

TREATY SERIES. No. 11.

1896.

CONVENTION AND PROTOCOL

BETWEEN

GREAT BRITAIN AND NICARAGUA

FOR THE

SETTLEMENT OF CERTAIN CLAIMS
ARISING OUT OF THE DISTURBANCES IN
THE MOSQUITO RESERVE IN 1894.

Signed at London, November 1, 1895.

Ratifications exchanged at London, June 30, 1896.

*Presented to both Houses of Parliament by Command of Her Majesty.
July 1896.*

LONDON :

PRINTED FOR HER MAJESTY'S STATIONERY OFFICE

BY HARRISON AND SONS, ST. MARTIN'S LANE,
PRINTERS IN ORDINARY TO HER MAJESTY.

And to be purchased, either directly or through any Bookseller, from
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HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Excellency the President of the Republic of Nicaragua, desiring to adjust amicably the claims of certain British subjects in respect of injury caused to them or their property or goods in the Mosquito Reserve, owing to the action of the Nicaraguan authorities in the course of the year 1894, have agreed to conclude a Convention for the settlement of such claims, and have for that purpose named as their respective Plenipotentiaries :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Most Honourable Robert Arthur Talbot Gascoyne Cecil, Marquess of Salisbury, Earl of Salisbury, Viscount Cranborne, Peer of the United Kingdom, Knight of the Most Noble Order of the Garter, Member of Her Majesty's Most Honourable Privy Council, Her Majesty's Principal Secretary of State for Foreign Affairs, &c., &c. ;

And His Excellency the President of the Republic of Nicaragua, Señor Don Crisanto Medina, Commander of the Legion of Honour, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Salvador, in charge of the Legation of the Republic of Nicaragua in the United Kingdom, &c., &c. ;

Who have agreed upon the following Articles :—

ARTICLE I.

A Mixed Commission shall be constituted to fix the amount due to British subjects in respect of injury caused to them or their property or goods in the Mosquito Reserve, owing to the action of the Nicaraguan authorities in the course of the year 1894. It shall be composed of a British Representative (who must be well

acquainted with the Spanish language), a Nicaraguan Representative (who must be well acquainted with the English language), and a jurist, not a citizen of any American State. This third person, who shall be President of the Commission, shall be selected by agreement between Her Britannic Majesty's Government and the Government of Nicaragua, and, failing such agreement, the President of the Swiss Confederation shall be requested to name a person.

In case of the death, absence, resignation, or incapacity of either the British or the Nicaraguan Commissioner, or in the event of either of them omitting or ceasing to act, the Government of Her Britannic Majesty or the Government of Nicaragua, as the case may be, shall forthwith proceed to fill the vacancy.

In similar circumstances another third Commissioner shall be appointed in the same manner as hereinbefore provided.

ARTICLE II.

The Commissioners shall sit in the city of Bluefields at the earliest convenient period after they shall have been respectively appointed, and they shall proceed with and conclude the business of the Commission with the utmost despatch possible.

ARTICLE III.

The Commission shall admit such methods of proof and inquiry as may, in the judgment of the majority of its members, conduce most effectually to the elucidation of the matters in dispute.

The Commission shall also admit written and verbal statements made by each Government through their Commissioners, or by the several claimants, or their counsel or agent.

ARTICLE IV.

The Commission shall decide the claims according to the evidence tendered, and in accordance with the principles of international law, and the practice and jurisprudence established by such analogous modern Commissions as enjoy the best reputation, and shall give its decisions by majority of votes.

The Commission shall express shortly in each award the facts and origin of the claim dealt with, the arguments alleged for and against it, and the principles on which the decision is based.

The decisions and awards of the Commission shall be in writing, and shall be signed by all the members. The originals, together with the documents belonging to each claim, shall be deposited in the British Consulate at Bluefields, and copies shall be given to the parties at their request.

ARTICLE V.

The Commissioners shall fix a reasonable time, which shall not exceed three months, within which all claims must be submitted to them, and they shall give public notice of the period so fixed.

ARTICLE VI.

The Commission shall, for the final discharge of its duties in regard to all claims submitted to its consideration and decision, be allowed a term of six months from the date on which it shall declare itself validly constituted. When this term shall have expired, the Commission shall have power to prolong its existence for a further period, which may not exceed six months, in case the illness or temporary incapacity of any of its members, or any other event of acknowledged gravity, may have prevented it from fulfilling the duties intrusted to it within the term fixed under the first paragraph of this Article.

ARTICLE VII.

The decisions of the Commission shall be final, and the amounts awarded shall in every case be paid by the Government of Nicaragua to Her Britannic Majesty's Government, through such person as may be designated for the purpose by Her Majesty, within three months of the conclusion of the labours of the Commission.

ARTICLE VIII.

The Commissioners may, if necessary, appoint and employ a clerk to assist them in the transaction of their business.

The salary of the British and Nicaraguan Commissioners shall be paid by their respective Governments, and shall commence only from the date of the beginning of their labours.

Any salary or gratuity paid to the third Commissioner and to the Clerk, and any contingent expenses, shall be defrayed in moieties by the two Governments.

The above-mentioned expenses and costs shall be deducted proportionately from any sums of money awarded to the claimants, in so far as they shall not exceed 6 per cent. of the total amounts respectively to be paid by the Nicaraguan Treasury on account of such claims as may be admitted.

The amount so deducted shall be applied, firstly, towards payment of the common expenses; and, secondly, towards defraying, in equal parts, the salaries of the British and Nicaraguan Commissioners.

The Government of Nicaragua will deduct from any sums paid directly by them in satisfaction of claims, without the intervention of the Commission, the sums stipulated in the fourth paragraph of this Article, such amounts to be similarly applied towards payment of the expenses of the Commission.

ARTICLE IX.

The present Convention shall be ratified, and the ratifications shall be exchanged at London as soon as may be within three months from the date hereof.

In witness whereof the Undersigned have signed the present Convention, and have affixed thereto their seals.

Done at London, this first day of November, 1895.

(L.S.) SALISBURY.

(L.S.) CRISANTO MEDINA.

Protocol.

On proceeding this day to the signature of the above Convention, the Undersigned have come to the following agreement:—

Her Majesty's Government will not support the claim of any person before the Commission unless they consider him to be a British subject; and, on their part, the Nicaraguan Government will accept such status as duly established, subject to the production by them of proof that the claimant is not entitled to it in contemplation of English law.

Done at London, this first day of November, 1895.

SALISBURY.

CRISANTO MEDINA.

Protocol.

WHEREAS it was stipulated by the IXth Article of the Convention between Her Majesty the Queen of Great Britain and Ireland and his Excellency the President of the Republic of Nicaragua, for the settlement of certain claims arising out of the disturbances in the Mosquito Reserve in 1894, which was signed at London on the 1st November, 1895, that the ratifications of that Convention should be exchanged at London as soon as might be within three months from the date thereof:

And whereas it has not been found possible to effect the said exchange of ratifications by the end of the term so appointed:

The Undersigned, having met together, have agreed to extend the term for the exchange of the said ratifications until the 1st day of May, 1896.

Done at London, this 29th day of January, 1896.

(Signed)	SALISBURY, <i>Her Britannic Majesty's Principal Secretary of State for Foreign Affairs.</i>
(Signed)	CRISANTO MEDINA, <i>Envoy Extraordinary and Minister Plenipotentiary of the Republic of Salvador, in charge of the Legation of the Republic of Nicaragua.</i>

The Marquess of Salisbury to Señor Medina.

Sir,

Foreign Office, April 17, 1896.

IT not having been hitherto found possible to effect the exchange of ratifications of the Convention between Great Britain and Nicaragua, signed on the 1st November, 1895, as provided by Article IX and by the Protocol signed on the 29th January, 1896, I have the honour to state that, in accordance with the understanding verbally arrived at between us, Her Majesty's Government agree that the term appointed for that purpose shall be further extended for four months, viz., until the 1st September next.

I have, &c.

(Signed) SALISBURY.

Señor Medina to the Marquess of Salisbury.

*Nicaraguan Legation, London,
April 18, 1896.*

My Lord,

I HAVE the honour to acknowledge the receipt of your note of the 17th instant, in which you state that, it not having been hitherto found possible to effect the exchange of the ratifications of the Convention between Great Britain and Nicaragua, signed on the 1st November, 1895, as provided by Article IX and by the Protocol signed on the 29th January, 1896, Her Majesty's Government agree that, in accordance with the understanding verbally arrived at between us, the term appointed for that purpose shall be further extended for four months, viz., until the 1st September next.

I hasten to assure your Lordship that I accept this arrangement in the name of the Nicaraguan Government, and beg to remain, &c.

(Signed) CRISANTO MEDINA.