

*Convention between the United States of America and the Republic of Paraguay, relating to Claims of the "United States and Paraguay Navigation Company." Concluded at Asuncion, February 4, 1859. Ratified by the President of the United States, March 7, 1860. Exchanged at Washington, March 7, 1860. Proclaimed by President of the United States, March 12, 1860.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: February 4, 1859

### A PROCLAMATION.

WHEREAS a convention relating to the claims of the "United States and Paraguay Navigation Company," against the Paraguayan Government, was concluded between the United States of America and the Republic of Paraguay, and was signed by their respective plenipotentiaries at Asuncion on the fourth day of February, one thousand eight hundred and fifty-nine, the original of which convention being in the English and Spanish languages is, word for word, as follows:

Preamble.

Special convention between the United States of America and the Republic of Paraguay, relating to the claims of the "United States and Paraguayan Navigation Company" against the Paraguayan government.

His Excellency the President of the United States of America and his Excellency the President of the Republic of Paraguay, desiring to remove every cause that might interfere with the good understanding and harmony, for a time so unhappily interrupted, between the two nations, and now so happily restored, and which it is so much for their interest to maintain; and desiring for this purpose to come to a definite understanding, equally just and honorable to both nations, as to the mode of settling a pending question of the said claims of the "United States and Paraguay Navigation Company"—a company composed of citizens of the United States—against the government of Paraguay, have agreed to refer the same to a special and respectable commission, to be organized and regulated by the convention hereby established between the two high contracting parties; and for this purpose they have ap-

Convencion especial entre la Republica del Paraguay y los Estados Unidos de America relativa á las reclamaciones de la "Compañia de Navegacion de los Estados Unidos y del Paraguay," contra el Gobierno Paraguayo.

Contracting parties.

Su Excelencia el Señor Presidente de la Republica del Paraguay y Su Excelencia el Señor Presidente de los Estados Unidos de America, deseando remover toda causa que pueda comprometer la buena inteligencia y armonia, por un momento tan desgraciadamente interrumpidas entre las dos Naciones, y ahora tan felizmente restablecidas, y que tanto les interesa mantener, y deseando á este fin llegar á un arreglo definitivo igualmente justo y honorable para ambas naciones en cuanto á la manera de concluir la cuestion pendiente de las referidas reclamaciones contra el Gobierno del Paraguay de la "Compañia de Navegacion de los Estados Unidos y del Paraguay," compaña compuesta de ciudadanos de los Estados Unidos de America, han convenido someter dicho arreglo á una Comision especial, respetable que será organizada y regida por la presente Convencion entre las dos altas partes contratantes.

pointed and conferred full powers, respectively, to wit:

Negotiators.

His Excellency the President of the United States of America upon James B. Bowlin, a special commissioner of the said United States of America, specifically charged and empowered for this purpose; and his Excellency the President of the Republic of Paraguay upon Señor Nicolas Vasquez, Secretary of State and Minister of Foreign Affairs of the said Republic of Paraguay; who, after exchanging their full powers, which were found in good and proper form, agreed upon the following articles:

ARTICLE I.

Paraguay to respond to any decree of commissioners in favor of the U. S. and P. Nav. Co.

The government of the Republic of Paraguay binds itself for the responsibility in favor of the "United States and Paraguay Navigation Company," which may result from the decree of commissioners, who, it is agreed, shall be appointed as follows.

ARTICLE II.

Commissioner to be appointed.

The two high contracting parties, appreciating the difficulty of agreeing upon the amount of the reclamations to which the said company may be entitled, and being convinced that a commission is the only equitable and honorable method by which the two countries can arrive at a perfect understanding thereof, hereby covenant to adjust them accordingly by a loyal commission. To determine the amount of said reclamations, it is, therefore, agreed to constitute such a commission, whose decision shall be binding, in the following manner:

Commissioners how appointed.

The government of the United States of America shall appoint one commissioner, and the government of Paraguay shall appoint another; and these two, in case of disagreement, shall appoint a third, said appointment to devolve upon a person of loyalty and impartiality, with the condition that, in case of difference between the commissioners in the

tes; y para este fin han nombrado y conferido plenos poderes respectivamente a saber:

Su Excelencia el Presidente de la Republica del Paraguay al ciudadano Paraguayo, Nicolas Vasquez, Secretario de Estado y Ministro de Relaciones Exteriores de la dicha Republica del Paraguay, y Su Excelencia el Presidente de los Estados Unidos de America al Señor James B. Bowlin, Comisionado especial de los dichos Estados Unidos de America—especialmente encargado y apoderado á este fin, quienes despues de cambiar sus plenos poderes que encontraron en buena y debida forma convinieron en los articulos siguientes:

ARTICULO I.

El Gobierno de la Republica del Paraguay se obliga á la responsabilidad que á favor de la "Compañia de Navigacion de los Estados Unidos del Paraguay;" resulte del fallo de comisionados que se nombrarán en la forma convenida en el siguiente.

ARTICULO II.

Las dos altas partes contratantes, apreciando la dificultad de acordarse sobre el monto de las reclamaciones á que dicha compañía pueda ser acreedora, y estando convencidas de que una Comision es el único medio equitativo y honorable por el cual los dos paises puedan arriivar á una perfecta inteligencia sobre este punto, han convenido por la presente ajustarlas en conformidad por una Comision leal. Para determinar el importe de dichas reclamaciones es pues convenido constituir tal comision, cuya decision sea obligatoria en la forma siguiente:

El Gobierno del Paraguay nombrará un Comisionado, y el Gobierno de los Estados Unidos de America nombrará otro, y estos dos, en caso de discordia, nombraran un tercero, debiendo recaer este nombramiento en persona leal é imparcial, con calidad de que en caso de desacuerdo de los comisionados en la eleccion de un tercero en discordia los Rep-

choice of an umpire, the diplomatic representatives of Russia and Prussia, accredited to the Government of the United States of America, at the city of Washington, may select such umpire.

The two commissioners named in the said manner shall meet in the city of Washington, to investigate, adjust, and determine the amount of the claims of the above-mentioned company, upon sufficient proofs of the charges and defences of the contending parties.

ARTICLE III.

The said commissioners, before entering upon their duties, shall take an oath before some judge of the United States of America that they will fairly and impartially investigate the said claims, and a just decision thereupon render, to the best of their judgment and ability.

ARTICLE IV.

The said commissioners shall assemble, within one year after the ratification of the "treaty of friendship, commerce, and navigation" this day celebrated at the city of Assumption between the two high contracting parties, at the city of Washington in the United States of America, and shall continue in session for a period not exceeding three months, within which, if they come to an agreement, their decision shall be proclaimed; and in case of disagreement, they shall proceed to the appointment of an umpire as already agreed.

ARTICLE V.

The government of Paraguay hereby binds itself to pay to the government of the United States of America, in the city of Assumption, Paraguay, thirty days after presentation to the government of the republic, the draft which that of the United States of America shall issue for the amount for which the two commissioners concurring, or by the umpire, shall declare it responsible to the said company.

representantes Diplomaticos de Russia y Prusia acreditados cerca del Gobierno de los Estados Unidos de America en la Ciudad de Washington podran elegir á tal tercero en discordia.

provision for an umpire.

Los dos comisionados nombrados en la forma referida se reuniran en la Ciudad de Washington para investigar, ajustar y determinar el monto de las reclamaciones de la mencionada Compañia sobre pruebas bastantes de los cargos y descargos de las partes contenderas.

where to meet.

ARTICULO III.

Los dichos Comisionados, antes de entrar en sus funciones, prestarán juramento ante algun Juez de los Estados Unidos de America de que investigarán leal é imparcialmente las expresadas reclamaciones, y darán sobre ellas una decision justa con su mejor juicio y habilidad.

to take oath before acting.

ARTICULO IV.

Los dichos Comisionados se reuniran en la Ciudad de Washington dentro de un año despues de la ratification del "Tratado de Amistad, Comercio, y Navegacion," celebrado en esta fecha en la Ciudad de la Asuncion entre las dos altas partas contratantes, y continuarán en session, por un periodo que no exceda de tres meses, dentro del cual si fallaren de acuerdo, su decision será proclamada, y en caso de discordia se procederá al nombramiento de un tercero, como queda convenido.

when to meet and how long to continue in session.

ARTICULO V.

El Gobierno del Paraguay por la presente se obliga á abonar al Gobierno de los Estados Unidos de America en la Asuncion del Paraguay, dentro de treinta dias de presentarse al Gobierno de la Republica la letra que el de los Estados Unidos de America llegue á girar sobre la suma que los Comisionados de acuerdo, ó por un tercero en discordia, le declarasen responsable á dicha Compañia.

Paraguay to pay any award of commissioners in favor of said company.

## ARTICLE VI.

Each party to pay its own commissioner; both to pay the umpire.

Each of the high contracting parties shall compensate the commissioner it may appoint the sum of money he may stipulate for his services, either by instalments or at the expiration of his task. In case of the appointment of an umpire, the amount of his remuneration shall be equally borne by both contracting parties.

## ARTICLE VII.

Convention when to be ratified.

The present Convention shall be ratified within fifteen months, or earlier if possible, by the government of the United States of America and by the President of the Republic of Paraguay within twelve days from this date. The exchange of ratifications shall take place in the city of Washington.

Signatures, Feb. 4, 1859.

In faith of which, and in virtue of our full powers, we have signed the present Convention in English and Spanish, and have thereunto set our respective seals.

Done at Assumption, this fourth day of February, in the year of our Lord one thousand eight hundred and fifty-nine, being the eighty-third year of the independence of the United States of America, and the forty-seventh of that of Paraguay.

JAMES B. BOWLIN, [SEAL.]  
NICOLAS VASQUEZ. [SEAL.]

Exchange of ratifications, March 7, 1860.

And whereas the said Convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington, on the seventh instant, by Lewis Cass, Secretary of State of the United States, and Señor Don José Berges, Special Commissioner of the Republic of Paraguay, on the part of their respective governments:

Proclamation, March 12, 1860.

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, have caused the said Convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this twelfth day of March, in the year of our Lord one thousand eight hundred and sixty, and of the independence of the United States of America the eighty-fourth.

By the President:

LEW. CASS, *Secretary of State.*

## ARTICULO VI.

Cada una de las altas partes contratantes, compensará al Comisionado que llegue á nombrar con la suma de dinero que pediere por sus servicios sea á plazos convenidos ó en conclusion de sus tareas. En caso de nombrarse un tercero en discordia le pagarán por mitad sus honorarios ambas partes contratantes.

## ARTICULO VII.

La presente Convencion será ratificada dentro de doce dias por Su Excelencia el Señor Presidente de la Republica del Paraguay, y por el Gobierno de los Estados Unidos de America dentro de quince meses de esta fecha, ó antes si fuere posible. El cambio de las ratificaciones, tendrá lugar en la ciudad de Washington.

En fé de lo cual, y en virtud de nuestros plenos poderes, hemos firmado la presente Convencion en Español y en Ingles, y la hemos sellado con nuestros respectivos sellos.

Fecho en la Asuncion el dia cuatro de Febrero en el año de Nuestro Señor de mil ochientos [ochocientos] cincuenta y nueve, el cuadragésimo sétimo de la Independencia Nacional del Paraguay y el octagesimo tercio de la de los Estados Unidos de America.

[SEAL.] NICOLAS VASQUEZ,  
[SEAL.] JAMES B. BOWLIN.

JAMES BUCHANAN.