

CLAIMS: THE CASE OF WHALING SHIP "GEORGE HOWLAND"

Agreement signed at Quito November 13, 1857

Entered into force November 13, 1857

Replaced by agreement of November 25, 1862¹

7 Miller 707

AGREEMENT

At a conference this day held in the Office of the Legation of the United States in this City, between the Honorable Francisco Javier Salazar, Plenipotentiary on the part of Ecuador for the investigation and adjustment of certain *Claims* of citizens of the United States against this Republic,—and Philo White, Minister Resident and Plenipotentiary in behalf of the United States,—the case of Matthew Howland was taken into consideration, in which a claim for indemnity from Ecuador is based upon alleged losses sustained by his Whale Ship the "George Howland", while under seizure by the Ecuatorian convicts confined on Charles Island (one of the Galápagos Group belonging to this Republic,) in the month of March, 1852.

Although the fact of the seizure of the claimant's vessel, as set forth in his complaint, is not denied, and, in the opinion of both Plenipotentiaries, he is entitled to some degree of indemnity,—yet so defective are the papers and vouchers presented to the commission,—so vague in their phraseology, and so indefinite in the sums stated,—as to cause much perplexity in ascertaining the amount of the loss really sustained by the claimant: In view of these difficulties, therefore, in the proper adjustment of this claim, the undersigned have agreed to recommend to the parties concerned, to assent to the appointment of a *Mixed Commission*, as the fairest and most feasible plan for determining what *amount* of indemnity ought equitably to be paid to Mr. Howland: Such Commission to hold its sessions at Guayaquil, and to be composed of three Gentlemen,—one of whom shall be an Ecuatorian citizen, and receive his appointment from the Central Government of the Republic;

¹ The Mixed Commission called for by the agreement was not constituted. The claim was presented to a commission set up by an agreement of Nov. 25, 1862 (TS 77, *post*, p. 316), which made an award of \$50,000, inclusive of interest and exchange (7 Miller 712).