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The invocation of the Monroe Doctrine in the Anglo-Venezuelan boundary dispute.

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<https://doi.org/10.18297/etd/1958>

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UNIVERSITY OF LOUISVILLE

THE INVOCATION OF THE

MONROE DOCTRINE

IN THE

ANGLO-VENEZUELAN BOUNDARY DISPUTE

A Dissertation

Submitted to the Faculty

Of the Graduate School of the University of Louisville

In Partial Fulfillment of the

Requirements for the Degree

Of Master of Arts

Department of History

By

John F. Soren

Year

1932

*Approved
WCM*

T A B L E
O F
C O N T E N T S

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INTRODUCTION

The history of the relations of the United States with the Latin American states is marked by frequent invocations of what is known as the Monroe Doctrine.

The invocation of the Monroe Doctrine by the United States in the Anglo-Venezuelan dispute, arising out of the demarcation of the boundary line between British Guiana and the Republic of Venezuela, was the decisive factor in bringing that long standing and acrimonious dispute to an amicable termination. In some instances in which the Monroe Doctrine has been invoked its applicability to the case has been contested. This is true of the Venezuelan incident.

The apparent inconsistency of interpretations of the Monroe Doctrine by American statesmen has given occasion for misunderstanding, and even apprehension, on the part of some European and Latin American states, as to the scope and import of the Doctrine.

The incident chosen for the subject of this dissertation is well suited for a study of the Monroe Doctrine. In the papers of the American statesmen we have the most complete exposition of the Monroe Doctrine that had ever been given in the history of American diplomacy.

It has been contended that in order to render the Doctrine applicable to the dispute between Great Britain and Venezuela the American statesmen gave to the Doctrine a meaning which it had never been intended to assume. We find,

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however, that even if the language of President Cleveland and Secretary Olney was in some cases vague and indefinite, the positions they assumed did not attribute to the Doctrine any meaning that is extraneous to President Monroe's declaration on December 2, 1823. Thus, Mr. Olney's statement that "3000 miles of intervening ocean makes any permanent political union between a European and an American state unnatural and inexpedient", has been interpreted, in view of Great Britain's connection with Canada, to be a threat and calculated to give insult. An examination of the context, however, excludes the possibility of this meaning having been intended. Likewise, President Cleveland's allusion to "the high tribunal that administers international law" seems too rhetorical a figure for a state paper.

To the contention that the Monroe Doctrine was claimed to be, and appealed to as, a part of international law by the American statesmen there is little foundation. Both President Cleveland and Secretary Olney are explicit in this matter. They insisted that the Monroe Doctrine is not contrary to any principle of international law, and that it is founded on a well recognized principle of that code, viz., the right of every state to intervene in a controversy between other states, when it deems its own interests threatened.

I THE MONROE DOCTRINE

There has been much diversity of opinion as to the nature and origin of the Monroe Doctrine. It is usually thought to have originated with President Monroe in whose historic message to Congress on December 2, 1823, it was formally announced. But this is doubtful. John Quincy Adams, nearly three years before had substantially enunciated the same principles in his instructions to the American minister in St. Petersburg and in London.¹

It is not to be assumed, however, that Mr. Adams was the first to conceive and give expression to the principles of the Monroe Doctrine. Twenty-three years earlier President Washington, in his Farewell Address to the People of the United States, explicitly enunciated at least some of those principles.²

Nevertheless, the text of the Monroe Doctrine, as followed by the United States and as it is known abroad, is to be found in President Monroe's message to Congress in December of 1823.³ Since its promulgation at that time it has been a principle of first magnitude in the history of American diplomacy.

One of the immediate causes of the announcement of the Monroe Doctrine was the Russian encroachment in 1821 on territory claimed by the United States. On September 4th

¹ John Basset Moore, International Law Digest, VI, 374, et seq., citing MES. Inst. U. S. Mins.

² Charles Koelher, The Monroe Doctrine, 2 et seq.

³ James D. Richardson, Messages and Papers of the Presidents, II, 209.

of that year the Russian Czar issued an imperial edict which claimed for Russia the territory on the northwestern coast of North America down to the fifty-first degree.

Attached to this ukase were certain regulations which were incompatible with amicable relations between Russia and the countries that had commercial interests in the claimed territory. These rules provided that:

"1. The pursuits of commerce, whaling, and fishery, and of all other industry on the islands, posts, and gulfs, including the whole of the north-west coast of America, beginning from the Behring Straits to the 51° of northern latitude....is exclusively granted to Russian subjects.

"2. It is therefore prohibited to all foreign vessels not only to land on the coasts and the islands belonging to Russia as stated above, but also, to approach them within less than 100 Italian miles. The transgressor's vessel is subject to confiscation with the whole cargo." ⁴

The American claims to this region were officially stated by John Quincy Adams, Secretary of State, on July 22, 1823, in an instruction which he sent to Henry Middleton, the American Ambassador at St. Petersburg. He based the claims of the United States on the following contentions:

⁴ J. Reuben Clark, Memorandum on the Monroe Doctrine, 83, citing Alaskan Boundary Tribunal: Appendix to the Case of the United States, II, 25.

"It does not appear that there has ever been a permanent Russian settlement on this continent south of latitude 59°; that of New Archangel, cited by Mr. Poletica, in latitude 57° 30', being upon an island. So far as prior discovery can constitute a foundation of right, the papers which I have referred to prove that it belongs to the United States as far as 59° north, by the transfer to them of the right of Spain."

.....

"The right of the United States from the forty-second to the forty-ninth parallel of latitude on the Pacific Ocean we consider as unquestionable, being founded, first, on the acquisition by the treaty of February 22, 1819, of all the rights of Spain; second, by the discovery of the Columbia River, first from the sea at its mouth, and then by land by Lewis and Clarke; and third by the settlement at its mouth in 1811."⁵

The concluding paragraph of one of the attached notes is of special significance in this study, as it contains one of the axiomatic assumptions of the Monroe Doctrine. It reads thus:

"There can, perhaps, be no better time for saying frankly and explicitly, to the Russian Government that the future peace of the World, and the interests

⁵ Moore, op. cit., VI, 414, citing Am. State Papers, For. Rel. V, 443.

of Russia herself, cannot be promoted by Russian settlements upon any part of this continent. With the exception of the British establishments north of the United States, the remainder of both American continents must be left to the management of American hands."⁶

An excerpt from the instructions which Secretary Adams sent to Mr. Rush, the American Minister to Great Britain, is also valuable in this connection, as part of it was repeated almost verbatim by President Monroe in his historic address to Congress on December 2, 1823. Secretary Adams in that communication uses the following language:

"A necessary consequence of this state of things will be, that the American continents, henceforth, will no longer be subjects of colonization. Occupied by civilized independent nations, they will be accessible to Europeans and to each other on that footing alone, and the Pacific Ocean in every part of it will remain open to the navigation of all nations, in like manner with the Atlantic."⁷

Another immediate cause for the announcement of the Monroe Doctrine was the formation of a league of European sovereigns which advocated the doctrine of the right of intervention. The Holy Alliance, as this league was called, was formed under the hegemony of the Russian Emperor in 1815.

⁶ Clark, op. cit., 87, citing Alaskan Boundary Tribunal: Appendix to the Case of the United States, II, 48.

⁷ American State Papers, Foreign Relations, V, 447.

It was originally conceived by him for the purpose of propagating Christian principles of government and to promote a fraternal friendliness between all the civilized nations.⁸ This austere body before long, however, deviated from its original aim. It degenerated into a mere instrument in the hands of autocratic governments whose primary concern was the suppression of every aspiration and movement toward constitutional freedom. The United States had repeatedly and consistently rejected the overtures of the Czar for American participation in the Holy Alliance.⁹ The refusal of the United States to become parties to the Holy Alliance was based on a policy of long standing and of reputedly universal acceptance in America. It is clearly defined in the course of an instruction which Secretary Adams sent on July 5, 1820 to Mr. Middleton:

"The political system of the United States is also Extra-European. To stand in firm and cautious independence of all entanglement in the European system, has been a cardinal point of their policy under every administration of their Government from the peace of 1783 to this day. If at the original adoption of their system there could have been any doubt of its justice or its wisdom, there can be none at this time. Every year's experience rivets it more deeply in the principles and opinions of the nation."¹⁰

⁸ Moore, op. cit., VI, 374.

⁹ Ibid., 378, citing MS. Inst. to U. S. Mins., IX, 18.

¹⁰ Ibid.

Under the reactionary influence of Metternich, prime minister of Austria, the Holy Alliance took upon itself the duty of repressing movements toward liberalism and constitutionalism wherever they might appear. A natural outgrowth of this self-imposed duty was the doctrine of the right of intervention, which in time came to be arrogantly advocated by the monarch of Europe. It was first put into practice in stamping out the revolutions in Naples and in Piedmont, by the joint action of the Austrian and Russian armies.¹¹ After the admission of France to the Alliance, she undertook to crush the revolutionary movement in Spain and to restore Ferdinand VII to all of his power. After the Spanish constitutionalists had refused to meet the French demand that the constitution be abrogated and the king be restored to his former power, the French army invaded Spain on the sixth of April, 1823, under the command of the Duc d'Anguleme.¹² D'Anguleme's campaigns were met with slight resistance from the revolutionary forces. By the summer of 1823 the autocratic government of King Ferdinand had been restored, and Spain was drenched with the blood of those who had tried to relieve her from the yoke of despotism.¹³

In the course of the Spanish revolution several South American colonies had declared their independence from Spain. By the end of 1823, all the independent Latin-American states

¹¹

Ibid., 374.

¹²

Ibid., 375.

¹³

Clark, op. cit., 79, citing Philips, The Confederation of Europe, 283.

had been recognized by the United States except Haiti, Peru, and Paraguay.¹⁴ Nevertheless, Ferdinand had already asked for the aid of the European powers represented at the Congress of Aix-la-Chapelle to subdue the revolted colonies.¹⁵ The colonial system of Spain, however, had long outlived its usefulness, and the powers were well aware of the fact that to attempt a reannexation of the colonies to Spain would be a hopeless undertaking. In view of this situation the Holy Alliance was cogitating the transfer of the Spanish Colonies to other powers under whose dominion they would be insured against the establishment of democratic forms of Government.¹⁶ The view that some of the European sovereigns contemplated the establishment of monarchical governments in those states which had already adopted republican constitutions has been substantiated by the findings of impartial students.¹⁷

Relations with Great Britain

It would be impossible to have a comprehensive view of the conditions which immediately preceded and precipitated the announcement of the Monroe Doctrine without examining the disposition of Great Britain toward the state of affairs on the Continent and the relations between that power and the United States.

Great Britain had virtually withdrawn from the Quadruple Alliance (Austria, England, Prussia, Russia) after the Congress

¹⁴ W. F. Reddaway, *The Monroe Doctrine*, 26 et passim.

¹⁵ Clark, *op. cit.*, 79, citing MS. Domestic Letters, XVII, 307.

¹⁶ Moore, *op. cit.*, VI, 400.

¹⁷ Raul de Cardenas, *La Política de los Estados Unidos en el Continente Americano*, 97.

of the powers at Aix-la-Chapelle in 1818.¹⁸ In the course of this Congress England refused to accede to the proposed program of intervention for the suppression of revolution.

After the restoration of King Ferdinand VII, by the intervention of France, Great Britain was not oblivious to the fact that the army that had restored the king to his sovereignty in Spain might also restore him to his sovereignty in America. French interference in the colonies, accompanied by a probable colonial expansion of France, was viewed with great apprehension by Great Britain, who would rather vie, in America, with Spain than with France.¹⁹

It was this apprehension that led George Canning, British Secretary for Foreign Affairs, to seek the support of the United States in forestalling any attempt of France or of the Holy Alliance to intervene in the rebellious colonies.²⁰ In his first interview with Mr. Rush, the American Minister to Great Britain, Mr. Canning stated clearly the attitude of Great Britain toward the question of the Spanish colonies. In Mr. Rush's report of the interview he quoted Mr. Canning as saying that

"His Britannic Majesty disclaimed all intention of appropriating to himself the smallest portion of the late Spanish possessions in America....."²¹

¹⁸ Moore, op. cit., VI, 374.

¹⁹ Ibid., 386, citing MS. Private Corresp. Mr. Rush to Mr. Adams, No. 523.

²⁰ Ibid.

²¹ Ibid.

Regarding the independence of those colonies the British Minister asserted that

"Great Britain certainly never again intended to lend her instrumentality or aid, whether by mediation or otherwise, towards making up the dispute between Spain and her colonies."²²

On August 20, 1823, Mr. Canning sent a private communication to Mr. Rush in which he urged the American Minister to enter into negotiations for a joint understanding between Great Britain and the United States concerning the whole question of the Spanish colonies. In this communication the British Secretary for Foreign Affairs summarized the policy of Great Britain in five itemized Specifications which, he assured were "without disguise":

- "1. We conceive the recovery of the colonies by Spain to be hopeless.
2. We conceive the question of the recognition of them as independent states, to be one of time and circumstances.
3. We are, however, by no means disposed to throw an impediment in the way of an arrangement between them and the mother country by amicable negotiation.
4. We aim not at the possession of any portion of them ourselves.
5. We could not see any portion of them transferred to any other power with indifference."²³

²² Ibid.

²³ Ibid., 389, citing Cor. in relation to the Proposed Inter-oceanic Canal, 182.

In a subsequent communication Canning gave as an additional reason for the two powers to come to an understanding the fact that the revolution in Spain had almost been completely overthrown and that a conference would be called to discuss the question of the colonies. In this communication he reiterated his former assertion that Great Britain would consider any attempt of European powers to interfere in, or to exercise jurisdiction over, the colonies as a policy "highly unfriendly to the tranquility of the world."²⁴

Mr. Rush forwarded these communications to Washington, where they were looked upon with favor, especially by the President, who advocated the policy of joint action with England. Such a policy was opposed by Secretary Adams who believed that Canning's chief motive for desiring a joint declaration originated in his fear of American southward expansion.²⁵

Because of the British delay in recognizing the independent governments of the Latin American states, the contemplated agreement did not materialize.²⁶ Instead of a joint declaration, the United States Government, in that same year, announced independently its views and policies regarding the question of the Spanish Colonies.

The Doctrine Stated

The principles contained in the instructions which Secretary Adams dispatched to the American ministers in Europe, concerning the Russian claims and the policies of the Holy

²⁴

Ibid.

²⁵

Ibid., VI, 389.

²⁶

Graham H. Stuart Latin America and the United States, 49, citing J. A. Adams, Memoirs, VI, 177.

Alliance, were incorporated in President Monroe's message to Congress on December 2, 1823.

The President first alluded to the dispute with Russia arising out of that power's claim of ownership over the northwest portion of the American coast. His statement in this connection was that

".....the American continents by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers."²⁷

Later in his message the President dwelt on the significance of the independence of the Latin American states to the "felicity and happiness of the United States." He particularly emphasized the opposition of the United States to the intervention of European nations in American affairs:

"In the wars of European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparations for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this

from that of America. This difference proceeds from that which exists in their respective governments; and to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the Governments who have declared their independence and maintained it, and whose independence we have on great consideration and just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States."²⁸

The President also called attention to the policy of neutrality that the United States had observed in the struggles

between Spain and the rebellious colonies, and further declared that

"It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference.... It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course."²⁹

Six Essential Points of the Doctrine

An analysis of the President's declaration discloses six prime points. We shall state them more concisely and enumerate them in their natural relation to one another.

1. The American continents are no longer open to colonization by European nations.
2. The United States has not interfered and shall not interfere with the colonies now held by European powers.
3. The United States considers any attempt on the part of the allied powers to extend their political systems to any part of this hemisphere, or to attempt to control or oppress the free states of the Americas, as dangerous to our peace and safety.

4. The confirmed policy of the United States toward Europe has been, and remains, not to interfere in the wars and internal politics of Europe, to recognize de facto governments as legitimate, and to maintain peaceful relations with all.

5. The policy of the United States, concerning the revolted colonies of Spain, is to leave them to themselves to adjust their own difficulties.

6. The United States would consider any attempt of European powers toward interposition in the colonies which have declared and maintained their independence as the manifestation of an unfriendly disposition toward the United States.

Thus we have the Monroe Doctrine, the provisions of which fall into three groups, and may be considered as covering three distinct policies. The first group deals with the matter of future colonization. It states that the United States has pursued the policy of non-interference with the European colonies. But Europe, in return, must not attempt future colonization in America. The second group states the American policy of abstention from European politics, and demands that Europe abstain from intervention in American affairs. In third place we have the statement of the American policy of non-interference in the affairs of other states of America, and a warning to Europe to pursue the same course.

Because of subsequent references that will be made to the Monroe Doctrine in this study, it will be well to note certain negative considerations with regard to the nature of

the Doctrine. It must be borne in mind that the present study does not consider subsequent interpretations, opinions, interferences and corollaries of the Doctrine. This treatment is based solely on the Doctrine per se as announced by President Monroe in his message to Congress on December 2, 1823.

1. The Monroe Doctrine is not an international compact. It is merely a defensive policy of the United States, and was promulgated to meet a definite political situation.³⁰
2. The Monroe Doctrine is not a part of international law. (This was true at the time of its invocation in the boundary dispute. Subsequently it has been accorded a place in the code of international law by virtue of its introduction into international treaties.)
3. Being a policy of the United States, it is this country alone who may determine under what conditions the Doctrine will be invoked. No other country has a voice in determining upon what aggressions the United States may or may not invoke the Doctrine.³¹
4. The Monroe Doctrine is not an international agreement. The declaration of President Monroe did not pledge the United States to protect the other American states, at their behest, from an aggressive European power.³²
5. The Monroe Doctrine does not offer to the other American states immunity from the responsibilities of independent states. Neither does it protect those states, if they be

³⁰ Clark, op. cit., p. XXIV.

³¹ Ibid.

³² Ibid., p. XXII.

guilty of wrongdoing, against an aggrieved nation provided that nation does not interfere with their form of government or attempt to usurp their territory.³³

6. The Monroe Doctrine does not establish any principles intended to govern the relationship between, or to regulate the mutual policies of, the nations of this hemisphere. The Doctrine states a case of the United States vs. Latin America.³⁴ Such steps as the United States has taken in the Republics of the Caribbean are not within the Doctrine as it was announced by President Monroe. The policies of the United States in dealing with some of the Latin-American Republics, especially those of the Caribbean, may be adopted because of the necessity of security and self-preservation, as was the Monroe Doctrine, but they are not covered by the terms of the Doctrine.

³³ Ibid.

³⁴ Ibid., p. XIX.

II HISTORICAL ORIGIN OF THE BOUNDARY DISPUTE

The Spaniards were the first explorers to land on the northeastern coast of South America. Early in the sixteenth century they discovered, and claimed for the Spanish crown, the region which is bounded on the south by the Amazon River, on the north and east by the Atlantic Ocean, and on the ~~east~~^{west} and northwest by the rivers Orinco and Negro and the Casequiera channel.¹ Among the Spanish explorers who discovered the region Alonso Ojeda, a companion of Columbus, is perhaps the most notable, as he was also the discoverer of Venezuela.²

The territory which the Spaniards discovered was given the name of Guayana (Guiana), but was often referred to as Manoa or El Dorado. The latter name, meaning the Golden, had been given the region because of the belief that gold and white diamonds existed in great abundance in its soil. There were also rumors of the existence of a great inland empire which had as its capital the mythical Manoa whose streets were supposed to be paved with pure gold.³

It is difficult to ascertain just how these legends originated. Writers and historians have advanced different theories as to their origin, some of them being very plausible explanations. Nevertheless, there remains always in such cases the element of conjecture which makes these explanations more a matter of opinion than of fact. The significant thing

¹ The case of Venezuela, 32 et seq., citing Rodway and Wat, Annals of Guayana, I, 6.

² Robertson, History of the Latin American Nations, 61.

³ Scruggs, The Colombian and Venezuelan Republics, 269.

in this connection, however, is that the Old World believed in the existence of fabulous riches in the newly discovered land, and numerous were her adventurers who led expeditions to explore the region and secure its treasures.

The Spaniards did not stop with the discovery of the land. It was they who first navigated along its coast and ascended its rivers in search of new dominions for their Sovereign. They established settlements both on the coast and far inland at strategic points, which served as bases for further conquest and exploration of the virgin jungle. The explorers and adventurers of other nations did not come as discoverers for by the right of discovery the land was already the lawful possession of Spain. They came merely to attack the settlements and supplant the Spanish discoverers in their territorial possessions.⁴

The first of such adventurers was Sir Walter Raleigh, who sailed up the Orinoco River and attacked the small Spanish settlement of San Thome.⁵ From 1595 to 1618 Sir Walter Raleigh led several other expeditions against Guayana, but all of them met with disastrous results. He was finally executed at the instance of the King of Spain whose dominions he had repeatedly invaded.

No more successful were the first Dutch expeditions, as the Spaniards had fortified their towns, and were able to defend them against all second comers.⁶

⁴ Brief for Venezuela, 5 et seq.

⁵ The Case of Venezuela, 36.

⁶ Brief for Venezuela, 6

It was only in 1621, through their powerful West India Company, that the Dutch succeeded in planting a settlement in Guayana.⁷ From this settlement, which was at the mouth of the Essequibo river, the Dutch expanded their possessions, and held them until they were confirmed to Holland by the Treaty of Minister in 1648.

Once the break had been made in the Spanish defense, other nations took advantage of the circumstances to take possession of as much territory as they could acquire. France established a settlement near Cape Orange, England obtained a footing at the mouth of the Surinam river, and Portugal wrested from Spain the portion near the Amazon. England later captured the establishment of Demerara, Berbice and Essequibo from the Dutch, who in 1814 ceded these settlements by treaty to Great Britain.⁸ The remainder of the territory, known as the Spanish Guiana, remained in the possession of Spain as an integral part of the Captaincy General of Venezuela.⁹ After Venezuela became an independent state she became the rightful owner of the territory by virtue of her succession to the title of Spain.

Spain's title to Guayana was based on discovery and exploration. All the territory from the Orinoco river to the Amazon belonged to her by right of discovery. Up to 1624, when the Dutch succeeded in planting a settlement at the mouth of the Essequibo, the whole region had been the undivided possession of Spain.¹⁰

⁷ Ibid., 3.

⁸ The Case of Venezuela, 236.

⁹ Ibid., 234.

¹⁰ Ibid., 58 et seq.

The claims of Great Britain were based on the Dutch occupation of the triangular strip of territory between the Essequibo and Moroco rivers. If continuous occupation can give title, the right of Great Britain to this tract can hardly be controverted. It had been occupied first by the Dutch and then by the British for about two centuries.¹¹

Great Britain's claims to the rest of the territory are not tenable. Spain, besides being the discoverer, was the first occupant of the region that lies between the Orinoco and the Essequibo rivers. It is true that her settlements were not continuous; there were often wide tracts of unoccupied wilderness between them. Nevertheless, she occupied these parts in name of the whole. Besides this, Spain's ownership of Guayana is recorded in her treaties. The most important of these are the Bull of May 4, 1493, by which Pope Alexander VI donated Guayana to the Crown of Spain, and the Treaty of Tordesillas between the crowns of Spain and Portugal.¹² Moreover, the colonial laws of Spain and other colonial documents in the Spanish archives treat Guayana as part of the Captaincy General of Venezuela and the Vice-royalty of New Granada. This is especially true of the laws denominated the Recapitulation of the Indies.¹³

Spain never assented to the Dutch territorial acquisitions in Guayana, except those existing at the date of the Treaty of ¹⁷¹³ ~~1712~~ ¹⁷¹³ ~~1712~~ Minister. The fact that the Dutch desired a

¹¹ Ibid., 46 et seq.

¹² Ibid., 58.

¹³ Ibid., 151.

confirmation by treaty of their acquisitions indicates that they recognized Spain's legal right to the region which the Dutch expeditions had conquered. After the date of the Treaty of ¹⁴Minister the Dutch attempted to establish settlements at different times on strategic points west of the Essequibo river but maintained them only temporarily. They even desisted from holding merchantile posts at Barima, Moroco, Cuyuni and Pumaron because of the Spanish opposition.¹⁴

The extention of the establishments which Great Britain received from the Dutch by treaty in 1814 was not defined. The Treaty merely names the settlements to be ceded without stipulating their geographical limits.¹⁵ They could not be understood however, to extend west beyond the Moroco river on the coast, and inland, beyond the Essequibo, as neither the Dutch or the British discovered the Orinoco or the Essequibo or any of its affluents.¹⁶ As late as 1845, when Spain recognized the independence of Venezuela, she considered her title to Guayana as indisputable. The treaty of recognition states that Spain recognized Venezuela as a "free, sovereign, and independent nation composed of the provinces and territories expressed in its Constitution and subsequent laws, viz., Margarita, Guayana, Cumana...and all other territories and islands whatsoever which might thereto pertain."¹⁷

¹⁴ Ibid., 114.

¹⁵ Grover Cleveland, The Venezuelan Boundary Controversy, 3.

¹⁶ The Case of Venezuela, 59.

¹⁷ Ibid., 156.

Between the territories that fell to Great Britain and Venezuela, respectively, there had never been a clearly defined boundary line. Spain and Holland had recognized a de facto line which extended only some seventy miles inland. It began on the coast at the mouth of the Moroco river, and ran south on the meridian of a point about twenty-five miles west of the mouth of the Moroco. After crossing the Cuyuni river at the point it joins the Mazaruni, the line followed a general southeastern course to the Essequibo river.¹⁸ This line, however, besides not having been officially or legally established, extended over only a small part of the disputed area.

Such was the condition of affairs in 1811, when Venezuela succeeded to Spain's title, and when Great Britain three years later, received the Dutch possessions.

The dispute was not revived by the new parties until 1822, and then only in a very mild form. Because of Great Britain's attempt to establish a new divisional line in 1841, generally known as the "Schomburgk line", the dispute was renewed with unprecedented acrimony.

In 1840 the English Consul-General at Caracas informed the Government of Venezuela that a commission had been issued to Mr. Robert H. Schomburgk by the British Government authorizing him to survey the region that had been in dispute. Mr. Schomburgk had also received instructions to mark out the boundary line between British Guiana and Venezuela.¹⁹ Moreover,

¹⁸ Cf. map herewith, p. III.

¹⁹ Foreign Relations 1895, I, 570.

the Governor of British Guiana had received orders to resist by armed force, if necessary, any attempt of aggression upon the frontier region.²⁰

The Government of Venezuela, upon receiving the communication, expressed surprise at this mode of procedure in establishing a divisional line. In the reply to that communication the Venezuelan Government proposed that a Treaty of limits be negotiated. It also contended that the survey and demarcation of the territory should follow rather than precede the Treaty and that the survey commissioners should be appointed by both powers! To these contentions Lord Aberdeen, the British Foreign Secretary, replied that the procedure of Great Britain was in conformity with established practice.²¹

The line which Mr. Schomburgk established added to British Guiana about 50,000 square miles of territory beyond the de facto line of 1768.²² Most of the area which Great Britain now claimed had not hitherto been considered in dispute. The Venezuelan Government, therefore, forthwith accused the British official of having established a line within the Venezuelan territory. Public indignation in Venezuela was aroused to a high pitch, and the press termed the British procedure as an outrage and an act of spoliation against the territorial integrity of the Republic. Explanations were demanded from the Governor of British Guiana by a special

²⁰ Cleveland, op. cit., 6.

²¹ Ibid., 7.

²² Scruggs, op. cit., 289.

representation of the Venezuelan Government, and from the British Government through the Venezuelan Minister, Dr. Alejo Fortique.²³

The line established by Schomburgk began at the mouth of the Amaracuro river and followed its left margin to a point near the 60th meridian. After deflecting southward, so as to take in a considerable part of the Cuyuni-Mazuruni basin, it again turned eastward to the 60th meridian. It took in Mount Iritibu and Mount Roraima, and then followed a general eastward direction toward the Essequibo river.²⁴

In view of the Venezuelan protests Lord Aberdeen asserted that the line was only tentative and was to serve as a basis for future discussions.²⁵

In a note of reply Dr. Fortique renewed his protest, and insisted upon the removal of the posts and monuments that had been placed by Mr. Schomburgk.²⁶ Lord Aberdeen agreed to comply with the demand of the Venezuelan Minister, but forwarded a note to the latter's Government in which he declared that

".....although, in order to put an end to the misapprehension which appears to prevail in Venezuela with regard to Mr. Schomburgk's survey, the undersigned has consented to comply with the renewed representation of the Minister upon this affair,

²³ Brief for Venezuela, 179.

²⁴ Scruggs, op. cit., 287, citing Schom.'s Rep. 1841, Cf. map herewith, p. III.

²⁵ Brief for Venezuela, 191.

²⁶ Ibid., 192.

Her Majesty's Government must not be understood to abandon any portion of the rights of Great Britain over the territory which was formerly held by the Dutch in Guiana."²⁷

²⁷ Cleveland, op. cit., 10.

III HISTORY OF THE DISPUTE FROM 1844 TO 1894

The line of demarcation which Mr. Schomburgk had established as a result of his survey was abandoned, but Great Britain did not relinquish her alleged rights to the region within that line. Between 1841 and 1890 the original line was altered many times, and each time it extended the territory of British Guiana. The line as adopted by Great Britain in 1890 is known as the "expanded Schomburgk line." It embraced 33,000 additional square miles of territory beyond the original Schomburgk line.¹ The British Colonial Office List, an official publication, in the issue for 1885, gives the area of British Guiana at "about 76,000 square miles. In the issue for 1886 the area is put at "about 109,000 square miles." This statement was not accompanied by any explanation of how this territory was acquired. It is not to be supposed, however, that Great Britain, in her claims pretended to follow historical evidence.

After the removal of the posts and marks which designated the Schomburgk line, the contending parties allowed the question to rest until 1844. In January of that year the Venezuelan Minister, in a note to Lord Aberdeen, emphasized the necessity of commencing without delay negotiations for a treaty of limits. Attached to the note was a complete presentation of the historical incidents upon which Venezuela based her claims. In this labored study of the case Dr. Fortique proposed as a boundary line the course of the Essequibo River.²

¹ Foreign Relations 1895, I, 546.

² Ibid., 563.

The line proposed at that time by the Venezuelan Minister was the easternmost line claimed by Venezuela throughout the entire controversy. Although later Venezuela was willing to accept a compromise line, for the sake of an amicable settlement of the dispute, she always insisted upon her indisputable legal right to the Essequibo line.

Less than ninety days after the receipt of Dr. Fortique's note Lord Aberdeen sent a communication to the Venezuelan Government in which he combated Dr. Fortique's allegations, and, in his turn, proposed a boundary line as follows:

"A line drawn directly from the mouth of the Moroco to the junction of the River Barama with the River Waini, thence up the River Barama to the Aunama, and up the Aunama to the point at which that stream approaches nearest to the Acarabisi, and thence down the Acarabisi to its confluence with the Cuyuni upwards until it reaches the highlands in the neighborhood of Mount Roraima which divides the waters flowing into the Essequibo from those which flow into the Rio Branco."³

It is very probable that the Venezuelan Government would have compromised on this proposal had it not been accompanied by the following paragraph:

"All the territory lying between a line such as

³ The Case of Venezuela, 193.

is here described, on the one side, and the River Amacuro and the chain of hills from which the Amacuro rises, on the other, Great Britain is willing to cede to Venezuela, upon the condition that the Venezuelan Government enter into an engagement that no portion of it shall be alienated at any time to a foreign Power, and that the Indian tribes now residing within it shall be protected against all injury and oppression."⁴

The Venezuelan Minister first objected to the terminology of this paragraph, because it gave to understand that the territory was being graciously ceded to his country. This same territory, Dr. Fortique had maintained, was part of the patrimony of Venezuela by right of her succession to the title of Spain. The Venezuelan Government refused to accept the conditions which Lord Aberdeen stipulated unless they were made mutual.⁵ As Great Britain would not accede to this, the Venezuelan Minister proposed a line beginning on the coast at the Moroco river. It extended inland as far as Mount Itaca, and followed straight along the meridian of that mountain as far as the Paracaima Mountains.⁶

Shortly after this proposal was submitted to the British Government negotiations were suspended because of the death of Dr. Fortique.⁷ Due to political disturbances in Venezuela it

⁴ Ibid.

⁵ Ibid., 194.

⁶ Ibid.

⁷ Ibid.

was some time before a successor to Dr. Fortique was appointed, so that the whole question was temporarily shelved.

In 1850 Venezuela was in a state of political disorderliness and confusion because of frequent revolutionary occurrences. The country was so impoverished and dismembered by internal strife and revolution as to be on the verge of anarchy. The period from 1845 to 1864 has been called not without irony the "Monagas Dynasty". This name has been given the period because of the despotic administration of Jose Tadeo Monagas and his brother, Jose Gregorio Monagas, who, by unconstitutional methods, maintained themselves in the presidency during several succeeding terms.⁸

Five years after the first Monagas became President a rumor was spread that Great Britain intended to take possession of a Venezuelan province (Venezuelan Guiana) adjoining British Guiana. The British representative in Caracas, Mr. Belford Wilson, characterized the rumor as "maliciously false".⁹ Nevertheless several notes were exchanged between the British and the Venezuelan Governments. As a result of this correspondence a truce was entered into whereby neither Power was to attempt to occupy, or in any way control, any part of the then unoccupied territory in dispute.¹⁰

Twenty-six years passed without any further serious attempt being made toward a solution of the boundary problem. In 1876, when tranquility had been restored to Venezuela, the

⁸ Williams, *The People and Politics of Latin America*, 524 et seq.

⁹ *Foreign Relations*, 1895, I, 571.

¹⁰ *Ibid.*

Ministry of Foreign Affairs dispatched a note to the British Foreign Office expressing the eagerness with which the Venezuelan Government looked forward to a speedy and cordial settlement of the boundary issue.¹¹ In the same year, Dr. Jose Maria Rojas was sent to London with the incumbency of continuing the negotiations relating to the boundary.¹² It was also at this time that the American Government received the first direct official communication dealing with the dispute. The Venezuelan Foreign Minister in a note to Mr. Fish, the American Secretary Of State, emphasized the necessity of bringing the dispute to an early conclusion. After setting forth the Venezuelan claims relative to the boundary location, the Venezuelan Minister added in conclusion, that

"....whatever may be the result of the new steps of the Government, it has been desired that the American Government might at once take cognizance of them convinced, as it is, that it will give the subject its kind consideration and take an interest in having due justice done to Venezuela."¹³

In another attempt to bring the matter to a peaceful conclusion the Venezuelan Minister to Great Britain made another advance in the following year. He informed the British Foreign Office that Venezuela was willing to "waive the question of strict legal right" in favor of "any reasonable compromise".¹⁴

¹¹ The Case of Venezuela, 197.

¹² Ibid.

¹³ Cleveland, op. cit., 23.

¹⁴ Brief for Venezuela, Memorandum, 24.

This meant that Venezuela would no longer insist on the Essequibo line, but was disposed instead to accept "a conventional line fixed by mutual accord."

The Venezuelan proposal remained unanswered for about two years, as the British Government refused to take any further step in the question until the arrival in London of the Governor of British Guiana.¹⁵

In this interim Lord Salisbury succeeded Lord Derby in the British Foreign Office. Eight months later the Venezuelan proposal was answered, but in a discouraging tone. The note made no allusion^{the} to "compromise" proposal. It simply stated that the line claimed by Her Majesty's Government started at the mouth of the Orinoco.¹⁶

Another proposal was submitted by Venezuela in 1881. This plan suggested a line beginning at the mouth of the Moroco river.¹⁷ Great Britain rejected the proposal, and stated without explanation that the mouth of the Moroco river would not be accepted as the divisional line on the coast.¹⁸

It should be noticed that Great Britain, seven years earlier, had proposed such a line. Now she rejects it unconditionally and in flagrant violation of the truce of 1850.

¹⁵ Cleveland, op. cit., 25.

¹⁶ Brief for Venezuela, 197.

¹⁷ Ibid.

¹⁸ Ibid., 198.

In answering the British reply, the Venezuelan Government urged the submission of the whole question to arbitration.¹⁹

Seven months later the British Foreign Office answered the Venezuelan note. This communication contained a new proposal in which not the least vestige of concession is to be found. The Venezuelan request for arbitration was not even alluded to.²⁰

The Venezuelan Government, in 1883, made attempts to treat the question in Caracas with the British Legation, but without any successful result. In the following year, therefore, Venezuela accredited General Guzman Blanco as Envoy Extraordinary and Minister Plenipotentiary at London for the purpose of advancing the boundary negotiations. In his first note to Lord Granville, General Guzman Blanco renewed the Venezuelan request that the British Government consent to the arbitration of the dispute. This appeal seems to have evoked a favorable response, because in 1885 negotiations were well under way toward referring the matter in toto to a Board of Arbitration.²¹ Just a few days before the treaty was to be ratified, however, Lord Salisbury returned to power, and the new administration repudiated the agreement.

A solution of the difficulty was proposed by Lord Rosebery in 1886. He proposed that the territory within the two extreme claims of both parties be equally divided between them.²² Venezuela rejected the proposition on the grounds

¹⁹ Ibid., 181.

²⁰ Ibid., 182.

²¹ Foreign Relations 1895, I, 547.

²² Brief for Venezuela, 203 citing British Blue Book, 356.

that it involved an absolute cession of part of her territory. At this time the Venezuelan Government again insisted that arbitration was the only means by which a just and amicable adjustment could be reached.²³

Towards the end of 1886 the British Minister at Caracas was asked to explain the formal establishment of British jurisdiction at Guayana. As no explanation was given, the Venezuelan Minister at London protested against the British violations of the truce of 1850. The protest was unheeded by Her Majesty's Government. Moreover, three months later, the British Colonial Office published an official map of British Guiana giving as its western boundary the "enlarged" Schomburgk line.²⁴ This act of the British Government evoked a vehement protest from the Venezuelan Government, which was however, ignored by the former. Later in the year as the conduct of the British officials in Guiana became increasingly aggressive, the Venezuelan Government demanded in peremptory terms the evacuation of the disputed territory. In the note of protest the Venezuelan Government declared that unless Great Britain agreed to such an evacuation and to the acceptance of arbitration by February 28, 1887, diplomatic relations between the two countries would on that day be suspended.²⁵

As the demands of Venezuela were utterly ignored a final protest was issued in which the Venezuelan Government presented a long list of charges of aggression and offense

²³ Cleveland, op. cit., 36.

²⁴ Brief for Venezuela, 204.

²⁵ Cleveland, op. cit., 51.

against Great Britain. Appended to the protest was the following declaration:

"In consequence, Venezuela, not deeming it fitting to continue friendly relations with a state which thus injures her, suspends them from today.

And she protests before the Government of her Britannic Majesty, before all civilized nations, Before the whole world, against the acts of spoliation which the Government of Great Britain has committed to her detriment, and which she will never on any consideration recognize as capable of altering in the slightest degree the rights which she has acquired from Spain, and respecting which she will be always ready to submit to a third power, as the only way to a solution compatible with her constitutional principles".²⁶

Despite all this, three years later Venezuela tried to restore diplomatic relations with Great Britain. The latter, however, introduced as necessary to the resumption of the boundary negotiations a condition that was discouraging. Lord Salisbury informed the Venezuelan envoy that

"Her Majesty's Government could not accept as satisfactory any arrangement which did not admit the British title to the territory comprised within the line laid down by Sir R. Schomburgk in 1841; but they would be willing

to refer to arbitration the claims of Great Britain to certain territory to the west of that line."

In 1893 Venezuela appointed a special representative to Great Britain to attempt a reconciliation of the two powers and a settlement of the boundary difficulty. The solution which the Venezuelan Representative proposed was rejected in London because it involved an arbitration "which had been repeatedly declined by Her Majesty's Government", and, further, because it was "quite impossible that they should consent to revert to the status quo of 1850 and evacuate what has for some years constituted an integral portion of British Guiana."²⁷

The Venezuelan emissary expressed regret at the tone of finality which the British reply exhibited, and assured the British Government that Venezuela would never consider territory annexed by acts of force as legitimate possessions of Great Britain.

In the course of these fifty years Great Britain had considerably altered her original claims. The Schomburgk line had been declared by Great Britain to be a "preliminary measure on which to base further negotiations". Since 1841 it had been expanded as to include 33,000 additional square miles of territory. And such now was the nature of that line that only the territory beyond it would Great Britain consent to submit to arbitration. While Venezuela had also

made an extreme claim, she had repeatedly and persistently asked for an arbitration of the entire boundary dispute. Just as often Great Britain had refused this mode of solution. The reason which Great Britain offered for rejecting arbitration is stated explicitly in a note of Lord Granville to the Venezuelan Government: If the arbitrator should decide in favor of Venezuela,

"a large and important territory which has for a long period been inhabited and occupied by Her Majesty's subjects and treated as a part of the Colony of British Guiana would be severed from the Queen's dominions.

.....therefore, the circumstances of the case do not appear to Her Majesty's Government to be such as to render arbitration applicable for a solution of the difficulty; and I have accordingly to request to you, in making this known to the Venezuelan Government, to express the hope of Her Majesty's Government that some other means may be devised for bringing this long-standing matter to an issue satisfactory to both powers."²⁸

The British contention, however, is invalid, because Venezuela had at no time recognized the British claims to any part of the disputed territory. To the contrary, she insisted throughout the entire controversy on the Essequibo

as the legal boundary line. If the territory had been "treated" as part of British Guiana it was so treated by Great Britain alone. In fact, Venezuela had persistently claimed it as her own, and "treated" it as such so far as prudence allowed.

Again, Great Britain presented another surprising argument. She alleged that Her Majesty's Government must protect her subjects in the territory, and that, therefore, she could not agree to a procedure which would jeopardize her possession of the region. Commenting on this argument, Mr. Scruggs states that,

".....we have the astonishing proposition that unoccupied territory within the domain and jurisdiction of a free state is subject to colonization by British subjects; and that such colonization, after the lapse of less than twenty years, invests the sovereignty in the British Government. Such a principle once admitted, with respect to Venezuela, would have to apply equally to all the other South American Republics....and, wherefore should it not apply as well....to certain unoccupied territory within the domain and jurisdiction of the United States? Manifestly, it must apply to all or to none."²⁹

This proposition holds if it could be established that Great Britain actually had subjects residing and settled in the disputed area. In the course of this study no evidence has been found that would corroborate the British allegations. The subjects to which the British Government referred cannot be considered as bona fide settlers; they were mere squatters or mining prospectors.³⁰

It was this feature of the controversy that alarmed the Latin American states and gave an international importance to the question that it would not have otherwise assumed. The disparity in the military strength of the respective contending powers led Venezuela to pursue amicable means of settling the dispute. Great Britain, on the other hand, conscious of her superior strength, realized that more could be obtained by acts of force than would be awarded to her by an arbitral decision.

Again, it was this feature of the controversy that admitted the applicability of the Monroe Doctrine to the dispute. The fact that the territory claimed by an American state is unoccupied does not constitute an alternative to the principle announced by President Monroe "that the American continents....are henceforth not to be considered as subjects for future colonization by any European powers". Moreover, as will be pointed out in another part of this dissertation the Monroe Doctrine does not discriminate between the means employed by a European power to take possession of the territory of an American state. Whether such usurpation is

effected by means of an extension of boundary against the claims and protests of an American state, or whether it be accomplished by means of naval and military operations, the aggressive European power incurs in a violation of the non-colonization principle of the Monroe Doctrine.

Following the diplomatic rupture of 1887, several of the Latin American Republics had addressed notes to Great Britain recommending a settlement of the controversy by arbitration. Both Spain and the United States had, on more than one occasion, offered their services in bringing the matter to an amicable solution.³¹ Such offers had always been treated with indifference by Great Britain, and at least on one occasion, Lord Salisbury had intimated, in very diplomatic language, that they were unnecessary intrusions.³²

³¹ Foreign Relations 1895, I, 550.

³² Ibid., 551.

IV THE TRIPARTITE DISPUTE

As early as 1876 the Venezuelan Government had tried to obtain the support of the United States in having "due justice done to Venezuela" in the boundary dispute with Great Britain.¹

Since that date the United States had, on several occasions, offered its services toward bringing about a reconciliation between Great Britain and Venezuela. In 1888 the American Government began to take a more direct interest in the question and to urge the settlement of the dispute. It was by invoking the Monroe Doctrine against Great Britain that the United States became a party in the controversy. Regardless of the criticism which may be constructed concerning the intervention of the United States, the wisdom of the step was vindicated by the success of bringing this long-standing dispute to an amicable termination.

In a note which Mr. Bayard, the American Secretary of State, addressed in April, 1888 to the American Minister in London, he explains the views of his Government toward the entire situation. After commenting on the "indefiniteness" of the British claims in the disputed territory, and the lack of historical evidence in support of those claims, he urged Mr. Phelps to

"....express anew to Lord Salisbury the great gratification it would afford this Government

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The Case of Venezuela, 214.

to see the Venezuelan dispute amicably and honorably settled by arbitration or otherwise, and our readiness to do anything we properly can to assist to that end."²

He added, in conclusion, that

"If, indeed, it should appear that there is no fixed limit to the British boundary claim, our good disposition to aid in a settlement might not only be defeated but be obliged to give place to a feeling of grave concern."³

In May, 1890 the American Government again offered its services in bringing the matter to a just conclusion.⁴ In the next four years all efforts of the United States to bring about an adjustment of the controversy proved worthless, as Great Britain steadily refused to submit to arbitration any of the territory within the "Schomburgk line".⁵ President Cleveland, therefore, decided to intervene in a more positive manner.

In his annual message to Congress in 1895 the President informed that body that the attitude of the United States toward the boundary controversy had been stated explicitly in a dispatch which Secretary Olney had sent to the

² Moore, op. cit., VI, 542, citing MS. Inst.Gr.Br. XXVIII, 586, August 28, 1888.

³ Ibid.

⁴ Foreign Relations, 1890, 781.

⁵ M. Schuyler, Richard Olney (Vol.VIII of the American Secretaries of State and their Diplomacy, ed. by S. F. Bemis), 308.

American Minister in London to be forwarded to Lord Salisbury. The general conclusions formulated in that communication were that

"the traditional and established policy of this Government is firmly opposed to a forcible increase by any European power of its territorial possessions on this continent; that this policy is as well founded in principle as it is strongly supported by numerous precedents; that as a consequence the United States is bound to protest against the will of Venezuela; that, considering the disparity in strength of Great Britain and Venezuela, the territorial dispute between them can be reasonably settled only by friendly and impartial arbitration; and that the resort to such arbitration should include the whole controversy, and is not satisfied if one of the powers concerned is permitted to draw an arbitrary line through the territory in dispute and to declare that it will submit to arbitration only the portion lying on one side of it."⁶

Mr. Olney's dispatch, to which the President made reference is a document of great importance in this study. He states the circumstances attending the whole controversy with remarkable accuracy and impartiality. The greater part of the

⁶ Richardson, op. cit., VIII, 6064.

communication, however, is taken up with an elucidation of the Monroe Doctrine. In this document we have perhaps, the fullest and most definite construction of the meaning of the Monroe Doctrine that had ever been given since its announcement in 1823. His interpretation of the Monroe Doctrine is:

"That America is in no part open to colonization, though the proposition was not universally admitted at the time of its first enunciation, has long been universally conceded. We are now concerned, therefore, only with that other practical application of the Monroe Doctrine the disregard of which by an European power is to be deemed an act of unfriendliness towards the United States. The precise scope and limitations of this rule cannot be too clearly apprehended. It does not establish any general protectorate by the United States over other American states. It does not relieve any American state from its obligations as fixed by international law, nor prevent any European power directly interested from enforcing such obligations or from inflicting merited punishment for the breach of them. It does not contemplate any interference in the internal affairs of any American state or in the relations between it and other American States. It does

not justify any attempt on our part to change the established form of government of any American state or to prevent the people of such state from altering that form according to their own will and pleasure. The rule in question has but a single purpose and object. It is that no European power or combination of European powers shall forcibly deprive an American state of the right and power of self-government and of shaping for itself its own political fortunes and destinies."⁷

Lord Salisbury answered Mr. Olney's communication in two separate dispatches of the same date. One of them was devoted to a discussion of the Monroe Doctrine. In this discussion he argued that Mr. Olney's interpretation of the Doctrine went far beyond the meaning that was originally intended by President Monroe. He also repudiated the principle that "American questions are for American Decision."⁸

Because of the positive character of Mr. Olney's note the relations between the two Governments became strained: he asserted that the honor and interests of the United States were involved, whereas Great Britain, denying the applicability of the Monroe Doctrine to the case in question refused arbitration.

⁷ Foreign Relations 1895, I, 554.

⁸ Richardson, op. cit., VIII, 6088.

In the concluding paragraphs of that same note Mr. Olney states how the attitude of Great Britain constitutes an infringement upon the territorial integrity of Venezuela. It was this aspect of the controversy that caused the case to come within the purview of the Monroe Doctrine. Mr. Olney stated that

"Territory acquired by reason of it (the aforementioned attitude) will be as much wrested from her by the strong hand as if occupied by British troops or covered by British fleets. It seems, therefore, quite impossible that this position of Great Britain should be assented to by the United States or that if such position be adhered to with the result of enlarging the bounds of British Guiana, it should not be regarded as amounting, in substance, to an invasion and conquest of Venezuelan territory....

Great Britain's assertion of title to the disputed territory, combined with her refusal to have the title investigated being a substantial appropriation of the territory to her own use, not to protest and give warning that the transaction will be regarded as injurious to the interests of the people of the United States, as well as, oppressive in itself, would be to ignore an established policy with which

the honor and welfare of this country are closely identified."⁹

In view of the British refusal to agree to arbitration the President submitted the matter to Congress on December 17, 1895.¹⁰ In his special message to Congress President Cleveland asserted that the acts committed by Great Britain against the territorial integrity of the Republic of Venezuela and her refusal to refer the dispute to arbitration constituted a violation of the principles of the Monroe Doctrine. Such violation the United States could not regard with indifference, but, on the contrary, regarded it with grave apprehension. In the course of the President's message and in all the other documents available we do not find that any other justification for intervention is given outside of the violation by Great Britain of the principles of the Monroe Doctrine.

In the following excerpt from the President's message we have his contentions relative to the applicability of the Monroe Doctrine to the Venezuelan boundary dispute:

"If a European power by an extension of its boundaries takes possession of the territory of one of our neighboring republics against its will and in derogation of its rights, it is difficult to see why to that extent such European power does not thereby attempt to

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Foreign Relations 1895, I, 562.

¹⁰ Richardson, op. cit., VII, 6087.

extend its system of government to that portion of this continent which is thus taken. This is the precise action which President Monroe declared to be "dangerous to our peace and safety", and it can make no difference whether the European system is extended by an advance of frontier or otherwise."¹¹

The President declared, in conclusion, that the dispute had reached a stage which did not permit the United States to remain inactive. He recommended, therefore, that Congress make an appropriation for the expenses of a Commission, which would be appointed by the President, to determine the true divisional line between British Guiana and Venezuela. After a thorough investigation into the claims of both parties the Commission was to report with the least possible delay.¹² After making the recommendation he declared that

"When the report is made and accepted, it will, in my opinion, be the duty of the United States to resist by every means in its power, as a willful aggression upon its rights and interests, the appropriation by Great Britain of any lands or the exercise

¹¹ Ibid., 6088.

¹² Ibid., 6090.

of governmental jurisdiction over any territory which after investigation we have determined of right belongs to Venezuela. In making these recommendations I am fully alive to the responsibility incurred and keenly realize all the consequences that may follow."¹³

The main contention on which Lord Salisbury based his refusal to recognize the applicability of the Monroe Doctrine to the boundary dispute was that as the Doctrine was not a part of international law its observance could not be forced upon other nations.¹⁴ This argument was so ably refuted by President Cleveland that, as far as we have been able to determine, it has not since been resorted to in challenging the validity of the Monroe Doctrine. The President made the following statement:

"Practically, the principle for which we contend has peculiar, if not exclusive, relation to the United States. It may not have been admitted in so many words to the code of international law, but since in international councils every nation is entitled to the rights belonging to it, if the enforcement of the Monroe Doctrine is something we may justly claim, it has its place in the code of international law as certainly and as securely as if it were specifically mentioned; and when

¹³ Ibid., 6090.

¹⁴ Ibid., 6089.

the United States is a suitor before the high tribunal that administers international law the question to be determined is whether or not we present claims which the justice of that code of law can find to be right and valid.

The Monroe Doctrine finds its recognition in those principles of international law which are based upon the theory that every nation shall have its rights protected and its just claims enforced."¹⁵

Four days after the recommendation had been submitted to Congress it was unanimously approved. The amount appropriated for the expenses of the Commission was \$100,000.00¹⁶ It was appointed in January of the following year. Its members were Mr. Justice Brewer of the United States Supreme Court, president, Chief Justice Alvey of the Court of Appeals of the District of Columbia, Andrew D. White of New York, Daniel C. Gilman and Mr. Frederick R. Coudert.

As this Commission had been appointed without consulting either Great Britain or Venezuela, neither of these powers were bound to accept the findings of the Commission unless it should be by subsequent agreement. Nevertheless, the nature of the work to be done by the Commission was such that it could not be disregarded by either party. For this

¹⁵ Ibid., 6088.

¹⁶ Congressional Record, 54th Congress, 1st Session, XXVIII, 256.

reason, both Great Britain and Venezuela were formally invited to participate in the work of the Commission by appointing an agent and by submitting such evidence as they might care to in support of their respective claims.¹⁷ Venezuela responded immediately by appointing a special agent and counsel. Great Britain, after some hesitation decided to submit her case through the British Ambassador.¹⁸

While the Commission was engaged in the task of collecting the documents and other evidence bearing on the case, Secretary Olney continued his efforts to persuade the British Government to agree to arbitration.¹⁹ In August, 1896, in a note addressed to Secretary Olney, Lord Salisbury expressed the willingness of his Government to submit the entire claim to arbitration without any reservation as to the "Schomburgk line".²⁰ That reservation, however, was substituted by another one which might prove just as detrimental to the cause of Venezuela as the former one was. Great Britain now insisted upon the exclusion from arbitration of all "settled districts" and of all territory, occupied and unoccupied, over which she then "exercised political control".²¹

¹⁷ Foreign Relations 1895, I, 576.

¹⁸ Ibid., also The Case of Venezuela, 240.

¹⁹ Foreign Relations 1896, 241 et seq.

²⁰ Cleveland, op. cit., 115.

²¹ Ibid., 116.

After considerable amount of discussion of this issue, it was finally agreed that "exclusive and continuous occupation during a period of fifty years preceding the date of the Agreement" should give a good title.²²

On February 2, 1897 a Treaty of Arbitration was signed in Washington by Sir Julian Pauncefote, British Ambassador to the United States, and Senor Jose Andrade, Minister Plenipotentiary of Venezuela to the United States.²³ By virtue of the Treaty all differences between Great Britain and Venezuela, arising out of the boundary dispute, were to be referred to a Tribunal composed of five Jurists. The contracting parties were, by the terms of the Agreement engaged

"to consider the result of the proceedings of the tribunal of arbitration as a full, perfect, and final settlement of all the questions referred to the arbitrators."²⁴

In deciding the matters submitted to it the Tribunal was to be governed by the following rules:

(a) Adverse holding or prescription during a period of fifty years shall make a good title. The arbitrators may deem exclusive political control of a district as well as actual settlement thereof sufficient to constitute adverse holding

²² Treaty of Arbitration, Art. IV, rule (A) Cf. Appendix.

²³ Moore, International Arbitrations, V, 5018.

²⁴ Treaty of Arbitration, Art. XIII, Cf. Appendix.

or to make title by prescription.

(b) The arbitrators may recognize and give effect to rights and claims resting on any other ground whatever valid according to international law and on any principles of international law which the arbitrators may deem to be applicable to the case and which are not in contravention of the foregoing rule.

(c) In determining the boundary line, if territory of one party be found by the tribunal to have been at the date of this treaty in the occupation of the subjects or citizens of the other party, such effect shall be given to such occupation as reason, justice, the principles of international law and the equities of the case shall, in the opinion of the tribunal, require.²⁵

V CONCLUSION

The Arbitral Tribunal of 1899

Both Great Britain and Venezuela appealed to the Dutch Archives at Georgetown and at the Hague, and to the Spanish Archives at Caracas, Seville and Madrid. The Washington Commission of 1896 had employed experts and linguists to collect and translate all the documents that could be found to have even the remotest bearing on the case. These, together with the evidence that was submitted by the parties, were arranged in chronological order and printed in bound volumes.¹

That Spain was the original discoverer of the entire territory was not contested. Raleigh's first expedition arrived at the mouth of the Orinoco almost a century after the Spanish explorers had taken possession of the region in the name of the King of Spain. The Dutch did not come until three years later, in 1598.² Both the English and the Dutch found the Spainards in possession of established settlements and sufficiently strong to repel invasion.

In 1624 when the Dutch finally succeeded in gaining a foothold at the mouth of the Essequibo they ascended this river only as far as the junction of the Cuyuni River.³

¹ Seruggs, op. cit., 311.

² Ibid., 312, citing Netscher, Hist. Guayana, III.

³ The Case of Venezuela, 114 et seq.

In the middle of the eighteenth century they attempted to ascend the latter and penetrate the Cuyuni-Mazaruni basin. As soon as their presence was discovered they were driven out by the Spaniards and never afterwards returned.⁴ After the Dutch expulsion from their trading posts on the Barima river, a de facto line was established beginning at the mouth of the Moroco.⁵

In 1838 the situation had not changed materially except for the fact that the British had supplanted the Dutch and had announced officially the Pomaron River as the westernmost limit of the Colony of British Guiana.⁶ The claim of Mr. Schomburgk of prior occupation by the Dutch of Barima Point and of the Barima River region down to the Moroco was shown conclusively to be without foundation.⁷

As Great Britain failed to prove her title by occupation, the presumptive title to the territory was with Venezuela as the legal successor of Spain. The burden of proof lay then with the adverse claimant, i.e., Great Britain. The means resorted to by Great Britain to prove her title was the proposition of "exclusive political control". This she sought to establish by the alleged maintenance of "Protectorates of Indians", first by the Dutch, and subsequently by the British.⁸

⁵ Ibid., 118.

⁶ Ibid., 41.

⁷ Scruggs, op. cit., 316, citing Docs. Washn. Comm., II, 192-199.

⁸ Ibid., 317.

Such, in brief, was the case as submitted to the Tribunal of Arbitration. After its final session in Paris on October 3, 1899 the Tribunal announced its decision as to the boundary line between, British Guiana and Venezuela. It is described in volume II of the Proceedings as follows:

" Starting from the coast at Point Playa the line of boundary shall run in a straight line to the river Barima at its junction with the river Mururuma, and thence along the midstream of the latter river to its source, and from that point to the junction of the river Hiowa with the Amakaru, and thence along the midstream of the Amakaru to its source in the Imataka Ridge, and thence in a southwesterly direction along the highest ridge of the spur of the Imataka mountains to the highest point of the main ridge of such Imataka mountains opposite to the source of the Barima, and thence along the summit of the main ridge in a southeasterly direction of the Imataka mountains to the source of the Acarabisi to the Cuyuni, and thence along the northern bank of the of the river Cuyuni westward to its junction with the Wenamu, and thence following the midstream of the Wenamu to its westernmost source, and thence in a direct line to the summit of Mount Roraima, and from Mount Roraima to the source of the Cotinga,

and along the midstream of that river to its junction with the Takutu, and thence along the midstream of the Takutu to its source, thence in a straight line to the westernmost point of the Akarai mountains, and thence along the ridge of the Akarai mountains to the source of the Corentin, called the Cutari River."⁹

As this line indicates, the decision of the Tribunal gave most of the territory to Great Britain. Venequela, however, received the part that was most important to her, i.e., the territory in the region of the Orinoco River. Venezuela had always objected more to the British encroachment along the coast than the advancement of the inland boundary line. The reason for this is that complete accessibility to, and control of, the Orinoco River are vitally important to Venezuelan security and commercial expansion.¹⁰ The river is navigable in practically its entire course, as are also its affluents, and offers, therefore, an excellent outlet for Venezuelan products.

In view of the "rules" that were stipulated in the Treaty of Arbitration of February 2, 1897, the nature of the decision of the Tribunal is somewhat surprising. That the line established is a compromise line we cannot doubt. It is not based on the historical evidence submitted to the Tribunal.

⁹

Ibid., 323, citing Volume II of the Proceedings of the Arbitral Tribunal.

¹⁰ The Case of Venezuela, 159.

Neither does it follow the old "middle distance" rule. The question naturally arises as to the authority of the Tribunal whose functions were purely and expressly judicial, to establish a "compromise line."

The Treaty of Arbitration provided that the Tribunal was to

"investigate and ascertain the extent of the territories belonging to or that might lawfully be claimed by the United Netherlands or by the Kingdom of Spain, respectively, at the time of the acquisition by Great Britain of the Colony of British Guiana."

and to

"determine the boundary line between the Colony of British Guiana and the United States of Venezuela."

By the rule, marked "b" in the Treaty, the Tribunal was to

"recognize and give effect to rights and claims resting on any other grounds whatever valid (beyond those stipulated in rule "a") according to international law, and on any principle of international law (not inconsistent with rule "a") which the arbitrators may deem applicable to the case....."

The whole scheme of the Treaty was that the boundary line should be established as a matter of strict legal right. There is no intimation of, or permission for, the establishment

of a "compromise" or "expediency" line. The Tribunal was constituted a judicial body whose decisions were to be governed by the rules that were stipulated in the Treaty and by the principles of international law. The evidence submitted to the Judges by the two litigants pertained to two separate propositions, viz., historical evidence in support of the original titles of Spain and Holland, respectively, to the disputed territory, and proof in support of the "fifty years" prescription clause which applied to the successors of the former contestants in the dispute, i.e., Great Britain and Venezuela. The task of the Tribunal, therefore, was to determine a pre-existent de facto or de jure line and not to establish an arbitrary line de novo.

The evidence submitted by the counsel for Venezuela established unquestionable right of the Republic to a line starting on the coast at the Moroco river and taking in the whole of the upper Cuyuni-Mazaruni basin, which, because of its geographical conformation, is even now accessible only from Venezuelan territory. The line established by the Tribunal however, does not begin on the coast at the Moroco, but much farther west at the Parima river, and it divides the Cuyuni-Mazaruni basin giving the largest portion to British Guiana. The line established, therefore, was not that of strict legal right on the basis of the evidence submitted to the Tribunal of Arbitration. It was a compromise line, the reasons for which we ignore, which the Tribunal had no authority to establish. And, as a compromise line its expediency and utility

are open to question. It seems to have been established without great regard to the topographical confirmation of the country and without much consideration for the convenience of the proprietors. The line bisects the island of Barima, cuts at right angles the navigable section of the Cuyuni River, divides the ownership of the Amarauro partitions a section of an undivisible delta, and divides the well defined upper Cuyuni-Mazaruni basin which is accessible only through the territory of one of the proprietors.

The purpose of the Government of the United States in intervening in the dispute, however, was not to obtain for Venezuela a large share of the disputed area. The contention of the United States was for a principle. Great Britain claimed for herself the right of ownership over a region which Venezuela asserted to be part of her patrimony, and refused to have her title investigated. The intervention of the United States, for the purpose of bringing the dispute to an amicable termination, could hardly be justified had it not been done on the basis of an invocation of the Monroe Doctrine. Except on this basis the act of the United States might with justice be characterized, as it was by Lord Salisbury, an "unnecessary intrusion". Had not the Monroe Doctrine been at stake, the severity and finality of the language used by Secretary Olney in his dispatch of July 20, 1895, and by President Cleveland in his special message to Congress on December 17, 1895, would have been unjustifiable. The occupation of a few thousand

miles of territory by Great Britain, even if rightfully belonging to Venezuela, could not be of such great importance as to bring the United States to the verge of war with England, had not the violation of a principle on which "depends the peace and safety" of the United States been involved.

We do not find that any new interpretation was made of, of any new meaning given to, the Monroe Doctrine in order to render it applicable to the boundary dispute. In principle, the British encroachment upon Venezuela did not differ from the Russian encroachment on the northwestern coast of America in 1821. If then the proposition that "The American continents henceforth, will no longer be subjects to colonization" applied to the situation of 1821, it should consistently apply to a similar situation in 1895. Again, President Monroe declared, in 1823, that any attempt of a European power to extend its political system to any part of this hemisphere or to attempt to control or oppress a free state of America was considered as "dangerous to our peace and safety". In the light of this statement the applicability of the Monroe Doctrine to the Anglo-Venezuelan boundary dispute seems to be incontestable. If Great Britain was in reality usurping Venezuelan territory,—and this the decision of the Tribunal of Arbitration proved to be true—her purpose in so doing was to colonize and subject the territory to British political dominion.

Another argument against the applicability of the Monroe Doctrine to the boundary dispute is that the Doctrine was not a part of international law, but was resorted to as being so by the American statesmen in forcing its observance upon Great Britain. This contention, however, is fallacious. As has been pointed out in another part of this dissertation, the position taken by the American Government was that the Monroe Doctrine was an American statement of a well-recognized principle of international law, viz., the right of a nation to intervene in a controversy between other states, when it considers its own interests threatened. Neither President Cleveland nor Secretary Olney asserted or maintained that the Monroe Doctrine was a part of international law. President Cleveland declared that "the Monroe Doctrine finds its recognition in those principles of international law which are based upon the theory that every nation shall have its rights protected and its just claims enforced".¹¹ Mr. Olney's statement was, "That there are circumstances under which a nation may justly intervene in a controversy to which two or more other nations are the direct and immediate parties, is an admitted canon of international law".¹² After discussing the general principle of intervention, he adds: "We are

¹¹ Richardson, op. cit., II, 657.

¹² Foreign Relations 1895, I, 553.

concerned at this time, however, not so much with the general rule as with a form of it which is peculiarly and distinctively American".¹³

We conclude from the testimony of all available evidence that the invocation of the Monroe Doctrine in the Anglo-Venezuelan boundary dispute was in conformity with numerous precedents. Its application to the Venezuelan case did not imply any interpretations or meanings which had not been attributed to the Doctrine in the course of three-quarters of a century during which time it had been a cardinal principle of American diplomacy.

APPENDIX

Treaty of Arbitration for the settlement of the question of Boundary between the Republic of Venezuela and the Colony of British Guiana, signed February 2, 1897.

Ratifications exchanged June 14, 1897.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of Venezuela, being desirous to provide for an amicable settlement of the question which has arisen between their respective governments concerning the boundary between the Colony of British Guiana and the United States of Venezuela, have resolved to submit to arbitration the question involved, and to the end of concluding a treaty for that purpose, have appointed as their Plenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Sir Julian Pauncefote, a member of Her Majesty's Most Honorable Privy Council, Knight Grand Cross of the Most Honorable Order of the Bath and the Most Distinguished Order of St. Michael and St. George, and her Majesty's Ambassador Extraordinary and Plenipotentiary to the United States:

And the President of the United States of Venezuela, Senor Jose Andrade, Envoy Extraordinary and Minister Plenipotentiary of Venezuela to the United States of America:

Who having communicated to each other their respective full powers, which were found to be in due and proper form,

have agreed to and concluded the following articles:

Article I

An arbitral tribunal shall be immediately appointed to determine the boundary line between the Colony of British Guiana and the United States of Venezuela.

Article II

The tribunal shall consist of five jurists: two on the part of Great Britain, nominated by the members of the Judicial Committee of Her Majesty's Privy Council, namely, the Right Honorable Baron Herschell, Knight Grand Cross of the Most Honorable Order of the Bath; and the Honorable Sir Richard Henn Collins, Knight, one of the Justices of Her Britannic Majesty's Supreme Court of Judicature; two on the part of Venezuela nominated, one by the President of the United States of Venezuela, namely, the Honorable Melville Weston Fuller, Chief Justice of the United States of America, and one nominated by the Justices of the Supreme Court of the United States of America, namely, the Honorable David Josiah Brewer, a Justice of the Supreme Court of the United States of America; and of a fifth jurist to be selected by the four persons so nominated, or in the event of their failure to agree within three months from the date of the exchange of ratifications of the present treaty, to be selected by His Majesty the King of Sweden and Norway. The jurist so selected shall be president of the tribunal.

In case of death, absence or incapacity to serve of any of the four arbitrators above named, or in the event of any such arbitrator omitting or declining or ceasing to act as such, another jurist of repute shall be forthwith substituted in his place. If such vacancy shall occur among those nominated on the part of Great Britain the substitute shall be appointed by the members for the time being of the Judicial Committee of Her Majesty's Privy Council, acting by a majority, and if among those nominated on the part of Venezuela he shall be appointed by the Justices of the Supreme Court of the United States, acting by a majority. If such vacancy shall occur in the case of the fifth arbitrator, a substitute shall be selected in the manner herein provided for with regard to the original appointment.

Article III

The tribunal shall investigate and ascertain the extent of the territories belonging to or that might lawfully be claimed by the United Netherlands or by the Kingdom of Spain, respectively, at the time of the acquisition by Great Britain of the Colony of British Guiana---and shall determine the boundary line between the Colony of British Guiana and the United States of Venezuela.

Article IV

In deciding the matters submitted, the arbitrators shall ascertain all facts which they deem necessary to a decision of the controversy, and shall be governed by the

following rules, which are agreed upon by the high contracting parties as rules to be taken as applicable to the case, and by such principles of international law not inconsistent therewith as the arbitrators shall determine to be applicable to the case.

Rules

- (a) Adverse holding or prescription during a period of fifty years shall make a good title. The arbitrators may deem exclusive political control of a district as well as actual settlement thereof sufficient to constitute adverse holding or to make title by prescription.
- (b) The arbitrators may recognize and give effect to rights and claims resting on any other ground whatever valid according to international law and on any principles of international law which the arbitrators may deem to be applicable to the case and which are not in contravention of the foregoing rule.
- (c) In determining the boundary line, if territory of one party be found by the tribunal to have been at the date of this treaty in the occupation of the subjects or citizens of the other party, such effect shall be given to such occupation as reason, justice, the principles of international law and the equities of the case shall, in the opinion of the tribunal, require.

Article V

The arbitrators shall meet at Paris, within sixty days after the delivery of the printed arguments mentioned in Article VIII, and shall proceed impartially and carefully to examine and decide the questions that have been or shall be laid before them as herein provided on the part of the Governments of Her Britannic Majesty and the United States of Venezuela respectively.

Provided always that the arbitrators may, if they shall think fit, hold their meetings or any of them at any other place which they may determine.

All questions considered by the tribunal, including the final decision, shall be determined by a majority of all the arbitrators.

Each of the high contracting parties shall name one person as its agent to attend the tribunal and to represent it generally in all matters connected with the tribunal.

Article VI

The printed case of each of the two parties, accompanied by the documents, the official correspondence, and other evidence on which each relies, shall be delivered in duplicate to each of the arbitrators and to the agent of the other party as soon as may be after the appointment of the members of the tribunal, but within a period not exceeding eight months from the date of the exchange of the ratifications of this treaty.

Article VII

Within four months after the delivery on both sides of the printed case, either party may in like manner deliver in duplicate to each of the said arbitrators, and to the agent of the other party, a counter case, and additional documents, correspondence, and evidence, in reply to the case, documents, correspondence and evidence so presented by the other party.

If, in the case submitted to the arbitrators, either party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof, and either party may call upon the other, through the arbitrators, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance notice thereof within thirty days after delivery of the case; and the original or copy so requested shall be delivered as soon as may be, and within a period not exceeding forty days after receipt of notice.

Article VIII

It shall be the duty of the agent of each party, within three months after the expiration of the time limited for the delivery of the counter case on both sides to deliver in duplicate to each of the said arbitrators and to the agent of the other party a printed argument showing the points and

referring to the evidence upon which his Government relies, and either party may also support the same before the arbitrators by oral argument of counsel; and the arbitrators may, if they desire further elucidation with regard to any point, require a written or printed statement or argument, or oral argument by counsel, upon it; but in such case the other party shall be entitled to reply either orally or in writing, as the case may be.

Article IX

The arbitrators may, for any cause deemed by them sufficient, enlarge either of the periods fixed by Articles VI, VII, and VIII by the allowance of thirty days additional.

Article X

The decision of the tribunal shall, if possible, be made within three months from the close of the argument on both sides.

It shall be made in writing and dated, and shall be signed by the arbitrators who may assent to it.

The decision shall be in duplicate, one copy whereof shall be delivered to the agent of Great Britain for his Government, and the other copy shall be delivered to the agent of the United States of Venezuela for his Government.

Article XI

The arbitrators shall keep an accurate record of their proceedings and may appoint and employ the necessary officers to assist them.

Article XII

Each Government shall pay its own agent and provide for the proper remuneration of the counsel employed by it and of the arbitrators appointed by it or in its behalf, and for the expense of preparing and submitting its case to the tribunal. All other expenses connected with the arbitration shall be defrayed by the two Governments, in equal moieties.

Article XIII

The high contracting parties engage to consider the result of the proceedings of the tribunal of arbitration as a full, perfect, and final settlement of all the questions referred to the arbitrators.

Article XIV

The present treaty shall be duly ratified by Her Britannic Majesty and by the President of the United States of Venezuela, by and with the approval of the Congress thereof; and the ratifications shall be exchanged in London or in Washington within six months from the date hereof.

In faith whereof, we, the respective Plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in duplicate at Washington, the second day of February, one thousand eight hundred and ninety-seven

Julian Pauncefote (seal)

Jose Andrade (seal)

BIBLIOGRAPHY

I Government Publications

United States Government

American State Papers, Foreign Relations, 1823,
Vol. V. Published by Gales and Seaton, Washington, 1858.

Clark, J. Reuben, Memorandum on the Monroe Doctrine
United States Government Printing Office, Washington, 1930. 3

Congressional Record, 1895, 54th Congress, 1st
Session, Vol. XXVIII. Government Printing Office, Washington,
1895.

Foreign Relations of the United States, 1890, 1895,
1896, 1897. Government Printing Office, Washington. 6

Moore, John Basset, History and Digest of the Inter-
national Arbitrations to Which the United States Has Been
A Party. Six Vols. Government Printing Office, Washington,
1895.

Moore, John Basset, International Law Digest 8 vols.
Government Printing Office, Washington, 1906. 7

Richardson, James Daniel, comp., A Compilation of
the Messages and Papers of the Presidents, 1789-1897, 10 vols.
Government Printing Office, Washington, 1896-1900. 9

Venezuelan Government

Brief for Venezuela. Submitted to the Washington
Boundary Commission by the Venezuelan Government, September,
1896. 4

The Case of Venezuela, by a Sepcial Commission
of the Government of Venezuela. The Franklin Printing and
Publishing Company, Atlanta.

II Writings of Public Men

Cleveland, Grover, The Venezuelan Boundary
Controversy. Princeton University Press, Princeton, 1913.

Scruggs, William L., The Colombian and Venezuelan
Republics. Little, Brown, and Company, Boston, 1900.

III Miscellaneous.

Akers, Charles Edmond, A History of South America.
E. P. Dutton and Company, New York, 1904.

Alvarez, Alexandro, The Monroe Doctrine: Its
Importance in the International Life of the New World.
Oxford University Press, New York, 1924.

Bemis, Samuel Flagg, ed., The American Secretaries
of State and Their Diplomacy, 9 vols. Alfred A Knopf, New York,
1927.

Bingham, Hiram, The Monroe Doctrine: An Obsolete
Shibboleth. Yale University Press, New Haven, 1923.

Butterworth, Hezekiah, South America: A Popular
Illustrated History of the Struggle for Liberty in the Andean
Republics and Cuba. Doubleday and McClure Company, New York,
1898.

Cardenas, Raul de, La Politica de los Estados Unidos en el Continente Americano. Sociedad Editorial Cuba Contemporanea, Havana, 1921.

Dalton, Leonard V., Venezuela. Charles Scribner's Sons, New York, 1923.

Gooch A. W. Ward and G. P., The Cambridge History of British Foreign Policy. The MacMillan Company, New York, 1922.

Graham, R. B. Cunninghame, Jose Antonia Paez. Macrae Smith Company, Philadelphia.

Haring, Clarence H., South America Looks at the United States. The MacMillan Company, New York, 1928

Headlam-Morley, Sir James, Studies in Diplomatic History. Alfred H. King, Inc., New York, 1930.

Hughes, Charles Evans, Our Relations to the Nations of the Western Hemisphere. Princeton University Press, Princeton, 1928.

Koelher, Charles, The Monroe Doctrine: A Complete History. J. J. Little and Sones Company, New York, 1922.

Latane, John H., A History of American Foreign Policy. Doubleday, Doran and Company, Inc., New York, 1928

Martin, Herman C. James and Percy A., The Republics of Latin America. Harper and Brothers, New York, 1923.

Moon, Chester Lloyd, Henry Kittredge Norton and Parker Thomas, The United States and the Caribbean. The University of Chicago Press, Chicago, 1929.

Moore, John Basset, The Principles of American
Diplomacy. Harper and Brothers, New York, 1918.

Reddaway, W. F. The Monroe Doctrine, G. E. Stechert
and Company, New York, 1924.

Robertson, William Spence, History of the Latin
American Nations. D. Appleton and Company, New York, 1922.

Robertson, William Spence, the Life of Miranda,
two vols. The University of North Carolina Press, Chapel
Hill, 1929.

Shepherd, William R., The Hispanic Nations of the
New World. Yale University Press, New Haven, 1919.

Stuart, Graham H., Latin America and the United
States. The Century Company, New York. 1922.

Thomas, David Y., One Hundred Years of the Monroe
Doctrine, The MacMillan Company, New York, 1923.

Williams, Mary Wilhelmine, The People and Politics
of Latin America. Gim and Company, Boston, 1930.

Williamson, James A., English Colonies in Guiana
and on the Amazon. Oxford University Press, Oxford, 1923.