

## LOVELACE's Charity

### AFFAIRS IN SPAIN from 1803 onwards

John LOVELACE died in Malaga on 13<sup>th</sup> October 1803 and his will (dated 13<sup>th</sup> December 1801) was declared valid in the City of Malaga on 22<sup>nd</sup> November 1803. Although John named three executors in Spain, the one who saw the administration through to the bitter end was John MacDERMOT, an Irishman, who was a close friend of John LOVELACE and at one time lived in his household and was involved in his merchanting business. Another active executor was a Frenchman Pedro BERINGON or BARINGON. The will provided that John's executors should realise all his assets in Spain and remit the proceeds to London, where trustees would invest the money and use the income for the charitable purposes laid down in the Will, which would eventually come to be known as the LOVELACE TRUST. Little did John MacDERMOT know that his duties as executor were to last nearly 25 years and that it would be even longer before any of John LOVELACE's poor relatives received anything from the trust.

One should be aware of the situation in Spain around the time of John LOVELACE's death. The Peace of Amiens in 1802 had brought to an end the French Revolutionary Wars but in May 1803 hostilities between Britain and France flared up again and the Napoleonic Wars, which followed, were to last until 1815. Charles IV (1748-1819) was King of Spain at the time. He ruled from 1788 to 1808 and was a completely ineffectual monarch. He was dominated by his wife Maria Louisa of Parma and her lover Manuel de GODOY, whom Charles appointed Prime Minister in 1792. GODOY influenced Spanish foreign policy for much of Charles' reign, generally with disastrous results.

Malaga was an important centre for international trade and did good business with London and America. Despite the hostilities at the close of the late 18<sup>th</sup> century international merchants continued to do business as best as they could. After the treaty of Amiens in March 1802, the city of Malaga was just beginning to recover but then suffered two setbacks. Firstly, an outbreak of yellow fever, which raged through Malaga in 1803 and 1804, discouraged visitors and traders alike. But, worse was to come. Later in 1804 British ships carried out apparently unprovoked attacks on Spanish silver convoys en route from South America. King Charles IV was outraged on hearing news of the loss of his silver and issued Orders, dated 14<sup>th</sup> and 23<sup>rd</sup> November 1804, that the property of all English subjects in Spain should be sequestered, in reprisal. These orders were rigorously carried out and on the evening of 21<sup>st</sup> November all the English ships in the port of Malaga and in the bay were arrested. The contents of the ships were seized, without exception, as were the contents of houses and warehouses of English people, which had been left unoccupied on account of the yellow fever epidemic.

After John LOVELACE's death his executors doubtless produced an inventory of his assets and liabilities and for the best part of a year gradually realised his assets, such as houses, stock, bills of exchange, book debts and the like and presumably paid his creditors. Some money was remitted to London. However, things changed dramatically following the Royal Orders in November 1804. John LOVELACE had been one of the wealthiest merchants in Malaga and certainly the wealthiest English one. It is perhaps surprising that it took as long as two or three months before the Reprisal Court took an interest in John LOVELACE's estate. This may possibly have been due to the fact that the estate was being administered by three non-English executors.

Pedro BARINGON seems to have borne the brunt of the Spanish authorities' enquiries concerning John LOVELACE's estate. They were of course anxious to ensure that no assets had been concealed and for that purpose required a reconciliation between the inventory of estate assets at death with subsequent realisations. Above all they did not want any more money being remitted to London. The desire expressed in John LOVELACE's Will, that his estate should be wound up without the interference of judges or the courts, went by the board with a vengeance!

On 8<sup>th</sup> August 1805, after many enquiries, a lot of calculations and adjustments, the Spanish authorities agreed that the assets sequestered amounted to 2,655,930 reales of vellon.

The following items of information have been have been roughly translated and paraphrased from a 112 page document, written in Spanish. This contains statements from a variety of different sources over a 9 year period, the last page being dated 1<sup>st</sup> August 1814.

**Page 1** - Don Francisco RODRIGUEZ de Cassaya & Valdes, King's notary at the War Courts in Malaga swears that on 20 February 1805 the file in the reprisal court there was entered up. Don Francisco ALTAMIRANO and Notary

Felipe PEREZ were attempting to ascertain the assets due to the Hacienda [*Inland Revenue*] following the death of an Englishman John LOVELACE.

[*much left out*]

**Page 2** – Don Rafael TRUXILLO questions Don Pedro BERINGON, who was John LOVELACE’s Executor.

In Malaga on the evening of 21 November 1804 all the English ships at the port of Malaga and in the bay were arrested and possession taken by whatever means necessary. The order applied to the whole country. The contents of all ships were seized without exception as were the contents of the houses and stores of any English people, who were absent on account of the epidemic that was affecting Malaga.

**Page 4** – Don Pedro BERINGON declares that he is French and that John LOVELACE died naming him as joint Executor with John MacDERMOT, an Irishman living in Cadiz. In carrying out that office, he had sent some things to London in accordance with the testator’s wishes and all he has left are books and papers that, due to the epidemic that was in the city in August, were put into trunks and sealed in a room in a house that he now indicated and he handed the key to the notary.

**Page 5** – In the City of Malaga on 17 January 1805 Don Rafael TRUXILLO declares that Don Juan de LEYBA informed him that, a year after John LOVELACE’s death, a house of John LOVELACE’s was sold to Don Juan MEMBIELLE for a certain sum and he still owed the majority of the amount to the person appointed under Power of Attorney, who according to the last Will of John LOVELACE, would be sending the funds to London for the creation of schools. Because this was legitimate English property, it had to be seized immediately.

**Page 6** – In Malaga 26 January 1805 Don Juan MEMBIELLE declared that he had bought from John LOVELACE’s executors a house for 530,000 reales and taking into account what he had already paid, he still owed 259,982 reales, to be paid in two instalments.

**Page 11 onwards** – Extract of last Will of John LOVELACE:

“John LOVELACE of the Protestant religion, of Britain states on 13 December 1801:

It is my will that the executors of my testament collect all my outstanding accounts of any type or nature in Spain or other parts, except England and Ireland, sending the sums received to my dearest friends Don Juan and Don Jorge WARD, merchants of the City of London, quarterly. I name Don Juan BAUTISTA, Don Pedro BARINGON and Don Juan MacDERMOT, all of this city, executors of my Will & give them jointly and severally the widest powers after my death to take possession of all my assets, in order to fulfil my last will, with no intervention by a judge; and send to my friends John and George WARD all my assets from Spain and abroad, except England and Ireland, because my friend (the WARDS) will deal with those.”

**Page 23 onwards** - Don Pedro BARINGON told the authorities that, “because of his mature age and his fragile health, he could only check the accounting of the sales in general and took notes of the things he did as follows:

<u>Note of the realisation of the assets and credits of Don Juan LOVELACE dec’d realised and sent to London</u>	
85,600	from Don Jn. MAURY by the hand of Nicolas MUNEZ
11,050	from another 110½ ... of wine ..... also from the previous
1,050	from Jn. HERRERA in 100 Barrs. of 4 @ ..... 1,000
5,650	from Anto. MACON
<u>216.19</u>	Existing in the vault [ <i>?cash in hand</i> ] at 31 July 1804
103,566.19	Total cash
	54,967 Note (IOU) from HIRCHFELD & REYE remitted to McDERMOT
	40,000 Paid already
	17,235.04 MELITON amount duplicated
	<u>828.26</u> Joaquim HIDALGO hasn’t paid
<u>113,030.30</u>	
<u>216,597.15</u>	[ <i>34 maravedis = 1 real</i> ]

Disposal of the said sum:

42,069.06	Remitted to Messrs WARD & WOODFALL of London.
43,530.28	Paid to P. BARINGON.
9,218.01	Paid to GUIVEYNCE & Co. for the balance of the account of BEGGA
<u>7,410.29</u>	Paid to Pedro BARINGON and balance of the Vault
102,228.30	
<u>1,287.23</u>	For several costs
103,516.19	
<u>113,030.30</u>	Bringing in of the arranged sum for certain particulars .....
<u>216,547.15</u>	& errors corrected

**Page 25** – Pedro BERINGON sent to John MacDERMOT a note (IOU) from Enrique HIRSCHFELD y Reyes for 54,967 reales. The person due to receive the declaration of the debtors confirmed that this payment was due and gave a document to that effect to Diego TERRY on 17<sup>th</sup> May; Enrique HIRSCHFELD showed that he had bought from John LOVELACE’s executors a stock of wine at the beginning of May last, amounting to 54,900 and a bit reales, payable in 180 days.

**Page 26** – In Malaga on 18<sup>th</sup> May 1805 the Senor Marques de Isla HERMOSA, judge for investigating English assets in the city and province, declared, after looking at the documents, that there was proof of the Note that Enrique

HIRSCHFELD y Reyes presented. In order to proceed to get the 54,967 reales from John MacDERMOT, executor of Mr LOVELACE, they enquired and asked him to show all the documents, books, papers and receipts in his possession, relating to the matter. In case he doesn't have the said papers and documents etc., they request him to tell them who had them or where to find them.

The notary states that the Note says "We will pay by order of Messrs MacDERMOT and BARINGON in 180 days, with no delay, the amount of 54,967 reales in cash.

**Page 28-32** – Documents given to Guillermo TERRY showed the following amounts in the treasury:

20<sup>th</sup> May 129,991 reales in cash received from Juan MEMBIELLE from the purchase of the house from the executors of John LOVELACE; Malaga 28<sup>th</sup> May 1805.

Sworn that 1,090 reales put into the treasury, that Manuel MARTINEZ owed John LOVELACE. This was paid on 23<sup>rd</sup> April 1805.

3,200 reales was deposited in the Royal treasury, owed by Vicente MELENDEZ and Joaquin RODRIGUEZ on 8<sup>th</sup> April 1805 and 1<sup>st</sup> June 1805.

On the same day 72 reales from Bartolome RONDAN was deposited in the same treasury.

After dealing with other issues on 8<sup>th</sup> August 1805 for Diego TERRY, the situation was reviewed of the existing debts owed to John LOVELACE, with the following observations:

[see list below]	399,400.13 Reales.	
[see list below]	<u>3,602.26</u>	
	403,003.05	
Duplicated amount – Jph. MELITON of Navas	<u>17,235.04</u>	
	<u>420,238.09</u>	
Don Po. BARINGON's balance shows capital of		3,131,366 Reales
[?uncollectable debts]		<u>420,238.09</u>
		2,711,127.25
Diego TERRY found that he had to pay more to Juan WHITE		2.32
Likewise Fran'co GUIAZA		<u>0.08</u>
		* <u>2,711,130.31</u>

Among the debts due to the deceased, declared by Po.BARINGON 208,563.19

Don TERRY only found \* 55,200.24

Difference between the amounts 153,362.29

\*The amount finally agreed was 2,655,930 reales, made up as to 2,711,130.31 less 55,200.24 as set out above.

The following debtors do not appear:

From Wards & WOODFALL	42,908.11
From Hames B. BEGGA	40,255.32
From Don Pedro BARINGON	<u>70,198.20</u>
	<u>153,362.29</u>

Observations of Diego TERRY in this examination: These people owe:

Joaquim HIDALGO	828.26
Guillermo BRANDER	1,000
Da. Ines Joyes BLAKE	<u>1,774</u>
	<u>3,602.26</u>

The following debts cannot be verified:

Juan NANCARROW	64,263.25
Guillermo LAIRD	80,000
Jn. Bta. MAURY	85,600
Do.	11,050
Amo. CHACON	5,650
HIRSCHFELD & REYES	54,967
Juan MERCADALL	48,000
Jorge ALLEN	9,294.28
H.B. BEGGA	31,037.31
H.W. HALL	3,225.16
Rob'to HILDYARDI	1,600.07
J'ph de HERRERA	1,050
Luis CHATTEAUNEUF	1,000
Henrique KELLY	1,428.05
Conde FERRERI	660.13
Benjamin LEA	<u>572.24</u>
Malaga 8 <sup>th</sup> August 1805. Diego TERRY	<u>399,400.13</u>

As a result of Guillermo TERRY's investigation of John LOVELACE's debts made on 8<sup>th</sup> August 1805, he certified and signed that there is shown a liquid amount of 2,655,930 reales and listed people still owing money. Diego TERRY requested payment of his bill for work done, which the tribunal agreed.

**Page 34** – [*What follows seems to be a recitation of debts collected*].

On 7<sup>th</sup> June 1805 a summons was issued by John LOVELACE's executors, John MacDERMOT and Pedro BARINGTON, against Francisco LLORENT for an amount of 135,000 reales as per a deed of 21<sup>st</sup> July 1804.

Then follows text about Francisco ESCOBAR, Dona Theresa and Josefa de la PENA renting some land by the river 28<sup>th</sup> March 1805 a payment of 1,090 reales was made to the executors' account by Manuel MARTINEZ.

28<sup>th</sup> March 1805 1,000 reales was also paid to the executors by Juan SLIER for rent of properties.

*And so on for various small sums.*

Long established treaties between Spain and Britain made asset seizures from each other's nationals illegal but British protests fell on deaf Spanish ears. In December 1804 Spain formally declared War on Britain and allied itself with Napoleon's France. Britain's response was to call in the Royal Navy and on 21<sup>st</sup> October 1805 Admiral Nelson defeated the French and Spanish fleet at Trafalgar, off Cadiz, only to be killed by a sniper in his moment of victory.

Spain's role as a naval power was gone forever and Britain was left in undisputed control of the seas, whilst France dominated continental Europe. In November 1806 Napoleon issued the Berlin Decrees, creating the "Continental System", that forbade the import of British goods through the ports of Europe. By restricting Britain's trade, Napoleon hoped to starve the country into submission. However, Portugal, Britain's old ally, refused to be part of the "Continental System" and continued to trade with Britain. The Fontainebleau convention of 1807 led to the Peninsular War, by allowing a French army to cross Spain and fight the British in Portugal. Napoleon's army duly occupied Lisbon in November 1807.

Meanwhile in Spain, the influential minister GODOY tried to force Ferdinand, Charles IV's son and a widower, to marry a daughter of Louis XVI of France. This plan did not go down well with Ferdinand, who proposed marriage to a niece of Napoleon BONAPARTE. Failing to get his own way, GODOY persuaded the easily influenced Charles, to arrest his son on trumped-up charges of plotting to overthrow him. This provoked a palace revolution at Aranjuez. When a mob stormed the royal palace, demanding the death of GODOY, Charles IV, who was wholly dependent on his minister, abdicated in March 1808 in favour of his son Ferdinand VII (1784-1833). Ferdinand was well received by the Spanish people. Realising that Spain could not resist French territorial ambitions in the Spanish colonies and that some negotiated arrangement was necessary between Spain and France, Ferdinand willingly accepted Napoleon's invitation to a meeting at Bayonne in France. Once there, Napoleon refused to negotiate, forced Ferdinand to return the crown to his father and placed him under military guard at Valencay. Having troops at hand, Napoleon invaded Spain in February 1808 and took Madrid. In May 1808, at Napoleon's command, Charles meekly presented the crown to Joseph BONAPARTE (1768-1844) and went into exile. Napoleon had made Joseph King of Naples and Sicily in 1806 and he proved to be a humane sovereign, who carried out many worthwhile reforms. In accordance with his brother's wishes, Joseph abdicated that throne, to become a somewhat reluctant King Jose of Spain, where he was to suffer continuous rebellion during his reign.

Having rebelled against the French, the Spanish people sought help from Britain, their erstwhile enemies. Spain formally made peace with Britain on 4<sup>th</sup> July 1808 and in August 1808 an expeditionary force of 10,000 British troops, under Sir Arthur WELLESLEY, landed in Portugal. The British troops were reinforced over the ensuing months and years and had successes in 1809 at Corunna, Oporto and Talavera, after which WELLESLEY was created 1<sup>st</sup> Duke of WELLINGTON. Fortunes ebbed and flowed and it was not until June 1813 that WELLINGTON, with his Spanish and Portuguese allies, decisively defeated the French at the battle of Vitoria and drove them from the Iberian Peninsular. Realising that Spain was finally lost to him, Napoleon released Ferdinand from house arrest. Ferdinand had been living at Valencay since 1808 on the estate of the French Foreign Minister Talleyrand and it was here that the treaty was signed by Napoleon in 1813, which was to see the legal abdication of his brother King Jose on 7<sup>th</sup> January 1814 and restoration of Ferdinand VII to the Spanish throne in March 1814.

If Charles IV was a bad King, Ferdinand VII was worse. At Valencay, he settled easily into a life of vice and even applauded French successes over Britain and her allies, whilst the Spanish people were suffering privation and misery in Ferdinand's cause. In Ferdinand's absence Spain had become more liberal and the Cortes (Parliament) approved a new Constitution in 1812, which in part curbed the totalitarian power of the Crown. On returning to Spain in 1814, Ferdinand promptly repudiated the new Constitution, reasserted his absolute authority and proceeded to rule harshly and oppressively. He would change his Ministers every few months, arresting them on a whim and then handing them over to their enemies. The Grand Alliance, which was duty bound to support Ferdinand in his position as the legal monarch of Spain, watched his eccentric and autocratic rule with growing alarm. After several unsuccessful uprisings a more serious revolution broke out in 1820, instigated by liberal elements and assisted by the army. Ferdinand was effectively placed under house arrest and

the Constitution of 1812 was restored. Whilst in custody, Ferdinand grovelled, promised to mend his ways and grant amnesties to his captors. At the Congress of Verona in 1822 France was authorised by the Holy Alliance to intercede in Spain and a French army duly procured Ferdinand's release in 1823. Ferdinand promptly reacted by repudiating the Constitution once again and indulged in an orgy of revenge over the next three years, killing those who had rebelled against him.

This then was the Spain, in which John MacDERMOT endeavoured to recover the value of his friend John LOVELACE's sequestered assets. Despite the fact that the claim had been reluctantly agreed in August 1805, at an amount of 2,655,930 reales, getting paid was another matter. For John MacDERMOT to press his claim, while Spain and England were at war, was out of the question. When Spain and England became allies in 1808, the situation was no easier while a war with France was being fought on Spanish soil, and the French were actually in possession of Malaga in 1810. However, in 1813 a window of opportunity presented itself. In the months before Ferdinand regained the Spanish throne, a liberal Regency crucially acknowledged the legitimacy of MacDERMOT's claim and, on 13<sup>th</sup> February 1813, gave orders for it to be paid. These orders were ignored by the Ministry responsible for payment. Further orders were issued on 2<sup>nd</sup> December 1813 and these too were ignored. MacDERMOT wrote a prodigious number of letters to the various Spanish authorities and enlisted the help of the English Ambassador Henry WELLESLEY in an attempt to get satisfaction. MacDERMOT continued to press the Spanish authorities for payment of his claim but, after Ferdinand's restoration to the throne, he got nowhere, and found himself passed from Ministry to Ministry and back again, as each refused to accept any responsibility for payment, whilst at the same time, carefully avoiding saying that the claim was rejected. MacDERMOT petitioned King Ferdinand himself in 1815, 1816, 1820, 1821 and 1822, complaining about the sophistry and deceit of his Ministers and asking him to authorise payments but these petitions only produced polite but evasive replies.

In 1822, when the King was under the control of the liberals, the tone of the Royal replies changed to some extent and MacDERMOT was informed that his claim on behalf of LOVELACE's estate could not be settled in isolation but must await some general scheme which covered others, who had suffered losses in similar circumstances and Spanish nationals, who had suffered losses at the hands of the British. Clearly those responsible for the reply were aware of a convention that was in course of negotiation between the two countries and indeed one was announced a few months later.

A large pile of MacDERMOT's correspondence, regarding the compensation claim, is preserved at the National Archives at Kew under reference *FO 316/16 claim 226*. Nearly all the letters and Memorials are written in Spanish but a few of the latter, considered of special significance, were translated into English, to support MacDERMOT's claim under the 1823 Convention. The documents and letters comprise the following:

Copy letter (in Spanish) to an unknown recipient from John MacDERMOT, dated Cadiz 11<sup>th</sup> June 1810.

Copy letter (in Spanish) to Dn. Christobal de GONGORA, Ministro de Haciendi from John MacDERMOT, dated Cadiz, 22<sup>nd</sup> January 1813.

**The following is a literal translation of the official Note passed by the Spanish Regency to His Excellency the Ambassador of His B. Majesty, dated at Cadiz the 13 February 1813 [Document No. 5 supporting the Claim under 1823 Convention].**

Most Excellent Sir.

My dear Sir: On Sight of the particular recommend'on made by your Excellency, in Your Note of the 8<sup>th</sup> Instant, about the Solicitations of Mr MacDERMOT, to raise the Embargo put on the Property, Books, papers etc. of Mr LOVELACE, in consequence of the hostilities, that took place in 1804 between Great Brittain and Spain, I have passed an official Note to the Minister of Finance, to the end that, if said affair, as it is of Reprisals, may have passed through his ministerial Department, competent orders should be given for taking off said Embargo. Your Excellency cannot think it strange that, since the year 1810, no decree has been given respecting this particular case, because, in said year the Enemy occupied Malaga and, since it has been evacuated by them, no Representation has been made until now.

Availing myself of this opportunity of repeating to your Excellency my pure esteem and high consideration.

God guard your Excellency many years.

Cadiz, 13<sup>th</sup> february 1813.

Most Excellent Sir B.L.M. de V.E. Your assured Servant.

(Signed) Pedro LABRADOR.

To His Excellency, The Ambassador of His British Majesty etc. etc. etc.

The preceding is a literal and true translation of its original. John MacDERMOT.

Copy letter (in Spanish) to Dn. Christobal de GONGORA, Ministro de Hacienda from John MacDERMOT, dated Cadiz, 25<sup>th</sup> February 1813.

Copy letter (in Spanish) to Dn. Tomas de CARVAJAL, Secretario del Despacho de Hacienda from John MacDERMOT, dated Cadiz, 6<sup>th</sup> May 1813.

Copy letter (in Spanish) to Dn. Tomas de CARVAJAL, Ministro de Hacienda from John MacDERMOT, dated Cadiz, 24<sup>th</sup> August 1813.

Copy letter (in Spanish) to Dn. Manuel Francisco Lopez de ARANJO, Primer Secretario del Despacho de Hacienda from John MacDERMOT, dated Cadiz, 3<sup>rd</sup> September 1813.

Copy letter (in Spanish) to Dn. Manuel Francisco Lopez de ARANJO, Primer Secretario del Despacho de Hacienda from John MacDERMOT, dated Cadiz, 29<sup>th</sup> September 1813.

Copy letter (in Spanish) to uncertain from John MacDERMOT, dated Cadiz, 18<sup>th</sup> November 1813.

**The following is a literal translation of the official note, passed by the Spanish Regency to His Excellency Sir H. WELLESLEY, the English Ambassador, dated at San Fernando on the 2<sup>d</sup> of December 1813** [*Document No. 6 supporting Claim under 1823 Convention*].

Most Excellent Sir.

My dear Sir: I have the honor of participating to your Excellency, that having made present to the Regency of the Kingdom the recommendation made by your Excellency in favor of Mr John MacDERMOT, to the end that the Embargo put on the property of the deceased John LOVELACE be raised, and that the same be delivered to him as Executor to the testament of said LOVELACE, the Regency has resolved that the corresponding orders be anew repeated, as I do to the Minister of Hacienda, to issue competent orders that said Embargo be raised.

Availing myself of this occasion to renew to your Excellency, Securities of my high Consideration.

God guard your Excellency many years.

San Fernando, 2<sup>d</sup> of December 1813.

Excellent Sir. B.L.M. de V.E, your Secure and most attentive Servant.

(Signed) Fernando de la SERNA.

To His Excellency the Ambassador of His British Majesty etc. etc. etc.

The preceding is a literal and true translation of its original. John MacDERMOT.

Copy letter (in Spanish) to English Ambassador from Jose SUYANDO, dated San Fernando 7<sup>th</sup> December 1813.

Copy letter (in Spanish) uncertain of sender or recipient, dated San Fernando 9<sup>th</sup> December 1813.

Document of 112 pages (in Spanish), containing various statements including calculation of the amount of the claim for assets of John LOVELACE's, which were sequestered. The last statement was dated 1<sup>st</sup> August 1814. Extracts from this document have been translated, paraphrased and set out above.

Copy Memorial and Suplicas (in Spanish) to His C. Majesty from John MacDERMOT, dated Madrid 30<sup>th</sup> March 1815, presented through Henry (Henrique) WELLESLEY, the English Ambassador.

Copy letter (in Spanish) to John MacDERMOT from Pedro CERVALLOS, dated Palace, San Fernando, 13<sup>th</sup> June 1815.

Copy letter (in Spanish) to Captain General of Kingdom of Granada from John MacDERMOT, dated Cadiz, 10<sup>th</sup> November 1815.

According to notes on the document, this letter was passed on 15<sup>th</sup> Nov. from the Captain General to the Governor of Malaga. On 22<sup>nd</sup> Nov. the Governor passed it to the Commissioners of Reprisals. He in turn forwarded it on 28<sup>th</sup> Nov. to Juan Jose DELICADO (probably an officer of the Ministry of Finance), who passed it to the Accountant General's office on 29<sup>th</sup> Nov.

**Copy letter (in English) to Joseph O'LAWLOR from John MacDERMOT, dated Cadiz, 10<sup>th</sup> Nov. 1815.**

Joseph O'LAWLOR, Major General in His C. Majesty's Royal Armies and Commandante of the Kingdom of Granada etc. etc. etc.

Dear Sir,

With the frankness and confidence, of one of your Countrymen, and without any further introductory or ceremonious preface, I take the liberty of handing to you, inclosed herewith, my Memorial of this date, addressed to H.E. the Captain General of the Kingdom and Coast of Granada, together with a literal Copy of a Ministerial official note, passed by His C. Majesty's Minister of State, to His B. Majesty's Ambassador at Madrid, under date of the 13<sup>th</sup> of June last, relative to my demands against His C. Majesty, for the indemnification and restitution of the Confiscated Effects and property stated in my abovecited Memorial of this date, and in the aforesaid Ministerial Note, and most

earnestly intreat that you may be pleased to cause said Documents to be duly presented, and that you will likewise be so good as to use your powerful and effectual influencee, to procure a speedy and happy issue to the Suplicas set forth in my said Memorial.

I am personally very deeply interested in the issue of my aforementioned claims against the Spanish Government, and as it seems to be almost evident, by the tenor of the said Ministerial Note, that your tribunal of War has received some orders, and instructions, from His C. Majesty's Ministers, relative to the restoration of said sequestered property, I hope and request, that you will use, and exert, every possible diligence, and influence, first, to procure replies to the Suplicas of my said Memorials, from your Tribunal of War, and secondly to induce the Subdelegado of the R'l Hacienda of your Province, to transmit to His C. Majesty's Ministers, the Informe that has been required of him, by His Majesty's Orders, of the date of the 9<sup>th</sup> June last, concerning my said affair, for which I shall be extremely grateful. Please to inform me of the Expences you may be at on my acc't and I shall make a remittance to you, conformably to your orders.

I remain, with the sincerest respect & esteem, Dear Sir, Your most o'bt humble Servant. J.M.  
Cadiz. 10<sup>th</sup> November 1815.

Copy letter written in Spanish to Subdelegado of the R'l Hacienda of Kingdom of Granada from John MacDERMOT, dated Cadiz, 10<sup>th</sup> November 1815.

**Copy letter (in English) to .. LORING from John MacDERMOT, dated Cadiz 10<sup>th</sup> November 1815.**

Cadiz, 10<sup>th</sup> November 1815.

My Dear LORING  
Malaga

Your very much esteemed favor of the 17<sup>th</sup> ultimo is now before me, and have transmitted the Contents thereof to the concerned, which he must consider to be the statement of an honest man. Mr KRAUEL did not attend to my affair as I attended on a former occasion to his Concerns.

Inclosed I hand to you my Memorial of this date, addressed to the Intendent of the R'l Hacienda of your Province, which please to present to him, and to solicit his reply, and to transmit the same to me; the Memorial itself, and the Copy of my letter to KRAUL, which I gave you, will sufficiently instruct you how to act. The Russian Ship has not arrived here as yet. My health, thanks be to God, is very much improved, and hope to be soon very well. The Assessor de Guerra may give you some information respecting the actual state of my affair; please to speak to him on that Business; and to let me know what he will say on the Subject, as soon as possible. It is probable that I shall soon be necessitated to go to Madrid; in that event I will give you timely advice. Be assured that I shall be always happy to have opportunities of rendering you every service in my power. Please to dispose of all the Buttons, on the best terms you can.

I remain yours etc. etc. J.M.

Copy Memorial and Suplicas (in Spanish) to His C. Majesty from John MacDERMOT, dated Madrid 15<sup>th</sup> April 1816, presented through Henry (Henrique) WELLESLEY, the English Ambassador.

Copy Memorial (in Spanish) to Ministro de Hacienda from John MacDERMOT, dated Madrid 23<sup>rd</sup> August 1816.

Copy Letter (in Spanish) to Captain General of the Kingdom of Granada from John MacDERMOT, dated Madrid 11<sup>th</sup> November 1816.

Copy letter (in Spanish) to John MacDERMOT, merchant of Cadiz, from Captain General of Granada, El Conde del Montijo, dated 23<sup>rd</sup> November 1816.

Copy Memorial and Suplicas (in Spanish) to His C. Majesty from John MacDERMOT, dated Madrid 24<sup>th</sup> April 1820, presented through Henry WELLESLEY, the English Ambassador.

Copy Memorial (in Spanish) to Secretario de Estado from John MacDERMOT, dated Madrid 7<sup>th</sup> June 1820.

Copy Memorial (in Spanish) to Secretario de Estado from John MacDERMOT, dated Madrid 12<sup>th</sup> July 1820.

Copy Memorial (in Spanish) to Baron de CASTIEL in the Secretaria de Estado from John MacDERMOT, dated Madrid 14<sup>th</sup> July 1820.

Copy Memorial (in Spanish) to Secretario de Estado from John MacDERMOT, dated Madrid 19<sup>th</sup> July 1820.

Copy Memorial and Suplicas (in Spanish) to His C. Majesty from John MacDERMOT, dated Madrid 4<sup>th</sup> September 1820, presented through Henry WELLESLEY, the English Ambassador.

Copy Memorial (in Spanish) to Ministro de Estado from John MacDERMOT, dated Madrid 17<sup>th</sup> September 1820.

John MacDERMOT personally presented a Memorial to His C. Majesty, dated 24<sup>th</sup> August 1821 (no copy found).

Certified copy from State archives of letter (in Spanish) to Ministro de Estado from John MacDERMOT, dated Madrid, 6<sup>th</sup> February 1822

**An exact and literal translation of the Memorial presented by Mr John MacDERMOT to His C. Majesty, on the 26<sup>th</sup> March 1822** [*Document No. 1 supporting Claim under 1823 Convention*].

[*two copies of the translation exist and the following transcription takes the best of both*].

**Sire**

Mr John MacDERMOT, a Subject of His Majesty the King of the United Kingdom of Great Britain and Ireland, in his capacity of sole Executor to the last Will and Testament of his friend John LOVELACE Esq'r, also a British Subject, who had a most respectable mercantile Establishment at Malaga, where he died in the year 1803: **Says:**

**That** all the effects, houses, Lands, Books, Documents, Papers and every species of property appertaining to the Estate of said LOVELACE in this Peninsula, were sequestered and taken possession of by the Spanish Government by way of Reprisals, in consequence of the war, which took place between England and Spain in the year 1804, and for no other cause, non motive whatsoever, in virtue of Royal orders issued on that occasion by His C. Majesty Charles the 4<sup>th</sup>, under dates of the 14<sup>th</sup> and 23<sup>d</sup> days of November 1804, whose originals exist, no doubt, in the archives of the Secretary of State's office for the War department.

**That** the Petitioner has presented an infinite number of memorials and authentic testimonies to the Regency and to your Majesty, too numerous to be particularly cited at present, by the hands of His Excellency Sir H. WELLESLEY, the British Ambassador at this court, supplicating the immediate restoration of, or a competent indemnification for, the aforesaid sequestered property, which most undoubtedly are archived in your Secretary of State's office, to which he refers, for the sake of brevity; but he especially refers to His memorials of the 30<sup>th</sup> of March 1815 and of the 15<sup>th</sup> of April 1816 and to the legalized testimony, marked No. 1, authorized and signed by all the constituted authorities at Malaga, under date of the 1<sup>st</sup> of August 1814, presented to your Majesty, together with the aforesaid memorial of the 30<sup>th</sup> of March 1815, which must necessarily be aggregated to all the other documents relative to said sequestration in your Secretary of State's office, by which testimonial document, marked No. 1, it is proved to the utmost degree of evidence, as is therein clearly expressed, ratified and confirmed that property, appertaining to the Estate of said deceased LOVELACE amounting to 2,655,930 Reales of vellon in effective Cash, even according to the extremely low and infamous statement made thereof by the Commissioners of English Reprisals at Malaga, probably for the purpose of concealing and appropriating to themselves the immense excess of said property, over and above the aforesaid sum, was sequestered and taken possession of by the Spanish Gov't, in virtue of the aforesaid Royal orders.

**That** the aforesaid sequestered property, or a due indemnification therefor, should be duly restored to its legitimate owners, heirs, or legal representatives, conformably to the treaties subsisting between England and Spain, is manifestly evident by the tenor thereof, as may be clearly and extensively seen in the 18<sup>th</sup> article of the treaty concluded at Utrecht on the 13<sup>th</sup> of July 1713 - In articles 1<sup>st</sup>, 6<sup>th</sup> and 7<sup>th</sup> of the treaty made at Utrecht on the 9<sup>th</sup> of December 1713 - In articles 32, 36 and 37 of the treaty made at Madrid in 1667 - In articles 2<sup>d</sup> and 3<sup>d</sup> of the treaties made at Madrid on the 13<sup>th</sup> of June 1721 - In article the 14<sup>th</sup> of the treaty made at Amiens on the 27<sup>th</sup> of March 1802; all which treaties have been continually and successively solemnly ratified and confirmed by all the others made by and between England and Spain, down to the latter period, and finally by the first additional article of the treaty made at Madrid between your Majesty and His Majesty the King of the United Kingdom of Great Britain and Ireland, in the month of July 1814. The Petitioner need not remind your Majesty that, treaties of peace and Commerce, made between Nations and Monarchs, have been always considered as sacred The most high and respectable dignity and character of the August Sovereigns, the importance of the object, the reciprocity of the Benefits resulting from their exact fulfilment, to the respective subjects of the high contracting Potentates, the disagreeable and sometimes fatal consequences, that may follow their inobservance or infraction, and finally common justice and the law of Nations require and exact that they should be sacredly observed and scrupulously and exactly complied with. The knowledge of these irrefragable truths, and a persuasion of your Majesty's benign intentions to administer impartial justice, have inspired your Petitioner with the soothing hopes that you would be pleased to estimate his Solicitations, and decide thereon, conformably to what is so solemnly covenanted and agreed upon in the aforesaid treaties. But alas, the issue of all the numerous expositions, hitherto presented to your Majesty, on his behalf, have produced no other effects, but those of disappointment, chagrin and mortification; he cannot find words to signify his astonishment at this procedure, nor does he require them, as your Majesty must comprehend it. In short, it would be superfluous to ponderate the prejudicial consequences of the infraction of said treaties, especially to the Petitioner and to the others concerned, who are all individuals of the British Empire, which has been and is your Majesty's best and sincerest Ally.

**Your Petitioner further states** that the Regency gave two Decrees, ordering the Ministry of Finance to raise the aforesaid Embargo and Sequestration and to deliver the property so detained, to him, as evidently appears by two official notes passed to said English Ambassador, the first under date of the 13<sup>th</sup> of February 1813, by Dn. Pedro LABRADOR, who was then first Secretary of the Ministry of State, and the second under date of the 2<sup>d</sup> of December of the same year 1813, by Dn. Fernando de La SERNA, then first Secretary to the Ministry of State, whose exact Copies marked No. 2 and 3 were presented to your Majesty by said Ambassador, together with petitioner's aforesaid memorial of the 30<sup>th</sup> of March 1815, whose Originals exist in the archives of the English Embassy and necessarily in those of your Secretary of State's office, and that the decrees, to which said official notes refer, must of course be archived in the office of your Ministry of Finance, to which they were directed, for the purpose of raising said Sequestration, as appears by said official Notes, to which Petitioner refers.

**From what precedes**, your Majesty must necessarily be thoroughly convinced that property to the amount of 2,655,930 Reales of vellon in effective Cash, appertaining to the Estate of said LOVELACE, a British Subject, was sequestered, taken possession of and still detained by the Spanish Gov't for the motives already expressed in this exposition; that it was bona fide sequestered, taken possession of etc. appears positively proved in the aforesaid authenticated legalized testimonial document marked No. 1 and your Majesty must be also convinced that the said property should be long since restored, or an equivalent therefor, be delivered to your Petitioner, conformably to the aforesaid treaties, and moreover, the Spanish Regency, during your Majesty's much lamented absence from your dominions, after having, for a very considerable space of time, deliberately and maturely examined the origin, nature and circumstances of your Petitioner's claims, gave two Decrees in the year 1813, ordering the Ministry of Hacienda to raise the aforesaid Sequestration, and to deliver the said Property to your Petitioner, as appears in the two aforesaid official Notes, passed by said Regency to the English Ambassador, under dates of the 13<sup>th</sup> of February, and 2<sup>d</sup> of December 1813. If your Majesty be thus convinced of the evident legitimacy of your Petitioner's claims, as you necessarily should be, if you have paid due attention to the manifold indubitable proofs laid before you, under this rational supposition, it would seem very extraordinary indeed, nor is it comprehensible, why or how, you would, or could, conformably to your Royal dignity, have suffered your profound good sense and notorious disposition, to administer impartial prompt justice to all, to be so misled by the tortuous sophistry, narrow views, and delusive procedure of your Ministers, since the beginning of 1814 to this day, as not to give any clear, candid, decisive decree on a case, so substantiated, so just and simple as the present, nor even any clear nor intelligible reply to any of the numerous memorials presented to your Majesty and Ministers these 14 years last past, by the Exponent, nor even to the official Notes, passed by the English Ambassador to your Government, respecting the claims in question.

**Sire**, your Majesty's Ministers, although they well knew that the decision of your petitioner's claims depended wholly and solely on the tenor of the treaties subsisting between England and Spain, and that, according to these, the aforesaid sequestered property should be duly restored to your Petitioner, and that the Spanish Regency had decreed the devolution thereof, as is evidently proved in the preceding part of this Exposition, have absolutely disregarded and contemned said solemn treaties and decrees and, instead of complying therewith, have openly, and it may be said shamefully, practised every imaginable species of delusive machinations and subterfuges, to evade the observance thereof, always creating new delays and artificial obstacles for the manifest purpose of procrastinating the final issue of this ill-fated affair, and of evading the restoration of said sequestered property; to accomplish these execrable purposes, your petitioner was referred at one time from your Minister of State's office to that of Hacienda or finance, thence to that of the Minister of War, thence back again to that of Hacienda, thence once more to the State office, thence again to the Ministry of Hacienda, and by this to the Captain General of Granada: by him to the Governor of Malaga, and by the latter to the Royal Commissioners of Reprisals at Malaga, and, by these, back again to the Ministry of Finance, and by this to the accountant General's office, and thence back again to the Minister of State, reiterating these ambiguous and deceitful operations to the present day, without having ever denied the legitimacy of the claims of, nor given any candid reply to, your petitioner's manifold memorials; to deny the amount and legitimacy of said claims, seems to have been what said Ministers did not dare openly to do, because they are so evidently substantiated and positively proved in the aforesaid testimonial document, marked No. 1, which they have in their possession, fearing that, an absolute denial of its contents, would be a positive proof of their evil doings, and because they apprehended that your Petitioner had a duplicate of said testimonial document, by which he could prove their fallacy and deceitful procedure towards him. **Sire**, your said Ministers, having said testimonial Document, the aforesaid Decrees of the Regency and the subsisting treaties between England and Spain before them, could not have any just or legal motive whatever for referring your Petitioner, for further proofs, to so many different authorities, both in this Metropolis and in the Kingdom of Granada, as they have done under various fallacious pretexts, whereas the aforesaid testimonial document No. 1, the decrees of the Regency and treaties aforesaid, were the most competent proofs that could possibly be required, of the legitimacy of his claims.

**Sire**, your Majesty's Ministers could not, according to justice and equity, require more proofs, than those which they previously had, but in order to frustrate the effects of justice; and in violation of good faith, candour and honesty, they wilfully endeavoured, by all manner of means and duplicity, to worry the patience of your Petitioner, and to expose him, as they effectually have done, to so many delays, toil, and great expences for so many years, as would necessarily reduce him to despair and finally oblige him to abandon his aforesaid claims for ever. But, as said claims are such as should be complied with, and never shall be abandoned, he expects that your Majesty will do him justice.

**Wherefore your Petitioner** most humbly **Supplicates**, that your Majesty may be graciously pleased to order, that your Minister of Hacienda will forthwith cause the aforesaid principal Sum of 2,655,930 Reales of vellon in effective Cash, to be paid immediately to your Petitioner, together with the legal interest corresponding thereto, since the year 1804, the period in which it was sequestered, until that, in which both principal and interest shall be duly and completely satisfied, to your Petitioner, as well as Costs, damages etc. Your Petitioner further Supplicates that, in case your Majesty may not be disposed to order the aforesaid payments, you will in that unexpected event be pleased to communicate to the Petitioner, or to the English Ambassador now at this Court, the causes and motives, which the Spanish Government have, for not effecting said Payments, which in Justice and Equity should have been effected many years since.

May God guard the Sacred Life of Your Majesty many years.

Madrid the 26<sup>th</sup> of March 1822.

(Signed) John MacDERMOT.

To His Catholic Majesty.

The preceding is a literal and true translation of its original. John MacDERMOT.

**The following is an exact translation of the official Note, passed by His C. Majesty's Minister of State, Dn. Francisco MARTINEZ de la ROSA, to Mr John MacDERMOT, under date of the 12<sup>th</sup> of April 1822, as a sort of prevaricating answer to his memorial of the 26<sup>th</sup> of March of the same year, which was duly delivered by said MacDERMOT himself into the hands of H.C. Majesty [Document No. 3 supporting Claim under 1823 Convention].**

**Estado, or State-office.**

I have given an exact account to the King (whom God protect) of your new exposition of the 26<sup>th</sup> day of last month, in which, as the only Executor to the last Will and testament of the deceased Mr John LOVELACE, of the Commerce of Malaga, you state that all the Effects, property etc. of said LOVELACE were sequestered, by way of Reprisals as English property, at the breaking out of the war, which took place between Great Brittain and Spain in the year 1804. His Majesty, being well informed of all the particulars, has been pleased to determine that you be told, that your Solicitations cannot be resolved upon in an isolated manner, especially as your case is connected with the general rule, which is adopted, relative to all the other English Property sequestered in this Country, under the same circumstances as yours; a point which must depend upon the definitive arrangement, that may be made with the British Gov't, with respect to reciprocal reclamations.

Which I participate to you for your intelligence and Gov't. God guard Your Life many years.  
Palace. 12<sup>th</sup> of April 1822.

(Signed) Francisco MARTINEZ de la ROSA.

To John MacDERMOT Esqr.

The preceding is a literal and true translation of its original. John MacDERMOT.

Memorial (in Spanish) to Lionel HERVEY, Ministro Plenipotenciario de SMB from John MacDERMOT, dated 4<sup>th</sup> September 1822.

Memorial (in Spanish) to Lionel HERVEY, Ministro Plenipotenciario de SMB from John MacDERMOT, dated 4<sup>th</sup> September 1822.

John MacDERMOT personally presented a Memorial to His C. Majesty, dated 4<sup>th</sup> September 1822 (*no copy found*).

**An exact and literal translation of the Memorial presented by Mr John MacDERMOT to His C. Majesty on the 30<sup>th</sup> September 1822 [Document No. 2 supporting Claim under 1823 Convention].**

**Sire .**

Mr John MacDERMOT, a British Subject, in his capacity of sole Executor to the last will and testament of his most esteemed friend and co-partner in trade and commerce, John LOVELACE Esq'r, also a British Subject, who had a most respectable mercantile Establishment at the City of Malaga, where he died in the year 1803; with due respect to your Majesty, says and affirms:

**That**, in consequence of the War, which took place in the year 1804, between England and Spain, and for no other cause or motive whatever, all the Property of every description and Species whatsoever, belonging and appertaining to the Estate of said LOVELACE, was sequestered and taken possession of by the Spanish Gov't, by way of reprisals, in virtue of Royal orders issued by His C. Majesty Charles the 4<sup>th</sup>, under dates of the 14<sup>th</sup> and 23<sup>d</sup> days of November 1804.

**That** these Royal orders, and the Sequestrations therein ordered, were immediately carried into effect in the most rigorous manner, as appears most evidently proved, in the voluminous documents relative to this important, and hitherto unfortunate affair, which are in the archives of your Secretary of State's office, to which your Petitioner refers.

**Your Majesty's petitioner** has presented to the Regency of this Kingdom, and also to your Majesty, after your happy return to occupy the throne of your illustrious Ancestors, an infinity of memorials, too numerous to be particularized at present, by the hands of His Excellency Sir H. WELLESLEY, his British Majesty's Ambassador in Spain, supplicating immediate and competent indemnification for the aforesaid Sequestration, demonstrating and proving to the utmost degree of evidence, that according to the treaties still subsisting between England and Spain, and conformably to the everlasting principles of Equity and Justice, that your Majesty's Government was, and is, solemnly, legally and morally bounden to satisfy the aforesaid just and legal claims of your Petitioner, which are so clearly and fully substantiated and proved, not only in the aforesaid documents and treaties, but also especially in the Petitioner's memorials presented to your Majesty, by the aforesaid English Ambassador, under dates of the 30<sup>th</sup> March 1815, of the 15<sup>th</sup> of April 1816, of the 24<sup>th</sup> of April and 4<sup>th</sup> of September 1820, and in those of the 24<sup>th</sup> of August 1821, 26<sup>th</sup> of March and 4<sup>th</sup> of September 1822, presented to your Majesty by the petitioner himself, and also most indisputably proved by the authenticated and legalized testimonial document, marked No. 1, duly certified by all the constituted authorities at said City of Malaga, which was presented to your Majesty by the said English Ambassador, together with Petitioner's aforesaid memorial of the 30<sup>th</sup> of March 1815, in which testified document, the said authorities assert, ratify and confirm that property to the amount of 2,655,930 Reales of vellon in effective cash, belonging and appertaining to the Estate of said John LOVELACE Esq'r, was sequestered, taken possession of and detained by the Spanish Gov't, in virtue of the aforesaid Royal orders of 1804. This important testimonial document must necessarily be aggregated to the mass of all the other papers and documents presented to your Majesty, relative to this affair, so evasively, and so unjustly procrastinated by the shameful subterfuges of your

Majesty's Ministers, so ruinous to the public faith, and credit of the Spanish Gov't and consequently is in the archives of your Secretary of State's office, for your Majesty's Gov't.

**As a further proof** of the Justice and Legitimacy of your Petitioner's aforesaid claims, he begs leave to refer your Majesty, to the two official notes, passed by the Spanish Regency to the aforesaid English Ambassador, under dates of the 13<sup>th</sup> of February, and of the 2<sup>d</sup> of December of the year 1813, whose originals are in the archives of the English Embassy at this court, and necessarily in those of your Majesty's State office, of which exact copies are annexed hereunto. By these official Notes, it is evident, beyond any manner of doubt, that said Regency was most completely convinced of the legitimacy and indubitable Justice of your Petitioner's claims, and consequently decreed the immediate restoration of said sequestered property, as appears by said Notes. Yet strange, extraordinary and scandalous, as it may seem, your Majesty's Ministers, notwithstanding the mass of evident proofs laid before them, in the aforesaid memorials and authenticated documents; notwithstanding what is solemnly covenanted and agreed upon in the aforesaid treaties; notwithstanding the aforesaid decrees of the Regency, and notwithstanding that the aforesaid testimonial document No. 1 expresses and states the exact principle sum in effective cash, sequestered and detained by the Spanish Gov't, for the alleged motives already stated, instead of administering impartial justice, by restoring the aforesaid property to its legitimate owners, in due time, have availed themselves of all the arts of mean chicanery and delusive sophistry imaginable, to procrastinate and evade the giving of a clear and candid answer to your petitioner's aforesaid just claims, to this moment, as appears by the Expediente, which is in your Majesty's State office, to which petitioner refers; by which it will also appear that, all the answers given by said Ministers respecting this question, so important to the concerned, to the English Ambassador, are all vague, sophisticated and evasive, and such as should irritate the feelings of any other person, placed in his high situation, possessed of less amiability and mildness than himself. **Sire**, the plan adopted, and acted on hitherto by your Ministers, in as far as respects this particular Business at least, has been such as should stamp the greatest disgrace and discredit on the Spanish Gov't, as may be easily proved, if not already evidently proved, by the mass of documents, which are, or should be, in your Secretary of State's office, relative to the Business in question. Perhaps your Majesty may not know that your Ministers, under the sanction of your name, have acted as stated in the preceding part of this Exposition, but your Majesty may be assured that it has been the case, with respect to your petitioner, and also to a great number of others, whom he can call to prove the same, in case your Majesty may require it.

**From what precedes**, it is incontestably evident, that the Spanish Gov't should immediately pay to your petitioner, the aforesaid capital sum of 2,655,930 reales of vellon in effective cash, together with the legal interest corresponding thereto, costs, damages etc. etc. as before expressed.

**Wherefore**, your petitioner most humbly supplicates, that your Majesty may be graciously pleased to order that your Minister of finance will forthwith cause the aforesaid principal sum [*to be paid immediately to your petitioner*], together with the legal interest thereon, since the year 1804, the period in which it was sequestered, until the same shall be completely and duly satisfied to your Petitioner, without any further delay or Subterfuges; and your petitioner further supplicates that, in case your Majesty may not be disposed to order the aforesaid Payment, you will, in that unexpected event, be pleased to communicate to the petitioner, or to the English Ambassador actually at this court, the causes and motives, which the Spanish Gov't has, or can allege, for not effecting said payment, which in Justice and Equity should have been effected many years since.

May God guard the sacred life of your Majesty for many years, for the benefit of the Spanish Monarchy.

Madrid the 30<sup>th</sup> of September 1822.

John MacDERMOT.

To His C. Majesty.

The preceding is a literal and true translation of its original. John MacDERMOT.

**The following is a literal translation of the official Note, passed by His C. Majesty's Minister of State, Dn. Evaristo SAN MIGUEL, to Mr John MacDERMOT, under date of the 14<sup>th</sup> of November 1822, as a Species of Sophistical and evasive reply to his memorial, delivered by himself into the hands of His C. Majesty, under date of the 30<sup>th</sup> September 1822 [Document No. 4 supporting Claim under 1823 Convention].**

#### **Estado, or State-office.**

I have given account to His Majesty of your represent'on of the 30<sup>th</sup> of September last, in which, you, in your capacity, as only Executor etc. to the testament of the deceased Mr John LOVELACE, a British Subject, solicit that you be recognized as a creditor to the National Hacienda, and be paid for the amount of the Property etc. appairtaining to said Estate, sequestered and occupied, in virtue of Royal orders of the 14<sup>th</sup> and 23<sup>d</sup> of November 1804, by way of reprisals; or that, on the contrary, you may be informed of the motives for not acceding to your Solicitations.

The King, having seen your aforesaid new Petition, in which nothing essential has been added to what you have exposed anteriorly, has been pleased to resolve, that you be answered refer[r]ing himself to the reply given to you under date of the 12<sup>th</sup> April last.

His Majesty's Government cannot resolve distinctly and separately upon your case, nor make an exception in your favor, as it would involve the recognizance of all the other British Credits of the same nature, that have the same origin, until a general and uniform rule may be adopted, relative to the other English Properties, that may be in the circumstances as yours. The Credit of LOVELACE must follow consequently, the same fate as the others of its class, and this will depend on the definitive Settlement, that may be made with the Government of His British Majesty, respecting reciprocal Reclamations, and on the Basis, that may be adopted, for rendering to Spanish Subjects the same justice, which British Subjects claim.

This is what can be said to you for your Satisfaction, in answer to your memorial of the 30<sup>th</sup> of September last.  
God guard you for many years.  
Palace. 14<sup>th</sup> November 1822.

(Signed) Evaristo SAN MIGUEL.

To John MacDERMOT Esq<sup>r</sup>.

The preceding is a literal and true translation of its original. John MacDERMOT.

Having failed to obtain payment direct from the Spanish Government, the 1823 Convention provided a very welcome lifeline. However, MacDERMOT still had to convince the relevant Commissioners that his claim on behalf of John LOVELACE's estate qualified under that Convention.

**Convention between His Majesty the King of the Spains for the amicable Adjustment of Complaints respecting the Capture and Detention of British Vessels and Property by Spanish Authorities.**

Signed at Madrid, March 12 1823.

His Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Spains, equally animated by the desire of arriving at an amicable adjustment of the various complaints which have been from time to time laid before the Spanish Government of the Capture of Vessels, and seizure and detention of Property belonging to British Subjects, by Spanish Authorities, as well as of other grievances, Their said Majesties have been pleased to name Plenipotentiaries for the conclusion of a Convention for the attainment of this desirable purpose, to wit:

His Brittanick Majesty - the Right Honourable Sir William à COURT, Baronet, Knight Grand Cross of the Order of the Bath, one of His Majesty's Most Honourable Privy Council, and His Envoy Extraordinary and Minister Plenipotentiary to the King of the Spains; and

His Catholic Majesty – His Excellency Don Evaristo de SAN MIGUEL, Colonel of Infantry, Adjutant General on the Staff of the National Armies, and Secretary of State for the Foreign Department;  
who, after having communicated their Full Powers, have agreed upon the following Articles:

Article 1 – A Mixed Commission, English and Spanish, consisting of Two Members of each Nation, shall be appointed, and meet in London, within Ten Weeks after the signature of the present Convention, or sooner if possible, for the purpose of taking into consideration and deciding in a summary manner, according to equity, upon all cases that shall be brought before it, properly authenticated, of the Capture or seizure of British Vessels, or detention of Property belonging to Subjects of His Britannick Majesty, from the Declaration of Peace between England and Spain, of the 4<sup>th</sup> of July 1808, to the date of the present Convention, and also upon all cases that shall be brought before it, of the capture or seizure of Spanish Vessels or detention of property belonging to the Subjects of His Catholick Majesty, during the same period.

Article 2<sup>nd</sup> – Should any difference of opinion arise amongst the Members of the said Commission, and their votes be equally divided, a reference shall then be made to the Spanish Envoy at the Court of London, and a Law Officer of the Crown to be named by His Britannick Majesty. If these Arbitrators should also be divided in opinion, it shall be determined by lot, which of the Two shall definitively decide the question.

Article 3<sup>rd</sup> – An Assignment of Forty Millions of Reals, upon the Great Book, shall, according to the Decree of the Cortes, immediately be made to the said Commissioners, for the payment of such Indemnifications as may be awarded by the Commission. This Sum shall be increased or diminished, as the Decree points out, according as a greater or lesser number of claims shall be admitted as valid, exceeding, in the one case, or not amounting to, in the other, the whole amount of the Sum in the first instance deposited.

Article 4<sup>th</sup> – The Claims of Spanish Subjects, which shall be acknowledged just, shall be paid by the British Government either in Stock, or by an Equivalent in Money.

Article 5<sup>th</sup> – As soon as the Commissioners shall have admitted any claim as valid, and determined the amount due to the Claimant, they shall assign or transfer, in favor of such Claimant, a portion of the said Reales equivalent to the Amount awarded, estimating the value thereof according to the current price in London of the said Reales at the time [when they shall make the transfer - *last line unclear*].

Article 6<sup>th</sup> – No Claim shall be admitted, which shall not be submitted to the Commission within Six Months after its first Meeting.

Article 7<sup>th</sup> – A Person shall be named by each Government, for the selection and transmission of whatever Papers and Documents it may be necessary to forward from Madrid for the consideration of the Commission, and to arrange the transfer of the Reales, as the respective Amounts shall be awarded.

In witness whereof, We, the Undersigned Plenipotentiaries of Their Britannick and Catholic Majesties, duly authorized by our Full Powers, have signed Two Originals of the present Convention, and have affixed thereunto the Seals of our Arms, in Madrid, this twelfth day of March one thousand eight hundred and twenty three.

(L.S.) William à COURT.  
(L.S.) Evaristo SAN MIGUEL.

The Commissioners appointed in pursuance of the said Convention hereby give notice, that, under the Power vested in them, they are ready to receive, hear and determine, at their Office, No. 12 Manchester Buildings, Westminster, all Claims of the nature aforesaid; and all persons, whom it may concern are hereby desired to observe the stipulation contained in the 6<sup>th</sup> Article of the said Convention, whereby no Claim will be admitted, which is not submitted to the Commission within Six Months after the present notice.

E.J. DAWKINS. Robert Alb. COX. Diego COLON. Justo de MACHADO.  
London, October 11, 1823.

With a six months deadline in which to make his claim, John MacDERMOT appointed S. COCK & Co. to submit the necessary documents to the Commissioners. This they did on 7<sup>th</sup> January 1824 and a copy of the claim document and attachments are set out below.

**Claim**

Of **John MacDERMOT** of London, Executor to the late Mr John LOVELACE, a British Subject and Merchant, formerly resident at Malaga.

For this Sum, being the estimated value of his property sequestrated, and taken possession of, by the Spanish Government Interest from [blank] 1804 until paid	Reals 2,655,930 _____ _____
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**Case**

Mr LOVELACE was a British Subject engaged in Trade as a Merchant and resident at Malaga, where he died in the Year 1803. In consequence of the War, which broke out between this Country and Spain in the Year 1804, all his property, consisting of Houses, Land, Books etc. etc. were seized and confiscated, by the order of His Catholic Majesty Charles the 4<sup>th</sup>, under dates of the 14<sup>th</sup> & 23<sup>d</sup> days of November 1804.

Mr MacDERMOT, as Executor to Mr LOVELACE, presented numerous Petitions to the Regency, and to His present Majesty, through the means of the British Ambassador, Sir Henry WELLESLEY, praying for the restoration of, or a competent indemnification for, the property so sequestrated, but without effect. His Memorials particularly set forth the circumstances & shew the extreme hardships of this case; and by the answer of the Spanish Minister of State, Don Francisco MARTINEZ de la ROSA, dated 12<sup>th</sup> of April 1822, it will be seen that compensation is refused on the ground that, as there are many other British Subjects similarly circumstanced, the case should be included in some definitive and reciprocal arrangement with the British Government.

As the justice of the Claim has been acknowledged so late as April 1822, it is hoped that it will be found to come within the Convention of the 12<sup>th</sup> March 1823.

**The Documents** in support of this Claim are the following, Viz't.

- No. 1 Translation of a Memorial presented by John MacDERMOT to His Catholic Majesty, dated 26<sup>th</sup> March 1822.
- No. 2 Do. Do. dated 30<sup>th</sup> September 1822.
- No. 3 Translation of Official Note to Mr MacDERMOT from the Minister of State, Don Francisco MARTINEZ de la ROSA, dated 12<sup>th</sup> April 1822, in reply to his Memorial of the 26<sup>th</sup> March.
- No. 4 Translation of Official Note to Mr MacDERMOT from the Minister of State, Don Evaristo SAN MIGUEL, dated 14<sup>th</sup> November 1822, in reply to his Memorial of the 30<sup>th</sup> September.
- No. 5 Translation of Official Note to the British Ambassador from the Spanish Regency, dated at Cadiz 13<sup>th</sup> February 1813.
- No. 6 Do. Do. dated San Fernando, 2<sup>nd</sup> December 1813.  
London. 7 Jan'y 1824. S. COCK & Co., Agents.

Five months after John MacDERMOT's claim had been submitted, the Commissioners had still not admitted it. An obvious stumbling block was the fact that John LOVELACE's property had been sequestered in 1804, whereas the Convention only covered losses incurred after July 1808. MacDERMOT therefore wrote again to the Commissioners, putting forward the argument that the loss suffered by him arose in 1813, when the Ministry of Hacienda (Finance) wilfully withheld the payment that it had been ordered by the Regency to make to him. A transcript of the letter is shown below:

To  
E.J. DAWKINS and Robert Alb. COX Esq's, His Majesty's Commissioners for deciding, in conjunction with the Spanish Commissioners, on the reciprocal claims of English and Spanish Subjects etc. etc. etc.

Gentlemen

You have before you true Copies of seven documents marked No. 1, 2, 3, 4, 5, 6 & 7, all relative to my claims, as Executor to the Estate of Mr John LOVELACE, a British Subject, who died at Malaga, against the Spanish Government, whose originals, duly authenticated, are in my possession, to be exhibited to you, as soon as you will require them.

The Documents marked No. 1 and No. 2 are true Copies of my Memorials, under dates of the 26<sup>th</sup> of March, and 30<sup>th</sup> of September 1822, presented to His Catholic Majesty, which clearly express the origin, circumstances, and amount, of my aforesaid claims; these Memorials deserve your Serious attention.

The Documents marked No. 3 and No. 4, under dates of the 12<sup>th</sup> of April and 14<sup>th</sup> of November 1822, are His Catholic Majesty's two Royal Resolutions, being direct replies to my aforesaid Memorials No. 1 and No. 2, of the 26<sup>th</sup> of March and 30<sup>th</sup> of September 1822. In these Royal Resolutions His C. Majesty fully recognizes the validity and the Justice of the claims stated in the aforesaid Memorials No. 1 and No. 2, to which they refer and also expressly declares and determines that the definitive decision thereof would be included in the general arrangement or convention that was about to be made, between his Government and the British Government, for the liquidation of the reciprocal claims of their respective subjects.

The Documents marked No. 5 & No. 6 are two official notes, passed by the Spanish Regency to Sir H. WELLESLEY, His Majesty's Ambassador, under dates of the 13<sup>th</sup> of February and the 2<sup>d</sup> of December 1813, by which it evidently appears that said Regency had then issued decrees to give the whole amount of said property to me. Thus, the Spanish Government, for the first time, not only recognised the validity of said claims, but also decreed that the amount of the same should be made good to me by their Minister of Finance, but, notwithstanding incessant Solicitations since the year 1813 to obtain said payment, the Spanish Government has hitherto detained the same, always giving me very plausible answers.

Previous to the issuing of said decrees in the year 1813, the aforesaid claims were not at all recognised by the Spanish Government in any mode whatsoever; But, as this debt was then, for the first time, fully recognised and ordered to be made good to me by the Spanish Government, it necessarily follows, that the detention of said English property positively and bona fide commenced in the year 1813, when said Royal orders were issued, and not at any period anterior thereto; consequently it is indubitably evident that said claims should be brought under the convention of 1823, agre(e)ably to what is emphatically expressed and reiterated in his C. Majesty's two aforesaid Royal Resolutions, marked No. 3 and No. 4, under dates of the 12<sup>th</sup> of April and 14<sup>th</sup> of November 1822, to which I refer.

In addition to the Documents already presented to you in support of said claims, I have others duly authenticated by all the constituted legal authorities at Malaga, stating and substantiating the amount of said claims, to be exhibited to you if necessary.

Relying on your known talents and zeal, to promote the interest of his Majesty's subjects, whose properties have been detained by the Spanish Government,

I Remain with due respect Gentlemen,

Your most ob't h'ble Serv't

John MacDERMOT

London 5 June 1824  
50 Gloucester Street, Queen Square.

Anxious to go to the south of France for the benefit of his health and, having received no word that his claim would be admitted, MacDERMOT wrote to the Commissioners a month later, as follows:

To The Gentlemen Commissioners, appointed to liquidate and decide upon the claims of English Subjects on the Spanish Government and of Spanish Subjects on the English Government etc. etc. etc.

Gentlemen

I beg leave to state, for your consideration, that my health is in the most precarious condition, in consequence of a complication of ailments, contracted since my arrival in London from Madrid, in the month of October last, being afflicted with excruciating Rheumatic pains in all my limbs, together with a pectoral complaint, occasioned by severe colds and violent coughs during the last Winter.

And also that my little boy, aged seven years, has lost his health, at school in Greenwich, very probably in consequence of the climate, as he was born and reared in Spain.

The Physicians, who attended, and still attend him and me, are decidedly of opinion, that we should both go to the baths in the south of France, so soon as possible, whose use, combined with the benign climate of that Country, would, in their Opinion, very soon restore good health to each of us, as you may observe by the enclosed certificates, given by said Physicians.

As the only circumstance, that can delay my proceeding immediately to said Baths, is my anxious desire to have your definitive decision on my claims against the Spanish Government, respecting which, documents have been presented to you and, as you have it in your power to accelerate said decisions, and consequently enable me to proceed on a journey, so absolutely necessary for the restoration of my own health and that of my Child, I most earnestly entreat, that you will be pleased to examine said claims, and to give your decisions thereon, as promptly as possible, by which you will confer a great favor on me.

I have the honour to be, Gentlemen, with the greatest respect,

Your Obed't H'ble Serv't

John MacDERMOT

No. 18 Seymour place, Little Chelsea.  
July 5<sup>th</sup> 1824.

I hereby certify, that I have attended John MacDERMOT Esquire, Professionally, throughout the last winter, under a severe pulmonic affection, accompanied with Rheumatism; that residence in London is injurious to his health, and that I consider a visit to the South of France highly necessary to his recovery.

His son, a boy of very delicate habit, has also been in extreme ill health, during the Winter, and requires to be removed from London, for the benefit of the hot Baths in the South of France.

Thomas DONAHOE M.D.

15 Adam Street, Adelphi.  
5<sup>th</sup> July 1824.

In November 1824 John MacDERMOT had still not got approval of the claim and the matter of whether the loss had been incurred within the time span covered by the Convention remained undecided. He therefore instructed his agents S. COCK & Co. of –3 New Broad Street, London, to seek Counsel's Opinion of Doctor STODDARD, at a fee of 3 Guineas. The Case and Opinion are set out below:

#### CASE

The 36<sup>th</sup> Article of the Treaty of Peace and Friendship between Great Britain and Spain, signed at Madrid on the 13/23 of May 1667, provides:

“If it shall happen hereafter that any difference fall out, (which God forbid) between the King of Great Britain and the King of Spain, whereby the mutual commerce and good correspondence may be endangered, the respective subjects and people of each party shall have notice thereof given them in time, that is to say, the space of six months, to transport their merchandize and effects, without giving them in that time any molestation or trouble, or retaining or embargoing their goods or persons.”

The 6<sup>th</sup> and 7<sup>th</sup> Articles of the Treaty of Navigation and Commerce, signed at Utrecht the 9<sup>th</sup> December 1713, provide:

“And it is further agreed, that if it should happen (which God prevent) that war should arise, and be declared between Their Majesties and Their Kingdoms, then according to the contents of the 36<sup>th</sup> Article of the aforementioned Treaty of 1667, after the declaration of such a rupture, the space of six months shall be allowed to the subjects of each Party, residing in the Dominions of the other, in which they shall be permitted to withdraw with their families, goods, merchandizes, effects, and Ships, and to transport them, after having paid the due and accustomed imposts, either by Sea or Land, to whatsoever place they please, as they shall also be suffered to sell and alienate their moveable and immoveable goods, and freely, and without any disturbance, to carry away the price of them; nor shall their goods, wealth, merchandizes or effects, much less their persons, be in the meantime detained or molested by any seizure or arrest. Moreover, the subjects of each side shall in the meantime enjoy and obtain quick and impartial justice, by means of which they may, before the expiration of the six months, recover the Goods and effects, which they have lent, either to the public or to private persons.”

“And it is further agreed, that all the losses which the subjects of either Crown shall duly prove, that they have sustained in the beginning of the late war (contrary to the tenor of the 36<sup>th</sup> Article of the abovementioned Treaty), whether they consisted of moveable or immoveable goods, shall be reciprocally made good, without any delay to them, their lawful procurators, heirs, or those to whom their cause is intrusted, and restitution shall be made of those Goods, whether lands, buildings, or inheritance, or of what sort soever they are, which remain and were confiscated, and the just and lawful price of those goods which cannot be recovered, whether moveable or immoveable, shall be paid; and their Majesties have articulated and agreed that the said payments (the pretensions to them being as aforesaid fully proved) shall faithfully be performed and made by their Treasurers on each part.”

Mr John LOVELACE was a British Subject engaged in Trade as a Merchant, and resided at Malaga, where he died in the year 1803.

On the 14<sup>th</sup> December 1804 war was declared between this Country and Spain; Previous to which, (namely on the 14<sup>th</sup> and 23<sup>rd</sup> November 1804) His Catholic Majesty gave orders for the seizure of British Property in Spain, and in consequence the Effects of Mr LOVELACE, amounting to 2,655,930 Reals [*of*] Vellon, were seized and confiscated. After the return of Peace, Mr McDERMOT, the acting Executor of Mr LOVELACE, presented several applications to the Spanish Government, answers to which were evaded until the month of February 1813, when the following decision was communicated to the British Ambassador, by the Spanish Regency:

“Most Excellent Sir.

Mr dear Sir: On sight of the particular recommendation made by Your Excellency in your note of the 8<sup>th</sup> Inst., about the solicitations of Mr MacDERMOT to raise the Embargo put on the Property, Books, Papers etc. of Mr LOVELACE, in consequence of the Hostilities that took place in 1804, between Great Britain and Spain, I have passed an Official Note to the Minister of Finance to the end that, if said affair, as it is of Reprisals, may have passed through his Ministerial Department, competent Orders should be given for taking off the Embargo. Your Excellency cannot think it strange that, since the year 1810, no Decree has been given respecting this particular Case, because in the said year the Enemy occupied Malaga, and since it has been evacuated by them, no representation has been made until now.

Availing myself of this opportunity of repeating to Your Excellency my pure esteem and high consideration.

God guard Your Excellency many years.”

Cadiz 13<sup>th</sup> February 1813.

(signed) Pedro LABRADOR.

On Mr McDERMOT being informed of the foregoing decision of the Spanish Regency, he applied to the official Department for the restitution of the property, but who paid not the least attention to his applications, and in consequence remonstrances were made to the Government, which produced a confirmation of the former decision, as made known to the British Minister, Sir Henry WELLESLEY, by a Letter, of which the following is a Copy:

“San Fernando 2<sup>d</sup> December 1813

Most Excellent Sir.

Mr dear Sir. I have the honor of communicating to Your Excellency that, having presented to the Regency of the Kingdom, the recommendation made by your Excellency in favor of Mr John McDERMOT, to the end that the Embargo, put on the property of the deceased John LOVELACE, be raised, and that the same be delivered to him as Executor to the testament of the said LOVELACE; The Regency has resolved that the corresponding Orders be anew repeated, as I do to the Minister of Hacienda, to issue competent orders that the said Embargo be raised.

Availing myself of this occasion to renew to your Excellency etc.”

(signed) Fernando de la SERNA.

Notwithstanding these decisions, the Official Authorities shewed no disposition to restore the property, but evaded the restitution on various pretences; representations by the British Minister and Mr McDERMOTT were therefore again renewed and continued from time to time, but no further answer was obtained until the year 1822, when Mr McDERMOT received a Letter [*two letters*], of which the following is a Copy, from the Spanish Minister for the time being:

“I have given an exact account to the King (whom God protect) of your new exposition of the 26<sup>th</sup> of last month, in which, as the only Executor to the last Will and Testament of the deceased John LOVELACE, of the Commerce of Malaga, you state that all the Effects, Property etc. of the said LOVELACE were sequestered by way of Reprisals as English Property, at the breaking out of the War, which took place between Great Britain and Spain in the year 1804. His Majesty, being well informed of all the particulars, has been pleased to determine that you be told, that your solicitations cannot be resolved upon in an isolated manner, especially as your case is connected with the general rule, which is adopted relative to all the other English Property sequestered in this Country, under the same circumstances as yours; a point which must depend upon the definitive arrangement that may be made with the British Government with respect to reciprocal reclamations, which I communicate to you for your intelligence, and God guard your Life many years.”

Palace at Madrid, 12<sup>th</sup> April 1822.

(signed) Francisco MARTINEZ de la ROSA.

“I have given an account to His Majesty of your representation of the 30<sup>th</sup> September last, in which you, in your capacity as only Executor etc. to the Testament of the deceased Mr John LOVELACE, a British Subject, solicit that you be recognized as a Creditor to the National Hacienda, and be paid for the amount of the Property etc. appertaining to the said Estate, sequestered and occupied in virtue of Royal Orders of the 14<sup>th</sup> and 23<sup>d</sup> of November 1804, by way of reprisals; or that, on the contrary, you may be informed of the motives for not acceding to your solicitations.

The King having seen your aforesaid new Petition, in which nothing essential has been added to what you have exposed anteriorly, has been pleased to resolve, that you be answered, referring himself to the reply given to you under date of the 12<sup>th</sup> of April last.

His Majesty’s Government cannot resolve distinctly and separately upon your case, nor make an exception in your favor, as it would involve the recognizance of all the other British Credits of the same nature, that have the same origin, until a general and uniform rule may be adopted, relative to the other English Properties that may be in the same circumstances as yours. The Claim of LOVELACE must follow consequently the same fate as the others of it’s class, and this will depend on the definitive settlement that may be made with the Government of His British Majesty, respecting reciprocal Reclamations, and on the basis that may be adopted for rendering to Spanish Subjects, the same justice which British Subjects claim.

This is what can be said to you for your satisfaction in answer to your Memorial of the 30<sup>th</sup> of September last.

God guard you many years.

Palace. 14<sup>th</sup> November 1822.”

(Signed) Evaristo SAN MIGUEL.

The conduct of the Spanish Government, towards British Claimants, having been for a series of years of a similar description, and such as to shew clearly that justice was not to be obtained for them by ordinary means, the British Government found it necessary to resort to strong measures, and the result was that, on the 12<sup>th</sup> of March 1823, a Convention was entered into between the two Governments, for the amicable adjustment of complaints respecting the capture and detention of British Vessels and Property by Spanish Authorities. A Copy of this Treaty is annexed; and, soliciting your particular attention to the 1<sup>st</sup> Article, your opinion is requested, whether Mr McDERMOT is entitled to claim under the Convention.

Mr McDERMOT is well aware that, if this property had belonged to a British Subject, and had not been protected by the existing Treaties, he would not be entitled to claim, as the seizure was made anterior to the month of July 1808, but is under the impression that Mr LOVELACE, being entitled to the benefit of the exemption of his property from

seizure, by the Treaties before quoted, and his Heirs being British Subjects, and who have been resident in this Country from the period of his death, to the present time, they have a right to claim under the said Convention.

(OPINION)

I am clearly of opinion that this is a case for Compensation under the Convention of March 12 1823.

Whatever may have been the character of the original seizure in 1804, and whether it was or was not justifiable under the Law of Nations, the property from the 13<sup>th</sup> of Feb'y 1813, or at least from the 2<sup>d</sup> of December in that year, became vested in the British Proprietors by the act of the Spanish Government.

I take the official letters of Don Pedro LABRADOR & Don Fernando de la SERNA to the British Minister to be conclusive proof of the act of the Spanish Government.

The latter of those letters distinctly proves that Orders proceeded from the Spanish Government (which is also to be inferred from the former) to take off the sequestration, previously laid on the property in question, and to deliver it to Mr McDERMOTT, for the benefit of the persons entitled to it as heirs of Mr LOVELACE, which persons were & are British subjects.

For the purpose of vesting an interest in those individuals, it is immaterial whether the act of the Spanish Government, in issuing such orders, was an act of strict justice, or of mere favor. I am of opinion that it was the former, and that it was intended as a restitution of property seized & sequestered in violation of the previous treaties; but even if it had been a simple Donation, still it would have rendered the property British from the moment that the will of the Spanish Government was manifested to the British Minister; according to the well known rule, perficitur Donatio cum Donator suam voluntatem, scriptis, aut sine scriptis, manifestaverit.

Then any subsequent detention of this property, thus clearly become British, was a new act of violence on the part of the Spanish authorities, and came under both the letter and spirit of the Convention, as being a detention of property belonging to subjects of His Britannic Majesty, subsequent to the 4<sup>th</sup> of July 1808, and prior to the 12<sup>th</sup> of March 1823.

Doctors Commons, 11 Nov'r 1824. J. STODDART

Having submitted a copy of Counsel's Opinion to the Commissioners, there was nothing more John MacDERMOT could do but await their decision. His efforts ultimately proved successful. The front of the claim file bears the words "Office for Claims on Spain, Claim No. 226. Admitted and Paid. [sgd] R.F. JAMESON. [sgd] Jos. EGAN."

It was not until 1829 however that a sum of £10,500 compensation was received. This seems extraordinarily low compared with the losses of 2,655,930 reales, which was "agreed" on 8th August 1805 and the loss of nearly 25 years interest on the money. In a letter written by James Bowden LOVELACE to his wife in 1802, he sent her 1502 reales of vellon, which he said was the equivalent of 15 guineas. On that basis 2,655,930 reales was worth about £28,000. The loss to John LOVELACE's estate was probably far greater than this, if one believes the memorial that John MacDERMOT delivered to the King of Spain on 30th September 1822, in which he referred to the losses of 2,655,930 reales as "*the extremely low and infamous statement made thereof by the Commissioners of English Reprisals at Malaga, probably for the purpose of concealing and appropriating to themselves the immense excess of said property, over and above the aforesaid sum, which was sequestered and taken possession of by the Spanish Gov't, in virtue of the aforesaid Royal orders.*" James Bowden LOVELACE wasn't far wrong, when he wrote in 1802 that his cousin was "*immensely rich*".

John LOVELACE chose wisely in nominating John MacDERMOT as his executor, and the latter's dedication in pursuing the compensation claim over so many years, was truly amazing and must have cost him dearly in terms of time, money and his health. The frustrations he must surely have felt over the years, after being given the "run around" for the umpteenth time, would have caused most people to abandon such an unequal struggle long before. It is true to say that without John MacDERMOT there might not have been a LOVELACE TRUST.