

CLAIMS: THE CASE OF SAMUEL FRANKLIN TRACY

Agreement signed at Lima August 6, 1852
Entered into force August 6, 1852
*Terminated upon fulfillment of its terms*¹

6 Miller 59

The Undersigned having held several Conferences upon the claim of Samuel Franklin Tracy, a citizen of the United States, to be indemnified, for certain losses sustained by him in Peru, in the year 1839, in consequence of the measures taken against him, during the Administration of General, D. Augustín Gamarra, and it appearing, by an account transmitted to the Minister of Foreign Affairs of Peru, by James C. Pickett, Chargé d'Affaires of the United States, with an official note bearing date the 5th of May 1840, that the said Samuel, Franklin Tracy claims as follows viz:

1. Loss of twenty three percent on the sale of certain shares in the Cerro de Pasco—say 23% on \$52.448	\$12. 083. —
2. Loss of twenty five percent, on the sale of stock of merchandise in his store, or Almacen, in Lima; say 25% on \$16.656.5½, equal to \$4164.0½ and traspasa of House and fixtures \$312: forming together the sum of	\$4. 476. ½
3. Damages for illegal arrest and detention at Callao	\$10. 000. —
4. Loss of time and on his business during that period	\$18. 000. —
5. Loss on two shares, in the Huancavelica Mining Company, dissolved by Decree of the Peruvian Government, dated at Ayacucho April 20 th 1839	\$60. 000. —
	\$104. 559. ½

And, after a minute examination into the merits of the aforesaid claim, the Undersigned have agreed that it shall be finally adjusted and settled in the following manner.

1st The Peruvian Government consents to pay to the said Samuel, Franklin Tracy, his heirs, administrators or assigns, the sum of twenty six thousand, five hundred and sixty dollars, current money of Peru, in two annual instalments of thirteen thousand, two hundred and eighty dollars each; the first of the said instalments to be paid, on the 1st of January 1854, and the second of the said instalments to be paid on the 1st of January 1855.

¹ For a discussion of the settlement, see 6 Miller 72.

2^d The Peruvian Government also consents to allow and pay, to the said Samuel, Franklin Tracy, his heirs, administrators or assigns, interest upon the said sum of twenty six thousand, five hundred and sixty dollars; at the rate of five per centum per annum, counting from the present date.

3^d And it is hereby agreed, between the Undersigned, that the said sum of twenty six thousand, five hundred and sixty dollars shall, when paid, together with the interest thereon, as aforesaid, be received by the said Samuel, Franklin Tracy, his heirs, administrators, or assigns, as full satisfaction for the losses comprehended in items N^{os} 1. 2. 3 and 4 as above mentioned.

And with regard to the fifth item, of sixty thousand dollars, for losses incurred by the said Samuel, Franklin Tracy, by the dissolution of the Huancavelica Mining Company; the Undersigned have not included it in the present Memorandum; but refer the said claimant, to the liquidation of the affairs of the said Company, made, between the Peruvian Government and General Francisco de Paula Otero, Director of the said Company and representing the interests of the same, on the 15th of July 1852.

Done at Lima the 6th August 1852.

J. RANDOLPH CLAY [SEAL]
JOAQUⁿ J. DE OSMA [SEAL]