

Convention between the United States of America and the United States of Venezuela, providing for a reference to arbitration of the claim of the Venezuela Steam Transportation Company against the Government of Venezuela. Signed at Caracas, January 19, 1892; ratification advised by the Senate, March 17, 1892; ratified by the President of Venezuela, June 20, 1894; ratified by the President of the United States, July 2, 1894; ratifications exchanged at Washington, July 28, 1894; proclaimed, July 30, 1894.

January 19, 1892.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION

Whereas, a Convention between the United States of America and the United States of Venezuela, providing for a reference to arbitration of the claim of the Venezuela Steam Transportation Company against the Government of Venezuela, was concluded and signed by their respective plenipotentiaries at the city of Caracas on the 19th day of January, in the year one thousand eight hundred and ninety-two, which Convention, being in the English and Spanish languages is, word for word, as follows:—

Preamble.

The Government of the United States of America and the United States of Venezuela, being mutually desirous of removing all causes of difference between them in a manner honorable to both parties and in consonance with their just rights and interests, have resolved to submit to arbitration the claim of the "Venezuela Steam Transportation Company", and have respectively named as their plenipotentiaries to conclude a Convention for that purpose:—

Mutuamente deseosos de remover toda causa de desavenencia entre sí, de una manera honorífica para ambas partes y accorde con sus derechos é intereses, los Gobiernos de los Estados Unidos de América y de los Estados Unidos de Venezuela han resuelto someter á arbitramento la reclamación de la Compañía de Transporte por vapor de Venezuela, y nombrado respectivamente como sus Plenipotenciarios para concluir á ese fin un convenio:

Contracting parties.

The President of the United States of America, William L. Scruggs, Envoy Extraordinary and Minister Plenipotentiary of the United States at Caracas;

El Presidente de los Estados Unidos de América, al Señor William L. Scruggs, Enviado Extraordinario y Ministro Plenipotenciario de ellos en Caracas;

Plenipotentiaries.

And the President of the United States of Venezuela, Doctor Rafael Seijas, legal adviser for the Department of Foreign Relations;

Y el Presidente de los Estados Unidos de Venezuela, al ciudadano Doctor Rafael Seijas, Consultor del Ministerio de Relaciones Exteriores;

Who, after having exhibited their respective full powers, found in good and due form, have agreed upon the following Articles:—

Los cuales, después de haberse exhibido sus respectivos plenos poderes, hallados en buena y debida forma, han convenido en los artículos siguientes:

ARTICLE I.

ARTÍCULO Iº.

The high contracting parties agree to submit to arbitration the question whether any, and, if any,

Las Altas Partes contratantes convienen en someter á arbitramento la cuestión de si el Gobierno

Claim of Venezuela Steam Transportation Company against Venezuela submitted to arbitration.

what indemnity shall be paid by the Government of the United States of Venezuela to the Government of the United States of America for the alleged wrongful seizure, detention and employment in war or otherwise of the Steamships *Hero*, *Nutrias* and *San Fernando*, the property of the "Venezuela Steam Transportation Company," a corporation existing under the laws of the State of New York, and a citizen of the United States, and the imprisonment of its officers, citizens of the United States.

de los Estados Unidos de Venezuela debe pagar al Gobierno de los Estados Unidos de América alguna indemnización, y, en caso afirmativo, el quantum de ella por alegado injusto embargo, detencion y empleo en guerra ó en otra cosa de los vapores Héroe, Nutrias y San Fernando, de la propiedad de la "Compañía de Transporte por vapor de Venezuela," corporación establecida con arreglo á las leyes del Estado de Nueva York, y ciudadano de los Estados Unidos, y por la prisión de sus empleados, ciudadanos de los Estados Unidos.

ARTICLE II.,

ARTÍCULO 2º.

Appointment of Commissioners.

The question stated in Article I., shall be submitted to a board of three Commissioners, one to be appointed by the President of the United States of America, one by the President of the United States of Venezuela, and the third who shall not be either an American or a Venezuelan citizen, to be chosen by the two appointed as aforesaid; but if, within ten days from the time of their first meeting as hereinafter provided, they cannot agree upon the third Commissioner, the Secretary of State of the United States and the Venezuelan Minister at Washington shall forthwith request either the Diplomatic representative of Belgium or that of Sweden and Norway at that capital to name him subject to the restriction aforesaid.

La cuestión expresada en el artículo 1º será sometida á una Junta de tres comisionados, elegidos uno por el Presidente de los Estados Unidos de América, otro por el Presidente de los Estados Unidos de Venezuela, y el tercero, que no debe ser ciudadano Americano ni Venezolano, por los dos así nombrados; mas, si dentro de diez dias contados desde el de su primera reunión, según lo dispuesto en adelante, no pudieren convenir en el tercer comisionado, entonces el Secretario de Estado de los Estados Unidos y el Ministro de Venezuela en Washington pedirán inmediatamente que lo nombre, con la restricción dicha, al Representante Diplomático de Bélgica ó al de Suecia y Noruega en aquella capital. Los Comisionados elegibles por el Presidente de los Estados Unidos de América y el Presidente de los Estados Unidos de Venezuela, serán nombrados dentro de un mes, contando desde la fecha del canje de las ratificaciones de este convenio. En caso de muerte, renuncia ó incapacidad de alguno de los comisionados y en el de cesar ó no entrar en sus funciones, se llenará la vacante del mismo modo que se dispone aquí respecto del primer nombramiento.

Appointment.

The Commissioners to be chosen by the President of the United States of America and the President of the United States of Venezuela shall be appointed within a month from the date of the exchange of the ratifications of this Convention.

Vacancies.

In case of the death, resignation or incapacity of any of the Commissioners, or in the event of any of them ceasing or omitting to act, the vacancy shall be filled in the same manner as is herein provided for the original appointment.

ARTICLE III.,

ARTÍCULO 3º.

Commission to meet in Washington.

The Commissioners appointed by the President of the United States of America and the President of

Los Comisionados nombrados por el Presidente de los Estados Unidos de América y el Presidente

the United States of Venezuela shall meet in the city of Washington at the earliest convenient moment within three months from the date of the exchange of the ratifications of this Convention, and shall proceed to the selection of a third Commissioner.

When such Commissioner shall have been chosen, either by agreement between the two first named, or in the alternate manner hereinbefore provided, the three Commissioners shall meet in the city of Washington at the earliest practicable moment within five months from the date of the exchange of the ratifications of this Convention, and shall subscribe, as their first act, a solemn declaration to examine and decide the claim submitted to them in accordance with justice and equity and the principles of international law.

The concurrent judgment of any two of the Commissioners shall be adequate for the decision of any question that may come before them, and for the final award.

ARTICLE IV.,

The Commissioners shall decide the claim on the Diplomatic correspondence between the two Governments relative thereto, and on such legal evidence as may be submitted to them by the high contracting parties within two months from the date of the first meeting of the full Commission.

Their decision shall be rendered within three months at farthest from the date of such first meeting, and shall be final and conclusive.

They shall hear one person as Agent in behalf of each Government and consider such arguments as either of such persons may present; and may, in their discretion, hear other counsel either in support of or in opposition to the claim.

ARTICLE V.,

If the award shall be in favor of the United States of America, the amount of the indemnity, which shall be expressed in American gold, shall be paid in cash at the city of Washington, in equal annual sums, without interest, within

de los Estados Unidos de Venezuela se reunirán en la ciudad de Washington, cuanto antes les sea posible, dentro de tres meses contados desde la fecha del canje de las ratificaciones de este convenio, y procederán á elegir el tercero.

Selection of third commissioner.

Elegido tal comisionado ó por acuerdo entre los dos primeramente nombrados o del modo alternativo aquí antes dispuesto, los tres comisionados se reunirán en la ciudad de Washington lo más pronto que les fuere dable, dentro de cinco meses contaderos desde la fecha del canje de las ratificaciones de este convenio, y su primer acto será suscribir la solemne declaración de examinar y decidir la reclamación á ellos sometida conforme á justicia y equidad y á los principios del derecho internacional.

Meeting of full commission.

El juicio acorde de dos cualesquiera de los comisionados, bastará para la decisión de toda cuestión que se les presente, y para el fallo definitivo.

Judgment of two commissioners binding.

ARTÍCULO 4º.

Los comisionados decidirán de la reclamación el mérito de la correspondencia diplomática que sobre ella ha mediado entre los dos Gobiernos, y de las pruebas legales que podrán someterles las Altas Partes contratantes dentro de dos meses contados desde la fecha de la primera junta de la Comisión plena. Su decisión será dada, cuando mas tarde, dentro de tres meses de la fecha de su primera reunión, y tendrá el carácter de definitiva y concluyente. Deberán oír á una persona que sirva de Agente á cada Gobierno y considerar los argumentos que ella presente, y á su discreción podrán oír otro abogado en pro ó en contra de la reclamación.

Evidence to be received.

Decision.

Agents to be heard.

ARTÍCULO 5º.

Si la sentencia fuere a favor de los Estados Unidos de América, el importe de la indemnización, que ha de expresarse en oro Americano, será pagado en efectivo en la ciudad de Washington en porciones anuales iguales sin intere-

Payment of award.

Expenses. five years from the date of the award, the first of the five payments to be made within eight months from that date. Each Government shall pay its own commissioner and agent, and all other expenses including clerk hire shall be borne by the two Governments in equal moieties.

sés, dentro de cinco años contados desde la fecha de la sentencia, debiendo efectuarse el primero de los cinco pagos dentro de ocho meses de aquella fecha.

Cada Gobierno pagará su propio comisionado; y la mitad de todos los demas gastos, inclusive el sueldo de secretario.

ARTICLE VI.,

ARTÍCULO 6º.

Ratification. This Convention shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof; and by the President of the United States of Venezuela, with the approval of the Congress thereof; and the ratifications shall be exchanged at Washington as soon as possible.

Este convenio sera ratificado por el Presidente de los Estados Unidos de América, con el consejo y consentimiento de Senado de los mismos, y por el Presidente de los Estados Unidos de Venezuela con la aprobación del Congreso de ellos, y las ratificaciones se canjearán en Washington cuanto antes sea posible.

Signatures. In witness whereof, the respective plenipotentiaries have signed and sealed the present Convention in duplicate, in the English and Spanish languages.

En testimonio de lo cual los respectivos plenipotenciarios han firmado y sellado por duplicado el presente convenio en inglés y en español.

Done at Carácas this nineteenth day of January, in the year of our Lord one thousand eight hundred and ninety-two.

Hecho en Caracas, á diez y nueve de Enero del año del Señor mil ochocientos noventa dos.

[SEAL.] WILLIAM L. SCRUGGS.
[SEAL.] RAFAEL SEIJAS

[SEAL.] WILLIAM L. SCRUGGS.
[SEAL.] RAFAEL SEIJAS

Exchange of ratifications.

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington on the 28th day of July, one thousand eight hundred and ninety-four;

Proclamation.

Now, therefore, be it known that I, Grover Cleveland, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause 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 30th day of July, in the year of our Lord, one thousand eight hundred and ninety-four, and
[SEAL.] of the Independence of the United States the one hundred and nineteenth.

GROVER CLEVELAND

By the President:
W. Q. GRESHAM
Secretary of State.