

Paraguay

CLAIMS: UNITED STATES AND PARAGUAY NAVIGATION COMPANY

Special convention signed at Asunción February 4, 1859

Ratified by Paraguay February 11, 1859

Senate advice and consent to ratification February 16, 1860

Ratified by the President of the United States March 7, 1860

Ratifications exchanged at Washington March 7, 1860

Entered into force March 7, 1860

Proclaimed by the President of the United States March 12, 1860

*Terminated August 13, 1860*¹

12 Stat. 1087; Treaty Series 271²

SPECIAL CONVENTION

Between the United States of America and the Republic of Paraguay relating to the claims of the "United States and Paraguay Navigation Company" against the Paraguayan Government.

His Excellency the President of the United States of America and His Excellency the President of the Republic of Paraguay desiring to remove every cause that might interfere with the good understanding and harmony, for a time so unhappily interrupted, between the two Nations and now so happily restored, and which it is so much for their interest to maintain; and desiring for this purpose to come to a definite understanding, equally just and honorable to both Nations, as to the mode of settling a pending question of the said claims of the "United States and Paraguay Navigation Company"—A Company composed of Citizens of the United States, against the Government of Paraguay; have agreed to refer the same to a Special and respectable Commission to be organized and regulated by the Convention hereby established

¹ Date on which Commissioners rendered an award adverse to the claims of the company.

² For a detailed study of this convention, see 8 Miller 259.

between the two high contracting parties and for this purpose they have appointed and conferred full powers respectively, to wit :

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

ARTICLE I

The Government of the Republic of Paraguay binds itself for the responsibility in favor of the “United States and Paraguay Navigation Company” which may result from the decree of Commissioners who it is agreed shall be appointed as follows.

ARTICLE II

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

The Government of the United States of America shall appoint one Commissioner and the Government of Paraguay shall appoint another, and these two in case of disagreement shall appoint a third, said appointment to devolve upon a person of loyalty and impartiality, with the condition that, in case of difference between the Commissioners in the choice of an umpire, the Diplomatic Representatives of Russia and Prussia accredited to the Government of the United States of America at the City of Washington, may select such umpire.

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

ARTICLE III

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

ARTICLE IV

The said Commissioners shall assemble within one year after the ratification of the "Treaty of Friendship, Commerce and Navigation,"³ this day celebrated at the City of Assumption between the two high contracting parties, at the City of Washington, in the United States of America, and shall continue in session for a period not exceeding three months within which, if they come to an agreement, their decision shall be proclaimed and in case of disagreement they shall proceed to the appointment of an umpire as already agreed.

ARTICLE V

The Government of Paraguay hereby binds itself to pay to the Government of the United States of America, in the City of Assumption, Paraguay, thirty days after presentation to the Government of the Republic, the Draft which that of the United States of America shall issue for the amount for which the two Commissioners concurring, or by the umpire, shall declare it responsible to the said Company.

ARTICLE VI

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

ARTICLE VII

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

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

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

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

³ TS 272, *post*, p. 888.