

ANNO DECIMO

GEORGII IV. REGIS.

****

CAP. XX.

An Act to carry into execution the Stipulations of a Convention between His Majesty and His Catholic Majesty, for the Settlement of certain *British* Claims upon *Spain*, and of certain *Spanish* Claims upon the United Kingdom.

[14th *May* 1829.]

WHEREAS considerable Difficulties having presented themselves in carrying into effect, by means of a Mixed Commission, the Stipulations of the Convention concluded and signed at *Madrid* on the Twelfth of *March* One thousand eight hundred and twenty-three, for the Adjustment of Claims preferred respectively by the Subjects of their Britannic and Catholic Majesties, it was agreed between their said Majesties that an amicable Settlement or Compromise should be effected of all Claims registered under the above-mentioned Convention, which shall appear to be just and legitimate; and, in furtherance of such Agreement, a Convention was entered into and signed in *London* on the Twenty-eighth Day of *October* One thousand eight hundred and twenty-eight, by the Right Honourable *George* Earl of *Aberdeen*, &c. &c. &c. and his Excellency the Conde de *Ofalia*, &c. &c. &c., as Plenipotentiaries of their said Majesties respectively: And whereas by this last-mentioned Convention it was stipulated and agreed that the Sum of Nine hundred thousand Pounds should be paid by His Catholic Majesty in satisfaction of the Amount of the whole of the *British* Claims presented

to and registered by the Mixed Commission established by the Convention of the Twelfth Day of *March* One thousand eight hundred and twenty-three, such Sum of Nine hundred thousand Pounds to be made good to His Britannic Majesty in the Mode and Form following; *videlicet*, Two hundred thousand Pounds Sterling to be delivered over on the Day on which the Exchange of the Ratification of the Convention signed on the Twenty-eighth Day of *October* One thousand eight hundred and twenty-eight took place, being the Eighth Day of *December* in that Year, at which Time such Payment was duly made; another like Sum at the Expiration of Three Months from the Day of the Exchange above mentioned; the further Sum of One hundred and fifty thousand Pounds Sterling to be paid at the Expiration of Six Months, and another like Sum at the Expiration of Nine Months, from the Day of the Exchange of the Ratifications last-mentioned, which Two last Instalments His Catholic Majesty reserved to himself the Power of paying either in Specie or Certificates of Inscriptions bearing Interest at Five *per Cent. per Annum*, and being issued at Fifty *per Cent.* Discount; and it having been stipulated and agreed between the said Parties that the Sum of Two hundred thousand Pounds Sterling should be made good by His Majesty in satisfaction of the Amount of the whole of the Claims of *Spanish* Subjects upon His Majesty's Government, presented to and registered by the Mixed Commission in pursuance of the Terms of the Convention of the Twelfth Day of *March* One thousand eight hundred and twenty-three, it was further agreed that such Sum of Two hundred thousand Pounds Sterling should be retained in the Possession of His Majesty, in order that such Sum should be set against or deducted from the Nine hundred thousand Pounds which His Majesty, as previously recited, was to receive from the *Spanish* Government in satisfaction of the Claims of *British* Subjects so presented and registered as aforesaid; and it was further agreed between the High Contracting Parties that they should cause the Claims of their own Subjects to be adjudged within their respective Territories, and within the Period of Twelve Months from the Date of the Exchange of the Ratifications of the Convention, or that either of the said High Contracting Parties might agree with the Persons interested, or their Assigns, upon any other Mode of Arrangement which might be deemed most expedient for satisfying them, within the same Term, without the Necessity of any formal or previous Adjudication: And whereas His Majesty's Government having caused a Classification to be made of the Claims preferred by *British* Subjects upon *Spain*, and registered as before stated, did, conformably to the last-recited Stipulation, enter into an Agreement with the Persons interested, and their Assigns and Agents, for the Satisfaction of their respective Claims; by which Agreement full Consent to the Amount of Compromise to be received under the Convention was accorded by the Parties interested, in the following Terms: First, That the Sum of One hundred and fifty-five thousand Pounds shall be allotted for the Liquidation of the just and legitimate Claims comprised in Class (A.), being the Cases numbered in the Register of the Mixed Commission 8, 13, 58, 60, 62, 68, 69, 71, 74, 88, 89, 93, 94, 96, 103, 121, 122, 123, 124, 125, 126, 133, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 162, 163, 165, 170, 221, 223, 225,

225, 236, 237, 238, 239, 245, 246, 247, 248, 266, 267, 269, 272, 274, 275, 281, 286, 290, 292, 293, 294, 295, 296, 305, 306, 307, 330, and 331; provided, that if the Value of the Claims above enumerated, when finally adjudged, should not amount to such Sum so allotted, then that the Surplus of the same shall go to the Class (B.) and the other Claimants, exclusive of those in Class (C.), in such Proportions as His Majesty's Principal Secretary of State for Foreign Affairs shall direct: Second, That the Sum of Forty-five thousand Pounds shall be allotted for the Liquidation of the just and legitimate Claims comprised under Class (B.), being the Cases numbered in the Register of the Mixed Commission 90, 168, 226, 253, 254, 255, 256, 257, 280, 287, 289, 291, 328, and 329: Third, That the Sum of Three hundred thousand Pounds shall be allotted for the Liquidation of the Claims comprised under Class (C.), being the Cases numbered in the Register of the Mixed Commission 92, 77, 261, 284, and 302, to be divided among such Claimants according to an Arrangement among the respective Parties and their Agents: Fourth, That the Sum of Four hundred thousand Pounds shall be allotted for the Liquidation of all other Claims registered under the Convention of the Twelfth Day of *March* One thousand eight hundred and twenty-three, being just and legitimate, and not within the Exceptions herein-after stated: Fifth, That in the Apportionment of the Sums assigned for the Liquidation of the respective Classes, the Parties interested in the same shall receive due Proportions of the several Instalments as they shall be paid by the *Spanish* Government, whether in Money or Certificates of Inscriptions, so that no Class shall have a Preference: Sixth, That in the Determination of the Validity and Amount of the Claims of *British* Subjects upon *Spain*, registered by the Mixed Commission acting under the Convention of One thousand eight hundred and twenty-three, all Cases shall be considered valid where actual Loss, arising from unliquidated Debt or Force and Aggression, is averred and proved by satisfactory Evidence to have been sustained (Interest on such Claims, and Expences in the Prosecution of the same, being excepted); and such Cases so proved shall be entitled to the Rate of Apportionment assigned to the Classes to which they respectively belong, save and except such Claims as in the List or Copy of the Register of the Mixed Commission, delivered to the Commissioners of His Catholic Majesty on the Twelfth Day of *October* One thousand eight hundred and twenty-four, were marked "Returned" or "Withdrawn;" and also such Claims as have been "Returned" or "Withdrawn" by Parties interested, or their respective Agents, between the Twelfth Day of *October* One thousand eight hundred and twenty-four and the Twenty-eighth Day of *October* One thousand eight hundred and twenty-eight, by the Desire of the Parties interested, or their respective Agents; and also such Claims or supposed Claims, founded on Memorials or Representations made to His Majesty's Government, which had been registered by the Commissioners acting under that Convention, in order that if such Memorials or Representations should have been further prosecuted or sustained, the Interests of the Parties therein named might have received the Benefit of such Convention, in support of which Claims no Person hath appeared, or Communication been made to the said Mixed Commission by the

the Parties presumed to have been interested in the same, notwithstanding Requisitions for such Appearance or Communication were published in the *London Gazette* on the Eleventh Day of *October* One thousand eight hundred and twenty-three, and the Twenty-ninth Day of *June* One thousand eight hundred and twenty-four: Seventh, That in the Event of the Sum of Nine hundred thousand Pounds not being paid or stipulated by His Catholic Majesty under the Provisions of the Convention of the Twenty-eighth Day of *October* One thousand eight hundred and twenty-eight, the Assent of the said Parties interested, and their Assigns, to the Acceptance of a Compromise to such Amount as aforesaid shall be considered as withdrawn, nor shall such Assent be held to be in prejudice of their Right to be paid the full Amount of the Sums to which they may be respectively entitled, such Sums to be then ascertained and liquidated as prescribed by the Convention of the Twelfth Day of *March* One thousand eight hundred and twenty-three: And whereas His Majesty was pleased, by a Commission under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, bearing Date the Fourth Day of *October* One thousand eight hundred and twenty-three, to nominate and appoint *Edward James Dawkins* and *Robert Albion Cox* Esquires to be His Majesty's Commissioners for the Purpose of carrying into effect, on the Part of His Majesty, the Provisions contained in the first-mentioned Convention of the Twelfth Day of *March* One thousand eight hundred and twenty-three: And whereas by another Commission under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, bearing Date the Twenty-fourth Day of *July* One thousand eight hundred and twenty-six, His Majesty was pleased to nominate and appoint *Robert Francis Jameson* and *Joseph Egan* Esquires to be His Majesty's Commissioners under the said Convention, in the Room and Place of the said *Edward James Dawkins* and *Robert Albion Cox* Esquires, to act in the Execution of the said Convention with the same Powers and Authority as their Predecessors were invested with: And whereas the said Commissioners caused to be inscribed in a Register the Names of all the Claimants who presented themselves within the Period prescribed by the said Convention, with the Names of the Agents respectively empowered to act for the said Claimants, and caused the Cases preferred by the Parties interested, or their Agents, to be numbered in such Register; a Copy of which, or a List of such Claims so numbered (amounting to 331), was delivered to the Commissioners of His Catholic Majesty on the Twelfth Day of *October* One thousand eight hundred and twenty-four: And whereas by the First Article of the Convention signed in *London* on the Twenty-eighth Day of *October* One thousand eight hundred and twenty-eight, between His Majesty and the King of *Spain*, His Catholic Majesty engages to make good the Sum of Nine hundred thousand Pounds as the Amount of the whole of the said Claims: And whereas His Majesty, in furtherance of the Objects of such Convention, and in accordance with the Stipulations of the Third Article of the same, hath caused the necessary Measures to be taken for the Adjudication of such Claims as aforesaid which, being just and legitimate, shall be entitled to a Share of such Sum of Nine hundred thousand Pounds Sterling, and hath entered into an Arrange-

ment with the Parties interested, and their Assigns, for the Satisfaction of their respective Claims within the Period named in the same Convention (the Terms of which Arrangement have been before recited): And whereas it is expedient and necessary that effectual Provision should be made for carrying into execution the Stipulations of the said Convention; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Sum of Nine hundred thousand Pounds stipulated to be paid, in the Mode and at the Times before mentioned by the said Treaty, to His Majesty, as a Compromise of the Claims of *British* Subjects registered by the Mixed Commission acting under the Convention of the Twelfth Day of *March* One thousand eight hundred and twenty-three, shall be considered and taken to be a full Satisfaction for all such Claims as aforesaid; and that the said Stipulation, as in this Act recited and contained, may be pleaded in bar, or given in Evidence upon the General Issue, and shall be and be deemed and adjudged in every Court whatever to be good and complete Bar in any and every Action, Suit, or Proceeding brought or instituted for Restitution of any Loss, or Payment of any Debt, or for any Damage or Injury for which Compensation hath been sought by any Claim or Claims upon His Catholic Majesty preferred to and registered by the Mixed Commission acting as aforesaid.

The Sum of 900,000*l.* stipulated to be paid shall be in full Satisfaction of all British Claims registered under the Convention made with Spain.

II. And be it further enacted, That the said Sum of Nine hundred thousand Pounds, paid and to be paid in the Mode and at the Times before mentioned, shall be placed in the Bank of *England* in the Names of Four Commissioners, forming a Board of Deposit and Liquidation, by whom, or by a Majority of whom, all Orders for Payment of Claims awarded shall be signed.

The said Sum to be placed in the Bank of England in the Names of Commissioners.

III. And be it further enacted, That the Sum of Two hundred thousand Pounds stipulated to be paid by the said Treaty, in the Mode and at the Time before mentioned, to His Catholic Majesty, as a Compromise of the Claims of the *Spanish* Subjects registered by the Mixed Commission acting under the Convention of the Twelfth Day of *March* One thousand eight hundred and twenty-three, shall be considered and taken to be a full Compensation for all such Claims as aforesaid; and that the said Stipulation, as in this Act recited and contained, may be pleaded in bar, or given in Evidence upon the General Issue, and shall be and be deemed and adjudged in every Court whatever to be good and complete Bar in any and every Action, Suit, or Proceeding brought or instituted for Restitution of any Loss, or Payment of any Debt, or for any Damage or Injury for which Compensation hath been sought by any Claim or Claims upon His Majesty preferred to and registered by the Mixed Commission acting as aforesaid.

The Sum of 200,000*l.* stipulated to be paid to Spain shall be in full Satisfaction of all Spanish Claims.

IV. And be it further enacted, That it shall be lawful for His Majesty, by any Warrant under His Royal Sign Manual, countersigned by One of His Majesty's Principal Secretaries of State for the Time being, to appoint competent Persons as Commissioners of Deposit

His Majesty may appoint Commissioners for the Adjudication of Claims.

Deposit and Liquidation, and for carrying into effect the Stipulations of the said Convention, in the Mode and Form agreed to by virtue of the Third Article of the same; and such Commissioners are hereby authorized and empowered to examine and decide all Cases of Claims upon the Government of *Spain* duly registered by the Mixed Commission acting under the Convention signed at *Madrid* on the Twelfth Day of *March* One thousand eight hundred and twenty-three, and herein-before recited and referred, save and except the Claims comprised in Class (C.) before mentioned, and to award and apportion such Sums for the Satisfaction of the same to the Parties interested therein, according to such Directions as shall be prescribed by His Majesty's Principal Secretary of State as to the Classes of Claims, as they the said Commissioners may think fit; provided that such Sum do not exceed the Rate of Apportionment assigned to the Class to which such Claims respectively belong, being just and legitimate, and not within the Exceptions herein-before recited.

Commissioners empowered to require the Attendance of Parties, and examine upon Oath.

V. And be it further enacted, That it shall be lawful for the said Commissioners, or any Two of them, and they are hereby empowered, to examine upon Oath (which Oath the said Commissioners, or any Two of them, are hereby authorized to administer,) all Persons, whether Parties or Witnesses, whom the said Commissioners, or any Two of them, shall think fit to examine, touching all such Matters and Things as shall appear to them to be necessary for the Execution of the Powers vested in the said Commissioners by their Commission and this Act; and all such Persons are hereby directed and required punctually to attend the said Commissioners at such Time and Place as they or any Two of them shall appoint.

Persons falsely swearing, guilty of Perjury.

VI. And be it further enacted, That in case any Person or Persons, upon Examination upon Oath before the said Commissioners, or any Two of them respectively, shall wilfully and corruptly give false Evidence, every such Person so offending, and being thereof duly convicted, shall be and is and are hereby declared to be subject and liable to such Pains and Penalties as by any Law now in force in *Great Britain* Persons convicted of wilful and corrupt Perjury are subject and liable to.

Commissioners may issue Precept for Books, &c.

VII. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they or any Two of them are hereby authorized, to send their Precept or Precepts, under their Hands and Seals, for any Person or Persons whatsoever, and for such Books, Papers, Writings, or Records as they shall judge necessary for their Information in the Execution of the Powers vested in the said Commissioners by their said Commission or by this Act.

Manner of making Orders for Payment of Sums awarded.

VIII. And be it further enacted, That when and so soon as the said Commissioners, or any Two of them, shall at any Time after the passing of this Act adjudge or approve of the Claim of any Person or Persons upon the Government of *Spain*, whose Claim has been registered as aforesaid to be good and valid in the whole or in part,

and shall have ascertained the Sum of Money to which any such Person or Persons is or are then respectively entitled, and shall have signed and sealed an Award of the same, then the said Commissioners shall present such Award, so signed and sealed, to the Board of Commissioners of Deposit and Liquidation, by whom, or by a Majority of whom, an Order for Payment of such Sum or Sums so awarded shall be signed; and the said Commissioners shall cause the same, with the Award so signed and sealed, to be delivered to the Person or Persons respectively entitled thereto.

Salaries to Officers, and Expence of Commission.

IX. And be it further enacted, That His Majesty's Principal Secretary of State for Foreign Affairs shall assign such Compensation to the said Commissioners, and such Salaries to the Clerks and others engaged in the Office of the said Commissioners, as in his Discretion he shall think fit; and such Compensation and Salaries, and all other Expences attending the said Office, and also the Repayment of all Sums advanced by the Lords Commissioners of His Majesty's Treasury in and for the Payment of the Salaries and Expences of the Commissioners appointed under the Convention signed at *Madrid* on the Twelfth Day of *March* One thousand eight hundred and twenty-three, shall be liquidated and paid by a Per-centage upon or Deduction from the Sums allotted to the Four Classes into which the said Claims are divided, in such Proportion and to such Amount as His Majesty's Principal Secretary of State for Foreign Affairs may or shall determine.

Mode of deciding Difference of Opinion among the Commissioners.

X. And be it further enacted, That should any Difference of Opinion arise between the said Commissioners in the Examination and Adjudication of the Claims, which Difference, by reason of Equality of Votes, cannot be decided, then the Case or Cases upon which such Difference of Opinion may arise shall be referred to the Judgment and Decision of some competent Person, to be named and appointed by His Majesty's Principal Secretary of State for Foreign Affairs; and the Judgment and Decision of such Referee shall be final upon the Point or Points in issue between the said Commissioners.

Act may be altered this Session.

XI. And be it further enacted, That this Act may be altered, amended, varied, or repealed by any Act or Acts to be passed in this Session of Parliament.

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