Majesty the Sultan, the same usage as those of other nations, as is stipulated in Article I of the treaty of 1830, which is the only treaty that is now in force.

The Sublime Porte, in an arrangement to be concluded between the two countries to take the place of the treaty of 1862, which has ceased to exist, would be perfectly willing to place American merchandise on the same footing as that of the most favored nation. It would have to be well understood, however, that this stipulation should be reciprocal, and interpreted as it has been hitherto understood in the law of nations. That is to say, that just as American goods imported into Turkey would receive the benefit of any advantage granted to a third power, so Ottoman goods would enjoy in the United States all advantages that, for any reason, should be accorded by the Washington Government to the goods of any other country.

As to the transient question what usage will be accorded to American goods in the Ottoman Empire, so long as no new treaty shall be concluded, I have every reason to believe that such goods will be subjected to the same usage as those of other nations, with the exception of imports from Austria-Hungary, upon which, for the present, specific duties continue to be levied; goods from all other countries pay *ad valorem* duties. The Sublime Porte was therefore very much surprised when it learned that the representative of the United States at Constantinople had been instructed to protest every time that *ad valorem* duties should be levied upon American goods, unless the same duties should be levied upon the productions of other nations.

This decision cannot fail to complicate the situation, and to give rise to new difficulties, without doing any good. The United States legation, moreover, will not have occasion to protest, notwithstanding the instructions of its Government, since *ad valorem* duties are levied upon the goods of all in general.

I have been instructed by my Government to beg you earnestly, Mr. Secretary of State, to be pleased to instruct the United States delegate to take part, without delay, not only in the preparation of the new tariff, but also in the negotiations for the conclusion of a new treaty to take the place of that which the Sublime Porte has regularly denounced.

Be pleased, &c.,

HUSSEIN TEVFIK.

VENEZUELA.

No. 684.

Mr. Baker to Mr. Bayard.

[Extract.]

No. 49.] LEGATION OF THE UNITED STATES,
Caracas, March 23, 1885. (Received April 20.)

SIR: Referring to my dispatch relative to the custody of ships' papers in Venezuelan ports, * * * it now becomes opportune to add something further in the same premises.

It will be seen from my No. 768, of date October 15, 1883, that the matter was brought to the notice of the Congress of that year, but not determined, and it will be seen from my No. 877, of date March 26th

last, that it came forward as unfinished business to the Congress of 1884, and I have now to add that, as it appears that that Congress did not determine it, it seems to have come forward as unfinished business to the Congress of the present year, which recently commenced its sessions.

I called this afternoon upon Señor Qüenza, and drew his attention to the matter at considerable length, and in a very earnest manner. He indicated that he would give it his attention. I shall follow it up with due earnestness, to the end of inducing a proper change in the Venezuelan law on the subject, to be made by the present Congress, if possible.

I am, &c.,

JEHU BAKER.

No. 685.

Mr. Bayard to Mr. Baker.

No. 51.] DEPARTMENT OF STATE,
Washington, March 24, 1885.

SIR: I transmit herewith a copy of a dispatch dated the 4th instant (No. 197) from Mr. Winfield S. Bird, United States consul at La Guayra, detailing the circumstances under which the American schooner Lanie Cobb, of Bangor, Me., sustained damages while in the port of La Guayra, and the conduct of the Venezuelan authorities in reference thereto.

The facts in the case appear to be briefly as follows: On the 21st of February last the Lanie Cobb, while lying at anchor in the port of La Guayra, was run upon, as it is alleged the evidence fully shows, with great carelessness by the Venezuelan schooner Ana Eulogia, owned by the President of Venezuela, and in the service of the Venezuelan Government. Application was promptly made by the master of the Lanie Cobb and the consul to the customs authorities for the usual survey upon the schooner, in accordance with law. Permission, however, to go on board for the purpose in question was only obtained after considerable delay, but the report of the surveyors was at last obtained and filed, with an estimate of the damages, in the consulate.

It is stated that owing to the peculiar circumstances of ownership and service of the Venezuelan schooner, an effort was made to effect a private adjustment of the matter, but that it was attended with no success. Application was next made in due form of law to the judge of hacienda at La Guayra for investigation and redress, but the court denied its jurisdiction, and referred the master to the collector of customs, who is, *ex officio*, captain of the port. The latter officer stated that relief could only be obtained before the aforesaid judge, but it was again insisted at the court that the case could not be considered there. Finally the master appeared once more before the captain of the port, and asked that proceedings for his relief be instituted, but was told "to go out of court." It would seem, therefore, that every available means to obtain a hearing in this case before the Venezuelan authorities has been exhausted, and that a denial of justice must follow, unless the matter can be adjusted through diplomatic channels.

You are instructed to investigate the case, and to report whether in your opinion the facts are such as to warrant a demand by this Government on that of Venezeuela for damages in favor of the master of the Lanie Cobb.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 51.]

Mr. Bird to Mr. Hunter.

No. 197.] UNITED STATES CONSULATE,
La Guayra, March 4, 1885.

SIR: I have the honor to invite your attention to the following statement:

On the 21st day of February ultimo the American schooner Lanie Cobb, C. H. Cobb, master, of Bangor, Me., while lying quietly at anchor in this roadstead, was run upon in the most careless manner, as all the evidence fully shows, by the Venezuelan schooner Ana Eulogia, and her bowsprit, cut-water, and all head-gear broken or carried away. Said Venezuelan schooner belongs to General Crespo, President of Venezuela, and was and is in the service of the Venezuelan Government.

On the 24th February ultimo Captain Cobb came ashore to this consulate and asked for a survey upon his vessel, in accordance with law, and the preliminaries having been arranged we repaired to the custom-house *to obtain permission to go on board of said ship for that purpose.* After an interview of about two hours, permission was reluctantly granted to the United States consul *alone* to go on board. The necessity of taking on board the surveyors also having been at last demonstrated to the collector in the most respectful and *persuasive* terms, his more reluctant consent was finally obtained. The surveyors repaired on board, held the survey, estimated the damages, and duly filed their report in this consulate.

The peculiar circumstances of ownership and service of the Venezuelan schooner having been duly considered, it was deemed most proper to endeavor to effect a private adjustment of the matter; and to that end the writer, the United States consul at La Guayra, acting simply as the agent of the master, duly instructed and authorized, went to Caracas. It will, doubtless, suffice to say that no offers of adjustment were made to him, and all proposals of compromise on his part, expressed in the most equitable terms, were curtly rejected.

As a last resort the master aforesaid, after much loss and delay, applied in due form of law to the judge of hacienda, in La Guayra, for investigation and legal redress. He was informed that his court had had no jurisdiction, and that he must apply to the collector customs, who is *ex officio* captain of the port. Upon application in proper form to this latter officer he was there told that relief could only be had before the aforesaid judge, to whom he again repaired. Again the said judge insisted that the cause could not be considered there, and instructed him to go back to the said captain of the port. Finally the said master appeared before the said captain of the port, and, in respectful and due form, asked that legal proceedings for his relief should be instituted. In legal parlance he was then told to go out of court.

Having conducted this whole cause, either officially or as the agent of the master, I beg to assure the Department of State that the foregoing is an accurate, though very temperate, statement of the circumstances connected therewith.

Too much cannot be said in commendation of the prompt and intelligent manner in which Charles R. Rohl, esq., United States consular agent at Caracas, lent his services toward the settlement of this most disagreeable affair.

If deemed necessary, copies of survey, estimate of damages, protests, and declarations in this cause will be promptly transmitted.

I am, &c.,

WINFIELD S. BIRD,
Consul.

No. 686.

Mr. Baker to Mr. Bayard.

No. 53.] LEGATION OF THE UNITED STATES,
Caracas, March 30, 1885. (Received April 20.)

SIR: At about 1 p. m. on the 28th instant my attention was arrested by a phenomenon that may be worthy of brief mention. All of a sudden I heard a subdued roaring sound, somewhat like that of a storm or of the sea at a distance, and looking towards the patio of my house I observed the ground and vegetation darkened thickly with flitting shadows, and looking upwards I saw immense masses of locusts moving

over the city in a northern direction, so dense as to sensibly obscure the light of the sun, and causing the roaring sound I had heard as they moved rapidly along.

It appears that the locust invaded Venezuela in formidable numbers at Maracaibo and vicinity on the 29th and 30th of May, 1881 (see the account thereof which I gave in my No. 418 and its annex, of date June 26 of that year), and that they have spread eastward over the country, and continued in it from that time hitherto, doing much damage—so much so that the Government alleges "the devastating plague of locusts" as being the cause of that scantiness of grains produced in the country which has led it to the temporary removal of import duties on corn, rice, and beans.

Since the first appearance of locusts in Venezuela, in 1881, I have observed many swarms of them pass over Caracas, some continuing for a much longer time in their passage than those whose flight I observed on the 28th instant; but the masses of these last seemed to be more dense than any I had previously seen, and in no other instance do I recall the roaring sound with which their flight was attended.

I am, &c.,

JEHU BAKER.

No. 687.

Mr. Bayard to Mr. Baker.

No. 56.] DEPARTMENT OF STATE,
Washington, April 9, 1885.

SIR: With reference to my instruction to you, No. 51, of the 24th ultimo, relative to the injury to the American schooner Lanie Cobb, I have now to transmit for your information a copy of dispatch No. 201, March 14 ultimo, from the consul at La Guayra, containing a statement in detail of the facts attending the damages sustained by the aforesaid schooner.

I am, &c.,

T. F. BAYARD.

[Inclosure 1 in No. 56.]

Mr. Bird to Mr. Hunter.

No. 201.] UNITED STATES CONSULATE,
La Guayra, March 14, 1885.

SIR: Referring to dispatch No. 197 of date March 4 instant, upon the subject of damages sustained by the American vessel Lanie Cobb while in this port, I have the honor to submit the following additional and more explicit details:

As has been stated, the master of said vessel made application to this consulate on February 24 ultimo, for a survey. The preliminaries were arranged, and Benjamin F. Cushman, master of the schooner Addie M. Bird, of Rockland, Me., Evan Jones, master of the brig Fleetwing, of Cardiff, Wales; and Charles G. Jackson, an English ship-carpenter, long resident at this port, were selected to hold said survey. Thereupon they repaired to the custom-house with a dispatch, as follows:

UNITED STATES CONSULATE,
La Guayra, February 24, 1885.

SEÑOR: The American schooner Lanie Cobb, having suffered serious damages and injuries from being run into by the Venezuelan schooner Ana Eulogia, I have the honor

to request that three surveyors may be permitted to go on board of said vessel to ascertain her present state and condition and what had best be done for the interest of the parties concerned.

I am, &c.,

WINFIELD S. BIRD.

Señor MARCELIANO MARTIN,
Collector of Customs at La Guayra.

The above is substantially, if not literally, an exact copy of said dispatch.

These surveyors returned to this consulate shortly afterward, and reported that the said collector had refused to grant them the permit thus requested.

At 3 o'clock, p. m., of the same day, in company with said surveyors I went personally to see the said collector. He informed me that my dispatch to him was written in English, a language not understood by him, and that until the return of the official interpreter from Caracas, about which he could give me no intelligence, he would decline to proceed in the matter. I asked permission to explain, in his language, what I desired; but, in polite terms, he refused. I urged upon him the necessity of holding the survey without further delay, in order that the master might assume the responsibility to move the vessel from her position in dangerous proximity to the rocky beach. He voluntered to render us all necessary assistance, but, with due thanks, he was reminded that until a lawful survey had been held we could not take the risk to move her. He then insisted that he had the right to nominate one surveyor, the master of the Venezuelan should name another, and the American master should appoint a third, to hold said survey.

Against such a demand I respectfully and firmly protested, and assured him that I proposed to hold this survey merely in compliance with my official duty, and that such survey had no reference to proceedings in the Venezuelan courts but was to be instituted in pursuance of the laws of the United States. He declined to allow the American consul even to go on board of said vessel, but, on referring to the law, concluded that he might be permitted to go *unofficially*. He finally consented, after much persuasion, to allow the surveyors also, as private individuals, to go on board. A permit for the consul and the surveyors, in writing and in such terms, was then conceded. The consul declining to proceed on board under such conditions, but without intimating, in any manner, his refusal or dissatisfaction, then requested the said surveyors to repair on board of said vessel. Owing to the lateness of the hour, they suspended action until the following morning, when they went on board, held the survey, and made their report on oath and in due form of law. It should be remarked that, before proceeding on board, these surveyors were informed by the consul that the Venezuelan vessel belonged to the President of Venezuela, and that they should be very careful to make an accurate survey and to render a just and reasonable estimate.

On the following day, at the solicitation of the American master, the consul, in a purely private capacity and acting as the agent of said master, thereto duly authorized and instructed, repaired to Caracas to see General Crespo, and, out of respect to him, to endeavor to effect an amicable and private adjustment of the affair. In company with Charles R. Rohl, esq., United States consular agent at Caracas, he called three times, when, at last, an interview was accorded, in which General Crespo remarked that, although the Venezuelan vessel belonged to him yet she was in the service of the Venezuelan Government, and that therefore we should call to see the minister of war in reference to it. During the interview Mr. J. E. Linares, a confidential friend and reputed business agent of General Crespo, was also at the house though not present. At 3 o'clock, p. m., of the same day we called to see the minister of war, and were informed by a sentry at the door that he had gone to the country, and that it was impossible to say when he would return. I then went to the legation of the United States and requested Mr. Baker, the minister, to address a note to the said minister of war, hoping by this proceeding to reach his ear. He advised me to follow up my action and to appeal to him later on, when, in his judgment, his intervention would be more effective. Having to dispatch a vessel from La Guayra I then returned there by the first train, leaving the matter in the hands of Mr. Rohl, the aforesaid United States consular agent, from whom, on Saturday evening, February 28, ultimo, I received the following dispatch:

UNITED STATES CONSULAR AGENCY,
Caracas, February 27, 1885.

SIR: As you had to leave yesterday without being able to settle the affair of the Lanie Cobb, and requested me to do all I could during your absence, I went to see Mr. J. E. Linares, who is, as it seems, an intimate friend of General Crespo. I told Mr. Linares I had nothing to do officially in this business, but I would be glad if a settlement could be arrived at, and that I acted as a friend to the master.

Mr. Linares was at first entirely indisposed to make any advances looking to an amicable and equitable adjustment of the difficulty, alleging that the Venezuelan master was not to blame for the accident; but after an extended conversation, during which I assured him that the American master was disposed to entertain a fair and reasonable proposition, and that such matters were usually arranged between the parties without resort to legal process, I prevailed upon him to write to Mr. W. Carias Perez, his agent in La Guayra, and consignee of the Venezuelan schooner Ana Eulogia, to ascertain the damage and try to come to an agreement with the master of the Lanie Cobb.

I beg to felicitate you over the now favorable aspect of this most disagreeable affair.

I am, &c.,

CHARLES R. ROHL.

WINFIELD S. BIRD, Esq.,
United States Consul at La Guayra.

On receipt of the foregoing dispatch, I promptly repaired to the office of Mr. W. Carias Perez, the agent of Mr. Linares, and represented to him that we had been informed that Mr. Linares had instructed him to confer with us. He replied that he had been thus instructed, and asked for a statement of our demands. I assured him that we did not come to him in that spirit, but that we only asked for a fair and equitable settlement. We requested him to make to us some proposition to that end, but he declined. We then proposed that he should select one surveyor, we would name another, and those surveyors should call a third, neither of whom should be a Venezuelan or American, who should proceed to arbitrate and settle the question, and that we would be bound by their decision. He said that the proposition was satisfactory, but that he must consult with Mr. Linares by telephone before he could accept it, and that on the following morning at 9 o'clock he would give me a definite reply. On passing along the street the same evening at 9 o'clock, however, I met with him, when, calling me to the light, he drew from his pocket a memorandum, as he stated, of his telephonic conversation with Mr. Linares, wherein he was instructed to make no compromise, but to advise us that the courts were open to us.

Thus thwarted, delayed, and finally repulsed in our earnest endeavors to arrive at a prompt and mutually satisfactory arrangement of the cause, we were at last driven to resort to legal redress in the Venezuelan courts. Accordingly on Monday morning, March 2 instant, a note was addressed and delivered to the judge of hacienda in La Guayra as follows:

[Translation.]

LA GUAYRA, *March* 2, 1885.

SIR: The American schooner Lanie Cobb, under my command, having suffered material damages by a collision from the Venezuelan schooner Ana Eulogia, I have to beg that you will please name experts to estimate the damages and to accord me justice.

Your obedient servant,

C. H. COBB, *Master.*

Mr. NICHOLAS BELLO Y BELLO,
Judge of Hacienda.

After perusing the foregoing note, said judge politely informed us that the cause was not within his jurisdiction, and referred us to the law, as follows: Article VI, Attribution VI, Chapter II, Law V of the Custom-House Regulations; also articles 118, 119, and 120, Title VII of the Marine Register. He then directed us to carry our complaint to the collector of customs, who is *ex officio* the captain of the port, and before whom all proceedings in such cases must be primarily instituted. After addressiug a note to that officer, in terms exactly similar to those of the foregoing note addressed to the judge of hacienda, we went to the custom-house and delivered the same in person. On reading it he remarked that the matter was not within the scope of his duty. Even after he was cited to the law, as above referred to, and after examing it, he insisted that we should go back to the court of justice from whence we came. On returning to said court the judge, in courteous and convincing terms, ordered us back to the said collector of customs. On a final presentation of the matter to the attention of said collector, after informing us that the other vessel had left the port, which had been effected with his permission and under cover of night, he put a period to our oscillatory peregrinations and solaced our suspense by stating that he would not further consider the case.

From various unofficial sources the information comes that the authorities here claim that the Venezuelan was crossing the bows of the American, and to avoid the collision called to the latter to pay out her chain, which she neglected or refused to do, and that therefore the Venezuelan is not responsible for the casualty. In the light of all the evidence this assertion is a mere afterthought and subterfuge, since it is distinctly proven that the Venezuelan was some distance to windward, and, attempting to tack ship, failed in the effort and drifted helplessly down upon the American without dropping her anchor or hauling in any sail.

Such are the facts and circumstances surrounding this affair from inception to conclusion. * * * For the wrongs and injuries offered to the American master no words will suffice to express the sincere contempt and the profound detestation of every generous nature.

Herewith are submitted copies of all of the official papers in this cause.

I am, &c.,

WINFIELD S. BIRD.

[Inclosure 2 in No. 56.]

No. 1.] LA GUAYRA, VENEZUELA, *February* 23, 1885.

WINFIELD S. BIRD, Esq.,
United States Consul at La Guayra:

SIR: The schooner Lanie Cobb, under my command, arrived at this port on the 15th instant from Savannah, Ga., laden with lumber, and in consequence of damages sustained by being run into on the 21st instant by the Venezuelan schooner Ana Eulogia, I have to request that you will please call a survey upon the said schooner to ascertain her present state and condition, and what had best be done for the interest of the parties concerned.

C. H. COBB, *Master.*

No. 2.] UNITED STATES CONSULATE,
La Guayra, February 23, 1885.

EVAN JONES,
Master of the brig Fleetwing, of Cardiff, Wales;
BENJAMIN F. CUSHMAN,
Master of schooner Addie M. Bird, of Bockland, Me.;
CHARLES G. JACKSON,
Master Ship-Carpenter:

GENTLEMEN: Application having been made to this consulate by C. H. Cobb, master of the schooner Lanie Cobb, of Bangor, Me., of the burden of 230.85 tons, or thereabouts, for survey upon said schooner in consequence of having sustained damages and injuries on the 21st instant by being run into by the Venezuelan schooner Ana Eulogia, whereby she is rendered unseaworthy, you are hereby respectfully requested to repair alongside and on board of said schooner, and after a careful and minute examination and survey of every visible part of her hull, spars, sails, and rigging, report to this consulate under your own hands in writing her present state and condition, and what in your opinion had best be done for the interest of the parties concerned.

Given under my hand and the seal of this consulate the day and year above written.

[SEAL.] WINFIELD S. BIRD,
United States Consul.

No. 3.] LA GUAYRA, VENEZUELA, *February* 24, 1885.

WINFIELD S. BIRD, Esq.,
United States Consul at La Guayra:

SIR: Pursuant to the accompanying warrant of survey to us directed, we, the undersigned, repaired on board of the American schooner Lanie Cobb, of Bangor, Me., of the burden of 230.85 tons, or thereabouts, and after a careful and minute examination and survey of every visible part of her hull, spars, sails, and rigging, do report as follows:

We find the patent of windlass gone, the bowsprit broken, the cut-water gone, the bobstay bolts dragged out of the stem, the martingale and jumper-stays gone, the bee on starboard side of bowsprit gone and plate on bowsprit bent, the stays chafed, the head-rails on both sides gone, the jib-boom guy on starboard side gone, the flying-jib halyard parted, the anchor with sixty fathoms of new $1\frac{1}{16}$-inch chain lost, thirty fathoms of new 3-inch line lost, one hawser parted, the forecastle head started, and the flying-jib damaged.

And we recommend that the master make such temporary repairs as are necessary, and proceed with dispatch to Curaçao or some other contiguous and safe port in order to make permanent repairs. In confirmation of which we are willing, if required, to attest.

Given under our hands at La Guayra this the 24th day of February, A. D. 1885.

EVAN JONES,
Master of the brig Fleetwing, of Cardiff, Wales.
BENJAMIN F. CUSHMAN,
Master of the schooner Addie M. Bird, of Rockland, Me.
CHARLES G. JACKSON,
Master Ship-Carpenter, of Maiquetia, Venezuela.

No. 3½.] *Estimate of repairs.*

Estimate of the probable cost of repairing the schooner Lanie Cobb, of Bangor, Me., agreeably to the report of the survey of the 24th February instant, and in accordance with the cost of labor and material at the port of La Guayra, as follows, viz:

For repair of windlass	$25 00
For new bowsprit	300 00
For a cut-water	350 00
For repairing bobstays	10 00
For new martingale and jumper-stays	25 00
For new bees and plate on bowsprit	50 00
For repairing stays	15 00
For new head-rails	20 00
For new jib-boom guy	20 00
For new flying-jib halyard	12 00
For new anchor, 1,600 pounds, at 8 cents	128 00
For 60 fathoms new 1 1/16-inch chain, 7,500 pounds, at 10 cents	750 00
For 30 fathoms new 3-inch line	6 00
For repairing hawser	5 00
For repairing forecastle head	15 00
For repairing flying-jib	5 00
Total repairs	1,736 00
For two weeks' delay	250 00
Total in United States gold	1,986 00

LA GUAYRA, VENEZUELA, *February* 24, 1885.

We, the undersigned, surveyors of the schooner Lanie Cobb, of Bangor, Me., aver on oath that the above and foregoing estimate of repairs is accurate and just, to the best of our knowledge and belief.

EVAN JONES,
Master of brig Fleetwing, of Cardiff, Wales.
BENJAMIN F. CUSHMAN,
Master of schooner Addie M. Bird, of Rockland, Me.
CHARLES G. JACKSON,
Master Ship-Carpenter, of Maiquetia, Venezuela.

Sworn to and subscribed before me this 24th day of February, A. D. 1885.
[SEAL.]
WINFIELD S. BIRD,
United States Consul.

Received, La Guayra, February 24, 1885, of Winfield S. Bird, United States consul, the sum of $5 each, for holding the foregoing survey and making estimate of repairs.

EVAN JONES.
BENJAMIN F. CUSHMAN.
CHARLES G. JACKSON.

No. 4.] UNITED STATES CONSULATE,
La Guayra, February 24, 1885.

I, the undersigned, consul of the United States at the port of La Guayra, do hereby certify that the foregoing are the true and genuine signatures of Evan Jones, Benjamin F. Cushman, and Charles G. Jackson, surveyors, appointed by me, of the American schooner Lanie Cobb, of Bangor, Me., and as such are entitled to full faith and credit.

Given under my hand and the seal of this consulate this the day and year above written.
[SEAL.]
WINFIELD S. BIRD,
United States Consul.

[Inclosure 3 in No. 56.]

UNITED STATES CONSULATE,
La Guayra, February 28, 1885.

By this public instrument of declaration and protest be it known and made manifest unto all to whom these presents shall come or may concern, that on this the 28th day of February, A. D. 1885, before me, Winfield S. Bird, consul of the United States at the port of La Guayra, personally comes C. H. Cobb, master of the American schooner Lanie Cobb, of Bangor, Me., U. S. A., of the burden of 230.85 tons or thereabouts, recently ar-

rived at the port of La Guayra from Savannah, Ga., U. S. A., laden with lumber, and requires me to note his protest: and together with the said C. H. Cobb, master, also came W. M. Wentworth, mate, and H. P. Baker, seaman, of and belonging to the crew of said schooner Lanie Cobb, all of whom being by me duly sworn on the Holy Evangelists of Almighty God, did severally, voluntarily, freely, and solemnly declare, depose, and state as follows, that is to say:

That these appearers, in their capacities aforesaid, arrived in and with the said schooner at La Guayra, Venezuela, without accident or causalty on the 15th day of February, A. D. 1885, at 3 o'clock p. m., and took good and safe anchorage in said port of La Guayra; that on Saturday, the 21st day of February instant, at 4 o'clock in the evening, the Venezuela schooner Ana Eulogia, belonging, as they are informed and believe, to the Venezuelan Government, started to sail out of the port of La Guayra; that she stood across the bow of the Lanie Cobb, and that when she was to the windward and about 400 feet from the said Lanie Cobb, then lying safely at anchor, she attempted to tack ship and mistacked, and that thereupon, making no effort to haul down any sail nor to drop anchor, she drifted down upon the said schooner Lanie Cobb; that no anchor was dropped from the said schooner Ana Eulogia before she drifted upon said schooner; that some party on board of the Ana Eulogia hailed the Lanie Cobb, but that their language was in Spanish and could not be understood, but that said party did not hail until the schooners were in collision; that the mate of the Lanie Cobb called out in English before the collision occurred to the parties on board of the Ana Eulogia to drop anchor and he would pay out his chain; that no anchor was dropped; that before the Ana Eulogia struck the Lanie Cobb the mate of the latter vessel began to pay out the chain; that the said Ana Eulogia drifted against the Lanie Cobb, and to save the latter from further damage or total loss her anchor and chain was slipped; that when the chain was slipped a line was bent into it, but that the keel of the Ana Eulogia cut the line and the anchor and chain were lost; that thereupon the Lanie Cobb drifted away from the said schooner, and with her second anchor was anchored in a most dangerous position near the beach; that her windlass patent was broken, and she was therefore so disabled that it was impossible to extricate her from her perilous situation; that in the collision the windlass patent was broken, the cutwater, obstays, martingale, and all head-gear were broken, and the bowsprit and all attached to it was carried away.

And these appearers, upon their oaths aforesaid, do further declare and say: that at the time of during and after said casualty they, together with the others of the ship's company, used their utmost endeavors to preserve the said Lanie Cobb from all manner of loss, damage, or injury.

Wherefore, the said C. H. Cobb, master, hath protested, as by these presents I, the said consul, at his special instance and request, do publicly and solemnly protest against all and every person and persons whom it doth or may concern, and against the winds and waves and billows of the seas, and against all and every accident, matter, and thing had and met with as aforesaid, whereby and by reason whereof the said vessel Lanie Cobb already has or hereafter shall appear to have suffered or sustained damage or injury. And do declare that all losses, damages, costs, charges, and expenses that have happened to the said Lanie Cobb are and ought to be borne by those to whom the same by right may appertain, by way of average or otherwise, the same having occurred as before mentioned and not by or through the insufficiency of the said Lanie Cobb, her tackle or apparel, or default or neglect of this appearer, his officers or any of his mariners.

This done and protested in the port of La Guayra this the 28th day of February, A. D. 1885.

C. H. COBB, *Master.*
W. M. WENTWORTH, *Mate.*
H. P. BAKER, *Seaman.*

In testimony whereof these appearers have hereunto subscribed their names, and I, the said consul, have granted to the said master this public instrument, under my hand and the seal of this consulate, to serve and to avail him and all others whom it doth or may concern as need and occasion may require.

[SEAL.]

WINFIELD S. BIRD,
United States Consul.

[Inclosure 4 in No. 56.]

UNITED STATES CONSULATE,
La Guayra, March 2, 1885.

Before me, Winfield S. Bird, consul of the United States at La Guayra, personally appeared Benjamin F. Cushman, master of the American schooner Addie M. Bird, of Rock-

land, Me., who, being by me duly sworn on the Holy Evangelists of Almighty God, voluntarily and freely deposes and states, as follows:

On the evening of February 21, 1885, I witnessed the casualty that occurred to the American schooner Lanie Cobb, then lying quietly at anchor in the port of La Guayra. I saw the Venezuelan schooner Ana Eulogia as she filled away, her foretop boom high up and sheet well off, so that the foresail was not full to the wind, and could not, therefore, drive the vessel from across the bows of the American schooner. I remarked immediately to my mate that she would collide with the American schooner. When the Venezuelan captain saw the danger he undertook to tack ship, but never hauled in any head sail; and so he drifted down about three hundred feet on to the American schooner without attempting to drop anchor. And even after he was afoul of the American schooner and across her bows he never hauled in any sail except the mainsail. While afoul of the American schooner a kedge anchor was run from the Venezuelan schooner to windward, but failing still to haul in sail, the American was helpless to free herself from the Venezuelan schooner without slipping her anchor, which was promptly done.

BENJAMIN F. CUSHMAN,
Master Addie M. Bird.

Sworn to and subscribed before me this the day and date first aforesaid, as witness my hand and official seal.

[SEAL.]

WINFIELD S. BIRD,
United States Consul.

[Inclosure 5 in No. 56.]

UNITED STATES CONSULATE,
La Guayra, March 2, 1885.

By this public instrument of declaration and protest be it known and made manifest to all to whom these presents shall come or may concern, that on this day before me, Winfield S. Bird, United States consul at the port of La Guayra, personally came and appeared C. H. Cobb, master of the American schooner Lanie Cobb, now lying in this port of La Guayra, who, being duly sworn upon the Holy Evangelists of Almighty God, does voluntarily, freely, and solemnly depose and state as follows; that is to say:

That on the evening of the 21st day of February, 1885, the Venezuelan schooner Ana Eulogia, which schooner, according to information and belief, is either owned or chartered by the Venezuelan Government, ran afoul of the said Lanie Cobb, then lying quietly at anchor, and seriously damaged and injured said schooner Lanie Cobb; that he called a survey upon said ship and sought to have the matter settled amicably, without resort to law, to this purpose engaging the good offices of the United States consul at La Guayra and the United States consular agent at Caracas; that no offer of arrangement or compromise was made to him, and that all offers of compromise made on his part were peremptorily refused; that, in the mean time, the port authorities had permitted the Ana Eulogia to sail from the port of La Guayra; that on Monday a. m., the day and date herein first aforesaid, he addressed a note to the judge of hacienda, in La Guayra, asking a survey on his vessel, and measures of justice, by whom he was referred to the collector of customs; that he thereupon addressed a note in similar terms to the collector of customs but that the said collector referred him back to the said judge; that thereafter the said judge refused to act in the matter and referred him back to the said collector; that on again recurring to said collector, he absolutely refused to offer or afford to him, the said C. H. Cobb, any relief or any measure looking toward relief.

Wherefore the said master, C. H. Cobb, hath protested, as by these presents I, the said consul, at his special instance and request, being fully cognizant personally of the truth of every statement made on this, his said declaration and protest, do publicly and solemnly protest against all and every person and persons whom it doth or may concern, and against the winds and waves and billows of the seas, and against all and every accident, matter, and thing had and met with aforesaid, whereby and by reason whereof the said schooner Lanie Cobb already has or hereafter shall appear to have suffered or sustained damage or injury, and especially against the action of the legal authorities of the Republic of Venezuela as aforesaid. And do declare that all losses, damages, costs, charges, expenses, and delays that have happened to the said schooner Lanie Cobb are and ought to be borne by those to whom the same by right may appertain by way of average or otherwise, the same having occurred as before mentioned and not by or through the insufficiency of the said Lanie Cobb, her tackle or apparel, or default or neglect of this appearer, his officers or any of his mariners.

Thus done and protested in the port of La Guayra this the 2d day of March, A. D. 1885.

In testimony whereof this appearer has hereunto subscribed his name, and I, the said consul, have granted to the said master this public instrument under my hand and the seal of this consulate, to serve and to avail him and all others whom it doth or may concern as need and occasion may require.

[SEAL.]

WINFIELD S. BIRD,
United States Consul.

C. H. COBB,
Master Schooner Laney Cobb.

No. 688.

Mr. Bayard to Mr. Baker.

No. 58.]

DEPARTMENT OF STATE,
Washington, April 21, 1885.

SIR: Referring to the correspondence on file at your legation concerning the deposit of ships' papers, and especially to your No. 768, of October 15, 1883, I have now to inclose a copy of a dispatch, No. 204, of the 18th ultimo, from the United States consul at La Guayra relative to the embarrassing and inconvenient practice of the Venezuelan authorities in retaining the registers of American vessels while in the ports of that Republic.

You will at once take occasion to press upon the Venezuelan Government the necessity for a modification of the law complained of for the conclusive reasons already advanced.

You may, if you deem it necessary, confer with your British colleague in the matter and act in concert. But the subject is one which should receive early and attentive consideration.

I am, &c.,

T. F. BAYARD.

[Inclosure 1 in No. 58.]

Mr. Bird to Mr. Hunter.

No. 204.]

UNITED STATES CONSULATE,
La Guayra, March 18, 1885.

SIR: I have the honor to transmit herewith a copy of a communication received this day from the United States consular agent at Carupano.

The custom of retaining possession of registers of vessels, as practiced by the Venezuelan authorities, therein complained of, causes annoyance and inconvenience to masters and consuls, and the attention of the Department of State has been called to the subject in dispatch No. 12, of date March 22, 1881, from Mr. Siler, my predecessor in office, as well as in my dispatch numbered 12, of date September 21, 1881.

I am, &c.,

WINFIELD S. BIRD,
Consul.

[Inclosure 2 in No. 58.]

Mr. Quesnel to Mr. Bird.

CARUPANO, *March* 16, 1885.

SIR: I send you by safe way vouchers directed to the United States minister to Caracas, and pray you to use same very safe way to have them forwarded to Mr. Baker. By reading my letter to him you shall be quite informed of what is going on.

I have now to inform you that in the last thirty days we have had four American schooners carrying corn, and that the two last ones went away without taking their papers in the consulate nor filing the requested documents. These schooners are the Willie A. McKay, Capt. Angus K. Mathison, started for Barracoa, Puerto Rico, and the Wide Awake, Winfield, master, started for Maracaibo, where she could be seized. This proves once more that it is inadmissible that the custom-house authorities in the ports of Venezuela take the papers of an American vessel, and give them back to the captain without passing through the consul. It should be negotiated with the Venezuelan Government that the papers must be remitted to the custom-house by the consuls and give back to them. If such had been the case when the Ethel A. Merritt arrived here, I am confident that no struggle would have arisen.

Yours, &c.,

ROBERT QUESNEL.

No. 689.

Mr. Bayard to Mr. Baker.

No. 59.] DEPARTMENT OF STATE,
Washington, April 22, 1885.

SIR: Adverting to my instructions to your No. 51, of March 24 last, and No. 56, of the 9th instant, I have now to transmit for your further information a copy of a dispatch from the United States consul at La Guayra, No. 202, of the 16th ultimo, giving additional incidents relative to the casualty sustained by the American vessel Lanie Cobb, of Bangor, Maine, in the port of La Guayra.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 59.]

Mr. Bird to Mr. Hunter.

No. 202.] UNITED STATES CONSULATE,
La Guayra, March 16, 1885.

SIR: As pertinent to the subject of dispatch numbered 201 of date March 14, instant, from this consulate, and as supplemental thereto, I have the honor to communicate the following additional information:

On the morning of February 22, ultimo, the day after the casualty to the American vessel Lanie Cobb, the master of the Venezuelan vessel, Ana Eulogia, was ordered to Caracas, and on arrival there was committed to prison, where he still remains. The crew of the Lanie Cobb stated that the said master was in his cabin in a state of intoxication when the collision occurred, and from his known intemperate habits this statement may be regarded as highly probable.

Attention is directed to the fact that although the captain of the port was informed on February 24 ultimo, through an official note from this consulate as well as in a personal and official interview with him on the same day, of the damages done to the American vessel by the Venezuelan vessel, yet, contrary to all precedent in such cases, he permitted the Venezuelan vessel to sail from the port on the following night.

On the 2d instant, as the American vessel was about to sail a party of Venezuelan officials went alongside or on board of her. It has been since learned that they had resolved themselves into some sort of commission, had investigated the matter in the absence of the crews of both vessels, and without any notice given to this consulate, and had arrived at a judicial conclusion that the American was not entitled to recover damages, and that *this action had been submitted to and approved* by the President himself.

I am, &c.,

WINFIELD S. BIRD.

No. 690.

Mr. Baker to Mr. Bayard.

No. 80.] LEGATION OF THE UNITED STATES,
Caracas, April 22, 1885. (Received May 7.)

SIR: With reference to your dispatch numbered 51, of date 24th ultimo, relative to the case of the American schooner Lanie Cobb, and instructing me to investigate the case and report whether, in my opinion, the facts are such as to warrant a demand by our Government against that of Venezuela for damages in favor of the master of the Lanie Cobb, I write to make the preliminary statement that I have given the matter of your said instruction my promptest practicable attention, and have addressed a dispatch to Mr. Bird, United States consul at La Guayra, of this date (of which I inclose a copy herewith), requesting him to transmit to this legation as promptly as practicable all the information his consulate may be in possession of relative to the case, thus seeking the data essential to the formation of a proper opinion in the case.

I am, &c.,

JEHU BAKER.

[Inclosure in No. 80.]

Mr. Baker to Mr. Bird.

LEGATION OF THE UNITED STATES,
Caracas, April 22, 1885

SIR: I have recently received an instruction from the Department of State relative to the alleged careless injury of the American schooner Lanie Cobb by the Venezuelan schooner Ana Eulogia, at the port of La Guayra, on the 21st of February last, instructing me to investigate the case, and to report whether in my opinion the facts are such as to warrant a demand by our Government on that of Venezuela for damages in favor of the master of the Lanie Cobb. I will thank you, therefore, if you will transmit to this legation, as promptly as practicable, all the official information which your consulate may be in possession of relative to the case.

I am, &c.,

JEHU BAKER.

No. 691.

Mr. Bayard to Mr. Baker.

No. 60.] DEPARTMENT OF STATE,
Washington, April 24, 1885.

SIR: I have to acknowledge the receipt of your No. 49, of the 23d ultimo, and to approve your revival of the question of the custody of ships' papers in Venezuelan ports, which it announces. You will press the subject with all due earnestness to a successful conclusion. The Department's recent instruction respecting the matter will demonstrate its importance.

I am, &c.,

T. F. BAYARD.

No. 692.

Mr. Baker to Mr. Bayard.

No. 88.] LEGATION OF THE UNITED STATES,
Caracas, May 6, 1885. (Received May 22.)

SIR: Referring to your No. 51, of date March 24 last, and to my No. 80, of date 22d ultimo, both relative to the case of the American schooner Lanie Cobb, and also to your subsequently received Nos. 56 and 59, of the respective dates of the 9th and 22d ultimo, relative to the same subject, I have the honor to inclose herewith:

(1) A copy of a dispatch (No. 43) from Mr. Bird, United States consul at La Guayra, to myself, of date 25th ultimo, inclosing to me the official information relative to the injury done to the American schooner Lanie Cobb by the Venezuelan schooner Ana Eulogia.

(2) A copy of another dispatch (No. 44) from Mr. Bird to myself, of date the 4th instant (written at Caracas), indicating that he had been informed, and that he believed, that the master of the Lanie Cobb, at some trifling expense, recovered his anchor and chain before sailing from the port of La Guayra, which, in the estimate of repairs, were valued in the sum of $878; and further indicating that all the official information in the case, as furnished me in his said No. 43, was promptly transmitted to the Department of State.

In compliance with your said instruction No. 51, I have given the case all possible attention at the earliest practicable moment, with the result that the officially-stated facts in the case, from the consulate at La Guayra, appear to me to warrant a demand by our Government on that of Venezuela for damages in favor of the master of the Lanie Cobb, keeping in view what Mr. Bird says respecting the recovery of the anchor and chain of said vessel.

However, from abundance of caution, I will add, that inasmuch as it appears that the officially-stated facts in the case, from the consulate at La Guayra, are now before the Department as before this legation, I recommend that they be carefully and critically examined before preferring the claim.

I am, &c., JEHU BAKER.

[Inclosure 1 in No. 88.]

Mr. Bird to Mr. Baker.

No. 43.] UNITED STATES CONSULATE,
La Guayra, April 25, 1885.

SIR: I have the honor to acknowledge the receipt of your dispatch No. 35, of date 22d instant, and, in compliance with the terms of the same, to submit herewith all the official information relative to the injury done to the American schoonor Lanie Cobb by the Venezuelan schooner Ana Eulogia.

I am, &c.,

WINFIELD S. BIRD,
United States Consul.

[Inclosure 2 in No. 88.]

Mr. Bird to Mr. Baker.

UNITED STATES CONSULATE,
No. 44.] *City of Caracas, May* 4, 1885.

SIR: As supplementary to the official information in the matter of damages to the American schooner Lanie Cobb, communicated to you in dispatch No. 43, of date April 25 ultimo, from the United States consulate at La Guayra, I have to state that I have

been informed, and believe, that the master of the Lanie Cobb, at some trifling expense, recovered his anchor and chain before sailing from the port of La Guayra, which, in the estimate of repairs, were valued in the sum of $878. All the official information in this case, as furnished you in the above mentioned dispatch, was promptly transmitted to the Department of State at Washington.

I am, &c.,

WINFIELD S. BIRD,
United States Consul.

No. 693.

Mr. Baker to Mr. Bayard.

[Extract.]

No. 93.] LEGATION OF THE UNITED STATES,
Caracas, May 11, 1885. (Received May 22.)

SIR: Your No. 58, of date 21st ultimo, relative to the custody of ships' papers in Venezuelan ports, was received on the 5th instant, and at the earliest possible moment I have executed the instruction therein contained by addressing a note on the subject, of this date, to Señor Qüenza, a copy of which I inclose herewith.

You will have seen from my No. 49, of date March 23, that I had properly resumed the matter before the date of your said No. 58.

* * * * * * *

I have certainly urged the matter insistently and persistently, but there appears to be an obstinate reluctance on the part of this Government to make the desired change in the laws of the country respecting the custody of foreign ships' papers; and, as tending to explain this reluctance, I draw special attention to my No. 912, of date April 30, 1884.

I am, &c., JEHU BAKER.

[Inclosure in No. 93.]

Mr. Baker to Mr. Qüenza.

LEGATION OF THE UNITED STATES,
Caracas, May 11, 1885.

SIR: Referring to the interview I had with your excellency on the 23d of March relative to the custody of foreign ships' papers while in the ports of Venezuela, and referring generally to the antecedents of that matter in your excellency's ministry, and especially to my memorandum on the subject, of date May 10, 1883, and of what Señor Seijas said relative thereto in his Memoria for 1884, page 43, I have the honor to inform your excellency that on the 5th instant I received a very earnest and urgent, though entirely friendly, despatch from my Government in relation to the same matter, in which I am instructed "to at once take occasion to press upon the Venezuelan Government the necessity for a modification of the law complained of for the conclusive reasons already advanced."

Your excellency will observe from the cited memoria of Mr. Seijas that the Government of Great Britain has concurred with that of the United States in the "desire that a change may be introduced in the national legislation which may permit the respective consuls to keep such documents, now deposited by authority of the law in the custody of the custom-house administrators."

I believe the reasons set out in my said memorandum are conclusive. I know that the feeling of your excellency's government towards the United States is remarkably friendly, and I again earnestly and urgently, but in the most friendly manner possible, draw attention to the propriety and importance of making the desired change in the existing law of Venezuela on the subject of the custody of foreign ships' papers while in her ports.

I with pleasure avail, &c.

JEHU BAKER.

No. 694.

Mr. Scott to Mr. Bayard.

No. 12.] LEGATION OF THE UNITED STATES,
Caracas, July 3, 1885 (Received July 31.)

SIR: I have the honor to transmit the following inclosures: No. 1, note from Dr. Benjamin Qüenza, minister of exterior relations, inclosing a decree of President Crespo in relation to the revolutionary steamer Justicia Nacional. No. 2, decree referred to in No. 1; No. 3, reply of Mr. Scott to Dr. Qüenza's note of the 1st instant.

The inclosures will convey to you partially the political condition of affairs now existing in Venezuela; and from an interview had with Dr. Qüenza, minister of exterior relations, he expressed the view that the present revolution was of no magnitude and would soon be suppressed by his Government.

As far as personal observations can ascertain anything, the Government in the last ten days has been very active in enlisting troops in and around Caracas, and large bodies of armed soldiers have already been sent to the front with the intention of suppressing the rebellion.

Carupano seems to be the only portion of Venezuela that is in the possession of the enemy, and the head of the revolutionary element seems to be one General Pulgar, who is said to be in command of the steamer referred to in inclosure No. 1.

If anything of importance should occur between now and the sailing of the mail steamer Caracas on the 7th instant, I will communicate the same to the State Department.

I have, &c.,

CHARLES L. SCOTT.

[Inclosure 1 in No. 12.—Translation.]

Dr. Qüenza to Mr. Scott.

CARACAS, *July* 1, 1885.

SIR: On the eastern coast of the republic a revolutionary movement has appeared against the Government of the nation and its institutions, and the President has ordered me to bring it to the knowledge of your excellency, and to send, as I have the honor of now doing, a copy of the official gazette containing a decree which declares piratical the steamer which the disturbers of the public order have called "Justicia Nacional," and which they have taken to serve them in effecting their predatory plans. The Government has confidence that your excellency will efficiently co-operate in the sphere of your powers and duties to overthrow the reckless, extravagant design resulting from these mad and wicked aspirations.

Accept, &c.,

BENJ. QUENZA.

[Inclosure 2 in No. 12. Translation.]

Decree of President Crespo.

The constitutional President of the United States of Venezuela, considering, that the Venezuelans harbored in the Antilles have not ceased to conspire against the peace of the United States of Venezuela, even to the point of equipping a steamship of war, with which they have skirted the coast of the Republic, dispersing and attempting to capture the ships with which the Government guards them, and continue to do so; and said vessel, not being commissioned by any nation, has no right to be upon the ocean,

and in order to prevent the serious injury which such piracy, without government or flag, may do to both national and foreign commerce, decrees as follows:

ARTICLE 1. The steamer which is called the Nacional Justicia by the revolutionists who have embarked upon her, commanded by General Venancio Pulgar, and bound for the shores of Venezuela, will be considered and punished as a pirate.

ART. 2. The said steamer may be pursued and captured by privateers whether they belong to Venezuela or any other nation.

ART. 3. In case the capture shall be made by foreign public ships or by privateers the Government of Venezuela will make no claim to the prize, which will be ceded to the captors with an additional reward of 50,000 bolivares, to be adjudged them out of the public treasury.

ART. 4. Citizens or foreigners who, in consequence of this decree, desire to equip privateers will request permission of the Government of the Republic conformably to the ordinance in force.

ART. 5. The prize will be adjudged by the competent tribunals conformably to the existing laws of the Republic and the provisions of this decree.

ART. 6. The ministers of war, of marine, of exterior relations and finance are charged with the enforcement of this decree, and with communicating it to all whom it may concern.

Given, signed, and sealed with the great seal of the Federal Executive and countersigned by the ministers of war, marine, exterior relations, and finance, at the Federal Palace of Caracas, on the 30th June, 1885, in the 22d year of the law and 27th of the federation.

JOAQUIN CRESPO.

[Inclosure 3 in No. 12.]

Mr. Scott to Dr. Qüenza.

LEGATION OF THE UNITED STATES,
Caracas, July 2, 1885.

SIR: I have the honor to acknowledge the receipt of your note, dated July 1, 1885, inclosing to me a copy of the decree with reference to the steamer Justicia Nacional. I will convey the intelligence contained in your note to my Government at the earliest opportunity.

Accept, &c.,

CHARLES L. SCOTT.

No. 695.

Mr. Scott to Mr. Bayard.

No. 16.] LEGATION OF THE UNITED STATES,
Caracas, July 7, 1885. (Received July 21.)

SIR: You will perceive by a reference to dispatch No. 12, dated the 3d instant, that the attention of our Government was called to a revolutionary movement in Venezuela, and also inclosure of a note from Dr. Qüenza, the minister of exterior relations, with a decree from the President of Venezuela, declaring the vessel, the steamer Justicia Nacional, a pirate.

Since writing the above dispatch a battle between the Government and the revolutionary forces has been fought at Carupano, and the latter are reported to have been defeated and routed, and have fled to the island of Margarita, of which they are in possession, and still assume a hostile attitude to this Government.

Knowing and appreciating the attitude which our Government has recently assumed in protecting the lives, liberty, and property of American citizens in the United States of Colombia and Ecuador, and being apprehensive that the rights of American citizens might be jeopardized,

I requested an interview with Dr. Qüenza in relation to the pending disturbance in Venezuela, which was courteously granted.

At 4 o'clock p. m. on the 7th instant, I met the minister of exterior relations, at his office, in accordance with a previous arrangement, and inquired particularly of him in regard to the progress of the revolution. He replied that he "believed that the revolution was suppressed, and that the steamer Justicia Nacional would soon be captured by his Government."

Feeling interested and anxious about the large commercial interest which numerous citizens of the United States possessed in Maracaibo, Puerto Cabello, and La Guayra, I asked him if there was not danger of the Justicia Nacional capturing some one of these ports on the Venezuelan coast before she was taken by his Government. He replied "that there was no danger of this occurring, as all these ports had forts of sufficient armament that would easily sink this vessel if she attempted to enter any of them."

I then asked him "if there was danger of American vessels being interfered with on the high seas by the Justicia Nacional." He replied "there was danger of this vessel interfering with small vessels, and that he considered it advisable for the United States Government to send a ship of war to Venezuelan waters to protect American commerce."

As far as I am able to judge or form an opinion from surrounding circumstances and transpiring events, I think it would be a precautionary act to send a United States ship of war to the Venezuelan coast, as it would be an intimation to this Government, as well as to the revolutionists, that the United States intended to protect all American interests and rights here. The wise and brave policy pursued by our Government on the Isthmus of Panama saved many lives and much property, and, recognizing that "an ounce of preventive is worth a pound of cure," I think that a ship of war being sent down to Venezuelan waters at this juncture of political affairs in this country, might be productive of much good, and could not possibly result in any harm.

I have, &c.,

CHARLES L. SCOTT.

No. 696.

Mr. Scott to Mr. Bayard.

No. 19.] LEGATION OF THE UNITED STATES,
Caracas, July 9, 1885. (Received July 21.)

SIR: On the eve of the departure of the steamer Caracas for the United States, I received the inclosed communication from the minister of exterior relations, in which he announces that the decree of the 30th of June, in regard to the Justicia Nacional, and referred to in my dispatch No. 12, as inclosure No. 1, has been amended so as to include the steamer El Torito. I have the honor to submit the same to your consideration, with previous dispatches on the same subject.

I have, &c.,

CHARLES L. SCOTT.

Inclosure 1 in No. 19.—Translation.]

Mr. Qüenza to Mr. Scott.

CARACAS, *July* 9, 1885.

SIR: I have the honor to inclose a copy of No. 3556 of the Official Gazette, in which is inserted the executive decree of the 7th instant, declaring pirates the steamers Justicia Nacional and El Torito, formerly the Annette, the previous decree of June 30 being so far modified.

Accept, &c.,

BENJ. QÜENZA.

[Inclosure 2 in No. 19.]

Mr. Scott to Mr. Qüenza.

LEGATION OF THE UNITED STATES,
Caracas, July 9, 1885.

SIR: I have received your communication of the 9th instant informing me that the decree issued by your Government on the 30th of June, 1885, had been so amended as to include the steamer El Torito. This fact has already been announced and will be conveyed to my Government by the mail steamer which takes its departure for the United States on to-morrow.

Accept, &c.,

CHARLES L. SCOTT.

No. 697.

Mr. Bayard to Mr. Scott.

No. 15.] DEPARTMENT OF STATE,
Washington, July 24, 1885.

SIR: With reference to your dispatches No. 12, of the 3d instant, and No. 19, of the 9th instant, reporting the decree of the Venezuelan Government declaring the revolutionary steamers Justicia Nacional and El Torito to be pirates, I have to inclose herewith, for your guidance in framing an answer to the notes addressed to you by the Venezuelan minister for foreign affairs, copy of the correspondence* which has recently occurred between this Department and the legations of Colombia and Venezuela at this capital, from which you will perceive that the question of the competency of a sovereign, by municipal decree, to invest a revolted national ship in the hands of organized insurgents with the international character of piracy, recently arose in the case of a like decree promulgated by Colombia, and that our answer was that we could not recognize such competency, and that the character of the vessel and her acts, *per se*, could alone determine her piratical or non-piratical status under the law of nations.

I am, &c.,

T. F. BAYARD.

No. 698.

Mr. Scott to Mr. Bayard.

No. 21.] LEGATION OF THE UNITED STATES,
Caracas, July 24, 1885. (Received August 11.)

SIR: I had the honor to inform you in my dispatch No. 12 that the Republic of Venezuela was threatened with revolution, and also, in dis-

* For correspondence referred to see documents numbered 194, 197, 211, 708, and 709, pages 252, 254, 272, and 935.

patch No. 16, that it would be advisable to send a ship of war to Venezuelan waters to protect American commerce.

Since the forwarding of the said dispatches referred to, the Venezuelan Government has been very active in suppressing the rebellion, and, as you will perceive by the inclosures herein transmitted, has been triumphant and successful in its efforts, and peace has been once more re-established, and order now prevails in this Republic.

As far as my personal observations extend, the present peace seems to be substantial, for the revolutionists are apparently hopelessly defeated and without resources to renew their revolt against the present Government.

Congratulating our Government on the satisfactory termination of the late Venezuelan difficulties and troubles,

I am, &c.,

CHARLES L. SCOTT.

[Inclosure 1 in No. 21.—Translation.]

Mr. Lander to Mr. Scott.

CARACAS, *July* 20, 1885.

SIR: In a document, notable both on account of its form and contents, the President of the Republic announces to the Venezuelan nation the triumph of peace, declaring constitutional order re-established. With great satisfaction I call to your excellency's attention this pleasing event, making manifest as it does, the hearty assistance rendered by the people of the Republic, who with all ardor have united themselves with the Government to make abortive this reckless and chimerical attempt; and so efficaciously that a few days have been sufficient for the purpose.

The enemies of public order having been conquered and at once pardoned, the regenerated Republic will continue calmly on the path of progress, to which it is called by its fixed destiny, led by the distinguished chief of the nation, whose lofty qualities have manifested themselves as plainly in the peaceful labors of the cabinet as in the arduous tasks of armed conflict.

Feeling sure of the friendly feelings which your excellency entertains for the people and Government of the Republic, and on that account you will receive this news with pleasure, I at once communicate it to you, and I inclose herein a copy of the eloquent document to which I have alluded.

Assuring, &c.,

MANUEL THOMAS LANDER.

[Inclosure 2 in No. 21.—Translation.]

Joaquin Crespo, constitutional President of the United States of Venezuela, to his fellow-citizens:

I announce to you the triumph of peace. Before everything else we have to congratulate ourselves and the regenerated country on the happy termination of the unjustifiable rebellion, which lasted less than one month, and in only twenty-two days has been suppressed at Carupano, in Margarita, and on the sea. We have all performed our duty and look for no other reward than that of feeling assured of the welfare of the Republic and of the grateful fruition of satisfied conscience.

Hardly was the cry of insurrection raised in the east, when the national sentiment, with patriotic enthusiasm and the loftiest reliance upon the law, protested against the disorder of the revolt and against the wicked inspiration of hate, which the factious exiles, themselves proscribed for the crime of their mad ambition, unfurled as their flag. Chiefs without authority dreamed of climbing into power over ruin and death; of involving Venezuela in the darkness of crime; of breaking to pieces the constitution on the ruins of the Liberal party, and of establishing the dominion of force, the right of violence, the license of rancorous passion, the authority of furious reaction, and the barbarous rule of lawlessness.

Against this picture of desolation Venezuela took her place on the side of beneficent peace, and the Government whose duty it was to defend her organized armies with the activity which the case demanded to reach by sea and by land the wretched invader to-day overtaken by the punishment of defeat.

If for the shameful crime of rebellion and disloyalty neither the humiliation of defeat nor the terrors of conscience, nor the shame of failure, nor the inexorable stroke of justice are enough, there remains still for the misguided and deceived unfortunates the disdain of foreigners and the indifference of oblivion. For our country their mother weeps with lacerated heart the madness of her sons, laments the blood that has been shed, and asks for all, with her unbounded pity, that forgiveness and that oblivion. In the august presence of the Republic let us have done with every wicked personal division, let us calm our hatred and resentment; let us know how to bear with much, and to love one another with the common love of country, which imposes upon and claims from us every kind of sacrifice. If the language employed to announce to you the deplorable rising was harsh, that was justified by the passion of the moment, and the holy anger of wounded patriotism, and the cry of fury caused by the punishment of crime which does not produce such pain as the treacherous kiss of perfidy.

After the combat, after the sad performance of our duty, after the victory, we have to lament the misfortune which has occurred and cast the mantle of clemency over the nakedness of our faults, and profoundly lament that the conquered of yesterday have not desired, as they ought, to save the precious interests of this glorious country. The Republic has given solemn proof that the public peace cannot be interrupted easily or with impunity; and, now recuperated by the general and mighty aid rendered by the nation in support of the laws, by the simultaneous efforts of the good and loyal, who have rallied about the Government, we will enter at once upon the process of election, which is to crown with the splendor of liberty the termination of the last struggle against the ferocious monster of civil war. The laws are enough for the prosperity of the Republic; the law which has been defended is the same law which saves us; to obey it, to glorify it, is now our common object; the rights and duties of the citizens are harmonized, and this is what constitutes public order; the precepts of the law having been fulfilled by authority which if they involve the rigor of public punishment, do not prevent the opportune exercise of magnanimity; the citizen having been endowed with all his rights, and especially with that of the exercise of the free and orderly duty of suffrage, Venezuela will set forth to her glorious destiny under the government of the constitution, the sole majesty of the Republic; we will build up the peace of the future, and assure to ourselves forever the glory of the national regeneration.

Venezuela, full of faith I promised you the speedy announcement of peace, and I now declare re-established the constitutional order—it is my honor to return to you intact, this precious treasure, and if the performance of this duty merits crowns of triumph I will place them on the brows of the victors, to whom I give, for my country and for myself, the expression of my gratitude and a congratulatory embrace.

JOAQUIN CRESPO.

CARACAS, *July* 19, 1885.

[Inclosure 3 in No. 21.]

Mr. Scott to Mr. Lander.

LEGATION OF THE UNITED STATES,
Caracas, July 22, 1885.

SIR: I have the honor to acknowledge the receipt of your communication of the 20th instant, informing me of the establishment of peace in Venezuela, and also inclosing a copy of the most admirable and patriotic address of General Joaquin Crespo, President of the Republic of Venezuela, announcing the same, and congratulating his people on the happy result.

I assure your excellency that the above important intelligence has been received with profound pleasure and sincere gratification, as the result gives assurance of the future peace, weal, and prosperity of Venezula. The glad tidings that the revolution has been suppressed, and that order and peace have once more been restored to Venezuela, will be received by my Government with the profoundest satisfaction and the deepest gratification.

Assuring, &c.,

CHARLES L. SCOTT.

No. 699.

Mr. Bayard to Mr. Scott.

No. 22.] DEPARTMENT OF STATE,
Washington, September 3, 1885.

SIR: I have to acknowledge the receipt of Mr. Baker's dispatch No. 88, of May 6, 1885. It relates to the claim of the master of the American schooner Lanie Cobb, of Bangor, Me., against the Government of Venezuela, for being run into while lying at anchor in the harbor of La Guayra by the Venezuelan schooner Ana Eulogia, February 21, 1885.

The Department's previous instructions in respect of this claim are numbered 51 of March 24, 56 and 59 of April 9 and 22, 1885. These, with their several accompaniments, contain all information requisite to an understanding of the facts on which the claim is based.

With this correspondence before him, Mr. Baker has referred the subject back to the Department for examination and instruction previous to presenting a claim to Venezuela for the wrong alleged to have been sustained by the claimant.

It appears that the schooner Lanie Cobb arrived at La Guayra, February 15, 1885, from Savannah, Ga., laden with lumber, and that while lying safely at anchor in the harbor of La Guayra, was negligently and carelessly run into by the Ana Eulogia and considerably damaged. The declaration and protest of the master and crew of the American schooner and the testimony of an eye-witness to the occurrence agree that the fault was entirely on the side of the Venezuelan vessel, and that no adequate attempt was made by those manning her to prevent the collision, nor, after the collision, to free the vessel.

While afoul of the American schooner, states Benjamin F. Cushman, master of the Addie M. Bird and a witness of the casualty, a kedge anchor was run from the Venezuelan schooner to windward, but failing still to haul in sail, the American was helpless to free herself from the Venezuelan schooner without slipping her anchor, which was promptly done.

A survey of the American vessel was at once requested by her master of the consul to ascertain her present state and condition; also what had better be done in the interest of all concerned. Mr. Consul Bird accordingly appointed Messrs. Evan Jones, master of the brig Fleetwing, of Cardiff, Wales; Benjamin F. Cushman, master of the schooner Addie M. Bird, of Rockland, Me.; and Charles G. Jackson, master ship carpenter, to make the desired survey. Their duty was carefully performed, and from their itemized estimate it would seem that the probable expense of repairing the damage done, in accordance with the cost of labor and materials at La Guayra, amounts to $1,736. To this sum they add $250 for two weeks' delay, which aggregates $1,986 as the total sum due in United States gold.

In submitting a claim for this amount you will bear in mind what Mr. Baker says regarding the recovery by the master of the Lanie Cobb of his anchor and chain, at a trifling expense. In the report of the survey these articles were estimated at $128 and $750, respectively. If Mr. Baker's statement is found to be correct, the total damages are to be reduced in accordance with this later estimate.

With this brief history of the case, it seems not inappropriate to here refer to certain facts developed in the attempted adjustment of the matter by the consul. It is to be regretted that the Venezuelan authorities, instead of interposing technical obstacles to a satisfactory settlement of

the affair, should not have placed the responsibility where it belonged, and have made due, immediate, and courteous reparation for the damages thus sustained through the culpable negligence of those in charge of the Ana Eulogia.

It appears that the surveyors appointed by Consul Bird to make a survey of the damages sustained by the Lanie Cobb were refused admission to the vessel, and were only permitted (although reluctantly done) to go on board of her at the urgent insistance of the consul. The pretext for the refusal is offered in the fact that the consul's letter to the collector of customs at La Guayra was written in English, which Señor Martin was unable to read. He therefore declined to take action respecting it until the return of the official interpreter from Caracas, as to the time of whose coming, however, no intimation was given. Mr. Bird offered to explain to the collector, in Spanish, what was desired, but this offer was refused. Upon the consul urging the necessity of the survey in order to remove the vessel from her dangerous proximity to the rocky coast and thereby avoid possible further damage the collector volunteered to render all proper assistance; but this Mr. Bird declined to accept until a lawful survey had been held. The collector then insisted upon the right to name one surveyor, the Venezuelan vessel the other, and the American schooner the third. To this proposition Mr. Bird very properly objected, adding that the survey was directed in accordance with his official duty; that it had no reference to proceedings in the Venezuelan courts, but was instituted pursuant to the laws of the United States. At first the collector refused permission to Mr. Bird to proceed on board of the vessel, but finally consented, upon being referred to the law, to his going there unofficially. Mr. Bird, however, declined to visit the vessel under such conditions, but was forced to accept a permit for the surveyors to go on board of her as private individuals.

It seems that the Ana Eulogia, although the private property of President Crespo, of Venezuela, was at the time under commission of the Venezuelan Government. Under this peculiar circumstance of ownership and service of that vessel, it was deemed fitting by the consul that a private adjustment of the affair should, if possible, be arranged; and every endeavor tending to promote this end was resorted to, but without success.

With this solution of the difficulty in view, Mr. Bird visited Caracas in a private capacity, and as the authorized agent of the Lanie Cobb, endeavored to effect an amicable private adjustment with General Crespo. He admitted the ownership of the vessel, but said that as she was in the service of the Government, the secretary of war would have to be consulted. That officer, however, was absent from Caracas, and as no one was authorized to say when he would return to the city, official business obliged Mr. Bird to proceed to La Guayra without seeing him. The further prosecution of the case was therefore committed to Mr. Charles R. Röhl, United States consular agent at Caracas, but in a private capacity. Mr. Röhl's efforts, although considerately presented to Mr. E. J. Linares, an intimate friend of General Crespo, with a view of obtaining an amicable and equitable settlement, proved fruitless.

Under these circumstances, acting upon the written advice of Mr. Röhl, Mr. Bird again undertook to arrange the difficulty at La Guayra with Mr. W. Carias Perez, the agent of Mr. Linares, and who, it was understood, had been instructed by his principal to confer with the claimants. Mr. Perez admitted his authority in the premises, but all

considerate efforts to satisfactorily arrange matters came to naught, and the claimants were finally remanded to the courts for redress.

On the 2d of March, therefore, the master of the Lanie Cobb addressed a note to the judge of hacienda, setting forth that his vessel had suffered material damage by colliding with the Ana Eulogia, and asking the naming of experts with a view to assessing damages and according justice. The judge, however, decided that the complaint was not within his jurisdiction, and referred the parties to the collector of customs as the person before whom such matters should primarily be instituted. Thither the claimants repaired, only to be told that their redress lay with the judge of hacienda, who again insisted that such was not the case, but that the collector of customs, as *ex-officio* captain of the port, had jurisdiction. But this officer refused absolutely to entertain the complaint.

A clearer case of a denial of justice than this can scarcely be conceived, and that, too, after every reasonable effort on the part of those injured by the disaster had been put forward with the most considerate regard. They sought to enforce no unjust demands, but in a spirit of commendable fairness endeavored only to secure an equitable settlement, which, after much circumlocution, was denied them. It appears inconceivable that in so strong a case no more attention should have been given by the Venezuelan Government to the representations of the claimant and no greater desire evinced to accord them substantial justice, and it is earnestly hoped that your presentation of the claim diplomatically will result in a full and frank admission of wrong on the part of the Venezuelan officers and an immediate offer of due reparation. A demand more lenient than this the Venezuelan Government cannot possibly expect, while the United States must require that the rights of American citizens who have been unjustly or unreasonably dealt with by a foreign Government should be respected and their just demands made good.

The ownership of the vessel can have no weight in pressing this claim, although it is true that upon the claimants learning that the Ana Eulogia belonged to President Crespo they endeavored, in view of that fact, to arrange a private adjustment of the matter. At the time of the accident the Ana Eulogia was under commission of the Venezuelan Government, and that Government by every rule of reasoning is responsible for the damage to the Lanie Cobb on account of the careless and inexcusable acts of those on board of the former vessel. While, as previously stated, President Crespo's ownership ought not to have any effect in aggravating damages, yet his high office places him in a position in which he must be personally cognizant of the injury done and peculiarly sensitive as to its redress.

There are other matters to be taken into consideration besides the pecuniary claim for the losses sustained by the collision. That of itself is of small moment when compared with the influence such action as now appears on behalf the Venezuelan officials must eventually exert on the seafaring or commercial interests of the United States and other nations whose vessels visit Venezuelan ports. It is neither a pleasant reflection nor one conducive to security and international confidence to feel that in case of accident such as befell the Lanie Cobb there is no possibility of remedy before the civil or judicial tribunals of Venezuela, except upon the diplomatic presentation of the complaint after the failure of all other efforts.

The right of our citizens to demand compensation for damages which they may sustain, as in the accident to the Lanie Cobb, as well as that

of a Government to insist upon due reparation of such wrongs in behalf of its citizens, whenever necessary, is one which belongs to them by the rules of international law, and which is so recognized by all civilized countries.

With the information already before your legation in connection with this instruction, you will be in a position to make all due and necessary representations to the Venezuelan Government. In doing so, you will accompany your note to the minister for foreign affairs with such copies of papers as you think proper, and press the claim to a satisfactory conclusion with all possible dispatch, reporting your action fully to this Department.

I am, &c.,

T. F. BAYARD.

No. 700.

Mr. Scott to Mr. Bayard.

No. 35.] LEGATION OF THE UNITED STATES,
Caracas, October 14, 1885. (Received October 31.)

SIR: I have the honor to inform you that immediately on the receipt of your dispatch No. 22, dated Washington, September 3, 1885, I addressed a note to the minister of exterior relations, of which the inclosure is a copy.

I also accompanied said note with an exhibit, containing the protests, declarations, and affidavits of the persons mentioned in your said dispatch in support of the claim of the master of the Lanie Cobb. As soon as I am able to obtain an answer thereto I will forward the same to the Department of State, and will endeavor to keep you advised as to the progress of the case, as requested to do.

I am, &c.,

CHARLES L. SCOTT.

[Inclosure in No. 35.]

Mr. Scott to Mr. Lander.

LEGATION OF THE UNITED STATES,
Caracas, October 12, 1885.

SIR: I have the honor to inform you that I have received instructions from my Government to present and press the claim for damages of Capt. C. H. Cobb, master of the American schooner Lanie Cobb, of Bangor, Me., against the Venezuelan Government for being run into while lying at anchor in the harbor of La Guayra, by the Venezuelan schooner Ana Eulogia, February 21, 1885.

It appears that the schooner Lanie Cobb arrived at La Guayra February 15, 1885, from Savanah, Ga., laden with lumber, and that while lying safely at anchor in the harbor of La Guayra was "negligently and carelessly" run into by the Ana Eulogia, and considerably damaged.

To establish the above allegations you will find attached hereto an "exhibit" containing the sworn protests and declarations of Capt. C. H. Cobb, sustained by the affidavits of W. M. Wentworth, mate, and H. P. Baker, seaman, of the schooner Lanie Cobb, strongly sustained aud corroborated by the sworn testimony of an impartial and disinterested witness, Capt. Benjamin F. Cushman, master of the American schooner Addie M. Bird, who witnessed the collision between the two vessels from the deck of his vessel, the Addie M. Bird, on the 21st of February, 1885.

Immediately after the occurrence of the collision between the two vessels, the Lanie Cobb and the Ana Eulogia, on the 21st of February, 1885, in the harbor of La Guayra,

Captain Cobb, the master of the first-named vessel, on learning that the President of Venezuela was the owner of the Ana Eulogia, and from respect to the high official position of the owner, resolved to use every effort to have his claim for damages done his vessel by the Ana Eulogia quietly and amicably settled without resorting to legal measures. For this purpose he called on the United States consul at La Guayra. and also procured the assistance of the United States consular agent at Caracas, and with them made every effort to have the matter in controversy satisfactorily adjusted without appealing to the legal tribunals of Venezuela. But no proposition for adjustment was made to him by the parties from whom he had sustained so much wrong and damage, and all advances made by him for an amicable settlement were rejected, and all offers of compromise made on his part were peremptorily refused.

In the mean time, on the 23d day of February, 1885, Captain Cobb made application to the United States consul at La Guayra for a "survey" on the schooner Lanie Cobb, in consequence of having sustained damages and injuries on the 21st of February, 1885, by being run into by the schooner Ana Eulogia, whereby she was rendered unseaworthy, and in consequence of said application the United States consul at La Guayra granted the request, and appointed as a "board of survey" the following-named persons, namely, Messrs. Evan Jones, master of the brig Fleetwing, of Cardiff, Wales; Benjamin F. Cushman, master of the schooner Addie M. Bird, of Rockland, Me., and Charles J. Jackson, master ship-carpenter, of Maiqueta, Venezuela. This "board of survey," on the 24th day of February, 1885, proceeded on board the schooner Lanie Cobb, lying then damaged in the harbor of La Guayra by reason of the collision with the schooner Ana Eulogia, and after a "minute and careful examination and survey made" a report.

While referring to the report of the "board of survey," I deem it just and proper to state that while the full amount of damages ascertained by the "board of survey" aggregated $1,986 in American gold, that since this estimate was made the anchor and chain have been recovered and restored to its owner, and that said anchor and chain being valued at $828, deducting which from the total estimate of $1,986 leave a balance still due of $1,158 from the Venezuelan Government to C. H. Cobb, the master of the Lanie Cobb, and the amount of $1,158 is the amount which the Government of the United States believes that the said Cobb is equitably and legally entitled to receive from the Venezuelan Government in satisfaction of the injuries and damages that his vessel, the Lanie Cobb, sustained by the "carelessness and negligence" of the captain of the Venezuelan vessel the Ana Eulogia, in running intoher on the 21st of February, 1885, being at the time in the employ and under the control of the public authorities of the Venezuelan Government, as acknowledged and admitted by persons high in authority.

Having, your excellency, thus outlined and briefly summed up the salient points in the case of the Lanie Cobb, and having examined carefully all the facts involved in the controversy, I cannot conceive how any other conclusion can be arrived at than that the damages and injuries sustained by the Lanie Cobb by being run into on the 21st of February, 1885, in the harbor of La Guayra, by the schooner Ana Eulogia, were entirely attributable to the carelessness, mismanagement, or ignorance of the captain of the schooner Ana Eulogia, for the schooner Lanie Cobb, from all the evidence, was lying quietly at anchor and did not move an inch from her proper moorings until struck and run into by the Ana Eulogia, and that the captain of the Lanie Cobb did all in his power to avert the collision by slipping his anchor, which he actually lost in endeavoring to save his vessel, but afterwards recovered it as before stated.

If the Cobb had been under sail and in motion some doubts might arise as to which vessel was in fault and to be the most censurable for the collision; but it is an established, undeniable, and admitted fact that the Lanie Cobb was at anchor, and *consequently motionless*, and this circumstance alone precluded all *suppositions even* that by any action of hers was this collision caused and the consequent great injury and damage sustained whilst riding at anchor off La Guayra and *being run into* by the Ana Eulogia.

I do not hesitate in the belief that when your Government becomes acquainted and familiar with all the facts and evidence in this case that it will most readily and cheerfully make reparation for the wanton wrongs, damages, and injuries that the Lanie Cobb has sustained in Venezuelan waters from a vessel floating at her mast-head the Venezuelan flag, and commanded by a Venezuelan officer, who was in the service of your Government at the time the collision occurred.

My Government with extreme reluctance resorted to diplomatic measures to bring the case of the Lanie Cobb to the attention of your Government, and has deferred requesting reparation for the injuries sustained by the said vessel on account of the high esteem entertained for President Crespo, the alleged owner, and also from the strong hopes that the matter would be satisfactorily adjusted without resorting to diplomatic interference. And it is now from a stern sense of duty and in the performance of the high obligations that my Government owes to all her citizens to protect their lives, liberty, and property in every land and every clime that she instructs her minister and representative at the Republic of Venezuela to use every effort in his power to protect the lawful rights and just

demands of Capt. C. H. Cobb, the master of the schooner Lanie Cobb, and to respectfully request that your Government make reparation for the injuries done and damages sustained on account of the collision of the Ana Eulogia with the Lanie Cobb in the harbor of La Guayra on the 21st of February, 1885, by paying to the said Cobb the sum of $1,158 in satisfaction of said damages.

In addressing your excellency on this subject I have strictly confined myself to a recital of the evidence, and made no reference to the law applicable and governing this case; for if the sworn testimony contained in the exhibit attached to this note be true, it establishes a case so emphatically just and so transparently meritorious that citation to legal rules and precedents would be both trite and unnecessary, and I am willing to leave all law points pertinent and involved in this case to the "law officer" of your Government, having all confidence in his ability and fairness.

Trusting sincerely that after a full and fair investigation of this case the decisions of your Government will be such as to increase and strengthen the most friendly and cordial relations that now so happily exist between our two Governments,

I am, &c.,

CHARLES L. SCOTT.

No. 701.

Mr. Bayard to Mr. Scott.

No. 35.] DEPARTMENT OF STATE,
Washington, December 4, 1885.

SIR: The consul of the United States at Maracaibo, in a dispatch of the 30th October last, calls attention to the embarrassments occasioned to American shipping by the practices prevailing at the custom-house there regarding ships' papers. He incloses a copy of his No. 20, of May 15, 1879, making suggestions touching the provision of a remedy for these embarrassments.

I inclose a copy of the original dispatch, and have to ask that you will solicit at the foreign office the changes in the customs regulations there suggested by the consul.

I am, &c.,

T. F. BAYARD.

[Inclosure in No. 35.—Extract.]

Mr. Plumacher to Mr. Porter.

No. 335.] UNITED STATES CONSULATE,
Maracaibo, October 30, 1885.

SIR: I have the honor to inclose a copy of my dispatch No. 20, of May 15, 1879, which I beg you to be kind enough to read, as I am since a few months placed in the same situation as in 1879, and since that time I have seen many changes in the custom-house of this consular district, but by personal influence I have always been able to get what I required to protect our interests, and I always received the ship's papers with the exception of the ship's register, which only is delivered after the vessel's dispatch from the custom-house. As I have stated in my dispatch No. 20, I hold the custom-house at Maracaibo a very unsafe place to keep the register and papers of vessels. The officials are unwilling to give a receipt.

* * * * * * *

I have, &c.,

E. H. PLUMACHER.

[Inclosure 2 in No. 35.]

Mr. Plumacher to Mr. Hunter.

No. 20.] UNITED STATES COMMERCIAL AGENCY,
Maracaibo, May 15, 1879.

SIR: I take the liberty to draw your attention to certain laws of the United States of Venezuela, of which I inclose a Spanish extract and an English translation. You will observe that this law is of such a tenor that consular officers cannot comply with

their duties; neither can the masters of vessels. I refer to Article XII, United States Consular Regulations, reciprocal duties of consular officers and masters of American vessels, including the duties under the shipping act (§118, 121, 122, 123, 124).

According to §41 of the law of Venezuela the masters of vessels are compelled to deliver up all and every one of the ships' papers and they must be kept by the administrator of the custom-house until the vessel leaves the port. Permit me to state for your information that as soon as a vessel arrives at this port the custom-house authorities send at once their officials to pass the visit, and all the ships' papers are taken from the master, but no receipt is given. The masters of vessels generally not speaking Spanish, and unacquainted with the laws of Venezuela, give up their papers unwillingly, and as the so-called interpreter very often does not master the English language or the language of the nation under whose flag the vessel belongs, delays and unpleasant feelings are the result of it.

The masters are obliged to report themselves at this office without papers, and complain bitterly, and I have to go myself to the custom-house and after much delay and trouble the articles and crew-list are delivered to me, but never the register of the vessel.

It has happened that, since I am here, parts of the ship's papers of several American vessels have been lost by the custom-house officials, the vessels being obliged to leave without them, provided with a certificate from my hand. During the short time that I have the honor to represent our country at this port, I have seen three entire changes of the authorities in charge of the custom-house, and if a political demonstration should be made, or during times of revolutions, the custom-house is a much exposed place. If this law is not changed it will be impossible for consular officers to do their duty strictly, and serious inconveniences may happen to vessels in case the ships' register should be lost which could not happen if the ship's papers were duly deposited at the consulate.

I hope you will forgive your humble servant for making the following suggestions to regulate it to the satisfaction of both countries:

(1) The register, articles, crew-list, and other documents belonging to a vessel should be (or may be) taken by the custom-house officers or proper authorities of the port, giving a specified receipt for them to the master of the vessel on delivery. After forty-eight hours the captain should claim his papers from the authorities, return his receipt, and give them to the consular officer, who shall give to the authorities of the port a certificate proving that said papers have been duly deposited at the consulate by the master of the ship.

(2) The consular officer should not return the register or any other one of the ships' papers which have been deposited with him to the master of the vessel until the master presents to the consular officer his clearing papers granted from the proper national authorities namely his sailing license.

I believe this is all that is required for a satisfactory settlement of this question.

If a consular officer at this port or a master of a vessel should violate the law the vessel is anyhow in reach of the authorities of Venezuela as the vessel has to sail down to Fort St. Carlos, pass its guns and afterward to be towed to sea over the bar. At Puerto Cabello and Laguayra the vessels anchor under the guns of the fortifications, therefore in reach of the authorities.

Since General Guzman Blanco has taken charge of the Republic and has expressed his intention to facilitate the connections with other nations I believe we would find the good-will and assistance of the Government of Venezuela to regulate this point satisfactory to all.

Hoping you will be kind enough to give to the foregoing your attention I embrace this opportunity, &c.

E. H. PLUMACHER,
United States Commercial Agent.

Extract of laws corresponding to foreign vessels according to the "Codigo de Hacienda" of Venezuela.

LAWS APPERTAINING TO VESSELS ENTERING OPEN PORTS.

§ 40. Vessels entering at any of the open ports of the Republic of Venezuela must be visited by the administrator or surveyor of the custom-house, the chief of the inspectors, and such necessary help as may be considered needed, this visit to be made after the usual sanitary call. If the chiefs of the custom-house cannot call in person on the arriving vessel they must be duly represented by a deputy who is not from the inspector's office.

§ 41. If the entering vessel comes from a foreign port, the captain's or supercargo's duty is to deliver—

(1) The patent of navigation which remains with the chief of the custom-house until the vessel's departure;

(2) The certified manifest or manifests;

(3) The enveloped and sealed paper, or papers;

(4) A copy of the signed bill of ladings, even if the vessel arrives from the Antilles.

(5) List of effects of the vessel's use and of the stores, according to § 8;

(6) The crew-list of the vessel, and list of effects of the captain's and crew's use;

(7) The list of passengers, mentioning the number of packages of baggage, stating where same were taken aboard;

(8) A list stating what the vessel carries as ballast, as per § 16; and

(9) The correspondence, which is delivered by the chief of the inspector to the postmaster.

(§ 42) If the vessel arrives in ballast her captain or supercargo is only obligated to present the documents as per Nos. 1, 5, 6, 7, 8, and 9 of the preceding paragraph.

CORRESPONDENCE WITH THE LEGATION OF VENEZUELA AT WASHINGTON.

No. 702.

Mr. Soteldo to Mr. Bayard.

[Translation.]

LEGATION OF THE UNITED STATES OF VENEZUELA,
Washington, April 2, 1885. (Received April 3.)

MOST EXCELLENT SIR: I have the honor to submit to your excellency's consideration an abstract of our interview of this day, which was held in pursuance of your excellency's note of the 25th ultimo, and of my reply of the 31st, which I wrote on my return from New York, as soon as I received your aforesaid note.

I called at the Department of State before 12 o'clock (because I had learned that the Cabinet was to meet at that hour) for the purpose of having an hour appointed. After a brief explanation of my failure to receive notice of the appointment in time, and of my two days' absence in New York, we agreed to meet at 2 o'clock in the afternoon, and did so meet.

Your excellency began by urging the necessity of fixing the amount of the indemnity to be paid to Mr. Wheelock, according to the agreement made. This, you said, was all that remained to be done; that you had read everything bearing upon the case, the papers containing which you showed me.

I replied by agreeing to the necessity of concluding the final arrangement in question, remarking that I had proposed $2,000, for the reason stated in my communications, and that subsequently, when I visited the Department of State in pursuance of the appointment made with me by your excellency's predecessor, although I was punctual, notwithstanding the receipt of the communication which contained it, with the difference of the distance only, I was received, after waiting a long time, by Mr. Davis, who at length promised to let me know whether the $5,000 would be accepted or not, I having offered that amount as the maximum, and having told him that I was not authorized to increase my previous offer any more; but as Mr. Baker, the minister of the United States at Caracas, officially reported to his Government

that Mr. Amengual, as minister of foreign relations, had told him that our Government was willing to pay the claimant $5,000, I did not doubt Mr. Baker's veracity, nor did I doubt that my Government would fulfill any promise that it had made; that I had been kept waiting for the answer of the Secretary of State, which, after all, had not been given me, and that my offer could not then be increased.

Your excellency told me that you could not possibly accept $5,000 or any similar amount, notwithstanding your earnest desire to settle the question in the manner most satisfactory to both countries, because $10,000 had been offered to the claimant in the name of our Government, which sum had been refused, and that you thought that you could make but a very small reduction on the minimum fixed by your predecessor.

I told your excellency, in reply, that no offer of $10,000 had been made to Mr. Wheelock; that he had called on me in New York, requesting me to hear what he had to say, and that I had told him that I could treat with no one but your excellency in relation to his claim; that he had urged me to read a letter from the Department of State, whereby he was informed that an immediate request was expected from me for an interview relative to the instructions which, according to Mr. Baker, had been communicated to me by my Government for the settlement of his claim. I told him that as long as he should continue to dream of large sums, which Venezuela would never pay, a settlement would be absolutely impossible, inasmuch as Venezuela was under no obligations whatever to indemnify a person who had not had recourse to her courts, which alone had power to redress grievances similar to his.

Your excellency told me that the only thing that we had to do was to fix the amount of the indemnity, and proposed to me, with a view to settling the matter, that my Government should pay $10,000. I said that it was absolutely impossible for me to agree to that, because the instructions which I had received since I had made my offer to Mr. Davis limited me to $5,000, and that the dollar in Venezuela was understood to be equivalent to about 74 or 75 cents in United States money, as was shown by the consular certificates in Venezuelan ports on invoices of shipments from Venezuela.

Your excellency at length proposed that we should reduce the $10,000 to ten thousand Venezuelan dollars, thereby reducing the amount to $7,500, and finally to $7,400, provided that the payment should be made strictly in cash.

I told your excellency that I would exceed my limits by $1,000, feeling satisfied that my Government would approve this, solely for the sake of pleasing your excellency and the present worthy administration, but that I required time, it being impossible, under the circumstances, to pay the amount in less than two installments, payable in bills of exchange at sixty days' sight; that my Government would send the first in three months for $3,000, and that it would send the remainder three months afterwards, likewise sending a bill of exchange at sixty days for $3,000, and thereby making good its payment of $6,000.

Your excellency finally agreed to these terms, accepting, with its explanations, my aforesaid proposition, and saying that you would express your acceptance thereof in writing as soon as possible, so that I might inform my Government without unnecessary delay.

Hoping that the foregoing statement will meet your excellency's approval, I have, &c.,

A. M. SOTELDO.

No. 703.

Mr. Bayard to Mr. Soteldo.

DEPARTMENT OF STATE,
Washington, April 3, 1885.

SIR: With reference to my interview with you of yesterday, I have now the honor to state that my understanding of the terms agreed upon as a final settlement of the claim of John E. Wheelock against Venezuela is as follows:

Venezuela promises to pay, as an indemnity to John E. Wheelock for the injuries inflicted upon him at the hands of the authorities of that Republic in the year 1879, the sum of $6,000. Of this lump sum $3,000 is to be paid in three months and $3,000 in six months from this date.

This Government cannot but regard the amount so fixed as most inadequate to compensate Mr. Wheelock for the bodily suffering and the pecuniary losses he sustained. In consideration, however, of the long delay which has already occurred in reaching an agreement in this case, and in consideration, moreover, of the assurance which you have given that the sum of $6,000 is in excess of what you were authorized by your Government to pay, I am constrained to look upon the settlement as the best that could be obtained, and it is accordingly accepted, contingent upon the faithful fulfillment by Venezuela of the terms of the agreement above cited, as a final satisfaction of the claim of John E. Wheelock against the Republic of Venezuela.

I beg to add, Mr. Minister, an expression of my own gratification that this question, which has been a matter of controversy between the two Governments for so many years, may be looked upon at last as finally adjusted.

Accept, &c.,

T. F. BAYARD.

No. 704.

Mr. Bayard to Mr. Soteldo.

DEPARTMENT OF STATE,
Washington, April 10, 1885.

SIR: With reference to your note to me of the 2d instant, and to my note to you of the 3d instant, giving in writing our respective understandings, which are found to be in accord, of the terms of the agreement arrived at orally during our interview held on the 2d instant, expressly for the settlement of the claim of John E. Wheelock against Venezuela, I have now the honor to add, in order that all possibility of a mistake on that point may be avoided, that it is my understanding that the $6,000 agreed upon as a final satisfaction of the Wheelock claim is to be paid in the currency of the United States.

Accept, &c.,

T. F. BAYARD.

No. 705.

Mr. Soteldo to Mr. Bayard.

[Translation.]

LEGATION OF THE UNITED STATES OF VENEZUELA,
Washington, April 13, 1885. (Received April 13.)

MOST EXCELLENT SIR: I have the honor to acknowledge the receipt, by this day's mail, of your excellency's communication of the 10th instant, wherein you state that our two versions of our respective notes of the 3d and 2d instant agree with each other, and that your excellency understands that the $6,000 which are to be paid by my Government as a final settlement of Mr. Wheelock's claim are, according to our arrangement made on the 2d instant, to be paid in current money of the United States.

I have the honor to declare that your excellency's understanding of the case meets with my approval, and once more to sign myself, &c.,

A. M. SOTELDO.

No. 706.

Mr. Soteldo to Mr. Bayard.

[Translation.]

LEGATION OF THE UNITED STATES OF VENEZUELA,
Washington, June 29, 1885. (Received June 30.)

MOST EXCELLENT SIR: I have the honor to inform your excellency that my Government has been pleased to approve the arrangement made by me with your excellency as a settlement of the claim brought several years since by John E. Wheelock, on account of the ill-treatment which he had received from a police commissioner in the mining district of Guayana, Venezuela.

My Government, nevertheless, desires on this occasion to appeal to your excellency's sense of rectitude, to the end that it may not be understood that, in making this payment, which it does out of pure deference to the great people of the United States, it accepts the precedent that any one who considers himself injured or aggrieved by the acts of public functionaries, and still less by those of private individuals of the nation, may disregard the ordinary means of redress, *i. e.*, the competent courts of the country, and have direct recourse to the diplomatic interference of his Government as a means of securing reparation, when, according to the laws of Venezuela, as well as those of every other country, it is the province of the courts of justice alone to redress the grievances of complainants in cases similar to that of Mr. Wheelock, the proper investigation and judicial examination of the facts of a case being impossible otherwise than by means of judicial proceedings, which are the safeguard of individual rights, as they are that of the social order of states.

I beg your excellency to believe me when I assert that the disorders and abuses which would accrue to the people of Venezuela, and, I may add, to those of the other Spanish-American Republics, from the fatal abuse of seeking the redress of injuries suffered by individuals of foreign nationality directly, by way of diplomacy, without submitting

them to the laws and competent courts, would so undermine their welfare and their very existence, their financial system and every vital element of sociality and good government, that, however much it might be desired to comply with the requirements made, it would be impossible to continue to do so without seeking an efficient remedy for the evil.

Allow me to call your excellency's attention to my previous communications on this subject, and to ask, in the name of my Government, the co-operation of that of your excellency, with a view to arresting this evil at once, since, while it exhausts our revenues and frequently disturbs our reciprocal international relations, to the detriment of the great interests of our countries, it gives rise to interminable abuses and to such demoralization that it has compelled us to enact special laws for the regulation of all matters connected with such claims, thereby rendering it impossible even for the Executive to take cognizance of and settle such questions, it being his duty to refer them to the judicial branch of the Government, which alone has power to enforce the laws in private cases.

Similar statements were made by my predecessor, who transmitted to your excellency's Department copies of the laws in force in Venezuela relative to claims of foreigners and natives of the country.

I am ready to deliver to your excellency the first of the bills of exchange, at sixty days, for $3,000 in United States money, which I have received from my Government, and which I have ordered to be accepted at once. I will place it in your excellency's hands, hoping you will be pleased to accede to the wishes expressed in this note, so that the evil referred to may be remedied.

I gladly renew, &c., A. M. SOTELDO.

No. 707.

Mr. Bayard to Mr. Soteldo.

DEPARTMENT OF STATE,
Washington, July 7, 1885.

SIR: I duly received your note of the 29th ultimo, in relation to the payment of the claim of Mr. John E. Wheelock, and in the interview with which you honored me on the 2d instant you handed me a draft at sixty days' sight for $3,000 which, when paid, will discharge the first moiety of the payment agreed upon in settlement of that case.

Due notice is taken of your intimation, on behalf of the Government of Venezuela, that this adjustment of the Wheelock matter is not to be deemed a precedent authority for the future disposition of this class of cases by diplomatic intervention without recourse to judicial remedies.

In thus taking cognizance of the formal expression of an understanding which was, I presume, in your mind as well as mine when we reached a practical adjustment of the Wheelock case, I am not, of course, to be understood as laying down a rule of diplomatic intercourse for mutual governance in future cases arising.

As sovereign states, both the United States and Venezuela have the undoubted right to be satisfied, each for itself, that no wrong done to its citizens by the other passes unredressed; and neither sovereign can rightly be expected to recognize validity as attaching to the municipal enactments of the one which may assume to bar the exercise of the rights given by international law to the other.

Accept, &c., T. F. BAYARD.

No. 708.

Mr. Soteldo to Mr. Bayard.

[Translation.]

LEGATION OF THE UNITED STATES OF VENEZUELA,
Washington, July 21, 1885. (Received July 22.)

SIR: I have the honor to inform your excellency that my Government, in the use of its legal powers, issued, on the 7th instant, a decree declaring pirates two steam vessels now respectively named Justicia Nacional and El Torito (the latter having been formerly called Annette), which vessels have been armed by unauthorized persons for the ostensible purpose of arousing to insurrection the coasts and ports of Venezuela, but which do not belong to the registry of any government, nor have been manned in any legal form, nor are other than a danger to commerce and to the security of those seas and coasts where they begin as revolutionists, and will end by doing injuries of every kind, not only to Venezuela and her citizens, but to foreign commerce, and to all those who cultivate commercial relations with the country.

The mission of extermination begun by the crews of those two vessels makes them unworthy of being admitted into the ports of friendly nations; and my Government hopes from that of your excellency that the naval authorities of the United States will consider them beyond the pale of the law, in conformity with the terms of the aforesaid decree, and will not permit them to be supplied with fuel or provisions, but will rather cause them to be subjected to the procedure of the competent authorities, because of the irregularities, the criminal purposes and acts of those who man them, and other circumstances pertinent to the case, if they should in fact arrive at any points within the jurisdiction of the United States.

My Government will appreciate at its full value the friendly course of that of your excellency in the present case and under the circumstances set forth.

I improve, &c.,

A. M. SOTELDO.

No. 709.

Mr. Bayard to Mr. Soteldo.

DEPARTMENT OF STATE,
Washington, July 24, 1885.

SIR: I have the honor to acknowledge the receipt of your note of the 21st instant, informing me that your Government issued on the 7th instant a decree—

Declaring pirates two steam vessels now respectively named Justicia Nacional and El Torito, the latter having been formerly called Annette, which vessels have been armed by unauthorized persons for the ostensible purpose of arousing to insurrection the coasts and ports of Venezuela, but which do not belong to the registry of any Government, nor have been manned in any legal form, nor are other than a danger to commerce and to the security of those seas and coasts when they begin as revolutionists, and will end by doing injuries of every kind, not only to Venezuela and her citizens, but to foreign commerce and to all those who cultivate commercial relations with the country.

Under these circumstances, at the instance of your Government, you request that the naval authorities of the United States will consider these vessels—

> Beyond the pale of the law, in conformity with the terms of the aforesaid decree, and will not permit them to be supplied with fuel or provisions, but will rather cause them to be subjected to the procedure of the competent authorities because of the irregularities, the criminal purposes and acts of those who man them, and other circumstances pertinent to the case, if they should, in fact, arrive at any points within the jurisdiction of the United States.

In reply I have the honor to inform you that, while it is entirely foreign to the purpose of the United States to give aid or comfort to the enemies of Venezuela, this Government cannot admit the international effect of the Venezuelan decree declaring certain vessels in the service of insurrectionists to be pirates. The position which this Government has taken in respect to this question is so fully set forth in recent correspondence with the Colombian legation at this capital that I feel that I cannot better acquaint you with what are conceived to be the international obligations of the United States in the premises than by inclosing to you, which I now have the honor of doing, a copy of that correspondence.*

In addition to the authorities therein cited, I would invite your attention to the general principle touching this subject as laid down in a treatise on international law by the eminent English barrister, William Edward Hall, which is as follows:

> By the municipal law of many countries acts are deemed piratical, and are punished as such, which are not reckoned piratical by international law. Thus the slave trade is piratical in England and the United States, and in France the crew of an armed vessel navigating in time of peace with irregular papers become pirates upon the mere fact of irregularity, without the commission of any act of violence. It is scarcely necessary to point out that municipal laws extending piracy beyond the limits assigned to it by international custom effect only the subjects of the state enacting them and foreigners doing the forbidden acts within its jurisdiction.

It does not follow, however, that because this government declines to regard the vessels to which you refer as pirates they will be received into the ports of the United States with the same privileges that are accorded to vessels bearing the flags of recognized Governments. Such vessels cannot receive in our ports those immunities to which they would be entitled upon an exhibition of proper papers. While taking this position, however, I wish to be understood that it is here assumed with the usual qualification that gives to vessels coming to our ports in distress, even though they be without regular papers, such hospitality as is approved by the law of nations.

Accept, &c.,

T. F. BAYARD.

No. 710.

Mr. Bayard to Mr. Soteldo.

DEPARTMENT OF STATE,
Washington, October 16, 1885.

SIR: Referring to your note of the 2d April last, and to the payment of the first installment of the Wheelock indemnity (of $6,000) on the 3d July last, I have the honor to state that, so far as this Department's

* For correspondence referred to see documents numbered 194, 197, and 211, pages 252, 254, and 272.

records are concerned, it does not appear that the second half of the indemnity, due October 3, has been received.

Presuming that some accident has retarded the payment, I take occasion to suggest that, in case the next payment is to be made, as the first was, at 60 days' sight, the sixty days should not commence to run at a date later than the 3d instant.

Accept, &c.,

T. F. BAYARD.

No. 711.

Mr. Bayard to Mr. Soteldo.

DEPARTMENT OF STATE,
Washington, December 7, 1885.

SIR: I have the honor, in the interest of Mr. Wheelock, the American citizen in whose favor an award of $6,000 was made not long since by Venezuela, to call your attention to the circumstance that the second installment, due October 3 last, has not been received at this Department.

I can but express great regret, in which I believe you will share, at this seeming failure to carry out the international pledge referred to.

Accept, &c.,

T. F. BAYARD.

No. 712.

Mr. Soteldo to Mr. Bayard.

LEGATION OF THE UNITED STATES OF VENEZUELA,
Washington, D. C., December 12, 1885.

MOST EXCELLENT SIR: I have the honor to acknowledge the receipt of your communication of October 16th and of that of the 17th instant, both of them referring to the unfortunate circumstance of the delay that has occurred in the payment of the second installment ($3,000 in United States money) as payment in full of the $6,000 agreed to be paid in final settlement of the claim of Mr. John E. Wheelock.

I expected to receive the sum required from my Government before this, so as to be able to deliver it simultaneously with my reply to the first of the two notes above referred to, and I was still expecting it, since my Government is very desirous to send it, when I received the second, to which I reply without delay.

The settlement made, which provided for the payment of $6,000, in two installments, in three and six months, by means of bills of exchange at sixty days, did not reach Caracas before the adjournment of the National Congress, in consequence of which the amount stipulated could not be inserted in the budget which governs the disbursements of the public treasury. My Government was therefore compelled to make the payment out of the sum appropriated in said budget as a contingent fund; the first payment ($3,000) was made on the 3d day of July by means of a draft at sixty days. The fund appropriated to disbursements of this character having, however, been subsequently exhausted, owing to unforeseen circumstances, the present delay in the payment of the second

installment has occurred, to the great regret of my Government. The balance due will, nevertheless, soon be paid, because, according to the latest advices received by me from the ministry of foreign relations the urgency of the case has been brought to the notice of the President of the Republic, as has the necessity of making the payment in question with as little delay as possible.

I sent a copy of your excellency's note of October 16th to my Government by the next mail thereafter, and I yesterday sent a copy of that of the 7th instant. I do not doubt that the money necessary for the payment will be sent me so as to enable me to satisfy your excellency's just demands.

Accept, &c., A. M. SOTELDO.

No. 713.

Mr. Bayard to Mr. Soteldo.

DEPARTMENT OF STATE,
Washington, January 14, 1886.

SIR: I have the honor to acknowledge the receipt of your note of the 12th ultimo, and to say, that in view of its contents, I had expected to receive for Mr. Wheelock the second half of the award of $6,000, due that gentleman from Venezuela, prior to this date. The prompt payment of the first installment without any qualification or reserve whatever, and the entire absence from the arrangement made with you of any subordination of the settlement to the pleasure of the legislature of Venezuela, makes it impossible for this Government to formally admit that the second installment stands on any different footing from the first, which has already been paid, under the terms of the arrangement. It is expected that the honor and good faith of Venezuela will be shown by a similarly exact and scrupulous execution of the compact in its entirety. While forbearance seemed proper, in view of the embarrassment of the Venezuelan Government, in the regard mentioned in your note, the continued delay makes it incumbent to announce that this forbearance is shown by way of courtesy only, and can imply no abandonment of the rights in the premises or qualification of the letter and spirit of the original engagement. It is very desirable that the President should be enabled to announce to Congress at an early day the complete adjustment of the Wheelock incident; and to this end I have the honor to invite the payment of the second installment forthwith, with added interest to cover the delay.

Accept, &c.,

T. F. BAYARD.

No. 714.

Mr. Soteldo to Mr. Bayard.

[Translation.]

LEGATION OF THE UNITED STATES OF VENEZUELA,
Washington, January 26, 1886. (Received January 27.)

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of the 14th instant, urging the payment of the second half of the $6,000 due in settlement of the claim of Mr. Wheelock. I

have transmitted it to my Government, which will regret as much as your excellency's this unexpected delay, caused by the unforeseen expenditures growing out of the revolution which broke out after the payment of the first installment of $3,000, which was paid before the present impediment occurred.

Do not doubt, excellency, that my Government is striving to redeem the public faith pledged for the fulfillment of this international obligation, and that it feels the greatest regret at seeing it still pending for reasons entirely foreign to its volition.

Hoping an early conclusion of this affair, I take pleasure, &c.,

A. M. SOTELDO.

No. 715.

Mr. Bayard to Mr. Soteldo.

DEPARTMENT OF STATE,
Washington, March 12, 1886.

SIR: I have the honor to inclose herewith my formal receipt for the draft for $3,000 on account of the Wheelock indemnity, which you handed me on the 10th instant.

I regret that I cannot accept this draft as in full satisfaction of the obligation of your Government under the agreement of the 3d of April last. You will, of course, remember that you proposed to present to the United States, in settlement of Mr. Wheelock's claim, two bills of exchange for $3,000 each, one at the end of three months and the other at the end of six months from the 3d of last April, and that although I regarded the proposed indemnity as inadequate, I reluctantly accepted your proposition, but only upon the express condition of the faithful fulfillment of its terms.

It is not necessary for me to inform you that by the terms of our agreement the second bill for $3,000 should have been presented here on the 3d of October last, and that more than five months have elapsed since that date. For this breach of performance it seems to me that the least possible satisfaction would be the payment by your Government of interest on the delayed payment, which, at the rate of 6 per cent. per annum for five months, would amount to $75.

Feeling sure that you will recognize the justice of this view, I have to request that you will be pleased to accept, &c.,

T. F. BAYARD.