

VENEZUELA.

VENEZUELA, 1836.

TREATY OF PEACE, FRIENDSHIP, NAVIGATION, AND COMMERCE BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF VENEZUELA, CONCLUDED AT CARACAS JANUARY 20, 1836; RATIFICATION ADVISED BY SENATE MARCH 23, 1836; RATIFIED BY PRESIDENT APRIL 20, 1836; RATIFICATIONS EXCHANGED AT CARACAS MAY 31, 1836; PROCLAIMED JUNE 20, 1836.

Jan. 20, 1836.

[This treaty was terminated January 3, 1851, pursuant to notice from Venezuela, under Article XXXIV.]

Treaty of peace, friendship, navigation, and commerce, between the United States of America and the Republic of Venezuela.

The United States of America and the Republic of Venezuela, desiring to make lasting and firm the friendship and good understanding which happily prevails between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall, in future, be religiously observed between the one and the other, by means of a treaty of friendship, commerce, and navigation. For this most desirable object, the President of the United States of America has conferred full powers on John G. A. Williamson, a citizen of the said States, and their Chargé d'Affaires to the said Republic, and the President of the Republic of Venezuela on Santos Michelena, a citizen of the said Republic; who, after having exchanged their said full powers, in due and proper form, have agreed to the following articles :

Contracting parties.

Negotiators.

ARTICLE I.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of Venezuela, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

Peace and friendship.

ARTICLE II.

The United States of America and the Republic of Venezuela, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage, mutually, not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

Favors granted to other nations to become common.

ARTICLE III.

The two high contracting parties being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there in all kinds of produce, manufactures, and merchandize; and they shall enjoy all the rights, privileges and exemptions, in navigation and commerce, which native citizens do or shall

Freedom of commerce and navigation.

enjoy, submitting themselves to the laws, decrees and usages there established, to which native citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved, by the parties respectively, according to their own separate laws.

ARTICLE IV.

Equality of duties on importations.

They likewise agree that whatever kind of produce, manufactures, or merchandize, of any foreign country, can be from time to time lawfully imported into the United States, in their own vessels, may be also imported in vessels of the Republic of Venezuela; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in the vessels of the one country or of the other. And, in like manner, that whatever kind of produce, manufactures, or merchandize, of any foreign country, can be from time to time lawfully imported into the Republic of Venezuela, in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessels and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or of the other. And they agree that whatever may be lawfully exported or re-exported from the one country in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other country. And the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the Republic of Venezuela.

ARTICLE V.

Nationality of Venezuelan vessels.

For the better understanding of the preceding article, and taking into consideration the actual state of the commercial marine of the Republic of Venezuela, it has been stipulated and agreed that all vessels belonging exclusively to a citizen or citizens of said Republic, and whose captain is also a citizen of the same, though the construction or crew are or may be foreign, shall be considered, for all the objects of this treaty, as a Venezuelan vessel.

ARTICLE VI.

Equality of duties on produce of either country.

No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufactures of the Republic of Venezuela, and no higher or other duties shall be imposed on the importation into the Republic of Venezuela of any articles the produce or manufacture of the United States, than are or shall be payable on the like articles being the produce or manufactures of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States or to the Republic of Venezuela, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States or of the Republic of Venezuela, to or from the territories of the United States, or to or from the territories of the Republic of Venezuela, which shall not equally extend to all other nations.

ARTICLE VII.

Management of business, &c.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage themselves their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and

sale of their goods and merchandize by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or, at least, to be placed on a footing with the subjects or citizens of the most favoured nation.

ARTICLE VIII.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandizes, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

Embargo or detention.

ARTICLE IX.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity; giving to them all favour and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage, without obstacle or hindrance of any kind.

Vessels seeking refuge.

ARTICLE X.

All the ships, merchandize, and the effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights before the competent tribunals; it being well understood, that the claim should be made within the term of one year, by the parties themselves, their attorneys, or agents of the respective Governments.

Captures by pirates.

ARTICLE XI.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandize and effects, without exacting for it any duty, impost, or contribution whatever, until they may be exported, unless they be destined for consumption.

Wrecked or damaged vessels.

ARTICLE XII.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato; and they may take possession thereof either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And if, in the case of real [e]state, the said heirs would be prevented from entering into the possession of the inheritance on account of their [c]haracter of aliens, there shall be granted to them the term of three

Disposal and inheritance of personal property.

Heirs to real estate.

years, to dispose of the same as they may think proper, and to withdraw the proceeds without molestation, nor any other charges than those which are imposed by the laws of the country.

ARTICLE XIII.

Protection to persons and property.

Both the contracting parties promise and engage, formally, to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited on the said trials.

ARTICLE XIV.

Security of conscience.

Right of burial.

The citizens of the United States residing in the territories of the Republic of Venezuela shall enjoy the most perfect and entire security of conscience, without being annoyed, prevented, or disturbed on account of their religious belief. Neither shall they be annoyed, molested, or disturbed in the proper exercise of their religion in private houses, or in the chapels or places of worship appointed for that purpose, with the decorum due to divine worship, and with due respect to the laws, usages, and customs of the country. Liberty shall also be granted to bury the citizens of the United States who may die in the territories of the Republic of Venezuela, in convenient and adequate places, to be appointed and established by themselves for that purpose, with the knowledge of the local authorities, or in such other places of sepulture as may be chosen by the friends of the deceased; nor shall the funerals or sepulchres of the dead be disturbed in any wise nor upon any account. In like manner, the citizens of Venezuela shall enjoy within the Government and territories of the United States a perfect and unrestrained liberty of conscience and of exercising their religion publicly or privately, within their own dwelling-houses, or in the chapels and places of worship appointed for that purpose, agreeable to the laws, usages, and customs of the United States.

ARTICLE XV.

Neutral trade.

It shall be lawful for the citizens of the United States of America and of the Republic of Venezuela to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandizes laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall, likewise, be lawful for the citizens aforesaid to sail with their ships and merchandizes before mentioned, and to trade with the same liberty and security, from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several; and it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should

Free ships make free goods.

appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board a free ship, with this effect, that, although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers or soldiers and in the actual service of the enemies. Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those Powers only who recognise this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

Limitation of the principle.

ARTICLE XVI.

It is likewise agreed, that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulations, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it: but the contracting parties agree that two months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case, the goods and merchandizes of the neutral, embarked in such enemy's ship, shall be free.

Neutral property on enemy's vessels.

ARTICLE XVII.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended:

Contraband articles.

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuses, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2d. Bucklers, helmets, breastplates, coats of mail, infantry-belts, and clothes made up in the form and for military use.

3d. Cavalry-belts and horses with their furniture.

4th. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials, manufactured, prepared, and form[ed] expressly to make war by sea or land.

ARTICLE XVIII.

All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner, by the citizens of both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

Goods not contraband.

ARTICLE XIX.

The articles of contraband before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the

Confiscation of contraband articles.

ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great or of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

ARTICLE XX.

Blockaded ports. And whereas it frequently happens that vessels sail for a port or places belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from any officer commanding a vessel of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE XXI.

Regulation of visits at sea. In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon-shot, and may send its boats with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of the said armed ships shall be responsible, with their persons and property; for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit; and it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

ARTICLE XXII.

Sea letters or passports. To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters, or passports, expressing the name, property, and bulk of the ships, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that said ship really and truly belongs to the citizens of one of the parties: they have likewise agreed that such ship, being laden, besides the said sea-letters, or passports, shall also be provided with certificates containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sail[ed], in the accustomed form. Without

such requisites said vessels may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and satisfied or supplied by testimony entirely equivalent.

ARTICLE XXIII.

It is further agreed, that the stipulations above expressed relative to the visiting and examination of vessels, shall apply only to those which sail without convoy, and when said vessels shall be under convoy the verbal declaration of the commander of the convoy, on his word of honour, that the vessels under his protection belong to the nation whose flag he carries, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

Vessels under
convoy.

ARTICLE XXIV.

It is further agreed that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them; and whenever such tribunals, of either party, shall pronounce judgment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reason or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel without any delay, he paying the legal fees for the same.

Prize courts and
decrees.

ARTICLE XXV.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque, for the purpose of assisting or co-operating hostilely with the said enemy against the said party so at war, under the pain of being considered as a pirate.

Letters of
marque.

ARTICLE XXVI.

If, by any fatality, which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever the[y] please, giving to them the safe-conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations, who may be established in the territories or dominions of the United States and of the Republic of Venezuela, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

Rights of resi-
dents in case of
war.

ARTICLE XXVII.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor moneys which they may have in public funds, nor in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

Debts, &c., not
to be confiscated.

ARTICLE XXVIII.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the Envoys, Ministers, and other pub-

Envoys, minis-
ters, &c.

lic agents, the same favours, immunities, and exemptions, which those of the most favoured nation do or shall enjoy; it being understood that whatever favours, immunities, or privileges the United States of America or the Republic of Venezuela may find it proper to give to the Ministers and other public agents of any other Power, shall, by the same act, be extended to those of each of the contracting parties.

ARTICLE XXIX.

Consuls and vice-consuls.

To make more effectual the protection which the United States and the Republic of Venezuela shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favoured nation; each contracting party, however, remaining at liberty to ex[c]ept those ports and places in which the admission and residence of such Consuls [and Vice-Consuls] may not seem convenient.

ARTICLE XXX.

Exequaturs.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and, having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

ARTICLE XXXI.

Exemptions of consular officers.

It is likewise agreed that the Consuls, their secretaries, officers, and persons attached to the service of Consul, they not being citizens of the country in which the Consul resides, shall be exempt from all kinds of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject, being in everything besides subject to the laws of the respective States. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

ARTICLE XXXII.

Deserters from vessels.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing; proving by an exhibition of the registers of the vessel's or ship's roll, or other public documents, that those men were part of the said crews, and on this demand so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said Consuls, and may be put in the public prisons, at the request and expence of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ARTICLE XXXIII.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare especially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

Consular convention.

ARTICLE XXXIV.

The United States of America and the Republic of Venezuela, desiring to make as durable as circumstances will permit the relations which are to be established between the two parties by virtue of this treaty of peace, amity, commerce, and navigation, have declared solemnly and do agree to the following points:

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of the exchange of the ratifications, and further, until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of twelve years; and it is hereby agreed between them that, on the expiration of one year after such notice shall have been received by either from the other party, this treaty in all its parts relative to commerce and navigation shall altogether cease and determine, and in all those parts which relate to peace and friendship it shall be perpetually and permanently binding on both powers.

Duration of treaty.

2d. If any one of [or] more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and harmony and good correspondence between the two nations shall not be interrupted thereby, each party engaging in no way to protect the offender, or sanction such violation.

Infringements of treaty.

3d. If, (what, indeed, cannot be expected,) unfortunately, any of the articles in the present treaty shall be violated or infringed in any other way whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any act of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice, and the same shall have been either refused or unreasonably delayed.

Reprisals and declarations of war.

4th. Nothing in this treaty contained shall, however, be *constructed* [construed] or operate contrary to former and existing public treaties with other Sovereigns and States.

Treaties with other nations not affected.

The present treaty of peace, amity, commerce, and navigation, shall be approved and 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 Republic of Venezuela, with the consent and approbation of the Congress of the same; and the ratifications shall be exchanged in the city of Caracas, within eight months, to be counted from the date of the signature hereof, or sooner if possible.

Ratifications.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Republic of Venezuela, have signed and sealed these presents.

Signatures.

Done in the city of Caracas, on the twentieth day of January, in the year of our Lord one thousand eight hundred and thirty-six, and in the sixtieth year of the Independence of the United States of America, and the twenty-sixth of that of the Republic of Venezuela.

Date.

JOHN G. A. WILLIAMSON. [L. S.]
SANTOS MICHELENA. [L. S.]

Interest at the rate of five per cent. per annum shall be paid on the gross amount of indemnity, commencing from the 1st day of this present month, January, 1859, and being added to the several instalments as they fall due. The interest being always computed on the amount of indemnity, remaining unpaid at the time of the payment of the several instalments.

Interest.

ARTICLE III.

In consideration of the above agreement and indemnification, the Government of the United States, and the individuals in whose behalf they have been made, agree to desist from all further reclamation respecting the Island of Aves.

No further claims to be made.

ARTICLE IV.

This agreement shall be submitted to the present National Convention, and in case it should not be ratified by it before the closing of its present session, then it shall be considered null and void.

Ratifications.

Valencia, January the fourteenth, of eighteen hundred and fifty-nine.

Date.

E. A. TURPIN.
LUIS SANOJO.

The National Convention having seen the foregoing agreement concluded on the fourteenth of January last past between the Secretary of Foreign Relations of the Republic and the Minister Resident of the United States,

Resolves, To give its approval to the convention aforesaid with the suppression, in article 3d, of the second part, which is as follows :

"Abandoning to the Republic of Venezuela whatever rights might pertain to them," (rights to Aves Island;) and with the provision that the interest stipulated in article 2d shall always be simple interest, which shall only be paid successively, on the unpaid principal.

Done at Valencia in the Hall of Sessions of the National Convention, February first, one thousand eight hundred and fifty-nine.

The President, F. TORO.
The Secretary, R. RAMIREZ.

VALENCIA, February 3, 1859.

Let it be executed.

J. CASTRO.

By His Excellency.

The Secretary of State in the Department of Foreign Relations,
LUIS SANOJO.

A copy.

The Assistant Secretary of Foreign Relations,
R. VALENZUELA. [L. S.]

VENEZUELA, 1860.

TREATY OF AMITY, COMMERCE, NAVIGATION, AND FOR SURRENDER OF FUGITIVE CRIMINALS, BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF VENEZUELA, CONCLUDED AT CARACAS AUGUST 27, 1860; RATIFICATION ADVISED BY SENATE FEBRUARY 12, 1861; RATIFIED BY PRESIDENT FEBRUARY 25, 1861; RATIFICATIONS EXCHANGED AT CARACAS AUGUST 9, 1861; PROCLAIMED SEPTEMBER 25, 1861.

Aug. 27, 1860.

[This treaty was terminated October 22, 1870, pursuant to notice from Venezuela, under Article XXXI.]

The United States of America and the Republic of Venezuela, equally animated with the desire of maintaining the cordial relations, and of tightening, if possible, the bonds of friendship between the two countries, as well as to augment, by all the means at their disposal, the commer-

Contracting parties.

cial intercourse of their respective citizens, have mutually resolved to conclude a general convention of amity, commerce, and navigation, and for the surrender of fugitive criminals. For this purpose they have appointed as their Plenipotentiaries, to wit:

Negotiators.

The President of the United States, Edward A. Turpin, Minister Resident near the Government of Venezuela; and the President of Venezuela, Pedro de las Casas, Secretary of State in the Department of Foreign Relations;

Who, after a communication of their respective full powers, have agreed to the following articles:

ARTICLE I.

Peace and friendship.

It is the intention of the high contracting parties that there shall continue to be a firm, inviolable, and universal peace, and a true and sincere friendship between the Republics of the United States of America and Venezuela, and between their respective countries, territories, cities, towns, and people, without exception of persons or places. If, unfortunately, the two nations should become involved in war, one with the other, the term of six months after the declaration thereof shall be allowed to the merchants and other citizens and inhabitants respectively, on each side, during which time they shall be at liberty to withdraw themselves, with their effects and movables; which they shall have the right to carry away, send away, or sell, as they please, without the least obstruction; nor shall their effects, much less their persons, be seized during such term of six months; on the contrary, passports shall be valid for a term necessary for their return, and shall be given to them for their vessels and the effects which they may wish to carry with them or send away, and such passports shall be a safe conduct against the insults and captures, which privateers may attempt against their persons and effects, and the money, debts, shares in the public funds, or in banks, or any other property, personal or real, belonging to the citizens of the one party in the territories of the other shall not be confiscated or sequestrated.

Rights of residents in case of war.

Passports.

ARTICLE II.

Exemption from military service, &c.

The citizens of each of the high contracting parties, residing or established in the territory of the other, shall be exempt from all compulsory military service by sea or by land, and from all forced loans or military exactions or requisitions; nor shall they be compelled to pay any contributions whatever higher or other than those that are or may be paid by native citizens.

ARTICLE III.

Privileges of residence, business, &c.

The citizens of the contracting parties shall be permitted to enter, sojourn, settle, and reside in all parts of said territories, and such as may wish to engage in business shall have the right to hire and occupy warehouses, provided they submit to the laws, as well general as special, relative to the rights of travelling, residing, or trading. While they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business, subject to the jurisdiction of either party, as well in respect to the consignment and sale of their goods by wholesale or retail, as with respect to the loading, unloading, and sending off their ships. They may also employ such agents or brokers as they may deem proper, and shall in all these cases be treated as the citizens of the country wherein they reside; it being, nevertheless, distinctly understood that they shall be subject to such laws and regulations also in respect to wholesale or retail. They shall have free access to the tribunals of justice, in cases to which they may be a party, on the same terms which are granted by the laws and usage of the country to native citizens; for which purpose they may employ in defense of their interests and rights such advocates, attorneys, and other agents as they may think proper.

Employment of agents.

Access to courts.

ARTICLE IV.

The citizens of each of the high contracting parties, residing in the other, shall enjoy the most perfect liberty of conscience. They shall be subjected to no inconveniences whatever on account of their religious belief; nor shall they in any manner be annoyed or disturbed in the exercise of their religious worship in private houses, or in the chapels and places which they may select for that purpose, provided that, in so doing, they observe the decorum due to the laws, usages, and customs of the country. It is likewise agreed that the citizens of the one country, dying in the territory of the other, may be interred either in the ordinary cemeteries, or in such others as may be selected for that purpose by their own Government, or by their personal friends or representatives, with the consent of the local authorities. All such cemeteries, and funeral processions going to or returning from them, shall be protected from violation or disturbance.

Liberty of conscience.

Rights of burial.

ARTICLE V.

The citizens of each of the high contracting parties, within the jurisdiction of the other, shall have power to dispose of their personal property by sale, donation, testament, or otherwise; and their personal representatives being citizens of the other contracting party, shall succeed to their personal property, whether by testament or ab intestato. They may take possession thereof, either by themselves, or by others acting for them, at their pleasure, and dispose of the same, paying such duty only as the citizens of the country wherein the said personal property is situated shall be subject to pay in like cases. In the absence of a personal representative, the same care shall be taken of the property as by law would be taken of the property of a native in a similar case, whilst the lawful owner may take measures for securing it. If a question should arise among claimants as to the rightful ownership of the property, the same shall be [finally] decided by the judicial tribunals of the country in which it is situated.

Disposal and inheritance of personal property.

Property of absent heirs.

When, on the decease of any person holding real estate within the territory of one party, such real estate would by the law of the land descend on a citizen of the other, were he not disqualified by alienage, the longest term which the laws of the country in which it is situated will permit shall be accorded to him to dispose of the same; nor shall he be subjected, in doing so, to higher or other dues than if he were a citizen of the country wherein such real estate is situated.

Heirs to real estate.

ARTICLE VI.

The high contracting parties hereby agree that whatever kind of produce, manufactures, or merchandize, of any foreign country, can be from time to time lawfully imported into the United States, in their own vessels, may also be imported in the vessels of Venezuela, and no higher or other duties upon the tonnage or cargo of the vessels shall be levied or collected, whether the importation be made in a vessel under the flag of the United States or a vessel under the flag of Venezuela. And, reciprocally, whatever kind of produce, manufactures, or merchandize, of any foreign country, can be from time to time lawfully imported into Venezuela, in her own vessels, may also be imported in vessels of the United States; and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in a vessel under the flag of Venezuela or under the flag of the United States.

Equality of duties on imports in vessels of either party.

Whatever can be lawfully exported or re-exported by one party, in its own vessels, to any foreign country, may in like manner be exported or re-exported in the vessels of the other; and the same duties, bounties, and drawbacks shall be collected and allowed, whether such exporta-

Equality of duties on exports.

tion or re-exportation be made in vessels of the one or the other. Nor shall higher or other charges of any kind be imposed in the ports of one party on vessels of the other than are or shall be payable in the same ports by national vessels.

ARTICLE VII.

Coasting trade.

The preceding article is not applicable to the coasting trade of the contracting parties, which is respectively reserved by each exclusively for its own citizens. But vessels of either country shall be allowed to discharge a part of their cargo[s] at one port, and proceed to any other port or ports in the territories of the other to discharge the remainder, without paying higher or other port charges or tonnage dues than would be paid by national vessels in such cases, so long as this liberty shall be conceded to any foreign vessels by the laws of both countries.

ARTICLE VIII.

Nationality of Venezuelan vessels.

For the better understanding of the preceding stipulations, it has been agreed that every vessel belonging exclusively to a citizen or citizens of Venezuela, and whose captain is also a citizen of the same, such vessel having also complied with all the other requisites established by law to acquire such national character, though the construction and crew are or may be foreign, shall be considered, for all the objects of this treaty, as a Venezuelan vessel.

ARTICLE IX.

Equality of duties on produce of either country.

No higher or other duty shall be imposed on the importation into the United States of any article the growth, produce, or manufacture of Venezuela, or of her fisheries, and no higher or other duty shall be imposed on the importation into Venezuela of any article the growth, produce, or manufacture of the United States or their fisheries, than are or shall be payable on the like articles the growth, produce, or manufacture of any other foreign country or its fisheries. No other or higher duties or charges shall be imposed in the United States on the exportation of any article to Venezuela, nor in Venezuela on the exportation of any article to the United States, than such as are or shall be payable on the exportation of the like article to any other foreign country.

Equality of prohibitions.

No prohibition shall be imposed on the importation of any article the growth, produce, or manufacture of the United States or their fisheries, or of Venezuela and her fisheries, from or to the ports of the United States or Venezuela, which shall not equally extend to every other foreign country. If, however, either party shall hereafter grant to any other nation any particular favour in navigation or commerce, it shall immediately become common to the other party, freely, where it shall be freely granted to such other nation, or for the same equivalent, when the grant shall be conditional.

Favors granted to other nations to become common.

Discriminating duties.

Should one of the high contracting parties hereafter impose discriminating duties upon the products of any other nation, the other party shall be at liberty to determine the manner of establishing the origin of its own products intended to enter the country by which the discriminating duties are imposed.

ARTICLE X.

ARTICLE XI.

Wrecked or damaged vessels.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts or within the jurisdiction of the other, their respective citizens shall receive, as well for themselves as for their

vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happened; and they shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in a like case.

If the repairs which a stranded vessel may require shall render it necessary that the whole or any part of her cargo should be unloaded, no duties of custom, charges, or fees on such cargo as may be carried away shall be paid, except such as are payable in like case by national vessels.

Repairs.

It is understood, nevertheless, that if, while the vessel is under repair, the cargo shall be unladen and kept in a place of deposit destined for the reception of goods, the duties on which have not been paid, the cargo shall be liable to the charges and fees lawfully due to the keepers of such warehouses.

ARTICLE XII.

It shall be lawful for the citizens of either country to sail with their ships and merchandize (contraband goods always excepted) from any port whatever to any port of the enemy of the other, and to sail and trade with their ships and merchandize, with perfect security and liberty, from the countries, ports, and places of those who are enemies of either party, without any opposition or disturbance whatsoever, and to pass not only directly from the places and ports of the enemy aforementioned to neutral ports and places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be or be not under the jurisdiction of the same Power, unless such ports or places be effectively blockaded, besieged, or invested.

Neutral trade.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is either besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but she shall not be detained, nor any part of her cargo (if not contraband) be confiscated, unless, after notice of such blockade or investment, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper, provided the same be not blockaded, besieged, or invested. Nor shall any vessel of either of the parties that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo; nor, if found therein after the reduction and surrender of such place, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

Blockaded ports

ARTICLE XIII.

In order to regulate what shall be deemed contraband of war, there shall be comprised under that denomination gunpowder, saltpetre, petards, matches, balls, bombs, grenades, carcasses, pikes, halberds, swords, belts, pistols, holsters, cavalry saddles and furniture, cannons, mortars, their carriages and beds, and generally all kinds of arms, ammunition of war, and instruments fit for the use of troops. All the above articles, whenever they are destined to the port of an enemy, are hereby declared to be contraband, and just objects of confiscation; but the vessel in which they are laden, and the residue of the cargo, shall be considered free, and not in any manner infected by the prohibited goods, whether belonging to the same or a different owner.

Contraband articles.

ARTICLE XIV.

It is hereby stipulated that free ships shall give a freedom to goods, and that everything shall be deemed free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be

Free ships make free goods.

extended to persons who are on board a free ship, with this effect, that, although they be enemies to either party, they are not to be taken out of that free ship unless they are soldiers and in actual service of the enemy.

ARTICLE XV.

Examination of
vessels.

In time of war the merchant-ships belonging to the citizens of either of the contracting parties which shall be bound to a port of the enemy of one of the parties, and concerning whose voyage and the articles of their cargo there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports or roads, not only their passports, but likewise their certificates, showing that their goods are not of the quality of those which are specified to be contraband in the thirteenth article of the present convention.

ARTICLE XVI.

Passports and
certificates.

And that captures on light suspicions may be avoided, and injuries thence arising prevented, it is agreed that, when one party shall be engaged in war, and the other party be neutral, the ships of the neutral party shall be furnished with passports, that it may appear thereby that the ships really belong to the citizens of the neutral party; they shall be valid for any number of voyages, but shall be renewed every year—that is, if the ship happens to return home in the space of a year. If the ships are laden, they shall be provided, not only with the passports above mentioned, but also with certificates, so that it may be known whether they carry any contraband goods. No other paper shall be required, any usage or ordinance to the contrary notwithstanding. And if it shall not appear from the said certificates that there are contraband goods on board, the ships shall be permitted to proceed on their voyage. If it shall appear from the certificates that there are contraband goods on board any such ship, and the commander of the same shall offer to deliver them up, the offer shall be accepted, and a receipt for the same shall be given, and the ship shall be at liberty to pursue its voyage, unless the quantity of the contraband goods be greater than can conveniently be received on board the ship of war or privateer; in which case, as in all other cases of just detention, the ship shall be carried into the nearest safe and convenient port for the delivery of the same.

If any ship shall not be furnished with such passport or certificates as are above required for the same, such case may be examined by a proper judge or tribunal; and if it shall appear from other documents or proofs, admissible by the usage of nations, that the ship belongs to the citizens or subjects of the neutral party, it shall not be confiscated, but shall be released with her cargo, (contraband goods excepted,) and be permitted to proceed on her voyage.

If the master of a ship, named in the passport, should happen to die, or be removed by any other cause, and another put in his place, the ship and cargo shall, nevertheless, be equally secure, and the passport remain in full force.

ARTICLE XVII.

Regulation of
visits at sea.

If the ships of the citizens of either of the parties shall be met with on the high seas by any ship of war or privateer of the other, for the avoiding of any disorder the said ships of war or privateers shall remain out of cannon-shot, and may send their boats on board the merchant-ship which they shall so meet with, and may enter her to the number of two or three men only, to whom the master or commander of such ship shall exhibit his passport concerning the property of the ship; and it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other examination whatever.

ARTICLE XVIII.

It is expressly agreed by the high contracting parties that the stipulations above mentioned, relative to the conduct to be observed on the sea by the cruisers of the belligerent party towards the ships of the neutral party, shall be applicable only to ships sailing without convoy, and when the said ships shall be convoyed, it being the intention of the parties to observe all the regards due to the protection of the flag displayed by public ships, it shall not be lawful to visit them : but the verbal declaration of the commander of the convoy that the ships he convoys belong to the nation whose flag he carries, and that they have no contraband goods on board, shall be considered by the respective cruisers as fully sufficient ; the two parties reciprocally engaging not to admit under the protection of their convoys ships which shall have on board contraband goods destined to an enemy.

Vessels under
convoy.

ARTICLE XIX.

In all cases where vessels shall be captured, or detained to be carried into port, under pretence of carrying to the enemy contraband goods, the captor shall give a receipt for such of the papers of the vessel as he shall retain, which receipt shall be annexed to a copy of the said papers ; and it shall be unlawful to break up or open the hatches, chests, trunks, casks, bales or vessels found on board, or remove the smallest part of the goods, unless the lading be brought on shore in presence of the competent officers, and an inventory be made by them of the same. Nor shall it be lawful to sell, exchange, or alienate the said articles of contraband in any manner, unless there shall have been lawful process, and the competent judge or judges shall have pronounced against such goods sentence of confiscation.

Provision in case
of captures.

ARTICLE XX.

And in such time of war, that proper care may be taken of the vessel and cargo, and embezzlement prevented, it is agreed that it shall not be lawful to remove the master, commander, or supercargo of any captured ship from on board thereof, during the time the ship may be at sea after her capture, or pending the proceedings against her or her cargo, or anything relating thereto ; and in all cases where a vessel of the citizens of either party shall be captured or seized and held for adjudication, her officers, passengers, and crew shall be hospitably treated ; they shall not be imprisoned or deprived of any part of their wearing apparel, nor of the possession and use of their money, not exceeding for the captain, supercargo, and mate five hundred dollars each, and for the sailors and passengers one hundred dollars each.

Care of captured
property.

Passengers and
crews.

ARTICLE XXI.

It is further agreed that in all cases the established courts for prize causes in the country to which the prizes may be conducted shall alone take cognizance of them ; and whenever such tribunal of either of the parties shall pronounce judgment against any vessel or goods or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded ; and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of the said vessel without any delay, he paying the legal fees for the same.

Prize courts and
decrees.

ARTICLE XXII.

And that more abundant care may be taken for the security of the citizens of the contracting parties, and to prevent their suffering injuries, all commanders of ships of war and privateers, and all others, the said

Privateers.

citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them; and, if they act to the contrary, they shall be punished, and shall also be bound, in their persons and estates, to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

Commanders to
give bonds.

For this cause, all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge, sufficient security by at least two responsible sureties who have no interest in the said privateer each of whom, together with the said commander, shall be jointly and severally bound in the sum of seven thousand dollars, or of nine thousand four hundred dollars Venezuelan currency, or if said ship be provided with above one hundred and fifty seamen or soldiers, in the sum of fourteen thousand dollars, or eighteen thousand eight hundred dollars Venezuelan currency, to satisfy all damages and injuries which the said privateer, or her officers or men, or any of them, may do or commit during her cruise contrary to the tenor of this convention, or to the laws and instructions for regulating their conduct; and, further, that in all cases of aggressions said commission shall be revoked and annulled.

ARTICLE XXIII.

Prizes, &c.

When the ships of war of the two contracting parties, or those belonging to their citizens which are armed in war, shall be admitted to enter with their prizes the ports of either of the two parties, the said public or private ships, as well as their prizes, shall not be obliged to pay any duty, either to the officers of the place, the judges, or any others; nor shall such prizes, when they come to and enter the ports of either party, be arrested or seized; nor shall the officers of the place make examination concerning the lawfulness of such prizes, but they may hoist sail at any time and depart, and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to show. It is understood, however, that the privileges conferred by this article shall not extend beyond those allowed by law, or by treaty with the most favored nations.

ARTICLE XXIV.

Enemies' privateers.

It shall not be lawful for any foreign privateers who have commissions from any Prince or State in enmity with either nation to fit their ships in the ports of either, to sell their prizes, or in any manner to exchange them; neither shall they be allowed to purchase provisions, except such as shall be necessary to their going to the next port of that Prince or State from which they have received their commissions.

ARTICLE XXV.

Letters of
marque.

No citizen of Venezuela shall apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the said United States, or any of them, or against the citizens, people, or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war; nor shall any citizen or inhabitant of the said United States, or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the citizens or inhabitants of Venezuela, or any of them, or the property of any of them, from any Prince or State with which the said Republic shall be at war; and if any person of either nation shall take such commissions or letters of marque, he shall be punished according to their respective laws.

ARTICLE XXVI.

The high contracting parties grant to each other the liberty of having in the ports of the other Consuls or Vice-Consuls of their own appointment, who shall enjoy the same privileges and powers as those of the most favoured nation; but if any of the said Consuls or Vice-Consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

Consuls and Vice-Consuls.

It is understood that whenever either of the two contracting parties shall select a citizen of the other for a Consular Agent, to reside in any ports or commercial places of the latter, such Consul or Agent shall continue to be regarded, notwithstanding his quality of a foreign Consul, as a citizen of the nation to which he belongs, and consequently shall be subject to the laws and regulations to which natives are subjected in the place of his residence. This obligation, however, shall in no respect embarrass the exercise of his consular functions or affect the inviolability of the consular archives.

When consular agent is a citizen.

The said Consuls and Vice-Consuls shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless their assistance should be required, or the conduct of the crews or of the captain should disturb the order or tranquillity of the country. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

Settlement of disputes between masters and crews.

The said Consuls and Vice-Consuls are authorized to require the assistance of the local authorities for the arrest and imprisonment of the deserters from the ships of war and merchant-vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall in writing demand such deserters, proving, by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the Consuls and Vice-Consuls, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months of the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause. However, if the deserter shall be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence and such sentence shall have been carried into effect.

Deserters from vessels.

ARTICLE XXVII.

The United States of America and the Republic of Venezuela, on requisitions made in their name through the medium of their respective Diplomatic and Consular Agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek asylum or shall be found within the territories of the other: Provided, That this shall be done only when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial, if the crime had been committed in the country where the persons so accused shall be found; in all of which the tribunals of said country shall proceed and decide according to their own laws.

Extradition of criminals.

Evidence of criminality.

ARTICLE XXVIII.

Crimes for which
surrender is
allowed.

Persons shall be delivered up, according to the provisions of this convention, who shall be charged with any of the following crimes, to wit: murder, (including assassination, parricide, infanticide, and poisoning;) attempt to commit murder; rape; forgery; the counterfeiting of money; arson; robbery with violence, intimidation, or forcible entry of an inhabited house; piracy; embezzlement by public officers, or by persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.

ARTICLE XXIX.

Surrender, how
made.

On the part of each country the surrender shall be made only by the authority of the Executive thereof. The expenses of detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand.

ARTICLE XXX.

Political offenses,
&c., not included.

The provisions of the foregoing articles relating to the surrender of fugitive criminals shall not apply to offences committed before the date hereof, nor to those of a political character.

ARTICLE XXXI.

Duration of
treaty.

This convention is concluded for the term of eight years, dating from the exchange of the ratifications; and if one year before the expiration of that period neither of the contracting parties shall have announced, by an official notification, its intention to the other to arrest the operations of said convention, it shall continue binding for twelve months longer, and so on, from year to year, until the expiration of the twelve months which will follow a similar declaration, whatever the time at which it may take place.

ARTICLE XXXII.

Ratifications.

This convention shall be submitted on both sides to the approval and ratification of the respective competent authorities of each of the contracting parties, and the ratifications shall be exchanged at Caracas as soon as circumstances shall admit.

Signatures.

In faith whereof the respective Plenipotentiaries have signed the foregoing articles, in the English and Spanish languages, and they have hereunto affixed their seals.

Date.

Done in duplicate, at the city of Caracas, this twenty-seventh day of August, in the year of our Lord one thousand eight hundred and sixty.

E. A. TURPIN.

PEDRO DE LAS CASAS.

[L. S.]
[L. S.]

 VENEZUELA, 1866.

April 25, 1866.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF VENEZUELA FOR ADJUSTMENT OF CLAIMS, CONCLUDED AT CARACAS APRIL 25, 1866; RATIFICATION ADVISED BY SENATE JULY 5, 1866; RATIFIED BY PRESIDENT AUGUST 8, 1866; RATIFICATIONS EXCHANGED AT CARACAS APRIL 17, 1867; PROCLAIMED MAY 29, 1867.

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 articles of convention:

Contracting parties.

Negotiators.

ARTICLE I.

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.

Claims upon Venezuela to be referred to a commission.

Commissioners, how appointed.

Vacancies, how filled.

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.

Meeting of commissioners.

Qualification.

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.

Selection of Umpire.

ARTICLE II.

So soon as the Umpire shall have been appointed, the Commissioners shall proceed, without delay, to examine the claims which may be presented 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.

Examination of claims.

Papers and documents.

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 when the Commissioners cannot agree, the points of difference shall be referred to the Umpire, before whom each of the Commissioners may be heard, and whose decision shall be final.

Certificates of indemnity.

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 any prejudice in favor of any one, either as to principles of right or matters of fact.

Decision of the Commissioners.

ARTICLE III.

Payment of award. 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 labor of the commission; the first payment to be made six months from same date.

Interest. Semi-annual 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.

Termination of commission. The commission shall terminate its labors in twelve months from the 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, &c.

ARTICLE V.

Decisions to be final. 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 presented, barred.

Cases pending before Umpire at termination of commission. 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.

Expenses of commission. 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.

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

Signatures. In testimony whereof the Plenipotentiaries have signed this convention, and hereunto affixed the seals of the Ministry of Foreign Relations 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.

Date.

The Minister Resident of the United States of America,

E. D. CULVER. [L. S.]

The Minister of Foreign Relations of the United States of Venezuela,

RAFAEL SEIJAS. [L. S.]