized of the ſaid Wharfe in Trust as afoſaid and

that a Commiſſion of Charitable uſes Iſſuing the twenty fifth of May One thouſand Seven hundred and twenty three upon an Inquiſition taken the[re] on the fourteenth of May One thouſand Seven hundred and twenty four It was found

that the Leaſe of the ſaid Wharfe and premiſſe was by meſne Aſſignments veſted in the ſaid Ralph Harwood for the reſidue of the ſaid Term of Sixty One Years and

that the ſaid Samuel Barker had in his hands at his Death two hundred eighty pounds thirteen Shillings of the Rents thereof received by him which was then unapplied and

that the ſaid Frances had aſſets Sufficent to pay the ſame and

that John Hollister Gentleman by virtue of ſome Power from the ſaid Samuel Barker had

received the Rent of the ſaid Wharfe and premiſſes for twelve Years and a half

by means whereof there then remained in his hands Five hundred eighteen poundſ five Shillings clear of Taxes and Outgoings and

that the Rents in Arrear amounted to two hundred twenty five pounds out of which an Allowance was to be made for Taxes and outgoings and

therefore by the Commiſſioners upon the ſaid Commiſſion it was

decreed that

the five hundred Eighteen poundes five Shillings then in the hands of the ſaid John Hollister and

likewiſe what ſhould remain in the hands of the Defendant Ralph Harwood the Executor of the ſaid Ralph Harwood after all reaſonable deductions made (he having admitted Aſſets)

ſhould be paid to the ſaid Frances Barker and ſhould be laid out together with the two hundred eighty pounds thirteen Shillings then in her hands as Administratrix of the Goods not Adminiſtred of the ſaid Samuel Barker (firſt deducting thereout Forty two pounds expended by her in obtaining and proſecuting the ſaid Inquiſition and Decree) In South Sea Annuities or other Security in the Names of her and the ſaid John Miles for the Benefit and encreaſe of the ſaid Charity and

further Decreed

that the Rent of the ſaid Wharfe and premiſſes ſhould from time and time until the ſaid Eſther ſhould Attain her age of twenty One Years be paid to and received by the ſaid Frances Barker for the uſe of the ſaid Charity and

that the ſaid Francis Barker for Want of a proper Occaſion to diſpoſe of and apply the ſame in the Redemption of Slaves ſhould during the Infancy of the ſaid Eſther as often as the Clear Rents of the ſaid Wharfe and premiſſes and the Interest and produce of the ſaid Securities received by her did amount to One hundred pounds or Upwards Veſt and lay out the ſame in South Sea Annuities or other Securities in the Names of her and the

said John Miles for the further Benefit and increase of the said Charity and

that the said Frances Barker and the said John Miles

during such Infancy should as often as they had opportunity dispose of and apply the Several Sums by them received or to be received on Account of the said Charity or any part thereof for Redemption of Poor Slaves in Purfuance of the Will of the said Dame Jane Micoe and

upon the said Esther attaining her Age of twenty one Years Assign transfer and deliver to her all such Securities and Moneys as should be then in their or either of their hands Custody Possession or Power and thereupon the said Esther her Heirs and Assigns should receive the Rents and Profits of the said Estate and lay out Dispose and apply the said Money and Securities or any part thereof in such manner as the said Frances Barker and John Miles were directed to do

And his Majestys then Attorney by such Information charged

that by Virtue of such Decree the said Elizabeth Barker and the said John Miles had got into their Custody or Possession the said Several Sums but

pretended they could not apply the same without the Direction of this Honourable Court and

therein for the purpose prayed the Direction of the said Court and

the said Frances Barker John Miles and Esther Barker having put in their Answer to the said Information the said Frances Barker by such her Answer admitted

to have received the said Five hundred eighteen pounds five Shillings from the said John Hollister and

that She and the said John Miles on the twenty eighth of July One thousand seven hundred and twenty four did lay out the same together with what was due from her after a deduction of the said Forty two pounds in Seven hundred pounds South Sea Annuities in their

joint names for the Purposes in the Decree mentioned and

that about the third of November One thousand seven hundred and twenty nine having received of the Defendant Ralph Harwood One hundred ninety five pounds two Shillings and Six pence (which after a deduction of Taxes and Outgoings out of the said two hundred and twenty five pounds was the reall Sum due from him) they

had applied in the Purchase of two hundred pounds more South Sea Annuities in their Joint Names and

had received the Interest and produce of the said South Sea Annuities and the rents of the said Estates as they became due and thereout purchased three hundred pounds more South Sea Annuities and

had then in their hands twenty three pounds eighteen Shillings and Six pence

that no Application had been made of the said Charity but were willing and desirous that the same might be applied accordingly and

Defendant Harwood by his Answer claimed no right to the premises then under the Lease which would Expire at Christmas One thousand Seven hundred and thirty and

upon such Information and Answers on the twenty ninth of January [9] in the Second Year of his present Majesty's Reign [10]

It was among other things Decreed

that it should be referred to Mr Lightboun one of the Masters of this Court to take an Account of what Sums of Money

had been received by the said Frances Barker and John Miles either out of

the Rents and profits of the said premises or

the Interest or proceed of the said South Sea Annuities Purchased by them or

otherwise had come to their or either of their hands

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[9] 29 January 1729

[10] King George 2 reigned from 11 June 1727 to 25 October 1760.

belonging to the said Charity since the Decree of the Commissioners of Charitable Uses and

what upon the said Account should appear to be in their or either of their hands was Ordered by them

to be invested in the Purchase of South Sea Annuities

whereof they were to declare their Trust according to the Will of the said Dame Jane Micoe and

that a Receiver should be appointed of the said Charity

who what he should receive from time to time thereout should pay the same unto the said Frances Barker and John Miles

who when they should have the Sum of One hundred pounds in their hands were to

lay out the same from time to time in the Purchase of South Sea Annuities and

to declare the Trust thereof according to the Will of the said Dame Jane Micoe and

the said Master was

to receive proposals from the parties how and in what manner the said Charity might be disposed as near the Intent of of the said Will of the said Dame Jane Micoe as it could

to State the same for the further Directions of the Court and

the said Master was also to receive proposals from any person who was willing to take a Lease or Leases of the said Wharfe and premises to commence from the Expiration of the then present Lease to the said Harwood and on the best and most advantageous Terms for the Charity and the Defendant Esther Barker when she should come to the Age of twenty One Years to execute such Leases as the said Master should approve of

as by the said Information Answers and Decree remaining as of Record in this Honorable Court and relation to them respectively being had may more fully and at large appear

[4] And His Majestys Attorney General at the Relation aforesaid further Showeth that the said Esther

having Attained the Age of twenty one Years and

had intermarried with James Lambe Gentleman

by an Order made on the Sixteenth day of June [11] in the fifth Year of his present Majestys Reign [12] reciting that

the said Defendants Frances Barker and John Miles had on the Sixteenth of March then last [13] preferred their Petition unto the Right Honorable the Lord High Chancellor of Great Britain [14]

thereby among other things Setting forth

the said Decree and the said Legacy and

that the said Master on the Seventeenth of November then last [15] had made his Report Stating

the said Petitioners Accounts of Receipts and payments and

that the said Petitioners had at Several times purchased thirteen hundred Pounds South Sea Annuities in their Names and

that there remained in the said Petitioners hands of the said Trust Money twenty two pounds Seventeen Shillings

that in August then last [16] the said Esther had Married the said James Lambe and

that the Petitioners having Voluntarily accepted and Acted in the said Trust during the said Esthers Minority

the said Mr James Lambe & Mr John Bance who were both Merchants were Willing to take on them the Trust in Question and

as they were persons of known Credit and Circumstances and by their profession as Merchants would have it more in their Power to be Serviceable therein when any proper occasion should offer for Redeeming Persons in Slavery and

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[11] 16 June 1731

[12] c 1731-32

[13] 16 March 1731

[14] Who must have been Peter King, 1st lord King, lord chancellor from 1 June 1725 to 29 November 1733.

[15] 17 November 1730

[16] August 1730



as the said Petitioners had as then faithfully discharged their Trust and made up their Accounts thereof

the said Petitioners prayed

that the said James Lambe and John Bance might be Substituted Trustees for the said Charity Monies and Securities in the Room of the said Petitioners and

in Order thereto that the said Petitioners might be at Liberty to transfer the said thirteen hundred Pounds South Sea Annuities and pay the said twenty two pounds seventeen Shillings to the said James Lambe and John Bance and

that they might be directed as often as they should have One hundred pounds in their hands to lay out the same in the purchase of South Sea Annuities and to declare the Trusts thereof and

that upon such Petition the said Lord Chancellor had Ordered that

it Should be referred to the said Master to Examine and Certify whether the said Mr Lambe and Mr Bance were proper Persons to be Substituted Trustees for the said Charity Money or Securities in the Room of the Petitioners and

upon the Masters Report the said parties were at Liberty to report back for further direction

That in purfuance of such Order the said Master on the tenth day of May then last [17] had made his Report and thereby Certified

that it appeared to him that the said Mr Lambe and Mr Bance were Persons of Fortune and Credit and

that he conceived they were proper persons to be Substituted Trustees for the said Charity Money and Securities in the Room of the Petitioners

His Lordship did Order

that the said James Lambe and John Bance should be substituted Trustees for the said Charity Monies and Securities in the Room of the said Frances Barker and John Miles according to the said Report and

that the said Frances Barker and John Miles should transfer the said thirteen hundred pounds South Sea Annuities and pay the said twenty two pounds seventeen Shillings Trust Money in their hands to the said New Trustees upon the Trust contained in the said Decree and

that the said Receiver should for the future pay the Rents and profits of the said Trust Estate to the said Mr Lambe and Mr Bance the New Trustees

And his Majestys Attorney General at the Relation aforesaid further Showeth that

the said Mr Lambe and Mr Bance and the other Persons who have been before them concerned in the said Charity not having been able by reason of the difficulty in discovering and their Ignorance of the Method of Treating for the Redemption of Captives to apply any part of the Charity according to the Intent thereof for many Years and

there being Several other Charitable dispositions of the like kind that lye under the same difficulties

his present Majesty being desirous that the most Effectual Care may be taken for the Application of the said Charities in the Redemption of his Captive Subjects has been graciously pleased to Grant his Letters of Privy Seal dated at Westminster the Fifteenth day of July [18] in the Ninth Year of his Reign [19] Directed

to the Company or Corporation of Iron mongers in his Majesty's City of London and

to all other Companys or Corporations in his said City and

all other person or persons whatsoever to whom the said Letters of Privy Seal should or might appertain

Reciting that it had been represented to his Majesty that very Considerable Sums of Money were remaining in their or some of their hands Custody Possession or Power which should and ought to be applied and disposed of for the Redemption of such his Majestys Subjects as had happened to be taken Captives and carried into Slavery

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[17] 10 May 1731

[18] 15 July 1735

[19] c 1735-36

Therefore his said Majesty

apprehending that the Sums of Money so remaining had not then been applied to the said Good and Charitable purposes

not only for Want of Information concerning the manner and Method of Treating for the Redemption of such Captives

but also for Want of having some person or persons of Good Credit and Ability duly Authorized and appointed to receive the same and thereout to pay and defray the Charges Attending the said Redemtion

Did Nominate and appoint the said Sr Charles Wager by the Name of his Right Trusty and well beloved Counseller Sr Charles Wager Knight first Commifsioner of his said Majestys Admiralty and Admiral of the White Squadron of his said Majestys Fleet to ask demand and receive of every such person to whom the said Letters of Privy Seal were directed or any of them therein concerned All every the Sum and Sums of Money which they every or any of them had remaining in their hands Custody Possesjion or Power which should and ought to be applied and disposed for the Redemption of such of his said Subjects as had happened or should happen to be taken Captives and Carried into Slavery as aforesaid and

his said Majesty did by such Letters of Privy Seal authorize and appoint the said Sr Charles Wager from time to time upon the Receipt or Receipts of any Sum or Sums of Money for the purposes aforesaid to give acquittances and discharges under his hand and Seal and

his said Majesty did by such Letters of Privy Seal Declare Grant and appoint

that such acquittances and discharges of the said Sr Charles Wager should be good and Sufficient in the Law for the Monies therein to be contained against his said Majesty his heirs and Succesjors to the Companys or Corporations and their Succesjors and to any other Person or Persons paying the same his or their Heirs Executors or Administrators and

that

such acquittances or discharges should be allowed in all his Majestys Courts and eljewhere and

the respective parties should be thereupon finally discharged of such Monies in such his said Majestys Courts and eljewhere to All Intents and purposes whatsoever and

his said Majestys further Pleasure was and he did by such Letters of Privy Seal Authorize and appoint that the said Sr Charles Wager

should be Accountable to his said Majesty in his said Majestys Exchequer for all the Monies which should be received by him in pursuance of such Letters of Privy Seal and

should pay and dispose of the Monies so by him to be received for the Redemption of Captives and the Charges Attending the same as his said Majesty by particular directions under his Royal Sign Manual should from time to time think fit to declare and appoint

as in and by the said Letters of Privy Seal may more fully and at large appear,

And his Majestys Attorney General at the Relation aforesaid further Showeth that in purfuance of the said last mentioned Order of the Sixteenth of June [11] in the fifth Year of his present Majesties Reign [12]

not only the said thirteen hundred pounds South Sea Annuities were transferred to the said James Lambe and John Bance by the said Frances Barker and John Miles

but likewise the said twenty two pounds seventeen shillings was paid by the said Frances Barker and John Miles to the said James Lambe and John Bance and

the Receiver of the said Trust Estate hath from time to time since the making the said last mentioned Order paid the Rents and profits of such Trust Estate to the said James Lambe and John Bance

such thirteen hundred pounds South Sea Annuities and such twenty two pounds Seventeen Shillings and the Rents and profits of such Trust Estate paid unto them being in them Subject to the said Charity

And his Majestys Attorney General at the Relation aforesaid further Sheweth that

the said James Lambe and John Bance have from time to time received the Dividends of the said

[6]

[7]

South Sea Annuities and have invested the same together with the said Sum of twenty two pounds Seventeen Shillings and the Rents and profits of such Trust Estates in other South Sea Annuities or other Securities and have not applied any part thereof to the [Trust?] and purposes of the said Charity and

therefore the Relator Sr Charles Wager by virtue of the said Letters of Privy Seal

ought for the purposes in the said Letters of Privy Seal mentioned to have the said South Sea Annuities and other Securities transferred and assigned to him and

ought to have the Rents and profits of the said Trust Estate for such purposes also as aforesaid paid to him, and

the said James Lambe and John Bance ought to Account with the Relator Sr Charles Wager for the Dividends and profits which they have received or made either from the said South Sea Annuities and other Monies of them respectively received by from and out of the said Trust Estates

[8] But his Majestys Attorney General at the Relation aforesaid Sheweth that the said James Lambe and John Bance refuse

to discover what South Sea Annuities or other Securities they have in their or either of their Names relating and concerning the said Charity or

to Account with the Relator for the Produce thereof or for the Rents and profits which they have from time to time received out of the said Trust Estate or

to Set forth and discover how the same have been applied

pretending or alledging that they cannot so do without the Direction of this Honourable Court

[9] To the end therefore

that the said James Lambe and John Bance may upon their Several and respective Corporal Oaths true full distinct and direct Answers make to all and Singular the Several Matters and things herein before charged as fully and particularly as if the same were here again particularly repeated and Interrogated and

more Especially that

they may Set forth

whether by such Order as herein before mentioned to bear date the Sixteenth day of June [11] in the Fifth Year of his present Majestys Reign [12] they were not appointed Trustees for the purposes therein mentioned and

whether they did not Accept of the Trust and thereupon whether

the said thirteen hundred pounds South Sea Annuities were not transferred to them by the said Frances Barker and John Miles and the said Sum of twenty two pounds seventeen Shillings likewise paid to them by the said Frances Barker and John Miles and

what Rents and profits they the said James Lambe and John Bance have respectively received by from and out of the said Trust Estate and

what Dividends they respectively have received from the said thirteen hundred pounds South Sea Annuities and

how they have applied the same and the said twenty two pounds Seventeen Shillings and the Rent and profits which they have received out of the said Trust Estate either from the Receiver or any other and what person or persons whether in any and what South Sea Annuities or any other and what Securities and

how much either of Dividends or profits of the said Trust Estate remains and for how long has remained in their hands not placed out at Interest and why the same had not been placed out at Interest either in South Sea Annuities or other Securities for the benefit of the same Charity and

if they or either of them shall pretend that they have applied either the South Sea Annuities or any part of them or the Dividends and produce of the same or any part thereof or the Rents and profits of the Trust Estate come to their or either of their hands in the Redemption of any Slaves and Captives according to the True Intent and meaning of the said Charity That they may respectively Set forth and

Discover what they have so applied and in the Redemption of what particular Person or Persons and whom by Name and for what particularly and when and

they

may Severally come to an Account with the Relator

for what South Sea Annuities stand in their or either of their Names in Relation to the said Charity and

for the Dividends of the same and other Securities relating to the said Charity and the Interest and the Produce of the same and for the Monies remaining in their or either of their hands relating to or any wife concerning the said Charity and

for the Rents and profits which they have respectively received out of the said Trust Estate and

may

transfer and assign over such South Sea Annuities or other Securities to the Relator and

also pay over to him such Monies remaining in their or either of their hands relating to or any wife concerning the said Charity either arising

from the Dividends Interest or produce of South Sea Annuities or other Securities in their Names or hands relating or any wife concerning the said Charity or

from the Rents and Profits of the said Trust Estate and

that the Receiver of the Trust Estate may from time to time pay the Relator the Rents and Profits of the said Trust Estate

To the end and purpose

that

as well the said South Sea Annuities or other Securities and the Dividends Interest and Produce of the same and the Monies so to be paid over to the Relator

as also the Rent and profits of the said Trust Estate to be paid to the Relator

may be

applied to the said Charitable purposes and

Subject to such an Account as his Majesty by his said Letters of Privy Seal hath Directed and

that the Relator may have such further and other Relief as your Lordship the Premises Considered shall think fit

May it please your Lordship to Grant unto his Majestys said Attorney General at the Relation aforesaid his Majestys most gracious Writ or Writs of *Subpena* under the Seal of this Honourable Court to be directed to the said James Lambe and John Bance and the rest of the Confederates when discovered thereby commanding them at a certain day and under a certain pain therein to be limited

personally to be and appear before your Lordship in this High and Honorable Court then and there true direct and perfect Answer to make to all and Singular the premises and

further to Stand to and Abide such Order and Decree herein as to your Lordship shall seem meet.

*D Ryder*

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