

The Venezuela Crisis, *in real time.*

Foreign Relations of the United States, 1903 — the diplomatic correspondence of the 1902-03 blockade and settlement, reordered chronologically.

FIRST DOCUMENT

Nov 29, 1902

Hill instructs Bowen — pre-crisis posture

SETTLEMENT

Feb 17, 1903

Washington Protocol — claims commission

LAST DOCUMENT

May 15,
1903

Hay to Russell — consular tail

51 documents · 48 during the blockade · 1 settlement · 2 post-settlement tail

Source. U.S. Department of State, *Papers Relating to the Foreign Relations of the United States, 1903*. Extracted from the EPUB published by history.state.gov / Office of the Historian.

Important. The Hague Tribunal Award (Feb 22, 1904), which ruled *preferential treatment for the blockading powers*, is the catalyst for Roosevelt's Corollary. It is NOT in this volume — it appears in FRUS 1904. The Washington Protocol of February 17, 1903 (Document 834) *references* the Hague forum but predates the award by a year.

The blockade, in order.

November 29, 1902	Hill instructs Bowen to prepare to take charge of British interests in Caracas if requested. The first sign Washington is being asked to mediate.
December 7–9, 1902	Britain and Germany blockade La Guaira and Puerto Cabello. The blockade begins.
December 11, 1902	Hay states the President approves Bowen's energetic and judicious proceeding in protecting British and German subjects.
December 13, 1902	Italy joins the blockade. Three European powers now coordinate.
December 17, 1902	Castro proposes arbitration. The mechanism is being assembled in real time.
December 1902 – January 1903	Bowen negotiates the terms of settlement on behalf of Venezuela. Daily traffic Caracas ↔ Washington.
February 13, 1903	Bowen–Sternburg Protocols (and counterpart agreements with Britain, Italy) end the blockade.
February 17, 1903	Washington Protocol signed — United States and Venezuela. Article V references the Hague Tribunal as the forum to decide preferential treatment of the blockading powers.
April – May 1903	Tail-end correspondence — consular exequatur questions, post-crisis administrative matters.
February 22, 1904	<i>The Hague Tribunal Award — preferential treatment for blockading powers. NOT in this volume. Published in FRUS 1904.</i>
December 6, 1904	<i>Roosevelt Corollary delivered in the Fourth Annual Message — Step 03 of the authorization pattern.</i>

[Document 786]

Mr. Hill to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,

Washington, November 29, 1902.

(Mr. Hill instructs Mr. Bowen, in the event of possible withdrawal of British legation, but not until after being requested by the British minister, to ask the Venezuelan Government to acquiesce in Mr. Bowen's taking temporary charge of British interests and exercising the good offices usual in such cases.)

[Document 787]

Mr. Hill to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,

Washington, December 1, 1902.

(Mr. Hill instructs Mr. Bowen, in case of diplomatic rupture between Germany and Venezuela, to exercise the same good offices for Germany as for Great Britain, with the consent of the Venezuelan Government.)

[Document 788]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 2, 1902.

(Mr. Bowen states that it seems to him the questions at issue can be satisfactorily settled diplomatically by Germany and by arbitration by Great Britain without rupture of relations.

Mr. Bowen requests permission to use his good offices in an endeavor to prevent rupture of relations.)

[Document 789]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 8, 1902.

(Mr. Bowen reports that the President of Venezuela has published a letter in the newspapers stating that foreign creditors must await the reestablishment of peace, when all promises will be fulfilled; and adding that, in the meanwhile, he will not try to placate with phrases; nor will he accept humiliation.)

[Document 790]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 8, 1902.

(Mr. Bowen reports that the British minister has requested him to take charge of British interests, and the German minister has requested him to take charge of German interests; and that both ministers have just left Caracas.

Mr. Bowen has sent a note to the Venezuelan Government asking for permission to comply with the above requests.)

[Document 791]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 9, 1902.

(Mr. Bowen reports that he received news at 7 o'clock of the evening of December 9 that all British and Germans in Caracas were being arrested; that he drove at once to the police station, where he found many Germans; that the chief of police, upon being requested to release them, referred Mr. Bowen to the governor, who in turn referred him to President Castro.

Mr. Bowen told President Castro that he must be authorized at once to represent British and German interests or he could not answer for the consequences of a refusal of his demand. The President consented and granted Mr. Bowen's request.

Mr. Bowen then obtained the release, as a personal favor from the President, of two German subjects, and told the President he ought to release all the Germans and British. The President was not willing to comply with the suggestion, and Mr. Bowen told him that he would bring the matter up to-morrow.

Mr. Bowen states that the excitement in the streets of Caracas is very great, and that all British subjects are in hiding.)

[Document 792]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 9, 1902.

(Mr. Bowen reports his impression that the British and German ministers expect him to deliver to them on board their war ships the answers to their notes to the Venezuelan Government, and states that in the absence of instructions to do so or to cable or write directly to Berlin or London he will cable and write to the Department of State only.

Mr. Bowen thinks the Venezuelan Government will address notes to him. If the notes are addressed to the British and German ministers he will deliver them.)

[Document 793]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 9, 1902.

(Mr. Bowen reports that he has received a note from the Venezuelan Government stating that it believes its differences with Great Britain and Germany can be settled by arbitration and asking Mr. Bowen to be arbitrator representing Venezuela. Mr. Bowen requests an immediate reply.

Combined British and German fleets captured to-day all Venezuelan war vessels in the harbor of La Guaira and probably in other ports.)

[Document 794]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 10, 1902.

(Mr. Bowen reports that he has had an interview with President Castro and secured the release of the consul-general of Germany, the chancellor of the German legation, and several aged Germans. He also requested the release of all the other prisoners, to which request President Castro promised a reply within twenty-four hours.

Two hundred and fifty sailors landed at La Guaira, rescued some British subjects, and took them aboard British war vessel.

The British residents of Caracas are Mr. Bowen's guests at the legation.)

[Document 795]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 10, 1902.

(Mr. Bowen reports that the German legation was attacked by a mob on the night of December 9. Mr. Bowen went at once to the governor and obtained police protection for German and British legations, and a promise that no further attacks would be made by mobs.)

Mr. Bowen visited the police station and talked with the prisoners, who number 54—44 Germans and 10 British—some of whom were so poor Mr. Bowen relieved their needs. Four are ill, and Mr. Bowen expects to secure their immediate liberation.

Mr. Bowen understands that all British and Germans in Venezuela have been arrested, and states that he will see President Castro and urge him to release them all at once.)

[Document 796]

Mr. Bowen to Mr. Hay.

[Telegram —Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 10, 1902.

(Mr. Bowen reports that he has been informed by President Castro that all Germans and British who were arrested have been released.)

[Document 797]

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,

Washington, December 10, 1902.

(Mr. Hay states that communications addressed to the British and German representatives should be forwarded to them by Mr. Bowen through the United States consul at La Guaira; that communications addressed directly to Mr. Bowen should be cabled in substance to the Department of State, but that Mr. Bowen may inform the British and German ministers of their purport.)

[Document 798]

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 10, 1902.

(Mr. Hay states that if Venezuela proposes arbitration and Great Britain and Germany acquiesce, Mr. Bowen may act as an arbitrator on the part of Venezuela.)

[Document 799]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 11, 1902.

(Mr. Bowen reports that he has received the following note from the Venezuelan minister for foreign affairs:

The Venezuelan Government requests you, as the temporary representative of British and German interests, to propose to Great Britain and Germany that the present difficulty that has arisen respecting the manner of settling the claims which have been presented for alleged damages and injuries to British and German subjects during the civil war be submitted to arbitration.

Mr. Bowen requests to be advised whether Mr. Hay will forward the above to the Governments at interest, and will advise him promptly when their replies are received.)

[Document 800]

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 11, 1902.

(Mr. Hay states that the President approves Mr. Bowen's energetic and judicious proceeding in protecting British and German subjects.)

[Document 801]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 12, 1902.

(Mr. Bowen states that the President's approval of his course at Caracas up to the present time will serve as a caution to him not to be injudicious nor to relax his efforts to duly support the interests confided to his care.)

[Document 802]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 12, 1902.

(Mr. Bowen reports that the British and Germans at Caracas are very nervous; that he has obtained the keys of the British legation and put it under the care of the secretary of the legation of the United States; that in case of trouble British residents will go to the British legation and the Germans will all go to the United States legation; that the German legation is occupied by the wife of the German chargé d'affaires, who is ill.

Mr. Bowen has asked the commander of the *Marietta* to send an officer to assist him in his work, and has suggested that the *Marietta* take on board British and Germans who wish to leave Venezuela.)

[Document 803]

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 12, 1902.

(Mr. Hay states that he has telegraphed without comment to London and Berlin the Venezuelan proposal to arbitrate the manner of settling civil war indemnity claims.)

[Document 804]

Mr. Bowen to Mr. Hay.

No. 137.]

LEGATION OF THE UNITED STATES,
Caracas, December 13, 1902.

SIR: I have the honor to inclose herewith copies of the letters that have passed between the Venezuelan Government and me in regard to my serving as arbitrator for Venezuela.

I am, etc.,

HERBERT W. BOWEN.

[Inclosure 1.—Translation.]

Mr. Baralt to Mr. Bowen.

MINISTRY OF FOREIGN AFFAIRS,
UNITED STATES OF VENEZUELA,
Caracas, December 9, 1902.

MR. MINISTER: The chief of the Government knows that your excellency is acquainted with the latest phase of the difficulty between Venezuela and Germany and Great Britain in regard to the settlement of claims for alleged damages to the subjects of the two latter nations during the civil war. The above-mentioned difficulty, in the opinion of the Venezuelan Government, has no valid foundation, as the precedents on which the Government bases its opinion arise from pure doctrines of law as well as from practical doctrines of indisputable validity. But as it has not been possible to convince the other parties of the justice of Venezuela's attitude, and as the Government desires to avoid, without impairing its decorum or its legal faculties, any conflict with nations it considers as friends and to which it is bound by the ties of civilization, it has deemed it proper to resort to the medium of arbitration, a medium resorted to by modern nations and approved of by the constitution of the Republic. Consequently the chief of the Government, aware of your excellency's personal character and high order of intelligence, has instructed me to request your excellency to serve as arbitrator for the Republic in this question. Your excellency's consent, which I venture to hope will be given as soon as possible, will determine the nature of the proposals which the Government intends to make to the abovementioned nations.

Accept, etc.,

R. LOPEZ BARALT.

[Inclosure 2.]

Mr. Bowen to Doctor Baralt.

LEGATION OF THE UNITED STATES,
Caracas, December 11, 1902.

MR. MINISTER: In answer to your very courteous letter of the 9th instant, I have the honor to inform you that I cabled the contents thereof to my Government and received the following answer by cable:

“If Venezuela proposes arbitration, and Great Britain and Germany acquiesce, you may act as an arbitrator on the part of Venezuela.”

I can only add that it will give me great pleasure to serve Venezuela in this matter if the opportunity presents itself and the conditions as above stated by my Government are observed.

I gladly avail, etc.,

HERBERT W. BOWEN.

[Inclosure 3.—Translation.]

Doctor Baralt to Mr. Bowen.

MINISTRY OF FOREIGN AFFAIRS, UNITED STATES OF VENEZUELA,
Caracas, December 11, 1902.

MR. MINISTER: I had the honor to inform the chief of the nation of your reply to my note of the 9th instant, in which your excellency not only kindly consents to serve the Republic in the present international embroglio, but also informs us of the good will of the United States in permitting you to be arbitrator on the part of Venezuela in the difficulty that has arisen respecting the manner of settling the claims of Great Britain and Germany for alleged damages and injuries to their subjects during the civil war.

The President thanks your excellency sincerely for your friendly attitude, and at the same time desires you to convey to your Government the appreciation of Venezuela of the good will manifested by the United States in this question.

Accept, etc.,

R. LOPEZ BARALT.

[Document 805]

Mr. Bowen to Mr. Hay.

No. 138.]

LEGATION OF THE UNITED STATES,
Caracas, December 13, 1902.

SIR: I have the honor to inclose herewith a copy of a letter received by me from the minister for foreign affairs in regard to the pending British-German-Venezuelan dispute.

I am, etc.,

HERBERT W. BOWEN.

[Inclosure.—Translation.]

Mr. Baralt to Mr. Bowen.

MINISTRY OF FOREIGN AFFAIRS,
Caracas, December 10, 1902.

MR. MINISTER: The German and British war ships riding at anchor now for some days in the port of La Guaira yesterday committed an act of aggression against Venezuela contrary to the most elementary usages of civilized nations, even in cases of forewarned and announced compulsion. Nothing had occurred previously to justify the supposition that an act of violence was to be consummated, since the diplomatic representatives of both nations had just addressed special notes to the Government regarding a certain matter without fixing any time for the corresponding reply. This reply having been prepared and already dispatched, although it had not yet arrived at its destination, its contents and bearing being consequently unknown, military action of a nature manifestly hostile to Venezuela was taken. After some of the said war ships had seized the national vessels anchored in the roadstead, with the exception of one of them, which they could not tow out, and from which they removed all the machinery and effects, the landing of sundry bodies of armed soldiers was effected. Two of the steamers thus suddenly and arbitrarily seized were sunk in the very waters of Venezuela.

Such action, unprecedented and lacking any extenuating circumstances even if regarded from the point of view of necessity, is yet more serious and illegal in that it occurred at a time when political relations between Venezuela and Great Britain and Germany were still in force, and when the Government of the republic was occupied in dispatching its reply to

the communication that it had just received from the representatives of the United Kingdom and the Empire.

The omission of every civilized formula, the neglect of all legal practice, would justify the supposition in this case of a preconcerted violation of what constitute certain international duties or the open determination to depart from the paths established between civilized peoples, even in questions subject to the arbitrament of force.

It would seem unnecessary to here enumerate, in order to justify the solemn protest made by the Government of the republic by reason of such unusual action, the rules to be obligatively observed in cases in which any act of compulsion is proposed or attempted against a civilized people, but the Federal Executive deems it absolutely necessary to point out the change that the agents of Great Britain and Germany have wished to effect in the procedure hitherto adopted by well-ordered countries to arrive at a situation in which all regular intercourse is exchanged for the imposition of force. And as among the irregularities mentioned that of the representatives of the two nations having absented themselves from the capital to go on board, some hours after having addressed sundry notes to the Government without determining any time for the reply, is peculiarly noticeable, the present protest must embrace in its effects, not only the aggressive military action, but also the unusual diplomatic procedure that preceded it.

I beg your excellency to communicate the text of this note to your Government, together with the latter parts of the corresponding "dossier" ^a published to-day by official order, the better to enlighten public opinion regarding a situation of extreme international offense owing to the conduct of the military and diplomatic agents of two nations whom they make appear as forgetful of what is due even to themselves in civilized life.

Accept, etc.,

R. LOPEZ BARALT.

^a Not printed

[Document 806]

Mr. Bowen to Mr. Hay.

No. 141.]

LEGATION OF THE UNITED STATES,
Caracas, December 13, 1902.

SIR: I have the honor to inclose herewith copies of the letters I received and sent in regard to the matter of taking charge of the British and German legations.

I am, etc.,

HERBERT W. BOWEN.

[Inclosure 1.]

Mr. Haggard to Mr. Bowen.

BRITISH LEGATION,
Caracas, December 8, 1902.

SIR: His Majesty's Government has informed me that on the 29th ultimo your excellency was directed by the United States Government to undertake the charge of British interests in Venezuela in the event of that necessity arising.

I have therefore the honor to inform your excellency that I am leaving Caracas temporarily and to request you to be good enough to take charge of British interests during my absence.

The Venezuelan Government has been informed that British interests have been placed under your excellency's charge.

I have, etc.,

W. H. D. HAGGARD.

[Inclosure 2.]

Mr. von Pilgrim to Mr. Bowen.

IMPERIAL GERMAN LEGATION,
Caracas, December 8, 1902.

SIR: The Imperial Government has informed me that your excellency has been directed by the Government of the United States to undertake the

charge of German interests in Venezuela in the event of that necessity arising. I have therefore the honor to inform your excellency that I am leaving Caracas temporarily and to request you to be good enough to take charge of German interests during my absence.

The Venezuelan Government has been informed that the German interests in Venezuela have been placed under your excellency's charge.

Accept, etc.,

VON PILGRIM-BALTAZZI.

[Inclosure 3.]

Mr. Bowen to Doctor Baralt.

LEGATION OF THE UNITED STATES,
Caracas, December 8, 1902.

MR. MINISTER: I have the honor to inform you that the British minister, Mr. Haggard, has left Caracas temporarily and that he has asked me to take charge of British interests here during his absence. My Government has instructed me to comply with his request, after obtaining the consent of your excellency's Government.

I therefore respectfully request that the Venezuelan Government grant me permission to take charge temporarily of British interests here.

I gladly avail myself, etc.,

HERBERT W. BOWEN.

[Inclosure 4.]

Mr. Bowen to Doctor Baralt.

LEGATION OF THE UNITED STATES,
Caracas, December 8, 1902.

MR. MINISTER: I have the honor to inform you that the German chargé d'affaires, Mr. von Pilgrim, has left Caracas temporarily, and that he has asked me to take charge of German interests here during his absence. My Government has instructed me to comply with his request after obtaining the consent of your excellency's Government.

I therefore respectfully request that the Venezuelan Government grant me permission to take charge temporarily of German interests here.

I gladly avail, etc.,

HERBERT W. BOWEN.

[Inclosure 5.—Translation.]

Doctor Baralt to Mr. Bowen.

MINISTRY OF FOREIGN AFFAIRS, UNITED STATES OF VENEZUELA,
Caracas, December 9, 1902.

MR. MINISTER: Your

excellency's note which I received to-day was a confirmation of a notice given to me yesterday by his excellency Mr. Haggard, minister resident of His Britannic Majesty, to the effect that he was going temporarily on board of one of His Majesty's men-of-war anchored in the harbor of La Guaira and had left your excellency in the meanwhile in charge of British interests. Your excellency requests permission of the Venezuelan Government to represent said interests; a request which the chief of the Government grants with the greatest pleasure to the minister of a nation so friendly to Venezuela, and also as said representation will be only temporary, the only case where double representation is admitted.

I renew, etc.,

R. LOPEZ BARALT.

The answer in regard to Germany is identical with the above except that in place of Mr. Haggard's name appears "The Honorable Mr. Pilgrim-Baltazzi, chargé d'affaires of the German Empire."

[Document 807]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 13, 1902.

(Mr. Bowen reports that he has just received word from the President of Venezuela that the British and German war ships are bombarding Puerto Cabello.)

[Document 808]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 13, 1902.

(Mr. Bowen reports that he has been authorized by the Venezuelan Government to cable to the British and German consuls that they may return from Curacao to La Guaira.

Italy has presented a note which Venezuela interprets as similar to the British and German notes.

The minister for foreign affairs has just informed Mr. Bowen that President Castro and his wife are going this afternoon to call on the German minister's wife.)

[Document 809]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 13, 1902.

(Mr. Bowen reports that the situation at Caracas is much quieter; that the excitement was caused by the precipitate departure of the British and German ministers, by the arrest of all British and German subjects in Venezuela, and by the capture of Venezuelan naval vessels without declaration of war or blockade.)

[Document 810]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 14, 1902.

(Mr. Bowen reports that the British and German war ships did not bombard the town of Puerto Cabello, but the forts; that the cause of the bombardment was an alleged insult to British flag on a British merchant vessel.)

[Document 811]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 14, 1902.

(Mr. Bowen reports that the minister of the Netherlands, who is ill in Curacao, has requested him to take charge of Dutch interests.)

[Document 812]

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,

Washington, December 15, 1902,

(Mr. Hay states that, if Venezuela consents, Mr. Bowen may take charge of Dutch interests.)

[Document 813]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 15, 1902.

(Mr. Bowen states that it is very important for him to know without delay whether Great Britain and Germany will answer his proposal, on the part of Venezuela, of arbitration.)

[Document 814]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 16, 1902.

(Mr. Bowen reports that a petition has been presented to the President of Venezuela by the leading men of Caracas advising that plenary powers be given to Mr. Bowen to settle the present conflict with Great Britain and Germany in the manner least prejudicial to Venezuela; that this news has probably been cabled to Germany and may prevent arbitration, which is a slower process of settlement, and that an early reply to the petition is expected from President Castro.)

[Document 815]

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 16, 1902.

(Mr. Hay instructs Mr. Bowen, in compliance with the wish of the Italian Government, to afford protection to Italian subjects and interests, if agreeable to the Government of Venezuela.)

[Document 816]

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 16, 1902.

(Mr. Hay states that no reply to the proposition to arbitrate has yet been made known by Great Britain and Germany; that he has repeated the proposition with strong commendation, and that Mr. Bowen will be promptly advised of the receipt of replies.)

[Document 817]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 16, 1902.

(Mr. Bowen reports that he has been requested by the Italian minister, who will leave Caracas on December 17, to take charge of Italian interests.)

[Document 818]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 17, 1902.

(Mr. Bowen reports that he has received the following official communication:

The Venezuelan Government confers on Mr. Herbert W. Bowen full powers to enter into negotiations to settle in the most favorable manner possible to the interests of the Republic the present difficulty which has arisen with the United Kingdom of Great Britain, the German Empire, and the Kingdom of Italy.

In witness whereof these presents are issued in Caracas the 18th of December, 1902.

CIPRIANO CASTRO,
Constitutional President.

LOPEZ BARALT,
Minister for Foreign Affairs.

Mr. Bowen requests that, if it is decided to authorize him thus to act for Venezuela, the Governments of Great Britain, Germany, and Italy be notified and their consent obtained immediately, and that they issue order for an immediate stay of proceedings in Venezuela. Mr. Bowen thinks he should treat with the ambassadors of the three powers at Washington, and not with the naval officers or plenipotentiaries sent to Caracas from London, Berlin, and Rome. Mr. Bowen also requests Mr. Hay to arrange the place and time for the proposed negotiation, and states that there should be no unnecessary delay.)

[Document 819]

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,

Washington, December 18, 1902.

(Mr. Hay states that he has cabled to London, Berlin, and Rome the Venezuelan proposition to empower Mr. Bowen to negotiate on the part of Venezuela for the settlement of the pending difficulties with the three powers, and has inquired if they are disposed to assent.)

[Document 820]

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,

Washington, December 19, 1902.

(Mr. Hay states that all the powers seem inclined to accept the principle of arbitration; that the Government of the United States think the selection of The Hague tribunal would be judicious, with the reservation of certain questions which might be settled directly, and that no reply has been received to the suggestion of Mr. Bowen's name as plenipotentiary of Venezuela.)

[Document 821]

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 20, 1902.

(Mr. Hay states that Great Britain and Germany are in accord in inviting the President of the United States to act as arbitrator, and instructs Mr. Bowen to ascertain if that would also be the wish of the Venezuelan Government.)

[Document 822]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 20, 1902.

(Mr. Bowen reports that arbitration at The Hague is considered objectionable by Venezuela, because it is very slow and expensive; also, in the present case, prejudicial to the interests of the Venezuelan Government, which wishes its warships returned at once, and the control of its rivers and ports, so as to prevent arms and ammunition from being imported by the revolutionists, who are so numerous that if they receive a good supply of arms and ammunition it will be much more difficult to completely reestablish peace.)

In Mr. Bowen's opinion, Venezuela would be willing to pay a good sum in cash at once to the three powers, and would agree that a mixed commission should settle the amounts to be paid on claims, and would furnish ample guarantee that payments of such amounts will be promptly made.

As full powers have been given to Mr. Bowen, he states that he may decide that in the interests of Venezuela it is better to accept at once and in full the ultimatums of the three powers than to leave the matter to the tribunal at The Hague. Mr. Bowen prefers, of course, a modification of the ultimatums, if possible, about amounts of cash payments.

If arbitration at The Hague is desired, Mr. Bowen inquires what favorable proposition can be made to Venezuela by the powers; if they would release warships immediately and stop the blockade, and states that he is bound to act in the interests of Venezuela.)

[Document 823]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 21, 1902.

(Mr. Bowen states that he is happy to be able to communicate the following answer from the President of Venezuela:

The Venezuelan Government accepts with pleasure the President of the United States as arbitrator in the pending conflict between Venezuela and Germany and Great Britain.

Mr. Bowen requests that he be advised at once of the answer of the President of the United States.)

[Document 824]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 22, 1902.

(Mr. Bowen reports that the British blockade of La Guaira and eastern ports began December 20; German blockade of Puerto Cabello began December 20, and that of Maracaibo will begin on December 24. Days of grace for steamers from United States Atlantic ports ten days; for sailing ships thirty days. British allow landing of mails.)

[Document 825]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 23, 1902.

(Mr. Bowen reports that he has received from the minister for foreign affairs an official note confirming the acceptance of the President of the United States as arbitrator in the pending difficulty between Venezuela and Germany and Great Britain, and stating that the President of Venezuela suggests that Italy be included in the arbitration.)

[Document 826]

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 23, 1902.

(Mr. Hay states that the formal request of the powers that the President of the United States act as arbitrator has not yet been received, and that Mr. Bowen will be advised when it is received.)

[Document 827]

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 24, 1902.

(Mr. Hay states that the inquiry as to the disposition of the Government of Venezuela about inviting the President of the United States to act as arbitrator was conditioned upon the action of the powers on the President's suggestion of The Hague; and as it now seems probable that the powers may be willing to accept that suggestion if renewed by the President, instructs Mr. Bowen to urge with special earnestness that the Venezuelan Government inform the Government of the United States of their willingness to accept in principle The Hague tribunal. If they do so accept, the Department will at once cable to Mr. Bowen the terms of the propositions of Great Britain and Germany.)

[Document 828]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 25, 1902.

(Mr. Bowen states that he has been authorized by President Castro to communicate the following:

“The Government of Venezuela declares itself in favor in principle of arbitration by The Hague tribunal.”)

[Document 829]

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 27, 1902.

(Mr. Hay communicates to Mr. Bowen the German^a and British^b propositions in regard to preliminary conditions of arbitration.)

^a Printed under Germany, page 427 [*Pg. 427 is part of [Doc. 391](#)*].

^b Printed under Great Britain, page 461 [*Pg. 461 is part of [Doc. 447](#)*].

[Document 830]

Mr. Bowen to Mr. Hay.

No. 145.]

LEGATION OF THE UNITED STATES,
Caracas, December 27, 1902.

SIR: I have the honor to inclose a translation of a petition to President Castro from the leading men of Caracas asking that I be authorized to arrange the pending difficulty between Venezuela and Great Britain, Germany, and Italy.

I am, etc.,

HERBERT W. BOWEN.

[Inclosure.—Translation.]

CARACAS, *December 16, 1902.*

To the Citizen President of the United States of Venezuela:

The undersigned having assembled for the purpose of trying to aid the Government in the present conflict caused by the aggressive attitude of Germany and England, and having been asked by you to submit our opinion in writing, we do so as follows:

In view of the aggressive acts committed; of the absolute helplessness of Venezuela to oppose with force the combined action of Germany and England; and of the absolute lack of resources which civilization and diplomacy would advise to put an end to the conflict; and in view further of the fact that the Government and people of Venezuela have done all that the national decorum and dignity demand; we consider that the time has arrived to yield to force, with the proper protests; and in virtue of the foregoing we respectfully suggest that full powers be given to the envoy extraordinary and minister plenipotentiary of the United States of North America to take the necessary steps to arrange this difficulty in the manner least prejudicial to the country.

With all consideration and respect, etc.,

(This was passed about for signatures. About one hundred and fifty were obtained from the principal men of Caracas irrespective of party.)

[Document 831]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 31, 1902.

(Mr. Bowen reports that he has received the following answer from the President of Venezuela:^a)

I recognize in principle the claims which the allied powers have presented to Venezuela. They would already have been settled if it had not been that the civil war required all the attention and resources of the Government. To-day the Government bows to superior force and desires to send Mr. Bowen to Washington at once to confer there with the representatives of the powers that have claims against Venezuela, in order to arrange either an immediate settlement of all the claims or the preliminaries for a reference to the tribunal of The Hague, or to an American republic to be selected by the allied powers and by the Government of Venezuela. Mr. Bowen would be duly authorized to settle the whole question as the representative of Venezuela.

CIPRIANO CASTRO.

In view of the foregoing Mr. Bowen respectfully urges Mr. Hay to request the powers to immediately raise the blockade.)

^a For replies of the powers to the answer of the President of Venezuela contained in Mr. Bowen's telegram of December 31, 1902, supra, see under Germany, page 434 [*Pg. 434 includes portions of [Doc. 400](#) and [Doc. 401](#)*], Great Britain, page 467 [*Pg. 467 is part of [Doc. 458](#)*], and Italy, page 609 [*Pg. 609 includes portions of [Doc. 589](#) and [Doc. 590](#)*]. These replies were communicated to Mr. Bowen.

[Document 832]

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, January 7, 1903.

(Mr. Bowen reports that he has just received the following
from the President of Venezuela:

MR. MINISTER: The Venezuelan Government accepts the conditions of Great Britain and Germany; requests you to go immediately to Washington for the purpose of conferring there with the diplomatic representatives of Great Britain and Germany, and with the diplomatic representatives of the other nations that have claims against Venezuela, and to arrange either an immediate settlement of said claims or the preliminaries for submitting them to arbitration.

CIPRIANO CASTRO,
Constitutional President.

Mr. Bowen requests that if, as he understands, Great Britain and Germany want to know what guaranty they will have, Mr. Hay will inform them that it will be the custom-houses; consequently, Mr. Bowen begs that the blockade be raised at once.)

[Document 833]

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,

Washington, January 10, 1903.

(Mr. Hay states that Mr. Bowen's arrival at Washington as Venezuela's plenipotentiary must be awaited before any preliminaries can be adjusted, including the raising of the blockade, which may depend upon sufficiency of guaranty.)

[Document 834]

The United States of America and the Republic of Venezuela, through their representatives, John Hay, Secretary of State of the United States of America, and Herbert W. Bowen, the Plenipotentiary of the Republic of Venezuela, have agreed upon and signed the following protocol.

ARTICLE I.

All claims owned by citizens of the United States of America against the Republic of Venezuela which have not been settled by diplomatic agreement or by arbitration between the two Governments, and which shall have been presented to the commission hereinafter named by the Department of State of the United States or its Legation at Caracas, shall be examined and decided by a mixed commission, which shall sit at Caracas, and which shall consist of two members, one of whom is to be appointed by the President of the United States and the other by the President of Venezuela.

It is agreed that an umpire may be named by the Queen of the Netherlands. If either of said commissioners or the umpire should fail or cease to act, his successor shall be appointed forthwith in the same manner as his predecessor. Said commissioners and umpire are to be appointed before the first day of May, 1903.

The commissioners and the umpire shall meet in the city of Caracas on the first day of June, 1903. The umpire shall preside over their deliberations, and shall be competent to decide any question on which the commissioners disagree. Before assuming the functions of their office the commissioners and the umpire shall take solemn oath carefully to examine and impartially decide, according to justice and the provisions of this convention, all claims submitted to them, and such oaths shall be entered on the record of their proceedings. The commissioners, or in case of their disagreement, the umpire, shall decide all claims upon a basis of absolute equity, without regard to objections of a technical nature, or of the provisions of local legislation.

The decisions of the commission, and in the event of their disagreement, those of the umpire, shall be final and conclusive. They shall be in writing. All awards shall be made payable in United States gold, or its equivalent in silver.

ARTICLE II.

The commissioners, or umpire, as the case may be, shall investigate and decide said claims upon such evidence or information only as shall be furnished by or on behalf of the respective Governments. They shall be bound to receive and consider all written documents or statements which may be presented to them by or on behalf of the respective Governments in support of or in answer to any claim, and to hear oral or written arguments

made by the Agent of each Government on every claim. In case of their failure to agree in opinion upon any individual claim, the umpire shall decide.

Every claim shall be formally presented to the commissioners within thirty days from the day of their first meeting, unless the commissioners or the umpire in any case extend the period for presenting the claim not exceeding three months longer. The commissioners shall be bound to examine and decide upon every claim within six months from the day of its first formal presentation, and in case of their disagreement, the umpire shall examine and decide within a corresponding period from the date of such disagreement.

ARTICLE III.

The commissioners and the umpire shall keep an accurate record of their proceedings. For that purpose, each commissioner shall appoint a secretary versed in the language of both countries, to assist them in the transaction of the business of the commission. Except as herein stipulated, all questions of procedure shall be left to the determination of the commission, or in case of their disagreement, to the umpire.

ARTICLE IV.

Reasonable compensation to the commissioners and to the umpire for their services and expenses, and the other expenses of said arbitration, are to be paid in equal moieties by the contracting parties.

ARTICLE V.

In order to pay the total amount of the claims to be adjudicated as aforesaid, and other claims of citizens or subjects of other nations, the Government of Venezuela shall set apart for this purpose, and alienate to no other purpose, beginning with the month of March, 1903, thirty per cent, in monthly payments of the customs revenues of La Guaira and Puerto Cabello, and the payments thus set aside shall be divided and distributed in conformity with the decision of the Hague Tribunal.

In the case of the failure to carry out the above agreement, Belgian officials shall be placed in charge of the customs of the two ports, and shall administer them until the liabilities of the Venezuelan Government in respect to the above claims shall have been discharged. The reference of the question above stated to the Hague Tribunal will be the subject of a separate protocol.

ARTICLE VI.

All existing and unsatisfied awards in favor of citizens of the United States shall be promptly paid, according to the terms of the respective awards.

Washington, D. C. February 17, 1903.

JOHN HAY [SEAL]

HERBERT W. BOWEN. [SEAL]

NOTE.—Continuation of this correspondence—the decisions and awards of the American-Venezuelan Claims Commission at Caracas, etc.—will be published in Foreign Relations, 1904.

[Document 835]

Mr. Russell to Mr. Hay.

No. 170.]

LEGATION OF THE UNITED STATES,
Caracas, April 26, 1903.

SIR: I have the honor to report that the recent law of Congress in regard to foreigners is causing grave concern to most of the foreign diplomatic representatives here. The English minister requested the dean to call a meeting of the diplomatic corps to discuss the question. The meeting was held this morning at the Spanish legation, and it was evident that the English minister wanted the corps to take some combined action in the matter. I stated that I had already taken all the action I intended to take; that I had sent a translation of the law to my Government and was awaiting instructions.

The French minister stated that he had asked the Venezuelan Government to issue an exequatur for a French consular agent in the interior and had been refused, and that he then advised his Government by cable not to receive the lately appointed Venezuelan consuls for France. As all our vice-consuls and consular agents in Venezuela are engaged in business, I would like to have specific instructions in case an exequatur is refused for an appointee who comes within the provisions of article 14 of the law in question.

I inclose a translation of the law made at the legation.

I have, etc.,

WILLIAM W. RUSSELL.

[Inclosure 1.—Translation.]

EXECUTIVE MANSION.

The Congress of the United States of Venezuela decrees:

- ARTICLE 1. In the territory of the United States of Venezuela foreigners shall enjoy the same civil rights that the constitution of the Republic gives to Venezuelans.
- ART. 2. Foreigners in the territory of the United States of Venezuela shall be considered as either domiciled or transient.

- ART. 3. Domiciled foreigners are—
 - (1) Those who have acquired domicile in conformity with the provisions of the civil code.
 - (2) Those who have resided in the country voluntarily and uninterruptedly for more than two years, diplomatic representatives not included.
 - (3) Those who own real estate in the territory of the Republic and have a permanent residence therein.
 - (4) Those who have lived in the territory of the Republic for more than two years and are engaged in commerce or any other kind of business with a permanent establishment, even though they be consular representatives.
- ART. 4. Transient foreigners are those in the territory of the Republic not mentioned in the subdivisions of article 3.
- ART. 5. Domiciled foreigners are subject to the same obligations as Venezuelans, both as regards their persons and properties, but they are not subject to military service nor to the payment of forced and extraordinary war loans in cases of revolution or armed internal warfare.
- ART. 6. Foreigners, both domiciled and transient, must not meddle in the internal affairs of the Republic, nor in anything relating to them. To this effect they can not —
 - (1) Belong to political societies.
 - (2) Edit political newspapers nor write about the internal or external politics of the country in any newspaper.
 - (3) Hold public office.
 - (4) Bear arms in the internal strifes of the Republic.
 - (5) Make speeches which in any way refer to the politics of the country.
- ART. 7. Domiciled foreigners who violate any of the provisions enumerated in article 6 lose their status as foreigners and ipso facto become bound by the same responsibilities and obligations as natives in all political contingencies.
- ART. 8. If in violation of the provisions of this law any foreigner or foreigners should hold public office without being eligible thereto in accordance with section 22 of article 54 of the constitution, his or their acts are null and void, and the holder of the office and the person who made the appointment are jointly and severally responsible for said acts.
- ART. 9. Transient foreigners who violate the provisions of article 6 shall be immediately expelled from the territory of the Republic.
- ART. 10. The presidents of the States, the governor of the Federal district, and the governors of the Federal territories, on becoming aware that any one or more of the domiciled foreigners residing in their respective jurisdictions are meddling in the political affairs of the Republic, shall institute proceedings against them in the ordinary tribunals, forwarding all papers in the case to the Federal Executive, who shall issue a decree in conformity with the provisions of article 7.

- ART. 11. Neither domiciled nor transient foreigners have the right of recourse to the diplomatic channel except when, after having exhausted all legal methods before the competent tribunals, it shall clearly appear that there has been a denial of justice, notorious injustice, or an evident violation of the principles of international law.
- ART. 12. Domiciled foreigners, those who may hereafter acquire domicile, and transient foreigners, with the exception of diplomatic representatives, are obliged to make a declaration before the highest civil authority of the place where they may be that they submit to all the provisions of the present law, and to the provisions of the decree of February 14, 1873, which establishes the rules to be followed by foreigners in presenting claims.
- Those who do not make the above declaration shall be expelled from the country within a time to be decided on by the National Executive.
- ART. 13. The civil authorities, before whom the above-mentioned declaration is to be made shall use ordinary paper and shall charge no fee therefor. The originals of all these declarations shall be forwarded to the minister of the interior.
- ART. 14. The National Executive can not issue consular or vice-consular exequaturs to persons engaged in commerce.
- ART. 15. The establishment in the country of companies of whatever nature who do not fix their headquarters or domicile therein is absolutely prohibited.
- ART. 16. Foreigners have the same right as Venezuelans to claim from the nation compensation for losses occasioned them or damage done to them in time of war by the lawfully constituted civil or military authorities acting in their official capacity; but these claims can only be made in accordance with the rules which the internal legislation lays down for proving the losses or damages, and the just amount due therefor.
- ART. 17. Neither foreigners nor Venezuelans can claim from the Government of Venezuela compensation for losses or damages occasioned them by armed agents or bodies in the service of any revolution, but they can bring a personal action against the authors of the losses or damages.
- ART. 18. This law shall not conflict with the provisions of public treaties in force.
- ART. 19. The presidents of the States, the governor of the Federal district, and the governors of the Federal territories immediately after the promulgation of this law shall proceed to make a list of the domiciled foreigners in the territory of their respective jurisdictions, which list they shall duly forward to the ministry of foreign affairs.
- ART. 20. Foreigners who come to the territory of the Republic are obliged to present to the highest civil authority of the place where they land documents which prove their personal status and a certificate of good conduct from the authorities of the place where they were last domiciled; all documents shall be duly legalized.

- ART. 21. The National Executive shall make rules and regulations for the carrying out of the present law.
- ART. 22. The Executive decree of February 14, 1873, which sets forth the rights and duties of foreigners, and the Executive decree of July 30, 1897, which treats of the interference of foreigners in the electoral affairs of the country, are hereby repealed.

Done in the legislative federal palace at Caracas the 11th of April, 1903, ninety-second year of the independence and forty-fifth of the federation.

[Document 836]

Mr. Hay to Mr. Russell.

No. 118.]

DEPARTMENT OF STATE,
Washington, May 15, 1903.

SIR: I have to acknowledge the receipt of your No. 170, of the 26th ultimo, in which attention is called to article 14 of the law passed by the Venezuelan Congress approved April 16, 1903, which reads as follows:

The National Executive can not issue consular or vice-consular exequaturs to persons engaged in commerce.

You ask for specific instructions in case an exequatur is refused an American vice-consul or consular agent who comes within the category of persons engaged in commerce.

The right of consular representation between civilized states is established by the law of nations, and this unquestionable right is implied by the language of the article quoted. Yet it imposes such restrictions on its practical enjoyment as goes far to impair the advantageous enjoyment of the right itself. For, as is well known, many of these minor officials receive such small salaries and emoluments from their governments that it would be impossible for them to exercise and enjoy their official functions unless they were permitted to engage in commerce.

The effect, therefore, of carrying out the provisions of article 14 would in these cases be the denial to the friendly Government of the United States of the right of consular representation. This Government, however, would be reluctant to believe that the friendly Government of Venezuela would decline to allow to the United States the privilege in question, if such would be the effect of putting into operation the article. You will, therefore, should the case mentioned in your dispatch arise, bring these views to the attention of the Venezuelan Government and earnestly express the grave concern with which the United States Government would regard the refusal to or the withdrawal from its vice-consuls or consular agents of their exequaturs on account of their enjoyment of the customary privilege of engaging in commerce. For it would practically result in an abnormal limitation of the right of consular representation, which is sanctioned by the usages and customs of nations and is one of the most striking evidences of their common civilization.

I am, etc.,

JOHN HAY.