

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

[Defendants' answer to a claim that funds of the Mico charity
for redemption of poor slaves should go to Sir Charles Wager]

[1]

C12/2320/2

Both fworn this Fifteenth Day of July 1737 before me
at the publick office R Edward

**The Joint and Several Anfwer of James Lambe
and John Bance Esquires Defendants to the
Information of Dudley Ryder Esquire his
Majesties Attorney General at the Relation of
Sir Charles Wager Knight Relator**

These Defendants saving and reserving to
themselves now and at all times hereafter all
and all manner of benefit and advantage of Excep-
tion to the Errors Incertainties and Insufficiencies
in the said Information contained for anfwer
thereunto or unto so much thereof as these Defend-
ants are advifed is material for them to make
anfwer unto They these Defendants anfwer and
jaj That they beleive and admitt it to be true

That Dame Jane Micoe in the said Information
named might duly make and publish her laft Will
and Testament in writing bearing date on or
about the first day of July in the Year of our Lord
One thousand Six hundred and Seventy to the
purport and Effect in the said Information men-
tioned

And that there might be such Decree made and
Obtained in this Honourable Court in or about
the Year of our Lord One thousand Six hundred
and Eighty upon an Information brought by his
then Majesties Attorney General as in the said
Information is mentioned and setforth

And these Defendants do beleive and admitt it to
be true that pursuant to the Directions of the said
Decree William Robinjon and Andrew Barker in
the said Information named by Indenture of Bar-
gain and Sale Inrolled in the High Court of Chan-
cery bearing date on or about the Twenty third day
of November One thousand Six hundred and
Eighty might in Consideration of One thousand
pounds purchase of the said persons in the said
Information also named the Estate and premiſses

therein named to them and their Heires whereof
the Inheritance and Legal Estate is now in Esther
Lambe Wife of this Defendant James Lambe as
Great Grand Daughter and Heir of Andrew Barker
the Surviving Trustee in the said Indenture of
Bargain and Sale as this Defendant James Lambe
verily beleives

And these Defendants do beleive it to be true that
a Commiſsion of Charitable Uses might Issue out
of this Honourable Court on or about the Twenty
fifth day of May in the Year of our Lord One
thousand Seven hundred and Twenty three and
that an Inquisition might be taken thereon about
the time in the said Information mentioned

And these Defendants do also admitt that in or
about the Second Year [2] of his present Majesties
Reigne his Majesties then Attorney General at the
relation of John Marratt in the said Information
named might Exhibitt such Information in this
Honourable Court against Frances Barker Esther
Barker an Infant (now the Wife of this Defendant
James Lambe) John Miles and Ralph Harwood as
in the said Information is Setforth And that such
Anfwers might be put in thereto and such Decree
made thereon as mentioned and Setforth in the
said Information as in and by the said Information
Anfwers and Decree to which these Defendants
for greater Certainty crave leave to referr them-
selves will and may more fully and at large appear

And these Defendants do admitt that James
Lightborn Esquire the Master to whom the said
Cause was referred having by his Report dated
the Seventeenth day on November One thousand
seven hundred and Thirty stated the Account of
the said Frances Barker and John Miles the then
Trustees of the aforesaid Charity and that there
was then Standing in their names the summe of
One thousand three hundred pounds Capital South
Sea Annuities and that there remained in their
hands in moneys the summe of Twenty two pounds
seventeen shillings the said Frances Barker and

[1] UK National Archives, C12/2320/2

[2] 1728-29

John Miles did in purfuance of several Orders of this Court and particularly of an Order dated the Sixteenth day of June One thousand seven hundred and thirty One whereby these Defendants were Substituted Trustees for the said Charities moneys and Securities in the room of the said Miles and Barker Transferr the said One thousand three hundred pounds South Sea annuities into the names of these Defendants and did like wise pay to this Defendant James Lambe on behalf of himself and the said John Bance the Sum^{me} of Twenty two pounds seventeen shillings

And this Defendant James Lambe admitts that since he and the said John Bance were so appointed Trustees of the said Charity he has received the Interest of the Charity Estate to Michaelmas last and the Interest and produce of the said One thousand three hundred pounds and other South Sea annuities to Lady day last

And that the said Master by his Report dated the Twentieth day of September One thousand seven hundred and thirty three did state and settle the account of the Receipts and Payments of this Defendant from the foot of his former Report of the seventh day of November One thousand seven hundred and thirty and certified

that there remained in the hands of this Defendant James Lambe the sum^{me} of Fifty seven Pounds Six Shillings And

that there was then Standing in the name of these Defendants the sum^{me} of One thousand five hundred pounds Capital South Sea Annuitys Stock in Trust for the Charity Estate in Question

And this Defendant James Lambe says the said Master by his Subsequent Report of the Twenty fourth day of June last did State and Settle the accounts of the Receipts and Payments of this Defendant from the foot of his former Report of the Twentyeth day of September One thousand Seven hundred and thirty three And thereby Certified

that there remained in the hands of this Defendant James Lambe of the Charity Estate in Question the Sume of Sixty four pounds Seven Shillings and one Penny And

that there was then Standing in the names of these Defendants the Sum^{me} of Two thousand

Pounds Capital old South Sea Annuitys In Trust for the Charity Estate in Question

which said Several Reports have been duly Confirmed by several Orders of this Court as these Defendants are Informed and beleive

And this Deft John Bance for himself says that he has Joined with the said James Lambe in the acceptance of the said Two Thousand Pounds South Sea Annuitys Transferred into their Joint names but since he has been Concerned in the said Trust has not received any of the Interest or Dividends of the said Annuitys or of the Rents of the aforesaid Estate or any other Sum^{me} or Sum^{ms} of money out or on account of the said Charity Estate in Question but has left the Jame and all the Payments and Charges on account thereof unto the said other Defend^t James Lambe

And this Defendant James Lambe Says that neither he nor any other to his knowledge or beleif have or hath received any other or further Sum^{mes} of money out of or on Account of the said Charity or Trust Estate in Question Except what are mentioned in the said Masters two several Reports dated the Twenty Seventh day of September One thousand Seven hundred and thirty three and Twenty fourth day of June One thousand seven hundred and Thirty seven and the Schedules thereto Annexed And that he did really and *bona fide* pay All and every the Sum^{me} and Sum^{mes} of money therein and in the Schedules to the said Reports mentioned to be paid and allowed to this Defendant

And these Defendants Say they beleive it may be true

that his present Majesty was Graciously Pleased to Grant his Letters of Privy Seal dated at Westminster the Fifteenth day of July in the Ninth Year of his Reign [3] to the Relator Sir Charles Wager to Ask Demand and receive of and from the Company or Corporation of Ironmongers in his Majesties City of London and of and from all other Company's or Corporations in his said City and all other Person or persons whatsoever all and every the Sum^{me} and Sum^{mes} of money which they or any of them had remaining in their hands Custody Possession or Power which should and ought to be applied and disposed for

[3] 15 July 1735

the Redemption of such of his said Majesties Subjects as have happened or should happen to be taken Captives and Carried into Slavery And that in such Letters of Privy Seal may be Contained such other Powers and Authorities as in the said Informac^on is Setforth but these Defendants crave leave to refer to the said Letters of Privy Seal when the same shall be Produced to this Honourable Court

And these Defendants Say that in Case they can be Saved harmless and Indemnified they are willing that One thousand five hundred Pounds of the said Capital South Sea Annuities may be either Transferred to the said Sir Charles Wager Or that the said One thousand five hundred Pounds Capital South Sea Annuities may be Sold and the moneys raised by the Sale thereof paid to the said Sir Charles Wager for the Purposes mentioned in the said Letters of Privy Seal

But as the Charity moved from the Family of the wife of this Defendant Lambe and as these Defendants were Substituted Trustees at the request of the said Mrs Lamb and her Family and having no way misbehaved themselves in the management of the said Trust Estate but on the Contrary having by their Care greatly Improved the same they are Desirous if this Honourable Court shall so think proper that the remaining Five hundred Pounds of the said South Sea Annuities may Continue and remain in their names and the Annual Increase of the Charity Estate may continue to be paid to these Defendants 'till some further Occasions shall hereafter arise for the due and proper application thereof

However if this Honourable Court shall on the Circumstances of the Case adjudge that the Relator Sir Charles Wager ought by Virtue of the said Letters of Privy Seal to have a Transferr of the whole of the said Two Thousand Pounds South Sea Annuities and the aforesaid Sum^m of Sixty four pounds Seven Shillings and one penny Certified by the said Report of the Twenty fourth day of June last to be remaining in the hands of this Defendant James Lambe these Defendants Submit themselves to such Order and Direction as this Honourable Court shall think proper to make therein

And these Defendants deny all Unlawfull Combination wherewith they are Charged in and by the said Complaints said Bill of Complaint

without that that any other matter or thing in the Complaints said Bill of Complaint Contained materiall or Effectuall for them these Defendants to make answer unto and not herein and hereby well and Sufficiently answered unto Confessed or Avoided Traversed or Denied is true

All which matter & things these Defendants are ready to Justify Maintain and and Prove as this Honourable Court Shall direct and humbly pray to be hence Dismissed with their reasonable Cost and Charges in that behalf Sustained

John Talbot
