

LOVELACE's CHARITY

AFFAIRS IN ENGLAND from 1803 to 1836

John LOVELACE anticipated that, after his death, his executors in Spain would realise all his assets there and transmit the proceeds to England, where his two friends, John and George WARD, merchants of London, would hold the funds in trust and apply the income in carrying out the charitable purposes set out in his will. Unfortunately John WARD died between the time John LOVELACE made his will in 1801 and the latter's death in 1803, leaving George WARD to act alone.

The WARDS were listed in London Directories as follows:

John WARD, wine and brandy merchant, 34 St. Martin's le Grand (London Directory 1797),
John and George WARD Esq. Merchants, Old Pay Office, 54 Broad St. (Various directories 1798-1802) and
George WARD, Merchant, 34 New Broad St. (Holder's Directory, JOHNSTONE's Directory & London Post Office Directory 1806-1817).

John's Will also provided that, after the death of the WARDS, William LOVELACE (born 1749), eldest son of John's uncle William LOVELACE (1719-1777) and his nearest male relative living in England, should be appointed trustees, so that there would always be two trustees resident in England. However, the younger William LOVELACE died without issue in January 1805 and no-one else was appointed to act as trustee with George WARD.

Some of John LOVELACE's assets in Spain were realised and proceeds apparently remitted to George WARD in London in the months following John's death but later in 1804 John's remaining property in Spain was sequestered by the Spanish Government. One might have expected George WARD to have held modest sums of money, standing to the credit of John LOVELACE's account in England, arising from Bills of Exchange or settlement of debts but there may also have been small obligations to settle out of this money. However, in his answer, dated September 1806, to a Supplemental Bill of Complaint from Love Stuart TULK, George WARD denied that he had possessed himself of any part of John's estate.

Under John LOVELACE's Will, George WARD was charged with collecting any inheritances due to John, which included a legacy of £2,000 Bank Annuities due under the will of his late father, Rev'd John LOVELACE. In May 1797 Love Stuart TULK, as administratrix of the estate of James Stuart TULK dec'd, had obtained an Injunction, prohibiting the transfer of this Bank Stock, which she alleged had been offered by John LOVELACE junior as security for a debt of £1,900 due to James Stuart TULK. The legacy was subject to the condition that John LOVELACE junior came to England and claimed it personally within seven years of his father's death. As John LOVELACE junior had died within the seven year period, without coming to England to claim his legacy, it was clear to George WARD and everyone else, except Love Stuart TULK, that the condition could never be met. Therefore, the legacy would not form part of the estate of John LOVELACE junior and in the circumstances George WARD did not pursue the matter.

It seemed clear also to Anna Maria HOULDITCH (nee CARTER), administratrix of Rev'd John LOVELACE's estate, that, as John LOVELACE the son had died before claiming the legacy in the manner prescribed in his father's will, the legacy had become a lapsed legacy. The Will provided that, in such circumstances, the legacy would fall into the residue of Rev'd John LOVELACE's estate, of which Anna Maria HOULDITCH was the residuary legatee. Before she and her husband could take a transfer of the Bank Annuities into their own names and thereby complete the winding up of the Rev. John LOVELACE's estate, there was the little matter of getting the injunction, prohibiting the transfer, lifted. Anna Maria HOULDITCH therefore made application to the Court for this purpose, which was heard on 9th March 1805. The Court ruled that the application could not proceed without the personal representative of the legatee, John LOVELACE junior, being a party to the application.

John LOVELACE had been quite specific in his will, that his affairs should be administered without the interference of the courts, so no attempt had been made to prove his will in England. However, with the Court ruling, there was no alternative but to seek probate in the Prerogative Court of Canterbury. In the meantime the legacy could not be sued for, recovered or received.

John LOVELACE had empowered his Executors in Spain to settle his debts outside England and Ireland, which may well have ruled out the TULK debt of £1,900. With all John LOVELACE's estate in Spain having been sequestered before any substantial monies had been remitted to George WARD in England, Love TULK may

have realised that the sources of cash available to settle the debt were drying up. Anna Maria HOULDITCH's application to the Court to have the injunction lifted was followed closely by Love Stuart TULK's legal representatives, as the following documents relating to the case of TULK against WARD – "In the goods of John LOVELACE dec'd" [*National Archives PROB 18 112/31*] set out:

Examination on Allegation dated 28th March 1805 – brought in 25th Feb'y.

In the Prerogative Court of Canterbury

Dec'r 3d 1805

TULK against WARD

On the allegation given by Christian [*Christian G. TOWNLEY was the lawful proctor of Love Stuart TULK, spinster, adm'x of James Stuart TULK, whilst living a creditor by Notes and Bills of Exchange of John LOVELACE, late of Malaga*] bearing date the Caveat Day after Hilary Term (to wit) Thursday the Twenty Eighth day of March 1805.

George PRICHARD of Essex Street in the parish of Saint Clement Danes in the County of Middlesex, Gentleman, aged Thirty one years and upwards, a witness produced and sworn.

To the Second Article of the said Allegation, the Deponent says that, in consequence of having been employed as a Solicitor in Chancery by Love Stuart TULK, spinster, one of the Parties in this Cause, he has seen and perused office copies of various Proceedings laid on her Behalf, prior to the time of Dep't becoming himself concerned for her, respecting the Legacy articulate and, therefrom and from other channels of Information, he has been informed and believes the articulate John LOVELACE, the Testator in this cause, dec'd (being John LOVELACE the son) was a natural born subject of Our Sovereign Lord the King and that he died in the month of October 1803 at Malaga in Spain, without having rec'd the Legacy in the said Allegation, stated to have been left to him by his Father, the said John LOVELACE in the first article particularly mentioned and within the seven years limited in the Codicil articulate. And the Deponent believes that, by reason thereof, the proving and registering of any Will of the said John LOVELACE the son, or the granting of Letters of Administration of his Goods, Chattels and Credits, do of right appertain to the Prerogative Court of His Grace the Lord Archbishop of Canterbury.

To the Third Article the Dep't says that, in or about the month of May 1797, as he can best recollect and speak to the time, a Bill was filed on Behalf of the aforesaid Love Stuart TULK in His Majesty's High Court of Chancery, as the Sister and administratrix, with the will annex'd, of James Stuart TULK dec'd, against the said John LOVELACE the son and the articulate Anna Maria CARTER and also against the Governor and Company of the Bank of England, praying that the Payment or Transfer of the sum of Two Thousand Pounds Five per Cent Annuities, being the Legacy before deposed to, might be restrained and that the same might be applied in Satisfaction of a debt asserted to be due to the Estate of the said James Stuart TULK from the said John LOVELACE.

He further says that an Injunction restraining the Transfer having been obtained in the said Cause, Deponent was present in the aforesaid Court of Chancery when a Motion was made on Behalf of the articulate Anna Maria HOULDITCH (formerly CARTER) the Wife of Richard HOULDITCH, the sole Executrix mentioned in the will with a codicil of the said John LOVELACE the Father, that the aforesaid Injunction might be dissolved and the Restriction from transferring the aforesaid sum of Two Thousand Pounds five per cent Bank Annuities, entered in the Books of the Governor and Company of the Bank of England taken off &, the same being heard on the ninth day of March last, it being suggested that the said John LOVELACE the Son was dead, the Rt. Hon. The Lord Chancellor refus'd to grant the prayer of the said Motion and directed that a fresh Bill should be filed, in which the Representative or Representatives of the said John LOVELACE the Legatee, should be made parties, and Deponent says such Bill cannot be filed, nor can any further proceedings be had in the said Cause, nor can the said Legacy be sued for, recovered or received until a Legal Representation of the said John LOVELACE the Son dec'd shall be first had & obtained. Geo. PRICHARD.

Same day. Repeated and Acknowledged Before Dr S.P. PARSON? Pres't, W.D. JENNINGS, Examiner.

The Spanish will was duly translated at Doctors Commons on 26th April 1806 and Probate was granted to George WARD on 8th May 1806. The translation of the will is a fairly free one, which captures the meaning and intent but puts it into the customary words and format of a typical English will. Apart from the formal opening and closing it differs considerably from the more literal translation found with James Bowden LOVELACE's letters and in two places the amount £500 is correctly shown, compared with £1,500 in the other translation.

John LOVELACE *Translated from the Spanish Language*

In the Name of God, Amen, I John LOVELACE, of the protestant Religion and a Subject of his Britannic Majesty, born at Aylesbeare near Topsham in the County of Devon on or about the fifth day of November One thousand Seven hundred and Forty three, now residing in the City of Malaga in the Kingdom of Spain, being weak in Body but of sound mind and memory, do make and declare my last will and Testament in manner and form following, that is to say:

Firstly, after recommending my Soul to God and committing my Body to the Earth, it is my will and desire that all my just Debts and Funeral Expences be immediately paid after my decease.

Item, it is my will that there be paid to Mrs Maria HODSON of this City, Widow, now residing in one of my houses, yearly during her life, One hundred Guineas English, by half yearly payments on the Feast days of Saint John the Baptist and Nativity of our Lord Christ, as a recompence for the care she has bestowed upon me, which payment shall commence from the day next after my decease and be paid to her, whether she reside in this City or elsewhere, or in any other Kingdom except that of England, on the mere production of a Certificate of her Existence, drawing

for that purpose the necessary Bills of Exchange on the depositaries hereinafter named, in whose hands the Funds exist, and my said Executors shall also deliver to Mrs Maria HODSON the whole of her personal property, which she will point out.

Item, it is my will that my Executors do, with all care and diligence, settle all my Outstanding accounts, of whatsoever nature or description the same may be, in Spain or other parts, except in the Kingdom of England and Ireland, remitting every three months such Funds as they shall have received, to my Esteemed Friends Messrs John and George WARD, Merchants in the City of London and I do for that purpose authorize and empower my said Executors to treat for the Sale of my dwelling Houses and all other my Estate and Effects remaining at the time of my decease, that is to say, the whole Extrajudicially, it being my will that in the said Transactions, as well as all other relating thereto, no judge shall interfere therein.

And I do hereby appoint my said Friends, Messrs John and George WARD of London, depositaries of all the proceeds of my Capotol [*sic*] so remitted, and to be remitted, by my Executors and also of the whole Capital arising from Money, Bills of Exchange, or now in their hands, and till now remitted by me to them and of what further shall hereafter be delivered to them, and I also authorize them to recover and receive the Credits or Inheritances that may result in my favor, as well in the Kingdom of England as in Ireland, to which End I give and Grant to my said Friends the most ample and Extensive powers and authorities that may be necessary, in order that they may, as soon as they shall be in possession of any part of the proceeds of my Capital and property, invest the whole thereof in the British National Funds, in such manner they shall deem most advantageous and continue so to do with the other Sums of Money they shall receive, for the purposes following:

First, to pay to the said Mrs Maria HODSON the said One hundred Guineas yearly, as above directed.

Secondly, my said Friends Messrs John & George WARD shall Endeavour to apply the proceeds of such Funds towards the proper Education and Maintenance of all such poor youths as shall be related to me, and not towards that of those who shall not be in indigent circumstances, it being my intention that the necessitous be relieved and, should any poor Female Relation of mine happen to Marry and there be an excess of Income, let there be given to her fifty or One hundred pounds Sterling, according to her necessities, but this must be done without Interfering with the Education of the youths, as in such Case the same shall be withheld until the Funds shall have produced a Sufficient Income for that purpose.

Item, should any Sum of Money be necessary for the Establishment of any of the youths, my Relations, it may be taken from the principal Fund, provided the same do not exceed Five hundred pounds Sterling, that is to say a Loan may be made to two at most of my said Relations and, immediately on their returning to the Fund the principal received by them, a like Loan may be made to one or two others, not exceeding Five hundred pounds each, which shall be advanced on Security being given, to the Satisfaction of the depositaries Messrs John and George WARD or their Successors, for returning to the said Fund within the period to be pointed out, to wit, Ten Years at farthest, by Instalments, as well the principal received as the lawful Interest thereon every six Months, the Fund to be only resorted to for that and no other purpose whatsoever.

Item, that after the decease of my said Friends Messrs John and George WARD, the same Trust with the like powers shall devolve upon Mr William LOVELACE of Charles Square, Hoxton, London, Eldest Son of William deceased of the same place and upon the nearest Male Relation of the said Mr William LOVELACE, should he reside in England and, in case of his death, upon the Heir Male of the said Mr William LOVELACE and the nearest Male Relation, so that there shall constantly be two Trustees residing in England.

I nominate for my Executors, Don Juan Bautista MAURY, Don Pedro BARINGON and Don Juan MACDERMOT, respectively Inhabitants of this City, to whom jointly and severally I give and Grant the most ample powers, immediately on my death, to enter into and take possession of all my property, which they shall sell by public auction or as they may judge most expedient, in order to fulfil in every respect this my last will, the whole Extrajudicially and without rendering any account to any Tribunal or Judge, as every thing shall be executed Extrajudicially by them and they only bound to render account and remit as above directed to my said Friends, Messrs John and George WARD or to their Successors, such vorlences and Capital as my Estate shall produce, that is to say, so far as respects this or any other City or Kingdom whatsoever, save England or Ireland, the Trusts of which I have given to my said Friends in London and, I do hereby revoke, annul and declare void all former and other wills by me heretofore made in writing or nuncupatively made, willing that this alone, which I now sign, shall avail and take effect as my last will, in Malaga this Thirteenth of December in the year One thousand Eight hundred and one. John LOVELACE.

Signed, Sealed, Published and declared by the said John LOVELACE as and for his last Will and Testament, in our presence, who in presence of the Testator and in the presence of each other, have respectively subscribed our names as witnesses thereto.

Juan De S. MARTIN, Josef de SCHEYZIN, Luis MILLAN, Leben de CARNERY, Juan MILLAN, Guillermo MAJOR, Thomas STALKER.

Conformable to the Original (to which) to which I refer myself remaining of Record in the Register of Public Acts of Don Josef RUIZ de la HEIRARI, Notary, In Testimony whereof and at the Instance of the party and by virtue of the order contained in the preceeding decree, I grant these presents, which I sign and Subscribe in the City of Malaga on the Twenty second day of the Month of November in the year One thousand Eight hundred and three.

Signed Fran'co TORRALBA y PADILLA.

Then follows in English – by William LAIRD Esquire, His Britannic Majesty's sd. Consul for the Coast and Kingdom of Grenada.

I hereby certify that Don Fran'co TORRALBA y PADILLA, by whom the foregoing Testimony containing Copy of the last Will of the late Mr John LOVELACE of this City, Merchant, and of the Judicial proceedings for its being

opened and declared legal and valid, is signed, is a King's Scrivener, to whose writings all Faith and Credit is given Judicially and Extra Judicially.

Given under my hand and Seal of Office in Malaga the 22nd of November 1803. Signed Wm. LAIRD.

Faithfully Translated from the Spanish Language in Doctors Commons, London, this Twenty sixth day of April One thousand Eight hundred and Six by me J.C.A. GOSLI, Not. Pub.

This Will was proved at London the Eighth day of May in the year of our Lord One thousand Eight hundred and Six, before the Worshipful Charles COOK, Doctor of Laws and Surrogate of the Right Honorable Sir William WYNNE, Knight, also Doctor of Laws, Master Keeper or Commissary of the Prerogative Court of Canterbury, lawfully Constituted by the Oath of **George WARD Esquire**, the Surviving Executor according to the Tenor of the said will, to whom Administration was granted, limited to the deceased's Goods, Chattels and Credits lying and being in England and Ireland but no further or otherwise, having been first sworn duly to administer, John WARD the other Executor, according to the Tenor of the said Will, dying in the life time of the said deceased.

With George WARD confirmed as John LOVELACE's Personal Representative, Love Stuart TULK wasted no time in filing a Supplemental Bill of Complaint against George WARD, The Bank of England and Richard and Anna Maria HOULDITCH:

5th June 1806

To the Right Honorable Thomas Lord ERSKINE, Baron ERSKINE of Restormel Castle in the County of Cornwall, Lord High Chancellor of Great Britain.

Humbly complaining, sheweth unto your Lordship, your Oratrix Love Stuart TULK of Castle Street, Holborn in the County of Middlesex, Spinster, on behalf of herself and all others, the Creditors of John LOVELACE, late of Malaga in the Kingdom of Spain, Merchant, who shall come in and seek relief by, and contribute to the expence of, this Suit:

That on or about the ninth day of May One thousand seven hundred and ninety seven your Oratrix exhibited her original Bill of Complaint in this Honorable Court against John LOVELACE, since deceased, Anna Maria CARTER, now the Wife of Richard HOULDITCH, Clerk and the Governor and Company of the Bank of England, Thereby stating, amongst other things, the Will of John LOVELACE, Clerk, the late Father of the said first named John LOVELACE and a Codicil thereto, bearing date on or about the Fifteenth day of February One thousand seven hundred and ninety seven, whereby he gave to his said Son John LOVELACE, then residing at Malaga aforesaid the Sum of Two thousand pounds Capital Stock in the Five pounds Per Cent Annuities, in manner and upon the condition therein mentioned.

And further stating that James Stuart TULK, in the said Bill named, in his life time advanced and lent considerable Sums of Money to the said John LOVELACE the Son, who also received other considerable Sums on account of the said James Stuart TULK, in consequence whereof the said John LOVELACE was indebted to the said James Stuart TULK at the time of his death in the Sum of One thousand nine hundred pounds and upwards and that, upon the death of the said James Stuart TULK, Administration, with his Will annexed, had been duly granted to your Oratrix; **and, therefore, praying** that the said Sum of Two thousand pounds Five pounds Per Cent Bank Annuities might be sold, by and under the Decree of this Honorable Court and that the Monies to arise by such Sale and the Dividends of the said Bank Annuities, which should have accrued due between the death of the said Testator John LOVELACE and the time of such Sale, might be paid to your Oratrix, as Administratrix of the Estate and Effects of the said James Stuart TULK, towards satisfaction of the said Debt of One thousand nine hundred pounds and that the said Defendant Anna Maria CARTER, now Anna Maria HOULDITCH, might be restrained by the Order and Injunction of this Honorable Court from transferring the said Two thousand pounds Bank Annuities to the said Defendant John LOVELACE and that the Governor and Company of the Bank of England might, in like manner, be restrained from permitting such transfer, and for further Relief.

And your Oratrix further sheweth unto your Lordship that, soon after the filing of the said Bill of Complaint, your Oratrix obtained an injunction to restrain the said Defendant Anna Maria HOULDITCH from transferring the said Sum of Stock and that the said Anna Maria HOULDITCH and the said Richard HOULDITCH, her Husband, have since put in their joint and several Answer to the said Bill but that no further proceedings have been had in the said Cause, as in and by the said Bill and Answer now remaining, filed as of record in this Honorable Court and whereto your Oratrix, for her greater certainty, craves leave to refer, will, when produced, more fully appear.

And your Oratrix further sheweth unto your Lordship, by way of supplement, that, before the expiration of seven years from the death of the said Testator John LOVELACE and in or about the Month of October One thousand eight hundred and three the said John LOVELACE the Son departed this life at Malaga aforesaid, without having, as it is alleged, ever returned to England since the death of the said Testator but having duly made and published his last Will and Testament in Writing, which hath since been duly proved in the Prerogative Court of the Archbishop of Canterbury by George WARD of New Broad Street, London, Merchant, the Sole Executor in England and one of the Defendants hereto; and the said George WARD hath, by virtue thereof, possessed himself of the Estate and Effects of the said John LOVELACE the Son, to a considerable amount.

And your Oratrix further sheweth unto your Lordship, by way of Supplement, that, after the filing of the said Original Bill of Complaint and the obtaining of the said Injunction to restrain the transfer of the said Stock, the said Defendants Richard HOULDITCH and Anna Maria HOULDITCH, or one of them, wrote divers Letters to the said John LOVELACE the Son at Malaga and received from him divers other Letters and the said Defendants, or one of them, have now or lately had in their Custody or Power the Letters so received from the said John LOVELACE the

Son and also Copies of the Letters written by them to the said John LOVELACE the Son, or Memorandums thereof, or the said Defendants can set forth the purport and effect of the Letters so received and written by them respectively. **And your Oratrix [Oratrix] sheweth** that the said Defendants Richard HOULDITCH and Anna Maria HOULDITCH, in the said Letters so written to the said John LOVELACE the Son, informed the said John LOVELACE of the Suit instituted by your Oratrix as aforesaid and of the Injunction obtained therein, to restrain the transfer of the said Sum of Stock; and the said Defendants, thereby or by some means, prevailed upon or induced the said John LOVELACE the Son to delay returning to England in order to make a formal demand for the said Sum of Stock, according to the terms of the said Testator's Will.

And your Oratrix sheweth that, the said Defendants Richard HOULDITCH and Anna Maria HOULDITCH have from time to time received the Dividends on the said Sum of Stock and have, or ought to have laid out the same to accumulate, according to the directions of the said Testator's Will.

And your Oratrix charges that, the said Sum of Stock and all accumulations thereof, are part of the Estate and Effects of the said John LOVELACE the Son and ought to be applied in or towards satisfaction of your Oratrix and the other Creditors of the said John LOVELACE, in a due Course of Administration. But, the said Defendant George WARD colludes with the said other Defendants and declines to take any proceedings to recover and apply the said Stock and accumulations accordingly.

To the end therefore that, the said Defendants Richard HOULDITCH, Anna Maria HOULDITCH and George WARD may, upon their several and respective Corporal Oaths and that the Governor and Company of the Bank of England may, under their Corporal Seal, full, true and perfect answer make to all and singular the matter aforesaid, as fully and particularly as if the same were herein repeated and they, thereunto distinctly interrogated and more especially that they may, in manner aforesaid, answer and set forth:

Whether, on or about the ninth day of May One thousand seven hundred and ninety seven or at some other time, and when, your Oratrix did not exhibit her Original Bill of Complaint in this Honorable Court against such several persons and to such effect as herein before stated, or against some other persons, and whom, to the like or some other and what effect;

and **whether**, soon after the filing of the said Bill of Complaint, your Oratrix did not obtain an Injunction to restrain the said Defendant Anna Maria HOULDITCH from transferring the said Sum of Stock, or how otherwise;

and **whether** the said Anna Maria HOULDITCH and the said Richard HOULDITCH, her Husband, have not since put in their joint and several answer to the said Bill;

and **whether** any and what further proceedings have been had in the said Cause;

and **whether**, before the Expiration of Seven years from the death of the said Testator John LOVELACE and

whether or not, in or about the Month of October One thousand eight hundred and three, or at some other time, and when, the said John LOVELACE the Son did not depart this life at Malaga aforesaid; and **whether**, without having ever returned to England since the death of the said Testator;

and **whether** he did not duly make and publish his last Will and Testament in Writing;

and **whether** the same hath not since been duly proved in the Prerogative Court of the Archbishop of Canterbury, or in some and what other Court, by the said George WARD, the Sole Executor in England;

and **whether** he hath not, by virtue thereof, possessed himself of the Estate and Effects of the said John LOVELACE, to a considerable, and what, amount;

and **whether**, after the filing of the said Original Bill of Complaint and the obtaining the said Injunction to restrain the transfer of the said Stock, or at some other time and times and when in particular, the said Defendants Richard HOULDITCH and Anna Maria HOULDITCH, or one and which of them, or some other Person or Persons, and whom by their, or one and which of their Instructions, or with their, or one and which of their privity, did not write divers, or some and what Letters or Letter to the said John LOVELACE the Son, or to some other Person or Persons and whom on his behalf; and **whether** sent to Malaga or elsewhere and when;

and **whether** they, or one and which of them or some other Person or Persons, and whom, with their, or one and which of their privity, did not receive from him, or some other Person or Persons, and whom on his behalf and when in particular, divers or some and what other Letters or Letter;

and **whether** the said Defendants, or one and which of them or some other Persons or Person and whom, on their, or one and which of their behalf, have not now, or have not had and when last, in their or one and which of their custody or power, the said Letters or Letter so received from the said John LOVELACE the son, or from some Person or Persons and whom, on his behalf, or some or one and which of such Letters, or what hath become of such Letters or Letter;

and **whether** they, the said Defendants or one and which of them, or some other Persons or Person, on their or one and which of their behalf, have not now or have not had, and when last in their or one and which of their custody or power, some and what Copies or Copy Memorandums or Memorandum of the said Letters or Letter, or some or one and which of the said Letters, so written as aforesaid to the said John LOVELACE the Son, or to some Person or Persons, and whom on his behalf.

And that the said Defendants may set forth the said several Letters or Letter, so written or received as aforesaid, in the very words and figures thereof respectively, and may leave the Letters or Letter so received and the Copies and Memorandums of the Letters or Letter so written, in the hands of their Clerk in Court, for the usual purposes. And, if the said Defendants have no such Letters or Letter, Copies or Copy Memorandums or Memorandum in their or either of their custody or power, then that they may set forth the purport and effect of all such Letters or Letter, so written or received as aforesaid, fully and particularly, to the best of their recollection and belief;

and **whether** the said Richard HOULDITCH and Anna Maria HOULDITCH, or one and which of them, or some other Persons or Person and whom, on their behalf or with their privity, did not in some or one and which of the said Letters or Letter, so written as aforesaid, inform the said John LOVELACE of the Suit instituted by your Oratrix as

aforesaid and of the Injunction obtained therein, to restrain the transfer of the said sum of Stock, or to some such and what effect;

and **whether** the said Defendants, or one and which of them, or some other Person or Persons and whom, on their behalf or with their privity, did not thereby, or by some other and what means, prevail upon or induce the said John LOVELACE, the Son, to delay returning to England, in order to make a formal demand for the said sum of Stock, according to the terms of the said Testator's Will, or for what reason, as the said Defendants, or either and which of them, know or believe, did the said John LOVELACE the son delay returning to England for the purpose aforesaid; and **whether** the said Richard LOVELACE and Anna Maria HOULDITCH, or one and which of them, have not from time to time, or for some and what time, received the Dividends on the said sum of Stock;

and **whether** they or one and which of them, have not laid out the same to accumulate, according to the directions of the said Testator, or what hath become thereof;

and **whether** the said sum of Stock and all accumulations thereof are not part of the Estate and Effects of the said John LOVELACE the son;

and **whether** the same ought not to be applied in or towards satisfaction of your Oratrix and the other creditors of the said John LOVELACE, in a due course of Administration and, if not, why not;

and **whether** the said George WARD does not decline to take any Proceedings to recover and apply the said Stock and accumulations accordingly, and for what reason.

And that the said Defendants may answer the Premises; and that the said sum of Two thousand pounds Five Per Cent Bank Annuities, together with the accumulations that have, or might, and ought to have been made thereof, may be declared to be part of the Personal Estate and Effects of the said John LOVELACE the Son and may be applied, together with all other Personal Estate and Effects of the said John LOVELACE the Son, which hath been possessed or received by the said George WARD, in payment of your Oratrix and the other Creditors of the said John LOVELACE the Son, in a due course of Administration. And that, for this purpose, all proper directions may be given and that your Oratrix may have such further and other relief, as the nature of the case may appear to require and, to your Lordship, shall seem meet.

May it please your Lordship, the Premises considered, to grant unto your Oratrix his Majesty's most gracious Writ or Writs of Subpoena, to be directed to the said Richard HOULDITCH, Anna Maria HOULDITCH, the Governor and Company of the Bank of England and George Ward and the rest of the Confederates, when discovered, thereby commanding them and every of them, at a certain day and under a certain pain, therein to be limited, personally to be and appear before your Lordship, in this Honorable Court and then and there, true, direct, distinct and perfect answer to make to all and singular the Premises and, further to stand to perform and abide such further order, direction and decree therein, as your Lordship shall seem meet; and your Oratrix shall ever pray etc.

Love Stuart TULK

John LEACH.

[National Archives C13/71/30]

11th September 1806

The Answer of George WARD, one of the Defendants named in the Supplemental bill of Complaint of Love Stuart TULK, Complainant, to the Original and supplemental Bills of the said Complainant.

This Defendant, now and at all times hereafter saving and reserving to himself all and all manner of benefit and advantage, which may be had and taken to the many errors, uncertainties and imperfections in the said Complainant's said original and supplemental bills of Complaint contained, for answer thereunto or unto such part thereof as he is advised it is material or necessary for him to make answer unto, **Answereth**

and Saith, he has been informed and believes it to be true that John LOVELACE, the Testator in the said Original Bill named, was in his life time, and at the time of his death, possessed of, or entitled to, a large Sum of money, to the amount of more than Two thousand five hundred pounds in the Capital Stock of the five Per Cent Bank Annuities and that he duly made and published his last Will and Testament in writing, of the date and to the purport or Effect in the said Bill, in that behalf mentioned and set forth, so far as the same is therein set forth and that he afterwards duly made and published a Codicil to his said Will, of such date and to such purport or Effect, as in the said Bill, in that behalf mentioned and set forth, so far as the same is therein set forth but, for greater certainty as to the respective dates, purport or Effect of the said Will and Codicil, this Defendant craves leave to refer thereto or to the probate thereof, when produced.

And this Defendant further Answering, saith he has been informed and believes that the said Testator John LOVELACE departed this life soon after making his said Codicil, without having revoked or altered his said Will and Codicil, save as his Will is altered by his said Codicil.

And this Defendant further Answering, saith he does not know, nor can he in any manner set forth whether James Stuart TULK, in the said Original Bill named, advanced and lent or paid, laid out and expended to or on behalf of John LOVELACE the Son, in the said Original Bill also named, considerable or any Sums of money, nor whether the said John LOVELACE the Son received considerable or any Sums of money on account of the said James Stuart TULK nor whether, in consequence thereof or on any other account, the said John LOVELACE the Son was indebted to the said James Stuart TULK in the Sum of one thousand nine hundred pounds and upwards or in any other Sum of money at the time of the death of the said James Stuart TULK, nor whether the whole or any part thereof still remains unpaid and owing to the Estate of the said James Stuart TULK but this Defendant craves leave to refer the said Complainant to such proof of the said debt, as she shall be able to produce and bring before this Honorable Court.

And this Defendant further Answering, saith he does not of his knowledge know, but for any thing he has heard or believes to the contrary, it may be true that the said James Stuart TULK departed this life shortly before filing the said original Bill and that he first duly made and published his last Will and Testament in writing and thereby

appointed certain persons Executors thereof and that, after the death of the said James Stuart TULK, the said persons renounced the probate of the said Will and that Administration, with the Will annexed, of the Estate and Effects of the said James Stuart TULK was duly granted to the Complainant, by the proper Ecclesiastical Court but, for greater certainty, this Defendant craves leave to refer to the said letters of Administration, when produced.

And this Defendant further Answering, saith he does not know or believe that the said John LOVELACE the Son was unable to pay the debt in the said Original Bill mentioned, if any such debt existed, or that he agreed with the said Complainant to assign to her all his interest in the Legacy of Two thousand pounds Bank Annuities, therein also mentioned, for the purpose of securing the payment of such debt and in order that the same might be sold and the produce thereof applied towards the discharge of the said debt, as in the said Original Bill in that behalf alledged, but this Defendant craves leave to refer the said Complainant to such proof thereof as she shall be able to produce and bring before this Honorable Court.

And this Defendant further Answering, saith he admits it to be true that the said John LOVELACE the Son hath departed this life since the filing of the said Original Bill and without having appeared to, or answered the same and he died, as this Defendant has been informed and believes, at or about the time in the said Supplemental bill mentioned and before the expiration of seven Years from the death of the said first named Testator John LOVELACE and without having ever returned to England, since the death of the said Testator but, this Defendant hath been informed and believes, that the said John Lovelace the Son was, at the time of his Death, preparing to come to England, for the purpose of complying with his said father's Will.

And this Defendant admits it to be true that the said John LOVELACE the Son duly made and published his last Will and Testament in Writing and that, this Defendant being considered one of the Executors thereof, according to the tenor of such Will or probate thereof, and administration, limited to his Goods, Chattels and Credits in the Kingdom of England and Ireland but no further or otherwise, hath been granted and committed to this Defendant by the Prerogative Court of the Archbishop of Canterbury but, this Defendant saith, he has not possessed himself of any part of the Estate and Effects of his said Testator, nor have any of his letters or Copies of letters or papers come to the hands of this Defendant.

And this Defendant submits it to the Judgment of this Honorable Court, whether the Sum of Two thousand pounds Bank five per Cent, in the said original and supplemental bill mentioned, together with the accumulations thereof, are part of the Estate and Effects of the said John LOVELACE the Son and ought to be applied in a Course of Administration, in satisfaction of the Claims of the said Complainant, in case she shall make out and substantiate the same, and of the other Creditors of the said John LOVELACE the Son, if any such shall appear.

And this Defendant is willing to act in the premises, as this Honorable Court shall direct, being indemnified in so doing by the decree of this Honorable Court, and paid his Costs.

And this Defendant denies all collusion, wherewith he stands charged in the said Bill; without this, that there is any other matter, clause or thing in the Complainant's said Bill of Complaint contained, material or effectual in the Law, for this Defendant to make Answer unto and not hereby well and sufficiently Answered, avoided, traversed or denied is true, to the knowledge or belief of this Defendant, all which matters and things this Defendant is ready and willing to aver, maintain and prove, as this Honorable Court shall direct, and humbly pray to be hence dismissed, with their reasonable Costs and Charges in the Law, in this behalf most wrongfully sustained.

George WARD

Ant. HART.

Sworn at the Public Office, Southampton Buildings, Chancery Lane, London, the eleventh day of September one thousand eight hundred and six. Before me, Sam. C. COX.

[National Archives C13/71/30]

Chancery

28 Oct'r 1806.

The Answer of The Governor and Company of the Bank of England, Defendants to the Supplemental Bill of Complaint of Love Stuart TULK, Spinster, Complainant.

These Defendants, saving and reserving to themselves all benefit of Exception to the said Supplemental Bill, in like manner as they have before reserved to themselves, in respect to the Original Bill of the said Complainant, for answer to the said Supplemental Bill, or to so much thereof as these Defendants are advised it is material, or any wise concerns them to make answer unto, **Answer**

and Say they believe and admit it to be true that the said Complainant on or about the Ninth day of May one thousand seven hundred and ninety seven exhibited her Original Bill of Complaint in this Honorable Court, against such several Persons and to such effect as in the said Supplemental Bill stated. To which said Original Bill these Defendants put in their answer, thereby admitting (as the truth then was) that there was the Sum of three thousand five hundred Pounds five per Cent Annuities then standing in the Books of these Defendants, in the Name of The Rev'd John LOVELACE of Great Waltham, Essex, and that there was no Dividend due thereon, as by the said Original Bill and Answer thereto, remaining as of Record in this Honorable Court, to which, for greater certainty these Defendants crave leave to refer, may more fully appear.

And these Defendants know not, nor can set forth whether, soon after filing the said Original Bill, the said Complainant did or not obtain an Injunction to restrain the Defendant Anna Maria HOULDITCH from transferring the said Stock, Save that these Defendants have been informed by their Accountant and believe the same to be true, that there is not any Entry of any such Order of Injunction appearing in the Books of these Defendants but only a Caveat against permitting any transfer of the said Stock and against receiving the Dividends due or to grow due thereon.

And these Defendants have further been informed by their said Accountant, and believe the same to be true, that, since the filing of their said Answer to the said Original Bill, such restraint as aforesaid, in respect to One thousand five hundred pounds, part of the said Three thousand five hundred pounds Annuities, and in respect to the Dividends

on the whole Sum, has been taken off, and that the said Sum of One thousand five hundred pounds has been Sold out and transferred, and that there is now the Sum of Two thousand pounds five per Cent Annuities only, standing in the Books of these Defendants, in the Name of The Rev'd John LOVELACE of Great Waltham, Essex, Clerk, deceased. **And these Defendants Say** they are Strangers to the several other matters and things in the said Supplemental Bill contained, but are ready and willing to act as this Honorable Court shall be pleased to direct, being Indemnified in respect thereof and paid their Costs. Without that, that there is any other matter, Cause, or thing in the Complainant's said Bill of Complaint contained, material or effectual in the Law, for these Defendants to make answer unto and not hereby well and sufficiently answered, avoided, traversed or denied is true, to the knowledge and belief of these Defendants, all which matters and things these Defendants are ready to aver, maintain and prove, as this Honorable Court shall direct, and humbly pray to be hence dismissed with their reasonable Costs and Charges in the Law, in this behalf most wrongfully sustained.

A. PIGGOTT.

Sealed by Order of the Court of Directors the 21 Aug. 1806. Robert BEST, Sec'y.

B. Ea'r 1806. Or ans'r by you to Mr SEWELL.

[National Archives C13/71/30]

George the third, by the Grace of God, of the United Kingdom of Great Britain & Ireland, King, Defender of the Faith, To Thomas GLANVILLE, Samuel PALMER, John Ellis LEA and William BROOKE, Gentlemen, Greeting. Whereas Love Stuart TULK, Complainant, hath lately exhibited her Bill of Complaint before us in our Court of Chancery against Richard HOULDITCH and his Wife, Defendants; And Whereas we have by our writ lately commanded the said Defendants to appear before us in our said Chancery at a certain day now past, to answer the said Bill, know ye that we have given unto you, any three or two of you, full Power and Authority to take the Answer of the said Defendants to the said Bill, and therefore **we command you**, any three or two of you, that at such certain day and place as you shall think fit, you go to the said Defendants, if they cannot conveniently come to you and take their Answer to the said Bill, on their Corporal Oaths upon the Holy Evangelists, to be Administered by you, any three or two of you, the said Answer, being distinctly and plainly wrote upon Parchment and, when you shall have so taken s/a, you are to send the same theses up, under the Seals of you, any three or two of you, unto us in our said Chancery without delay, wheresoever it shall then be, together with this Writ. Witness ourself at Westminster the fifteenth day of January in the forty seventh Year of our Reign.

S'Gent SEWELL.

14th April 1807.

Winter.

The Answer of Richard HOULDITCH, Clerk and Anna Maria his Wife, late Anna Maria CARTER, Spinster, two of the Defendants to the Supplemental Bill of Complaint of Love Stuart TULK, Complainant.

These Defendants, saving and reserving to themselves respectively all benefit & advantage of Exception, which can or may at any time be had or taken to the said Bill of Complaint or any part thereof, for answer thereto or unto so much thereof as they, these Defendants, are advised is material or necessary for them to make answer unto severally (and not either of them for the other of them) **say:**

they believe it to be true that at or about the time in the said Supplemental Bill, in that behalf mentioned, the said Complainant did exhibit her Original Bill of Complaint in this Honourable Court, against this Defendant Anna Maria HOULDITCH, then Anna Maria CARTER, and against John LOVELACE the Son and the Governor and Company of the Bank of England, stating and praying to such Effect, as in the said Supplemental is particularly mentioned and set forth, so far as is therein set forth. And that, soon after filing the said Original Bill, the said Complainant obtained an Injunction to restrain this Defendant, Anna Maria, from transferring the two thousand pounds Bank five per cent Annuities, in the said Original & Supplemental Bills of Complaint particularly mentioned. And these Defendants afterwards intermarried together & put in their Answer to the said Original Bill and they believe that no further proceedings were had in the said Cause, previous to the exhibiting the said Supplemental Bill. But, for greater certainty as to the contents of the said Original Bill and Answer, these Defendants refer to the same, now remaining as of Record in this Honourable Court.

And these Defendants further severally say they have been informed & believe it to be true that, before the expiration of seven Years from the time of the death of the Testator John LOVELACE, in the said Original & Supplemental Bill respectively named, John LOVELACE the Son, therein also named, departed this life, he the said John LOVELACE the Son, having, as these Defendants have been informed and believe, died at Malaga in the Kingdom of Spain, in or about the Month of October one thousand eight and three (and not in the Month of October in the Year one thousand eight hundred and four, as by mistake was mentioned & stated in the Answer of these Defendants to the said Original Bill), and the said Testator having, as these Defendants believe, died in the Month of March one thousand seven hundred and ninety seven.

And these Defendants further severally say they do not know or believe, nor ever have been informed that the said John LOVELACE the Son returned to, or was in, England at any time between the death of the said Testator & the time of the death of him the said John LOVELACE the Son.

And these Defendants severally say they have been informed, & believe it to be true, that the said John LOVELACE, the Son did duly make & publish his last Will & Testament in Writing & thereby appoint George WARD, in the said Supplemental Bill named, Executor thereof. But, whether such Will hath been proved in the Prerogative Court of the Archbishop of Canterbury or in any other Ecclesiastical Court by the said George WARD or, whether he, the said George WARD, hath, by virtue thereof, possessed himself of the Estate & Effects of the said John LOVELACE the Son to a considerable or to any, or what amount, these Defendants know not and have never been informed, save by the said Supplemental Bill, nor can form any belief with respect thereto.

And these Defendants further severally say they have been informed by Mrs Ann WOLLAND (formerly CARTER) of Heavitree in the County of Devon, the Sister of this Defendant Anna Maria, & believe it to be true, that

she the said Ann WOLLAND, then Ann CARTER, on or about the sixteenth day of June one thousand seven hundred and ninety seven wrote a Letter to the said John LOVELACE the Son, of that date, addressed to him at Malaga aforesaid, to inform him, the said John LOVELACE, the Son, of his said Father's death and that she, the said Ann WOLLAND, kept in her possession a Copy of such Letter & she hath lately delivered to this Defendant, Richard HOULDITCH, a paper writing, purporting to be a Copy of such Letter & the same is in the possession of this Defendant Richard HOULDITCH & is in the Words & figures or to the effect following, that is to say: "*I should be sorry to wound your feelings by a repetition of the melancholy event but my Sister, having received no answer, makes us doubt whether her Letter ever reached you; Nature in your Father gradually decayed, he was confined to his bed but 3 days & died the 21st March. My Sister, who is left Executrix, buried him the [date left blank] in such a manner as, I am sure, you would have approved of, had you been present and gave him great pleasure & satisfaction by her constant care & attention during his illness & confinement. Mrs BOWDEN died three Weeks before him &, by a Deed of gift, gave all her property to her Nephew James Bowden LOVELACE. My dear Mother died 18th July last. My Sister, after my Uncle's death, requested me to be with her, while she remained at Waltham &, being herself much engaged, have solicited me to give you a second information, fearing, as I said before, the first never reached you. Mr LOVELACE never received any Letter from you, after Mrs LOVELACE's death, until within a fortnight before his death; it gave him great uneasiness & he could account for your silence by no other means than your death, which you will see he believed by his Will, of which I will transcribe an extract for you; first he says: I give to my Nephew William LOVELACE at Charles Square, Hoxton, all my right and title to a share in the rent of the Estate of Long Acre, held by Adam WRIGHT in Saint Martin's, Westminster, from Ladyday next after my decease to the compleat end of the Term for which it is held, that is to say, till Ladyday in the Year one thousand eight hundred & seven, provided he has paid to me or my Executrix all the rent due to that time of my decease, which he has power, by Warrant of Attorney, to receive for me. I give unto my Son, John LOVELACE of Malaga in the Kingdom of Spain, £2,000 Capital Stock in the 5 per cent Bank Annuities, part of my Stock in the said Fund. But, as I have not heard from my said Son for a considerable time &, there is a probability that he may not be now living, I do hereby declare my Will & mind is that the said Legacy is given to him upon the express condition that he shall not be intitled thereto, unless he shall return to England & personally claim the same of my Executrix or her Executors or Administrators or in the Church Porch of the Parish of Great Waltham in the presence of two Witnesses. And, in case my said son shall not return to England & claim the said Legacy in manner aforesaid, within the space of seven Years from the time of my decease, then my Will & meaning is that he shall be presumed to be dead. And, in such case, the said Legacy, hereby given to him, shall be deemed a lapsed Legacy and sink into & become a part of the residuum of my personal Estate. And I hereby will & direct that the said Legacy shall be continued in the Bank by my Executrix, for the time aforesaid after my decease or until sufficient proof of the death of my said Son shall be produced, such claim thereof shall be made in manner aforesaid within that period. And that the dividends, which shall from time to time become due thereon, shall be received and vested in the same Fund to accumulate, together with the dividends which will become due upon such accumulated Fund, for the benefit of my said Son, in case he shall make his claim thereto in manner & within the period aforesaid, or otherwise of my residuary Legatee. And I give all the rest & residue of my Estate & Effects, whatsoever & wheresoever, to Anna Maria CARTER, now residing with me, the Niece of my late dear Wife, whom I have, by said Will, made my Executrix. In witness whereof etc. etc. £600 Mr L. lent to a Mr DANIEL of Little Waltham, of which my sister will not be able to recover a single shilling; £85 to George LOVELACE & £200 to Anthony LOVELACE, which is likewise irrecoverable, besides many Years' Interest. Mr L's whole property amounts to £3,500 exclusive of bad Debts & Household Furniture; thus Sir have I given you an exact statement of your Father's will & property; should there be any particulars you would wish farther to be informed of, you may rely on its being answered with the greatest punctuality. Your Letter will find us, if not at the Vicarage in the Neighbourhood of Waltham, where I shall remain two Months longer. I mean then to return to Ottery, where I have taken a House with my Youngest Sister. Maria, in all probability, will remain in this neighbourhood for some time, being about to complete an engagement, which is to last for life; she begs her Compliments & hopes to have the pleasure of seeing you at her House, whenever you return to England & I also shall be equally happy to see you at my Cottage in Devonshire; till then I remain Sir, your Friend & Cousin, Ann CARTER."*

And this Defendant Anna Maria HOULDITCH saith & this Defendant Richard HOULDITCH believes it to be true that, altho' in the said paper Writing, so purporting to be a copy of the said Ann WOLLAND's said Letter to the said John LOVELACE the Son, it is intimated that this Defendant, Anna Maria HOULDITCH, had sent a Letter to him, the said John LOVELACE the Son, yet in fact she, this Defendant, had not written or sent any Letter to him.

And this Defendant, Richard HOULDITCH, for himself, farther saith & this Defendant Anna Maria believes it to be true that he, this Defendant Richard HOULDITCH, being informed & fully believing that the said Ann WOLLAND had not received any answer to, or acknowledgment of her said Letter, from the said John LOVELACE the Son, and not knowing whether he, the said John LOVELACE the Son, were living or dead or, if living, where he resided, he, this Defendant Richard HOULDITCH, in order, if possible, to discover whether he, the said John LOVELACE the son, were really living or not &, if living, where he then resided &, with a view to inform him, the said John LOVELACE the son of the contents of the Will & Codicil of his said late Father, John LOVELACE the Elder, made many enquiries concerning him, the said John LOVELACE the son & that, in consequence of such enquiries, he, this Defendant Richard HOULDITCH, in or about the Month of August 1800, succeeded in procuring from the Agent in London of John Bapt. MAURY of Lisbon in the Kingdom of Portugal, Esquire, by the means & intervention of the Rev'd George COLERIDGE of Ottery Saint Mary in the said County of Devon, Clerk, a Friend of these Defendants & who, as these Defendants believe, was well acquainted with the said Agent of the said John Bapt. MAURY, the possession of a Letter, which this Defendant Richard HOULDITCH understood & believes was & is in the hand writing of him the said John LOVELACE the Son & having his name thereto subscribed, addressed to the

said John Bapt. MAURY Esq'r at Lisbon & that the said Letter did & doth bear date the 28th day of May 1800 & did & doth appear to have been written by the said John LOVELACE the son at Malaga aforesaid.

And this Defendant Richard HOULDITCH saith & this other Defendant believes it to be true that the said last mentioned Letter hath ever since been & now is in his possession but the same does not contain any thing in any manner relating to the Subject of the death or of the Will of the said John LOVELACE the Father or of his, the said John LOVELACE the Son's Right or Claim under the same or of this Suit & that the only passage therein contained, which in any manner relates to the Inquiries made after him, is in the Words following, that is to say: *"I have received a minute of the Enquiries which are made regarding me. That I am existing (I cannot say I live, because the Beef & Mutton of this Country are in general Carrion) in this miserable World, you may depend."*

And this Defendant Richard HOULDITCH, for himself, further saith and this other Defendant believes it to be true that he, this Defendant, after perusing the said last mentioned Letter, having good reason to believe that he, the said John LOVELACE the Son was then resident at Malaga aforesaid, he, this Defendant, for the reasons aforesaid, in the Month of January one thousand eight hundred and one wrote & sent to the said John LOVELACE the Son a Letter addressed to him at Malaga aforesaid & he, this Defendant, hath preserved & hath now in his possession a copy of such Letter. And which Letter was, as this Defendant believes, dated the third day of that Month & was in the Words & figures, or to the effect, following, that is to say: *"Sir, The Apprehension you expressed in a Letter addressed to a Friend, in consequence of enquiries made after you on my behalf, demand from me a reason for those enquiries, which I hope will Apologize for & allay your anxiety. Since the death of your Father Letters had been written to yourself & your Agents, Messrs WARDS in London, stating his death & the terms upon which you would become intituled to a Legacy of £2,000 5 per cent Bank of England Stock & requesting from you an acknowledgment of the same. From yourself no such acknowledgment has been received of my Letter; from your agents, through the medium of a Friend in London, I am told that they have no reason to suppose but that you are perfectly acquainted with your late Father's intention with respect to the Legacy bequeathed you, that there was no doubt of my Letter having reached you & that, in their correspondence, they had related the circumstance to you. That part of the Will, which respects yourself, of which Will a Copy was sent you, is in effect as follows: That, as your late Father, from his having received no Letter from you for several Years, had reason to suppose you might be dead, bequeathed you the above specified £2,000 only upon condition that you should personally claim the same within seven Years after his decease, either of his Executrix (your cousin Anna Maria CARTER) or in the Church Porch of the Parish of Much Waltham. That the same should be invested in the 5 per cent Bank of England, til the expiration of seven Years &, if not then claimed, should sink into & become a residuum, which should be the Property of his Executrix; four Years of the above Term will have elapsed on the 21st March next coming, so that little more than three Years now remain. I therefore think it incumbent on me to take every opportunity of writing & shall continue to do so till I am made sensible that you are acquainted with the nature of your Father's intention, as expressed in his Will &, for this purpose, have sent this Letter by a Friend as far as Lisbon. If it reach you safe & you will be kind enough to acknowledge the receipt thereof, it will be the means of removing a great weight from the mind of my Wife, who is your Father's Executrix, & myself, for as we shall be benefitted by your omission, it is just that you should know from us how far & in what way you will become intituled to the Legacy in question, which has been accumulating from Midsummer subsequent to your Father's death. We are situated at Ottery Saint Mary, Devon & shall think ourselves favoured, when you come to England, if you will oblige us with your Company, as long as may be convenient to you. Your Cousins in this Neighbourhood unite in affectionate regard. And I beg leave to write myself, your very obedient Servant, Rd. HOULDITCH."*

And these Defendants further severally say they have been informed by the said Ann WOLLAND & believe it to be true that, about four Years after the said Letter of the said Ann WOLLAND had been sent to the said John LOVELACE the Son, she, the said Ann WOLLAND, received from him, the said John LOVELACE the Son, a Letter purporting to be an answer to the said Letter & addressed to her, the said Ann WOLLAND by her then name of Ann CARTER & having the name of John LOVELACE thereto subscribed & these Defendants say that such Letter from the said John LOVELACE the Son hath been delivered to them by the said Ann WOLLAND & is now in the possession of this Defendant Richard HOULDITCH & the same is in the words & figures following (that is to say): *"Malaga 9th May 1801. Miss Ann CARTER. Dear Cousin, Your kind Letter of 16 June 1797 reached me on the 18 July '97 & gave me the first intelligence of my good Father's decease on the 21 March 1797. The Letter you mention to have been written to me by my Father's Executrix, your Sister, has not reached me. I thank you for the copy of that paragraph of my Father's Will, which concerns me in particular & I observe thereby that I am considered probably among the dead, which was absurd enough, even though he had not received a Letter from me for ten Years prior to the date of his Will, because I had frequently told him that I was in full correspondence with John & George WARD Esq'es of London, to whom I wrote several times in the course of a Month and from them he might have tidings of me as often as he pleased &, when he could not personally see Messrs WARDS, he might have ordered some of his Debtors at London to have called on them in his name for intelligence & even seen my signiture at the foot of my Letters to them with the dates thereof, which would have been a sufficient Certificate of my existance in this life to anyone except such as was to pay a rent depending on my life. I shall drop this useless subject & acquaint you that I refrained from answering your Letter, for motives which, I dare say are obvious enough to you, ere this: I can't say at present when I shall have the pleasure of seeing you but it will be as soon as my affairs will permit, if it please God to continue my present state of Health, which is tolerable, considering the one I have been in for time past. I thank your kind invitation to your House in Devon. I have recieved the Rev'd Mr HOULDITCHes Letter of the 3^d Jan'y last, which I shall answer by another opportunity, as it might surprize you if two Letters from me were to arrive in Ottery St. Mary at once. Pray make that Gentleman & his Lady my respectful compl'ts & thank his kind invitation. If any of you or Friends emigrating to Egypt sho'd call here, I shall gladly accomodate you with a Bed. Apropos Francis NEWCOMBE Esq're, son of the Rev'd Mr NEWCOMBE, has been here from the 24th Nov'r*

last to the 15th April; 3 months of the time he lived with me; he commanded the Bomb Ketch Albaniece, brought into this port by a mutinous crew; he & officers are gone to Gibraltar (having been exchanged as prisoners of War) with an intention to proceed to Egypt & take it, if the French can't prevent it. Don Dionicio BARRANCO joins me in best Compl'ts to your Family & all other Friends (not forgetting Miss COPLESTONE; he frequently talks of this Lady, whose name has been changed according to Act of Parliament, since the Year 1775). The Post is going out & I have only time to assure you that I am, with due regard & esteem Dear Cousin, your very h'ble Servant, John LOVELACE."

And these Defendants further severally say, that since the Filing of the said Original Bill of Complaint & the obtaining the said Injunction, or at any other time, they, these Defendants or either of them or any person or persons, by their or either of their instructions, or with their or either of their privity, have not nor hath (save as aforesaid) written or sent any Letters or Letter to the said John LOVELACE the son or to any person or persons on his behalf & that they, these Defendants, or either of them or any person or persons with their or either of their privity, since the death of the said Testator John LOVELACE the Elder, have not nor hath received (save as aforesaid), from the said John LOVELACE the son or any other person or persons on his behalf, any Letters or Letter & that they, these Defendants or either of them or any person or persons on their or either of their behalf, have not, nor hath now, nor at any time since the death of the said John LOVELACE the Elder, have or hath had (save as aforesaid & hereinafter mentioned) in their, or either of their, custody or power any Letters or Letter received from or written or signed by the said John LOVELACE the Son or any Person or Persons on his behalf & that they, these Defendants, or either of them or any Persons or Person on their or either of their behalf have not nor hath now nor at any time have or hath had (save as aforesaid) in their or either of their Custody or Power any Copies or Memorandums or Copy or Memorandum of any Letters or Letter written or sent to the said John LOVELACE the Son, or to any persons or person on his behalf.

And these Defendants further severally say they deny it to be true that they, these Defendants, or either of them or any person or persons on their or either of their behalf, or with their or either of their privity, did in any Letters or Letter or otherwise inform the said John LOVELACE, the Son of the suit instituted by the said Complainant & of the said Injunction obtained therein or to any such or the like effect or that they, these Defendants, or either of them or any person or persons on their or either of their behalf or with their or either of their privity, did, by any Letters or Letter or by any other means, prevail upon or induce or endeavour to prevail upon or induce the said John LOVELACE the Son to delay returning to England, in order to make a formal demand for or of the said two thousand Pounds Bank Annuities, according to the terms of the said Testator's said Will.

And these Defendants severally say they are unable to set forth, as to their knowledge or belief, for what reason the said John LOVELACE the Son delayed returning or did not return to England, for the purpose in the Bill mentioned.

And this Defendant Anna Maria further saith & this other Defendant believes it to be true that, she, this Defendant Anna Maria, having herself neglected to write to the said John LOVELACE the Son, to inform him of his said Father's death & of the contents of his said Will & Codicil, & being informed & advised that it was a duty incumbent on her to write a Letter to him, the said John LOVELACE the Son, for that purpose & she, this Defendant, wishing to be on good terms with the said John LOVELACE the Son & not to displease him, did request the said Ann WOLLAND, then Ann CARTER, in her said Letter to the said John LOVELACE the Younger, to intimate to him that she, this Defendant Anna Maria, had written a Letter to him for the above purpose. And they, these Defendants, believe that the said Ann WOLLAND, in her said Letter, did make such intimation to the said John LOVELACE the Son, in consequence of such the request of this Defendant Anna Maria HOULDITCH.

And this Defendant Richard HOULDITCH, for himself, further saith he admits & this other Defendant believes it to be true that this Defendant Richard HOULDITCH hath from time to time caused the Dividends on the said two thousand Pounds Bank Annuities to be laid out in the purchase of different Sums in the said Bank Annuities, in order that the same might accumulate, according to the directions of the said Testator's Will or Codicil, until the expiration of seven Years from the time of the death of the said John LOVELACE the Father, (except as to fifty pounds, which was by mistake sold out again after the same had been invested). And, after the expiration of the said seven Years & then finding that the said John LOVELACE the Son had, before that time, died without returning to England, he this Defendant caused to be sold out the said accumulations of Stock and applied the produce thereof to his own use; he this Defendant, as he is advised & humbly insists, having become intitled thereto in right of his said Wife, under & by virtue of the Will & Codicil of the said John LOVELACE the Father.

And these Defendants further severally say they are advised that the said two thousand Pounds Bank Annuities & the accumulations thereof are not part of the Estate & Effects of the said John LOVELACE the Son and that the same ought not to be applied in or towards satisfaction of the Debts of the said John LOVELACE the Son in a due course of Administration, as is in & by the said Supplemental Bill charged but that, as well for the reasons appearing in the Answer of these Defendants to the said Original Bill of Complaint, as for the reasons herein also appearing, they, these Defendants or this Defendant Richard HOULDITCH, in right of this Defendant his Wife, are or is now intitled to the same & humbly hope they shall be permitted to transfer the said two thousand Pounds Bank Annuities for their own benefit.

And this Defendant Anna Maria further saith & this other Defendant believes it to be true that the said Testator, the said John LOVELACE the Elder, frequently declared to, or in the presence of, this Defendant Anna Maria, (who lived with him, the said Testator, for a long time previous to his decease), that his said Son, the said John LOVELACE the Younger, was so neglectful of him, the said Testator, that he could seldom or never get a Letter from him, the said John LOVELACE the Son, even in Answer to Letters which he, the said Testator, used to write to him; and that he, the said Testator, could scarcely ever get any information about him, unless by applying to the WARDs (meaning the said George WARD & John WARD, the Brother of the said George WARD); and that he, the said Testator, for such misconduct & inattention of his said Son towards him, would disinherit him or to that effect &

which this Defendant Anna Maria verily believes he, the said Testator, would have done but for the persuasions of her, this Defendant, to the contrary, for that this Defendant Anna Maria very frequently & in particular some short time previous to the death of the said Testator, endeavoured to prevail on him, the said Testator, to make some bequest to or in favour of his said son.

And this Defendant Anna Maria saith & this other Defendant believes it to be true that the said Testator, in his lifetime, frequently promised to this Defendant Anna Maria to make an ample provision for her this Defendant Anna Maria by his, the said Testator's, Will; and that he, the said Testator, some short time after making the said Codicil to his said Will, informed her, this Defendant Anna Maria, of what he, the said Testator, had given her, this Defendant, by his said Will & Codicil respectively & told her, this Defendant, that if his said Son, the said John LOVELACE the Younger, did not return to England in seven Years after his, the said Testator's, decease, that the whole of the Legacy, which he the said Testator had given to his said Son, would become this Defendant Anna Maria's property or to that effect.

And this Defendant Anna Maria saith & this other Defendant believes it to be true, that the said Testator John LOVELACE the father, about a Fortnight previous to his, the said Testator's, death, received a Letter & also a duplicate of the same Letter from his said Son, John LOVELACE the Younger, from Malaga aforesaid; and which said Letter & Duplicate appear to have been written in the way of Journal, bearing several dates beginning with the 30th November 1796 down to the 28th January following; and that such Letter & Duplicate are now in the custody or power of these Defendants & ready to be produced as this Honourable Court shall be pleased to direct.

And this Defendant Anna Maria saith & this other Defendant believes it to be true, that upon the receipt of such Letter and Duplicate by the said Testator, she this Defendant Anna Maria addressed him, the said Testator, in the words or to the effect following (that is to say): "*Sir, I presume you would now wish to alter your Will, as you know your Son is alive.*" And he, the said Testator, immediately made answer to this Defendant Anna Maria, as follows: "*No. I will not alter it, for he has been undutiful to me*" or to that effect.

Without this, that there is any other matter or thing in the same Complainant's said Bill of Complaint contained material or necessary in the Law for these Defendants, or either of them, to make answer unto & not herein & hereby well & sufficiently answered unto, confessed or avoided, traversed or denied is true to the knowledge or belief of them, these Defendants; all which matters & things these Defendants are ready & willing to aver, maintain & prove, as this Honourable Court shall direct; and humbly pray to be hence dismissed with their reasonable Costs & Charges in this behalf sustained.

Richard HOULDITCH, Anna Maria HOULDITCH

This Answer was taken & the above named Richard HOULDITCH and Anna Maria his Wife, the Defendants, were severally sworn to the truth thereof upon the Holy Evangelists, at the House of the said Richard HOULDITCH, situate in the Parish of Ottery Saint Mary in the County of Devon, on the tenth day of March in the forty seventh Year of the Reign of his Majesty King George the Third, and in the Year of our Lord one thousand eight hundred and seven, by virtue of the Commission hereto annexed, before us

Wm. BROOKE, a Com'r etc. Thos. GLANVILL.

B. Ea'r 1807. Or Ans'r by you to Mr SEWELL.
[National Archives C13/83/43]

There would appear to have been no way that Love TULK could prevail and in due course the injunction was lifted and the HOULDITCH's had access to the Bank Annuities. The account was finally closed on 25th February 1813, when £1,100 of Stock was sold and the remaining £900 of Stock was transferred to the account of Richard HOULDITCH

In 1829 payment of the compensation money, arising from John LOVELACE's sequestered property, was imminent. By then George WARD had died and there was no trustee surviving to receive the money. In accordance with John LOVELACE's will, it fell to Thomas LOVELACE (born 1754), the younger brother of William LOVELACE (1749-1805) and his nearest relation living in England, to reprove the will and become John's executor. This he duly did:

Proved at London 15th July 1829 before the Worshipful John Trenchard PICKARD, Doctor of Laws and Surrogate by the Oath of **Thomas LOVELACE**, an Executor substituted according to the tenor of the Will, to whom Admon. was granted, limited to the Effects of the said deceased lying and being in Great Britain and Ireland, being first sworn duly to administer the probate of the said Will, heretofore granted to George WARD the surviving Executor for life, according to the tenor of the said will, having ceased and expired by reason of his death.

With the passage of time, those relatives of John LOVELACE, who were aware of the terms of his will, must have long given up hope of seeing any money. Thomas LOVELACE was 75 years old, at the time he was appointed sole trustee of a small fortune and not in good health. With so much money at stake, it would be necessary to seek the guidance of the court to agree a Scheme to implement the terms of John LOVELACE's will and, at the same time, ensure that the interests of all concerned were protected. Different groups of relatives appointed their own lawyers, so it was bound to be time consuming and expensive.

Simon COCK, who had acted for John MacDERMOT, John LOVELACE's Executor, applied to the Court of Chancery. On 5th August 1829, at the relation of Simon COCK, the Attorney General filed an **Information against Thomas LOVELACE**, reciting events since John LOVELACE made his will, and requested Thomas to

pay the compensation monies into Court. Thomas was subpoenaed to appear in Court on 13th August 1829, when a decree was made, asking the Master of the Court to draw up an account of the assets, debts and funeral expenses etc. of John LOVELACE, ascertain who was his next of kin and to advertise for claims on the estate.

On 8th March 1830 the sum of £8,348.2.0 was paid into Court by Thomas LOVELACE but he died soon afterwards, on 1st June 1830. With the death of the defendant in the cause, the proceedings were necessarily halted until new defendants could be substituted. Thomas LOVELACE left everything under his will to Elizabeth Jane BOWCOCK, a widow, who had been housekeeper to Thomas and his late wife and named her as his sole executrix. As Thomas' executrix Elizabeth BOWCOCK replaced him as a defendant in the cause.

As provided in his will, John LOVELACE's new executor was to be the next nearest male relation to William LOVELACE living in England. This was William LOVELACE (born 1802), Thomas' grandson, who duly procured letters of administration to that part of John's estate left unadministered by Thomas LOVELACE.

Proved at London on the 3rd July 1830 before the Worshipful John DAUBENY, Doctor of Laws and Surrogate by the Oath of **William LOVELACE**, the lawful Great Nephew and Heir Male of William LOVELACE deceased and as such an Executor substituted according to the tenor of the said Will, as to the Goods, Chattels and Credits of the said deceased lying and being in England and Ireland to whom Admon. was granted, limited to the Goods, Chattels and Credits of the said deceased lying and being in England and Ireland but no further, or otherwise, being first sworn duly to administer; John WARD Esquire, one of the Executors according to the tenor of the said Will, limited as aforesaid, having departed this life without proving the said Will, George WARD Esquire, the other Executor according to the tenor, (limited as aforesaid) and Thomas LOVELACE, an Executor under the same limitations, substituted as aforesaid, having successively proved the said Will and departed this life.

With new defendants in place, proceedings were resumed, when the Attorney General filed an **Information by way of Supplement and Revivor against William LOVELACE and Elizabeth Jane BOWCOCK on 6th July 1830** and on 16th July it was ordered that the previous decree be revived. Following orders of the Court dated 17th December 1830 and 16th February 1831, further amounts of £674.13.10 and £1,210.2.2 were paid into Court by William LOVELACE.

The Master of the Court reported on 24th January 1832 that a total of £12,223.4.0 had come into the hands of the late Thomas LOVELACE and his personal representative and that £12,272.15.9 had been paid out. He listed the next of kin of John LOVELACE and further reported that the advertisement had not thrown up any creditors. **On 6th February 1832 the Attorney General filed an Information by way of Supplement against William LOVELACE, Elizabeth Jane BOWCOCK and Richard HOULDITCH and his wife, John WOLLAND and wife, Burnell TOWNSEND and wife and Thomas CARTER**, to give them the same protection as if they had been parties to the Original Information. On 30th April 1832 it was ordered that Elizabeth Jane BOWCOCK should be paid the £49.11.9 owing to her [*£12,272.15.9 less £12,223.4.0*] and the various parties' legal costs should be paid out of the fund. It was also ordered that the Master should ascertain the names of the poor relations of John LOVELACE then living. This he duly reported on 22nd November 1833 and on **18th December 1833 the Attorney General filed a Supplemental Information against all the persons, who had been found to be poor relations of John LOVELACE**, in order that they could enjoy the court's protection. This made a total of four Causes.

On 22nd November 1834 it was declared that the trust contained in John LOVELACE's Will was good as a Charitable Trust and decreed that a charity should be established. The Master was then ordered to draw up a Scheme for the operation of the charity and to appoint one or more new trustees. In pursuance of the decree, the Master was asked to determine whether the word "youths", referred to in John LOVELACE's Will, included girls as well as boys. For this purpose two competent persons were asked to re-translate the Will from the original Spanish. This was duly done and produced a compelling argument that youths meant boys only. However, the Master was unconvinced and inclined to the view that it meant boys and girls. He therefore directed the defendants to apply to the court for a declaration on the construction of the Will. Accordingly, Simon COCK petitioned the court, pointing out that the trust income would be insufficient to educate and maintain girls as well as boys. A copy of the petition follows:

Petition of the Relator for the Opinion of the Court whether the Will of the Testator extend to the education of Male and Female Children or to Males only.

In Chancery

Between	His Majesty's Attorney General at the relation of Simon COCK Thomas LOVELACE (since deceased)	Informant Defendant
And Between	His Majesty's Attorney General at the relation of Simon COCK	Informant

	William LOVELACE and Elizabeth Jane BOWCOCK	Defendants
And Between	His Majesty's Attorney General at the relation of Simon COCK William LOVELACE, Elizabeth Jane BOWCOCK, Richard HOULDITCH and Anna Maria his wife, John WOLLAND and Ann his wife, Burnell TOWNSEND and Caroline his wife and Thomas CARTER	Informant
		Defendants
And Between	His Majesty's Attorney General at the relation of Simon COCK George WHEATON and Caroline his wife, Joseph TURPIN and Mary his wife, Thomas CARTER the younger, Francis Drake Waldron WHEATON and Penelope Ann his wife, John CARTER and Ann CARTER, George Abbott Copplesstone WHEATON, Caroline WHEATON, John Waldron WHEATON, Eliza Thorn WHEATON, Ann Carter WHEATON, Fanny WHEATON, Mary Ann WHEATON, Edward WHEATON, Elizabeth Copplesstone TURPIN, Ann TURPIN, Eliza Thorn CARTER, Thomas Copplesstone CARTER, Ann Abbot CARTER, Penelope Ann WHEATON, Sophia WHEATON, Francis Drake Walrond WHEATON, Richard Copplesstone WHEATON, Charles WHEATON, Charles WHEATON [<i>duplicated</i>], John WHEATON, Eliza CARTER, Edward John CARTER, Anna Maria CARTER, Thomas William CARTER, Henry Seaman CARTER, Alfred Augustus CARTER, Charles Lovelace CARTER, Jacob Samuel BOWLING and Lucy his wife, William BOWLING, Thomas BOWLING, George BOWLING, James BOWLING, Robert BOWLING, Sophia BOWLING, Edward BOWLING, Lucy BOWLING, Mary Anne BOWLING, Elizabeth BOWLING, Ann LOVELACE, Edward EVANS and Ann Bowden his wife, William LOVELACE, Thomas John LOVELACE, James Bowden LOVELACE and William John LOVELACE	Defendants

To the Right Honorable Sir Charles Christopher PEPYS, Sir Launcelot SHADWELL, Knight and Sir John Bernard BOSANQUET, Knight, Lords Commisioners for the custody of the Great Seal of the United Kingdom of Great Britain and Ireland.

The humble Petition of the above named Simon COCK, the Relator,
Sheweth:

That Sir James SCARLETT, Knight, then His Majesty's Attorney General, at the Relation aforesaid on or about the 5th day of August 1829, filed his Information in this Honorable Court against Thomas LOVELACE, late of Swan Place, Old Kent Road, now deceased, as Defendant thereto, stating (amongst other things) That John LOVELACE, formerly of Aylesbeare in the County of Devon, last aforesaid, residing in the City of Malaga in the Kingdom of Spain, being at the time of his death hereinafter mentioned possessed of and intitled to considerable personal and other estate, consisting of book and other debts, houses, bills of exchange, furniture and other effects, lying and being as well in the said Kingdom of Spain as in Great Britain, duly made and published his last will and testament in writing, bearing date the 13th day of December in the year 1801 and which was executed at Malaga aforesaid, in the presence of six witnesses, who respectively attested the execution thereof, whereby he devised and bequeathed in the words following (that is to say):

Item, it is my will that my Executors do with all care and diligence settle my outstanding accounts of whatsoever nature or description, the same may be in Spain or other parts except in the Kingdom of England and Ireland, remitting every three months, such funds as they shall have received, to my esteemed friends Messrs John & George WARDE, Merchants in the City of London, and I do for that purpose authorise and empower my Executors in trust for the sale of my dwelling house and all other my estate and effects remaining at the time of my decease, that is to say, the whole extrajudicially, it being my Will that in the said transactions, as well as all other relating thereto no judge shall interfere therein.

And I do hereby appoint my said Friends Messieurs John & George WARDE of London Depositaries of all the proceeds of my capital so remitted by my said Executors and also of the whole capital arising from money, bills of exchange or now in their hands and till now remitted by me to them and of what further shall hereafter be delivered to them and I also authorise to remit and receive the credits or inheritors that may result in my favor as well in the Kingdom of England as in Ireland, to which end I Give and Grant to my said friends the most ample and extensive powers and authorities that may be necessary, in order that they may, as soon as they shall be in possession of any part of the proceeds of my said capital, invest the whole thereof in the British National Funds, in such manner as they shall deem most advantageous and continue so to do with the said other sums of money they shall receive, for the purposes following (that is to say):

first, to pay Mrs Maria HODSON the said One hundred Guineas yearly as above directed,

secondly, My Friends John and George WARD shall endeavour to apply the proceeds of such funds towards the proper Ecclesias and Maintenance of all such poor youths as shall be related to me, not towards that of those, who shall not be in indigent circumstances, it being my intention that the necessitous should be relieved; and should any poor female relation of mine happen to marry and, there be an excess of Income, let there be £50 or £100 sterling, according to their necessities, but this must be without interfering with the education of the youths, as in such case the same shall be withheld until the funds have produced a sufficient income for that purpose.

Item, should any sum of money be necessary for the establishment of any of the youth, my relations, it may be taken from the principal fund, provided the same do not exceed £500 sterling, that is to say a loan may be made

to two at most of my relations and, immediately on their returning to the fund the principal received by them, a like loan may be made to one or two others not exceeding £500, which shall be advanced on security being given, to the satisfaction of the depositaries Messrs John & George WARD or their Successors, for returning the said funds within the period to be pointed out, to wit 10 years at furthest, by instalments as well the principal received as the lawful interest thereon every six months, the fund to be only resorted to for that and no other purpose whatsoever.

Item, that (on) the decease of my said friends Messrs John & George WARD, the same trusts with the like powers shall devolve upon Mr William LOVELACE of Charles Square, Hoxton, London, eldest son of William deceased of the same place and upon the nearest male relation of the said Mr William LOVELACE, should he reside in England and, in case of his death, upon the heir male of the said William LOVELACE and nearest male relation, so that there shall constantly be two Trustees residing in England.

And stating that the said testator John LOVELACE departed this life in the said Kingdom of Spain in or about the year 1803 without having revoked or altered his said will, leaving numerous poor relations on his Father and Mother's side, some of whom were youths and others females, him surviving and that the next of kin of the said testator at the time of his decease were the said William LOVELACE and that by reason of the disturbed and unsettled state in which the Kingdom of Spain was and continued to be at and subsequent to the death of the said Testator, the property of which he died possessed became wholly unavailable and was at length confiscated to the state or taken possession of by fraud and contrivance, during the Usurpation of the Crown and the unsettled state of that Country, and was lost to the said John LOVELACE's estate

and stating that, in consequence of the late treaty or of the late arrangements come to between the respective kingdoms of Great Britain and Spain, for the purpose of indemnifying the subjects of His Britannic Majesty against the loss or damage which they sustained in their property during the usurpation of the Spanish throne and the unsettled state of Spain, a very large sum of money amounting to the sum of £10,500 or thereabouts had been found due & would be payable, under the award of the commissioners appointed for adjusting such claims, to the personal representatives of the said testator John LOVELACE in respect of the loss sustained by him or by his estate in manner aforesaid and that, on the 15th day of July then last past administration of the estate and effects of the said testator John LOVELACE in England with his said will annexed was granted by the Prerogative Court of Canterbury to the said Thomas LOVELACE, the said John (&) George WARDE and William LOVELACE being deceased.

That the said Commissioners were about to pay to the said Thomas LOVELACE, as such legal personal representative as aforesaid and the said Thomas LOVELACE was about to receive the said sum of £10,500 found due and owing to the estate of the said testator as aforesaid, in respect of the matters aforesaid.

That there were poor youths related to the said testator and also poor female relations then living.

That the informant, at the relation aforesaid, being advised that the bequest contained in the said testator's said Will was a Charitable bequest and that the same ought to be established and carried into effect under the direction of the Court for the benefit of all the persons entitled thereto, he had accordingly applied to the said Thomas LOVELACE in that behalf and had requested him to pay the said sum of £10,500, when received, into the court for the benefit of the said Charity.

That there was no personal representative of the said William LOVELACE and that the said Mary HODSON was long since dead and praying that the said Charity might be established and carried into execution according to the intention of the said testator, by and under the sanction, authority and direction of the Court and that an account might be taken under the direction of the court of the personal estate and effects of the said John LOVELACE, received by the said Thomas LOVELACE and that it might be referred to one of the Masters of the Court to settle and approve of a scheme for the due and proper management and distribution of the said Charity estate and that the same might be settled and the funds thereof applied accordingly and that the said sum of £10,500 or any other sum or sums of money, which should be coming due to the estate of the said Testator, might be paid into the Court and that all necessary accounts of the personal estate and effects of the said Testator might be taken by and under the decree of the Court and that all proper and necessary directions might be given for effecting the several purposes aforesaid.

That the said Thomas LOVELACE, being duly served with process of Subpoena, appeared and put in his Answer to the said Information and, replication having been filed, the said cause came on to be heard on the 13th day of August 1829 before his Honor the Vice Chancellor, when his Honor was pleased to make a Decree,

Whereby he declared that it should be referred to the Master of this Court in rotation to take an account of the personal estate of the said John LOVELACE the testator in the pleadings named, not specifically bequeathed, come to the hands of the said Defendants, his administrator or to the hands of any other person or persons by the order or for his use.

And it was decreed that the said Master should take an account of the Testator's debts, funeral expences and legacies and of the arrears of the annuity in the said pleadings mentioned given by his Will and compute interest on such of his debts as carried interest, after the rate of interest the same respectively carried and on his legacies from the time and after the rate directed by his Will and, where no time or rate of interest was thereby directed, then after the rate of £4 per cent per annum from the end of one year next after the said Testator's death.

And it was decreed that the said Master should cause an advertisement to be published in the London Gazette and such other public papers as he should think fit, for the Creditors of the said Testator to come in before him and prove their debts and he was to fix a peremptory day for that purpose and, such of them as shall not come in before the said Master to prove their debts by the time to be therein limited, were to be excluded the benefit of the said decree.

And it was ordered that the personal estate of the said Testator, not specifically bequeathed, should be applied in payment of his debts and funeral expences in a course of administration and then in payment of his legacies and the arrears of the said annuity.

And, for the better taking the said accounts, the parties were to produce before the said Master, upon oath, all books, papers and writings in their custody or how'er relating thereto and were to be examined upon interrogatories as the said Master should direct, who, in taking the said accounts, was to make unto the said parties all just allowances.

And it was Ordered that the said Master should enquire and state to the Court who was or were the next of kin of the said testator at the time of his decease and, in case any of them had since died, who was the legal personal representative or representatives of him, her or them so dying. And, for that purpose, the said Master was to cause an advertisement to be published in the London Gazette and such other public papers as he should think fit, for the next of kin of the said testator, living at the time of his death or, in case any of them had since died, for the personal representative or representatives of him, her or them so dying, to come in before him and prove their kindred and make out their claims and he was to fix a peremptory day for that purpose and, in default of their so coming in, they were to be excluded the benefit of the said Decree.

And it was ordered that the said Relator should be at liberty to pay any sum or sums of money that might from time to time be in his hands, part of the personal estate of the said Testator, into the name of the Accountant General of this Court to the credit of the said Cause, the amount thereof to be verified by Affidavit.

And it was ordered that, when the same should be so paid in, the same and all dividends and accumulations thereof should be from time to time laid out in the purchase of Bank three per cent annuities, with the privity of the said Accountant General, In trust in this cause, who was to declare the trusts thereof accordingly, subject to the further order of this Court. And, for the purposes aforesaid, the Accountant General was to draw on the Bank, according to the form prescribed by the Act of Parliament and the General Rules and Orders of this Court in that case made and provided. And the Court did reserve the consideration of all further directions and of the costs of this Suit, until after the said Master should have made his Report and any of the parties were to be at liberty to apply to this Court as there should be occasion.

That since the said Decree was made, that is to say on or about the 8th day of March 1830, there was paid by the said relator into the name of the Accountant General of this Honorable Court to the credit of this cause, according to the direction of the said Decree, the sum of £8,348.2.0, verified by an Affidavit sworn the 23rd day of February 1830, as by Reference to the Books of the said Accountant General and his receipt on account will appear.

That the said Thomas LOVELACE, the Defendant to the aforesaid Information, departed this life on or about the 1st day of June 1830, whereby the said suit and proceedings became abated and that the said Thomas LOVELACE, by his last will and testament, gave all his worldly goods, chattels, debts and all other monies due to him from the estate of his cousin the sd. John LOVELACE to Elizabeth Jane BOWCOCK and appointed her sole executrix thereof, who duly proved the same and thereby became his legal personal representative of the said Thomas LOVELACE.

That William LOVELACE, Grandson of the said Thomas LOVELACE, procured letters of administration to the personal estate and effects of the said testator John LOVELACE left Unadministered by the said Thomas LOVELACE, with the said Will of the said John LOVELACE annexed, to be granted to him by the proper Ecclesiastical Court.

That, on or about the 6th day of July 1830, the said Sir James SCARLETT, then his Majesty's Attorney General, filed an information by way of Supplement and revivor against the said Elizabeth Jane BOWCOCK, as the legal personal representative of the said Thomas LOVELACE and against the said William LOVELACE, as such substituted Administrator as aforesaid, praying to have the said suit and other proceedings revived against the said Elizabeth Jane BOWCOCK and the said William LOVELACE and to have the aforesaid order and decree prosecuted and carried into execution and to have the said cause put into the same state as the same was in previously to the decease of the said Thomas LOVELACE; and the said Defendants, having put in their answers thereto, the said cause came on to be heard before his Honor The Master of the Rolls on or about the 16th day of July 1830, whereupon his Honor was pleased to order that the former decree of the 13th day of August 1829 and all proceedings under the same and the accounts thereby directed to be taken, should be prosecuted, taken and carried on between the parties to the said Supplemental Information in like manner as the same were directed as to the then parties to the said original information and it was ordered that, what should appear on taking the accounts to have come to the hands of the late Defendant Thomas LOVELACE, should be answered by the Defendant Elizabeth Jane BOWCOCK, his executrix, she having admitted assets and any of the parties were to be at liberty to apply to this Honorable Court as there should be occasion, as by the said informations and answers and other proceedings now remaining as of record, reference being thereunto had will more fully appear.

That, in pursuance of an Order of this Honorable Court, bearing date the 17th day of December 1830, the said William LOVELACE, as administrator of the said Thomas LOVELACE, paid into the Bank of England to the account of the said Accountant General and to the credit of this cause the sum of £674.13.10, as will appear by a Certificate of the Accountant General of this Honorable Court and one of the Cashiers of the said bank, dated the 27th day of the same month, when the same shall be produced. And his Majesty's Attorney General, at the relation aforesaid,

further sheweth that, in pursuance of an order of this Honorable Court dated the 16th day of February 1831, the said relator paid into the bank of England to the account of the said Accountant General, to the credit of this cause the sum of £1,210.2.2, verified by an Affidavit of the said relator, as appears by reference to the books of the said Accountant General and his receipt on account will appear.

That, in pursuance of the said decree bearing date respectively the 13th day of August 1829 and the 16th day of July 1830, the Master, to whom this Cause was referred, **made his report** bearing date the 24th day of January 1832 and thereby, amongst other things, certified that, with respect to that part of the said decree, whereby an account was directed to be taken of the personal estate of the said Testator John LOVELACE come to the hands of his administrators with the Will annexed, he found that there had come to the hands of the said Defendant Thomas

LOVELACE, in respect of the said estate, divers sums amounting in the whole to the sum of £12,223.4.0, as is more particularly set forth in the Schedule to his report annexed and that the said late Defendant Thomas LOVELACE had paid divers sums of money in respect of such estate, amounting in the whole to the sum of £12,272.15.9, as in the said Schedule to his report annexed is more particularly stated

and he further reported that, notwithstanding the several Advertizements inserted in the several papers and on the respective days in his report particularly specified, no claimant appeared of any debts due of the said testator or the annuity therein mentioned. And, with respect to that part of the decree directing him to ascertain who were the next of kin of the said testator, living at the time of his decease or, in case any of them had since died, who was the legal personal representative of him, her or them so dying, he found that John LOVELACE, the father of the said testator intermarried with Anna Maria LOCKE on or about the 15th day of February in the year 1742, by whom he had issue John LOVELACE the testator and that Catherine [*Caroline*] LOCKE, the sister of the aforesaid Anna Maria LOCKE afterwards Anna Maria LOVELACE, on or about the 8th day of January 1758 intermarried with John CARTER and that the following were the issue of the said Marriage then living and are 4 of the next of kin of the said testator living at the time of his death, viz: Anna Maria CARTER, who intermarried with Richard HOULDITCH on the 29th day of August 1797, Ann CARTER, who intermarried with John WOLLAND on or about the 22nd day of April 1806, Caroline CARTER, who intermarried with Burnell TOWNSEND on or about the 2nd August 1808 and Thomas CARTER and he also found that William LOVELACE of Charles Square and his brother Thomas LOVELACE the late Defendant were also the next of kin of the said testator, living at the time of his decease and that Elizabeth Jane BOWCOCK was the personal representative of the said Thomas LOVELACE, as by the said report, reference being thereunto had will more fully appear.

That on or about the 6th day of February 1832 Sir Thomas DENMAN, Knight, then his Majesty's Attorney General, at the relation aforesaid, filed an Information by way of Supplement against the said William LOVELACE, Elizabeth Jane BOWCOCK, Richard HOULDITCH and Anna Maria his wife, John WOLLAND and Ann his wife, Burnell TOWNSEND and Caroline his wife and Thomas CARTER, thereby stating as or to the effect hereinbefore stated, and stating that he was advised that the said Anna Maria HOULDITCH, Ann WOLLAND, Caroline TOWNSEND and their respective husbands and the said Thomas CARTER, as four of such next of kin of the said testator, were necessary parties to this suit and that he, his Majesty's Attorney General, was entitled to have the same benefit against them, as if they had been parties to the said original information. And praying that the said Defendants might answer the premises and that the said informant might have the same benefit against the said Defendants, as if they were made parties to the said original information. And that the said Informant might have the benefit of the said decree and report and have the said suit prosecuted against the said Defendants accordingly.

That the said William LOVELACE, Elizabeth Jane BOWCOCK, Richard HOULDITCH and Anna Maria his wife, Ann WOLLAND, Burnell TOWNSEND and Caroline his wife and Thomas CARTER (the said John WOLLAND being dead), upon being duly served with process of subpoena, appeared and put in their answers to the said information.

That the said cause came on to be heard for further directions in or about the 30th day of April 1832 before his Honor the Vice Chancellor. Whereupon his Honor was pleased **to order** that the former suits, decrees and proceedings should be carried on and prosecuted between the parties to the said last mentioned supplemental suit, in like manner as by the said Decrees directed between the parties thereto and that it should be referred to the Master to enquire and state to the court whether there were any and what poor Relations of the said Testator then living and in what degree or degrees of kindred and of what age or ages and he was to be at liberty to state special circumstances.

And it was Ordered that the sum of £49.11.9, being the balance reported due to the Defendant Elizabeth Jane BOWCOCK, should be paid to her out of the sum of £356.14.0 on the Credit of the Cause Attorney General v LOVELACE.

And it was ordered that the Master, to whom the said Cause stood referred, should tax, as between Solicitor and Client, the costs of these suits of the next of kin and all other parties to that time.

And it was Ordered that such Costs, when taxed, should be paid in manner therein mentioned.

And the said Court did reserve the consideration of all further directions and of the subsequent costs of the said suit until after the said Master should have made his report.

That, in pursuance of the last mentioned order, the said Master made his report bearing date the 22nd day of November now last past and thereby, amongst other things, certified that he found George WHEATON and Caroline his Wife, Joseph TURPIN and Mary his Wife, Thomas CARTER the younger, Francis Drake Walrond WHEATON and Penelope Ann his Wife, John CARTER and Ann CARTER and their children, that is to say, George Abbot Coppleston WHEATON, Caroline WHEATON, John Wal(d)rond WHEATON, Eliza Thorn WHEATON, Ann Carter WHEATON, Fanny WHEATON, Mary Ann WHEATON and Edward WHEATON, Infant children of the said George WHEATON and Caroline his Wife, Elizabeth Coppleston TURPIN and Ann TURPIN, Infant children of Joseph TURPIN and Mary his Wife, Elizabeth Thorn CARTER, Thomas Coppleston CARTER and Ann Abbot CARTER and Edward CARTER, Infant children of Thomas CARTER and Eliza his Wife, Penelope Ann WHEATON, Sophia WHEATON, Francis Drake Waldron WHEATON, Richard Coppleston WHEATON, Charles WHEATON and John WHEATON, the infant children of Francis Drake Waldron WHEATON and Penelope Ann his Wife, Eliza CARTER, Edward John CARTER, Anna Maria CARTER, Thomas William CARTER, Henry Seaman CARTER, Alfred Augustus CARTER and Charles Lovelace CARTER, infant children of John CARTER and Ann [*Elizabeth*] his Wife, are all poor relations of the said Testator. And he found that Jacob Samuel BOWLING and Lucy his Wife and their children, namely, William, Thomas, George, James, Robert, Sophia, Edward, Lucy, Maryanne and a female child born the 12th day of November last and not then named (but since named Elizabeth), Infants under the age of 21 years and unmarried are poor relations of the said Testator. And he found that Ann LOVELACE is a second Cousin of the said Testator John LOVELACE and is in poor circumstances. And he found

that Anne Bowden EVANS, the Wife of Edward EVANS, William LOVELACE, Thomas John LOVELACE and James Bowden LOVELACE and William John LOVELACE, the son of William by Letitia LOVELACE, are poor relations of the said Testator.

That on the 18th day of December 1833 Sir William HORNE, Knight, His Majesty's then Attorney General, at the relation of the said Simon COCK, filed a Supplemental Information against the several persons who had been found by the Master's Report to be poor relations of the said Testator, who severally put in their answers thereto and, upon the said cause coming on for Hearing and on the said first mentioned cause also coming on for further directions on the 22nd of November 1834, it was, by **an Order** of His Honor the Vice Chancellor, made in the said causes, declared that the trust contained in the said Testator's Will was good as a charitable Trust and the Court did decree amongst other things that the charity should be established.

And it was Ordered that it should be referred to the Master to settle and approve of a scheme for the application of the Charity, proper regard being had to the directions in the Testator's will.

And it was Ordered that the said Master, having regard to the said Will, should be at liberty to appoint one or more trustee or trustees of the said charity, if he should think it necessary.

That, in pursuance of the said last mentioned Decree, your Petitioner, as the Relator aforesaid, proceeded before Master ROUPELL, to whom the said Causes were referred, to consider the said Decree, who directed that an Extract should be made from the Original will in Spanish and that the same should be translated by two competent persons, in order to enable him the said Master to determine whether the words of the said Will applied to Boys and Girls.

That accordingly the following extract of the said will and the two following translations were procured and laid before him, videlicet: [*The clerk who copied the originals clearly did not read Spanish, has wrongly transcribed and omitted many words, resulting in gibberish in places. For greater accuracy the separate copy extracts of the three documents concerned have been inserted at this point.*]

Primeram'te – han de pagar á la nominada Da. Maria HODSON las citadas cien Guineas todos los años como queda expiestro.

Segunda – los productos de estos fondos dichos mis amigos Dn. Juan y Dn. Jorge WARD procuraran investirlos en dartes buena educasion [*?omitted y crianza – appears in clerk's transcription*] a todos los jovenes que sean mis Parientes Pobres y no se entendera para con los que nos le sean, pues mi intencion es sesocorra al necesitado: y si llegase el caso de que alguna parienta mia fueso igualm'te pobre, si se casase, habiendo fondo de los reditos sobrante, se le dé por una vez, cincuenta, ô cien libras esterlinas, segun sa pobreza, mas esto ha de ser sin que haga falta para la educasion de los jovenes, pues en este caso no se les dara hasta tanto que haian los fondos producido reditos suficientes para ello.

Item – Que si para el establecim'to de algunos de los jovenes parientes mios fuese necesario alguna summa dé dinere podrá sacarse del fondo principal, como no exceda de quinientás libras esterlinas, lo que deve entenderse sea dicho prestamo quando mas à dos dichos mis parientes, y luego que reintegren al fondo los principales que haian percibido, podra hazer igual prestamo á otro ô a otros dos, sin que exceda de quinientas libras a cada uno, lo que entregara dando antes Dn. Juan y Dn. Jorge WARD, ô de los que les sucederan à estregar y de volvar al dicho fondo dentro del termino que se le señale por aplazamientos que sera el de diez años el mas largo, no solo la cantidad que perciba, si tambien de seis, en seis meses, el interes legal q' le corresponda, y solo se disminuira el fondo para este fin y no para otro alguno.

Item – Que despues del fallecim'to de los dichos mis amigos, Dn. Juan y Dn. Jorge WARD, han de continuar en el mismo encargo, y con los propias facultadas Dn. Guillermo LOVELACE de Charles's Square, Hoxton, Londres hijo mayor de otro Guillermo defunto del mismo lugar, y el pariente varon mas inmediato, à dicho Dn. Guillermo LOVELACE si reside en Inglaterra, y por su fallecim'to al heredero varon de dicho Dn. Guillermo LOVELACE, y á el pariente mas inmediato que igualm'te sea varon, de forma que siempre ha de haver dos con este encargo recidente en Inglaterra.

A faithful translation of certain clauses of the will of John LOVELACE deceased from the original in Spanish, made by Joseph de ALCALÁ, Professor of Spanish language and Literature, King's College, London.

First – They (*the trustees*) shall pay to the above-mentioned Maria HODSON the aforesaid one hundred guineas every year, as it has been stated before.

Secondly – My said friends John and George WARD will endeavor to appropriate the proceeds arising from these funds to give a good education and to bring up those youths, my relatives, who are poor, and only those who are really so, since my intention is that only the destitute shall be helped with the same. And should it happen that any female relation of mine, really poor, would marry, they (*the trustees*) shall give to her, for once, fifty or one hundred pounds sterling, according to her need, provided there are some remaining proceeds out of the said funds, after attending to the education of the youths (*See Note*), otherwise they will wait till they (*the trustees*) have a sufficient sum remaining, when they will apply the same to the said purpose.

Item – Should it be found necessary to lend a sum of money to any of my poor relations, to establish him in business, they (*the trustees*) may take from the principal fund any sum, not exceeding five hundred pounds sterling, and the same loan may be made to another poor relation of mine, but no more than two at the same time. And when one or both sums are restored into the principal fund, the same loan or loans may be made to one or two more, never exceeding Five hundred pounds to each of the two, provided a security for the said money is given before to the satisfaction of the said trustees, John and George WARD, or of those who may succeed them in the same trust, who, after the term specified for the said loans, which shall never exceed ten years, will recover the whole of the money lent to each, receiving, moreover, during the specified term, and from six to six months

the legal interest corresponding to the same. And this is the only case in which any money shall be taken from the principal fund, and not for any other purpose.

Item – By the decease of my said friends John and George WARD, William LOVELACE of Charles Square, Hoxton, London, eldest son of another William LOVELACE of the same place, and the next male relation of the same William, he being a resident in England, and, by the death of these, their two nearest male relations will continue in the same trust, and with the same powers here given to the said John and George WARD, so that this trust shall always be in two persons, both resident in England.

Note – The Spanish word *joven* (*youth*) or *jovenes* in plural (*youths*) is one of the common gender, and the application to male or female is made in Spanish by the masculine or feminine article. In singular no confusion can occur, but in plural, when the article *los* is applied both to male and female, it is usually added *de ambos sexos* (*youths of both sexes*). The reason for this is to avoid the unharmonious sound of *los juvenes y las juvenes*, which would be the same as if one should say in English – the youths and the female youths. The omission therefore of *ambos sexos* (*both sexes*) excludes the female in the meaning of that word.

Literal Translation from the Spanish Language made by A. de PINNÁ, Public Notary, Official Translator to His Majesty's High Court of Admiralty etc. etc., St. Michael's Alley, Cornhill, of certain clauses of the will of John LOVELACE deceased.

First – They are to pay to the above named Da. Maria [*Mary or Maria*] HODSON the aforesaid one hundred guineas every year, as above expressed.

Secondly – my said friends Dn. Juan [*John*] & Dn. Jorge [*George*] WARD are to procure employing the produce of these funds in giving good education to, and bringing up all the young people who may be my poor relations, and it is not to be understood with regard to those “*que nos lo sean*” [*the Spanish personal Pronoun nos (us) is here used instead of the Spanish adverb of negation no (not), as the sentence makes no sense in its present form; the translator attributes the error to the inadvertence of the copyist. If corrected, as suggested, it would be translated thus*] who may not be so, for my intention is that the necessitous may be succoured, and should the case happen, that any female relation of mine should likewise be poor, should she marry and should there be a surplus fund [*out*] of the “*reditos*” [*interests - the Translator is of opinion that reditos may also comprehend any of the following meanings - dividends, annual produce, rents, issues, profits etc.*], there be given to her for once fifty or one hundred pounds sterling, according to her poverty, but this is to be without creating a deficiency for the education of the young people, for in this case there is not to be given to them [*any thing*] until the funds shall have produced sufficient “*reditos*” [*interests - see before*] for that purpose.

Item – That, if for the establishment of “*algunos*” [*some or any*] of the young people, my relations, any sum of money should be necessary, it may be taken out of the principal fund, if [*or provided*] it do not exceed Five hundred pounds sterling, which it is to be understood the said loan so to be at most to two of my said relations, and immediately on their restoring to the fund the principal sums they may have received, “*podra hazer igual, prestamo*” [*propriety in the construction of the sentence would naturally lead to this expression being written thus: podra hazerse etc., which would be translated*] a like loan may be made to another or to others, without exceeding five hundred pounds to each one, which shall be delivered [*or paid*], if a security [*or bond*] be previously given to the satisfaction of the Depositories Dn. Juan [*John*] and Dn. Jorge [*George*] WARD, or of those who may succeed them, for delivering [*or paying*] and returning to the said fund within the term [*or period*] that may be assigned to him, by instalments, which [*term or period*] is to be for ten years at furthest, not only the sum which he may receive, but also every six months, the legal interest that may be thereunto belonging, and [*paraph'ed*] the fund is only to be diminished [*or reduced*] for this end [*or object*] and not for any other.

Item – That, after the decease of my said friends Dn. Juan [*John*] and Dn. Jorge [*George*] WARD, Dn. Guillermo [*William*] LOVELACE, of Charles Square, Hoxton, London, eldest son of another Guillermo [*William*] of the same place, deceased and the male relation nearest to said Dn. Guillermo [*William*] LOVELACE, if he resides in England, and at “*su*” [*his her or their - from the context, the Translator is induced to infer that the plural form of the pronoun is here intended; the masculine singular might be meant; the feminine, of course, could not*] their decease “*al*” [*to the - Although this translation would make sense, the Translator is of opinion that such is not the meaning of the Testator, but that he intended to write “el” the. These two constructions present two very different ideas and have reference to two distinct objects. The want of proper connexion between the members of a sentence always occasions ambiguity, a fault to which uneducated and careless writers are constantly liable*] the male heir of the said Dn. Guillermo [*William*] LOVELACE, and “*á el*” [*to the - the above observations equally apply here: the Translator presumes it ought to be “el”*] the nearest relation who may likewise be a male are to continue in the same office [*or charge*], and with the same authorities, so that there are always to be two with this office [*or charge*], resident in England.

The Translator has purposely refrained from making any observations as to his impression relative to the Testator's meaning in such expressions as young people, poor relations, the necessitous etc. etc., because such observations should not only have reference to particular parts of the above clauses but also to the whole of those clauses taken collectively; and, for greater accuracy, the entire will should be consulted and its purport and spirit collected. For these reasons he could not embody his observations in any other form than an opinion, founded on, but apart from, the preceding or any other translation.

That, upon consideration of the said Extract and Translations, the said Master said he was inclined to think that the said Charity was intended by the said Will to include both male and female children and, as he considered that he

could not properly proceed on the scheme until this question was decided, he directed your Petitioner to apply to the Court for a Declaration of the construction of the said Will.

That the Funds of the said Charity now consist of the sum of £[blank], standing in the Name of the Accountant General of this Honorable Court.

That it appears by the said Master's Report that the male and female poor relations of the said Testator between the ages of 8 and 15 are very numerous and, if the construction of the said will is to let in the Education and maintenance of both Boys and Girls, out of the Income of the said Fund, the same will be very inadequate for the purpose but that, if the said charity is confined to the Education of the Boys only, there will be a sufficient yearly Income to educate and clothe them.

Your Petitioner therefore humbly prays your Lordships that you will please to direct whether in the scheme of the said Charity the Master is to consider that it is to extend to the Education both of the male and female Children, poor relations of the said Testator or whether he is to confine the scheme to the poor male children, relations of the said Testator only,

and that the costs of all parties to this petition shall be costs in the cause.

And your Petitioner shall ever pray etc.

It was duly Ordered by the court on 31st October 1835, that the male children alone were entitled to the provision for education made in John LOVELACE's Will. Having obtained directions on the ambiguous areas of the Will, it was now possible for Simon COCK to put forward a Scheme for operating LOVELACE's Charity and try to agree it with Master ROUPELL. Their first meeting on the scheme took place at 12 o'clock on Thursday 25th February 1836, as the following document witnesses:

In Chancery

Between	His Majesty's Attorney General at the Relation of Simon COCK Thomas LOVELACE, since deceased	Informant Defendant
And Between	His Majesty's Attorney General at the Relation of Simon COCK William LOVELACE & another	Informant Defendants
And Between	His Majesty's Attorney General at the Relation of Simon COCK William LOVELACE & others	Informant Defendants
And Between	His Majesty's Attorney General at the Relation of Simon COCK George WHEATON & others	Informant Defendants

The State of Facts, Proposal & scheme of Simon COCK, the Relator, under 2 orders of the 22nd of Nov'r and the 31st of October 1835.

States

That John LOVELACE, formerly of Aylesbeare in the County of Devon, but afterwards residing in the City of Malaga in the Kingdom of Spain, being at the time of his death, herein mentioned, possessed of and entitled to considerable personal and other Estate, consisting of Book and other Debts, houses, bills of Exchange, furniture and other effects, lying and being as well in the said Kingdom of Spain, as in Great Britain, duly made and published his last will and Testament in writing, by date 13 day of Dec'r in the year 1801, and which was executed at Malaga afores'd in the presence of 6 witnesses, who resp'y attested the ex'on thereof, whereby he devised and bequeathed in the words following (that is to say):

"Item. It is my will that my ex'ors do, with all care and diligence, settle my outstanding accounts of whatsoever nature or description, the same may be in Spain or other parts, except in the Kingdom of England & Ireland, remitting every three months, such funds as they shall have received, to my esteemed friends Messrs John and George WARD, Merch'ts in the City of London and I do for that purpose authorize and empower my ex'ors, in trust, for the sale of my Dwelling House and all other my estate and effects, remembering [remaining] at the time of my deceased [decease], (that is to say), the whole extrajudicially, it being my will that in the sd. Transactions, as well as all others relating thereto, no Judge shall interfere therein.

And I do hereby appoint my said Friends, Messrs Jno. & George WARD of London, Depositories of all the proceeds of my Capital so remitted by my said Ex'ors and also of the whole Capital arising from money, Bills of Exchange, or now in their hands, till now remitted by me to them [and of what further shall hereafter be delivered to them] and I also authorize [them] to remit and receive the Credits or inheritors [inheritances] that may result in my favour, as well in the Kingdom of England as in Ireland, to which and [end] I give and grant to my sd. Friends the most ample and extensive power and authorities that may be necessary, in order that they may, as soon as they [as they repeated] shall be in possession of any part [of any part repeated] of the proceeds of my sd. Capital, invest the whole thereof in the British National Funds, in such manner as they shall deem most advantageous and continue so to do with the sd. sums of money they shall receive, for the purposes following (that is to say):

1st, to pay Mrs Maria HODSON the said sd. 100 Guineas yearly as above directed,

2ndly, my friends John and George WARD shall endeavor to apply the proceeds of such funds towards the proper education and maintenance of all such poor youths as shall be related to me, not towards that of those, who shall not be in indigent's circ'es, it being my intention that the necessitous should be relieved;

and should any poor female relation of mine happen to marry & there be an Excess of Income, let there be £50 or £100 sterling, according to their necessities, but this must be without interfering with the Education of the

Youths, as in such case the same shall be withheld until the funds have produced a sufficient income for that purpose.

Item, should any sum of money be necessary for the establishment of any of the Youths, my relations, it may be taken from the principal fund, provided the same do [*not*] exceed £500 sterling, that is to say, a loan may be made to 2 at most of my relations and, immediately on their returning to the fund the principal received by them, a like loan may be made to 1 or 2 others, not exceeding £500, which shall be advanced on Security being given to the satisfaction of the Depositories Messrs Jno. and George WARD or their suc[c]essors, for returning the sd. funds within the period to be pointed out, to wit ten years at furthest, by instalments, as well the princ'l received as the lawful Interest thereon every six months, the fund to be only resorted to for that and for no other purpose whatsoever.

Item, that at the decease of my sd. Friends Messrs Jno. & Geo. WARD, the same trusts, with the like powers, shall devolve upon Mr William LOVELACE of Charles Square, Hoxton, London, eldest son of William deceased of the same place and upon the nearest male [*relation*] of the sd. Mr Wm. LOVELACE, should he reside in England or, in case of his death, upon the heir male of the said Wm. LOVELACE & nearest male relation, so that there shall constantly be 2 trustees residing in England."

And stating that the said Test'or John LOVELACE departed this life in the sd. Kingdom of Spain, in or about the year 1803, without having revoked or altered his sd. Will, leaving numerous poor relations on his Father and Mother's side, some of whom were youths and others females, him surviving.

That by the Decree made in the sd. Cause on the 13th day of August 1829, before His Honor the Vice Chancellor, it was referred to the Master of this Court in Rotation, to take an account of the Personal Estate of the sd. Jno. LOVELACE the Test'or in the pledges [*pleadings*] named, not specifically bequeat[h]ed, come to the Hands of the sd. Def't, his adm'or, or to the Hands of any other person or persons by his order and for his use.

And it was decreed that the sd. Master should take an acc't of the Test'ors Debts, fun'l expences & legacies and of the arrears of the ann'y, in the usual manner. And it was ordered that the personal estate of the sd. Tes'or, not specifically bequeathed, sho'd be applied in payment of his debts and funeral expences in a course of administration & that [*then*] in paym't of his legacies & the arrears of the said annuity. And it was ordered that the said Relator should be at liberty to pay any sum or sums of money, that might from time to time be in his hands, part of the personal Estate of the sd. Test'or, into the name of the accountant General of the Court, to the credit of the sd. cause, subject to the further order of the Court.

That, in pursuance of the said Decree, bearing date respectively the 13th day of August 1829 and the 16th day of July 1830, the master made his Report, by date the 24th day of January 1832 and thereby, amongst other things, certified [*crossed out*]. That by an order made on final [*blank*] on or about the 30 day of April 1832 the Vice Chancellor was pleased to order, that it should be referred to the Master to inquire and state to the Court, whether there were any, and what, poor relations of the sd. Test'or then living and in what degree or degrees of kindred and of what age or ages and he was to be at liberty to state special circumstances.

That, in pursuance of the last ment'd Order, the sd. Master made his Report bearing date the 22nd Day of November now last past and thereby, amongst other things, certified that he found George WHEATON and Caroline his Wife, Joshua [*Joseph*] TURPIN and Mary his Wife, John [*Thomas*] CARTER the yr., Fraser [*Francis*] Drake Waldron [*Walrond*] WHEATON and Penelope Ann his Wife, John CARTER & Ann CARTER and their Children, that is to say, Geo. Abbot Copleston WHEATON, Caroline WHEATON, John Waldron [*Walrond*] WHEATON, Eliza Thorn WHEATON, Ann Carter WHEATON, Fanny WHEATON, Mary Ann WHEATON and Edw'd WHEATON, Infant children of the said George WHEATON and Caroline his Wife, Elizabeth Copleston TURPIN and Ann TURPIN, Infant children of Joshua [*Joseph*] TURPIN and Mary his Wife, Elizabeth Thorn CARTER, Thomas Copleston CARTER and Ann Abbot CARTER & Edw'd CARTER, Infant Children of Thomas CARTER and Eliza his Wife, Penelope Ann WHEATON, Sophia WHEATON, Fraser [*Francis*] Drake Wal(d)rond WHEATON, Richard Copleston WHEATON, Charles WHEATON & John WHEATON, the Infant Children of Fraser [*Francis*] Drake Wal(d)rond WHEATON and Penelope Ann his Wife, Eliza CARTER, Edw'd John CARTER, Anna Maria CARTER, [*Thomas William CARTER omitted*], Henry Seaman CARTER, Alfred Augustus CARTER and Charles Lovelace CARTER, Infant Children of Jno. CARTER & Ann [*Elizabeth*] his Wife, were all poor relations of the sd. Test'or and he found Jacob Samuel BOWLING and Lucy his Wife & their children, namely, William, Thomas, George, James, Robert, Sophia, Edward, Lucy, Mary Anne & a female child born the 12th day of November last & not then named (but since named Elizabeth), Infants under the age of 21 years and unmarried, are poor relations of the sd. Test'or. And he found that Ann LOVELACE was a second Cousin of the sd. Test'or John LOVELACE & is now in poor circumstances. And he found that Anne Bowden EVANS, the wife of Edw'd EVANS, William LOVELACE, Thomas Jno. LOVELACE & James Bowden LOVELACE and William John LOVELACE, the son of William by Letitia LOVELACE, are poor relations of the sd. Test'or.

That by an order bearing date the 22nd of Nov'r 1834, it was, by an Order of His Honor the Vice Chancellor, declared that, the trust contained in the said Test'or's Will, was good as [*a*] Charitable Trust and the Court did decree, amongst other things, that the Charity should be established, and it was ordered that it should be referred to the Master to settle and approve of a scheme for the application of the Charity, proper regard being had to the directions in the Test'or's Will. And it was ordered that the said Master, having regard to the sd. Will, should be at liberty to appoint one or more Trustee or Trustees of the sd. Charity, if he should think it necessary.

That by an order bearing date the 31st day of October 1835, It was declared that the Male children, poor relations of Jno. LOVELACE the Test'or in the pledges [*pleadings*] named, were alone entitled to the provision for education made in the Will of the sd. Test'or.

That there is now standing in the name of the acc'tt General to the credit of the sd. Cause of Attorney General v's LOVELACE, the sum of £11,622.8.2 £3 per Cent consolid'd Bank annuities, producing an annual income of about £330.

That it has been recommended that the Male Children, poor relations of the said Test'or, should be educated out of the sd. Income, who are or shall [be] between the ages of 8 and 15 inclusive & that they sho'd be taught reading, Writing & Arithmetic.

That there are at present only 8 male Children, poor relations of the sd. Test'or, who are between the ages of 8 and 15 & it is not probable the number of such child'n will at any one time exceed 10.

That it is apprehended that each of the sd. Children may be put to a Boarding School & provided with education, clothing & maint'nce for the sum of £30 a piece.

That [blank] of [blank] be appointed the Trustee of the sd. Charity & that the Divi[dends] & income of the sd. sum of £11,000, part of the sd. sum of £11,600.8.2 [£11,622.8.2] Consols. be paid to him & that he shall put all such poor male relations of the sd. Test'or, as shall from time to time be of the age of 8 & 15 & who shall apply to him to do so, to some Boarding School, for the purpose of being clothed & fed & taught reading, writing and Arithmetic & that the sd. [blank] shall be allowed to pay an annual pension be [to] each Child, not exceeding the sum of £30 pounds for such boarding, clothing and education.

That if there sho'd be any surplus of the sd. Income of the sd. £11,000 Consols. left in the hands of the sd. [blank] at the end of each year, after paying for the Board, Education & cloathing of the sd. Children as afores'd, the same may be paid by him, the sd. [blank], to any female Relation of the sd. Test'or, who may be going to be married, not exceeding from £50 to £100 each, as and by way of a marriage portion for such females.

That the sum of £622.8.2 Consols, the remainder of the sd. Sum of £11,622.8.2 shall be sold & thereout the Sum of 500 pounds sterling shall be paid to the sd. [blank] for the following purpose, namely, that sho'd any Sum of money be necessary for the establishment and putting out into the World any of the sd. Youths, who may be so educated as afores'd, it shall be lawful for the sd. [blank] to advance thereout any sum of money, not exceeding the sum of 100 [pounds] with [for] any such Child, by way of premium, on good & sufficient Security being given to the sd. [blank] by the Relations & Friends of such Child, to repay the sum so advanced by such instalments & without [within] such period as the sd. [blank] shall think proper, not exceeding 10 yrs &, whenever the sd. sum or sums of money shall be repaid, the same may be advanced again by the sd. [blank] for the like purpose & in like manner.

The Relators(s) therefore proposes:

1st **That** the sd. [blank] be appointed the Trustees of the sd. Charity & that, on his death, some other fit and proper person be appointed to act in his place.

2nd **That** the annual Interest and dividends of the Sum of 11,000 Consols. be paid to him & that he apply the same in cloathing and educating the poor male children, relations of the sd. Test'or, who may be from time to time between the ages of 8 and 15, at such Boarding school as he may think proper & where they shall be taught reading, writing and arithmetic & that he shall be allowed to pay a pension for each such Child, not exceeding £30 a year.

3rd **That**, if any surplus thereof shall remain in his hands after educating the sd. male children, the same may be applied by him in making Advances of from £50 to £100 to any of the female relations of the sd. Tes'tor, who may be on the point of being married, by way of marriage portion.

That the Sum of £500 shall be paid to the sd. [blank] by sale of the sd. sum of £622.8.2 Consols. for the purpose of placing out the sd. Children in the world, in manner hereinbefore expressed.

4th **That** the said [blank] shall pass his acc't of the application of the Income of the sd. £11,000 Consols. in every 3rd year from this time and that, after being allowed all exp's respecting the sd. Charity & of paying [passing] his said acc't, he shall pay the residue th'rof (if any) into the Court, to the Credit of the sd. cause, to an acc't to be entitled "The education and marriage fund of the poor Relations of Jno. LOVELACE dec'ed", to be applied in like manner, as occasion may require and as the Court shall order.

That, at the end of every 6 yrs, he shall also pass his acc'ts of the applicat'n of the sd. sum of £500.

And Relator Craves leave etc.

Following the progress made at the first meeting between Simon COCK and Master ROUPELL, a further meeting took place a month later at ½ past 2 pm. on 24th March 1836. See below:

[the Causes have not been recited again but are listed in the original document.]

The Amended State of Facts and Scheme of Simon COCK the Relator under the two Orders of the 27th of Nov'r 1834 and the 31st of October 1835.

For the statement of the Testator's will and the proceedings in Chancery and the above two Orders, the Relator refers to his Original state of facts and scheme, and

He further states:

That there is now standing in the name of the Accountant General, to the credit of this Cause of Attorney General v LOVELACE, the sum of £11,622.8.2 £3 per Cent Consolidated bank Annuities, producing an ann'l Income of £348.

That it has been considered that the Male Children, poor relations of the said Testator, who are or shall be between the ages of 8 and 15 inclusive, shall, out of the said Income, be taught reading, writing and Arithmetic and be maintained.

That there are at present 8 male Children, poor relations of the said Testator, who are between the said ages of 8 and 15.

That it is apprehended that each of the said Children may be educated and maintained for the sum of £30 per Annum.

That [blank] be appointed Trustees of the said Charity and that the dividends and Income of the said sum of £11,622.8.2 Consols. be paid to them and that they shall put all such poor male Relations of the said Testator, as shall from time to time be of the ages of between 8 and 15 and who shall apply to them to do so, to some School, for the purpose of being clothed and fed, and taught reading, writing and arithmetic, without being clothed and fed and that the said [blank] shall be allowed to pay annually for each such Child a sum not exceeding £30, for such education and maintenance at a Boarding School or for education at a day School and for maintenance by the parents or friends of such child.

That, if there should be any surplus of the said Income of the said £11,622.8.2 Consols. left in the hands of the said [blank] at the end of each year, after paying for the Education and maintenance of the said Children as aforesaid, the same may be paid by them, the said [blank], pro rata to such of the female relations of the said Testator, who may be now married [or] going to be married, not exceeding of from £50 to £100 each.

That a sufficient part of the said £11,622.8.2 Consols. shall be sold and thereout, a sufficient sum, not exceeding the sum of £500 sterling, shall be paid to the said [blank] in order that, should any sum of money be necessary for the establishment and putting out in the World any of the said youths, who may be so educated and maintained as aforesaid, the said [blank] may be enabled to advance any sum of money, not exceeding the said sum of £500, to or with any such youth, on good and sufficient security being given to the said [blank], to repay the sum advanced by such instalments, and within such period, as the said [blank] shall think proper, not exceeding 10 years. And, whenever any of the said sum or sums of money shall be repaid, the same may be advanced again by the said [blank], for the like purposes and in like manner.

The Relator therefore proposes:

1st **That** the said [blank] be appointed the Trustees of the said Charity and that, on the death of either of them, some other fit and proper person be appointed to act in his place.

2nd **That** the Annual Interest and dividends of the said sum of £11,622.8.2 Consols. be paid to them and that they apply the same, or so much thereof as shall be necessary, in Clothing and instructing in reading, writing and arithmetic, the poor male Children, relations of the said Testator, who may be from time to time between the age of 8 and 16 [15] and, for that purpose, shall place them at such Boarding Schools or day Schools, as they may think proper and that they shall be allowed to pay a sum for each such Child, not exceeding £30 a year, the same to be paid wholly to the Keeper of any such boarding School or day School, where such Child shall be placed, or partly to the Keeper of such school and partly to the parents or friends of such Child, as such trustees shall think fit.

3rd **That** if any surplus of the same Annual Interest and dividends, which remain in their hands, after educating and maintaining the said male Children, the same may be applied by them in making advances towards the said sums of from £50 to £100 to such of the female relations of the said Testator, who may be married or be on the point of being married.

4th **That** a sum, not exceeding the sum of £500, shall be paid to the said [blank], by sale of a sufficient part of the said sum of £11,622.8.2 Consols, as occasion shall arise, for the purpose of establishing the said youths in the world, in manner hereinbefore expressed.

5th **That** the said [blank] shall pass their account of the application of the Income of the said £11,622.8.2 Consols., or any part thereof, which shall be sold out as aforesaid and the Income thereof, in every third year from this time and that, after being allowed all expences respecting the said Charity and of passing their said Account, they shall pay the residue thereof (if any) into the Court, to the credit of the said Cause, to an account to be entitled the Education and maintenance fund of the poor relations of John LOVELACE deceased, to be applied in like manner as occasion may require and the Court shall order.

And the Relator craves leave etc.

Around this time, Simon COCK submitted to the Master details of male children aged between 8 and 15 years, who were poor relations of John LOVELACE. See below:

[the Causes have not been recited again but are listed in the original document.]

The further State of Facts of the Relator Simon COCK in relat'n to the enquiry directed by the Order made on the hear'g on fur'r dir'ons & b'g date the 22nd day of Nov'r 1832, whe'r there are any & what poor relat'ns of the Test'or now living & in what degree or degrees of kindred & of what age or ages & to be at liberty to state special circ'es & also as to the Order in this Cause b'g date 31st Oct'r 1835, direct'g the Charity to be for the benefit of the male child'n only, in exclus'n of the females, in order to shew the resp'ive ages of such male child'n & how many of them are now bet'n the ages of 8 & 15 years.

States:

That in purs'ce of an Order made in this Cause b'g date the 30th Ap'l 1832, the Master made his Rep't b'g date the 22nd day of Nov'r in the same yr. & th'rby, am'st o'r things, certif'd that he fo'd Geo. WHEATON & Caroline his Wife, Joseph TURPIN & Mary his Wife, Tho's CARTER the yo'r, Fra's Drake Waldron WHEATON & Penelope Ann his Wife, Jno. CARTER & Ann CARTER & their child'n (that is to say) Geo. Abbott Coplestone WHEATON, Caroline WHEATON, John Wal(d)rond WHEATON, Eliza Thorn WHEATON, Ann Carter WHEATON, Fanny WHEATON, Mary Ann WHEATON & Edw'd WHEATON, Inf't Child'n of the sd. G. WHEATON & Caroline his Wife, Eliz'th Coplestone TURPIN & Ann TURPIN, Inf't Child'n of Jos'h TURPIN & Mary his Wife, Eliz'th

Thorn CARTER, Tho's Copplesone CARTER & Ann Abbott CARTER & Edw'd CARTER, Inf't child'n of Tho's CARTER & Eliza his Wife, Penelope Ann WHEATON, Sophia WHEATON, Fra's Drake Waldron [*Walrond*] WHEATON, Rich'd Copplesone WHEATON, Chas. WHEATON & Jno. WHEATON, the Inf't child'n of F.D.W. WHEATON & Penelope Ann his Wife, Eliza CARTER, Edw'd Jno. CARTER, Anna Maria CARTER, Tho's Wm. CARTER, H'y Seaman CARTER, Alfred Augustus CARTER & Chas. Lovelace CARTER, Inf't child'n of Jno. CARTER & Ann [*Eliza*] his Wife, were all poor relat'ns of the sd. Test'or.

And he fo'd that Jacob Sam'l BOWLING & Lucy his wife & their child'n, namely Wm., Tho's, Geo., Jas., Rob't, Sophia, Edw'd, Lucy, Maryanne & a female child born the 12th day of Nov'r then last (& not then named but since named Elizabeth), Inf'ts under the age of 21 yrs. & unmar'd, are poor relat'ns of the sd. Test'or.

And he fo'd that Ann Bowden EVANS the Wife of Edw'd EVANS, Wm. LOVELACE, Tho's Jno. LOVELACE & Ja's Bowden LOVELACE & Wm Jno. the son of Wm. by Letitia LOVELACE, are poor relat'ns of the sd. Test'or.

That the dates of the Births & Baptisms of the resp'ive male child'n m'd in the sd. Rep't of the 22nd day of Nov'r 1832, app'r by the foll'g Certif's or Cop's th'rof, w'ch are all now in the Master's Off'e & are verif'd by Aff't, viz't:

That of Geo. Abbott Copplesone WHEATON & Jno. Waldron [*Walrond*] WHEATON, wh'rby it app'rs the 1st is of the age of 21 yrs. or th'rab'ts & the o'r of the age of 17 yrs. or th'rabts & w'ch is m'ked (B) & ref'd to in the Aff't of Geo. WHEATON & Ano'r.

B						
When Bapt'd	Child's Christian Name	Parents' Name Christian	Surname	Abode	Quality, Trade or Profession	By whom the Ceremony was performed
1814 July 23 No. 187	Geo. Abbott Copplesone Son of	George & Caroline	WHEATON	Hall Farm in the p'sh of Honiton	Farmer	The Rev'd H. A. HUGHES Rector
1819 7 Oct'r No. 705	John Waldron Son of	George & Caroline	WHEATON	Hall Farm in this p'sh	Farmer	The Rev'd Rd. LEWIS Off. Min.

I certify this to be a true Extract from the p'sh Reg'r of Baptisms in the p'sh of Honiton. For the Rev'd V.H.P. SOMERSET, Rector. Honiton Nov'r 1832. Geo. TURNER, Cl'k of the p'sh.

That of Edw'd WHEATON, who is of the age of 6 yrs. or th'rabts is shewn by the foll'g Cert'e m'ked (C) & ref'd to in the sd. Aff't of Geo. WHEATON & an'r.

C						
When Bapt'd	Child's Christian Name	Parents' Name Christian	Surname	Abode	Quality, Trade or Profession	By whom the Ceremony was performed
1830 Ap'l 11 No. 441	Edward Son of	George & Caroline	WHEATON Popleford	Newton	Farmer	Hy Wm. MARKER Vicar

Baptisms solemn'd in the p'sh of Aylesbeare in the Co'y of Devon.
I certify that the above is a correct Copy. 13th Nov'r 1832. Hy. Wm. MARKER, Vicar of Aylesbeare.

That of Tho's Copplesone CARTER, who is of the age of 18 yrs. or th'rabts, as is shewn by the foll'g Cert'e m'ked (B) & ref'd to in an Aff't of Tho's CARTER & Wm. DOMMETT.

B P44						
When Bapt'd	Child's Christian name	Parents' name Christian	Surname	Abode	Quality, Trade or Profess'n	By whom the Ceremony was performed
(1827) Feb'y 1st No. 350	Thomas Copplesone Son of	Tho's & Eliza	CARTER	Charlton Adam, Somerset	Yeoman	Hy.Wm. MARKER Vicar

Baptisms solemn'd in the p'sh of Aylesbeare in the Co'y of Devon in the yrs. 1826 & 1827.
I certify that the above is a correct Copy. 1st Jan'y 1833. Hy. Wm. MARKER, Mins'r.

That of Edw'd CARTER, who is of the Age of 30 yrs. as is shewn by the foll'g Certif'e ref'd to in the Aff't of Edw'd CARTER & Hy. DAVEY.

The P'sh Reg'r of Aylesbeare of Baptisms for the yr. of our Lord 1806.

Edw'd Son of Tho's & Eliz'th CARTER Mar 27th.

I certify that the above is a correct Copy. 10th Nov'r 1832. Hy. Wm. MARKER, Min.

That of Francis Drake Waldron [*Walrond*] WHEATON, who is of the age of 13yrs. or th'rabts, as is shewn by the foll'g Certif'e m'ked (C) & ref'd to in the Aff't of F.D.W. WHEATON & o'rs.

C P68

1822 Sep'r 26	Francis Drake Waldron Son of	Fra's Drake Waldron & Penelope Ann	WHEATON	Sidbury	Farmer	Hy. FELLOWES Vicar
------------------	------------------------------------	--	---------	---------	--------	-----------------------

I do hereby certify that the above is a true Copy taken from the Reg'r of Baptisms for the p'sh of Sidbury in the Co'y of Devon, by me. Sidbury 21st Nov'r 1832. Hy. FELLOWES, Vicar.

That of Rich'd Copplesstone WHEATON, who is of the age of 11 yrs. or th'rabs, as is shewn by the foll'g Certif'e m'ked (E) & ref'd to in the sd. Aff't of F.(D).W. WHEATON & an'r.

E P15

Baptisms solemn'd in the p'sh of Southleigh in the Co'y of Devon in the year 1824.

When bapt'd	Child's Christian name	Parents' name Christian	Surname	Abode	Quality, Trade or Profession	By whom the Ceremony was performed
1824 Dec'r 22 No. 118	Richard Copplesstone Son of	Fra's Drake Waldron & Penelope Ann	WHEATON	Southleigh	Yeoman	C. FORWARD

I certify the above is correct Copy. Nov'r 28th 1832. Jas. BALSTONE, Cl'k of Southleigh.

That of Chas. WHEATON, who is of the age of 9 yrs. or th'rabs, as is shewn by the foll'g Certif'e m'ked (B) & ref'd to in the sd. Aff't of F.D.W. WHEATON & or's.

B P15

Baptisms solemn'd in the p'sh of Aylesbeare in the Co'y of Devon.

When bapt'd	Child's Christian name	Parents' name Christian	Surname	Abode	Quality, Trade or Profession	By whom the Ceremony was performed
1827 Feb'y 1 No. 351	Chas. Son of	Tho's (Fra's) & Penelope	WHEATON	Wiscombe, Southleigh	Yeoman	Hy.Wm. MARKER Vicar

I certify that the above is correct. 21st Nov'r 1832. Hy. Wm. MARKER, Vicar of Aylesbeare.

That of Jno. WHEATON, who is of the age of 7 yrs. or th'rabs, as is shewn by the foll'g Certif'e m'ked (D) & ref'd to in the sd. Aff't of F.D.W. WHEATON & or's.

D

Baptisms in the p'sh of Honiton in the Co'y of Devon in the yr. 1828.

When Bapt'd	Child's Christian name	Parents' name Christian	Surname	Abode	Quality, Trade or Profession	By whom the Ceremony was performed
1828 17 th July No. 51	John Son of	Francis & Penelope	WHEATON	Honiton	Victualler	The Rev'd Rich'd LEWIS

I certify that the above is correct. Nov'r 28 1832. Simon WALSMAN, Sexton of Honiton.

That of Edw'd Jno. CARTER, who is of the age of 14 yrs. or th'rabs, as is shewn by the foll'g Certif'e m'ked (B) & ref'd to in an Aff't of Jno. CARTER & or's.

B Baptisms 1824.

Feb'y 2nd (Born 18 Jan'y 1822) Edw'd Jno. Son of Jno. & Eliz'th CARTER, Exmouth, Schoolmaster.

That of Tho's Wm. CARTER, who is of the age of 10 yrs. or th'rabs, as is shewn by the foll'g Certif'e m'ked (C) & ref'd to in an Aff't of Jno. CARTER & or's.

C

1828 Born 1 st Mar Bapt'd Ap'l 2 (Son of)	Tho's Wm. & Eliz'th	Jno. & Eliz'th	CARTER	Wythcombe Rauleigh	Schoolmaster	Tho's WOLSTON Curate
--	---------------------------	----------------------	--------	-----------------------	--------------	-------------------------

I hereby certify that the above is a true Extract from the Reg'r of Baptisms for the p'sh of Wythcombe in the Co'y of Devon. Fred'k TREVOR, Curate. Exmouth. June 6th 1832.

That of Henry Seaman CARTER, who is of the age of 8 yrs. or th'rabs, as is shewn by the foll'g Certif'e m'ked (B) & ref'd to in the sd. Aff't of John CARTER & or's.

B**Baptisms 1828.**

May 7 Henry Seaman Son of Jno. & Eliz'th CARTER, Exmouth, Druggist.

That of Alfred Augustus CARTER, who is of the age of 5 yrs. or th'rabs, as is shewn by the foll'g Certif'e m'ked (B) & ref'd to in the sd. Aff't of Jno. CARTER & or's.

B Baptisms 1831.

Jan'y 14 Alfred Augustus Son of Jno. & Eliz'th CARTER, Exmouth, Druggist.

That of Cha's Lovelace CARTER, who is of the age of 3 yrs. or th'rabts, as is shewn by the foll'g Cert'e, which was sent up from the Country to Mr CREE.

Baptisms 1833.

Feb'y 23 Cha's Lovelace Son of Jno. & Eliz'th CARTER, Exmouth, Druggist.

This is to certify that the above is a true Copy taken from the P'sh Reg'r of Littleham cum Exmouth in the Co'y of Devon this 23rd day of Feb'y in the yr. 1833. By me, George BLACKMORE, P'sh Cl'k.

The same is correct. Joseph GATLY, Curate of Littleham cum (Exmouth).

That of Wm. BOWLING, who is of the age of [blank] yrs. as is proved [blank].

That of Tho's BOWLING, who is of the age of 22 yrs. or th'rabts, as is proved by the Aff't of his Father Jacob Sam'l BOWLING & w'ch is now in the Master's Off'e & states him to have been born on the 26th Dec'r 1813.

That of Geo. BOWLING, who is of the age of 20 yrs. or th'rabts, as is proved by the Aff't of his Father Jacob Sam'l BOWLING & w'ch is now in the Master's Off'e & states him to have been born on the 10th day of Nov'r 1815.

That of Jas. BOWLING, who is of the age of 18 yrs. or th'rabts, as is proved by the Aff't of his Father J.S. BOWLING & w'ch is now in the Master's Off'e & states him to have been born on the 29th day of Sep'r 1817.

That of Rob't BOWLING, who is of the age of 15 yrs. or th'rabts, as is proved by the Aff't of his Father J.S. BOWLING & w'ch is now in the Master's Off'e & states him to have been born on the 9th Nov'r 1820.

That of Edw'd BOWLING, who is of the age of 10 yrs. or th'rabts, as is proved by the Aff't of his Father J.S. BOWLING & w'ch is now in the Master's Off'e & states him to have been born on the 12th day of Dec'r 1825.

That Wm. Jno. LOVELACE, the Son of Wm. & Letitia LOVELACE of Bowling St't, Clerkenwell, m'd in the af'sd Master's Rep't, died on the 13th day of July 1833, w'ch if necess'y can be proved by the Aff't of his Father William.

That Anne MUNRO of No. 3 Fives Co't, Bethlem Green, now the Wife of (blank) MUNRO & called in the Master's sd. Rep't Anne EVANS, form'ly Anne LOVELACE, has one child, a Boy born in June last, as is shown by the foll'g Certif'e & ref'd to in the Aff't of the sd. Anne MUNRO.

Therefore the Relator Charges that the only male child'n, poor relat'ns of the sd. Test'or, who are now of the age of from 8 to 15 yrs. are the foll'g, viz't:

1. Francis Drake Waldron WHEATON of the age of 13 yrs. on the 26th of Sep'r last.
2. Richard Copplestone WHEATON of the age of 11 yrs. on the 22nd day of Dec'r last.
3. Charles WHEATON of the age of 9 yrs. on the 1st of Feb'y last; all sons of Fra's Drake Waldron WHEATON (of Honiton in the Co'y of Devon, Innkeeper) & Penelope Ann his Wife.
4. Edward John CARTER of the age of 14 yrs. on the 18th of Jan'y last.
5. Tho's Wm. CARTER of the age of 10 yrs. on the 1st day of Mar. last.
6. Henry Seaman CARTER of the age of 8 yrs. on the 7th day of May 1836; all of them sons of Jno. CARTER (of Exmouth within the p'sh of Littleham & Exmouth and in the Co'y of Devon) & Eliza his Wife.
7. Edward BOWLING of the age of 10 yrs., Son of J.S. BOWLING (of Little Camden St., Camden Town in the Co'y of Middx, Wireworker) & Lucy his Wife.

Negotiations between Simon COCK and the Master of the Court were concluded with the agreement of an acceptable scheme and the Master made his report on 18th July 1836, to the effect that he had approved a scheme for operating LOVELACE's Charity and recommended that William LOVELACE, Edward HOULDITCH and Samuel GIRDLESTONE should be appointed Trustees of the charity.

It was ordered on Tuesday 26th July 1836 (in the 7th Year of the Reign of His Majesty King William the 4th) that the Master's report of 18th July 1836 be confirmed and his recommendations put into effect. At that time the trust capital was invested in £11,622.8.2 3% Bank Annuities and there was £870.4.6 cash in hand.

The new trustees William LOVELACE, Edward HOULDITCH and Samuel GIRDLESTONE were then ordered to pay out sums for the education of 8 youths aged between 8 and 15 years, as identified in the Master's Report, settle the various parties' legal costs and pay any surplus into a bank account entitled "The Education and Marriage Fund of the poor relations of John LOVELACE deceased". The Decree and Scheme are set out hereunder:

In Chancery

Vice Chancellor

<u>Between</u>	His Majesty's Attorney General at the relation of Simon COCK Thomas LOVELACE since deceased <u>By Original Information</u>	Informant Defendant
<u>And Between</u>	His Majesty's Attorney General at the relation of Simon COCK William LOVELACE and Elizabeth Jane BOWCOCK <u>By Information of Revivor and Supplement</u>	Informant Defendants
<u>And Between</u>	His Majesty's Attorney General at the relation of Simon COCK William LOVELACE , Elizabeth Jane BOWCOCK, Richard HOULDITCH and Anna Maria his wife, John WOLLAND and Ann his Wife, Burnell TOWNSEND & Caroline his Wife and Thomas CARTER <u>By Supplemental Information</u>	Informant Defendants
<u>And Between</u>	His Majesty's Attorney General at the relation of Simon COCK William LOVELACE , Elizabeth Jane BOWCOCK, Richard HOULDITCH and Anna Maria his Wife, John WOLLAND and Ann his Wife, Burnell TOWNSEND and Caroline his Wife, Thomas CARTER, George WHEATON and Caroline his Wife, Joseph TURPIN and Mary his Wife, Thomas CARTER the Younger, Francis Drake Waldron WHEATON and Penelope Ann his Wife, John CARTER, Ann CARTER, George Abbott Copplestone WHEATON, Caroline WHEATON, John Waldron WHEATON, Eliza Thorn WHEATON, Ann Carter WHEATON, Fanny WHEATON, Mary Ann WHEATON, Edward WHEATON, Elizabeth Copplestone TURPIN, Ann TURPIN, Eliza Thorn CARTER, Thomas Copplestone CARTER, Ann Abbott CARTER, Penelope Ann WHEATON, Sophia WHEATON, Francis Drake Waldron WHEATON, Richard Copplestone WHEATON, Charles WHEATON, John WHEATON, Eliza CARTER, Edward John CARTER, Anna Maria CARTER, Thomas William CARTER, Henry Seaman CARTER, Alfred Augustin [<i>Augustus</i>] CARTER, Charles Lovelace CARTER, Jacob Samuel BOWLING and Lucy his Wife, William BOWLING, Thomas BOWLING, George BOWLING, James BOWLING, Robert BOWLING, Sophia BOWLING, Edward BOWLING, Lucy BOWLING, Mary Ann BOWLING, Elizabeth BOWLING, Ann LOVELACE, Edward EVANS & Ann Bow[d]en his wife, William LOVELACE, Thomas John LOVELACE, James Bowden LOVELACE and William John LOVELACE <u>By Supplemental Information</u>	Informant Defendants

The Three First mentioned Causes coming on the 22nd day of November 1834, to be heard and debated before This Court, for further directions on the Master's Report dated the 22nd day of November 1833, made in pursuance of the Order dated the 30th day of April 1832 and the last mentioned Cause also coming on the 22nd day of November 1834, to be heard and debated in the presence of Counsel learned on both sides, **This Court did Declare** the Trusts, contained in the Will of the Testator in the pleadings above named, good as a charitable Trust and did decree that the Charity should be established. **And it was Ordered** that it should be referred to the Master, to whom these Causes stand referred, to settle and approve of a scheme for the application of the Charity, proper regard being had to the directions in the Testator's Will. **And it was Ordered** that the said Master, having regard to the said Will mentioned, should be at liberty to appoint one or more Trustee or Trustees of the said Charity, if he should think it necessary. **And it was Ordered** that the said Master should tax all parties their Costs of these Suits, as between Solicitor and Client, including the Costs, Charges and expences incurred by the poor relations and next of kin of the said Testator in making out their claims and out of the sum of £875.14. 0 Cash in the Bank, placed to the credit of the Cause Attorney General v LOVELACE. **It was Ordered** that the said Costs, Charges and expences, when so raised, should be paid as therein mentioned, **And this Court** did reserve the consideration of all further directions and of the subsequent costs of this Suit until after the Master should have made his Report, & any of the parties were to be at liberty to apply to this Court as they might be advised; that in pursuance of the said Order, the said Master made his Report dated the 18th day of July 1836 and thereby found that, having considered of a Scheme laid before him, he had settled and approved thereof, regard being had to the directions in the Test'or's Will. And he thought necessary, having regard to the said Will, to appoint William LOVELACE, Edward HOULDITCH and Samuel GIRDLESTONE to be Trustees of the said Charity, and these Causes, coming on this present day to be heard before this Court for further directions on the said Master's said Report and, as to the matter of costs reserved by the said Decree in the presence of Counsel learned on both sides.

Upon debate of the matter and hearing the said Decree dated the 22nd day of November 1834, the said Report dated the 18th day of July 1836 and the Accountant General's Certificate read,

This Court doth Order that it be referred to the Master, to whom these Causes stand referred, to tax all parties their Costs of this suit as between Solicitor and Client.

And it is Ordered that such costs, when taxed, be paid out of the sum of £870. 4. 6 Cash in the Bank, remaining on the Credit of the Cause Attorney General v LOVELACE, in manner following, that is to say:

the Costs, Charges and Expences of the Relator and the Defendants Elizabeth Jane BOWCOCK, William LOVELACE, Ann Bowden EVANS, Thomas John LOVELACE, James Bowden LOVELACE and William John LOVELACE to Mr William WITHAM their Solicitor;

The Costs, Charges and Expences of the Defendants Jacob Samuel BOWLING and Lucy his Wife, William BOWLING, Thomas BOWLING, George BOWLING, Robert BOWLING, Sophia BOWLING, Edward BOWLING, Lucy BOWLING, Mary Ann BOWLING and Elizabeth BOWLING to Mr Archibald Richard Francis ROSSER their Solicitor;

and the Costs, Charges and Expences of all the other Defendants to Mr Thomas CREE their Solicitor

and the Costs of his Majesty's Attorney General to Mr George MAULE his Solicitor.

And it is Ordered that William LOVELACE, Edward HOULDITCH and Samuel GIRDLESTONE, named in the said Master's Report dated the 18th day of July, next be appointed Trustees of the Charity in question.

And it is Ordered that the residue of the said sum of £870.4.6 Cash, after payment of the said Costs, the amount thereof to be verified by affidavit, be paid to the said William LOVELACE, Edward HOULDITCH and Samuel GIRDLESTONE as such Trustees aforesaid and out of such residue,

It is ordered that the said William LOVELACE, Edward HOULDITCH and Samuel GIRDLESTONE be at liberty to pay and apply at their discretion, to or for the separate use and benefit of such of the poor female relations of the said Testator as have married since his decease, and upon their sole receipts respectively, which receipts shall be sufficient discharges for the same sums not exceeding from £50 to £100 for each of such poor female relations.

And also to pay and apply such sums as shall be necessary towards the immediate maintenance and education of the 8 youths mentioned in the Master's Report, until the dividends of the £11,622.8.2 Bank Annuities hereinafter mentioned shall become available for that purpose.

And it is Ordered that the interest to accrue due from time to time on the £11,622.8.2 Bank £3 per Cent Annuities, now standing in the name of the Accountant General of this Court in trust in the said Cause Attorney General v LOVELACE, be paid to the said William LOVELACE, Edward HOULDITCH and Samuel GIRDLESTONE as such Trustees as aforesaid.

And it is Ordered that they do apply the same or so much thereof as may be necessary, in maintaining and educating, according to the Will of the Testator and the Scheme approved of by the said Master, the poor male Children, relations of the said Testator, who may be from time to time between the ages of 8 & 15 years and, for that purpose, place them at such boarding Schools or day Schools as they may think proper and pay a sum for each such Child, not exceeding £30 a year, the same to be paid wholly to the keeper of any such boarding or day School where such Child shall be placed or, partly to the keeper of such School and partly to the parents or Friends of such Child, as the said Trustees shall think fit.

And if any surplus of such Interest shall remain in their hands after educating and maintaining the said male Children, **It is Ordered** that the said Trustees be at liberty to apply the same, as far as the same will extend or, such parts thereof as they shall think fit, in payment, not exceeding £50 to £100 each in any one year, to or for the separate use and benefit of the poor female relations of the said Testator, who may happen to marry and upon the like receipts as hereinbefore mentioned.

And the said Trustees are to be at liberty to apply to this Court for permission to advance by way of loan (having regard to the provisions of the Testator's Will in that respect), one or two sums not exceeding £500 each, as occasions shall arise, for the purpose of establishing the said youths in the world and subject to the variations therein, consequent to the directions hereintore given.

It is Ordered that the said Master's Report be confirmed.

And it is Ordered that the said Trustees do pass their accounts of the application of the residue of the said sum of £870.4.6, after paying the Costs and Sums aforesaid and of the Interest of the said Bank £3 per Cent Annuities, at the end of one year from this time and, from thenceforth at the end of every 3rd year, before the said Master, unless called upon to do so at the expiration of shorter periods.

And, in passing their accounts, **It is Ordered** that they be allowed all expences respecting the said Charity and the Costs of all parties of passing the said accounts,

And it is Ordered that they do pay the balance of such accounts, if any, into the Bank to the credit of the said Cause Attorney General v LOVELACE, to an account to be entitled "the education and marriage Fund of the poor relations of John LOVELACE deceased", to be applied in like manner as occasion may require and this Court shall Order.

And, for the purpose aforesaid, the said Accountant General is to draw on the Bank, according to the form prescribed by the act of Parliament and the general rules and orders of this Court in that case made and provided, and any of the parties are to be at liberty to apply to this Court, as there shall be occasion.