

Convention between the United States of America and the Republic of Venezuela: Concluded at Caracas, April 25, 1866; Proclaimed by the President of the United States, May 29, 1867.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: April 25, 1866.

A PROCLAMATION.

WHEREAS a convention between the United States of America and the Republic of Venezuela was concluded and signed by their respective plenipotentiaries at the city of Caracas, on the twenty-fifth day of April, in the year of our Lord one thousand eight hundred and sixty-six, which convention, being in the English and Spanish languages, is, word for word, as follows:—

Preamble.

The conclusion of a convention similar to those entered into with other republics, and by which the pending American claims upon Venezuela might be referred for decision to a mixed commission and an umpire, having been proposed to the Venezuelan government on behalf of the United States of America, as a means of examining and justly terminating such claims; and it having been thought that the adoption of the contemplated course will secure at least some of the advantages attending arbitration, so strongly recommended in article the 112th of the federal constitution of Venezuela, while it will preserve unimpaired, as reciprocally desired, the good understanding of both nations, the citizen first vice-president in charge of the presidency has accepted the above proposal, and authorized the minister for foreign relations to negotiate and sign the proper convention. Thereupon said minister and Mr. E. D. Culver, minister resident of the United States of America, also duly empowered for that purpose, have agreed upon the following:—

Habiéndose propuesto al Gobierno de parte de los Estados Unidos de América, como medio de considerar y resolver en justicia las reclamaciones pendientes de ciudadanos de ellos contra los Estados Unidos de Venezuela, la celebracion de un convenio análogo á los ajustados con otras repúblicas, y por el cual se pone la decision de tales asuntos en manos de una Comision Mixta y de un tercero en discordia, y habiéndose juzgado que así se logran, siquiera en parte, las ventajas del arbitramento, tan recomendado en el artículo 112 de la Constitucion Federal de Venezuela, al paso que se mantendrá siempre desembarazada la buena correspondencia de ambas naciones, segun mutuamente se desea; el Ciudadano Primer Designado en ejercicio de la Presidencia ha suscrito á la propuesta, y expedido al Ministro de Relaciones Exteriores las órdenes consiguientes para negociar y firmar la convencion respectiva. En esta virtud, dicho Ministro y el Señor E. D. Culver, Ministro Residente de los Estados Unidos de América, provisto de autorizacion bastante, han convenido en los artículos siguientes.

Contracting parties.

ARTICLES OF CONVENTION.

ARTICLE I.

ARTICULO 1º.

Claims upon
Venezuela to be
presented to a
mixed commis-
sion.

Commissioners,
how appointed.

Vacancies, &c.
how filled.

Commissioners
to meet when
and where;

to take oath;

to select an
umpire.

Umpire, how
to be named, if
commissioners
do not agree.

All claims on the part of corporations, companies or individuals, citizens of the United States, upon the government of Venezuela, which may have been presented to their government, or to its legation in Caracas, shall be submitted for examination and decision to a mixed commission, consisting of two members, one of whom shall be appointed by the government of the United States and the other by that of Venezuela. In case of death, absence, resignation or incapacity of either of the commissioners, or in the event of either of them omitting or ceasing to act, the government of the United States or that of Venezuela respectively, or the minister of the United States in Caracas, by authority of his government, shall forthwith proceed to fill the vacancy.

The commissioners so named shall meet in the city of Caracas within four months from the exchange of the ratifications of this convention; and before proceeding to business they shall make solemn oath that they will carefully examine and impartially decide according to justice, and in compliance with the provisions of this convention, all claims submitted to them, and such oath shall be entered on the record of their proceedings.

The commissioners shall then proceed to appoint an umpire to decide upon any case or cases concerning which they may disagree, or upon any point of difference that may arise in the course of their proceedings. And if they cannot agree in the selection, the umpire shall be named by the diplomatic representative either of Switzerland or of Russia, in Washington, on the previous invitation of the high contracting parties.

ARTICLE II.

Commissioners
to examine
claims.

So soon as the umpire shall have been appointed, the commissioners shall proceed without delay to examine the claims which may be pre-

Todas las reclamaciones contra Venezuela que corporaciones, compañías ó ciudadanos particulares de los Estados Unidos de América hayan presentado á su Gobierno ó á la legacion de ellos en Carácas, serán sometidas al exámen y decision de una Comision Mixta compuesta de dos individuos nombrados uno por el Gobierno de Venezuela y otro por el de los Estados Unidos. En los casos de muerte, ausencia, renuncia ó incapacidad de alguno de los comisionados, ó de que falte ó cese en el ejercicio de sus funciones, el Gobierno de Venezuela ó el de los Estados Unidos respectivamente ó el Ministro de los Estados Unidos en Carácas con autorizacion de su Gobierno procederán inmediatamente á llenar la vacante.

Los comisionados así elegidos se reunirán en la ciudad de Carácas dentro de cuatro meses contados desde el canje de las ratificaciones de este convenio; y antes de entrar en el ejercicio de su encargo, prestarán, el solemne juramento de examinar escrupulosamente y decidir con imparcialidad y justicia y segun lo estipulado en este convenio, todas las reclamaciones que les fueren sometidas. Tal juramento constará en el registro de sus trabajos.

Los Comisionados procederán en seguida á nombrar un árbitro para que decida los casos en que ellos no estén de acuerdo, ó las diferencias que se susciten en el curso de sus actos. Si no pudieran convenirse en la eleccion del árbitro, este será nombrado por el Agente diplomático de Suiza ó el de Rusia en Washington, previa invitacion de las altas partes contratantes.

ARTICULO 2º.

Luego que haya sido nombrado el árbitro, los Comisionados procederán sin demora á examinar las reclamaciones que se les presenten en virtud

sented to them under this convention, and they shall, if required, hear one person in behalf of each government on every separate claim. Each government shall furnish, on request of either commissioner, all such documents and papers in its possession as may be deemed important to the just determination of any claim.

In cases where they agree to award an indemnity, they shall determine the amount to be paid, and issue certificates of the same. In cases where the commissioners cannot agree, the point of difference shall be referred to the umpire, before whom each of the commissioners may be heard, and whose decision shall be final.

The commissioners shall make such decision as they shall deem, in reference to such claims, conformable to justice, even though such decisions amount to an absolute denial of illegal pretensions, since the including of any such in this convention is not to be understood as working prejudice in favor of any one, either as to principles of right or matters of fact.

ARTICLE III.

The commissioners shall issue certificates of the sums to be paid to the claimants, respectively, by virtue of their decisions or those of the umpire, and the aggregate amount of all sums awarded by the commissioners, and of all sums accruing from awards made by the umpire, shall be paid to the government of the United States. Payments of said sums shall be made in equal annual payments, to be completed within ten years from the date of the termination of the labors of the commission; the first payment to be made six months from same date. Semiannual interest shall be paid on the several sums awarded, at a rate of five per cent. per annum from the date of the termination of the labors of the commission.

ARTICLE IV.

The commission shall terminate its labors in twelve months from the

de este convenio; y oirán, si fuere necesario, á una persona de parte de cada Gobierno sobre cada reclamacion. Cada Gobierno suministrará á los Comisionados, á solicitud de cualquiera de ellos, todos los documentos y papeles que esten en su poder, y se juzguen importantes para determinar en justicia cualquier reclamacion.

Cuando los Comisionados convengan en otorgar alguna indemnizacion, fijarán la cantidad que deba pagarse y expedirán certificados al efecto. En los casos en que no puedan ponerse de acuerdo, los puntos de discordia se someterán al árbitro, ante el cual podrá ser oído cada uno de los comisionados, y cuya decision será definitiva.

Los Comisionados librarán acerca de las reclamaciones las sentencias que estimen arregladas á justicia, aunque por ellas se nieguen absolutamente las pretensiones ilegítimas, pues con su inclusion en este convenio nada se prejuzga á favor de ninguna, ni en cuanto á los principios de derecho ni á los puntos de hecho.

ARTICULO 3°.

Los Comisionados expedirán certificados de las sumas que hayan de pagarse á los reclamantes respectivamente en virtud de sus fallos ó de los fallos del árbitro; y el importe total de las dichas sumas concedidas por los Comisionados ó por el árbitro, será pagado al Gobierno de los Estados Unidos. El pago se hará en porciones anuas iguales, debiendo quedar completo dentro de diez años contados desde la fecha del término de los trabajos de la Comision, y empezarse á los seis meses de la misma fecha. Por las varias sumas decretadas se pagará cada seis meses el interes de cinco por ciento al año, entendiéndose que no empieza á correr hasta la fecha en que la Comision concluya sus tareas.

ARTICULO 4°.

La Comision terminará sus trabajos á los doce meses contados

Papers and documents.

Award of indemnity and certificates.

Proceedings, if commissioners do not agree.

Decision of the commissioners.

Amount of awards to be paid to the United States in ten equal annual payments.

First payment.

Interest.

Commission, when to terminate labors.

date of its organization, except that thirty days' extension may be given to issue certificates, if necessary, on the decisions of the umpire in the case referred to in the following article. They shall keep a record of their proceedings, and may appoint a secretary.

Records of
commission.
Secretary.

ARTICLE V.

Decisions of
commission and
of umpire to be
final, &c.

The decisions of this commission and those (in case there may be any) of the umpire, shall be final and conclusive as to all pending claims at the date of their installation. Claims which shall not be presented within the twelve months herein prescribed will be disregarded by both governments, and considered invalid.

Claims not pre-
sented to be
deemed invalid.

Cases pending
before umpire at
the termination
of the commis-
sion.

In the event that, upon the termination of the labors of said commission, there should remain pending one or more cases before the umpire awaiting his decision, the said umpire is authorized to make his decision and transmit same to the commissioners, who shall issue their certificates thereupon and communicate [them] to each government, which shall be held binding and conclusive; provided, however, that his decision shall be given within thirty days from the termination of the labors of the commission, and after the expiration of the said thirty days any decision made shall be void and of no effect.

ARTICLE VI.

Pay and ex-
penses of com-
mission.

Each government shall pay its own commissioner, and shall pay one half of what may be due the umpire and secretary, and one half the incidental expenses of the commission.

ARTICLE VII.

Ratification to
be exchanged,
&c.

The present convention shall be ratified and the ratification exchanged, so soon as may be practicable, in the city of Caracas.

Signature.

In testimony whereof, the plenipotentiaries have signed this convention and hereunto affixed the seals of the ministry of foreign relations

desde el día de su instalación, aunque podrá tener una próroga de treinta días, si fuere necesaria, para certificar las decisiones del árbitro en el caso de que trata en el artículo siguiente; llevará un registro de sus actos, y podrá nombrar un Secretario.

ARTICULO 5°.

Los fallos de esta Comision y en su caso los del árbitro decidirán definitivamente é irrevocablemente todas las reclamaciones pendientes el dia de su instalación. Las que no se presenten dentro de los doce meses aqui prescritos, serán desechadas por ambos Gobiernos y se considerarán nulas.

En caso de que, al concluirse los trabajos de dicha Comision, quedaren pendientes una ó mas decisiones del árbitro, se autoriza á este para pronunciar su fallo y enviarlo á los Comisionados, que lo certificarán y transmitirán á cada Gobierno, teniéndose como obligatorio é irrevocable. Sin embargo, el árbitro deberá dar sus decisiones dentro de los treinta dias siguientes al término de las labores de la Comision, quedando sin valor ni efecto las que pronunciare despues.

ARTICULO 6°.

Cada Gobierno costeará su respectivo Comisionado, pagará la mitad de lo que se asigne al árbitro y al Secretario, y tambien satisfará los gastos accidentales de la Comision.

ARTICULO 7°.

La presente convencion será ratificada, y sus ratificaciones se cangearán, en la ciudad de Carácas cuanto ántes fuere posible.

Eu fé de lo cual los Plenipotenciarios han firmado esta convencion y selládola con los sellos del Ministerio de Relaciones Exteriores de los Es-

of the United States of Venezuela, and of the legation of the United States of America, in Caracas, this twenty-fifth day of April, in the year one thousand eight hundred and sixty-six.

The Minister Resident of the United States of America,

[L. s.] E. D. CULVER.

Minister of Foreign Relations of the United States of Venezuela,

[L. s.] RAFAEL SEIJAS.

tados Unidos de Venezuela y de la legacion de los Estados Unidos de América en Carácas á viente y cinco de Abril de mil ochocientos sesenta y seis.

El Ministro de Relaciones Exteriores de los Estados Unidos de Venezuela,

[L. s.] RAFAEL SEIJAS.

El Ministro Residente de los Estados Unidos de América,

E. D. CULVER.

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Caracas on the tenth day of April last :

Ratified.

Now, therefore, be it known that I, ANDREW JOHNSON, 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.

Proclaimed.

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 the twenty-ninth day of May, in the

[SEAL.]

year of our Lord one thousand eight hundred and sixty-seven, and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*