

- 21 -**Year 1885****769. COLONEL C. MANSFIELD, BRITISH MINISTER IN CARACAS, TO SEÑOR BENJAMIN QUËENZA, VENEZUELAN MINISTER OF FOREIGN AFFAIRS
[8 January 1885]**

(Translation – Original: French)

Caracas, January 8, 1885.

M. le Ministre,

In a despatch dated London, the 28th November, I am directed by Her Majesty's Government to attract the attention of that of Venezuela to the proceedings of the agents of the Manoa Company in certain districts the sovereignty of which is equally claimed by Her Majesty's Government and that of Venezuela.

Earl Granville further instructs me to request the Venezuelan Government to take steps to prevent the agents of the Manoa Company, or of Mr. H. Gordon, who has also a Concession for colonization from the Venezuelan Government, from asserting claims to, or interfering with, any of the territory claimed by Great Britain.

Her Majesty's Government, in the event of that of Venezuela declining to move in this matter, would, to their great regret, feel themselves under the necessity of adopting measures for preventing the encroachment of the Manoa Company, and the Governor of British Guayana would even be instructed to employ an adequate police force for the prevention of such encroachment and the maintenance of order.

Lord Granville goes on to inform me, however, that, no steps will be taken by the Governor of British Guayana pending this reference to the Venezuelan Government.

I need hardly remind your Excellency that the question of the boundary of British Guayana is one of long standing, and that communications upon the subject are at the present moment taking place between Her Majesty's Government and the Venezuelan Minister in London, and it is therefore all the more important that incidents calculated to cause grave inconvenience should be prevented. The territories, irrespective of those disputed by Venezuela and Great Britain, conceded to the Manoa Company are enormous in extent; but, without entering into that portion of the question, I feel certain that his Excellency the President of the Republic will duly appreciate the immense importance of obviating the possibility of any collision between the agents of that Company and the British authorities in the territories the sovereignty of which is still a disputed question.

(Signed) C. E. MANSFIELD

771. COLONEL C. MANSFIELD, BRITISH MINISTER IN CARACAS, TO EARL GRANVILLE, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS
[8 January 1885]

Caracas, January 8, 1885.

My Lord,

While expressing my thanks for your Lordship's approval conveyed in despatch of the 28th November, 1884, received the day before yesterday, I have the honour to forward a copy of a note which I have addressed to the Government of Venezuela in conformity with your Lordship's instructions transmitted in the same despatch requesting them to restrain the agents of the Manoa Company from all action in the territory the sovereignty of which is claimed equally by Her Majesty's Government and that of Venezuela.

(Signed) C. E. MANSFIELD

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***Inclosure:* Colonel C. Mansfield, British Minister in Caracas, to Señor Benjamin Quëenza, Venezuelan Minister Of Foreign Affairs, 8 January 1885** [Document No. 770 above].

772. SEÑOR BENJAMIN QUËENZA, VENEZUELAN MINISTER OF FOREIGN AFFAIRS, TO COLONEL C. MANSFIELD, BRITISH MINISTER IN CARACAS
[17 January 1885]

(Translation – Original: French)

Caracas, January 17, 1885.

M. le Ministre,

The circumstance that I have given all my attention to the consideration of the matter to which your Excellency's note of the 8th of the current month refers has prevented my sending you the required answer at an earlier date.

Now, however, having thoroughly studied the subject, I am of opinion that the boundaries of the Concessions mentioned by your Excellency do not extend beyond those of the disputed territory; but as your Excellency infers that the Manoa Company have exceeded the limits assigned to them, the Government, whose unshaken international policy is ruled by principles which, with respect to Great Britain, shall always be carried out with the sincerity commanded by duty and the interest inspired by sympathy, will take steps to ascertain the nature of the acts which led your Excellency to address your communication to me, and which even induced you to inform the Government that instructions would be sent to the Governor of British Guayana to maintain order at all costs by means of a police force.

The elucidation of this question has become all the more indispensable since the Government have received information that on the 18th October of last year a British war-steamer entered the mouth of the Orinoco, and, reaching the lightship, asked for pilots in order to ascend the above-mentioned river, a request which was denied to them on account of the said steamer's destination not being any one of the ports opened to foreign commerce, an act which constituted a manifest breach of the law. It has also reached the knowledge of the Government that, notwithstanding the opposition of the authorities of the light-ship, the aforesaid vessel continued her course up to Amacura, leaving the next day for Guainia by Barima, after having placed along the route traversed sign-posts with printed Proclamations affixed to them, which tends to assert acts of sovereignty.

Your Excellency will no doubt understand that these proceedings have in a marked manner attracted the attention of the Government, who have even gone so far as to doubt their authenticity, owing to the unusual character of the incident, a fact of which your Excellency will doubtless appreciate the importance.

With regard to the possibility of the employment of the police force, pointed out by your Excellency, I trust that a similar measure will not prove necessary, but rather, on the other hand, Her Majesty's Government will be convinced that Venezuela can respect all rights in order that in return her rights may be respected.

The Representative of the Republic in London, General Guzman Blanco, has received instructions to proceed without loss of time to discuss the boundary question, and I feel assured that at no very distant date both nations will, by means of peaceful negotiations, arrive at a definitive settlement of the question.

(Signed) BENJAMIN QUËENZA

773. MEMORANDUM COMMUNICATED TO EARL GRANVILLE, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS, BY GENERAL GUZMAN BLANCO, VENEZUELAN MINISTER TO GREAT BRITAIN

[22 January 1885]

“The Government of the United States of Venezuela, and the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous of putting an end to the differences which have arisen respecting the meaning of certain stipulations in the Treaty between the Republic of Colombia and Great Britain of the 18th April, 1825, which Treaty was adopted and confirmed by the Treaty between Venezuela and Great Britain, signed the 27th October, 1834, have appointed as their respective Plenipotentiaries, to wit:

“The Government of the United States of Venezuela,

“And the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland,

“Who, after having communicated to each other their full powers, and found them in good and due form, have agreed upon the following Articles: –

“This preamble does not differ from the one proposed lately by Her Majesty's Government.

“ Article I. As in the old Treaty.

“ Article II. Ditto.

“Article III. Ditto.

“Article IV. Ditto.”

To include the Colonies and possessions of Her Britannic Majesty, as desired by her Government, in the advantages granted to the mother country concerning navigation and commerce, it is proposed to add between the IVth and Vth Articles a new Article of the following purport: –

“The stipulations in the preceding Articles shall be extended to all of Her Majesty’s Colonies and foreign possessions.

“Article V. As in the old Treaty.

“Article VI. Ditto.

“Article VII. Shall be considered as Venezuelan in Great Britain and as British in the United States of Venezuela, to all intents and purposes, those vessels provided with the sea papers and documents required by the laws of each of the two Contracting Parties to justify the character of the merchant-vessels.”

It is proposed to replace the VIIth Article of the old Treaty by the above, on the ground that the provisions of the former do not seem to be applicable to a Republic like Venezuela, so different from the Great Colombia of 1825, and that, instead of checking the development of her navy, ought, on the contrary, to look for the means of increasing it. If, in order to regard as Venezuelan a vessel, she must be constructed in Venezuela, as the naval industry is there in its infancy, the number of her ships would be exceedingly limited, and her flag would scarcely ever wave on foreign waters. On the other hand, should vessels bought by the Government, or those seized upon her enemies, or those forfeited in conformity with her laws, be not deemed Venezuelan, the Republic would want the necessary means of self-defence or the power to punish the infringement of her laws.

“Article VIII. As in the old Treaty.

“Article IX. Ditto.

“Article X. Ditto.

“Article XI. Ditto.

“Article XII. This Article is not required now, for after 1825 the legislation has experienced such changes, that a complete liberty of worship exists in Venezuela; and, moreover, the interference with the exercise of such a liberty is viewed and punished as a misdemeanour. On the other hand, the cemeteries now in the Republic are burial-grounds for natives and foreigners, with no difference of religion.

“Article XIII. This Article is not necessary today, the promise therein contained having been fulfilled on the 15th March, 1839, by the conclusion of a Treaty between Venezuela and Her Britannic Majesty for the abolition of the Slave Trade.”

The XIVth Article has no *raison d’etre* at this time, when the omission of 1828 is going to be filled.

The XVth Article might be drawn in this shape: –

“The present Treaty of Amity, Commerce, and Navigation shall be ratified according to the Constitution and laws of the Republic of the United States of Venezuela, and by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the ratifications shall be exchanged in London within the term of six months from this day, or sooner if possible.”

It is thought advisable to add an Article fixing the duration of the Treaty: –

“The present Treaty, which, from the date of the exchange of its ratifications, shall be substituted for the one concluded by Colombia and Great Britain on the 18th April, 1825, and renewed with Venezuela on the 29th October, 1884, shall expire five years after the exchange of its ratifications; but if, one year before the expiration of such a term, neither of the parties shall give to the other notice of its intention of terminating it, it shall continue in force for one year more, and so on from year to year till such notice is given.”

774. THE MARQUESS OF SALISBURY TO GENERAL GUZMAN BLANCO, VENEZUELAN MINISTER TO GREAT BRITAIN

[24 January 1885]

(Translation – Original: French)

Foreign Office, January 24, 1885.

M. le Ministre,

I have had the honour of receiving your letter of the 30th ultimo, which reached this Department on the 17th instant, relative to the question of the boundary between Venezuela and British Guiana, and, in reply, I beg to acquaint you that it will receive the careful consideration of Her Majesty's Government.

(Signed) SALISBURY

775. COLONEL C. MANSFIELD, BRITISH MINISTER IN CARACAS, TO SEÑOR BENJAMIN QUËNZA, VENEZUELAN MINISTER OF FOREIGN AFFAIRS

[26 January 1885]

(Translation – Original: French)

Caracas, January 26, 1885.

M. le Ministre,

In compliance with instructions received from Earl Granville, and dated London, 30th December, I have the honour to bring to the knowledge of the Venezuelan Government the circumstance that orders have been transmitted to the Governor of British Guiana to send Mr. McTurk, a Stipendiary Magistrate, accompanied by an adequate police force, to make an inquiry in the district on the east bank of the Amacura River into the proceedings of the Manoa Company, and more especially into the conduct of Mr. Robert Wells and others, who are accused of torturing persons by hanging them up by their ankles for protracted periods.

Mr. McTurk will, of course, deal with the case according to the laws in force in the other parts of British Guiana in which Mr. McTurk holds jurisdiction as a Stipendiary Magistrate.

The words of the contract with the Manoa Company distinctly state “as far as British Guiana,” and I beg to observe that in the Report of the Territorial Land Grant of the Grand Delta

of the Orinoco for the Manoa Company, Mr. Fitzgerald states that "about 10 miles to the southwest of Barima Point is the entrance of the Amacura River, which in 1800 formed the boundary between British Guiana and Venezuela," whence it would appear that the locality in which the incidents of which notice has been taken is not even claimed by the Manoa Company.

The Governor of British Guiana has also reported to London that the posts placed by order of the Government of that Colony on the 18th October on the east bank of the Amacura River and in other spots, bearing notices against trespassers, inasmuch as the territory is claimed by the British Crown, have been removed, it is to be presumed by order of the Venezuelan Government, and sent to Ciudad Bolivar, an incident which I cannot but fear may lead to correspondence of an unsatisfactory character, if not to serious inconvenience, at a future date.

(Signed) C. E. MANSFIELD

776. COLONEL C. MANSFIELD, BRITISH MINISTER IN CARACAS, TO EARL GRANVILLE, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS
[27 January 1885]

Caracas, January 27, 1885.

My Lord,

With reference to your Lordship's despatch of the 28th November, 1884, and to my despatch of the 8th instant, transmitting a copy of my note to this Government of the same date upon the subject of the encroachments of the Manoa Company, I have now the honour to forward a copy and translation of the reply of the Venezuelan Government.

Dr. Quënza's tone is temperate, but his note is no answer to mine, is entirely in my humble opinion, beside the question, and in fact flatly contradicts the position taken up in my note in obedience to your Lordship's orders, while he raises the question of Mr. McTurk's vessel, which Dr. Quënza states to have been a ship of war, continuing her course after the pilot had been refused by the persons in charge of the Venezuelan light-ship, Dr. Quënza thus assuming that a ship of war is subject to the same conditions as a trading vessel.

In this question of the Manoa Company, etc., which may perhaps become a serious one, I propose transmitting copies of my communications with the Venezuelan Government, not only in order that your Lordship may see that my instructions have been carried out with exactness, but also that your Lordship may accurately appreciate the position and arguments adopted by this Government, and to what extent they are justified by the communications from this Legation.

(Signed) C. E. MANSFIELD

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Inclosure: Señor Benjamin Quënza, Venezuelan Minister of Foreign Affairs, to Colonel C. Mansfield, British Minister in Caracas, 17 January 1885 [Document No. 772 above]

777. COLONEL C. MANSFIELD, BRITISH MINISTER IN CARACAS, TO EARL GRANVILLE, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS
[28 January 1885]

Caracas, January 28, 1885.

My Lord,

I have the honour to acknowledge the receipt of your Lordship's despatch of the 30th December of last year, inclosing copies of correspondence from the Governor of British Guiana and the Colonial Office in connection with the acts of the Manoa Company upon the east banks of the Amacura River, and instructing me to communicate the substance of the same to the Venezuelan Government. I now beg to transmit a copy of the note which I have addressed to Dr. Quënza in pursuance of your Lordship's orders.

(Signed) C. E. MANSFIELD

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Inclosure: **Colonel C. Mansfield, British Minister in Caracas, to Señor Benjamin Quënza, Venezuelan Minister of Foreign Affairs, 26 January 1885** [Document No. 775 above].

778. EARL GRANVILLE, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS, TO GENERAL GUZMAN BLANCO, VENEZUELAN MINISTER TO GREAT BRITAIN
[28 January 1886]

(Translation – Original: French)

Foreign Office, January 28, 1886

M. le Ministre,

I have the honour to state that I have carefully examined the draft Treaty between Great Britain and Venezuela, which you were so good as to communicate on the 22nd instant to Lord Fitzmaurice.

The draft in question is chiefly a re-enactment of the Treaty of 1825, but with the addition of some Articles dealing with the inclusion of Her Majesty's Colonies, and with the duration of the Treaty itself, and of others dealing with modification of certain provisions of the Treaty which the Venezuelan Government consider to require amendment.

It is the opinion of Her Majesty's Government that the Treaty of 1825 is, many respects, not in accordance with modern requirements, and; that it might with advantage be recast in many particulars. Her Majesty's Government are therefore of opinion that it is not advisable or opportune to reproduce these old Articles textually in a new Treaty.

I wish, however, to remind you that the two questions which have formed the subject-matter of the present negotiation are the duration of the Treaty and the meaning of the colonial Article. In regard to the former, the term of five years, suggested as the minimum duration of the Treaty in the final Article of the draft, appears to Her Majesty's Government as unusually short, and they trust that in any new Treaty the Venezuelan Government will agree to a period of ten years at least.

The proposed addition to the IVth Article, dealing with the British Colonies, does not appear to Her Majesty's Government to meet the circumstances of the present case with sufficient explicitness. The prime object of Her Majesty's Government, in consenting to modify the existing Treaty, has been to secure the removal of the differential duties levied on goods imported into Venezuela from the West Indies. Her Majesty's Government have always held, and still hold, that the imposition of these duties constitutes an infraction of the Treaty of 1825; but the Government of Venezuela has sought to justify its action by placing on the Articles of the existing Treaty interpretations, in which Her Majesty's Government have not been able to concur. In the first place, the Government of Venezuela has held that the Treaty does not apply to the Colonies. In regard to this contention, the proposed addition to Article IV would no doubt remove all uncertainty upon the subject. But, in the second place, the Venezuelan Government has maintained that even though the Treaty did apply to the Colonies, the differential duties are no infraction of the treatment stipulated for in Article IV. Thus, in his note of 7th January, 1882, his Excellency the Minister for Foreign Affairs made the following statement to Her Majesty's Minister at Caracas:

"The new Law, it is true, imposes a differential duty upon merchandise coming from the Antilles, but, this duty is imposed on the merchandise of all nations, including Venezuela; so that even Venezuelan produce imported from those islands is subject to the additional duty. Thus, the unequal treatment alleged in your observations does not exist."

Again, in his note of the 15th March of the same year, his Excellency said:

"Great Britain has a right that no other or higher duties be imposed on the importation of articles, the growth, produce, or manufacture of either the metropolis or the British dominions, than may be imposed on the like products of the metropolis or the dominions of any other foreign country.

"Our Law, whilst charging an additional tax on goods coming from the West Indies, makes no difference as regards the place from which they originally proceed, so that British goods coming from the West Indies are subject to the same additional duty as those of other nations also coming from the West Indies; no difference is made in favour of any particular country. Thus the right to perfect equality of treatment, which we are bound under our Treaty to extend to Great Britain, is maintained intact."

Her Majesty's Government entirely dissent from this interpretation of the most-favoured-nation Article.

Such an interpretation would indeed nullify that Article, for it would justify the imposition of differential duties in favour of France, for example, by a law declaring that lower duties should be paid on goods imported into Venezuela from France than on similar goods imported from England. In that case, it might equally be said that all goods coming from France, or from England respectively, were treated alike, because French goods sent through England to Venezuela, would pay as high a duty as English goods, while English goods sent through France to Vene-

zuela could get the benefit of the lower duties.

It does not appear to Her Majesty's Government that the additions to Article IV which you did me the honour to propose in the draft Treaty would exclude the above-mentioned interpretation.

Her Majesty's Government are aware, however, from the assurances conveyed to Her Majesty's Minister at Caracas, with which you have no doubt been made acquainted, that an agreement on the Colonial Article has been already practically arrived at between the two Governments; and I have the honour to inclose a copy of the proposals sent by him on the 28th May last to Señor Vicente Amengual, and accepted by the latter as the basis of settlement. These proposals embody, on the one hand, the wish of Her Majesty's Government to safeguard the interests of Her Majesty's Colonies, and, on the other, they carry out the wish of the Venezuelan Government to provide a means of terminating the present Treaty.

To this draft Convention I have added the usual clause inserted in all the Treaties recently concluded by Her Majesty's Government allowing for the accession of the self-governing Colonies.

Lord Edmond Fitzmaurice reported to me your assurance, which I received with much gratification, that the Venezuelan Government were anxious that this long-pending question should be settled as soon as possible. This wish Her Majesty's Government entirely reciprocate, and I may remind you that they have for a long period been pressing for a settlement of it. Under these circumstances, they trust you will be able at once to accept the above-mentioned draft Convention, and thus terminate the present controversy.

In conclusion, I may observe that the proposal communicated by you to Lord Edmond Fitzmaurice point to a desire on the part of the Venezuelan Government to conclude a full and revised Treaty with Great Britain. With this wish, the previous and immediate conclusion of the proposed agreement will in no wise interfere; and I have the honour to inform you that Her Majesty's Government will be glad at the proper time to negotiate such a Treaty on the lines of that which has lately been concluded with the Republic of Paraguay. Of this Treaty I have the honour to inclose a copy, and to inform you that Her Majesty's Government will be very willing to consider in a friendly spirit any fresh points which the Government of Venezuela may desire to suggest for consideration.

In order to avoid any possibility of misunderstanding as to the interpretation of the most-favoured-nation Article, Her Majesty's Government have to insert in the most-favoured-nation Article of the above Treaty the words "whencesoever arriving", although in no wise of opinion that the Article without these, or similar words, will bear the meaning which was sought to be put upon it by the Government of Venezuela.

(Signed) GRANVILLE

779. SEÑOR BENJAMIN QUËENZA, VENEZUELAN MINISTER OF FOREIGN AFFAIRS, TO COLONEL C. MANSFIELD, BRITISH MINISTER IN CARACAS
[3 February 1885]

(Translation – Original: French)

Caracas, February 3, 1885.

M. le Ministre,

I have studied with due attention the substance of your Excellency's note, dated the 26th of last month, to which I replied at an early date only acknowledging the receipt of the same, deeming it necessary to communicate the contents thereof to the Supreme Magistrate of the Republic, and to the other members of the Cabinet.

The Federal Executive have learned with deep surprise the account of the contents of the aforesaid note, both concerning the acts which your Excellency informs me have been committed by Mr. Robert Wells, who it appears belong to the Manoa Company, as well as the orders which have been given to His Excellency the Governor of British Guayana to send Mr. McTurk, Stipendiary Magistrate, accompanied by a sufficient force of police, to institute an inquiry on the eastern bank of the Amacura River into the proceedings of the above-mentioned Company, which is an operation indisputably belonging to Venezuela. The astonishment of the Government, M. le Ministre, has attained its utmost limits on receiving yesterday a telegram from the Governor of the Delta Territory, in which he informs them that an armed force, sent by his Excellency the Governor of British Guayana, entered Venezuelan territory, and making use of force, arrested the Commissioner of the mouth of the Amacura, whom they carried off, leaving established there a force of police.

Besides the other incidents of which your Excellency is already apprised, this last act suffices for Venezuela to feel herself attacked in her sacred sovereign rights, and to call with all urgency your Excellency's attention to the fact, with the object of taking the measures required by the state of things in order that such proceedings should cease, and matters revert to their former condition in accordance with the *status quo* in force, and which determines that neither one or the other nation shall exercise jurisdiction over any part of the disputed territory.

Such a measure becomes all the more indispensable, as negotiations have been entered into between Venezuela and Great Britain with the intention of putting an end to the lengthened discussion now existing.

The Minister Plenipotentiary of the Republic has received instructions to push on the negotiations, and these would doubtless rapidly attain the desired solution if proceedings which exhibit the appearance of violent acts were to be avoided, and which, moreover, are in direct contradiction with the respect due to the principles of territorial sovereignty, and the justice which should characterize the relations of civilized countries.

I consider it advisable to hold an interview with your Excellency, and I beg to urge the same, placing myself from this moment at the disposal of your Excellency.

(Signed) BENJAMIN QUËNZA

780. COLONEL C. MANSFIELD, BRITISH MINISTER IN CARACAS, TO EARL GRANVILLE, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS

[5 February 1885]

Caracas, February 5, 1885.

My Lord,

I the honour to transmit a copy and translation of a note which I have received from the Venezuelan Minister of Foreign Affairs, in answer to mine of the 26th ultimo, of which I forwarded a copy to your Lordship.

Dr. Quënza expresses the astonishment of his Government at the substance of my communication. In the earlier part of his note he speaks of the east bank of the Amacura as Venezuelan territory, and later he designates the district as the "disputed territory."

He proceeds to mention that the Venezuelan Government has learnt by telegraph with even greater astonishment that Venezuelan territory had been violated by a party of English, who had arrested and carried off the Venezuelan Commissioner, leaving an English police force installed on the Amacura.

His Excellency gives utterance to a desire for me to interfere, and concludes by expressing a wish to see me.

I waited upon Dr. Quënza this afternoon, when he showed me a telegram from the Venezuelan Administrator at Pedernales, stating that he was proceeding to the Amacura to ascertain ("cerciorarse") what was going on, accompanied by police.

Dr. Quënza, as in his note, expressed a wish for me to interfere, to write or telegraph to the Governor of British Guiana, to the effect that both parties should withdraw, and that the district should return to the *status quo ante*.

I replied that the Governor of British Guiana acted under instructions from home; that my sending either instructions or suggestions was out of the question; that I do, from time to time, communicate with the Governors of neighbouring British Colonies, but such communications could never assume any other form than furnishing information or answering inquiries.

Dr. Quënza's tone was one of much friendliness and cordiality; he repeatedly expressed the hope that the whole matter would receive a satisfactory solution, adding that the very full powers which General Guzman holds from his Government must greatly facilitate such a solution.

Under any circumstances, I should have hesitated to communicate with the Governor of British Guiana, for I should have entertained no certainty that the Venezuelans and Manoa Company's people would have equally withdrawn; on the contrary, I am more than disposed to believe that the reverse would have been the case, but your Lordship's despatch of the 30th December is so conclusive that no doubt whatever rested upon my mind respecting the course for me to pursue.

(Signed) C. E. MANSFIELD

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**Inclosure: Señor Benjamin Quënza, Venezuelan Minister of Foreign Affairs, to Colonel C. Mansfield, British Minister in Caracas
[3 February 1885]**

AFFAIRS, TO GENERAL GUZMAN BLANCO, VENEZUELAN MINISTER TO GREAT BRITAIN

[13 February 1885]

(Translation: Original – French)

Foreign Office, February 13, 1885.

M. le Ministre,

With reference to my communication of the 24th ultimo, I have the honour to state to you that Her Majesty's Government have carefully considered the proposal made to them in your letter of the 30th December last, that the settlement of the disputed boundary between British Guiana and Venezuela should be intrusted to a Commission of jurists nominated by the British and Venezuelan Governments, whose decision should be final.

I regret to have to inform you, M. le Ministre, that the above proposal presents Constitutional difficulties which prevent Her Majesty's Government from acceding to it, and that they are not prepared to depart from the arrangement proposed by the Venezuelan Government in 1877, and accepted by Her Majesty's Government, to decide the question by adopting a conventional boundary fixed by mutual accord between the two Governments.

(Signed) GRANVILLE

782. EARL GRANVILLE, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS, TO GENERAL GUZMAN BLANCO, VENEZUELAN MINISTER TO GREAT BRITAIN

[18 March 1885]

(Translation – Original: French)

Foreign Office, March 18, 1885.

M. le Ministre,

On the 28th January I had the honour to communicate to you the draft of a Convention for putting an end to the differences which have existed between Her Majesty's Government and that of Venezuela on the subject of the interpretation of the most-favoured nation clause of the Treaty between the two countries. As this draft has already been favourably received by his Excellency the Minister for Foreign Affairs at Caracas, and embodies the *desiderata* of both Governments, I trust that you will shortly be in a position to inform me that it may be prepared for signature.

(Signed) GRANVILLE

783. GENERAL GUZMAN BLANCO, VENEZUELAN MINISTER TO GREAT BRITAIN, TO EARL GRANVILLE, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS

[21 March 1885]

(Translation – Original: French)

194, Queen's Gate, London, March 21, 1885.

My Lord,

I have had the honour of receiving your Excellency's note, dated the 28th January, respecting the project of a new Treaty of Commerce between Venezuela and Her Britannic Majesty, which I handed to Lord E. Fitzmaurice on the 22nd of the same month. I received then also a draft of the proposal of your Excellency's Government; and a copy of a Treaty concluded between it and that of Paraguay on the 16th October, 1884.

The present negotiation aims, on the one hand, at settling the controversy as to the duration of the Treaty made with Colombia in 1825, and renewed with Venezuela in 1834; and, on the other hand, at settling the question of the additional duties established by the Republic on the importations from the Antilles.

I thought that both points might be made the subject of one Convention, and on that account I formulated a draft, in which most of the old Articles are preserved; an addition deciding the existing difficulty is introduced, and the propriety of bringing other Articles in harmony with the present state of things is pointed out.

Your Excellency says now that, as the Treaty of 1825 is in many respects at variance with modern requirements, and might advantageously be recast in another, Her Majesty's Government is of opinion that it is not advisable to reproduce the old Articles textually in a new Treaty.

But your Excellency remarks that the addition proposed by me does not meet the circumstances of the present case, say, the removal of the aforesaid differential duties, with sufficient explicitness, owing to the construction put by Venezuela upon the Treaty of 1825; and your Excellency adds that the two Governments have agreed practically on the Article about the Colonies, since Señor Vicente Amengual, the Minister for Foreign Relations, accepted, as the basis of settlement, the proposal sent in by Mr. Mansfield. The said Minister replied to that gentleman as follows: –

“The President of the Republic is gratified to see that Her Majesty's Government adheres to the line of good understanding and cordiality which prepares the happy solution of these and other points in dispute between the two countries.

“By this date your Excellency knows that the illustrious American, General Guzman Blanco, who, in his capacity as President, initiated and has conducted these matters, is going within some days to London, to represent Venezuela as Envoy Extraordinary and Minister Plenipotentiary. One of the commissions intrusted to him is relative to the points in question; therefore, your Excellency will find only natural and logical that the President should fix that capital as the seat of the negotiation. Such an appointment, before it was made, had been communicated to your Excellency.

“In saying then to your Excellency that the illustrious American will soon communicate the answer of the Government, and repeating the expression of its satisfaction at the turn things are taking, I renew to your Excellency the assurances of my highest consideration.”

It is this answer that I have made to your Excellency by proposing a Convention by which a term is fixed in the Treaty of 1825, and the repeal of the Decree imposing the additional duties is stipulated at the same time.

But, since your Excellency has evinced a disposition to substitute for the obsolete compact of 1825 another in accordance with the modern requirements, and has sent me as a type the Treaty concluded between Her Britannic Majesty and Paraguay on the 16th October, 1884, I accept the same, reserving to myself the presentation, on the fitting opportunity, of such alterations, suppressions, or additions as our peculiar circumstances may require.

The clause concerning the Colonies might be inserted therein with all the desirable perspicuity, so as to produce the repeal of the Differential Duties Decree.

I repeat now what I stated to Lord Edmond Fitzmaurice on my handing to him my draft, viz., that I am anxious to conclude this negotiation as soon as possible; that the commercial community of Trinidad, which shows itself friendly to the peace of Venezuela, may shortly reap the benefits of the suppression of those duties.

Add to this the consideration that the Venezuelan Legislature, the ordinary annual Session of which lasts only seventy days, and, in case of extension of the same, ninety, met on the 25th February, and consequently has little time left to examine and approve, subject to the constitutional formalities in each House, the Treaty we may conclude.

(Signed) GUZMAN BLANCO

784. EARL GRANVILLE, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS, TO GENERAL GUZMAN BLANCO, VENEZUELAN MINISTER TO GREAT BRITAIN

[2 April 1885]

(Translation – Original: French)

Foreign Office, April 2, 1885.

M. le Ministre,

I have the honour to acknowledge the receipt of your note of the 21st ultimo respecting the Treaty relations between Her Majesty's Government and the Republic of Venezuela.

In my note of the 28th January last, I had the honour to inform you of the points in which the draft Treaty communicated by you to Lord Edmond Fitzmaurice was insufficient to put an end to the differences which have arisen respecting the interpretation of the Treaty at 1825; and I enclosed a copy of a draft of Convention which had already been submitted to the Cabinet at Caracas.

Throughout the discussion of this question, Her Majesty's Government have shown the

greatest anxiety to meet the legitimate wishes of the Government of the Republic. They accordingly acquiesced at once in the wish of that Government for a new Treaty, and proposed to negotiate a full Treaty in accordance with modern precedents, after the signature of the Convention. But they did not anticipate that their action in so doing could be a source of fresh delay. They regret, therefore, that in your note, to which I now have the honour to reply, while the proposal to negotiate an entirely new Treaty is accepted, it is not stated whether the Venezuelan Government finally accepts the draft Convention, or for what reasons they reject it, if such is their meaning and intention. Her Majesty's Government also regret that in accepting the Treaty with Paraguay as the basis for the new Treaty, it is not stated in what particulars the Venezuelan Government wish to see it altered.

I fear that owing to the delay which has taken place, it will now be impossible to decide what alterations, if any, may be requisite, in time for the Treaty to be approved by the Venezuelan Legislature in the present Session. This being the case, I trust, M. le Ministre, that you are able to proceed immediately to the signature of the draft Convention, with the terms of which the Venezuelan Government is already familiar. The signature need not interfere with the subsequent negotiation of an entirely new Treaty.

But whether you are able immediately to accept the Convention or not, I trust that you will, in order to prevent the lapse of any time between the signature of the definitive Agreement and the abrogation of the differential duties, most strongly urge your Government by telegraph to take the necessary constitutional powers by anticipation before the close of the Legislative Session to remit those duties as soon as a Treaty or other Agreement shall have been signed. Such Treaty or other Agreement could then be submitted to the Legislature in the next Session.

The adoption by Venezuela of an interpretation of the most-favoured-nation clause which establishes differential duties against a part of Her Majesty's dominions, and which is quite different to that hitherto accepted generally, could not be considered by Her Majesty's Government otherwise than as an unfriendly act. They note, however, with satisfaction the expression of your desire to settle the question, and they feel convinced that you will, as a proof of that desire, use your great influence with the Venezuelan Government to prevent any further delay taking place at the present stage of the negotiations, when each party is acquainted with the wishes of the other, and has happily found means of acceding to them.

I may point out to you that considerable interest is taken in this subject in Parliament, and that Her Majesty's Government will shortly be under the necessity of presenting papers.

(Signed) GRANVILLE

785. GENERAL GUZMAN BLANCO, VENEZUELAN MINISTER TO GREAT BRITAIN, TO EARL GRANVILLE, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS

[6 April 1885]

(Translation – Original: French)

194, Queen's Gate, London, April 6, 1885.

My Lord,

I have the honour of informing your Excellency that I have received your communication of the 2nd instant respecting a Treaty of Amity and Commerce between Venezuela and Great Britain.

Since my arrival in this country, at the first interview I held with your Excellency, I stated that the Government of the Republic was ready to terminate, as wished by Her Britannic Majesty's Government, the three points spoken of in Mr. Mansfield's note of the 15th October, 1883, namely, boundary between Venezuela and British Guayana, differential duties imposed upon the imports from British Colonies, and claims of British creditors of the Republic.

Your Excellency referred me, for the discussion of details, to Lord E. Fitzmaurice and Sir Julian Pauncefote. I have had with them several interviews concerning the points I was instructed to bring to a speedy end.

Confining myself here to the subject of the Treaty, may I be permitted to recall that it was I who brought forward the first formula for giving a solution to the difficulties that had occurred. Your Excellency found it to be insufficient, declaring at the same time that many of the provisions in the Treaty of 1825 were not in accordance with modern requirements, and inclosing copies of the one concluded with Paraguay on the 16th October, 1884, to be taken as a standard. On the same occasion your Excellency assured me that an agreement had already practically been arrived at between the two Governments about the colonial Article, since M. Amengual had accepted as the basis of settlement the proposals sent to him by Colonel Mansfield. Your Excellency transmitted them to me with an additional clause relative to the accession of the self-governing Colonies. All those circumstances prescribed to me the duty of consulting with my Government, particularly as your Excellency's statement, that Señor Amengual had accepted the proposal of Mr. Mansfield, was not in harmony with my instructions. As soon as I received a reply, I addressed to your Excellency my note, dated the 21st March. So that, if in the course of this negotiation, a delay has occurred, it has not been owing to me, but to the turn things have taken.

If Her Majesty's Government are anxious to terminate this question, the Venezuelan Government, which have sent me here with such a purpose, are no less prompted by the same earnest desire.

After the receipt of my new instructions, it is not possible for me to treat about the draft Convention referred to, and to put off till another time the preparation of the negotiation for a new Treaty. It is incumbent upon me to forward the conclusion of the latter alone, this being the means not only of settling the existing differences, but of laying at once and for ever the foundations of a solid good understanding between the two parties, and the means, moreover, of simplifying the work by making it one, instead of dividing it into several parts.

Upon the strength of the above, I transmit to your Excellency the project of a Treaty which I am authorized to agree upon and sign as soon as your Excellency is willing to do so. It is identical in most of its Articles with the Treaty of Paraguay, which your Excellency sent me as a type; and some alterations only have been made in the second and fourth Articles, and a new one has been introduced in regard to the necessity of arbitration as the single means of preventing any difference from affecting the friendly relations between the two countries. The Treaty I present, immediately after the exchange of its ratifications, would be substituted for that of 1834, and

would secure the results wished for on both sides.

The moment it would be signed, I should communicate the fact by telegraph to my Government, with the certainty that they would call upon Congress to extend its present Session in order to examine and approve of the compact. At all events, the differential duties should be suppressed, so that no inconvenience need be apprehended in this particular.

(Signed) GUZMAN BLANCO

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Inclosure:

PROJECT OF TREATY

ARTICLE II

The Contracting Parties agree that, in all matters relating to commerce and navigation, any privilege, favour, or immunity whatever other than those provided for under Article III, which either Contracting Party has actually granted or may hereafter grant to the subjects or citizens of any other State, shall be extended immediately to the subjects or citizens of the other Contracting Party, unconditionally, if they are unconditional, and under the same equivalent if they are conditional, it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other on the footing of the most favoured nation.

ARTICLE IV

British ships and their cargoes shall, in the United States of Venezuela, and Venezuelan ships and their cargoes, in the dominions and possessions of Her Britannic Majesty, from whatever place arriving, and whatever may be the place of origin or destination of their cargoes, be treated in every respect as national ships and their cargoes.

The preceding stipulation applies to local treatment, dues and charges in the ports, basins, docks, roadsteads, and harbours of the two countries, pilotage and generally to all matters connected with navigation; but it includes neither the internal navigation of rivers nor the coasting trade.

Every favour or exemption in these respects, or any other privilege in matters of navigation except in so far as the one provided for under Article III which either of the Contracting Parties shall grant to a third Power, shall be extended immediately to the other party unconditionally, if they be unconditional, and under the same equivalent if they be conditional.

All vessels which, according to British law, are to be deemed British vessels, and vessels which, according to the law of the United States of Venezuela, are to be deemed Venezuelan vessels, shall, for the purposes of this Treaty, be respectively deemed British or Venezuelan vessels.

ARTICLE XVI

If, as it is to be deprecated, there shall arise between Venezuela and Great Britain any difference which cannot be adjusted by the usual means of friendly negotiation, the Contracting Parties agree to submit the decision of said difference to the arbitration of a third Power, in amity with both, without resorting to war.

ARTICLE XVII

The present Treaty, which from the date of the exchange of its ratifications shall be substituted for the one concluded between Colombia and Great Britain on the 18th April, 1825, and renewed with Venezuela on the 29th October, 1834, shall continue in force during ten years, counted from the above date, and in case neither of the two Contracting Parties shall have given notice twelve months before the expiration of the said period of ten years of their intention of terminating the present Treaty, it shall remain in force until the expiration of one year from the date on which either of the Contracting Parties shall have given such notice.

786. EARL GRANVILLE, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS, TO GENERAL GUZMAN BLANCO, VENEZUELAN MINISTER TO GREAT BRITAIN

[15 April 1885]

(Translation – Original: French)

Foreign Office, April 15, 1885.

M. le Ministre,

I have the honour to acknowledge the receipt of your note of the 6th instant, informing me that you are unable to sign the proposed Convention for regulating *ad interim*, until the negotiation of a full Treaty, the differences which have arisen as to the interpretation of the existing Treaties between Great Britain and Venezuela. Her Majesty's Government are of opinion that the proposed Convention would have been the more expeditious way of dealing with the question, but they are desirous of meeting the wishes of your Government as far as possible, and agree to the immediate conclusion of a full Treaty. They note with satisfaction the assurance which you gave, that the Treaty can be ratified during the present Session of the Venezuelan Legislature.

The proposal to settle by arbitration questions which may arise between the countries meets with the entire concurrence of Her Majesty's Government. Experience has shown, however, that when a difference has once arisen, it is often difficult to come to an understanding as to the course to be followed respecting the actual selection of the Arbitrator or Arbitrators, and respecting the procedure of the Arbitration Commission or Tribunal when appointed. Her Majesty's Government suggest, therefore, the adoption of the fuller Article added as a Protocol to the Treaty of the 15th June, 1883, between her Majesty the Queen and His Majesty the King of Italy. I have the honour to inclose a copy of that Treaty.

The proposed Second and Fourth Articles, inclosed in your above-mentioned note of the 6th instant, would grant to the trade and commerce of the High Contracting Parties a conditional

most-favoured-nation treatment only. The policy pursued by Her Majesty's Government in matters of commercial and economic legislation is such that it appears to them that no condition of the nature proposed can be required by Venezuela in respect of British trade in the Republic; and they, on their part, desire under all circumstances to extend to Venezuelan trade every favour or privilege they may grant to any other Power. You are, no doubt, aware that in this country every protective restriction or duty has been repealed. Customs duties are levied only for the purpose of raising revenue; and where they are levied on foreign goods which are also produced in the United Kingdom, a corresponding excise or inland duty is levied on the home-produced article. Even the coasting trade and the trade between the mother-country and the Colonies is entirely open to foreigners and foreign ships. And, finally, any concession made to one Power is immediately and unconditionally extended to all others, even to Powers having no commercial Treaty with Great Britain. The interests of Venezuela in the self-governing Colonies are sufficiently protected by the Article relating to the Colonies, as any such Colony acceding to the Treaty, and thus becoming entitled to absolute most-favoured-nation treatment for its trade in Venezuela, would be bound to give similar treatment to Venezuelan trade.

Great Britain, having already made every possible concession to foreign trade, would not be able to make the equivalent or similar concessions required by the Articles proposed on behalf of Venezuela. It would in each case be found that she had already granted freely and unconditionally the very favour which had been purchased by a Power pursuing a less liberal commercial policy.

I trust that a consideration of these circumstances will convince you, M. le Ministre, that the restricted most-favoured-nation clauses proposed are not required in a Treaty with Great Britain, and that you will thus be able to agree to their standing as in the Treaty with Paraguay.

(Signed) GRANVILLE

787: GENERAL GUZMAN BLANCO, VENEZUELAN MINISTER TO GREAT BRITAIN, TO EARL GRANVILLE, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS

[6 May 1885]

(Translation – Original: French)

194, Queen's Gate, London, May 6, 1885.

My Lord,

I have had the honour of receiving your despatch of the 15th ultimo in answer to mine of the 6th.

Your Excellency assents, for which I am most thankful, to my proposal of proceeding at once to conclude a full Treaty, involving also the settlement of the differences arising out of the Venezuelan Decree, by which an additional duty upon the importations from the Antilles was created.

Your remarks refer to the arbitration and the most-favoured-nation Articles.

As to the former, I suggested this wording: –

“If, as it is to be deprecated, there shall arise between Venezuela and Great Britain any difference which cannot be adjusted by the usual means of friendly negotiation, the two Contracting Parties agree to submit the decision of said difference to the arbitration of a third Power in amity with both, without resorting to war.”

Your Excellency assures me that the proposal to settle by arbitration questions which may arise between the countries meets with the entire concurrence of Her Majesty's Government, and, after remarking that experience has shown that when a difference has once arisen, it is often difficult to come to an understanding as to the course to be followed respecting the actual selection of the Arbitrator or Arbitrators, and respecting the procedure of the Arbitration Commission or Tribunal when appointed, suggests the adoption of the fuller Article added as a Protocol to the Treaty of the 15th June, 1883, between Her Majesty the Queen and His Majesty the King of Italy.

This Protocol runs thus: –

“Any controversies which may arise respecting the interpretation or the execution of the present Treaty, or the consequences of any violation thereof, shall be submitted when the means of settling them directly by amicable agreement are exhausted, to the decision of Commissions of Arbitration, and that the result of such arbitration shall be binding upon both Governments.

“The members of such Commissions shall be selected by the two Governments by common consent, failing which each of the parties shall nominate an Arbitrator or an equal number of Arbitrators, and the Arbitrators thus appointed shall select an Umpire.

“The procedure of the arbitration shall, in each case, be determined by the Contracting Parties, failing which the Commission of Arbitration shall be itself entitled to determine it beforehand.”

This concerns only the controversies arising out of the interpretation or execution of the Treaty to be concluded, but not those emanating from another source. On the other hand, it seems that the Commissions of Arbitration spoken of will not consist of Powers, but of private persons.

Now, the clause which the federal Constitution of the Republic prescribes for her guidance is as follows: –

“Article 109. In the International Treaties of Commerce and Amity, there shall be inserted a clause to the effect that all differences between the Contracting Parties shall be decided without appeal to war by the arbitration of a friendly Power, or of friendly Powers.”

Venezuela has agreed thereto with the United States of Colombia, Italy, Denmark, Belgium, Spain, El Salvador, and Bolivia.

In conformity with that Article, I wrote the one stipulating for arbitration in a general way, and with reference to third Powers.

I think that owing to the above reflections, your Excellency will find me justified in again calling your attention to the wording of the arbitration clause, in the hope it may bring about every desirable result.

Moreover, I willingly agree to what, in connection with the procedure, is suggested by your Excellency as a means of supplying the deficiencies shown by experience.

Proceeding now to consider the most-favoured-nation clause, it is incumbent upon me to remind your Excellency that Venezuela has not yet reached such a development as to be able to enter upon the financial system adopted by Great Britain.

So her legislation rests upon contrary principles, and it would require to change it radically to give room to the new British system.

For instance, the 18th Law of her Fiscal Code defines thus the coasting trade: –

“Interior maritime coasting trade is that carried on from ports of entry and points on the Venezuelan coast by national vessels transporting foreign goods which have paid the duties levied thereon, or produce the growth of the country.”

In accordance with that, in a Treaty between Venezuela and Spain of the 20th May, 1882, it was stipulated that the coasting trade of the respective countries should remain exclusively reserved to the national flag; and so on in other Treaties.

There are among nations special grounds which make them determine upon certain acts, I will quote an example from a Treaty signed between Venezuela and New Granada on the 23rd July, 1842, the XXVIth Article of which is to the following effect: –

“The Republic of Venezuela and the Republic of New Granada, with a view to prevent any interpretation contrary to their intentions, do hereby declare that any advantages which both or either of them may derive from the foregoing stipulations are and must be understood to be a natural result of the political connections they formed when before united in a single body of nation, and as a compensation for the alliance they have entered into to support their independence.”

Here are not one but several reasons which justified the granting of exceptional favours by each of the two Republics to the other, and another highly important reason may be added anent the navigation of their rivers; viz., the fact of some of them traversing the territory of both nations or receiving affluents from each other.

In such a case, there would be no ground for extending the stipulations required by the same to third Powers differently circumstanced.

I come, therefore, to the conclusion that, so long as Venezuela does not attain to the stage of development and prosperity at which Great Britain has arrived, it is not possible for the former to agree upon that clause as desired by your Excellency.

Such being the case, I propose either to preserve the IXth Article in the old Colombian Treaty, or to leave out the word “unconditionally” in the IInd and IIIrd Articles in the Paraguayan Treaty, and the word “rivers” in the IIIrd, adding that the coasting trade is not included in the concessions therein expressed.

(Signed) GUZMAN BLANCO

788. EARL GRANVILLE, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS, TO GENERAL GUZMAN BLANCO, VENEZUELAN MINISTER TO GREAT BRITAIN

[15 May 1885]

(Translation – Original: French)

Foreign Office, May 15, 1885.

M. le Ministre,

I have the honour to acknowledge the receipt on the 12th instant of your note, dated the 6th instant, respecting the proposed new Treaty between Great Britain and Venezuela.

In reply, I have the honour to inform you that Her Majesty's Government agree to the substitution of the phrase "Power" to be chosen by the High Contracting Parties instead of "Arbitrators" in the Article respecting arbitration, and that they further agree that the undertaking to refer differences to arbitration shall include all differences which may arise between the High Contracting Parties, and not those only which arise on the interpretation of the Treaty.

Her Majesty's Government are also prepared to meet generally the wishes of the Venezuelan Government as to river navigation and coasting trade as connected with it; but I beg leave to point out that this exception to most-favoured-nation or national treatment should not interfere with ocean-going steamers touching consecutively at two or more ports of the Republic.

With regard to the arrangements made by Venezuela with Colombia, I have the honour to state that Her Majesty's Government will agree that the provisions of the most-favoured-nation Article proposed by them shall not include special arrangements with regard to local trade entered into by Venezuela with neighbouring countries with respect to traffic across the land frontier.

I trust that these modifications will meet your views, and that I may shortly hear from you that a formal draft Treaty framed on that with Paraguay, with the addition of an Article respecting arbitration and the alterations in the most-favoured-nation stipulations now suggested, may be prepared for your approval.

(Signed) GRANVILLE

789. GENERAL GUZMAN BLANCO, VENEZUELAN MINISTER TO GREAT BRITAIN, TO EARL GRANVILLE, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS

[8 June 1885]

(Translation – Original: French)

194, Queen's Gate, London, June 8, 1885.

My Lord,

I have with much satisfaction received your Excellency's despatch of the 15th ultimo, by which your Excellency is pleased to inform me that Her Majesty's Government agree to the substitution of the phrase "Power" to be chosen by the High Contracting Parties instead of "Arbitrators" in the Article respecting "arbitration", and that they further agree that the undertaking to refer differences to arbitration shall include all differences which may arise between the High Contracting Parties, and not those only which arise on the interpretation of the Treaty.

Your Excellency adds that Her Majesty's Government are also prepared to meet generally the wishes of the Venezuelan Government as to river navigation and coasting trade as connected with it, but on the understanding that this exception to most-favoured-nation or national treat-

ment should not interfere with ocean-going steamers touching consecutively at two or more ports of the Republic.

Your Excellency states lastly that Her Majesty's Government will agree that the provisions of the most-favoured-nation Article proposed by them shall not include special arrangements entered into by Venezuela with neighbouring countries with respect to traffic across the land frontier.

These premises being set down, and taking into account, with reference to river navigation and coasting trade, that the fiscal laws of the Republic permit foreign vessels to take cargoes or passengers to two or more authorized ("habitados") ports, or to receive them there, I see that the negotiation is about to terminate satisfactorily.

Upon the understanding, therefore, that we agree as to the points expressed and those which have not been made the subject of any particular remark, I hope that your Excellency, according to the closing part of your note, will deign to have prepared and sent me for examination a formal draft Treaty framed on that concluded between Great Britain and Paraguay on the 18th October, 1884, and on the results of the negotiation we have pursued.

In order to facilitate the accomplishment of such a work, I beg leave to inclose a draft Treaty elaborated upon the aforesaid bases.

(Signed) GUZMAN BLANCO

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Inclosure:

DRAFT TREATY BETWEEN GREAT BRITAIN AND VENEZUELA

The Government of the United States of Venezuela, and the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous of putting an end to the differences which have arisen respecting the meaning of certain stipulations in the Treaty between the Republic of Colombia and Great Britain on the 18th April, 1825, which Treaty was adopted and confirmed by the Treaty between Venezuela and Great Britain signed on the 29th October, 1834, have appointed as their respective Plenipotentiaries, to wit, the Government of the United States of Venezuela;

And the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland;

Who, after having communicated to each other their full powers, and found them in good and due form, have agreed upon the following Articles: –

ARTICLE I

There shall be perfect peace and sincere friendship between the Republic of the United States of Venezuela and the United Kingdom of Great Britain and Ireland, and between the subjects and citizens of both States, without exception, of persons or of places. The High Contracting Parties shall use their best endeavours that this friendship and good understanding may be constantly and perpetually maintained.

ARTICLE II

The Contracting Parties agree that in all matters relating to commerce and navigation any privilege, favour, or immunity whatever which either Contracting Party has actually granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended immediately to the subjects or citizens of the other Contracting Party, it being their intention that the trade and navigation of each country shall be placed in all respects by the other on the footing of the most favoured nation.

ARTICLE III

The produce and manufactures of, as well as all goods coming from, the dominions and possessions of Her Britannic Majesty which are imported from whatsoever place into Venezuela, and the produce and manufactures of, as well as goods coming from, Venezuela which are imported from whatsoever place into the dominions and possessions of Her Britannic Majesty, whether intended for consumption, warehousing, re-exportation, or transit, shall be treated in the same manner as, and in particular shall be subjected to no higher or other duties, whether general, municipal, or local, than the produce, manufactures, and goods, whencesoever arriving, of any third country the most favoured in this respect. No other or higher duties shall be levied in Venezuela on the exportation of any goods to the dominions and possessions of Her Britannic Majesty, or in the dominions and possessions of Her Britannic Majesty, on the exportation of any goods to Venezuela than may be levied on the exportation of the like goods to any third country the most favoured in this respect.

Neither of the Contracting Parties shall establish a prohibition of importation, exportation, or transit against the other which shall not, under like circumstances, be applicable to any third country the most favoured in this respect.

In like manner, in all that relates to local dues, customs, formalities, brokerage, patterns, or samples introduced by commercial travellers, and all other matters connected with trade, British subjects in Venezuela, and Venezuelan citizens in the dominions and possessions of Her Britannic Majesty, shall enjoy most-favoured-nation treatment.

ARTICLE IV

British ships and their cargoes shall, in the United States of Venezuela, and Venezuelan vessels and their cargoes shall, in the dominions and possessions of Her Britannic Majesty, from whatever place arriving, and whatever may be the place of origin or destination of their cargoes, be treated in every respect as national ships and their cargoes.

The preceding stipulation applies to local treatment, dues, and charges in the ports, basins, docks, roadsteads, and harbours of the two countries, pilotage, and generally to all matters connected with navigation.

Every favour or exemption in these respects, or any other privilege in matters of navigation which either of the Contracting Parties shall grant to a third Power, shall be extended immediately to the other party; but it includes neither the internal navigation of rivers nor the coasting

trade nor special arrangements with regard to local trade entered into by Venezuela with neighbouring countries with respect to trade across the land frontier.

The vessels of the two Contracting Parties shall be at liberty to touch consecutively at two or more ports of the other, open to foreign commerce, for such purposes and under such requirements as have been specified and established by the respective laws.

All vessels which, according to British law, are to be deemed British vessels, and all vessels which, according to the law of the United States of Venezuela, are to be deemed Venezuelan vessels, shall, for the purposes of this Treaty, be respectively deemed British or Venezuelan vessels.

ARTICLE V

The subjects or citizens of each of the contracting Parties shall have in the dominions and possessions of the other the same rights as natives, or as subjects or citizens of the most favoured nation, in regard to patents for inventions, trade-marks, and designs, upon fulfilment of the formalities prescribed by law.

ARTICLE VI

The subjects or citizens of each of the Contracting Parties, who reside permanently or temporarily in the dominions and possessions of the other, shall be at full liberty to exercise civil rights, and therefore to acquire, possess, and dispose of *every description of* property, movable and immovable. They may acquire and transmit the same to others, whether by purchase, sale, donation, exchange, marriage, testament, succession *ab intestato*, and in any other manner, under the same conditions as natives of the country. Their heirs may succeed to and take possession of it, either in person or by procurators, in the same manner and in the same legal forms as natives of the country.

In none of these respects shall they pay upon the value of such property any other or higher impost, duty, or charge than is payable by natives of the country. In every case the subjects or citizens of the Contracting Parties shall be permitted to export their property, or the proceeds thereof if sold, freely and without being subjected on such exportation to pay any duty different from that to which natives of the country are liable under similar circumstances.

ARTICLE VII

The dwellings, manufactories, warehouses, and shops of subjects or citizens of each of the Contracting Parties in the dominions and possessions of the other, and all premises appertaining thereto destined for purposes of residence or commerce, shall be respected.

It shall not be allowable to proceed to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the laws for natives of the country.

The subjects or citizens of each of the two Contracting Parties in the dominions and possessions of the other shall have free access to the Courts of Justice for the prosecution and defence of their rights, without other conditions, restrictions, or taxes beyond those imposed on native

subjects or citizens, and shall, like them, be at liberty to employ, in all causes, their advocates, attorneys, or agents from among the persons admitted to the exercise of those professions according to the laws of the country.

ARTICLE VIII

The subjects of each of the Contracting Parties in the dominions and possessions of the other shall be exempted from billeting, and from all compulsory military service whatever, whether in the army, navy, national guard, or militia. They shall likewise be exempted from all contributions, whether pecuniary or in kind, imposed as a compensation for billeting and for personal service, and, finally, from forced loans and military exactions or requisitions of any kind.

ARTICLE IX

The subjects or citizens of either of the two Contracting Parties residing in the dominions and possessions of the other shall enjoy, in regard to their houses, persons, and properties, the protection of the Government in as full and ample a manner as native subjects or citizens.

In like manner the subjects or citizens of each Contracting Party shall enjoy, in the dominions and possessions of the other, full liberty of conscience, and shall not be molested on account of their religious belief; and such of those subjects or citizens as may die in the territories of the other party shall be buried in the public cemeteries, or in places appointed for the purpose, with suitable decorum and respect.

The subjects of Her Britannic Majesty residing within the territories of the Republic of the United States of Venezuela shall be at liberty to exercise in private and in their own dwellings, or within the dwellings or offices of Her Britannic Majesty's Consuls or Vice-Consuls, or in any public edifice set apart for the purpose, their religious rites, services and worship, and to assemble therein for that purpose without hindrance or molestation.

ARTICLE X

Each of the Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents to reside respectively in towns or ports in the dominions and possessions of the other Power. Such Consular officers, however, shall not enter upon their functions until after they shall have been approved and admitted in the usual form by the Government to which they are sent. They shall exercise whatever functions, and enjoy whatever privileges, exemptions, and immunities are, or may hereafter be, granted there to Consular officers of the most favoured nation.

ARTICLE XI

In the event of any subject or citizen of either of the two Contracting Parties dying without will or testament in the dominions and possessions of the other Contracting Party, the Consul-General, Consul, or Vice-Consul of the nation to which the deceased may belong, or, in his absence, the Representative of such Consular officer, shall, so far as the laws of each country will

permit, take charge of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, until an executor or administrator be named by the said Consul-General, Consul, or Vice-Consul, or his Representative.

ARTICLE XII.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the Contracting Parties residing in the dominions and possessions of the other shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

ARTICLE XIII

Any ship of war or merchant-vessel of either of the Contracting Parties which may be compelled, by stress of weather or by accident, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to continue their voyage, without paying any dues other than such as would be payable in a similar case by a national vessel.

In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall be bound to conform to the Regulations and Tariffs of the place to which he may have come.

If any ship of war or merchant-vessel of one of the Contracting Parties should run aground or be wrecked within the territory of the other, such ship or vessel, and all parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise saved therefrom, including any which may have been cast out of the ship, or the proceeds thereof if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents when claimed by them. If there are no such owners or agents on the spot, then the same shall be delivered to the British or Venezuelan Consul-General, Consul, Vice-Consul, or Consular Agent in whose district the wreck or stranding may have taken place, upon their being claimed by him within the period fixed by the laws of the country; and such Consuls, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck of a national vessel.

The goods and merchandise saved from the wreck shall be exempt from all duties of customs unless cleared for consumption, in which case they shall pay the same rate of duty as if they had been imported in a national vessel.

In the case either of a vessel being driven in by stress of weather, run aground, or wrecked, the respective Consuls-General, Vice-Consuls, and Consular Agents shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorized to interpose in order to afford the necessary assistance to their fellow-countrymen.

ARTICLE XIV

For the better security of commerce between the subjects of Her Britannic Majesty and the citizens of the Republic of the United States of Venezuela, it is agreed that if at any time any in-

interruption of friendly intercourse or any rupture should unfortunately take place between the two Contracting Parties, the subjects or citizens of either of the said Contracting Parties who may be established in the dominions or territories of the other, in the exercise of any trade or special employment, shall have the privilege of remaining and continuing such trade or employment therein, without any manner of interruption, in full enjoyment of their liberty and property, so long as they behave peacefully and commit no offence against the laws; and their goods, property, and effects, of whatever description they may be, whether in their own custody or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other charges or demands than those which may be made upon the like goods, property, and effects belonging to native subjects or citizens. Should they, however, prefer to leave the country, they shall be allowed to make arrangements for the safe keeping of their goods, property, and effects, or to dispose of them, and to liquidate their accounts; and a safe-conduct shall be given them to embark, at the ports which they shall themselves select.

ARTICLE XV

If, as it is to be deprecated, there shall arise between the United States of Venezuela and the United Kingdom of Great Britain and Ireland any differences which cannot be adjusted by the usual means of friendly negotiation, the two Contracting Parties agree to submit the decision of all such differences to the arbitration of a third Power, or of several Powers, in amity with both, without resorting to war, and that the result of such arbitration shall be binding upon both Governments.

The arbitrating Power or Powers shall be selected by the two Governments by common consent, failing which each of the parties shall nominate an arbitrating Power, and the Arbitrators thus appointed shall be requested to select another Power to act as Umpire.

The procedure of the arbitration shall in each case be determined by the Contracting Parties, failing which the arbitrating Power or Powers shall be themselves (entitled to) determine it beforehand.

ARTICLE XVI

The stipulations of the present Treaty shall be applicable to all the Colonies and foreign possessions of Her Britannic Majesty, so far as the laws permit, excepting to those hereinafter named, that is to say, except to: –

- The Dominion of Canada,
- Newfoundland,
- New South Wales,
- Victoria,
- South Australia,
- Western Australia,
- Tasmania,
- Queensland,
- New Zealand,

The Cape,
Natal.

Provided always that the stipulations of the present Treaty shall be made applicable to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative in the United States of Venezuela to the Venezuelan Minister for Foreign Affairs within two years from the date of the exchange of ratifications of the present Treaty.

ARTICLE XVII

The present Treaty shall continue in force during ten years, counted from the day of the exchange of the ratifications, and in case neither of the two Contracting Parties shall have given notice twelve months before the expiration of the said period of ten years of their intention of terminating the present Treaty, it shall remain in force until the expiration of one year from the day on which either of the Contracting Parties shall have given such notice.

ARTICLE XVIII

The present Treaty shall be ratified by his Excellency the President of the Republic of Venezuela and by Her Majesty the Queen of Great Britain and Ireland, and the ratifications shall be exchanged in London as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done in London on the ____ day of ____, in the year of our Lord ____.

790. EARL GRANVILLE, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS, TO GENERAL GUZMAN BLANCO, VENEZUELAN MINISTER TO GREAT BRITAIN
[18 June 1885]

(Translation – Original: French)

Foreign Office, June 18, 1885.

M. le Ministre,

I have the honour to acknowledge the receipt of your note of the 8th instant, forwarding the draft of a new Treaty of Friendship, Commerce, and Navigation between Great Britain and Venezuela, to replace the Treaties of 1825 and 1834, founded on the text of the Treaty recently concluded between Great Britain and Paraguay, and on correspondence which has passed between us.

I have the honour to submit, for your consideration, copies of this document in print, in order to avoid any misapprehension; and I beg to offer the following observations with respect to them. The words inserted in *italics* in Articles II, VI, and XVIII appear to have been inadvertently omitted in the copy inclosed in your note. The clause in italics at the end of the Article XV would seem to render that Article more explicit, and to be useful for this purpose. India should be included in the list of British Colonies and foreign possessions in Article XVI. It was omitted in the text of the Treaty with Paraguay as signed, but this error has been rectified. in the exchange of ratifications.

I trust that the text of the proposed Treaty as printed, with the several corrections now specified, will meet with your concurrence, and that you will be so good as to signify your consent to them at your earliest convenience, in order that the draft of the proposed Treaty may be referred to the Departments of Her Majesty's Government concerned.

(Signed) GRANVILLE

**Inclosure:*

DRAFT TREATY BETWEEN GREAT BRITAIN AND VENEZUELA

The Government of the United States of Venezuela, and the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous of putting an end to the differences which have arisen respecting the meaning of certain stipulations in the Treaty between the Republic of Colombia and Great Britain on the 18th April, 1825, which Treaty was adopted and confirmed by the Treaty between Venezuela and Great Britain signed on the 29th October, 1834, have appointed as their respective Plenipotentiaries, to wit, the Government of the United States of Venezuela,

And the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland,

Who, after having communicated to each other their full powers, and found them in good and due form, have agreed upon the following Articles: –

ARTICLE I

There shall be perfect peace and sincere friendship between the Republic of the United States of Venezuela and the United Kingdom of Great Britain and Ireland, and between the subjects and citizens of both States, without exception, of persons or of places. The High Contracting Parties shall use their best endeavours that this friendship and good understanding may be constantly and perpetually maintained.

ARTICLE II

The Contracting Parties agree that in all matters relating to commerce and navigation any privilege, favour, or immunity whatever which either Contracting Party has actually granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended immediately

and unconditionally to the subjects or citizens of the other Contracting Party; it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other on the footing of the most favoured nation.

ARTICLE III

The produce and manufactures of, as well as all goods coming from, the dominions and possessions of Her Britannic Majesty which are imported from whatsoever place into Venezuela, and the produce and manufactures of, as well as goods coming from, Venezuela, which are imported from whatsoever place into the dominions and possessions of Her Britannic Majesty, whether intended for consumption, warehousing, re-exportation, or transit, shall be treated in the same manner as, and in particular shall be subjected to no higher or other duties, whether general, municipal, or local, than the produce, manufactures, and goods, whencesoever arriving, of any third country the most favoured in this respect. No other or higher duties shall be levied in Venezuela on the exportation of any goods to the dominions and possessions of Her Britannic Majesty, or in the dominions and possessions of Her Britannic Majesty, on the exportation of any goods to Venezuela, than may be levied on the exportation of the like goods to any third country the most favoured in this respect.

Neither of the Contracting Parties shall establish a prohibition of importation, exportation, or transit against the other which shall not, under like circumstances, be applicable to any third country the most favoured in this respect.

In like manner, in all that relates to local dues, customs, formalities, brokerage, patterns, or samples introduced by commercial travellers, and all other matters connected with trade, British subjects in Venezuela, and Venezuelan citizens in the dominions and possessions of Her Britannic Majesty, shall enjoy most-favoured-nation treatment.

ARTICLE IV

British ships and their cargoes shall, in the United States of Venezuela, and Venezuelan vessels and their cargoes shall, in the dominions and possessions of Her Britannic Majesty, from whatever place arriving, and whatever may be the place of origin or destination of their cargoes, be treated in every respect as national ships and their cargoes.

The preceding stipulation applies to local treatment, dues, and charges in the ports, basins, docks, roadsteads, and harbours of the two countries, pilotage, and generally to all matters connected with navigation.

Every favour or exemption in these respects, or any other privilege in matters of navigation which either of the Contracting Parties shall grant to a third Power, shall be extended immediately to the other party; but it includes neither the internal navigation of rivers nor the coasting trade nor special arrangements with regard to local trade entered into by Venezuela with neighbouring countries with respect to traffic across the land frontier.

The vessels of the two Contracting Parties shall be at liberty to touch consecutively at two or more ports of the other, open to foreign commerce, for such purposes and under such requirements as have been specified and established by the respective laws.

All vessels which, according to British law, are to be deemed British vessels, and all vessels

which, according to the law of the United States of Venezuela, are to be deemed Venezuelan vessels, shall, for the purposes of this Treaty, be respectively deemed British or Venezuelan vessels.

ARTICLE V

The subjects or citizens of each of the contracting Parties shall have in the dominions and possessions of the other the same rights as natives, or as subjects or citizens of the most favoured nation, in regard to patents for inventions, trade marks, and designs, upon fulfilment of the formalities prescribed by law.

ARTICLE VI

The subjects or citizens of each of the Contracting Parties, who reside permanently or temporarily in the dominions and possessions of the other, shall be at full liberty to exercise civil rights, and therefore to acquire, possess, and dispose of *every description of* property, movable and immovable. They may acquire and transmit the same to others, whether by purchase, sale, donation, exchange, marriage, testament, succession *ab intestato*, and in any other manner, under the same conditions as natives of the country. Their heirs may succeed to and take possession of it, either in person or by procurators, in the same manner and in the same legal forms as natives of the country.

In none of these respects shall they pay upon the value of such property any other or higher impost, duty, or charge than is payable by natives of the country. In every case the subjects or citizens of the Contracting Parties shall be permitted to export their property, or the proceeds thereof if sold, freely and without being subjected on such exportation to pay any duty different from that to which natives of the country are liable under similar circumstances.

ARTICLE VII

The dwellings, manufactories, warehouses, and shops of subjects or citizens of each of the Contracting Parties in the dominions and possessions of the other, and all premises appertaining thereto destined for purposes of residence or commerce, shall be respected.

It shall not be allowable to proceed to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the laws for natives of the country.

The subjects or citizens of each of the two Contracting Parties in the dominions and possessions of the other shall have free access to the Courts of Justice for the prosecution and defence of their rights, without other conditions, restrictions, or taxes beyond those imposed on native subjects or citizens, and shall, like them, be at liberty to employ, in all causes, their advocates, attorneys, or agents from among the persons admitted to the exercise of those professions according to the laws of the country.

ARTICLE VIII

The subjects of each of the Contracting Parties in the dominions and possessions of the other shall be exempted from billeting, and from all compulsory military service whatever, whether in the army, navy, national guard, or militia. They shall likewise be exempted from all contributions, whether pecuniary or in kind, imposed as a compensation for billeting and for personal service, and, finally, from forced loans and military exactions or requisitions of any kind.

ARTICLE IX

The subjects or citizens of either of the two Contracting Parties residing in the dominions and possessions of the other shall enjoy, in regard to their houses, persons, and properties, the protection of the Government in as full and ample a manner as native subjects or citizens.

In like manner the subjects or citizens of each Contracting Party shall enjoy, in the dominions and possessions of the other, full liberty of conscience, and shall not be molested on account of their religious belief; and such of those subjects or citizens as may die in the territories of the other party shall be buried in the public cemeteries, or in places appointed for the purpose, with suitable decorum and respect.

The subjects of Her Britannic Majesty residing within the territories of the Republic of the United States of Venezuela shall be at liberty to exercise in private and in their own dwellings, or within the dwellings or offices of Her Britannic Majesty's Consuls or Vice-Consuls, or in any public edifice set apart for the purpose, their religious rites, services and worship, and to assemble therein for that purpose without hindrance or molestation.

ARTICLE X

Each of the Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents to reside respectively in towns or ports in the dominions and possessions of the other Power. Such Consular officers, however, shall not enter upon their functions until after they shall have been approved and admitted in the usual form by the Government to which they are sent. They shall exercise whatever functions, and enjoy whatever privileges, exemptions, and immunities are, or may hereafter be, granted there to Consular officers of the most favoured nation.

ARTICLE XI

In the event of any subject or citizen of either of the two Contracting Parties dying without will or testament in the dominions and possessions of the other Contracting Party, the Consul-General, Consul, or Vice-Consul of the nation to which the deceased may belong, or in his absence, the Representative of such Consular officer, shall, so far as the laws of each country will permit, take charge of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, until an executor or administrator be named by the said Consul-General, Consul, or Vice-Consul, or his Representative.

ARTICLE XII.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the Contracting Parties residing in the dominions and possessions of the other shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

ARTICLE XIII

Any ship of war or merchant-vessel of either of the Contracting Parties which may be compelled, by stress of weather or by accident, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to continue their voyage, without paying any dues other than such as would be payable in a similar case by a national vessel.

In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall be bound to conform to the Regulations and Tariffs of the place to which he may have come.

If any ship of war or merchant-vessel of one of the Contracting Parties should run aground or be wrecked within the territory of the other, such ship or vessel, and all parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise saved therefrom, including any which may have been cast out of the ship, or the proceeds thereof if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents when claimed by them. If there are no such owners or agents on the spot, then the same shall be delivered to the British or Venezuelan Consul-General, Consul, Vice-Consul, or Consular Agent in whose district the wreck or stranding may have taken place, upon their being claimed by him within the period fixed by the laws of the country; and such Consuls, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck of a national vessel.

The goods and merchandise saved from the wreck shall be exempt from all duties of customs unless cleared for consumption, in which case they shall pay the same rate of duty as if they had been imported in a national vessel.

In the case either of a vessel being driven in by stress of weather, run aground, or wrecked, the respective Consuls-General, Vice-Consuls, and Consular Agents shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorized to interpose in order to afford the necessary assistance to their fellow-countrymen.

ARTICLE XIV

For the better security of commerce between the subjects of Her Britannic Majesty and the citizens of the Republic of the United States of Venezuela, it is agreed that if at any time any interruption of friendly intercourse or any rupture should unfortunately take place between the two Contracting Parties, the subjects or citizens of either of the said Contracting Parties who may be established in the dominions or territories of the other, in the exercise of any trade or special employment, shall have the privilege of remaining and continuing such trade or employment therein, without any manner of interruption, in full enjoyment of their liberty and property, so long as they behave peacefully and commit no offence against the laws; and their goods, prop-

erty, and effects, of whatever description they may be, whether in their own custody or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other charges or demands than those which may be made upon the like goods, property, and effects belonging to native subjects or citizens. Should they, however, prefer to leave the country, they shall be allowed to make arrangements for the safe keeping of their goods, property, and effects, or to dispose of them, and to liquidate their accounts; and a safe-conduct shall be given them to embark, at the ports which they shall themselves select.

ARTICLE XV

If, as it is to be deprecated, there shall arise between the United States of Venezuela and the United Kingdom of Great Britain and Ireland any differences which cannot be adjusted by the usual means of friendly negotiation, the two Contracting Parties agree to submit the decision of all such differences to the arbitration of a third Power, or of several Powers, in amity with both, without resorting to war, and that the result of such arbitration shall be binding upon both Governments.

The arbitrating Power or Powers shall be selected by the two Governments by common consent, failing which each of the parties shall nominate an arbitrating Power, and the Arbitrators thus appointed shall be requested to select another Power to act as Umpire.

The procedure of the arbitration shall in each case be determined by the Contracting Parties, failing which the arbitrating Power or Powers shall be themselves (entitled to) determine it beforehand.

The Award of the Arbitrators shall be carried out as speedily as possible in cases where such Award does not specifically lay down a date.

ARTICLE XVI

The stipulations of the present Treaty shall be applicable to all the Colonies and foreign possessions of Her Britannic Majesty, so far as the laws permit, excepting to those hereinafter named, that is to say, except to:—

The Dominion of Canada.
Newfoundland.
New South Wales.
Victoria.
South Australia.
Western Australia.
Tasmania.
Queensland.
New Zealand.
The Cape.
Natal.
India.

Provided always that the stipulations of the present Treaty shall be made applicable to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative in the United States of Venezuela to the Venezuelan Minister for Foreign Affairs within two years from the date of the exchange of ratifications of the present Treaty.

ARTICLE XVII

The present Treaty shall continue in force during ten years, counted from the day of the exchange of the ratifications, and in case neither of the two Contracting Parties shall have given notice twelve months before the expiration of the said period of ten years of their intention of terminating the present Treaty, it shall remain in force until the expiration of one year from the day on which either of the Contracting Parties shall have given such notice.

ARTICLE XVIII

The present Treaty shall be ratified by his Excellency the President of the Republic of *the United States* of Venezuela and by Her Majesty the Queen of Great Britain and Ireland, and the ratifications shall be exchanged in London as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done in London on the ___day of ____, in the year of our Lord ____.

791. GENERAL GUZMAN BLANCO, VENEZUELAN MINISTER TO GREAT BRITAIN, TO EARL GRANVILLE, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS

[22 June 1885]

(Translation – Original: French)

194, Queen's Gate, London, June 22, 1885.

My Lord,

I have had the honour of receiving your Excellency's despatch of the 18th, accompanying a copy in print of a draft Treaty of Friendship, Commerce, and Navigation between the United States of Venezuela and Great Britain, with certain corrections to which your Excellency asks me to express my consent, in order to avoid any misapprehension.

I proceed accordingly to reply that I see no objection to adding to Article VI "every description of;" to Article XV "The Award of the Arbitrators shall be carried out as speedily as possible in cases where such Award does not specifically lay down a date;" and to Article XVI "India"; and to Article XVIII "of the United States of."

But I am not allowed to retain in Article II the words “and unconditionally,” which I omitted on purpose for reasons explained in the correspondence.

On the other hand, I must ask for the reinsertion of the following words of my Article XVII – “which, from the date of the exchange of its ratifications, shall be substituted for the one concluded between Colombia and Great Britain on the 18th April, 1825, and renewed with Venezuela on the 29th October, 1834.” I consider the re-establishment of that incidental clause to be essential, for, if left out, a doubt at least would remain as to the repeal of the old Treaty, notwithstanding the differences between the same and the draft referred to.

The two preceding suggestions being admitted, the conclusion of the Treaty may be proceeded with.

(Signed) GUZMAN BLANCO

792. GENERAL GUZMAN BLANCO, VENEZUELAN MINISTER TO GREAT BRITAIN, TO SIR J. PAUNCEFOTE
[22 July 1885]

194, Queen's Gate, London, July 22, 1885.

The Venezuelan Minister presents his compliments to Sir Julian Pauncefote, and, with reference to the remarks made yesterday by the latter as to the draft Treaty between the two countries, has the honour to reply that Lord Granville, the Secretary of State for Foreign Affairs, in a note of the 15th May, 1885, wrote to this Legation as follows: –

“In reply, I have the honour to inform you that Her Majesty's Government agree to the substitution of the phrase ‘Power’ to be chosen by the High Contracting Parties instead of ‘Arbitrators’ in the Article respecting ‘arbitration;’ and that they further agree that the undertaking to refer differences to arbitration shall include all differences which may arise between the High Contracting Parties, and, not those only which arise on the interpretation of the Treaty.”

Let it be permitted to remember the words of Lord Salisbury, the present Prime Minister, and Her British Majesty's Principal Secretary of State for Foreign Affairs, in stating before the House of Lords on the 6th instant the policy of his Government: –

“It is not our business now to enter controversial questions which may formerly have been raised. And still more, your Lordships will observe the very material restriction on our action and on our statements which arises from the fact that we have come into these matters right in the middle of them, and we are finishing or furnishing the end of that which others have begun. The consequence of that is that many pledges have been given, and the first duty of any Government, whether it is fresh or has lasted for a considerable time, or from whatever side of the House or party it is drawn, is to see that the pledges which the English Government, as the English Government, have given, shall be observed.”

Her Majesty's Government have adopted on several occasions, for questions about territory, as the happiest solution of them, arbitration: with the United States in 1827 and 1871, by Treaties in which two territorial disputes were referred respectively to the King of the Netherlands and to the Emperor of Germany. The judgment of the former produced no effect, the Arbitrator not hav-

ing conformed to the terms of the compromise, and the parties afterwards settled the difficulty in 1842 by friendly agreement. The Award of the latter was pronounced on the 21st April, 1872, and accepted and acted upon by the two nations concerned. In the second case, the Memorial presented by the American Plenipotentiary, George Bancroft, says: –

“Six times the United States had received the offer of arbitration on their north-western boundary, and, six times had refused to refer a point where the importance was so great and the right so clear.”

In regard to the other point, mentioned by Sir Julian, General Guzman Blanco repeats that he has proposed, as to the most-favoured-nation clause, to suppress the word “unconditionally” only, for a new country like Venezuela needs to remain able to make particular concessions in exchange for those from other Powers, as a means of obtaining the advantages required by her natural aspirations for progress, and which she could not acquire unless by paying equivalents therefor.

793. THE MARQUESS OF SALISBURY, BRITISH PRIME MINISTER AND SECRETARY OF STATE FOR FOREIGN AFFAIRS, TO GENERAL GUZMAN BLANCO, VENEZUELAN MINISTER TO GREAT BRITAIN
[27 July 1885]

(Translation – Original: French)

Foreign Office, July 27, 1885.

M. le Ministre,

I have the honour to state that Her Majesty's Government have given their earnest consideration to the draft Treaty of Friendship, Commerce, and Navigation, the terms of which were in process of negotiation at the time of their accession to office; 'they have also had under their consideration the note which you were so good as to address to Earl Granville on the 22nd ultimo.

I regret to have to inform you that Her Majesty's Government cannot meet your wishes with regard to the omission of the word “unconditionally” in the most-favoured-nation clauses. They hold that those clauses have the same meaning, whether that word be inserted or not; but the present correspondence shows that the Venezuelan Government think otherwise, and are of opinion that without it, it would be competent for Venezuela to withhold from Great Britain any concession granted by the Republic to any third Power in consideration of some favour or concession received from it, unless Great Britain were to grant the like favour or concession to Venezuela. In his note of the 15th April Earl Granville explained that it might not be in the power of Her Majesty's Government to grant the favour or concession granted by the third Power; and considering the freedom of trade, and the total absence of differential duties in this country, Her Majesty's Government consider that they are entitled to claim most-favoured-nation treatment from Venezuela. They are prepared, however, to consider whether it would be possible to consent to the exclusion from the most-favoured-nation Articles of any particular favour which the Venezuelan Government might propose to except, as it may be found that they consist of local privi-

leges of importance only to the States contiguous to Venezuela. Such exceptions would not materially interfere with the general principle of most-favoured-nation treatment, from which Her Majesty's Government are unwilling to derogate.

Her Majesty's Government are unable to concur in the assent given by their predecessors in office to the general arbitration Article proposed by Venezuela, and they are unable to agree to the inclusion in it of matter other than those arising out of the interpretation or alleged violation of this particular Treaty. To engage to refer to arbitration all disputes and controversies whatsoever would be without precedent in the Treaties made by Great Britain. Questions might arise, such as those involving the title of the British Crown to territory or other sovereign rights which Her Majesty's Government could not pledge themselves beforehand to refer to arbitration.

I have the honour to inclose a printed copy of the Treaty, with the amendments considered to be essential by Her Majesty's Government.

You will observe that same other but minor alterations have been made, but these are mostly matters of form, and call for no particular remark.

(Signed) SALISBURY

794. GENERAL GUZMAN BLANCO, VENEZUELAN MINISTER TO GREAT BRITAIN, TO THE MARQUESS OF SALISBURY, BRITISH PRIME MINISTER AND SECRETARY OF STATE FOR FOREIGN AFFAIRS

[5 August 1885]

(Translation – Original: French)

Paris, August 5, 1885.

My Lord,

I have the honour to receive your Lordship's favour of the 27th July respecting the negotiation of a Treaty of Friendship between the two countries, with a modified draft.

In the first place, your Lordship informs me that the Government of Her Majesty cannot accede to my wish that the word "unconditionally" should be expunged from the most-favoured-nation clauses, since, even though without it they would have the same sense as with it, it appears from the present correspondence that the Government of Venezuela considers that by omitting this expression it could refuse Great Britain concessions which it might make to another Power in return for an equivalent which Great Britain should refuse.

In the second place, your Lordship withdraws the arbitration clause applicable to all disputes arising between the two parties, which had been settled with the previous Administration, and restricts it to those originated by the Treaty alone, on the score of want of precedents, and the possibility that questions might be presented involving the title of the British Crown to territory and other sovereign rights, which the Government could not bind itself by anticipation to refer to arbitration.

With respect to the word "unconditionally," my instructions direct me not to admit it, on account of the impossibility in which it would place Venezuela of granting particular advantages to

other States in exchange for others which it should receive from them, whether they were neighbouring States or not.

With respect to arbitration, it appears to me that the new Cabinet could not by itself alone repeal the Article to which its predecessor had given formal assent, and thereby placed it beyond its competence, and still less so, after your Lordship's declaration in the House of Lords, that the engagements of the previous Government would be respected. I should be pained to think that this declaration did not include Venezuela.

I think that boundary questions are of the number of those which it is most expedient to submit to the award of an impartial third party. As is shown in practice, other nations are also of this opinion; and that the same view is also shared by Great Britain, I think may be inferred from her action during 1829 and during 1872, in agreeing to submit two controversies respecting territory to the decision of the King of Holland and of the Emperor of Brazil respectively. In the last case, it proposed the arbitration no less than six times to the United States, as they allege, and it was only the seventh time that they accepted this means of deciding whether or not the line should pass by the Haro Canal. It appears from the correspondence of the Venezuelan Plenipotentiary, Señor Fortique, that the same proposal was made to him orally for the termination of the dispute respecting Guiana.

In fine, arbitration, in addition to having been employed on various occasions by Great Britain, has been so favourable entertained in her Parliament and by her statesmen, and in the public opinion of the United Kingdom, that its general adoption could not fail to merit applause. Moreover, I proceeded in this matter conformably with the Constitution of Venezuela, which requires the Executive to stipulate for arbitration in comprehensive terms, and without any restriction.

(Signed) GUZMAN BLANCO

795. THE MARQUESS OF SALISBURY, BRITISH PRIME MINISTER AND SECRETARY OF STATE FOR FOREIGN AFFAIRS, TO GENERAL GUZMAN BLANCO, VENEZUELAN MINISTER TO GREAT BRITAIN

[3 October 1885]

(Translation – Original: French)

Foreign Office, October 3, 1885.

M. le Ministre,

Her Majesty's Government have had under their consideration the observations which you did me the honour to make to me in your note of the 5th August respecting the proposed Treaty between Venezuela and Great Britain. They regret that your instructions do not permit you to agree to the Article granting to this country most-favoured-nation treatment in Venezuela in exchange for the same treatment already conceded to the latter by Her Majesty's Government, or to the limited form of Arbitration Article. Under these circumstances, I would ask you, M. le Ministre, to be so good as to refer the points on which differences have arisen to the Government of the Republic, as Her Majesty's Government cannot but hope that a perusal of the correspondence

which I have had the honour to exchange with you on this subject will convince them of the justice and reasonableness of the opinions held by Her Majesty's Government, and thus lead to a modification of your instructions in a sense that will permit of the conclusion of a Treaty containing the stipulations which Her Majesty's Government desire, and which are those new usually adopted.

(Signed) SALISBURY

796. GENERAL GUZMAN BLANCO, VENEZUELAN MINISTER TO GREAT BRITAIN, TO THE MARQUESS OF SALISBURY, BRITISH PRIME MINISTER AND SECRETARY OF STATE FOR FOREIGN AFFAIRS

[12 October 1885]

(Translation – Original: French)

Zurich, October 12, 1885.

My Lord,

I have had the honour to receive your Excellency's note of the 3rd instant, asking me to submit to my Government the points of disagreement in the negotiations for a Treaty, in the hope that that Government might modify my instructions in such a sense as would permit me to agree to the most-favoured-nation Article and to the limited Arbitration Article, as desired by the Government of Her Britannic Majesty.

As it is now more than a month since I submitted to the decision of my Government all that your Excellency says in regard to the Treaty we are discussing, I expect every moment a clear and decisive answer, which will be my definitive instructions.

As soon as I receive these instructions I shall write a note to your Excellency in the sense they indicate.

(Signed) GUZMAN BLANCO

797. GENERAL GUZMAN BLANCO, VENEZUELAN MINISTER TO GREAT BRITAIN, TO THE MARQUESS OF SALISBURY, BRITISH PRIME MINISTER AND SECRETARY OF STATE FOR FOREIGN AFFAIRS

[17 December 1885]

(Translation – Original: French)

Paris, December 17, 1885.

My Lord,

As I had the honour of making known to your Excellency, I submitted to the Government of the Republic a copy of the correspondence I have carried on with your Ministry in respect of the negotiation of a Treaty of Amity, Commerce, and Navigation between the two countries as the fittest means of solving the pending difficulties.

I have just received the answer of the Minister for Foreign Relations. By it the President of the Republic has been pleased to confirm the original instructions acted upon by me, and has, moreover, approved fully the communications I have addressed to your Excellency.

Under these circumstances, I cannot help insisting upon the most-favoured-nation clause, with the condition that, in order to enjoy the privileges granted to a third Power, the same compensation in exchange for which they were given is to be made.

In regard to the arbitration clause, as applicable to every difference, I invoke once more the arguments alleged previously, and which enforce the conviction that it is a right acquired by Venezuela, since it having been preferred on her part and agreed upon on the part of Her Britannic Majesty, their mutual consent has originated an obligation, from which it is not lawful for any of the Contracting Parties to withdraw by her single will.

I beg to make use of your own words in the speech delivered at Brighton on the 15th October before a numerous audience, that is, before the tribunal of public opinion.

[Here follows a long quotation from a speech by Lord Salisbury.]

This Legation then asks respectfully only the application to Venezuela of those principles maintained by your Excellency with so much dignity and courtesy.

(Signed) GUZMAN BLANCO
